

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

February 28, 2011

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Joseph DeMott, Karen Berry, Joyce Jay, Davis Reinhart, Tracy Langworthy, Wanda Sang and Mike Stites. Also present: City Clerk, Michael Snow; City Manager, Patrick Goff; City Attorney, Gerald Dahl; Administrative Services Director, Heather Geyer; Police Chief, Dan Brennan; Community Development Director, Kenneth Johnstone; Economic Development Manager, Steve Art; Senior Planner, Meredith Reckert; staff and interested citizens.

Council Member Adams was absent.

APPROVAL OF MINUTES OF February 14, 2011

Motion by Mrs. Sang for approval of the Minutes of February 14, 2011; seconded by Mr. Stites; carried 7-0.

CITIZENS' RIGHT TO SPEAK

Karen Thaler announced she will be competing again this weekend for the Mrs. Colorado pageant representing the City of Wheat Ridge. The event starts Thursday at 7:00pm at the Sheraton Hotel on 6th Avenue and Union Street. Tickets are \$20 to attend. Finals are Saturday evening, March 2nd, 7:00pm at the Temple Buell Theater in downtown Denver. Tickets are \$25 and the doors open at 6:00pm.

Britta Fisher thanked Council on behalf of Wheat Ridge 2020 for funding the low interest loan program for both business and home loans of which several applications have been received in just the last two weeks. Mrs. Fisher reminded business owners on 38th Avenue between Sheridan and Wadsworth and homeowners between Sheridan and Wadsworth to inquire about loan programs. Information is available on their website: www.wheatridge2020.org. There is also an open house for the Neighborhood Stabilization Program at the 5th completed home, located at 3355 Ames Street. The open house is Wednesday, March 2nd from 4:30 to 6:30pm.

Approval of the Agenda

Council agreed by unanimous consent to remove Item 7 from tonight's agenda.

ORDINANCES ON SECOND READING

Item 1. Council Bill 04-2011 – An Ordinance amending Section 13-6 (D) of the Wheat Ridge Code of Laws concerning Penalty Assessment Fines for Excess Vehicle Weight Violations.

Mayor DiTullio opened the public hearing.

Council Bill 04-2011 was introduced on second reading by Mrs. Sang. City Clerk Michael Snow assigned Ordinance No. 1477.

Chief Brennan summarized the conditions and justification for revising the City's fine schedule.

No Citizens were present to speak on the issue.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 04-2011 (Ordinance 1477) on second reading and that it take effect 15 days after final publication; seconded by Mr. Stites; carried 7-0.

Item 2. Council Bill 05-2011 – An Ordinance amending Section 2-59 of the Wheat Ridge Code of Laws, concerning the Membership and Powers of the Building Code Advisory Board.

Mayor DiTullio opened the public hearing.

Council Bill 05-2011 was introduced on second reading by Mr. Reinhart. City Clerk Michael Snow assigned Ordinance No. 1478.

Nancy Snow asked why the Ordinance indicates the ability to waive the International Building Code (IBC) but not the International Residential Code (IRC). Mrs. Snow's main concern is on decisions regarding handicap accessibility. The Federal government and/or the State of Colorado would take issue with builders not meeting requirements and yet the City is not upholding those requirements. She is concerned that applicants will be asking for waivers on handicap requirements that are strictly required in federal law. If so, Mrs. Snow asked whether staff will be able to provide advice to the Board on the legal requirements of the American with Disabilities Act. Paragraph D of the Ordinance states: "the Board shall not have the authority to recommend decreasing

public safety.” Mrs. Snow would like to see an amendment to that including handicap accessibility.

Mayor DiTullio closed the public hearing.

Motion by Mr. Reinhart approve Council Bill 05-2011 (Ordinance 1478) on second reading and that it take effect 15 days after final publication, striking Paragraph (h); seconded by Mr. Stites; carried 7-0 as amended.

ORDINANCES ON FIRST READING

Item 3. Council Bill 06-2011 – An Ordinance amending Article 11 of the Wheat Ridge Code of Laws by adding a new Article XII concerning Medical Marijuana and making certain Amendments to Chapter 26 (Zoning and Development) in Association therewith.

Motion by Mr. DeMott to approve Council Bill No. 06-2011 on first reading, order it published, public hearing set for Monday, March 14, 2011 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication;

I further move to amend Council Bill 06-2011 to add the following sentence to Section 11-24: Medical marijuana establishments that are in existence as of the effective date of this section must submit an application for a medical marijuana application license within 30 days of that effective date; seconded by Mrs. Langworthy; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

Item 4. Resolution 07-2011 – A Resolution approving a Planned Industrial Development Final Development Plan Amendment and a Three – Lot Re-Subdivision Plat on Property Located at 5130 Parfet St. (Case Nos. WZ-10-08 and MS-10-04/Hoss Electric).

Mayor DiTullio opened the Public Hearing

Resolution 07-2011 was introduced by Mrs. Langworthy.

Mrs. Reckert provided the Staff summary report.

David Hoss, applicant, responded to Council questions, affirming his agreement to the conditions stipulated in the Final Development Plan. Mr. Hoss also affirmed that all trailers had been removed from the property at the time of this hearing.

Motion by Mrs. Langworthy to approve Resolution 07-2011; for the following reasons:

1. The Final Development Plan is consistent with the standards set forth in the approved Outline Development Plan for the site.

2. All requirements for a PID Final Development Plan have been met.
3. All requirements of the subdivision regulations have been met.

With the following conditions:

1. All improvements on the revised Final Development Plan must be in place no later than six months after City Council approval

Seconded by Mr. DeMott; carried 7-0.

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

District IV;

Motion by Mr. DeMott to approve the following appointments to **District IV** Boards and Commissions:

Paul Hovland to Board of Adjustments; Term ending March 2, 2014
Liz Veeder to Parks and Recreation Commission; Term ending March 2, 2014
Valda Pancoast to Cultural Arts Commission; Term ending March 2, 2014
Tracy Guildner to Liquor Authority Board; Term ending March 2, 2012

Seconded by Mrs. Langworthy; Motion Carried 7 -0

Motion by Mrs. Jay to approve the following appointments to **District II** Boards and Commissions:

Lily Griego to Board of Adjustment; Term ending March 2, 2014
Patricia Ennis to Parks and Recreation Commission; Term ending March 2, 2014
Steve Timms to Planning Commission; Term ending March 2, 2014
Milly Nadler to Cultural Arts Commission; Term ending March 2, 2014

Seconded by Mrs. Sang; Motion Carried 7- 0

Motion by Mrs. Berry to approve the following appointments to **District I** Boards and Commissions:

Diane Robb to Cultural Arts Commission; Term ending March 2, 2014

Seconded by Mr. Reinhart; Motion Carried 7- 0

Motion by Mr. Stites to approve the following appointments to **District III** Boards and Commissions:

Virginia Petty to Animal Control Commission; Term ending March 2, 2014
Louise Turner to Animal Control Commission; Term ending March 2, 2014
Thomas Abbott to Board of Adjustment; Term ending March 2, 2014
Kathy Koniz to Parks and Recreation Commission; Term ending March 2, 2014
Loretta DiTirro to Cultural Arts Commission; Term ending March 2, 2014

Seconded by Mrs. Langworthy; Motion Carried 7 - 0

Item 6. Motion to Ratify Mayoral Appointment to Wheat Ridge Housing Authority.

Motion by Mrs. Langworthy to ratify the Mayoral Appointment of Joseph DeMott to Wheat Ridge Housing Authority, term to expire March 2, 2016; seconded by Mr. Stites; carried 7-0.

Item 7. Removed from the agenda by unanimous consent.

Item 8. Motion by Mrs. Jay to approve payment to the Denver Regional Council of Governments (DRCOG) in the amount of \$21,780 for 2011 Inspection of Conveyances (Elevators) within the City of Wheat Ridge per the Approved Intergovernmental Agreement; seconded by Mrs. Sang; carried 7-0.

Item 9. Motion by Mr. Reinhart to award ITB-10-27 for Wadsworth Boulevard Median Improvement to Goodland Construction, Golden, CO in the amount of \$65,883.50; seconded by Mr. Stites and Mrs. Sang; carried 7-0.

ELECTED OFFICIALS' MATTERS

City Clerk Snow informed the Council regarding the upcoming redistricting that the 2010 Federal Census data became available this week. Staff will compile the data and if it can be summarized in time it will be discussed at the March 7th Study Session in order to have the first reading of the ordinance on March 14th and the second reading March 28th.

Mr. Reinhart expressed his pleasure with passing the Building Code ordinance this evening and believes it is a positive step in a series of actions to make all departments as open to businesses in the City.

Mrs. Langworthy welcomed the MCPN but was unable to attend their meeting due to illness and hopes everything goes well for them.

Mr. Stites noted several pieces of furniture being dumped on street corners in locations throughout the City. He requested those doing this to stop and asked staff to pick up and dispose of such items if seen by staff that patrols the City.

Mayor DiTullio thanked Mr. Reinhart, Mr. Stites, Mr. Goff, Mr. Johnstone and all the Council for addressing the issues with the public policy issues in regards to the Building Code Ordinance. Thanked Mrs. Langworthy and other Council members who attended the Live Well Wheat Ridge event. Parents of 3rd through 10th graders in Jefferson County remember that this week is CSAP testing and asked parents to take time to prepare students for testing and to assure they are in attendance during testing dates. Thanked those that have donated to the public art project at Discovery Park and is

excited that the funding strictly through donations has paid for the entire project and they are only a few thousand dollars short of completing the funding of the project.

The Building Department has laserfiched building permits and other documents in an effort to reduce records storage. These documents are available on the internet through the City website. These are public documents and that the City is strictly required under Colorado Open Records Act to keep such documents open to the public, most of which are accessible via the internet on the City's digital archive. Having documents on the internet allows a person to Google someone's name and through these documents find out their address and such. The City is not required to place items on the internet which leads to question of what should and shouldn't be on the internet. Council agreed to consider discussing the City's internet record accessibility policies and practices at a future Study Sessions.

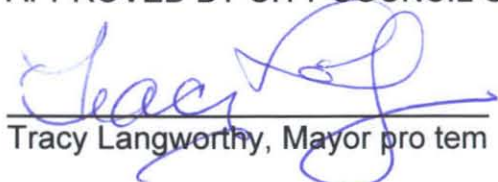
Thanks to Mayor Bob Murphy from Lakewood, Carol from Lakewood and Janice Smothers for all their hard work in putting together Leadership Jefferson County day at the Wheat Ridge Recreation Center and City Hall.

Meeting adjourned at 7:30p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON March 14, 2011 BY A VOTE OF 6 to 0



Tracy Langworthy, 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.