

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

February 23, 2009

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 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; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Planner, Jeff Hirt; staff; and interested citizens.

APPROVAL OF MINUTES OF February 9, 2009

Motion by Mrs. Sang for approval of the Minutes of February 9, 2009; seconded by Mr. Stites; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Karen Thaler, Mrs. Wheat Ridge, read the Proclamation for National Multiple Sclerosis Awareness Week – March 2–8, 2009.

CITIZENS' RIGHT TO SPEAK

Patricia Jones of Golden spoke on the citizen effort to save Lutheran Medical Center from takeover by a religious organization, the Sisters of Charity of Leavenworth Health System. Mrs. Jones contends that this purchase will jeopardize a fundamental community service in Wheat Ridge, threatening comprehensive health care with ethical and religious doctrines and reduced health care choices. What's more, if the hospital is purchased, the new owners will take 100% of the hospital's profits out of Wheat Ridge to its headquarters in Kansas. Mrs. Jones urged citizens to attend one of several public awareness meetings scheduled in the area and to join the effort to stop the purchase. More information can be obtained at www.savelutheranmedicalcenter.org.

APPROVAL OF AGENDA

Mr. Stites moved to remove Item 1.D. from the Agenda; seconded by Mr. Gokey; carried 8-0.

Mr. Stites moved to add to the agenda an Executive Session following Elected Officials' Matters; seconded by Mrs. Sang; carried 8-0.

Item 1. **CONSENT AGENDA**

- A. Resolution 13-2009 – Adopting the Policy and Procedure for naming Parks and Recreation Department Parks and Facilities.
- B. Resolution 14-2009 – Amending the Fiscal Year 2009 Budget to reflect the approval of a supplemental budget appropriation for the reappropriation and reencumbrance of 2008 Fiscal Year encumbered funds in the amount of \$1,489,340.89.
- C. Resolution 15-2009 – In support of the full build-out of the Regional Transportation Districts Fastracks System.
- D. Resolution 16-2009 – In support of Senator Mark Udall's proposed legislation to fund Worker's Compensation claims for workers of Rocky Flats.
- E. Resolution 17-2009 – Approving an Intergovernmental Agreement with the City of Edgewater concerning Municipal Court Video Equipment.

Consent Agenda was introduced and read by Mrs. Sang.

Item 1.D. was removed from the Agenda.

Motion by Mrs. Sang for approval of the Consent Agenda Items A, B, C & E; seconded by Mrs. Langworthy; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 02-2009 - An Ordinance amending Chapter 26 of the Code of Laws of the City of Wheat Ridge concerning Zoning District Boundary discrepancies and interpretations.
(Case No. ZOA-08-06)

Mayor DiTullio opened the public hearing.

Council Bill 02-2009 was introduced on second reading by Council Member Gokey.

City Clerk Michael Snow assigned Ordinance Number 1430.

Jeff Hirt presented the staff report.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Mr. Gokey to approve Council Bill 02-2009 (Ordinance 1430) on second reading, and that it take effect 15 days after final publication; seconded by Mrs. Sang.

Motion by Ms. Berry to amend Ordinance 1430, Section D, line 2 as follows: ...of the passage **of Section 26-119** of this Code...; seconded by Mrs. Adams; carried 8-0.

Original motion as amended carried 8-0.

Item 3. Council Bill 03-2009 – An Ordinance amending Article VIII of Chapter 26 of the Code of Laws of the City of Wheat Ridge concerning Floodplain Administrator decision-making authority & Floodplain Development Standards.
(Case No. ZOA-08-09)

Mayor DiTullio opened the public hearing.

Council Bill 03-2009 was introduced on second reading by Council Member Berry.

City Clerk Michael Snow assigned Ordinance Number 1431.

Jeff Hirt presented the staff report.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Ms. Berry to approve Council Bill 03-2009 (Ordinance 1431) on second reading, and that it take effect 15 days after final publication; seconded by Mrs. Rotola; carried 8-0.

Item 4. Council Bill 04-2009 – An Ordinance amending Article II of Chapter 26 of the Wheat Ridge Code of Laws concerning Urban Renewal.

Mayor DiTullio opened the public hearing.

Council Bill 04-2009 was introduced on second reading by Council Member Stites.

City Clerk Michael Snow assigned Ordinance Number 1432.

No staff report was presented.

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill 04-2009 (Ordinance 1432) on second reading, and that it take effect upon adoption; seconded by Mrs. Sang.

Mrs. Adams substituted a motion to continue final action on Ordinance 1432 and schedule it for discussion at the next Study Session; seconded by Ms. Berry; **failed** 3-5 with Council Members Berry, Adams and Rotola voting Yes.

Original motion carried 7-1 with Mrs. Adams voting No.

ORDINANCES ON FIRST READING

Item 5. Council Bill 05-2009 – An Ordinance approving the Annexation of certain territory to the City of Wheat Ridge, Colorado.
(Case No. ANX-08-03/Long's Peak Metropolitan District)

Council Bill 05-2009 was introduced on first reading by Council Member Stites.

Motion by Mr. Stites to approve Council Bill 05-2009 on first reading, order it published, public hearing set for Monday, March 23, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

Item 6. Council Bill 06-2009 – An Ordinance providing for the approval of Agriculture-One, A-1, Zoning on property recently annexed to the City of Wheat Ridge, located east of 14802 West 44th Avenue, including the Rights-of-Way for State Highway 58, the proposed Interchange for Highway 58 and Cabela Drive, Cabela Drive between the new Interchange and West 44th Avenue, and Right-of-Way for West 44th Avenue from west of Holman Street to the existing City Limit Line.
(Case No. WZ-08-09/Long's Peak Metropolitan District)

Council Bill 06-2009 was introduced on first reading by Council Member Stites.

Motion by Mr. Stites to approve Council Bill 06-2009 on first reading, order it published, public hearing set for Monday, March 23, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

Item 7. Council Bill 07-2009 – An Ordinance amending Section 26-311 of Chapter 26 of the Wheat Ridge Code of Laws concerning amendments to Development Plans in Planned Zoning Districts.
(Case No. ZOA-08-07)

Council Bill 07-2009 was introduced on first reading by Council Member Gokey.

Motion by Mr. Gokey to approve Council Bill 07-2009 on first reading, order it published, public hearing set for Monday, March 09, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

Item 8. Council Bill 08-2009 – An Ordinance amending Section 113 of Chapter 26 of the Wheat Ridge Code of Laws concerning City initiated Zone Changes. (Case No. ZOA-08-08)

Council Bill 08-2009 was introduced on first reading by Council Member Gokey.

Motion by Mr. Gokey to approve Council Bill 08-2009 on first reading, order it published, public hearing set for Monday, March 09, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Womble; carried 8-0.

Item 9. Council Bill 09-2009 – An Ordinance directing disposal by demolition of a City-owned building located at 3388 Swadley Street.

Council Bill 09-2009 was introduced on first reading by Council Member Adams.

Motion by Mrs. Adams to approve Council Bill 09-2009 on first reading, order it published, public hearing set for Monday, March 09, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect upon adoption; seconded by Mrs. Rotola; carried 8-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 10. Appointments to various Boards and Commissions.

DISTRICT I

Motion by Ms. Berry to appoint:

Kathy Deutsch to the Animal Welfare & Control Commission, term ending 3/2/12.

Alan Bucknam to the Board of Adjustment, term ending 3/2/12.

Susan Seeds to the Parks & Recreation Commission, term ending 3/2/12.

Anne Brinkman to the Planning Commission, term ending 3/2/12.

Carolyn Peterson to the Liquor Licensing Authority, term ending 3/2/12.

Ronald Gehauf to the Cultural Commission, term ending 3/2/12.

Seconded by Mr. Womble; carried 8-0.

DISTRICT IV

Motion by Mrs. Rotola to appoint:

Robert Hance to the Animal Welfare & Control Commission, term ending 3/2/10.
Barbara Hance to the Animal Welfare & Control Commission, term ending 3/2/12.
Larry Linker to the Board of Adjustment, term ending 3/2/12.
John Kellow to the Building Code Advisory Board, term ending 3/2/12.
Marc Dietrick to the Planning Commission, term ending 3/2/12.
Geoffrey Wodell to the Cultural Commission, term ending 3/2/12.
Bob Howard to the Board of Adjustment as an alternate, term ending 3/12/12.

Seconded by Mrs. Langworthy; carried 8-0.

DISTRICT III

Motion by Mrs. Adams to appoint:

Janet Bell to the Board of Adjustment 3/2/12.
Ronald Abo to the Building Code Advisory Board, term ending 3/2/12.
Guy Nahmiach to the Parks & Recreation Commission, term ending 3/2/12.
Henry Hollender to the Planning Commission, term ending 3/2/12.
Paul Shaver to the Liquor Licensing Authority, term ending 3/2/12.
Virginia Johnson to the Cultural Commission, term ending 3/2/12.

Seconded by Mr. Stites; carried 8-0.

DISTRICT II

Motion by Mrs. Sang to appoint:

Erna McIntyre to the Animal Welfare & Control Commission, term ending 3/2/12.
Ryan Fisher to the Board of Adjustment, term ending 3/2/10.
Charles Spielman to the Parks & Recreation Commission, term ending 3/2/12.
Kent Davis to the Liquor Licensing Authority, term ending 3/2/12.

Seconded by Mr. Gokey; carried 8-0.

AT LARGE

Motion by Mrs. Adams to appoint:

Elizabeth Clark to the Cultural Commission, term ending 3/2/12; seconded by Mr. Stites; carried 8-0.

Item 11. Approval of Mayoral appointment to the Wheat Ridge Urban Renewal Authority.

Motion by Mrs. Sang to ratify the Mayoral appointment of **Becky Bye** to the **Wheat Ridge Urban Renewal Authority**; term to expire November, 2013; seconded by Mrs. Langworthy; carried 8-0.

Item 12. Approval of Mayoral appointment to the Wheat Ridge Housing Authority.

Motion by Mrs. Sang to ratify the Mayoral appointment of **Katie Vanderveen** to the **Wheat Ridge Housing Authority**; term to expire March, 2014; seconded by Mr. Gokey and Mrs. Langworthy; carried 8-0.

Item 13. Approval of Mayoral appointments to the Wheat Ridge Foundation.

Motion by Mrs. Sang to ratify the Mayoral appointment of **Art Bushell and Cheri Jahn** to the **Wheat Ridge Foundation**; terms to expire March, 2012; seconded by Mr. Womble and Mr. Gokey; carried 8-0.

Item 14. Approval of Mayoral appointments to the Citizen Budget Oversight Committee.

Motion by Mr. Stites to ratify the Mayoral appointments of
Charles Holcer, District I Representative
Brian Hansen, District II Representative
Mary Cavarra, District III Representative
George Jorgensen, District IV Representative
to the **Citizen Budget Oversight Committee**; term ending February 2010; seconded by Mr. Womble; carried 6-2 with Ms. Berry and Mrs. Adams voting No.

I further move to ratify the Mayoral appointments of Council Members Rotola and Langworthy to the **Citizen Budget Oversight Committee**; term ending February, 2010, unless either Council Member leaves office; seconded by Mr. Womble; carried 8-0.

ELECTED OFFICIALS' MATTERS

Mr. Stites read into record a letter on his behalf regarding corrections to facts mis-stated in the February, 2009 Issue of the Neighborhood Gazette (letter included in this packet).

Mr. Gokey announced a Neighborhood Meeting will take place at Mountain View City Hall where the Police of Wheat Ridge and Mountain View will discuss strategies to deal with the recent incidents on Fenton Street affecting residents in the area. The meeting will take place Wednesday, February 25, 2009 at 7:00pm.

Motion by Mr. Stites to hold an Executive Session for conference with the City Attorney regarding legal issues on pending zoning matters and to adjourn the Regular Council Meeting at the closing of the Executive Session; seconded by Mrs. Sang; carried 8-0.

Executive Session was held and adjourned at 8:39pm.

Meeting adjourned at 8:39p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON MARCH 09, 2009 BY A VOTE OF 8 to 0



Wanda Sang, 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.