

CITY COUNCIL MINUTES

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

July 22, 2013

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

ROLL CALL OF MEMBERS

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

Absent: Mike Stites, Kristi Davis

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager Patrick Goff; Police Chief Dan Brennan; Administrative Services Director, Heather Geyer; Community Development Director, Ken Johnstone; Commander Joe Cassa; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF July 8, 2013

Motion by Councilmember Starker for approval of the Minutes of July 8, 2013; seconded by Councilmember Pond; carried 6-0.

PROCLAMATIONS AND CEREMONIES

Mayor DiTullio read and handed out the following proclamations:

Parks & Recreation Month Proclamation

Parks Director **Joyce Manwaring**, staff member **Julie Brisson** and Parks Commissioner **Christine Taraskiewicz** were on hand to receive the proclamation designating July as Parks & Recreation Month. Christine thanked the City for the Anderson Pool that she frequents regularly, and for maintaining the trails. Joyce thanked the City Council, other departments in the City that support the Parks Department, and the Parks staff for the opportunity to provide services in the field of parks and recreation. Mayor DiTullio thanked the Parks Commission and all of the Parks Department, top to bottom, for all the work they do keep our parks nice.

National Night out Proclamation

Chief Brennan received the proclamation designating August 6 as National Night Out and spoke on behalf of the Police Department for their efforts to lower the crime rate.

Our crime prevention unit has had some good successes, but we aren't crime free. He invited folks to come for National Night Out at the park at the Rec Center. They will have lots of things designed for kids. There will be good information on a wide range of things – everything from making your car and home safe to emergency management ideas, lots of giveaways, and tips and tools. It's always a lot of fun. And for the right price you can dunk the Police Chief in the dunk tank!

The Chief also said he is proud to be the police chief in Wheat Ridge because of the sense of partnership his department has with businesses, the hospital, elected officials and the office of the Mayor in terms of getting information out to people about how to be good neighbors, how to make the community safer, how to do the right thing. He knows that not all police chiefs have the level of trust that he and his department feel for the support of their efforts to make a safer community.

CITIZENS' RIGHT TO SPEAK No one was present to speak.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Resolution No. 25-2013 – approving a lease agreement with Jefferson County for the purpose of managing certain real property for recreational gold panning (This lease will allow the City to manage gold panning (i.e. prohibit destructive operations) along Clear Creek, west of I-70.)
- b. Resolution No. 27-2013 – approving an Intergovernmental Agreement between the cities of Arvada, Golden, Lakewood, Wheat Ridge and the County of Jefferson to establish the Jefferson County Regional Crime Laboratory (This regional lab will provide swifter service in processing forensic evidence.)
- c. Motion to approve the second amendment to the Site Lease Agreement with New Singular Wireless PCS, LLC, for a five-year extension (The City will receive \$25,000/year in rent for tower space until 2019, with a 4% increase annually.)
- d. Motion to approve payment to Gordon Sign, Denver, Colorado, in the amount of \$102,945 for construction and installation of park signs (For eighteen park signs)
- e. Resolution No. 28-2013 – amending the Fiscal Year 2013 General Fund Budget to approve a supplemental budget appropriation in the amount of \$5,900 to remit to Ranguet and Associates, LLC for the design and administration of a Promotional Assessment Process

(These funds are for the promotional assessment process for filling two vacant police sergeant positions that were not anticipated for this year's budget.)

- f. Resolution No. 26-2013 – approving a Collaborative Lumen Trial Agreement between the City of Wheat Ridge, Colorado and the Numerica Corporation for the development of a Crime Analysis Software System
(Pilot project with Arvada and Lakewood in developing a sophisticated crime analysis software system. No cost to the City.)

Councilmember Pond introduced and read the Consent Agenda.

Councilmember Starker and Jay pulled Items 1a and 1e.

Motion by Councilmember Pond to approve consent agenda items 1(b), 1(c), 1(d), and 1(f); seconded by Mr. DeMott; carried 6-0

Item 1(a)

Regarding the lease of Clear Creek land from the County, Mr. Starker asked for clarification on the language about indemnification and release in paragraph 6. Mr. Dahl agreed that indemnification provisions survive the termination of the lease and it appears the limiting language was inadvertently omitted from paragraph 6. The appropriate language *does* appear in paragraph 7. He suggested taking a motion to approve the lease, with the addition of language to paragraph 6 that it similar to the language in paragraph 7, line 7, "during the term of this Lease".

Motion by Mr. Starker to approve Resolution No. 25-2013, a resolution approving a lease agreement with Jefferson County for the purpose of managing certain real property for recreational gold panning, with the provision that the words "during the term of this Lease" be added to paragraph 6, page 4; seconded by Mr. DeMott; carried 6-0.

Item 1(e)

Mrs. Jay asked if Chief Brennan could explain why we are using an outside source rather than our own personnel for this promotional process.

Chief Brennan explained that the promotional process requires a good bit of knowledge about employment law. He doesn't know of a law enforcement agency that doesn't outsource this process, and we don't have the staff to do the in-depth analysis that's required. We want to be as fair and objective as possible by removing the risk of partiality. The bids ranged from \$3,500 to \$25,000 to run a 1 - 1 ½ day assessment center for 6-8 candidates, and while \$5,900 might cause some angst, in the long run it keeps us out of legal predicaments if the validity of the testing is challenged.

Mr. Goff noted that the resolution was missing the specific phrase "and amending the revenues accordingly." He asked that the motion provide for the addition of those words at the end of Section A.

Motion by Mrs. Jay to approve Resolution No. 26-2013, a resolution amending the fiscal year 2013 general fund budget to approve a supplemental budget appropriation in the amount of \$5,900 to remit to Rainguet and Associates, LLC for the design and administration of a promotional assessment process, with the addition of the words "and amending the revenues accordingly" at the end of Section A; seconded by Mr. Reinhart; carried 6-0.

ORDINANCES ON FIRST READING

2. Council Bill No. 11-2013 – amending Sections 4-1, 4-8 and 4-31 of the Wheat Ridge Municipal Code concerning the licensing of dogs and cats

Councilmember DeMott introduced Council Bill 11-2013.

To comply with our 2012 Intergovernmental Agreement (IGA) with Jefferson County for operation of Foothills Animal Shelter this ordinance amends pertinent sections of the City Code to (1) delegate the authority to issue dog licenses to a common licensing administrator; and (2) adopt dog licensing requirements that are consistent with the County's dog licensing requirements.

Motion by Councilmember DeMott to approve Council Bill No. 11-2013, an ordinance amending Sections 4-1, 4-8 and 4-31 of the Wheat Ridge Municipal Code Concerning the Licensing of Dogs and Cats, on first reading, order it published, public hearing set for Monday, August 12, 2013 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Starker; carried 6-0.

3. Council Bill No. 10-2013 – adopting by reference the 2011 edition of the National Electrical Code (NEC), providing penalties for violations thereof and amending portions of Chapter 5 of the Wheat Ridge Code of Laws concerning Electrical Inspections

Councilmember Starker introduced Council Bill 10-2013.

This ordinance adopts the 2011 NEC to bring the City's electrical system requirements and regulations closer to uniformity with the state and other jurisdictions that have adopted the most-recent edition of the NEC. The ordinance also consolidates all Code provisions concerning electrical requirements (substantive requirements, inspection requirements and the authorization of fees) into Code Section 5-77. Currently, such requirements are located throughout Chapter 5 of the Code, in Sections 5-56 *through* 5-75 and 5-77.

Motion by Councilmember Starker to approve Council Bill No. 10-2013, an ordinance adopting by reference the 2011 edition of the National Electrical Code, providing penalties for violations thereof and amending portions of Chapter 5 of the Wheat Ridge Code of Laws concerning electrical inspections, on first reading, order it published, set the public hearing for Monday, August 12, 2013 at 7 p.m. in the City Hall Council Chambers, and that it take effect November 1, 2013; seconded by Councilmember Pond; carried 6-0.

DECISIONS, RESOLUTIONS AND MOTIONS

4. Motion to accept the 2012 Comprehensive Annual Financial Report (CAFR) from Swanhorst & Company, LLC

Councilmember Langworthy introduced Agenda Item #4.

The CPA firm of Swanhorst & Company performed the independent audit of the City's financial statements for the year ending December 31, 2012 that is required by Charter. The following conclusions were reported:

- No transactions found that were both significant and unusual under professional standards, or transactions that lacked authoritative guidance or consensus;
- Key factors and assumptions used to develop financial estimates are determined to be reasonable;
- Management has determined that a significant adjustment to the Wheat Ridge Urban Renewal Authority's accounts records should be made to report the land held for resale at estimated market value;
- No disagreements with City management during the course of the audit; and
- No significant difficulties were encountered while performing the audit.

Wendy Swanhorst was present and spoke briefly. She informed Council that the City's financial controls and accounting records are in good condition. Other than a few minor recommendations, the controls are good.

Mrs. Langworthy made a clarification about journal entries under "Internal Controls". ~ Mr. Reinhart asked why the change in the Urban Renewal Authority's statement of values is in the City's audit. Ms. Swanhorst explained that adjustment was made last year, and while legally Urban Renewal's assets and debts are not the City's, from an accounting perspective they are. It's included because it's an accounting requirement.

Motion by Councilmember Langworthy to accept the 2012 Comprehensive Annual Financial Report from Swanhorst & Company, LLC; seconded by Councilmember Reinhart; carried 6-0.

CITY MANAGER'S MATTERS

Mr. Goff referenced the 2013 Edward Byrne Memorial JAG grant (federal) of \$15,422 the City has received. Chief Brennan explained the specific uses of the grant money as outlined in the provided memo: 1) \$7,000 for night vision for the SWAT team, 2) \$250 for a digital camera for the Public Information Officer, and 3) \$8,172 for the East Wheat Ridge Community Policing Project, including another series of community meetings.

CITY ATTORNEY'S MATTERS

CITY CLERK'S MATTERS

Clerk Shaver reminded everyone that election season is upon us. Some candidates have already come in to fill out paperwork. She reminded those candidates who have already filed, and those who may become candidates, that if they receive money for their campaign they have 10 days to come in and register their campaign organization. She also announced that Tuesday, August 6 is the first day to come in and pick up nomination petitions. Candidates have 20 days to get signatures and must turn them in by August 26. She recommended turning petitions in a few days early in case some of their signatures are not good and have to be cured. The time is very short to get the names of qualified candidates to the County to be placed on the ballot, so it is in a candidate's best interest to make sure his/her petition is sufficient and in on time.

ELECTED OFFICIALS' MATTERS

Bud Starker thanked those who attended the Feed the Future event. It was a nice event and successful in raising money for a good cause.

Tracy Langworthy thanked Mr. Starker for hosting the event. Everyone had a good time. A lovely duet sang and there were great door prizes.


George Pond reminded folks of the District 3 & 4 Town Hall Meeting next Monday, July 29, at the Rec Center at 6:30 PM. Discussion will include the budget, revenue issues and other hot topics. He encouraged people to come.

Joyce Jay said she found out the Feed the Future fundraiser raised close to \$4,000. Over 100 people showed up. She thanked the Wheat Ridge Business Association for putting it on – specifically Mandy Fulton, Cheryl Brungardt, and Loretta DiTirro.

Mayor DiTullio asked Mr. Goff if we could have our economic developer talk to the owner of the Taste of Home Cooking about the ESTIP program. ~ Mr. Goff said they

have reached out to them several times about incentives. ~ Mr. DeMott said he's been in the building; they've put a ton of money into the project and have had to push the opening back twice. They hope to open in August. He relayed that the owner doesn't understand how the program works. It is late in the process, so Council would have to consider it. ~ The Mayor's said it's another one of those projects where people are upgrading old buildings and it becomes very expensive. His concern is whether Council has any problem with economic development talking to the owner at this point. ~ Mr. Reinhart spoke in support of it. Mr. Goff said they would reach out again. ~ The Mayor also thanked West 29th for hosting the Backpack Fundraiser.

Meeting adjourned at 7:52 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON August 12, 2013 BY A VOTE OF 6 to 0


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.