

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

August 26, 2013

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

## ROLL CALL OF MEMBERS

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

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager Patrick Goff; Police Chief Dan Brennan; Economic Development Manager, Steve Art; other staff, guests and interested citizens.

## APPROVAL OF MINUTES OF August 12, 2013

Motion by Councilmember Stites for approval of the Minutes of August 12, 2013; seconded by Councilmember Starker; carried 8-0.

## PROCLAMATIONS AND CEREMONIES

### Police Department Citizen Award Presentation – Melissa Romero

Chief Brennan presented Melissa Romero with the Wheat Ridge Police Department Citizen Award and Police Ceremonial Challenge Coin. While driving on 38<sup>th</sup> Avenue near Newland Street last May she observed a man lying across the sidewalk. She stopped, the man was unresponsive, and she called 911 immediately. Police came and the victim was transported to the hospital by ambulance. Fortunately he survived this medical event. Melissa's brave, selfless and compassionate act may have saved the man's life and no doubt prevented additional harm to him.

### GFOA Budget Presentation Award

Doug Farnen, the Finance Director of the City of Littleton and acting on behalf of Government Finance Officers Association, presented the Distinguished Budget Presentation Award to the City of Wheat Ridge. This program encourages governments to prepare and present excellent budget documents for the benefit of citizens and other parties with a vital interest in government finance. This award is a premier indicator of excellence in governmental budget reporting. Compliance with the demanding criteria

for this award reflects the professionalism and commitment of many people, numerous hours of hard work, and a high degree of dedication and leadership. This is the first time Wheat Ridge has received this award, and Mr. Farmen hopes it will be an example and encourage others to strive for the same high standards. City Manager Patrick Goff accepted the award and thanked Mr. Farmen and the GFOA on behalf of the City of Wheat Ridge. He said the City is honored, as this is the only national award program for budgeting. This is the first time Wheat Ridge has applied for this award and it reflects a significant achievement by our governing body and staff to meet the highest principles of government budgeting. He thanked staff members Heather Geyer, Nathan Moseley and Karen Van Ert for their efforts every year in completing the budget, especially this year to be recognized for this award.

**CITIZENS' RIGHT TO SPEAK** none

**APPROVAL OF AGENDA**

The Mayor noted two items that needed to be added to the agenda: Resolution 29-2013 and Resolution 30-2013. There were no objections from the Council and they were added by unanimous consent as Items 2 and 3.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Council Bill No. 12-2013 – submitting a ballot question to the voters of the City at the November 5, 2013 Election, concerning an increase in the Sales and Use Tax Rate

Mayor DiTullio opened the public hearing.

Councilmember Starker introduced Council Bill 12-2013.

SHALL CITY OF WHEAT RIDGE TAXES BE INCREASED \$6.5 MILLION IN CALENDAR YEAR 2014 THROUGH AN INCREASE IN THE CITY'S SALES AND USE TAX RATE OF ONE CENT (1%) ON EACH ONE DOLLAR, AND BY WHATEVER ADDITIONAL AMOUNTS ARE RAISED ANNUALLY IN EACH SUBSEQUENT YEAR,

WHICH REVENUES SHALL BE INVESTED IN THE COMMUNITY TO IMPROVE AND ENHANCE THE SAFETY AND QUALITY OF LIFE OF WHEAT RIDGE RESIDENTS AND SECURE THE CITY'S FINANCIAL FUTURE THROUGH, BUT NOT LIMITED TO THE FOLLOWING:

- ROAD AND BRIDGE CONSTRUCTION; STORMWATER DRAINAGE CONSTRUCTION AND MAINTENANCE; AND CAPITAL MAINTENANCE TO PROVIDE A SAFE AND EFFECTIVE CITY INFRASTRUCTURE SYSTEM

- INVESTING IN CAPITAL PROJECTS THAT SUPPORT THE BUSINESS GROWTH OF OUR COMMUNITY

AND SHALL THE CITY BE PERMITTED TO COLLECT, RETAIN AND SPEND THE REVENUES FROM SUCH INCREASE, INCLUDING ALL INTEREST DERIVED THEREFROM, WITHOUT REGARD TO THE REVENUE RAISING, DEBT LIMITATION OR OTHER RESTRICTIONS OF ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION?

City Clerk Shaver assigned Ordinance number 1542.  
There was no staff presentation.

Citizen comments:

**Tom Radigan** thinks a 33% sales tax increase (up to 4%) is shameful mismanagement.

- Establishing the highest sales tax rate in the area will punish senior citizens the most because they spend a greater portion of their disposable income here.
- He gave specific dollar reasons why he thinks the City's reserve fund should be adequate to cover upcoming unfunded liabilities.
- He doesn't think this increase will help attract brand names businesses.
- He wonders if having the highest tax rate in the area will help retain existing businesses.
- He suggested a rate increase of only 1/3%.

**Jesse Hill** spoke against putting a \$6.5M tax increase on the ballot. He said he wasn't speaking against the tax itself, but he doesn't think it should go on the ballot as written.

- He doesn't think citizens will be able to make an informed and educated decision about this because the ballot issue has no plan, no budget, no timeline, and no accountability.
- He encouraged Council to table it until more information can be provided, thereby earning the respect of citizens and also their possible support.
- If it is not tabled he suggested three amendments: 1) a provision to ensure the tax money is spent only on items listed (i.e. remove the phrase "but not limited to"), 2) include a sunset, and 3) provide transparency so any citizen can monitor how this money is being spent without making a special request.
- He asked why there is no plan, no budget, and no sunset, and he wonders if this will really solve any financial problems the City may have.

Council comments/questions:

**Councilmember Jay** said she will not be supporting this bill as it's written because it puts us in too high a range and seniors will pay more. Lakewood and Golden have 3%, Arvada 3.46%, Edgewater 3.5%. She thinks it's not in our best interest to have a 4% sales tax rate right now when we are trying so hard to create economic development. She prefers a lower percentage. She also thinks the upcoming Jefferson County school bond vote does not bode well for this ballot item.

**Councilmember Davis** said she didn't have a problem striking the words "but not limited to" because she thinks the money will go for roads, bridges and other capital projects that will attract businesses anyway. She still feels the decision from the retreat, a 1% increase in sales tax, is the fairest way to spread the burden across the spectrum of citizens. It doesn't *just* hit property owners. She thinks our infrastructure is wearing out. ~ She noted that places like Belmar and the Target on Kipling have extra development fees (shown on the sales receipts) which actually make their tax rates higher. She will continue to support this tax because it supports the vision for Wheat Ridge. She supports being transparent, but the status quo is not good.

**Councilmember Stites** said he has not supported this tax increase from the beginning. As a WR businessman he thinks it will hurt business. We are just getting to a good point where we have some good businesses coming in and this will hurt them. He thinks it will also hurt some older businesses. ~ He also doesn't like the language. The 2004 tax increase was specific language about how the money would be spent and good has come from it, but this one doesn't have enough information for people. ~ He also feels the City needs to cut its own budget first. After cutting our own budget then we may be able to show citizens why a tax increase is needed.

**Councilmember Pond** had some procedural questions about the possibility of changing any wording tonight. Mr. Dahl explained how, with a short recess, some minor changes in the wording of the ordinance could easily be made tonight

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember Starker to approve Council Bill No. 12-2013, an ordinance submitting a ballot question to the voters of the City at the November 5, 2013 Election, concerning an increase in the Sales and Use Tax Rate, and that it take effect immediately upon adoption; seconded by Councilmember Reinhart.

**Motion** by Councilmember Jay to amend the ordinance to provide for a 1/2% increase in the sales and use tax, and cut the total to \$3.25 million. Motion failed for lack of second.

**Motion** by Councilmember Davis to remove the words "not limited to the following"; seconded by Councilmember Reinhart. Discussion followed.

**Councilmember DeMott** spoke about the tax being something that has been contemplated for several years. Discussion has revealed that alternatives such as road fees or storm sewer utilities are a disaster. Arvada and Lakewood have those and people enjoy that we don't have those in Wheat Ridge. He owns businesses in all three cities and he doesn't think it will hurt businesses. We also have the lowest property tax – he thinks in the whole county, which has been good for seniors and businesses. A future City Council could impose a storm water fee that will not go to the voters. He believes that putting a sales tax question on the ballot is the most fair way to ask for a

tax increase and is the most open and transparent way to go. He won't support this amendment.

The motion to amend failed 5-3 with Councilmembers DeMott, Stites, Langworthy, Davis, and Starker voting no.

The main motion, with no amendments, carried 6-2, with Councilmembers Stites and Jay voting no.

2. Resolution 29-2013 -- Authorizing the appropriate city officials to execute an "intergovernmental agreement" by and between the County of Jefferson, state of Colorado, and the City of Wheat Ridge, Colorado regarding the administration of their respective duties concerning the conduct of the coordinated election to be held on November 5, 2013.

Approval of this resolution executes the City's contract with Jefferson County for our participation in the upcoming coordinated election. The County will conduct the election and the City will pay its pro-rated costs for services, equipment, forms and supplies.

**Motion** by Councilmember Pond to adopt Resolution 29-2013; second by Councilmember DeMott; carried 8-0

3. Resolution 30-2013 – authorizing the appropriate City officials to execute an "intergovernmental agreement" by and between the County of Jefferson, state of Colorado, and the City of Wheat Ridge, Colorado, regarding the production of a mailed notice concerning ballot issues. (TABOR)

Approval of this resolution will satisfy our responsibilities under TABOR (the Taxpayer Bill of Rights) which require the production of a mailed notice concerning TABOR ballot issues.

**Motion** by Councilmember Pond to adopt Resolution 30-2013; seconded by Councilmember Starker; carried 8-0

**CITY MANAGER'S MATTERS** none

**CITY ATTORNEY'S MATTERS**

Mr. Dahl reported the investigation he was directed to do is in progress and his goal is to get the results to Council before the meeting on September 9.

**CITY CLERK'S MATTERS**

Clerk Shaver reminded the public that if they would like to receive minutes from the Council Meetings and notes from the Study Sessions they can be on that email list. All they need do is call or email the City Clerk's office and give us your email. We also have a very small list of folks who don't have computers and we send them copies by

regular US mail. That service is available if you need it. She assured citizens that this list is only used for this one purpose.

She also reported the following list of candidates who have submitted petitions for the upcoming municipal election. Some minor curing of signatures is necessary, but it appears the candidates will be:

Mayor – Joyce Jay, Mike Stites and Park Worthington

City Council District 1 – Davis Reinhart, Jerry DiTullio, Monica Duran & Karen Thaler

City Council District 2 – Zach Urban and Chad Harr

City Council District 3 – Dick Matthews and Tim Fitzgerald

City Council District 4 – Joseph DeMott and Genevieve Wooden

She also reminded candidates that the Lot Drawing for ballot order will be held this Thursday at 7PM in Council Chambers.

### **ELECTED OFFICIALS' MATTERS**

**Mike Stites** remarked that this year's Carnation Festival was great. He offered congratulations to the Festival Committee because he knows it is a lot of work. ~ Mike's positive thing: With school starting, folks are reminded to watch out for the kids.

**Tracy Langworthy** announced that Curt Gilmore, a very active proponent of Wheat Ridge and many other charities, lost a battle with cancer. A memorial has yet to be scheduled, but our thoughts and prayers are with his wife and family.

**Kristi Davis** said she was sorry to hear about Curt Gilmore. She grew up with his children. ~ She noted the Melrose Manor block party was a huge success and she thanked the police and fire departments for coming. The fire trucks were a big hit. She encouraged other neighborhoods to have a block party; it really brings your neighborhood together. ~ She announced they will be pulling citizens together to help pass the sales tax and invited anyone that wants to help. She said that whenever there are more than two councilmembers gathered for this effort they will post it.

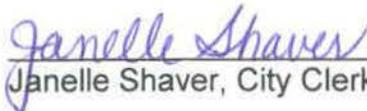
**George Pond** agreed that the Carnation Festival was great. His family had a great time and he appreciates the hard work that was put in. ~ He thanked the people who have come in for public comment in recent weeks. Although Council has hard decisions to make he thinks it's great when they get the participation. He appreciates it.

**Davis Reinhart** said he knew Curt Gilmore and his thoughts go out to his family. He also asked for good thoughts for former Jefferson County Commissioner Kevin McCaskey, who is struggling with cancer.

**Joe DeMott** commented on another awesome Carnation Festival this year. This was his first year as a board member and now he know what a grueling task it is. He praised the folks who work together throughout the year to put it all together. Some have been doing it literally for decades. They always welcome new ideas and new

volunteers, if you have the time. Meetings are once a month on Tuesday nights. He thanked the board members, committee members, volunteers, organizations, the Rotary, the Optimists, WR High School, and all who helped.

Meeting adjourned to Special Study Session at 7:46pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 9, 2013 BY A VOTE OF 7 to 0

  
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Davis Reinhart, 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.