

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

February 22, 2010

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Karen Berry, Joseph DeMott, Joyce Jay, Tracy Langworthy, Davis Reinhart, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Manager, Randy Young; Deputy City Manager, Patrick Goff; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Police Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Assistant to the City Manager, Heather Geyer; staff; and interested citizens.

APPROVAL OF MINUTES OF February 8, 2010

Motion by Mr. Stites to approve the Minutes of February 8, 2010; seconded by Mrs. Langworthy; carried 8-0.

CITIZENS' RIGHT TO SPEAK

Kyle Walpole announced he has requested the Jefferson County District Attorney's office conduct an investigation into what he believes is gross misconduct by the Wheat Ridge Police Department.

Gene Shirley asserts that this Council is not acting responsibly with taxpayers' money and is concerned for the City's budget. He doesn't approve of Council Members going to Washington, DC every year and asked Council Members directly if they are going to the National League of Cities Conference this year. He requested Council remove the budget item for these expenses completely.

Jan Hopkins, of Colorado Stepping out For Kids, spoke of the organization's services to provide clothing supplies for needy children in the Wheat Ridge Area. They will provide 50 children in Wheat Ridge with vital clothing supplies this year. She thanked the Council for the generous support provided to the organization this year as they continue to provide these services in the City.

1. **CONSENT AGENDA**

- A. Motion to approve Award of ITB-10-06 2010, Crack Seal Project, to Coatings, Inc., Arvada, Colorado, in the amount of \$81,051 with a 10% contingency of \$8,105 for a total contract award of \$89,156.
- B. Motion approving Murray Dahl Kuechenmeister & Renaud LLP January 31, 2010 Invoices for Attorney Services in the amount of \$16,401.17.
- C. Motion to approve payment to Denver Regional Council of Governments in the amount of \$18,720 from Acct. No. 01-122-700-704 for 2010 Contract Elevator/Escalator Inspections.

- D. Resolution 11-2010 – amending the Fiscal Year 2010 General Fund Budget to reflect the approval of a supplemental budget appropriation for additional Contract Building Inspections related to damage from the July 20, 2009 storm to Code Consultants International in the amount of \$20,000.

Consent Agenda was introduced and read by Mrs. Langworthy.

Motion by Mrs. Langworthy for approval of the Consent Agenda; seconded by Mr. Stites; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution 13-2010 – considering a Special Use Permit to allow a Day Care for up to 60 children as an ancillary use to a church in a Residential-One (R-1) Zone District. (SUP-09-03 – Wellspring Bible Church)

Mayor DiTullio opened the public hearing.

Resolution 13-2010 was introduced by Mr. Reinhart.

Ken Johnstone presented the staff report (*PowerPoint amended to this packet*).

Steve Gay, pastor of the Wellspring Bible Church, spoke to the church's desire to provide cost-effective care at a discount cost. The previous childcare program provided care to homeless families, which, admittedly, was detrimental to the community. This kind of impact will be minimal with this new program. He believes bringing these services to the neighborhood will positively affect home values by providing a service that is badly needed today and more-so as more new families move to the area. Mr. Gay shared their plan to mitigate all the potential impacts to the neighborhood, including traffic patterns, parking, noise, and vandalism.

Kelly Hagen is director of the Child Care services program being proposed. She believes many child-care facilities have shut down, further inconveniencing families needing these services. Many families will not be able to obtain community funded childcare services due to public funding cut-backs. By offering lower child/teacher ratios than is the standard in the industry many new families moving to Wheat Ridge will benefit from quality child care through this program.

Jane Jones owns property adjacent to the church property and opposes this proposal because of the potential traffic and noise impacts.

Michael Cory also lives near the church and opposes this proposed use because the level of traffic it will create is not conducive to a quality environment in the neighborhood.

Erica Harvey opposes the childcare facility because of the potential parking, traffic, noise and crime impacts.

Kevin Bryan lives next door to the church. He has concerns in that the group that occupied the building previously caused some roof damages that were never fixed. When the previous

day-care was there, the kids would climb over the fence from the church property into his, where he has a dog. He is concerned that there may be liability issues to him. He also has concerns for the traffic levels – on Sunday speeding cars visiting the church are already a problem.

Nat Hagerman believes there may have been dumping of toxic chemicals by previous users of adjacent properties. He believes that, for the sake of public safety, the property should be inspected before being used for children.

Mayor DiTullio closed the public hearing.

Motion by Mr. Reinhart to approve case number SUP-09-03, a special use permit application requesting approval of a daycare center, approving that daycare center for up to 30 children, thereby satisfying four of the seven objections specified in the Staff report; seconded by Ms. Berry; failed 3-5 with Council Members Berry, Adams and Reinhart voting Yes.

Motion by Mrs. Sang to adopt Resolution 13-2010, Case No. SUP-09-03, **denying** a Special Use Permit application, for the following reasons:

1. The applicant is requesting a child care facility that is not associated or ancillary to the church use.
2. Stand alone daycare centers in any residential zone district are prohibited by City Code.
3. The special use may create adverse impacts greater than allowed under existing zoning for the property.
4. There could be a significant impact to adjacent property owners.
5. The request may negatively impact the character and residential nature of the neighborhood.
6. The request compromises the safety and convenience of the people in the area already using the adjacent streets due to an increase of vehicle trips per day on local streets.
7. The request will increase the intensity of the use on the property as the church currently is unused during the day.
8. There were objections regarding the request during the 10-day posting period;

Seconded by Mr. Stites; carried 5-3 with Council Members Berry, Adams and Reinhart voting No.

ORDINANCES ON FIRST READING

3. Council Bill 03-2010 – An Ordinance extending the Moratorium enacted by Section 2 of Ordinance 1453, Series 2009, 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 or cooperative that sells or cultivates Medical Marijuana pursuant to the Authority granted by Article XVIII, Section 14, of the Colorado Constitution.

Council Bill 03-2010 was introduced on first reading by Mrs. Jay.

Motion by Mrs. Jay to approve Council Bill 03-2010 on first reading, order it published, public hearing set for Monday, March 8, 2010 at 7:00 p.m. in the City Council Chambers, and that it take effect upon adoption; seconded by Mrs. Sang; carried 7-1 with Mr. DeMott voting No.

DECISIONS, RESOLUTIONS, AND MOTIONS

4. Resolution 12-2010 – concerning expenditure of the City's 2007, 2008, 2009, and 2010 Jurisdictional Allocation of Federal Community Development Block Grant Funds (CDBG), and acceptance of and authorization to expend 2008 Jefferson County CDBG Economic Development Funds.

Resolution 12-2010 was introduced by Mr. Stites.

Motion by Mr. Stites to approve Resolution 12-2010; seconded by Mrs. Sang;

Bob Timm of the Senior Resource Center spoke to the services afforded to Wheat Ridge residents through supportive donations such as what is provided by the City. He emphasized the impact of transportation needs for older residents and the importance to continue providing these services so residents may reach their shopping and medical transportation needs.

Motion carried 8-0.

5. Motion to approve appointments to various Boards and Commissions.

DISTRICT I

Motion by Ms. Berry to appoint:

Joelle Hedden to the Animal Welfare & Control Commission, term ending 3/2/13.

Betty Jo Page to the Board of Adjustment, term ending 3/2/13.

Jesse Hill to the Building Code Advisory Board, term ending 3/2/13.

Joseph Jesik to the Parks & Recreation Commission, term ending 3/2/13.

Alan Bucknam to the Planning Commission, term ending 3/2/13.

Robert Alldredge to the Liquor Licensing Authority, term ending 3/2/13.

Seconded by Mr. Reinhart; carried 8-0.

DISTRICT II

Motion by Mrs. Jay to appoint:

Ryan Fisher to the Board of Adjustment, term ending 3/2/13.

Phillip Plummer to the Building Code Advisory Board, term ending 3/2/13.

Dean Gokey to the Planning Commission, term ending 3/2/13.

Frank Sanzalone to the Liquor Licensing Authority, term ending 3/2/13.

Chad Harr to the Cultural Commission, term ending 3/2/12

Milly Nadler to the Cultural Commission, term ending 3/2/11.

Seconded by Mrs. Sang; carried 8-0.

DISTRICT III

Motion by Mrs. Adams to appoint:

Ralph Santangelo to the Building Code Advisory Board, term ending 3/2/13.

Richard Matthews to the Planning Commission, term ending 3/2/13.

George Pond to the Planning Commission, term ending 3/2/12.

John Miks to the Liquor Licensing Authority, term ending 3/2/13.

Loretta DiTirro to the Cultural Commission, term ending 3/2/11.

Seconded by Mr. Stites; carried 8-0.

DISTRICT IV

Motion by Mrs. Langworthy to appoint:

Robert Hance to the Animal Welfare & Control Commission, term ending 3/2/13.

Anthony Davia to the Liquor Authority, term ending 3/2/13.

Larry Brewer to the Building Code Advisory Board, term ending 3/2/11.

Seconded by Mr. DeMott; carried 8-0.

6. Ratification of the Mayoral Appointments to the Wheat Ridge Foundation.

Motion by Mr. DeMott to ratify the Mayoral re-appointments of ***Curtis Gilmore, Tom Ripp*** and ***David Petersen*** to the Wheat Ridge Foundation; terms to expire March 2, 2013; seconded by Mr. Reinhart; carried 8-0.

7. Ratification of the Mayoral Appointments to the Wheat Ridge Housing Authority.

Motion by Mr. DeMott to ratify the Mayoral re-appointment of ***Janice Thompson*** to the Wheat Ridge Housing Authority representing District IV; term to expire March 2, 2015; seconded by Mr. Reinhart; carried 8-0.

ELECTED OFFICIALS' MATTERS

Mrs. Jay announced she is paying her own way to attend the National League of Cities conference for the City of Wheat Ridge.

Motion by Mr. Reinhart to postpone the March 15, 2010 Study Session to March 29, 2010; seconded by Mrs. Adams; carried 5-3 with Council Members DeMott, Stites and Sang voting No.

Mr. Stites will not be attending the NLC conference.

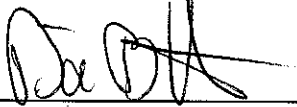
Ms. Berry will be attending the NLC conference this year to converse with legislators and lobby for funding of local Wheat Ridge projects. Wheat Ridge received no funding in the ARRA stimulus plan and is not eligible unless the City lobbies congress directly for this support.

Meeting adjourned at 8:42p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON MARCH 8, 2010 BY A VOTE OF 8 to 0



Davis Reinhart, 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.