

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

May 23, 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, Tracy Langworthy, Wanda Sang and Mike Stites. Also present: Deputy City Clerk, Bruce Roome; City Treasurer, Larry Schulz; Public Works Director, Tim Paranto; City Attorney, Gerald Dahl; Administrative Services Director, Heather Geyer; Police Commander, Jim Lorentz; Senior Planner, Meredith Reckert; Planner, Sarah Showalter; Chief Building Official, John Schumacher; staff and interested citizens.

Council Member Davis Reinhart was absent

APPROVAL OF MINUTES OF May 9, 2011

Motion by Mrs. Adams for approval of the Minutes of May 9, 2011; seconded by Mr. Stites; carried 7-0.

PROCLAMATIONS AND CEREMONIES

Proclamation for "Brake for Bela" was read on behalf of Mayor DiTullio by Mrs. Wheat Ridge Karen Thaler.

Mayor DiTullio postponed the Colfax Marathon Relay Award until the June 13, 2011 meeting.

John Zabawa, President/CEO, and Kathleen Stapleton, Chair of the Board, of the Senior Resource Center, presented the 2011 Elected Official of the Year Award to Mayor DiTullio. On May 19th the Seniors Resource Center along with the Jefferson County Council on Aging celebrated the 13th Annual Senior Heroes Award. For these awards, eight seniors who have made significant contributions in the community through a variety of volunteer work are recognized. In addition, the center also recognizes the elected official of the year award which is a prestigious honor and one that is considered carefully. Per Mr. Zabawa, Mayor DiTullio personifies this as he has helped seniors in many different ways, including realizing the importance of transportation of seniors and helped to facilitate the Wheat Ridge senior circulator bus which transports those in need to doctors offices, the recreation center, etc. Mayor DiTullio also, along with City Council, supported the Senior Resource Centers efforts to expand its current facility in the City of Wheat Ridge.

CITIZENS' RIGHT TO SPEAK

Karen Thaler, thanked the Wheat Ridge Police Department for the Citizen's Police Academy which she graduated from last Wednesday. Ms. Thaler stated that the information offered during the program is very informative and expressed that the academy lasts twelve weeks and is open to residents of the City. Ms. Thaler recommended that residents also consider taking the City of Wheat Ridge Citizens Academy in the fall.

David Land, a Wheat Ridge 2020 board member and a participant in the 38th Ave stakeholders meetings announced that the meetings have been well attended with a variety of citizens and business owners. So far there have been two meetings with the third upcoming meeting on June 7th. The group has a vision statement and guiding principles in place, as well as, four corner stones to circle back to on every aspect of the project. These are identity, vitality, appeal, and mobility. Mr. Land stated that recent talks have focused on business retention, improving circulation from a pedestrian and automobile stand point, roadway design, and ways to calm traffic.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 17-2011 – amending Chapter 26 to support Urban Agricultural Uses and Activities.

Mayor DiTullio opened the public hearing.

Council Bill 17-2011 was introduced on second reading by Ms. Berry. Deputy City Clerk Bruce Roome assigned Ordinance No. 1491.

Ms. Showalter presented the staff report. The main purpose of the proposed code amendments is to support and clarify the farmer's markets, produce stands, community gardens, and community supported agriculture.

Ted Heyd, planning consultant for LiveWell Wheat Ridge. Mr. Heyd is glad to be part of the review process for this ordinance. He thanked City staff, the Planning Commission and City Council for getting to this point in the process of considering this code amendment. LiveWell Wheat Ridge supports the ordinance.

Jesse Hill, has had the pleasure over the last year to work with LiveWell Wheat Ridge. Mr. Hill supports the ordinance but would like to see an amendment removing language that states that produce sold at these stands needs to be grown on site. He feels this will lead to many unintended consequences and he has not seen much support in the community for that specific part of the bill.

John Lanterman, is involved in the Access to Fresh Fruits and Vegetables Task Force and is on the faculty at the University of Colorado, College of Architecture and Planning. Mr. Lanterman spoke in support of the ordinance and stated that more and more municipalities are considering urban agriculture which creates a sense of community and enhances economic activity.

Kim Calomino, from Wheat Ridge 2020 spoke in support of the ordinance. She believes if Council were to pass the ordinance the community will be seen as vibrant and further the City's historical ties.

Amanda Weaver, a farm owner and fruit and vegetable producer in Wheat Ridge, is in favor of the ordinance. She also teaches Urban Agriculture at the University of Colorado at Denver and agrees with Mr. Lanterman about how this is becoming a popular trend nation wide.

Amy DePierre, is also in favor of this zoning amendment. She and her husband are starting a community shared agriculture garden. She feels this will poise Wheat Ridge as a municipal model for urban agriculture for Denver, as well as, the Nation.

Mayor DiTullio closed the public meeting.

Motion by Ms. Berry to approve Council Bill 17-2011 (Ordinance 1491) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Langworthy;

Motion by Mr. Stites to amend the original motion as follows:

1. That the submittal requirement to Community Development for urban gardens is removed; and
2. That the site plan review process for urban gardens accessory to a single or two family home is removed.

Second by Mrs. Sang; motion carried 4-3 with Ms. Berry, Mrs. Jay and Mrs. Adams voting No.

Original motion, as amended, carried 5 -2 with Mr. DeMott and Mrs. Sang voting No.

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

Mayor DiTullio opened the public hearing.

Council Bill 18-2011 was introduced on second reading by Mr. Stites. Deputy City Clerk Bruce Roome assigned Ordinance No. 1492.

No staff presentation.

No citizens were present to speak.

Mayor DiTullio closed the public meeting.

Motion by Mr. Stites to approve Council Bill 18-2011 (Ordinance 1492) on second reading and that it take effect 15 days after final publication; seconded by Mr. DeMott; carried 7-0.

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

Mayor DiTullio opened the public hearing.

Council Bill 19-2011 was introduced on second reading by Mrs. Langworthy. Deputy City Clerk Bruce Roome assigned Ordinance No. 1493.

No staff presentation

No citizens were present to speak.

Mayor DiTullio closed the public meeting.

Motion by Mrs. Langworthy to approve Council Bill 19-2011 (Ordinance 1493) on second reading and that it take effect 15 days after final publication; seconded by Mr. Stites; carried 7-0.

4. 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)

Mayor DiTullio continued the public hearing.

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 June 13, 2011 at 7:00 p.m. in the City Council Chambers; seconded by Mrs. Jay and Mrs. Langworthy; carried 7-0.

ORDINANCES ON FIRST READING

5. Council Bill 20-2011 – amending Chapter 5 of the Code of Laws concerning the regulation of Hoop Houses.

Council Bill 20-2011 was introduced on first reading by Ms. Jay.

Motion by Mrs. Jay to approve Council Bill No. 20-2011, on first reading, order it published, public hearing set for Monday, June 13th at 7:00 p.m. in City Council Chambers. Seconded by Mrs. Sang; carried 7-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

6. Resolution 13-2011 – A Resolution approving a contract with the Urban Drainage and Flood Control District and the City of Arvada for the design, right-of-way acquisition and construction of drainage and Flood Control Improvements for the Ridge Road Tributary, downstream of Ward Road, along with amending the Fiscal Year 2011 Capital Investment Program Budget, and in connection therewith, approval of a Supplemental Budget Appropriation in the amount of \$50,000.

Resolution 13-2011 was introduced by Mr. DeMott.

Motion by Mr. DeMott to approve Resolution 13-2011; seconded by Mrs. Langworthy; carried 7-0.

7. Motion to award ITB-11-06, Wadsworth Boulevard Multi-Use Trail Project, to T & M Construction, Sedalia, Colorado in the amount of \$324,113.90

Motion by Ms. Berry to award ITB-11-06, Wadsworth Boulevard Multi-Use Trail Project, to T & M Construction, Sedalia, Colorado in the amount of \$324,113.90, and approve a contingency amount of \$64,823 and I further move that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$388,936.90; seconded by Mrs. Jay; carried 7-0.

8. Motion to approve payment of Murray Dahl Kuechenmeister & Renaud LLP April 2011 invoices for Legal Services in the amount of \$21,048.27

Motion by Mr. Stites to approve payment of Murray Dahl Kuechenmeister & Renaud LLP April 2011 invoices for Legal Services in the amount of \$21,048.27; seconded by Mrs. Sang; carried 7-0.

9. Motion to award RFB-11-21, for the purchase of a Street Sweeper, to OJ Watson, Denver, Colorado, at a total cost of \$157,300

Motion by Mrs. Langworthy to award RFB-11-21, for the purchase of a Street Sweeper, to OJ Watson, Denver, Colorado, at a total cost of \$157,300; seconded by Mrs. Jay;

Michael Ker, Intermountain Sweeper Company, 3881 Paris St. Denver, CO. Mr. Ker formally protested the awarded bid and stated that the accepted bid does not meet the criteria. The street sweeper that was selected is not listed as an acceptable brand. Mr. Ker stated that numerous specifications were not met by winning vendor. Per the City of Wheat Ridge Purchasing department rules he could not contact the Street department to demonstrate his product or ask questions. However, when he tried to contact the Purchasing department his needs were not met. His company, Intermountain Sweeper was the only company that met all of the minimum specifications. (Intermountain's letter of protest amended to this packet)

Mr. Paranto asked Council not to take any action on this motion until the June 13th meeting so he and his staff could review the complaint.

By unanimous consent of the Council the main motion made by Mrs. Langworthy and seconded by Mrs. Jay was withdrawn.

Motion by Mrs. Adams to postpone until the June 13th meeting in order to allow Public Works time to review; second by Mr. DeMott, carried 7-0

ELECTED OFFICIALS' MATTERS

Mr. DeMott stated that has received a lot of support from community regarding the Fruitdale School purchase by the Wheat Ridge Housing Authority and he wants to pass that along to the members of the Wheat Ridge Housing Authority and City staff, more specifically Ken Johnstone, Sally Payne, Kathy Field and City Attorney Jerry Dahl.

Mrs. Adams wanted all to be aware that Olinger Crown Hill Cemetery has a weekend of activities planned over the Memorial Day weekend and encouraged people to attend.

Ms. Berry, attended the DRCOG meeting on aging. They are providing free resources through their network of care to help with medical benefits, any prescription issues, assisted living recommendations, etc. DRCOG estimates that in the next ten to twenty years the City of Wheat Ridge will have the highest percentage of people over the age of 70 in the Denver Metro area. Ms. Berry would like to have a presentation to City Council by DRCOG at a study session, consensus by Council to have Ms. Berry arrange this.

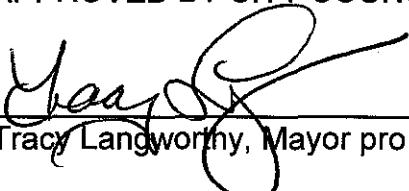
Mayor DiTullio thanked the Senior Resource Center for the unexpected award. The Wheat Ridge Senior Resource Center is located at 32nd and Chase and they have invested over \$7 million into their new building and the community. This is a great addition to the City of Wheat Ridge and anyone interested should go by and see it for themselves.

Meeting adjourned at 8:29 p.m.



Bruce Roome, Deputy City Clerk

APPROVED BY CITY COUNCIL ON June 13, 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.