

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

June 10, 2013

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

ROLL CALL OF MEMBERS

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

Absent: George Pond

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

APPROVAL OF MINUTES OF May 13, 2013

Motion by Councilmember Stites for approval of the Minutes of May 13, 2013; seconded by Councilmember Starker; carried 7-0

PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read a proclamation for the summer 2013 Wheat Ridge Reads program. Diane Robb, chair of the Cultural Commission, received the proclamation and talked about the book for this summer: Halfway to Heaven: My White-Knuckled – and Knuckleheaded - Quest for the Rocky Mountain High by Mark Obmascik. There will be two opportunities to meet the author. She encouraged folks to get the book and read it.

CITIZENS' RIGHT TO SPEAK

Tara Jahn gave Council an update on Live Local events. Coming again this year are Summer Yoga in the Park, the Cruiser Crawls along 38th Avenue and the Live Local Harvest. She thanked the Council for supporting healthy eating and active living.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 1a. Resolution 20-2013 – A Resolution approving a Right-of-Way Vacation for an unused portion of Teller St. adjacent to 4175 Teller St. (Case No. WV-13-01/Sorrentino)

1b. Resolution 21-2013 – A Resolution approving a consolidation Plat for property zoned Residential-Two (R-2) located at 4175 Teller St. (Case No. MS-13-01/Sorrentino)

Mayor DiTullio opened the public hearing.

Councilmember Jay introduced Resolution 20-2013

The applicant requests approval of a right-of-way (ROW) vacation for an unused portion of Teller Street adjacent to 4175 Teller Street. The associated application (Case No. MS 13-01/Sorrentino) is for approval of a three-lot consolidation plat. The purpose of the requests is to combine an existing parcel with adjacent vacant property and the vacated right-of-way.

Note: While these are separate cases and will require separate motions, they are considered as a unit for purposes of discussion.

Mayor DiTullio swore in the speakers for the public hearing

Senior Planner Meredith Reckert presented the cases. She entered into the record the subdivision regulations, the zoning ordinance, the case file and packet materials, and the digital presentation. She announced that all proper posting and notification requirements have been met.

She explained the request for ROW vacation is for a small piece of unused land located at the southern terminus of Teller Street adjacent to the applicant's single-family home. It is about 660 square feet in size, is about 20 feet wide, and covers only the western side of Teller Street. It contains no existing improvements such as asphalt or sidewalk. She stated it is extremely unlikely Teller Street would ever be extended to the south because it would require ROW purchase from the school district and nine adjacent residential properties to the west. Continuing southward is Wheat Ridge Middle School, which would prevent any continuation to 38th Avenue. The vacation would not impact access to the school fields. That access is on the east side of Teller and the gate would remain.

The applicant would like to consolidate the two parcels and the vacated right-of-way into one lot. It is zoned R-2 and the consolidation would provide enough square footage to allow the owner to enlarge the existing home or add an additional residential unit to the single-family home. All agencies have responded that they can serve the property and have no issues with the vacation. The Planning Commission approved the ROW vacation and the plat consolidation with no conditions. Staff recommends approval.

Andy Horn, a nearby neighbor of the property, asked if access to the school fields would still be available. He also asked what the future use of the property was going to be and if additional traffic had been considered.

Mrs. Reckert reaffirmed that the school will still have access at the same location and the school district has no problems with the vacation. She stated that even if a duplex was built on the consolidated plat the traffic impact would be minimal.

Rolly Sorrentino, the applicant, said that his intent is to extend the existing ranch house south onto the adjacent lot. He has no plans to build a duplex on it.

Council had no questions or comments.

Mayor DiTullio closed the public hearing.

Motion by Councilmember Jay to approve Case No. WV-13-01, a request for approval of a vacation of an unused portion of Teller Street right-of-way adjacent to 4175 Teller Street, for the following reasons:

1. It is unlikely that the street will be extended south.
2. The vacation evaluation criteria have been met.
3. All responding agencies have indicated no concerns.

Seconded by Councilmember Reinhart; carried 7-0.

Motion by Councilmember Jay to approve Case No. MS-13-01, a request for approval of a consolidation plat for property zoned R-2 located at 4175 Teller Street, for the following reasons:

1. All requirements of Article IV of the Wheat Ridge Code of Laws have been met.
2. All requirements of the R-2 zone district regulations have been met.
3. All responding agencies have indicated no concerns.

The Mayor and others on Council pointed out that Mrs. Jay was reading motions from the Planning Commission minutes. The Mayor provided a copy of the correct wording and suggested starting from the beginning and redoing both motions.

RIGHT-OF-WAY VACATION:

Motion by Councilmember Jay to approve Resolution No. 20-2013, a resolution approving a request (Case No. WV-13-01) for approval of a vacation of an unused portion of Teller Street right-of-way adjacent to 4175 Teller Street, for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested vacation has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The request meets the evaluation criteria for a right-of-way vacation specified by Section 118 of Chapter 26 of the Code of Laws.

Seconded by Councilmember Reinhart; carried 7-0.

CONSOLIDATION PLAT:

Motion by Councilmember Jay to approve Resolution No. 21-2013, a resolution approving a request for approval of a consolidation plat (Case No. MS-13-01), for property zoned R-2 located at 4175 Teller Street, for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All requirements of Article IV of the Wheat Ridge Code of Laws have been met.

Seconded by Councilmember Reinhart; carried 7-0.

2. Council Bill 08-2013 – Amending the penalties for violating Sections 1203 and 1208 of the Model Traffic Code for Colorado, as adopted by the City, concerning the Parking of Major Vehicles and Parking Privileges for persons with disabilities, respectively, and making conforming amendments to Section 13-2 of the Wheat Ridge Code of Laws.

Mayor DiTullio opened the public hearing.

Councilmember Starker introduced Council Bill 08-2013.

In August of 2012, the City Council adopted the 2010 edition of the Model Traffic Code ("MTC") for Colorado and made certain local amendments to the MTC. Among the local amendments were tiered fine schedules for violations of two sections: MTC Section 1203, Major Motor Vehicles; and 1208, Parking Privileges for Persons with Disabilities.

The tiered fine schedule has proven difficult to implement in the field. This ordinance eliminates the tiered fine schedules and imposes fines of one hundred fifty dollars (\$150.00) for violations of Section 1203 (Major Motor Vehicles) and three hundred dollars (\$300.00) for violations of Section 1208 (Parking Privileges for Persons with Disabilities).

Clerk Shaver assigned Ordinance No. 1538.

Motion by Councilmember Starker to approve Council Bill No. 08-2013, an ordinance amending the penalties for violating sections 1203 and 1208 of the Model Traffic Code for Colorado, as adopted by the City, concerning the parking of major vehicles and

parking privileges for persons with disabilities, respectively, and making conforming amendments to Section 13-2 of the Wheat Ridge Code of Laws, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Stites;

Motion by Mr. Reinhart to amend the ordinance to change the fine for the disabled parking to \$150; seconded by Mrs. Langworthy.

During discussion Chief Brennan acknowledged that \$150 is at the upper end when compared to surrounding jurisdictions. Court Administrator Kersten Armstrong stated that in the area survey \$300 is high; a 4-point traffic violation is \$120. She also said that if the fine is higher it is likely parties will come in to fight the tickets – which costs money for court time. Speeding in a school zone, for someone who had no violations in the last 24 months, would be \$240.

The amendment passed 5-2, with Councilmembers Stites and DeMott voting no.

The Mayor announced that Council would have his veto message tomorrow morning.

Main motion, as amended, carried 6-1, with Mr. Stites voting no.

DECISIONS, RESOLUTIONS, AND MOTIONS

3. Resolution No. 18-2013 – amending the Fiscal Year 2013 General Fund Budget to reflect the approval of a Supplemental Budget appropriation for the purposes of funding the Seniors' Resource Center Circulator Bus Service in the amount of \$30,000

Councilmember Langworthy introduced Resolution 18-2013.

The Seniors' Resource Center (SRC) operates a successful circulator bus service through Wheat Ridge to provide an additional transportation option for Wheat Ridge seniors. A request has been made to the City by the SRC to provide funding in the amount of \$30,000 to continue the bus service at its existing level or \$42,000 to expand services.

The circulator bus service makes stops at different senior communities and takes seniors to the Applewood Shopping Center or other stops that are requested, such as Safeway, Super Target and the Farmers' Market.

Motion by Councilmember Langworthy to approve Resolution No. 18-2013 amending the fiscal year 2013 General Fund budget to reflect the approval of a supplemental budget appropriation for the purposes of funding the Seniors' Resource Center circulator bus service in the amount of \$30,000; seconded by Councilmember Starker;

Motion by Mr. Stites to amend the amount to \$42,000; second by Mr. DeMott.

Discussion followed. There was question whether expanded services to/from the Town Center Apartments would be funded by this appropriation or by the Apartments.

The amendment failed 4-3, with Councilmembers Davis, Starker, Jay and Reinhart voting no.

Main motion carried 7-0.

4. Motion to approve payment of the Sales Tax Increment for April of fiscal year 2013 from the Town Center Project in the amount of \$40,505.55 to the Wheat Ridge Urban Renewal Authority

Councilmember Davis introduced Agenda Item #4.

The April 2013 sales tax increment of \$40,505.55 for the Wheat Ridge Town Center Project is due to the Wheat Ridge Urban Renewal Authority. Expenditures over \$35,000 require City Council approval. Ms. Davis noted that the 2013 budget includes a total of \$400,000 for sales tax increment share back with the Wheat Ridge Urban Renewal Authority.

In September, 2011 a previous Council approved a resolution to increase the share back from 50% to 100% of the sales tax increment to the Authority through December 31, 2014.

Motion by Councilmember Davis to approve payment of the sales tax increment for April of fiscal year 2013 from the Town Center Project in the amount of \$40,505.55 to the Wheat Ridge Urban Renewal Authority; seconded by Councilmember Langworthy; carried 7-0.

5. Motion to award RFB-13-20, Asphalt Patch Truck to Bergkamp Inc. of Salina, Kansas, Partnering with McCandless Truck Center LLC of Aurora, Colorado, for a total cost of \$138,769

Councilmember DeMott introduced Agenda Item #5.

The existing asphalt patch truck has exceeded its useful life. This 1998 International 4900 cab and chassis with a 1998 Pro-Patch asphalt pothole patching unit originally cost \$98,490. It has approximately 73,000 miles on it and the current hour meter reading is over 10,700 hours. The City's current replacement policy for this type of equipment is 10,000 hours and/or 10 years of service. Overall reliability of service is fair based upon the vehicle's maintenance and repair costs for the last five years, totaling over \$16,000. The current condition of the asphalt patch truck is rated as poor.

Motion by Council Member DeMott to award RFB-13-20, Asphalt Patch Truck, to Bergkamp Inc. of Salina, Kansas, partnering with McCandless Truck Center LLC of Aurora, Colorado, for a total cost of \$138,769; seconded by Councilmember Starker; carried 6-1, with Councilmember Stites voting no.

CITY MANAGER'S MATTERS notified City Council that the City has received the Distinguished Budget Presentation Award from the Government Finance Officers Association (GFOA). He thanked staff for their hard work putting together a budget that met those high standards and requirements.

CITY ATTORNEY'S MATTERS reported that Judge Randall's 2-year contract expires at the end of the month. He has been our municipal judge since 2002 and would like to be reappointed. Judge Randall has offered to meet with Council at a study session. Mr. Goff will schedule that on June 17th.

CITY CLERK'S MATTERS none

ELECTED OFFICIALS' MATTERS

Bud Starker noted the good turnout at the District 1 meeting last Friday at Ye Olde Firehouse and thanked folks for coming.

Kristi Davis congratulated the WRHS graduates of the Class of 2013. She attended this year's ceremony and watched the sixth generation of her family graduate from Wheat Ridge High. As a graduate of WRHS herself, she was pleased to still hear the references to "Farmers" and "bringing it back to the Farm", etc.

Joyce Jay attended the summer food service program for children ages 3-17 at Healing Waters Church, the Middle School, Kullerstrand and Holy Cross Lutheran Church. Children of all ages get both breakfast and lunch and a program for free. This is funded by the US Dept. of Agriculture and Hunger Free Colorado. She thinks it's wonderful. ~ She reminded folks to come to the Garden Tour this Saturday, June 15, 9:00-3:00. It includes 9 gardens of various types and a lunch provided by Pietra's. Cost is \$15.

Mike Stites mentioned the large number of dumpsters he's seeing around town and noted that's a good sign people are redoing their landscaping, remodeling their homes, adding on, investing in Wheat Ridge. Mike's positive thing: Be sure to take care of your weeds and help your neighbor out if they need it.

Tracy Langworthy announced there is a Produce Fair starting this Friday, June 14, at Living Waters Church from 9:00-11:00. It's open to everyone to come and receive a portion of fresh fruits and vegetables. It's at 6475 W. 29th on the 2nd Fridays in June, July and August. ~ The next Meet the Artist series is June 20 at Kevin Robb Studios, 7001 W. 35th Avenue featuring Patty Parkhurst, who works in fine metal. ~ Regarding

Council Bill 08 about the Model Traffic Code, it's a challenge for her when a ticket for speeding in a school zone or for running a stop light costs less than a handicapped parking ticket. She has a hard time charging more to someone who parks illegally than to the person who can hurt someone.

Joe DeMott echoed invites to the Garden Tour this Saturday. He will see everyone for lunch. ~ He also wished Happy Father's Day to all the fellow fathers out there.

Mayor DiTullio addressed Mrs. Langworthy's remarks about handicapped parking. He doesn't think that just because other cities don't do something doesn't mean we shouldn't. He thinks we can be different and be a leader on this – showing we are going to be serious about enforcing illegal parking in handicapped spaces.

Meeting adjourned at 8:10 pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON June 24, 2013 BY A VOTE OF 7 to 0

1 Absent



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.