

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

May 9, 2011

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

APPROVAL OF MINUTES OF April 25, 2011

Motion by Mrs. Adams for approval of the Minutes of April 25, 2011; seconded by Mr. Stites; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Recognition of Wheat Ridge 2020 Planning Academy graduates were presented by Mayor DiTullio, Wheat Ridge 2020 Executive Director Britta Fisher, and Director of Real Estate Development Denise Balkas to:

Angela Montgomery
Brad Sandler
Brian DeLaet
Chad Mitchell
Christian Tompson
Holly Heaton
Jerry Roach
Megan Aller
Milly Nadler
Peter Marks
Russ Hedden
Sheila Elliott

Proclamation for Mental Health Month was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge Karen Thaler. Chris Huser, Julie DiTullio and Paul Barnett from Jefferson Center for Mental Health received the proclamation. Mr. Barnett spoke on the extent of services provided by the organization in the county. Mr. Huser gave details of the amount of referrals that the Center has been receiving and discussed how these numbers are increasing each year.

Proclamation in support of Wheat Ridge High School Charity Concert was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge Karen Thaler. Natalie Fedak of the Student Senate and Mike Schmidt, a teacher at Wheat Ridge High School were present to accept the proclamation. Mr. Schmidt complimented Natalie for accepting the challenge of helping others and doing so on a global scale with this project for the children of Guatemala.

Proclamation for Emergency Medical Services Week was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge Karen Thaler. David Patterson with Pridemark Paramedics, Wheat Ridge Fire Assistant Chief Bob Dowling, and Police Chief Dan Brennan received the proclamation. Chief Dowling invited all to attend a Fire Department Open house Sunday May 15, 2011 from 9:00 am until 12:00 pm at Wheat Ridge Fire District Station 1 at 3830 Upham Street.

Proclamation for National Police Week was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge Karen Thaler. Police Chief Dan Brennan received the proclamation and briefly discussed last Friday when he was at the State commemoration of Law Enforcement Officer's Week. At the event six officers names were added to the memorial that had been killed in the line of duty. These officers that were honored were from the most recent deputy from Weld County killed in 2010 to other officers, marshals, and sheriffs in recent years.

CITIZENS' RIGHT TO SPEAK

Larry Schulz announced his desire and intent to run for re-election to the office of City Treasurer in November, 2011. Mr. Schulz indicated his goals as Treasurer, should he be re-elected, including an online program to ease the burden of local businesses in managing City sales taxes and another that would enhance the transparency of city expenditures.

Britta Fisher, Executive Director of Wheat Ridge 2020 thanked Mayor DiTullio and City Council for supporting the Wheat Ridge Planning and Development Academy program, which has now graduated over 90 participants to date. The next public meeting to discuss street options for the 38th Avenue Revitalization Program is Tuesday, May 17, 2011 from 6:30 pm to 8:30 pm at Wheat Ridge Middle School. Mrs. Fisher also announced the next Live Local event taking place Thursday, May 12th from 6:00 pm to 9:00 pm at Wheat Ridge Lanes.

APPROVAL OF AGENDA

By unanimous consent of Council, the agenda is amended to move Item 8 – Resolution 11-2011 to be heard under Public Hearings, as Item 5.

1. **CONSENT AGENDA**

- A. Motion to approve the annual renewal for the licensing and support of the Shoretel Telecommunications System in the amount of \$16,405 payable to OCX.
- B. Motion to approve the annual support and licensing renewal for the Cartegraph System in the amount of \$41,301 payable to Cartegraph, Inc.

Consent Agenda was introduced and read by Mrs. Langworthy.

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

ORDINANCES ON SECOND READING

- 2. Council Bill 16-2011 – amending Chapter 2, Article I, of the Wheat Ridge Code of Laws authorizing the City to contract for collection of outstanding debts due to the City.

Mayor DiTullio opened the public hearing.

Council Bill 16-2011 was introduced on second reading by Mrs. Jay. City Clerk Michael Snow assigned Ordinance No. 1489.

No staff presentation was provided.

No citizens were present to speak.

Mayor DiTullio closed the public meeting.

Motion by Mrs. Jay to approve Council Bill 16-2011 (Ordinance 1489) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

- 3. Council Bill 15-2011 – temporarily waiving the City's Two-Cent Sales Tax within the Boundaries of the Longs Peak Metropolitan District. (Public Hearing continued from April 25, 2011)

Mr. Stites read the executive summary of Council Bill 15-2011.

Motion by Mr. Stites to continue the hearing of Council Bill 15-2011, Series 2011 temporarily waiving the City's Two-Cent Sales Tax within the Boundaries of the Longs Peak Metropolitan District until May 23, 2011 at 7:00 p.m. in the City Council Chambers; seconded by Mr. Adams; carried 8-0.

4. Consideration of 1) A motion establishing a Business Development Zone to be known as Reglera Business Development Zone and 2) approving an agreement to participate in said zone in conjunction therewith.

Mayor DiTullio opened the public hearing.

The Motion was introduced by Mr. DeMott.

No staff presentation was provided.

No citizens were present to speak on this item.

Mayor DiTullio closed the public meeting.

Motion by Mr. DeMott to designate the property located at 11925 West I-70 Frontage Road, Wheat Ridge, CO 80033 a Business Development Zone pursuant to Code Section 22, Division 5; seconded by Mrs. Langworthy; carried 8-0.

Motion by Mr. DeMott to approve an Agreement to Participate with Reglera LLC under the terms of the City's Business Development Zone Program and set the amount of the refund of the eligible use taxes at 50% percent; seconded by Mrs. Langworthy; carried 8-0.

5. Resolution 11-2011 – A Resolution approving a 15-Lot Subdivision Plat on property zoned Planned Commercial Development located at 4000 Cabela Drive and 4105 Youngfield Service Road. (Case No. WS-11-01/Clear Creek Crossing) *(Moved from Decisions, Resolutions, and Motions per Council unanimous consent)*

Mayor DiTullio opened the public hearing.

Resolution 11-2011 was introduced by Mr. Stites.

Mrs. Reckert, Senior Planner, presented the staff report.

Laurie Baker spoke on behalf of Cabela's. Ms. Baker requested Council approve the subdivision plat which will add 33 acres into the Clear Creek Crossing project area. They are also reconfiguring the lots which will make it a total of 15 lots and 5 tracts. There will be a realignment of West 40th Avenue and Cabela Drive and the addition of Clear Creek Drive.

John Moore with Martin and Martin Consulting Engineers spoke about the reconfiguration of the roadways proposed in this plat.

Ted Heyd requested Council request the applicant provide a provision of service for RTD services to the area before a certificate of occupancy is granted on this development. He asked Council to consider pursuing further talks regarding RTD prior to completion of the project. Mr. Heyd also reviewed the positive developments Wheat Ridge has made to enhance the public health through healthy eating and active living.

Dr. William Gillaspie, a family practice physician at Kaiser Wheat Ridge office on Ward Road north of I-70 asked Council to promote physical activities and health at the Clear Creek Crossing center. Dr. Gillaspie felt this could be achieved with trails and walkways that provide walkability and design friendly spaces for those using the area for physical activity. He stated support for the project from Kaiser Permanente.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Resolution 11-2011 for the following reasons:

1. All requirements of Article IV of the zoning and development code have been met.
2. It will facilitate the new development scenario for the property.
3. Planning Commission recommends approval.

With the following conditions:

1. A note identifying the use of Tracts B, C and D must be added.
2. The easement note on sheet 1 be modified to indicate that 10' easements are hereby dedicated around the perimeter of lots, tracts, parcels and/or open space areas.
3. Public Works' comments be addressed prior to plat recordation (Exhibit 4 of Planning Commission staff report).
4. The 60-foot wide ingress/egress easement across Block 1, Lot 2 be re-established as previously shown.
5. A subdivision improvements agreement shall be executed for those matters not addressed in the Intergovernmental Agreement with the Longs Peak Metropolitan District.

Seconded by Mrs. Adams; carried 8-0.

ORDINANCES ON FIRST READING

6. Council Bill 17-2011 – amending Chapter 26 to support Urban Agricultural uses and activities.

Council Bill 17-2011 was introduced on first reading by Ms. Berry.

Motion by Ms. Berry to approve Council Bill No. 17-2011, on first reading, order it published, public hearing set for Monday, May 23rd at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication, with the following amendment:

- That urban gardens on residentially-zoned lots where the primary use is a single- or two-family home be subject to the Site Plan Review Process, rather than the Special Use Permit Process.

Seconded by Mrs. Langworthy and Mr. Reinhart; carried 8-0.

7. Council Bill 18-2011 – adopting amendments to the 2006 International Building Code, as previously adopted by reference, concerning conveyance requirements and certain referenced standards.

Council Bill 18-2011 was introduced on first reading by Mr. Reinhart.

Motion by Mr. Reinhart to approve Council Bill No. 18-2011, on first reading, order it published, public hearing set for Monday, May 23rd at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 8-0.

8. Council Bill 19-2011 – amending Section 15-4 of the Wheat Ridge Code of Laws to define “Landscaping” for nuisance enforcement purposes.

Council Bill 19-2011 was introduced on first reading by Mrs. Langworthy.

Motion by Mrs. Langworthy to approve Council Bill No. 19-2011, on first reading, order it published, public hearing set for Monday, May 23rd at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Jay; carried 8-0.

ELECTED OFFICIALS' MATTERS

Mr. Snow announced information regarding the November 1, 2011 election. One Council Seat in each District is up for election, as well as the office of City Clerk and City Treasurer. The following are important dates for potential candidates:

- **July 7, 2011 at 7:00 pm** in the City Council Chambers, the City Clerk will hold a Potential Candidates Forum for all citizens, candidates and campaign officers.

Important legal requirements for candidates and campaign finance information will be discussed.

- **August 2nd – August 22nd** is the time period when potential candidates must collect the required petition signatures in order to be eligible to be on the ballot. Petitions may be picked up at the City Clerk's office beginning 8:00am, August 2nd and must be returned by 5:00pm, August 22nd. Petitions must have 25 signatures of registered eligible electors.
- **August 25, 2011 at 6:30 pm** in the City Hall Lobby Conference Room will be further candidate training and lot drawings for name placement on the ballot.

Mrs. Langworthy reconfirmed the Fire Department Open house as actually taking place on Saturday May 14, 2011 from 9:00 am until 12:00 pm at Wheat Ridge Fire District Station 1 at 3830 Upham Street.

Mrs. Langworthy and Mrs. Adams thanked the Police Department for the success of the Child Safety Day. Mrs. Adams listed the contributors which included Wheat Ridge Police Department, Wheat Ridge Fire Department, Wheat Ridge 2020, Wheat Ridge Cyclery, Wheat Ridge FOP Lodge 24, Colorado Department of Transportation, 1st Bank, Exempla Lutheran Medical Center, Hispanidad, and Servicios de la Raza.

Mrs. Adams announced the "Hooked on Fishing" event on Tuesday, June 7th from 8:00 until 12:00 pm for young adults and children. Contact Community Services Supervisor Mary McKenna at 303-235-2998 for details.

Ms. Berry stated it is public employee's week and complimented the dedicated employees who provide exceptional services to the citizens.

Ms. Berry spoke about Sustainable Wheat Ridge, a citizens group that is trying to promote recycling in the City. Their next meeting is Tuesday May 10th, at 6:45 pm at the Active Adult Center where they'll discuss an e-waste event scheduled for September.

Ms. Berry represents the City of Wheat Ridge at the Colorado Municipal League Policy Committee. The committee is having a meeting this week and Ms. Berry invited Council members who might be interested to participate on the committee.

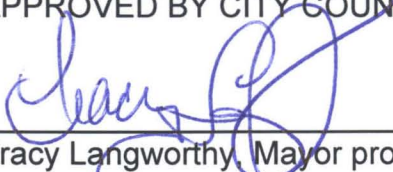
Mr. Reinhart thanked the Mayors office for sponsoring the City of Wheat Ridge team that is participating in Colfax Relay Marathon this Sunday.

Mayor DiTullio read into record an e-mail about 44th Avenue and Wadsworth Boulevard addressing rumors surrounding the redevelopment of the area. The facts are that 88 new workforce/affordable apartments will be built, the city has new and improved architectural design standards for these types of developments. He also contended that rentals are not the problem in Wheat Ridge, rather absentee landlords who do not take care of their property are the problem. This is the reason the Wheat Ridge Housing Authority was formed.

Meeting adjourned at 8:21p.m.


Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON May 23, 2011 BY A VOTE OF 7 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.