

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

January 28, 2013

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.

## PLEDGE OF ALLEGIANCE

## ROLL CALL OF MEMBERS

Davis Reinhart	Bud Starker	Joyce Jay	Mike Stites
Joseph DeMott	Tracy Langworthy	George Pond	Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Police Chief, Dan Brennan; Treasurer, Larry Schulz; interested parties and interested citizens.

## APPROVAL OF MINUTES OF January 14, 2013

**Motion** by Mr. Stites for approval of the Minutes of January 14, 2013; seconded by Mr. Starker; carried 7-0, with Mr. Starker abstaining.

## PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read a notice about the construction at Crown Hill Park. The trail work will be completed soon. Plans for other improvements are on hold pending additional citizen input. To participate in a survey and receive email updates citizens are directed to email [crownhill@jeffco.us](mailto:crownhill@jeffco.us) and check the site frequently.

## CITIZENS' RIGHT TO SPEAK

Melanie Keene-Knaus from Rep. Ed Perlmutter's local office introduced herself. She said if anyone needs assistance or has questions to contact their office. They hope to schedule the congressman for a sit-down with City Council in the near future.

## APPROVAL OF THE AGENDA

**Motion** by Mrs. Langworthy to remove Item # 5 from the agenda; second by Mrs. Jay. There was some discussion and Mr. Dahl addressed the parliamentary procedure for reconsideration. Any councilmembers can put something on the agenda, but only a member of the prevailing side can make the actual motion to reconsider. If the motion to reconsider passes, all previous action is undone and Council returns to point of the close of the public hearing and can resume discussion and deliberation on the rezoning. There was a question about Mr. Starker's absence from the January 14<sup>th</sup> public hearing. Mr. DeMott explained that he wanted to add this to the agenda because he had things he didn't get a chance to say at the public hearing. Mr. Dahl asked Mr. Starker a series

of questions which confirmed that Mr. Starker had watched the video of the public hearing earlier in the day, had read the packet material, and believes he can render an educated and unbiased decision. It was Mr. Dahl's opinion that Mr. Starker could participate fully in the remaining decisions on this matter. The motion failed 5-3 with Councilmembers Langworthy, Jay and Reinhart voting yes.

1. CONSENT AGENDA

- a. Motion to approve payment to Colorado Intergovernmental Risk Sharing Agency (CIRSA) for 2013 Workers' Compensation Premium in the amount of \$384,776 and 2013 Property/Casualty Premium in the amount of \$185,394
- b. Resolution 05-2013 – adopting the City of Wheat Ridge Investment Policy
- c. Resolution 08-2013 – amending the Fiscal Year 2012 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$21,023 for the annual Sales Tax Share to Renewal Wheat Ridge

Mr. Pond introduced the Consent Agenda and at the request of staff pulled Item 1c. **Motion** by Mr. Pond to approve Items 1a and 1b; seconded by Mr. Stites; carried 8-0.

**Motion** by Mr. Pond to approve Item 1c with the added approval of payment of the annual sales tax increment from the Wheat Ridge Cyclery project in the amount of \$58,950.92 to Renewal Wheat Ridge; seconded by Mr. Stites; carried 8-0.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill No. 02-2013 – An Ordinance amending Section 16-131 and Section 16-133 of the Code of Laws concerning possession of marijuana and drug paraphernalia

Mayor DiTullio opened the public hearing.

Mr. Reinhart introduced Council Bill No. 02-2013 and read a summary of the issue. Due to the recent passage of Amendment 64, which legalized the recreational use of marijuana and associated drug paraphernalia by persons over 21 years of age, it is necessary to amend some of our ordinances so they are consistent with state law.

Clerk Shaver assigned Ordinance No. 1531.

Mr. Dahl highlighted some of the main changes that will bring our code into compliance.

- Current code has no reference to age distinction. This amendment is necessary to ensure our marijuana laws will still apply to persons under age 21.
- The open and public consumption of marijuana products (by anyone) will remain illegal, but open and public *display* of marijuana products is now legal.

- The definition of marijuana will be expanded to include marijuana products such as edible products, ointments, and tinctures.
- The code's current prohibition of all drug paraphernalia must be corrected.

There was no public comment, and no questions or discussion by Council.

Mayor DiTullio closed the public hearing.

**Motion** by Mr. Reinhart to approve Council Bill No. 02-2013, an ordinance amending Sections 16-131 and 16-133 of the Wheat Ridge Code of Laws on second reading, and that it takes effect upon adoption and signature of the Mayor as provided by Section 5.11 of the Charter; seconded by Mr. Starker; carried 8-0.

Mr. Dahl informed the Mayor that the public hearings for Item 3 and Item 4 could be combined since they have the same applicant. Separate motions would be required.

3. Resolution No. 06-2013 – Authorizing the execution of an Agreement with Colorado Plus Liquid Art Works, Inc. for participation in the Enhanced Sales Tax Incentive Program (ESTIP) rebating 50% of the Enhanced Sales Tax for a period of five years for the remodel of a restaurant at 6995 W. 38<sup>th</sup> Ave. in an amount not to exceed \$76,200

4. Resolution No. 07-2013 – Authorizing the execution of an Agreement with Colorado Plus Liquid Art Works Inc. to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible Use Tax in association with the remodel of a restaurant at 6995 W. 38<sup>th</sup> Ave. in Wheat Ridge.

Mayor DiTullio opened the public hearing.

Ms. Davis introduced the items and read the explanations. These rebate programs were discussed by Council at the January 7<sup>th</sup> Study Session.

There was no staff presentation.

**Eugene Kahng**, owner of Colorado Plus, thanked the Council for listening to this case and considering it. He plans to bring some good business into the City.

There was no public comment.

Mayor DiTullio closed the public hearing.

**Motion** by Ms. Davis to approve adoption of Resolution No. 06-2013, a resolution authorizing the execution of an agreement with Colorado Plus Liquid Art Works, Inc. for participation in the Enhanced Sales Tax Incentive Program rebating 50% of the

enhanced sales tax for a period of five years for the remodel of a site at 6995 W. 38th Avenue in an amount not to exceed \$76,200; seconded by Mr. Starker; carried 8-0.

**Motion** by Ms. Davis to approve Resolution No. 07-2013, a resolution authoring the execution of an agreement for Colorado Plus Liquid Art Works Inc. to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible use tax in association with the remodel of a restaurant at 6995 West 38<sup>th</sup> Avenue in Wheat Ridge; seconded by Mr. Reinhart;

**Mr. Hahng** confirmed that he was the owner of the building.

Absent any staff report or Council discussion, Mr. Stites reminded the assembly that we have many older buildings in the City. Not only do they need to be updated and upgraded for code purposes, they also don't have handicapped accessibility or sprinkler systems. This creates a real financial hardship for potential new owners so it is good to have some incentives to get things going -- otherwise we are going to be staring at old vacant buildings for a long time. Mrs. Jay echoed support for these incentive programs.

The motion carried 8-0.

#### **DECISIONS, RESOLUTIONS AND MOTIONS**

5. Motion to reconsider the Council's Decision on the Rezoning application (Case No. WZ-12-08/Rock)

Mr. DeMott introduced Item #5. He thanked Council for the opportunity to speak and explained why he approved of the rezoning of 12600 W. 42<sup>nd</sup> Avenue.

No motion to reconsider was made and no action was taken.

6. Motion to consider the Findings and Decision prepared for Zoning Application (Case No. WZ-12-08/Rock)

Mrs. Langworthy introduced Item #6. Mr. Dahl referenced the findings in the packet that are based on material presented at the public hearing. There was no discussion.

**Motion** by Mrs. Langworthy to approve the Findings and Decision in Case No. WZ-12-08/Rock; seconded by Mr. Reinhart; carried 6-2, with Councilmembers DeMott and Stites voting no.

**CITY MANAGER'S MATTERS** none  
**CITY ATTORNEY'S MATTERS** none  
**CITY CLERK'S MATTERS** none

**ELECTED OFFICIALS' MATTERS**

**Joe DeMott** addressed some comments that were made about MU-N zone district. He still thinks the wrong decision was made on the Rock rezoning.

**Mike Stites'** positive thing: He still sees kids walking around in the cold with no coats. Please check your neighborhood to see if there are any children who need coats.

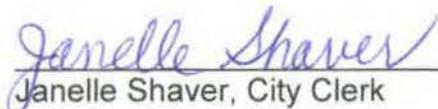
**Bud Starker** recognized Mr. Lloyd Levy, who has resigned from the Election Commission, and thanked him for his service during a challenging time.

**Mayor DiTullio** asked councilmembers to observe the Council Rule about raising their hands to be acknowledged before they speak. It will help him in running the meetings.

- ~ He mentioned that he will be meeting with the pastor of Sts. Peter & Paul to see if he can get him interested in the faith-based community efforts.
- ~ He announced a Housing Authority appointment coming up in District 1. He has 4 applications so far. He gave Council a "heads-up" that he will be talking to all the applicants and probably won't have a nomination ready for the packet. He will likely announce it the night of the appointments.
- ~ He thanked Sue Schaffer and Cheri John for participating in a town meeting Saturday.
- ~ The Jefferson Center for Mental Health (based in Wheat Ridge) will be doing a major fundraiser in April because their funding has been cut so drastically. The Mayor will have more details at the next study session.

The Mayor announced that after a recess the scheduled Special Study Session would begin at 8:00 on the dais.

Meeting adjourned at 7:52 pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON February 11, 2013 BY A VOTE OF 7 to \_\_\_\_\_

  
\_\_\_\_\_  
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.