

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

September 14, 2009

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members 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; Deputy City Manager, Patrick Goff; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; staff; and interested citizens.

### APPROVAL OF MINUTES OF August 24, 2009

Motion by Mrs. Sang for approval of the Minutes of August 24, 2009; seconded by Mr. Stites; carried 8-0.

### PROCLAMATIONS AND CEREMONIES

Mrs. Wheat Ridge, Karen Thaler, read the Proclamation for Constitution Week, September 17-23, 2009.

### CITIZENS' RIGHT TO SPEAK

**Chuck Perrotti** asked for a status on Council's request of Wheat Ridge 2020 for a Quit Claim Deed of the property located at 7150 W. 38<sup>th</sup> Avenue.

City Attorney, Jerry Dahl, indicated Wheat Ridge 2020 sent a letter to Council (amended to this packet) dated September 14, 2009 asking for a 60 day extension on the request to determine if a potential contract may come through for purchase and development of this property and another adjacent to it.

Mr. Perrotti expressed his view that the 60-day extension should not be granted due to the fact they (WR2020) failed to fulfill the contractual agreement in developing the property by June, 2009. The businesses in the area badly need the parking spaces there and he asked that the Council grant public use of the property for this purpose.

**Rhonda Champion** spoke to the difficulty for voters to get to an understanding of the ballot questions on Height & Density, considering they refer to four different City documents totaling over 200 pages. Mrs. Champion is in opposition to the proposed ballot questions, citing the history of how the restrictions made it into the Charter originally. In 1980 the City Council approved the construction of a 100-foot building in Time Square at 41<sup>st</sup> and Wadsworth. Citizens responded with an initiated ballot question to put the restrictions into the Charter, which was approved by a vast majority vote. People are forgetting what is unique about Wheat Ridge because of these restrictions - they do not want to be like all our neighbors.

**Diane Robb** spoke on behalf of her husband, sculpture artist Kevin Robb, the Mayor's Public Art Program and the benefits of public art in a community. She expressed how public art provides identity, a sense of community, beautification and public pride in a community. She personally thanked those community members who have generously donated to the Mayor's Initiative. The Wheat Ridge Cultural Commission has chosen the design and placement of the piece, of which she showed Council a graphic representation of the sculpture in its place in the future Einarsen Park at 38<sup>th</sup> & Kipling.

### **APPROVAL OF AGENDA**

Motion by Mrs. Sang to add to the agenda as Item #6, an Emergency Ordinance placing a Moratorium on the granting of any further Medical Marijuana Dispensary licenses in the City; seconded by Mrs. Langworthy; carried 8-0.

#### **1. CONSENT AGENDA**

- A. Award ITB-09-29 Watchable Wildlife Boardwalk Contract to IBEC Construction in the amount of \$144,966 for the purpose of constructing a boardwalk at Bass Lake in the Wheat Ridge Greenbelt.
- B. Award RFB-09-16 Cardio Equipment to Fitness Systems, Inc. in the total amount of \$19,960.
- C. Approval of the annual renewal for the ESRI (GIS) System in the amount of \$28,877.32.
- D. Resolution 46-2009 – approving a contract amendment with the Colorado Department of Transportation for Project No. 16413, Pedestrian/School Improvements at 44<sup>th</sup> Avenue and Miller Street.
- E. Approving a delay in the construction of Drainage and Flood Control Improvements for the Arvada Channel and the Ridge Road Tributary.

Consent Agenda was introduced and read by Mrs. Sang.

Motion by Mrs. Sang for approval of the Consent Agenda; seconded by Mrs. Rotola; carried 8-0.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill 22-2008 – An Ordinance adopting by reference the 2009 Edition of the Model Traffic Code for Colorado and the Model Traffic Code amendments previously adopted by the City; providing penalties for Model Traffic Code violations; and making conforming amendments to the Wheat Ridge Code of Laws.

Motion by Mrs. Langworthy that the public hearing for Council Bill 22-2008 be continued until February 8, 2010 at 7:00 p.m. or as soon thereafter as may be heard in Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado and that Council Bill 22-2009 will be considered on second reading at that time; seconded by Mrs. Sang; carried 8-0.

**ORDINANCES ON FIRST READING**

3. Council Bill 25-2009 – An Ordinance amending Section 26-614 of the Wheat Ridge Code of Laws concerning Trash Dumpster Regulations. (Case No. ZOA-09-04)

Council Bill 25-2009 was introduced on first reading by Mrs. Sang.

Motion by Mrs. Sang to approve Council Bill 25-2009 on first reading, order it published, public hearing set for Monday, September 28, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Stites; carried 7-1 with Council Member Berry voting No.

4. Council Bill 26-2009 – An Ordinance repealing and reenacting Section 26-501 of the Wheat Ridge Code of Laws concerning Off-Street Parking and Loading. (Case No. ZOA-09-03)

Council Bill 26-2009 was introduced on first reading by Mrs. Sang.

Motion by Mrs. Sang to approve Council Bill 26-2009 on first reading, order it published, public hearing set for Monday, September 28, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect upon adoption; seconded by Mrs. Langworthy; carried 8-0.

**DECISIONS, RESOLUTIONS, AND MOTIONS**

5. Motion by Mr. Stites directing the City Attorney to prepare an Ordinance amending Ordinance 1446, Series of 2009, concerning the July 20, 2009 Storm Building Permit Fee Rebate Program, to delete the condition that the program is subject to an appropriation; seconded by Mr. Womble; carried 7-1 with Council Member Berry voting No.
6. An Emergency Ordinance imposing a temporary moratorium on the submission, acceptance, processing, and approval of any application for a City of Wheat Ridge permit or license related to the operation of a business that sells or cultivates medical marijuana pursuant to the authority granted by Article 18, Section 14 of the Colorado Constitution; Directing the prompt investigation of the City's regulatory authority over such businesses; Declaring the intention of the City Council to consider the adoption of appropriate City regulations with respect to such businesses if permitted by law; and declaring an emergency

City Clerk Michael Snow assigned Ordinance No. 1453.

Motion by Mrs. Sang to approve Ordinance 1453 and that it take affect immediately upon adoption; seconded by Mr. Womble; carried 8-0.

**CITY ATTORNEY'S MATTERS**

Mr. Dahl briefed the Council on a letter of response (amended to this packet) from Wheat Ridge 2020 to Council's request for a Quit Claim Deed on the property at 7150 W. 38<sup>th</sup> Avenue. The letter indicated an encumbrance currently exists on the property and that they had been approached by a potential buyer for which they would like the City to grant an additional 60 days in order to determine if a contract is likely. Based on the encumbrance indicated on the property, a Special Warrantee Deed would be required instead in order to release the property from such encumbrance.

**ELECTED OFFICIALS' MATTERS**

Clerk Michael Snow provided Wheat Ridge voter information on the upcoming election and Charter Change Ballot Questions:

- Ballot Question information may be found on the City's website, [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us) by clicking the *Quick Link* to the Elections page.
- This is an all-mail ballot Election.
- Ballots will be mailed to "Active" voters in mid-October; registered voters that did not vote in last year's General Election are no longer Active and must request of the Clerk their ballots be sent.
- Last day to register to Vote is October 5, 2009; contact the City Clerk's Office for information.

The Wheat Ridge Wines and Dines event takes place this year at Copperfields Events Center on September 24, 2009. Tickets are \$25. For information see the City of Wheat Ridge or Wheat Ridge 2020 websites.

Motion by Mrs. Adams to invite representatives from Wheat Ridge 2020 to the Study Session on September 21<sup>st</sup>, 2009 to discuss the issues surrounding the 38<sup>th</sup> Avenue property; seconded by Mrs. Rotola.

Mr. Womble Called the Question; seconded by Mrs. Sang; failed 4-4 with Council Members Rotola, Berry, Adams and Stites voting No and Council Members Sang, Langworthy, Womble, and Gokey voting Yes; Mayor DiTullio voted No.

Substitute Motion by Mr. Gokey to direct the City Attorney to move forward with the Special Warrantee Deed returning ownership of the property at 7150 W. 38<sup>th</sup> Avenue to the City of Wheat Ridge; seconded by Mr. Womble; Motion to substitute carried 5-3 with Council Members Rotola, Berry and Adams voting No.

Substitute Motion by Mr. Gokey carried 5-3 with Council Members Berry, Adams and Rotola voting No.

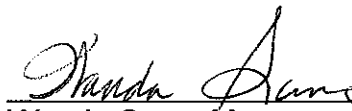
Mayor DiTullio thanked Wheat Ridge United Neighborhoods for their work in presenting an Election Forum for many years in the past and thanked Enterprise Wheat Ridge for putting it on this year. This year's Forum will be rebroadcast multiple times on Government Access Cable Channel 8.

Meeting adjourned at 7:55p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON SEPTEMBER 28, 2009 BY A VOTE OF 7 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.