

CITY COUNCIL MINUTES

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

September 9, 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	Kristi Davis
Joseph DeMott	Tracy Langworthy	Mike Stites	

Absent: George Pond

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager Patrick Goff; Police Chief Dan Brennan; Senior Planner, Meredith Reckert; other staff, guests and interested citizens.

APPROVAL OF MINUTES OF August 26, 2013

Motion by Councilmember Stites for approval of the Minutes of August 26, 2013; seconded by Councilmember Reinhart; carried 7-0.

PROCLAMATIONS AND CEREMONIES

World Alzheimer's Disease Month

A proclamation designating September 2013 as World Alzheimer's Disease Awareness Month was read by City Clerk Shaver. **Daphne Rice-Allen**, Helpline Coordinator for the Colorado Chapter of the Alzheimer's association, received the proclamation and thanked the City for its support. The proclamation asks citizens to join the Walk to End Alzheimer's in Denver City Park on Saturday, September 21.

CITIZENS' RIGHT TO SPEAK

Michael Snow, president of Wheat Ridge United Neighborhoods, was present to announce the candidate forum they will be holding again this year on October 2, 7:00pm in Council Chamber. He thanked the City for again supporting this forum, which they've held for over 20 years. The City provides the videography service and not only will the forum be broadcast live on Channel 8, it will be replayed several time before the election. Candidates for City offices, school board candidates and speakers for and

against all ballot issues will be speaking. Wheat Ridge municipal candidates will be given questions to answer. He invited the public to submit questions and United Neighborhoods will select the 10 best questions to be asked the candidates. Question ideas can be emailed to wrun@googlegroups.com. Please include your name and which office (group of candidates) the question is for.

APPROVAL OF AGENDA

Motion by Councilmember Starker to add as Agenda Item 9 the discussion of the confidential investigation report to Mr. Dahl, done by Samuel Light, dated September 6, 2013; seconded by Councilmember Jay; carried 7-0.

Mayor DiTullio announced that the public hearings for Items 3 and 4 would be held as one public hearing, not two.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Resolution No. 31-2013 – approving a two-lot subdivision plat with a Right-Of-Way Dedication for property zoned residential-one (R-1) located at 3785 Independence Street (Case No. MS-13-03/Fox Hill)

Mayor DiTullio opened the public hearing.

Councilmember Stites introduced Resolution 31-2013.

Staff presentation:

Lauren Mikulak entered the case file, the subdivision regulations and the digital presentation into the record. The proposed subdivision would create a second lot to the rear of 3785 Independence that would accommodate a single family home. The property is zoned R-1. Zoning will not be affected by the subdivision.

Citizen comments:

Rodney Pinkney lives adjacent to (on the south side of) the subject property and had a handout for the Council. He moved from high density to this property 51 years ago. This is a low density neighborhood and he wants Council to know how this will potentially decrease the value of properties in the neighborhood. Drainage is also a major concern due to the channel that runs in the lower part of the neighborhood. A cattail swamp is there. Years ago Jefferson County recommended cutting a drainage channel through there from Independence to Johnson, but due to the need for new easements from multiple property owners all along that channel the neighbors opted not

to do that. The County engineer warned that anyone making changes to that drainage channel without legal authorization would probably be in violation of Colorado water law. Mr. Pinkney and two adjacent neighbors eventually created a tile channel and connected it to a nearby collection box on Independence. He said that today's rain storm reinforced the problem that continues to this day. He recommended denial of the subdivision because it will change the character of the neighborhood and impact drainage. He added that if it is approved he asked that impacted property owners be allowed to review and have input into any future site planning process.

Ihor figlus, a neighbor in the area, recommended denial of the subdivision because it will create a high density property at the entrance of their neighborhood and allow for a two-story house where currently only single story houses exist. ~ He took issue with staff's statement that the back lot would contain a 12,500 sq feet lot. Technically it would, but the actual buildable area is only about 9,800 sq feet because the rest is driveway. This would allow squeezing in a house onto a lot that is much smaller than surrounding properties. ~ He also presented two 8 ½ x 10 color photos of the hearing notice that was posted by the City. Code requires that notices be posted at least 30 inches off the ground. The photos clearly show the bottom of the posted sign is barely 7 inches off the ground and the top of the notice is well below the 30 inch mark. Most of the neighbors he's talked to had no idea this was going on. The sign is not very visible and he believes it is improperly posted. He suggested this also brings up the issue if the Planning Commission hearing was properly conducted because of improper posting.

Steve Shafer, a neighbor, spoke in opposition to the subdivision. He believes it will change the character of the neighborhood, as this area is special for its larger lots and neighbors are there because of the large lots. ~ Also, his longtime interest in houses and architecture has also led him to observe that a flagpole lot behind a house has not ever made a positive contribution to a neighborhood. ~ He didn't learn of this matter until this afternoon. He uses Independence regularly and he didn't see the sign.

Ronald Thomas resides directly south of the subject property. His main concern is the proposed driveway which will be directly adjacent to him – not far from his garage. This rain today caused flooding into his garage – even with the adjacent dirt which has some absorption value. A cement driveway would only make the situation worse.

Odarka Figlus said she drives on Independence often to visit her mother and had no idea about the Planning Commission hearing or this hearing until someone brought it to her attention. She found the sign and said it is low and tilted and does not stand out like it should. She feels more neighbors would be here if they knew. ~ She said the staff's picture of the property doesn't adequately show how a house built on that back lot would impact adjacent properties. She also believes the lot where a house would be built is effectively substandard in size for the area because so much of it is just the flagpole driveway. It is her understanding that it isn't going to be usable without a substantial variance which the owner is going to be asking for. ~ She understands the applicant wants to extract value from his property, but she noted that recently there has been substantial investment in the neighborhood with expansions and upgrades which

not only increase the value of the property, but respect and maintain the character and integrity of the neighborhood without negatively impacting the neighbors. She encouraged the Trouts to increase the value of their property by doing the same thing and not subdividing. ~ She closed saying that it has been nice not having so much discord in the city lately, but since the Westhaven Subdivision has covenants -- if this is approved there will no doubt be lawsuits and discord. She urged denial and thanked the Council for listening to the neighbors.

Maria Figlus, who lives in the neighborhood, stated she is against the subdivision. She walks in the neighborhood every day and never saw any sign.

Janice Gilmer stated she was not aware of the meeting this evening until notified this afternoon. She did not see the sign although she drives down Independence every day. She agree with the comments of the previous speakers.

Council discussion:

Mr. Dahl explained the various forms of required notice – letter, newspaper and sign, and believes all of these were accomplished in this case. He stated that minor deficiencies in notification have historically been waived by courts and are not fatal to Council's hearing of this case.

Councilmember Davis asked about drainage. Lauren Mikulak explained that a drainage report would not be required for this. If a future plat is approved the site plan would go straight to building permit; there is no public review for standard building permits. At that point it would be routed to the development engineer who would review it to make sure new impervious surfaces don't alter historic flows or affect neighboring properties. But there is no requirement for a drainage report.

Councilmember Starker asked about the topography and flow of the site. Lauren Mikulak confirmed Mr. Pinkney's and other neighbors' testimony that there is an east/west drainage flow in that area from Independence all the way to Discovery Park. ~ He also asked if the flow at the back fence goes towards you or away from you. Ms. Mikulak didn't have that information.

Councilmember Reinhart asked why lot frontage does not apply to this proposed back lot. Ms. Mikulak explained that calculations are based on the frontage line that is parallel to the street but not necessarily adjacent to the street. Concerning the allowance of flag lots in residential zones, Meredith Reckert confirmed that flag lots are permitted in all residential zone districts.

Mayor DiTullio closed the public hearing.

Councilmember Stites stated that they take an oath to uphold the laws and if someone meets the criteria they have to uphold that. There is also the issue of property rights.

Motion by Councilmember Stites to approve Resolution No. 31-2013, a resolution approving a two-lot subdivision plat with a right-of-way dedication for property zoned Residential-One (R-1) located at 3875 Independence Street, for the following reasons:

1. City Council has conducted a proper public hearing that meets 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 agencies can provide services to the property with improvements installed at the developer's expense.

and with the following conditions:

1. Fees in lieu of streetscape improvements be provided prior to recording the plat, and
2. Fees in lieu of parkland dedication be provided prior to recording the plat.

Motion seconded by Councilmember Reinhart;

Councilmember Jay said Council must vote on the subdivision without benefit of a site plan, but she believes the neighbors will have some recourse when the site plan comes forward – possibly through the Board of Adjustments. She will vote for this because it meets the requirements, but she thinks it is a very small lot and won't be particularly attractive.

Councilmember Reinhart is uncomfortable with the posting because he thinks notice is critical, but he thinks a delay to allow for reposting and a new hearing will not change the ultimate outcome because the subdivision complies with the law.

Motion carried 5-2, with Councilmembers Starker and Langworthy voting no.

A short break was taken.

2. Resolution No. 33-2013 – Authorizing the execution of an agreement with a Taste of Home Cooking, LLC and Wine Not, LLC for participation in the Enhanced Sales Tax Incentive Program rebating 50% of the Enhanced Sales Tax for a period of five years for the construction of a restaurant and wine bar at 4101 and 4111 Kipling St. in an amount not to exceed \$73,694

Mayor DiTullio opened the public hearing.

Councilmember DeMott introduced Resolution 33-2013.

There was no staff presentation.

There were no citizen comments.

There was no Council discussion or questions.

Mayor DiTullio closed the public hearing.

Motion by Councilmember DeMott to approve Resolution No. 33-2013, a resolution authorizing the execution of an agreement with A Taste of Home Cooking LLC and Wine Not, LLC for participation in the ESTIP, rebating 50% of the enhanced sales tax for a period of five years for the construction of a restaurant and wine bar at 4101 and 4111 Kipling Street, in an amount not to exceed \$73,694; seconded by Councilmember Davis; carried 7-0.

Mayor DiTullio announced that the public hearing for agenda Items 3 & 4 would be held together as one hearing.

3. Resolution No. 35-2013 – Authorizing the execution of an agreement with Musel Masster (The Green Herb) for participation in the Enhanced Sales Tax Incentive Program (ESTIP) rebating 50% of the Enhanced Sales Tax for a period of three years for construction of a new building at 4565 Kipling St.
4. Resolution No. 34-2013 – Authorizing the execution of an agreement with Musel Masster (The Green Herb) to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible Use Tax in association with the Construction of new building at 4565 Kipling St. in Wheat Ridge

Mayor DiTullio opened the public hearing.

Councilmember Langworthy introduced Resolution 35-2013 and Resolution 34-2013.

There was no staff presentation.

The applicant, Tom Phillips, came forward to correct the misspelling of the name of his company. It is Muscle, not Musel.

Mayor DiTullio closed the public hearing.

Motion by Councilmember Langworthy to approve Resolution No. 35-2013, a resolution authorizing the execution of an agreement with Musel Masster for participation in the Enhanced Sales Tax Incentive Program rebating 50% of the enhanced sales tax for a period of three years for the construction of a new building at 4565 Kipling Street in an amount estimated at \$7,500; and further to approve Resolution No. 34-2013, a resolution authorizing the execution of an agreement for Musel Masster to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible use tax in association with the construction of a new building at 4565 Kipling Street in Wheat Ridge; seconded by Councilmember DeMott;

Mr. Dahl asked Mrs. Langworthy to provide a separate motion for each resolution.

Mrs. Langworthy asked that her previous motion only include the first resolution.

The motion carried 7-0.

Motion by Councilmember Langworthy to approve Resolution No. 34-2013, a resolution authorizing the execution of an agreement for Musel Masster to participate in the Wheat Ridge Business Development Zone Program for a rebate of 100% of the eligible use tax in association with the construction of a new building at 4565 Kipling Street in Wheat Ridge; seconded by Councilmember DeMott; carried 7-0.

ORDINANCES ON FIRST READING

5. Council Bill 13-2013 – Amending Chapter 11 of the Wheat Ridge Code of Laws by adding a new article XIII concerning Retail Marijuana and making certain amendments to Chapter 26 (Zoning and Development) in association therewith

Councilmember Starker introduced Council Bill 13-2013 .

This ordinance regulates and licenses retail marijuana businesses seeking to operate in the City of Wheat Ridge and establishes the appropriate zoning.

Mr. Dahl noted that the motion, as printed, provides for the ordinance to take effect 15 days after publication. To make sure we are in compliance with the state's requirement that these regulations be in place by October 1, 2013, he recommended having the ordinance go into effect upon final adoption.

Motion by Councilmember Starker to approve Council Bill No. 13-2013, an ordinance amending Chapter 11 of the Wheat Ridge Code of Laws by adding a new Article XIII concerning retail marijuana and making certain amendments to Chapter 26 (Zoning and Development) in association therewith, on first reading, order it published, public hearing set for Monday, September 23, 2013 at 7:00 p.m. in City Council Chambers,

and that it take effect upon final adoption; seconded by Councilmember Reinhart; carried 5-2, with Councilmembers Langworthy and Jay voting no.

DECISIONS, RESOLUTIONS AND MOTIONS

6. Resolution 32-2013 – Approving the City of Wheat Ridge Coyote Management Plan

Councilmember Jay introduced Resolution 32-2013.

The City has created this Coyote Management Plan to provide information on how to safely co-exist with coyotes. It requires active participation from the community. It employs educational programs and provides guidelines and standards for the response to and reporting of human-coyote conflicts. The City uses educational outreach as the primary tool, but recognizes some situations may require immediate lethal control.

Motion by Councilmember Jay to approve Resolution No. 32-2013, a resolution approving the City of Wheat Ridge Coyote Management Plan; seconded by Councilmember Langworthy.

Rhonda Champion, an animal welfare commissioner and longtime resident, addressed some issues in the plan. She acknowledged the great detail of the first five pages and noted several places in the Plan that say leg hold traps are not to be used. She also noted that last year a leg hold trap was used in the City on 38th Avenue. She held up a steel leg hold trap and discussed its capabilities. What if a loose pet was an accidental victim of this type of trap? How would it be handled? She referenced today's rain storm, the kind of storm that produces runaway pets. Although the CMP states in several places that leg hold traps will not be used, there is allowance for them in certain cases. She suggested that the CMP does not address when they are to be used and that specific, measurable procedures are not in place. She explained a number of alternative traps that are more humane. She appreciates the plight of the CSO's (Community Service Officers) who handle these matters, but suggests that measurable, specific guidelines are followed routinely in other aspects of their job. She asked that the decision to approve the Coyote Management Plan be postponed until those issues can be addressed.

Discussion followed.

- Councilmember Stites asked how often leg hold traps are used. Chief Brennan said a leg hold trap was used last year by the Division of Wildlife, but our ordinance is quite clear about what kinds of traps can and can't be used. The Animal Welfare Commission has requested changes and the department has made those changes. City rules and procedures are clear about the use of humane traps. Commander Lorentz said we use traps with rubber jaws that are listed as humane traps in our code.

- Councilmember Jay had concerns about the certainty of what traps are excluded from the code definition of a humane trap. Commander Lorentz says we cannot use steel leg hold traps, but Colorado Div. of Wildlife can.
- Councilmembers Starker and DeMott were confident that it says that steel traps cannot be used in the City.
- Commander Lorentz replied to Mr. DeMott that monitored traps and traps with signal devices are cost prohibitive. Since this has only happened once in eight years, he said if it were to become a frequent event they would come to Council for a budgetary request or they would try to borrow something from another agency.

Motion carried 7-0.

7. Motion to approve payment to Insight Public Sector, Inc. in the amount of \$51,618.51 for the annual renewal of the Microsoft Enterprise Agreement

Councilmember Starker introduced Agenda Item #7

This is a scheduled and budgeted replacement of obsolete Microsoft software licenses at all City facilities and includes the support and maintenance that are necessary for the upgrades and new software. It also provides discounts on software licenses, professional services and planning and training vouchers from Microsoft.

Motion by Councilmember Starker to approve payment to Insight Public Sector Inc., in the amount of \$51,618.51 for the annual renewal of the Microsoft Enterprise Agreement; Seconded by Councilmember DeMott; carried 7-0

8. Resolution 36-2013- Approving an Intergovernmental Agreement between the City of Wheat Ridge and Renewal Wheat Ridge to provide funding for the purchase of certain property

Councilmember Stites introduced Resolution 36-2013

This agreement provides the funding for Urban Renewal to purchase property at 7690 W. 38th Avenue and 3790 Yukon as part of the redevelopment of that area – to be called Wheat Ridge Corners. The purchase price is \$390,000 and the seller has agreed to contribute up to \$50,000 for environmental remediation as credit towards the purchase price. City staff and Urban Renewal are working with an environmental consultant and the State to determine the cost of remediation that is acceptable to the State. If the cost of remediation is \$50,000 or less staff will recommend going ahead with the purchase. If it is more than \$50,000 staff will return to Council for direction.

Motion by Councilmember Stites to approve Resolution No. 36-2013, a resolution approving an intergovernmental agreement between the City of Wheat Ridge and the Renewal Wheat Ridge to provide funding for the purchase of certain property; seconded by Councilmember Reinhart;

Mr. Starker asked if there was a committed buyer. Mr. Goff said the potential developer is in the audience and available for questions. The purchase in question is essential to the redevelopment of the corner as it provides access to the site from Yukon Court. The developer has stated several times that if that access isn't available they won't develop the property. ~ Mr. Starker also asked if we can get a sales agreement for this if we were to purchase it. Mr. Goff said they are working on that as well as the cost for remediation.

Mrs. Jay asked if the testing was being covered by the EPA brownfields grant the City received. Mr. Goff said it was, a \$400,000 federal grant for Phase I and II and preparation of the Plan for remediation that the State requires. The grant does not cover any actual remediation work – only the plan.

The motion carried 7-0.

9. Report on Investigation of Disclosure of Individual Sales Tax Records

Mr. Starker stated the Council had received a confidential report from Mr. Dahl on the investigation they had directed him to do subsequent to a complaint by Councilmember DeMott.

Motion by Mr. Starker to make the report available to the public; seconded by Councilmembers Davis and Jay.

Mr. Dahl advised that Councilmember Reinhart should abstain on a vote to release the report because the report, in part, addresses his actions. Mr. Reinhart disagreed.

Motion carried 6-0, with Mr. Reinhart abstaining.

Mr. Starker thanked Mr. Dahl for the thorough investigation by his agent, Mr. Light. He feels good questions were asked and that the answers were truthful and credible. He noted that there was no finding that Mr. Reinhart or Mr. Goff did anything wrong.

Mr. Dahl noted his recommendation for some changes to improve Code Section 22-50:

- Refining to whom tax information can be distributed and for exactly what purposes, and
- Providing for the disclosure to law enforcement if there is a violation.

Motion by Councilmember Langworthy to have the recommended code changes brought back for 1st reading; seconded by Councilmember Davis; carried 7-0.

CITY MANAGER'S MATTERS

Patrick Goff reported to Council that the 2014 Budget would be coming to them tomorrow, for discussion next Monday evening. It will then be on the City's website for public view and a copy will also be available here at City Hall.

CITY ATTORNEY'S MATTERS**CITY CLERK'S MATTERS****ELECTED OFFICIALS' MATTERS**

Kristi Davis expressed her disappointment about the recent mayoral veto on the sales tax ballot issue -- the veto itself and the manner in which it was done. She wishes the Mayor had voiced his concerns earlier so they could have compromised with something everyone could be united on. ~ On the Mayor's reasons for the veto she stated:

- The Mayor's survey on 38th Avenue is statistically insignificant.
- Of the \$615,000 he says was spent on the road diet for 38th Avenue, only about 50% of that was for the physical narrowing of the street; the rest was spent on pop-up cafes, marketing, activities, etc. He should be honest about the numbers.
- The Mayor claims this Council has lost the trust of the citizens, but the current Council is just implementing the road diet. The road diet was approved at the last meeting of the previous outgoing Council.
- The Mayor is always asking for listening and compromise, but he failed to do the same. He should have let the voters do the veto.

Bud Starker read a statement from Councilmember Pond, who was absent. It stated:

- The Mayor's veto is wrong as it allows one voice to pre-empt the voice of 30,000, and it's a dangerous outline of politics and policy this city can't allow.
- The ballot measure addresses high quality infrastructure which encourages high quality residential and providing high quality services.
- It's inappropriate to use a statistically deficient survey to claim the efforts on 38th Ave. have been a waste. To do so is ignorant of purpose and scope.
- 38th Ave. is no longer in a state of decay, and to suggest there hasn't been listening, compromise and forethought is grossly out of touch with reality.
- It's irresponsible to suggest there are abundant resources available.
- It's an insult to suggest Council has not lived up to its fiduciary responsibility.
- It's incorrect to suggest the current reserve creates an artificial shortfall, and spending down to 17% would only help short term.
- The veto is ill-conceived in its basis, inefficient in its proposed execution, ignorant of context, irresponsible, inaccurate and imprudent.

Mr. Starker also stated that he personally had hoped the Council could have brought ideas to the citizens and have a dialog about the fiscal and financial health of the City. That is a noble goal and he's disappointed that discussion won't happen.

Mike Stites announced that the new restaurant Wine Not (the old Mercedes on 41st & Kipling) will be on Diners, Drive-ins and Dives (Channel 47) on either Sept 13 or Sept 16. ~ Also, Davie's Chuckwagon is having its grand opening party this Saturday at their new location at 10151 W. 26th Ave. They are open from 6am until 11pm, but there will be music and drawings from 10am – 8pm. There are also prizes for every adult with the purchase of a meal and free candy for the kids.

Tracy Langworthy announced the Live Local event this Thursday at the Twisted Smoothie on 5640 W. 29th Avenue. ~ She said she ran for office to make a difference, and she feels the veto has taken away her right to talk with people about all the things the City could do if taxes were raised. ~ Regarding the investigation about Mr. Reinhart, she is bothered that it was done publicly. Mr. Reinhart did something that the report says wasn't wrong. It wasn't right; it's just something we need to adjust our rules about to be more concise. He wasn't out to harm anyone; he just wanted information to help him make a better decision. She believes this should have been handled behind the scenes and she wants Councilmembers to be more respectful of each other.

Joyce Jay is delighted the report revealed that Mr. Reinhart's and Mr. Goff's actions were not purposely or intentionally out of line. She's delighted they've been fully and totally cleared.

Davis Reinhart announced that Joyce, Kristi, Bud and he have sponsored the Live Local team in the Farmers 5000. He encouraged folks to come run or walk and support the Farmers. ~ He noted bids will soon be due for the Chase Street drainage project so that will be happening soon. ~ He thanked the investigator for a quick and thorough job of clearing him of any wrong doing. He explained that his motive in asking for tax information was to better understand the impact that Council's decisions were having on businesses. He also thanked those councilmembers who supported him and gave him the benefit of the doubt in the face of falsehoods, hearsay and attacks on his personality.


Mayor DiTullio said that based on conversations he's had with residents the past year and a half he stands by his veto of the sales and use tax ballot question. From his veto he read into the record:

"My reasons for vetoing this ordinance are as follows:

1. Both mayoral candidates voted "NO" on the ordinance on 2nd Reading which indicates that Council is not united on this issue. This is a recipe for failure.
2. The proposed sales tax ballot question results in the City of Wheat Ridge having one of the highest sales tax rates in the Denver metro area at 8.5% (currently 7.5%). [He stated that is factual.]
3. The proposed sales tax ballot question results in a 33% increase in the cost to retail consumers. Currently, the median income for a family of four (4) in Wheat Ridge is \$44,000. [He added that the median salary for City employees is \$55,000, based on HR information.]

4. The proposed sales tax ballot question results in a 33% increase in the cost of development and/or redevelopment in the form of increased use tax. This creates more roadblocks and expenses for redevelopment in Wheat Ridge.
5. The proposed sales tax ballot question does not have a sunset provision.
6. Studies have shown that quality retail follows residential. [He said that is not a theory. It is fact and has been discussed with the City Manager.] Housing in Wheat Ridge is made up of 47% rental properties, many of which are occupied by families with low disposable income (see #2 above). The proposed sales tax ballot question does not address future funding for improving the housing stock and promoting home ownership in Wheat Ridge as described in the Neighborhood Revitalization Strategy (NRS) via public/private partnerships. [The Mayor said that was not some pie-in-the-sky decision he asked for; it's from the \$400,000 study.]
7. City of Wheat Ridge Council and staff have not completed the Priority Based Budgeting process. [No criticism of staff here.] City Council has not proposed any budget cuts using the "less of a priority programs and projects" from the Quartile 4 and Quartile 3 budget levels. For example, in 2012 the following Quartiles were proposed by staff:
 - Quartile 1: \$15,370,417 or 51% of General Fund spending
 - Quartile 2: \$ 5,645,502 or 19%
 - Quartile 3: \$ 6,175,077 or 20%
 - Quartile 4: \$ 3,069,081 or 10%Conceivably, the Council could data mine and find \$3 million in savings per year if the quartiles were properly reviewed and city budgets were trimmed accordingly. The budget cuts would lessen the amount of new taxes needed in the proposed sales tax increase. Council has not performed the needed due diligence on the City budget to demonstrate fiscal responsibility to the voters.
8. Based on my 38th Avenue survey and comments from constituents across the City, I believe City Council had lost trust of the public by spending over \$615,000 on a two-lane "pilot" project for 38th Avenue which has divided residents and business owners. Council has created a win-lose situation [especially in Districts 1 and 2, where you now have traffic leaving 38th and driving onto residential streets, resulting in Council wanting to start traffic calming programs in the residential areas where there is now too much traffic] . This situation could have been avoided with a little listening, compromise and forethought by City Council. [He referenced Councilmembers Stites and DeMott asking for no back-in parking, but that never made it through the process of this Council or the previous Council.]
9. Maintaining a 17%-25% reserve creates an artificial shortfall of funds. The reserve funds should be used on public works and redevelopment projects. Other cities (as well as previous City Councils) maintain an 8%-15% reserve. It's time to spend taxpayer money on the taxpayers and not hoard tax dollars for some future disaster. This reserve policy is not fiscally conservative; it is too extreme and not sound public policy" [in his opinion].

Meeting adjourned at 9:00pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 23, 2013 BY A VOTE OF 5 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.