

# CITY COUNCIL MINUTES

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

January 13, 2014

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

## ROLL CALL OF MEMBERS

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
Tim Fitzgerald	George Pond	Tracy Langworthy	Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Public Works Director, Scott Brink; other staff and interested citizens.

## APPROVAL OF MINUTES OF December 9, 2013

Motion by Councilmember Starker for approval of the Minutes of December 9, 2013; seconded by Councilmember Davis; carried 8-0

## CITIZENS' RIGHT TO SPEAK

**Larry Merkl** (WR) requested that Council reconsider the back-in parking on 38<sup>th</sup> Avenue. People don't know how to do it. For safety it would be better to reconsider it.

**Kristian Teegardin** brought greetings from the City of Edgewater. He announced his candidacy for Colorado House District 24.

**Chris Mucilli** asked that the Council reconsider their vote on the back-in parking on 38<sup>th</sup>. He will be opening a business there soon and the back-in parking is dangerous in front of his shop. He's been cursed at and treated badly when doing the back-in parking, and he's seen people almost get hit.

**Pat Mucilli** owns a building on 38<sup>th</sup>. He asked that Council reconsider the back-in parking. It creates a hazard itself, plus an additional hazard when people park head-in. When the back-in parking went in his business dropped so much he had to close his shoe store. It's time to fix it, please.

At the request of Councilmember Urban, Jerry Dahl ruled that it would be appropriate at this time to consider a motion to have staff bring information [about alternatives to back-

in parking] to an already-scheduled study session. It is a scheduling matter, which is allowed by Council Rules, and does not require amending the agenda.

Motion by Councilmember Urban to direct staff to research the options for removing the back-in parking on 38<sup>th</sup> Avenue and replacing it with other parking options. The options should include pricing and schedules, along with any other pertinent information necessary for Council to direct staff to implement the changes and be brought to the next study session on January 27th; seconded by Councilmember DiTullio.

Comments and questions from the Council followed.

Motion failed 2-6 with Councilmembers Pond, Davis, Fitzgerald, Starker, Langworthy, and Wooden voting no.

### **APPROVAL OF AGENDA**

**Motion** to approve the agenda by Councilmember DiTullio; seconded by Councilmember Pond; carried 8-0.

#### **1. CONSENT AGENDA**

- a. Motion to encumber funds for On-Call Traffic Signal and Repair Services to W.L. Contractors of Arvada, CO, in an amount not to exceed \$45,000  
[Public Works General Fund budget, Account Number 01-303-700-704, Contractual Services; a one-year renewal]
- b. Motion to encumber funds for On-Call Storm Sewer Cleaning and Repair Services to Quality Pipe Services of Englewood, CO, in an amount not to exceed \$40,000  
[Public Works General Fund budget, Account Number 1-303-700-704, Contractual Services; a one-year renewal]
- c. Motion to encumber funds for Bus Shelter Cleaning & Snow Removal Services and Bus Bench Refuse Collection and Cleaning for payment to Front Range Services, Inc. in a total amount not to exceed \$36,000 in 2014  
[Public Works General Fund budget, Account Number 1-303-700-704, Contractual Services; a one-year renewal]
- d. Motion to approve payment of the Sales Tax Increment Share Backs for November and December of Fiscal Year 2013 from the Wheat Ridge Urban Renewal Authority Town Center Project in the amount of \$77,160.05 to Renewal Wheat Ridge  
[In September, 2011 the City Council approved an increase in the payment from 50% to 100% of the sales tax increment share back through December, 2014.]

- e. Resolution No. 05-2014 – approving an agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services and authorizing payment of \$68,900 to the City of Lakewood  
[From Account 01-212-700-704; pays salary and benefits for one Crime Lab position, plus overtime and supplies; required annual approval; will save \$31,182 a year over having an in-house position]
  
- f. Resolution 06-2014 – approving an Intergovernmental Agreement between the City of Wheat Ridge and the City of Lakewood concerning Academy Training for Police Officer Recruits  
[Budgeted item; Academy operated by City of Lakewood and the Jefferson County sheriff's Office; cost is \$4,200 per recruit]

Councilmember Langworthy introduced the Consent Agenda.

**Motion** by Councilmember Langworthy to approve the consent agenda; seconded by Councilmember Fitzgerald; carried 8-0

### **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

- 2. Resolution No. 03-2014 – authorizing the submission of an Environmental Protection Agency 2014 Brownfields Clean-Up Grant Application

Mayor Jay opened the public hearing.

Councilmember DiTullio introduced Resolution No. 03-2014.

Clerk Shaver read the title and summary.

Renewal Wheat Ridge wants to apply for an EPA Clean-Up Grant related to site contamination at 7690 W. 38<sup>th</sup> Avenue and 3700 Yukon Court. The request will be for up to \$200,000 to assist with remediation of the site.

Steve Art, Economic Development Coordinator, reviewed prior information about the property. Wheat Ridge urban renewal has purchased the site. Ground water clean-up and soil removal is necessary for development. Upon receipt of a NAD (No Action Determination) letter from the CO Department of Public Health we have a developer who has, in a letter, expressed interest in purchasing the property and developing it along with the other approx. 13 acres of that site.

There was no public comment.

Mayor Jay closed the public hearing.

**Motion** by Councilmember DiTullio to approve Resolution No. 03-2014, a resolution authorizing the submission of an Environmental Protection Agency

2014 Brownfields Clean-up Grant application; seconded by Councilmember Pond; carried 8-0.

3. Council Bill No. 14-2013 – revising Chapter 26 Article VIII of the Wheat Ridge Code of Laws concerning Floodplain Control

Councilmember Pond introduced Council Bill 14-2013.

Mayor Jay opened the public hearing.

Clerk Shaver assigned Ordinance 1544.

Mark Westberg (Engineering Department) was sworn in and gave a power point presentation on the action. This ordinance adopts

- New state regulations
- New floodplain maps
- Updated terminology

The City will be doing some things to help reach a Class 5 in the ratings which will help property owners in the floodplain get a higher discount on their flood insurance.

There was no public comment.

Mayor Jay closed the public hearing.

**Motion** by Councilmember Pond to approve Council Bill No. 14-2013, an ordinance revising Chapter 26, Article VIII of the Wheat Ridge Code of Laws Concerning Floodplain Control, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Starker; carried 8-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

4. Resolution 04-2014-approving the acquisition of private property for the purpose of constructing, installing, maintaining and using Public Improvements for the Kipling Street Multi-Use Trail by either negotiation and voluntary purchase or, if necessary, through the utilization of the City's power of Eminent Domain, and authorizing such action as necessary to accomplish said purposes

Councilmember Fitzgerald introduced Resolution 04-2014.

Mark Westberg gave a power point presentation about the plan for the Kipling Multi-Use Trail from 32<sup>nd</sup> Ave. to 44<sup>th</sup> Ave.

- The Trail will be a bicycle/pedestrian trail on the east side of Kipling connecting Crown Hill, Discovery Park, the Rec Center, and Clear Creek Trail.
- A dedicated bike/ped bridge will be installed across Clear Creek.
- A federal process must be followed for property acquisition.
- The project needs 10' for the trail, 2' for pedestrian lights between 32<sup>nd</sup> and 35<sup>th</sup>, and 3' for Xcel poles in the remaining segments
- There are three segments of trail construction: 32<sup>nd</sup> to 35<sup>th</sup>; 38<sup>th</sup> to 39<sup>th</sup>; 41<sup>st</sup> to 44<sup>th</sup>

#### Property acquisition --

- In a few locations there are 10' of existing improvements on private property (3,989 sf).
- Right of way acquisition involves 20 parcels, widths varying from 2' to 10'. (total of 10,150 sf, with 2,863 sf residential)
- Temporary construction easements from 8' to 10'. (less than half is residential)

#### Amenities include --

- Utility undergrounding from 32<sup>nd</sup> to 35<sup>th</sup>
- Pedestrian lights and street lights (pedestrian lights like the new ones at 32<sup>nd</sup> & Youngfield)
- Upgraded traffic signals for bike/ped and handicapped
- 9 benches with trashcans
- Bike racks (10 spaces) and a bike shelter (10 spaces, probably at the park)

#### Construction Items included --

- Tree replacement (one for one.)
- Landscaping/irrigation replacement
- Fence replacement
- Driveway reconstruction
- Retaining walls (like the wall in the City Hall parking lot)

#### Project Budget --

- Design - \$343,000
- Construction - \$2,835,000 (includes 32<sup>nd</sup> to 44<sup>th</sup>, but no new trail construction from 35<sup>th</sup> to 38<sup>th</sup> or from 39<sup>th</sup> to 41<sup>st</sup>)
- Total - \$3,178,000
  - Federal - \$2,473,000
  - City - \$705,000
  - Any unlikely shortfall will be provided by the City
  - Total includes estimated ROW acquisition costs of \$180,000 (not including engineering and professional services)

#### Design Schedule --

- As soon as we get ROW approval from CDOT, ROW acquisition and design can begin.

- January 29<sup>th</sup> – 2<sup>nd</sup> neighborhood meeting (Likely will be rescheduled to the first or second week in February due to delays by CDOT)
- Mid May, 2014 – ROW acquisition should be complete
- June 30, 2014 – Out to bid
- August 11, 2014 – Design ready for Council approval

Construction schedule --

- 1<sup>st</sup> Quarter 2014 – Xcel undergrounding 32<sup>nd</sup> to 35<sup>th</sup>
- Summer 2014 – other utility relocations
- September 2014 – start construction
- May 2015 – finish construction
- Restrictions –
  - Work hours – 7:00 am to 5:00 pm
  - No work on holidays or weekends

Council questions –

Mr. DiTullio asked if CDOT was still requiring undergrounding construction be done at night only. Mr. Westberg related that Xcel needs to submit a lane shift request to CDOT. When they do that CDOT will give approval for daytime construction. The City has not been able to find out where Xcel is with that.

Mr. Fitzgerald asked if extra trees will be planted, since we are a Tree City. Mr. Westberg stated that beyond replacement trees no extra trees are planned. Extra trees may be part of ROW negotiations with private property owners. Mr. Fitzgerald expressed a desire for more trees.

Mayor Jay asked if we are still good with the timing schedule for our federal grant. Mr. Westberg assured that per DRCOG we are on schedule.

**Motion** by Councilmember Fitzgerald to approve Resolution No. 04-2014, a resolution authorizing the acquisition of private property for the purpose of constructing, installing, maintaining and using public improvements for the Kipling Street multi-use trail by negotiation and voluntary purchase, or, if necessary through the utilization of the City's power of eminent domain and authorizing such action as necessary to accomplish said purposes; seconded by Councilmember Pond; carried 8-0

5. Resolution 02-2014 – amending the Fiscal Year 2014 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$40,000 for the required match for an EPA Brownfields Clean-Up Grant

Councilmember Starker introduced Resolution 02-2014.

There was no staff presentation and no questions from Council.

**Motion** by Councilmember Starker to approve Resolution No. 02-2014, a resolution amending the fiscal year 2014 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$40,000 for the required match for an EPA Brownfields Clean-Up Grant.; seconded by Councilmember DiTullio ; carried 8-0

6. Resolution 07-2014 – approving an Amendment to the Intergovernmental Agreement with the Urban Drainage Flood Control District for the funding of future Maple Grove Reservoir Maintenance and Improvements

Councilmember Pond introduced Resolution 07-2014.

**Motion** by Councilmember Pond to approve Resolution No. 07-2014, a resolution approving an amendment to the Intergovernmental Agreement with the Urban Drainage Flood Control District for the funding of future Maple Grove Reservoir maintenance and improvements.; seconded by Councilmember Langworthy;

There was no staff presentation. In response to Mr. Starker's question it was pointed out that the existing agreement (in place since 1976) caps the City's responsibility at 18.75% for capital improvements. This amendment merely replaces the annual contribution method (for future maintenance/replacement of the dam) with a five-year Capital Improvement Plan (CIP) process.

Motion carried 8-0

7. Motion to appoint Elected Officials to Outside Agencies

Councilmember Davis introduced agenda item 7, listing the names of the proposed mayoral appointees and the agencies to which they will be appointed.

Motion by Councilmember Davis to ratify the list of appointments she had just read; seconded by Councilmember Langworthy.

Councilmember Starker pointed out a discrepancy in names between the background information and the actual motion for the alternate to the Community Development Advisory Council. Ms. Davis said she would correct it.

Councilmember DiTullio noted that historically these appointments are discussed at a study session. Since that hadn't happened, he wondered if the appointments were set in stone. He is interested in being the School Liaison; as a teacher he could provide Council with information daily if needed. Councilmember Wooden said she had expressed interest in this position and

confirmed that she has already attempted to meet with Jill Felman of the School Board and the principals of school in the City.

Councilmember DiTullio requested division of the question.

**Motion** by Councilmember Davis to appoint Councilmember Bud Starker to the Colorado Municipal League, Policy Committee Member, with Councilmember Zachary Urban appointed as alternate; seconded by Councilmember DiTullio; carried 8-0.

**Motion** by Councilmember Davis to appoint Mayor Joyce Jay to DRCOG, Council Representative, with Councilmember Bud Starker as alternate; seconded by Councilmember Wooden; carried 8-0.

**Motion** by Councilmember Davis to appoint staff member Sally Payne to the Community Development Advisory Committee with Councilmember George Pond as alternate; seconded by Councilmember Starker; carried 8-0.

**Motion** by Councilmember Davis to appoint Councilmember Bud Starker to Jefferson Economic Council; seconded by Councilmember Pond; carried 8-0.

**Motion** by Councilmember Davis to appoint Councilmember George Pond to the Jefferson County Transportation Action and Advocacy Group; seconded by Councilmember Wooden; carried 8-0.

**Motion** by Councilmember Davis to appoint Councilmember Jerry DiTullio to the Police Seizure Fund; seconded by Councilmember Starker; carried 8-0.

**Motion** by Councilmember Davis to appoint Councilmember Genevieve Wooden to the Applewood Business Association/West Chamber; seconded by Councilmember Starker; carried 8-0.

**Motion** by Councilmember Davis to appoint Councilmember Genevieve Wooden as the Jefferson County School Liaison; seconded by Councilmember Langworthy; carried 7-1, with Councilmember DiTullio voting no.

**Motion** by Councilmember Davis to appoint Mayor Joyce Jay and Councilmember Tim Fitzgerald to the Wheat Ridge Business District; seconded by Councilmember Starker; carried 8-0.

8. Motion to ratify the Mayoral Appointment of Chad Harr to the Wheat Ridge Housing Authority

Councilmember Urban introduced agenda item 8.

**Motion** by Councilmember Urban to ratify the District II Mayoral appointment of Chad Harr to the Housing Authority, term to expire March 2, 2014; seconded by Councilmember Fitzgerald; carried 8-0

9. Motion to ratify the Mayoral Appointment of Tracy Langworthy to the Wheat Ridge Housing Authority

Councilmember Wooden introduced agenda item 9.

**Motion** by Councilmember Wooden to ratify the Council Member Mayoral appointment of Tracy Langworthy to the Wheat Ridge Housing Authority, term to expire March 2, 2016; seconded by Councilmember Fitzgerald; carried 7-1 with Councilmember DiTullio voting no.

**CITY MANAGER'S MATTERS** none

**CITY ATTORNEY'S MATTERS** none

**CITY CLERK'S MATTERS** none

**ELECTED OFFICIALS' MATTERS**

**Genevieve Wooden** announced the Cultural Commission is having Meet the Artist this Thursday, the 16<sup>th</sup> at Mike's Camera from 5:30 – 7:00. The featured artist is Blu Hartkopp.

**Tracy Langworthy** reminded folks of the MLK Day holiday next Monday.

**Mayor Jay** congratulated and thanked those who will serve outside agencies.

**Kristi Davis** thanked Mark Westberg for his presentations tonight. She assured people that the folks have been heard about the parking on 38<sup>th</sup> Avenue; she is confident some action will take place on that in time.

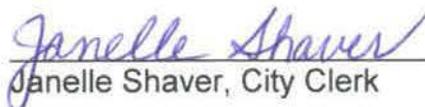
**Zachary Urban** announced Sts. Peter & Paul's school auction on Saturday evening, February 8, at the Sons of Italy hall. It's a dinner /dance/auction night. ~ He also announced that on January 25 Brothers Redevelopment, based in Edgewater, is hosting a first-time home buyer education class. It's a free class available to anyone who wants to learn the pros and cons of home ownership. It will start at 9:00am. Reach out to Brothers Redevelopment for more information. ~ He thanked Mr. Teegardin for coming.

**Motion** by Councilmember Davis to go into Executive Session for a conference with the City Attorney, Municipal Court Judge and appropriate staff under Charter Section

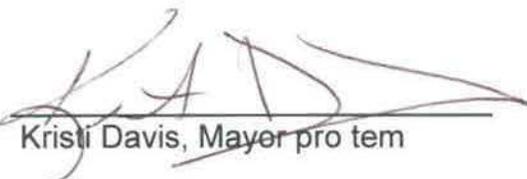
**Motion** by Councilmember Davis to go into Executive Session for a conference with the City Attorney, Municipal Court Judge and appropriate staff under Charter Section 5.7(b)(1) and Section 24-6-402(402(4)(b), C.R.S., specifically for legal advice from the City Attorney concerning municipal court matters; and further to adjourn the Council meeting at the conclusion of the executive session; seconded by Councilmember Pond; carried 8-0.

The Regular City Council Meeting adjourned at 8:26 pm.

Following a short break the City Council reconvened in the lobby conference room for the executive session, which started at 8:32pm and ended at 9:29pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON January 27, 2014 BY A VOTE OF 8 to 0

  
\_\_\_\_\_  
Kristi Davis, 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.