

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

**August 25, 2008**

Mayor DiTullio called the Regular City Council Meeting to order at 7:03 p.m. Councilmembers present: Karen Adams, Karen Berry, Dean Gokey, Tracy Langworthy, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Deputy City Manager, Patrick Goff; Chief of Police, Dan Brennan; Parks & Recreation Director, Joyce Manwaring; Director of Community Development, Kenneth Johnstone; Planner, Meredith Reckert; Director of Public Works, Tim Paranto; staff; and interested citizens.

### **APPROVAL OF MINUTES OF August 11, 2008**

Motion by Mr. Stites for approval of the Minutes of August 11, 2008; seconded by Council Members Gokey and Sang; carried 7-0-1 with Mr. Womble abstaining due to his absence.

### **CITIZENS' RIGHT TO SPEAK**

**Jill Kanussmann, and Sandy Mabin**, representing Second Wind Fund, which provides teen suicide prevention services, spoke to the audience about the Second Annual Second Wind fundraiser Walk/Run/Ride event on Sunday, September 21<sup>st</sup>, 2008. People interested in participating or donating may register and find additional information at [www.thesecondwindfund.org](http://www.thesecondwindfund.org) or by calling 303-988-2645.

**Nancy Snow** spoke in favor of a particular Wheat Ridge business, 5280 Gymnastics on West 44<sup>th</sup> Avenue, where recent United States Olympic medal winner, Sasha Artemev, trains for gymnastics.

**Ward Hart** shared his experiences at the Taste of Wheat Ridge event last year and expressed his regret that the Council did not support it this year.

**Sali Caquelin** thanked Mayor DiTullio for helping to put together the Taste of Wheat Ridge event. She expressed hope that the Council will support such events in the future; that an event like this brings members of the community together and is one that will aid in the City's revitalization. She made the point that the benefit of the event to the community far outweighs the cost to support it.

**Gene Shirley** thanked Council for saying No on some recent decisions and thinks they should say No more often. He thanked them for dropping the Recreation Center Expansion ballot item. He does not believe this is the time to be asking voters to spend more money, that the city logo was a waste of money, we don't need another park and that the City must reduce spending and taxes. Further, he asked Jerry DiTullio when he was running for Mayor to address the efficiency and productivity in the City's government but he's seen nothing done of it since.

## **APPROVAL OF AGENDA**

Motion by Ms. Berry to add an Item 9, Appointment of **George Pond** to the **Parks & Recreation Commission**; seconded by Council Members Womble and Gokey; carried 8-0.

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

Item 1.        Council Bill 13-2008 – An Ordinance providing for the approval of change of zoning conditions on property zoned Planned Commercial Development and for approval of an amended outline development plan for property located at 3700 Kipling Street.  
(Case No. WZ-08-04) (City of Wheat Ridge)

Mayor DiTullio opened the public hearing and swore in all citizens giving testimony.

Council Bill 13-2008 was introduced on second reading by Mr. Stites.  
City Clerk Michael Snow assigned Ordinance No. 1417.

Meredith Reckert entered into testimony the Wheat Ridge Comprehensive Plan and Parks Master Plan and provided the Staff summary in a PowerPoint presentation (amended to this packet).

Mrs. Manwaring reviewed the process that was used to develop the Park Plan, beginning with a Parks needs analysis, neighborhood meetings, citizen mailings, surveys, study sessions and meetings with Parks Commission and other community groups.

**Carol Henry** from Design Concepts described the features and technical designs of the proposed Park Outline Development Plan.

**Dalmon Larson** handed the City Clerk a letter addressed to the Council outlining three questions pertaining to this Ordinance (amended to this packet) and shared his objections to certain elements in the park design relevant to the ideas that were presented and requested by the neighbors in the area.

**Cheryl Wise** supports the City developing park facilities in general and this one in particular based on its visibility to those that live in the area and to those who drive along Kipling every day. This kind of visible beauty in the City will attract new people to the community. Ms. Wise also suggests adding more parking to the park design to support the proposed outdoor amphitheater.

**Nancy Snow** thanked Council for finally committing to developing this park after 40 years of history and struggle to do so. She asked that the trails be designed so as to provide handicap accessibility, which requires a maximum of 5% grade on any part of those trails. She voiced concern and objection to the City giving away the 36,000 square feet on the North end of the park area for free rather than selling it.

Staff addressed the various citizen and Council questions including, but not limited to the sale of the section of property on the North end of the property, the cost and budgeting to develop the Park, the design adaptations to accommodate possible future Kipling expansion, the steep slope of the property and the existing ditch on the Northeast corner.

Mayor DiTullio called for a break at 8:33pm; to resume at 8:40pm.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill 13-2008 (Ordinance 1417) on second reading, and that it take effect 15 days after final publication, for the following reasons:

1. The property was rezoned to Planned Commercial Development pursuant to Case No. WZ-82-15.
2. A zone change process is required to modify zoning conditions.
3. The criteria used to evaluate a change in zoning conditions support the request.
4. The proposal is consistent with the recommendations made in the Parks & Recreation Master Plan.
5. The Parks and Recreation Commission recommended approval of the Master Plan.

With the following conditions:

1. A note be added on page 1 that up to 36,000 square feet of the site may be used to support adjacent commercial development.
2. On Sheet 3, the "bulb" portion of the parking area be widened to provide a drop-off area.
3. On Sheet 3, designated locations where parallel parking will be allowed on West 35<sup>th</sup> Avenue and Johnson Street.
4. A note be added on page 5 that the designs shown are conceptual and that the final structure designs will be determined at the time of final development plan approval.
5. In the land use table site data breakdown, add a note that the open space and landscaped area shown is the minimum required."

Seconded by Council Members Womble and Sang.

Motion by Ms. Berry to amend Mr. Stites motion to:  
Strike Condition Number 1, and replace that condition with the following:

A note be added on Page 1 that up to 36,000 square feet of the Northern portion of the site may be used for commercial uses as allowed in the RC, Restricted Commercial Zone District and subject to consistency with the Architectural Site Design Manual; seconded by Mrs. Rotola; carried 8-0.

Mr. Stites motion as amended tied 4-4 with Council Members Berry, Adams, Rotola and Gokey voting No, and Council Members Womble, Langworthy, Stites and Sang voting Yes. Mayor DiTullio broke the tie in favor; Motion as amended carried 5-4.

Item 2.        Council Bill 14-2008 - An Ordinance submitting a ballot question to the voters of the City at the November 4, 2008 Special Election, concerning amending the Wheat Ridge Home Rule Charter to provide for limitations upon building height and residential density to be as set forth by Ordinance in the Wheat Ridge Zoning and Development Code.

Mayor DiTullio opened the public hearing.

Council Bill 14-2008 was introduced on second reading by Mr. Stites.  
City Clerk Michael Snow assigned Ordinance No. 1418.

**Cheryl Wise**, of Lakewood, spoke in favor of the Ballot Question being proposed to the voters of Wheat Ridge and encouraged citizens to educate themselves on the matters around this issue to make an informed decision. Mrs. Wise emphasized that she has suffered some business opportunity loss herself due to the current restrictions in the Charter because she cannot obtain any variance to the height limits. Council would be allowed to adjust limitations appropriately in different areas in the City to allow positive development and progress in the City with the Repeal of this section of the Charter.

**Nancy Snow** asserted that the current proposed ballot title is completely misleading. It does not in any way ask a voter to repeal the Charter limitations, which is what this Ballot Issue is intended to do. She cited State laws, Colorado Revised Statutes 31-11-111(3) that protect the voter from ballot questions that are worded in a way so as to be unclear what the result of a "Yes" or "No" vote are.

**Tom Slattery** repeated that the ballot question was not only misleading, but fraudulently so. He asked Council if they intend to put the question to the voters that it at least be proposed in an honest manner.

**Thomas Ripp** spoke in favor of the proposed ballot question.

**Britta Fisher** thanked the Mayor and Council for their commitment to the Neighborhood Revitalization efforts in the city. She contended that property values are what's most important to her and to other families considering moving to the area and this change will make it possible for Wheat Ridge to progress in this way. Boulder is the only other city in Colorado with such limitations. This is a small majority and a testament to how inappropriate and limiting these limitations are in the City's Charter.

**Louise Turner** claimed that the wording of the ballot question is the epitome of deceit. The Question says that height and density limitations will be *provided* in the Charter by this amendment, which it does not do, but nothing is asked about removing or repealing such limitations as they currently exist. Mrs. Turner asked Council to consider rewording the ballot question so that it honestly asks the voters what is intended.

**Phil Plummer** spoke of the NRS conclusion that "WR must improve its housing stock". He contended that this Charter Change does not improve our housing stock. It only has the potential of introducing more condominium, apartment and rental housing, which is the last thing that WR needs.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill 14-2008 (Ordinance 1418) on second reading, and that it take effect immediately upon adoption at second reading; seconded by Council Members Adams and Gokey.

Substitute Motion by Mrs. Sang to approve Council Bill 14-2008, An Ordinance submitting a Ballot Question to the Voters of the City of Wheat Ridge concerning Amending the Home Rule Charter;

I further move to amend Council Bill 14-2008 for the Ballot Title to be set as:

- Amending the Wheat Ridge Home Rule Charter to repeal all limitations on building height and residential density and such limitations be as set forth by ordinance in the Wheat Ridge Zoning and Development Code.

I further move to amend the Ordinance for the Ballot Question to read as follows:

- SHALL THE CITY OF WHEAT RIDGE AMEND ITS HOME RULE CHARTER TO REPEAL ALL BUILDING HEIGHT AND RESIDENTIAL DENSITY LIMITATIONS, THEREBY ALLOWING SUCH LIMITATIONS TO BE AS SET FORTH BY ORDINANCE IN THE WHEAT RIDGE ZONING AND DEVELOPMENT CODE?

on second reading, and that it take affect immediately upon adoption at second reading; seconded by Council Members Womble and Gokey; **failed** 5-3 with Council Members Gokey, Sang and Womble voting Yes.

Original motion by Mr. Stites carried 5-3 with Council Members Gokey, Sang and Womble voting No.

Item 3.      Council Bill 15-2008 - An Ordinance submitting a ballot issue to the voters of the City at the November 4, 2008 Special Election, concerning the authorization of a temporary sales and use tax rate increase and Revenue Bonds to finance the reconstruction and streetscaping of portions of West 38<sup>th</sup> Avenue.

Mayor DiTullio opened the public hearing.

Council Bill 15-2008 was introduced on second reading by Mrs. Sang.  
City Clerk Michael Snow assigned Ordinance No. 1419.

**Louise Turner** asserted that this is another ballot title that is confusing. It talks about a temporary increase to fund these improvements. A total repayment in excess of \$72,000,000 that takes almost 20 years to pay off is not considered a temporary increase. She asked the Council to reword the ballot title to indicate how long this is intended to take to pay back.

**Mary Cavarra** supports this ballot issue being put on the ballot. She asked the Council to be more specific, however, on how this sales tax increase will be used, including the concept for the street reconstruction that is planned with estimates on what Public Works estimates some of the features to cost.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 15-2008 (Ordinance 1419) on second reading and that it take effect immediately upon adoption at second reading; seconded by Mr. Womble; carried 8-0.

Item 4.        Council Bill 16-2008 - An Ordinance submitting a ballot issue to the voters of the City at the November 4, 2008 Special Election, concerning the authorization of General Obligation Bonds to finance neighborhood flood control and storm drainage improvements.

Mayor DiTullio opened the public hearing.

Council Bill 16-2008 was introduced on second reading by Ms. Berry.  
City Clerk Michael Snow assigned Ordinance No. 1420.

**Louise Turner** believes these improvements could be done on the current City Budget by simply conserving spending on other less beneficial matters and gradually completing the various improvements on a pay-as-you-go basis.

**Britta Fisher** doesn't believe people really talk about drainage very often. However, when there are drainage issues and a storm situation creates excessive runoff, residents realize just how important this infrastructure is to the value of their properties. She spoke of developers she knows who have recently abandoned plans for redevelopment in other metropolitan areas because of a city's lack of planning to address poor drainage issues.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Council Bill 16-2008 (Ordinance 1420) on second reading and that it take effect immediately upon adoption at second reading; seconded by Council Members Sang and Womble; carried 8-0.

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

Item 5.        Resolution 45-2008 – A Resolution giving notice of and calling for a Special Municipal Election to be held November 4, 2008.

Resolution 45-2008 was introduced by Mrs. Sang, who read the Executive Summary.

Motion by Mrs. Sang to approve Resolution 45-2008; seconded by Council Members Langworthy and Adams; carried 8-0.

- Item 6.        Resolution 46-2008 – A Resolution amending the fiscal year 2008 conservation trust fund budget to appropriate funds in the amount of \$15,000 for the purpose of expending a State Historic Grant for restoration of the Baugh House and authorizing the Mayor to sign an award letter accepting the grant which includes recording a twenty year covenant on the property.

Resolution 46-2008 was introduced by Mrs. Langworthy, who read the Executive Summary.

Motion by Mrs. Langworthy to approve Resolution 46-2008; seconded by Mrs. Adams; carried 5-3 with Council Members Rotola, Sang and Gokey voting No.

- Item 7.        Resolution 47-2008 – A Resolution approving Jefferson County Open Space to proceed with acquiring an appraisal for the purpose of disposing of less than an acre of park property located at 38<sup>th</sup> & Kipling.

Resolution 47-2008 was introduced by Councilmember Stites, who read the Executive Summary.

Motion by Mr. Stites to approve Resolution 47-2008; seconded by Council Members Langworthy and Sang; carried 7-1 with Mr. Gokey voting No.

- Item 8.        Resolution 48-2008 – A Resolution approving an Intergovernmental Agreement (IGA) with the Prospect Recreation & Park District for maintenance of landscaping and trail improvements on West 44<sup>th</sup> Avenue.

Resolution 48-2008 was introduced by Councilmember Langworthy.

Motion by Mrs. Langworthy to approve Resolution 48-2008; seconded by Council Members Adams and Rotola.

Motion by Mr. Gokey to amend so as to include statement in the Resolution language that the City only needs to fulfill these developments upon the development of the Cabelas store; seconded by Mrs. Sang; tied 4-4 with Council Members Gokey, Sang, Womble and Stites voting Yes; Mayor DiTullio broke the tie against with a No vote; motion **failed** 5-4.

Original motion carried 8-0.

- Item 9.        Appointment of George Pond to the Parks & Recreation Commission

Motion by Mrs. Berry to appoint **George Pond** to the District 1 **Parks & Recreation Commission**, term to expire 03-02-2010; seconded by Mr. Womble; carried 8-0.

**ELECTED OFFICIALS' MATTERS**

City Clerk Michael Snow requested from citizens comments for or against the two proposed TABOR-related ballot questions. All Pro/Con comments will be summarized by the City Clerk and submitted for publication in the County "Blue Book" for distribution to all registered electors. Comments must address a specific ballot issue and must include the author's Name, Signature and Address where the signor is registered to vote. Please also indicate the ballot issue about which the comments are intended. Persons who wish to submit comments may do so by directing them to: Michael Snow, City Clerk, City of Wheat Ridge, 7500 W. 29<sup>th</sup> Avenue, Wheat Ridge CO 80033. Comments will be accepted until 5pm, September 19<sup>th</sup>, 2008.

Mayor DiTullio thanked Council and DIRT Task force for their work in going through all the issues facing the City to come to some consensus on improvement projects. He mentioned that one of the top-ranked priorities was drainage infrastructure and that those drainage problems in the Southeast area of District I were on the top of the list. Many others were identified throughout the City, however. He also thanked staff for support, direction and work to move a drainage funding program to the voters.

Mr. Gokey went fishing this weekend and will be going fishing again this weekend. He seconded Mr. DiTullio's thanks and appreciation to the DIRT Task Force for their work and commitment to providing a prioritization of City revitalization issues. Mr. Gokey also commented that the fireworks were beautiful at the Carnation Festival.

Mrs. Adams thanked citizens of District 3 for attending the District meeting and thanked Glory of God Church for opening their doors to hold the meeting there. Another meeting is scheduled for September 18. More details will be provided soon.

Mr. Stites asked everyone in the City to please do one positive thing for your community this week and, as always, to find and buy it in Wheat Ridge.

Meeting adjourned at 10:25p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON SEPTEMBER 8, 2008 BY A VOTE OF 7 to 0



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.