

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

October 27, 2008

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Councilmembers present: Karen Berry, Tracy Langworthy, Lena Rotola, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; staff; and interested citizens.

Council Members Karen Adams, Dean Gokey and Terry Womble were absent.

APPROVAL OF MINUTES OF October 13, 2008

Mayor DiTullio asked the Clerk to change the dollar amount noted in the Minutes regarding the total current contributions to the Public Art Fund from \$5,200 to \$6,275.

Motion by Mrs. Sang for approval of the Minutes of October 13, 2008 as amended; seconded by Mr. Stites; carried 5-0.

PROCLAMATIONS AND CEREMONIES

Mr. Young announced that the City of Wheat Ridge had won second place, the Silver Circle Award, in the 2008 ICMA Savvy Awards competition in the category of Marketing Plans & Tools – Branding/New Logo. The City of Wheat Ridge competed against 811 other U.S. cities in this category for the City's Marketing and Branding efforts. Heather Geyer also said a few words on behalf of the successful program.

Kullerstrand Elementary School choir sang the National Anthem. Kelly Meehleis, Music Instructor at Kullerstrand Elementary, led the school choir in singing the Star Spangled Banner and other patriotic songs.

CITIZENS' RIGHT TO SPEAK

Cheryl Brungardt of Enterprise Wheat Ridge Business Group, wished to invite the Council and all area citizens to a Wheat Ridge Business Open House tomorrow at the Wheat Ridge Recreation Center from 4-7pm. The open house is also participating in a can food drive for the Jeffco Action Center. Visitors are encouraged to bring canned food items to the Open House, or drop off donations at the following Wheat Ridge participating locations: Seyfer Automotive on 45th and Harlan, Citywide Bank at Ward Road and 49th Avenue or at Wheat Ridge Cyclery. Citizens who donate will also have their name placed in a drawing for a prize from Mayor DiTullio.

Nancy Snow expressed that she is in favor of some of the efforts of Wheat Ridge 2020 and was in favor of continuing to fund its efforts with City of Wheat Ridge money, but now believes that funding should be cut altogether. She is disgusted that a city-funded organization is donating \$5000 dollars to campaign for ballot items 2A, 2B, & 2C and is

dismayed that the Council and Wheat Ridge 2020 believes it's ok to get around the State laws that prohibit the City from using funds to campaign by channeling those funds through a non-profit organization.

Dempsey Andrews, representing homeowners on Chase Street in District I, spoke of the dire drainage issues that plague his home and many others in his neighborhood anytime there is a strong rain. For this reason, he is in favor of passing 2B because it enables the government to ensure the safety of their neighborhood and the value of their properties.

Cheryl Wise, resident of Lakewood and the Wheat Ridge business owner of Copper Fields Events Center, urged voters to support the Charter Amendment 2C. Mrs. Wise believes the current regulations in the Charter limits her and other business owners' ability to develop strong commercial businesses in the City.

Jeff McCrory spoke in favor of 2B, urging voters to support the measure because it supports property values in Wheat Ridge. He also wanted to alert voters to an inaccurate statement in the County Voting booklet – that the property tax increase would continue forever. This is incorrect.

Louise Turner contended that the current limits in the Charter for height and density are adequate for strong development because they allow businesses to go to a height of 50 feet and residences to 35 feet. She wanted voters to know, that if these limits are repealed in ballot question 2C, other provisions in the City Code allow for up to 50% variance in the zoning code, which means a home could be built to a height of 52 feet in residential R2 districts.

City Clerk Michael Snow spoke to the issue Mr. McCrory alluded to with respect to an inaccurate statement in the County Voting Booklet on Ballot Issue 2B. He explained that the booklet only contains information on TABOR-related ballot issues, and that the Arguments For and Against the issues in this booklet are a summarization prepared by the Clerk of all comments submitted by citizens. Mr. Snow wanted voters to know that neither the Clerk nor anyone has the authority to censor or validate the content of these comments, which is why voters may find inaccurate statements in these summaries.

ORDINANCES ON FIRST READING

Item 1. **A.** Resolution 55-2008 – making certain Findings of Fact regarding the proposed Annexation of a parcel of land to the City of Wheat Ridge, Colorado. (Case No. ANX-08-01/Coors at Clear Creek)

Resolution 55-2008 was introduced by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to adopt Resolution 55-2008; seconded by Mrs. Sang and Mrs. Rotola; carried 5-0.

B. Council Bill 18-2008 – An Ordinance approving the Annexation of certain Territory to the City of Wheat Ridge, Colorado.
(Case No. ANX-08-01/Coors at Clear Creek)

Council Bill 18-2008 was introduced on first reading by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to approve Council Bill 18-2008 on first reading, order it published, public hearing set for Monday, November 10, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect immediately upon adoption; seconded by Mrs. Sang; carried 5-0.

Item 2. **A.** Resolution 56-2008 – making certain Findings of Fact regarding the proposed Annexation of a parcel of land to the City of Wheat Ridge, Colorado. (Case No. ANX-08-02/Coors at Clear Creek)

Resolution 56-2008 was introduced by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to adopt Resolution 56-2008; seconded by Mrs. Rotola; carried 5-0.

B. Council Bill 19-2008 – An Ordinance approving the Annexation of certain Territory to the City of Wheat Ridge, Colorado.
(Case No. ANX-08-02/Coors at Clear Creek)

Council Bill 19-2008 was introduced on first reading by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to approve Council Bill 19-2008 on first reading, order it published, public hearing set for Monday, November 10, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect immediately upon adoption; seconded by Mrs. Sang and Mrs. Langworthy; carried 5-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 3. Resolution 57-2008 – amending the Fiscal Year 2008 Open Space Fund Budget to appropriate funds in the amount of \$60,000 for the purpose of acquiring approximately 1.5 acres of land located at 4593 Parfet Street, for consolidation of the Public Works and Parks Operations Facility and authorizing the Mayor to sign a Purchase and Sale Agreement for said property at the appraised price of \$210,000.

Resolution 57-2008 was introduced by Mrs. Langworthy, who read the Executive Summary.

Motion by Mrs. Langworthy to approve Resolution 57-2008; I further move that costs associated with the purchase of the property located at 4593 Parfet Street be paid from account number 32-601-800-862, and that these funds be encumbered in accordance with Ordinance #787, 1989 Series.

Motion seconded by Mrs. Rotola; carried 5-0.

Louise Turner commented that this appears to be part of a much larger project of facility expansion, not just a \$210,000 property acquisition. She also noted that this was not a project prioritized by the Citizens' D.I.R.T. Committee and believes the efforts of Council and Administration to trim the budget were very wise so it would also be wise to cut purchasing this land given the budget crunch next year. She also pointed out that since the City obtained increased revenues from a tax increase in 2003, the City Administrative staff has grown significantly while the city's population hasn't grown at all.

Mr. Paranto commented that there is no funding in the 2009 Proposed Budget for any facilities expansion to the Public Works Facility.

Motion carried 5-0.

Item 4. Approval of Award for RFQ-08-28 Comprehensive Plan Update to Clarion Associates in an amount not to exceed \$150,000.

Item 4 was introduced by Ms. Berry who read the Executive Summary.

Motion by Mrs. Berry to award RFQ-08-28, Comprehensive Plan Update, to Clarion Associates in an amount not to exceed \$150,000 to undertake an update to the Wheat Ridge Comprehensive Plan; seconded by Mrs. Rotola.

Davis Reinhardt of the Wheat Ridge Planning Commission, urged Council to pass this item to allow the City's key guiding documents to be updated and to allow businesses looking at developing in Wheat Ridge to do so without unnecessary hindrances in these documents.

Motion carried 5-0.

Item 5. Approve Award ITB-08-33 2008 Miscellaneous Drainage Project in the total amount not-to-exceed \$100,324.00.

Item 5 was introduced by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to award ITB-08-33-2008, Miscellaneous Drainage Improvement Project, to Goodland Construction, of Golden, Colorado, in the amount of \$100,324.00. I further move that a contingency amount of \$10,032.40 be approved.

I further move that the Director of Public Works be authorize to issue change orders up to a total contract and contingency amount of \$110,356.40.

I further move that all costs associated with this contract be paid from Acct. No. 30-302-800-833, and that these funds be encumbered for the length of the project in accordance with Ordinance #787, 1989 Series; seconded by Mrs. Sang; carried 5-0.

CITY ATTORNEY'S MATTERS

Mayor DiTullio asked the City Attorney to give an opinion on the legality of the campaign contributions from Wheat Ridge 2020 to support Ballot Questions 2A, 2B & 2C.

Mr. Dahl contended that once the City of Wheat Ridge has committed the funding to Wheat Ridge 2020, that organization has the choice to use its funds legally to contribute to political campaigns.

ELECTED OFFICIALS' MATTERS

Mr. Snow wished to inform voters who have chosen to vote by Mail-in ballot that they may drop off voted ballots anytime during business hours, 8-5pm, at the City Clerk's Office at City Hall or they may deliver them by affixing two stamps to the ballot envelope and mail it to the Jefferson County Election Department. Voters who have not requested a Mail-in Ballot must vote in person on Election Day, or vote early before October 31st, 2008 at the nearest Early Voting Location which is the Motor Vehicle Department at 2099 Wadsworth Blvd. Voters may locate their Polling Locations by verifying their Voter Registration Information at www.votejeffco.com.

Mayor DiTullio thanked the Kullerstrand Elementary School Singers for their performance tonight and noted that these singers had recently performed the National Anthem at a Colorado Rockies Baseball game. Mr. DiTullio also congratulated Heather Geyer for her work on the City's Marketing and Branding project and for the recognition in winning the Savvy Award.

Mrs. Rotola urged citizens to attend the Enterprise Wheat Ridge Business Open House tomorrow. She also reminded attendees to bring canned food for the Jeffco Action Center canned food drive and for all to have a safe Halloween.

Mrs. Langworthy thanked the Kullerstrand Elementary singers for their performance tonight and the citizens attending the Optimist Supper last week

Mr. Stites thanked the Kullerstrand Elementary School singers. Mr. Stites also commented that the property adjacent the Public Works facilities was being purchased now because of the current availability to do so. If it were not purchased now, it would cost much more at a later date and it may very likely not be available at all. This saves the City a great deal of money in the long run. He also urged citizens to keep neighbors safe by talking and checking in on one another regularly. As always, he urged everyone to "find it and buy it in Wheat Ridge".

Meeting adjourned at 7:52 p.m.

Signed: Michael Snow

Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON NOVEMBER 10, 2008 BY A VOTE OF 5-0.

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.