

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

April 28, 2008

Mayor DiTullio called the Regular City Council Meeting to order at 7:02 p.m. Councilmembers present: Karen Adams, Karen Berry, Tracy Langworthy, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; staff; and interested citizens.

Council Members Dean Gokey and Lena Rotola were absent.

APPROVAL OF MINUTES OF April 14 and April 21, 2008

Motion by Council Member Sang for approval of the Minutes of April 14 and April 21, 2008; seconded by Mrs. Adams.

Council voted separately to approve the Minutes of April 14; carried 6-0.

Voting separately for the Minutes of April 21; carried 5-0 with Mr. Womble abstaining due to his absence during the meeting.

PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read Proclamation for Arbor Day & Tree City USA. **Kevin Wood** with the Colorado State Forestry Division was in attendance and accepted the Proclamation and presented the Tree City USA Plaque to the Mayor and thanked Rick Murray and Joyce Manwaring for applying for the Tree City USA designation every year. He stated it is a pleasure to work with Wheat Ridge staff on various matters.

Mayor DiTullio read Proclamation for Municipal Clerk's Week. City Clerk Michael Snow accepted the Proclamation and said a few words on behalf of his office and his commitment to upholding the principles of what the Clerk's Office stands for.

CITIZENS' RIGHT TO SPEAK

David Ferlic, invited everybody to the International World Laughter Day taking place from 1:30-4:30pm this Sunday, May 4th at the Wheat Ridge Senior Center at 6363 W. 35th Avenue.

Tom Meiers recently received a survey in the mail from the City of Wheat Ridge. One of the questions was "have you talked to a City Employee and what was your experience?" It immediately reminded him of Heather Geyer and Janice Smothers, who have helped him tremendously and are always kind and a pleasure to talk with.

Louise Turner is interested in the Referendum Process and related her experiences as a petition passer 5 years ago when the petitions were prepared and furnished by the City Clerk. She commented that the law today is the same it was 5 years ago and the current Clerk has done nothing improper. She hopes the current situation is put to rest and we appreciate the good people we have.

John McMillin related his impressions and feelings regarding the Olinger property. He objected initially to the spot zoning and later to the misleading statements, questionable judgements and ruthless legal tactics. The people by an overwhelming margin want the house saved.

Claudia Worth reported that the Historic Society has completed the list of information on all historic properties in Wheat Ridge which are now collected and on CD; the list is also on Wheat Ridge Historical Society website and can be downloaded. She presented the CD to the City Clerk at no charge.

Rich Dougherty addressed personal property rights. Personal property rights are guaranteed to us by the Constitution. He believes that this right is being taken away from the owners of the Olinger property. The surrounding cities have changed with the times, but Wheat Ridge has basically remained the same. It's time to move forward and allow property owners to develop their properties the way they want to and not what a few citizens want at great cost to the owner.

APPROVAL OF AGENDA

Motion by Mrs. Langworthy to add reconsideration of Resolution 20-2008 concerning a billboard impact fee study as new Agenda Item 3; seconded by Ms. Berry; carried 5-1 with Mr. Womble voting no.

Item 1. **CONSENT AGENDA**

- A. Approval of Award ITB-08-01 City Hall Boiler System Phase III – rebid to Jack Henderson Construction and approval of expenditure in the total amount of \$176,300.30.
- B. Approval of Award RFP-08-14, on-call storm sewer cleaning and repair services in an amount not to exceed \$60,000.00.
- C. Approval of Award ITB-08-19 2008 Roadway Pavement Striping Project in the total amount \$53,383.00.
- D. RESOLUTION 21-2008 - A RESOLUTION AMENDING THE FISCAL YEAR 2008 CONSERVATION TRUST FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$225,000 FOR THE CREEKSIDE PARK RESTROOM AND APPROVE AWARD OF RFP-08-20 CREEKSIDE PARK RESTROOM REBID TO WALSH CONSTRUCTION, LOVELAND, CO IN THE AMOUNT OF \$172,711.00 WITH A CONTINGENCY OF \$17,000 FOR A TOTAL PROJECT COST OF \$189,711
- E. RESOLUTION 22-2008 - A RESOLUTION AMENDING THE FISCAL YEAR 2008 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$36,260.00 FOR THE PURCHASE OF A REPLACEMENT POLICE PATROL SEDAN WITH ALL REQUIRED EQUIPMENT AND MARKINGS.
- F. RESOLUTION 23-2008 – A RESOLUTION AMENDING THE FISCAL YEAR 2008 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN AN AMOUNT OF \$3,000 FOR THE PURPOSE OF SUPPORT OF A WHEAT RIDGE FARMERS' MARKET.

Consent Agenda was introduced and read by Council Member Stites.

Motion by Council Member Stites for approval of the Consent Agenda; seconded by Mrs. Adams; carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. COUNCIL BILL 08-2008 – AN ORDINANCE AMENDING CHAPTER 17 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING ALCOHOLIC BEVERAGES IN PARKS AND RECREATION AREAS.

Mayor DiTullio opened the public hearing.

Council Bill 08-2008 was introduced on second reading by Council Member Sang, who read the executive summary.

City Clerk Michael Snow assigned Ordinance No. 1412.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 08-2008 (Ordinance 1412) on second reading, and that it take effect fifteen days after final publication; seconded by Mr. Womble; carried 6-0.

Item 3.

Motion by Mrs. Langworthy to reconsider Resolution 20-2008, A Resolution amending the fiscal year 2008 General Fund Budget to reflect the approval of a supplemental budget appropriation in an amount not to exceed \$10,000 for the purpose of soliciting a Professional Service Contract to develop a Billboard Impact Fee Study; seconded by Mr. Stites; carried 4-2 with Council Members Womble and Sang voting No.

Motion by Mrs. Langworthy to approve Resolution 20-2008; I further move that prior to executing Professional Service Contract, the contract be brought to a study session before City Council prior to June 28, 2008; seconded by Mr. Stites; carried 4-2 with Council Members Womble and Sang voting No. Mr. Womble does not feel this is the right thing for the City to do. Mrs. Sang feels this has been discussed at no end and she doesn't see what further discussion can do.

CITY ATTORNEY'S MATTERS

Mr. Dahl gave a quick report on the petition process. The referendum petition was certified as sufficient. There have been a couple of protests filed. We've had a lot of trouble getting an agreement on the schedule for all the lawyers, all the parties, to hold the hearings. The protest hearing is now set for May 14, 2008.

ELECTED OFFICIALS' MATTERS

Michael Snow apologized to Council if he said anything to the media that was not warranted toward the entire Council.

Teri Womble thanked all the people that are working on the various upcoming festivals.

Mike Stites "find it and buy it in Wheat Ridge".

Tracy Langworthy reported that there is a new ice cream shop on 38th and Kipling called "Dream Ice Cream" and recommended people visit it.

Karen Adams commented how wonderful Arbor Day was and the cooperation between the City of Wheat Ridge and Olinger Mortuary.

Karen Berry spoke about the initiative and referendum petition process and the ethical behavior of elected officials.

Meeting adjourned at 7:50 p.m.

Signed: Michael Snow

Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON May 12, 2008 BY A VOTE OF 6 – 0 with 2 abstentions.

Signed: Mike Stites

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.