

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

July 14, 2008

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members present: Karen Adams, Karen Berry, Tracy Langworthy, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Public Works, Tim Paranto; Director of Parks & Recreation, Joyce Manwaring; staff; and interested citizens.

Council Member Dean Gokey was absent.

APPROVAL OF MINUTES OF June 23, 2008 and July 7, 2008

Motion by Mrs. Sang for approval of the Minutes of June 23, 2008; seconded by Mr. Stites; carried 6-0 with Ms. Berry abstaining due to her absence at the meeting;

Motion by Mrs. Sang for approval of the Minutes of the Special Meeting of July 7, 2008; seconded by Mr. Stites; carried 6-0 with Mr. Womble abstaining due to his absence at the meeting.

PROCLAMATIONS AND CEREMONIES

Mayor's Public Art Funding – Campaign Kickoff!!!

Mayor DiTullio distributed brochures to City Council and related how he and Mr. Abbott came up with the idea of starting this project.

The following letter was read into the record by City Clerk Michael Snow:

Dear Wheat Ridge Stakeholder,

We hope this letter finds you and your family well. While there has been talk about the benefit of public art to our City, there has not been a lot of movement to engage our citizens, our business community, our Cultural Commission, or our local artists into the public art process. There are many tangible benefits and there is a lot of "pop" in public art.

The Mayor's Office, along with various volunteer citizens, has engaged local and Wheat Ridge artist Kevin Robb to create a sculpture for public art. To purchase the sculpture, we are initiating a fundraising effort within our community. Our Cultural Commission will be determining the final sculpture (see Kevin Robb Studios insert) through their established processes. The Cultural Commission has developed a short list of locations within the City and will also be determining the final location for the sculpture that will have most visibility and "pop" for our community.

We have committed to raise \$50,000 to purchase the sculpture through private and public donations. We have also engaged the Wheat Ridge Foundation in this effort. The Wheat Ridge Foundation will safely hold

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Deleted: Good news!! The Mayor's Office, along with volunteer citizens, has engaged nationally known Wheat Ridge artist Kevin Robb Studios, to create a major public art sculpture, and we are initiating a fund raising effort to purchase this

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the donations, similar to the process of funding the synthetic turf fields at Wheat Ridge High School. Contributions to the Foundation are tax deductible.

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We are asking you to help us raise the funds necessary for this outstanding public art project. If this effort is successful, there is no reason why we cannot build on this; and Wheat Ridge will develop a strong and well funded public art program. We need your help! Our goal is to have the funds collected within one year or less of this kickoff campaign. The campaign was kicked off at the July 14th City Council meeting. We have already personally donated to this cause to help prime the pump!

Please send your tax deductible donation to:

Wheat Ridge Foundation
Attn: Mayor's Office
7500 W. 29th Ave.
Wheat Ridge, CO 80033

Check Payable to: Wheat Ridge Foundation

Check Memo: Public Art Campaign

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We enthusiastically encourage you to help us raise personal and civic awareness, regarding the benefits of a public art program within our community. To paraphrase "Lakewood is Art" (www.LakewoodisArt.com):

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"Beyond its enriching economic and personal benefits, public art is a true symbol of a city's maturity. It increases a community's assets and expresses a community's positive sense of identity. It helps green space thrive, enhances roadsides, pedestrian corridors, and community gateways; it demonstrates unquestionable civic and corporate pride in citizenship and affirms an educational environment. A city with public art is a city that thinks, feels and grows."

Why Public Art?

"The impact of public art on a community is priceless and immeasurable and once experienced it only appreciates. Public art has the power to energize our public spaces, arouse our thinking, and transform the places where we live, work, and play into more welcoming and beautiful environments that invite interaction. Public art can express community values, enhance our environment, transform a landscape, heighten our awareness, or question our assumptions. Placed in public sites, this art is there for everyone, a form of collective community expression."

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Let's bring excitement to Wheat Ridge. The "Train for Public Art" is leaving the station! Join the Effort! All aboard!

Please feel free to contact us with any questions. Thank you.

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Jerry DiTullio
Mayor, City of Wheat Ridge
jerryditullio@comcast.net

Tom Abbott
2007 Wheat Ridge Volunteer of the Year
tomisabbott@aol.com

Tom Abbott stated he is really excited about this project and he is looking forward to working with Mayor DiTullio.

Mayor DiTullio presented a personal check in the amount of \$1,000 to the Wheat Ridge Foundation through Joyce Manwaring, while Mr. Abbott promised a personal donation of \$2,500 to be donated this week.

CITIZENS' RIGHT TO SPEAK

Cheryl Brungardt, chair of the WR Housing Authority, announced that the last Parkside unit has been sold and that a duplex will be coming on the Market at the end of this week on Allison; they also have a 2-bedroom and a 4-bedroom on Parfet Street. Information is on the City's website and Channel 8. She thanked City Council for granting them money to leverage a grant from the State Division of Housing.

Rob Osborn spoke on behalf of Wheat Ridge 2020, to provide citizens a briefing on the programs and progress the organization is engaged in to revitalize Wheat Ridge. Mr. Osborn's presentation is included in this packet.

Mr. Osborn thanked Mrs. Sang for her donation of the Wine & Dine facility fees on October 2, 2008.

Item 1. CONSENT AGENDA

- A. Resolution 34-2008 – A Resolution approving an Intergovernmental Agreement (IGA) between the Jefferson County Department of Health and Environment and the City of Wheat Ridge for Cooperative Mosquito Management Program in the amount of \$6,567.00.
- B. Resolution 35-2008 – A Resolution approving an Intergovernmental Agreement (IGA) between the City and County of Denver and the City of Wheat Ridge for the Provision of Services and Aid in Preparation for and during the Democratic National Convention.
- C. Resolution 36-2008 – approving a Contract with the Colorado Department of Transportation for Installation of Pedestrian/School Crossing Improvements at 44th and Miller Street.
- D. Authorize the use of XCEL funding to bury XCEL Electric Power Lines on Kipling Street adjacent to the proposed park at 38th Avenue and Kipling Street.
- E. Approval of Award ITB-08-24 UV Installation at the Recreation Center Pools in the total amount of \$49,970.00 to CEM Sales and Service, Englewood, Colorado.
- F. Cancellation of July 21, 2008 City Council Study Session.

Consent Agenda was introduced and read by Mr. Stites.

Motion by Mr. Stites for approval of the Consent Agenda; seconded by Mrs. Rotola; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 02-2008 - An Ordinance Amending Code Of Laws Section 26-711, concerning Billboards in the B-2 Billboard District And Repealing Section 26-711.B (Public Hearing continued from 2/25/2008, 4/14/2008, and 6/9/2008).

Mayor DiTullio continued the public hearing.

Council Bill 02-2008 (Ordinance 1408) was introduced on second reading by Ms. Berry, who read the Executive Summary.

City Attorney, Jerry Dahl, presented the staff report.

Steve Gurr, attorney, representing CBS Outdoor, spoke on behalf of various proposed changes in the Ordinance and in Staff's recommendations. Mr. Gurr expressed opposition to the Ordinance based on the risk it poses to the existing Billboard structure owners vested rights. The Ordinance gives a property owner the ability to abandon these rights without anybody knowing about it. This could lead to a taking claim against the City.

Steve Richards, Manager of Mile High Outdoor, spoke in opposition to the ordinance and urged Council not to approve it. Mr. Richards believes the Ordinance gives property owners the right to strip business owners of their permit rights.

Dan Scherer, General Manager of CBS Outdoor, spoke in opposition to the Ordinance and give extensive history of the process that culminated in this proposed Ordinance. He and his company believe this is unconstitutional. Eliminate litigation.

Tom Abbott, spoke in favor of passage of the Ordinance with the "Option B" changes proposed in the Council Packet; believes the CBS Outdoor actions have caused the confusion on the matter; believes the Ordinance gives property owners the ability to leverage healthy competition in the Billboard industry; property owners should have the right to compete for the usage of their property; requests that Council approve the Ordinance and the proposed Staff changes in "Option B".

Shawn Baker, future potential billboard owner or property owner, has been leasing properties for 25 years; agrees with recommendations to approve the Ordinance; opposes changing the number of billboards in WR from 16 to 18. He would like to increase the setback requirements.

Mayor Di Tullio asked Mr. Snow to read the Mayor's e-mail into the record. The e-mail was mailed to Council and staff and reads as follows:

Council,

I wanted to share an e-mail with you that I sent to Councilmember Adams a few days ago:

Jerry Dahl will give the staff report for the Ordinance Monday night. All things considered, staff and I are recommending "Option B" with the amendments listed in the packet. I think I need to veto the Ordinance if any amendments are passed Monday night that remove the property owners from control. Sorry about that..Call me if you have any questions. I've become closer to the Billboard Ordinance more than I ever wanted to. ☺

The public hearing has been continued on several occasions so I will:

1. Allow Jerry Dahl to make a quick staff report.
2. Take any additional public comment.
3. Council questions/comments.
4. Close the public hearing.
5. Call for a motion.

I strongly encourage Council to pass "Option B" with all amendments recommended by staff and to allow the two (2) new billboards. Old code allowed 16 and the new ordinance allows 18 along the I-70 corridor. Allowing the two (2) new billboards will exercise the new processes and open up the market somewhat, which has been closed for a long time. I will bring copies of this e-mail Monday night and ask the Clerk to read into the record. This issue is NOT quasi-judicial.

Thanks

Mayor Jerry DiTullio

Mr. Dahl recommended, based on Council comments, that a motion be made to postpone indefinitely the proposed Ordinance.

Mayor DiTullio closed the Public Hearing.

Motion by Ms. Berry to **postpone indefinitely** Council Bill 02-2008, Ordinance 1408; seconded by Mr. Womble and Mrs. Rotola; carried 7-0.

ORDINANCES ON FIRST READING

Item 3. Council Bill 11-2008 - An Ordinance amending Sections 17.22 and 17.32 of the Wheat Ridge Code of Laws concerning restrictions of use of Lakes and Waterways within the City.

Council Bill 11-2008 was introduced on first reading by Mrs. Langworthy who read the Executive Summary.

Motion by Langworthy to approve Council Bill 11-2008 on first reading, order it published, public hearing set for Monday, July 28, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication;

I further move to add definition of Waterways, which reads "Section 17-1 Waterway means the portions Lena Gulch and Clear Creek within City limits"
seconded by Mrs. Rotola; carried 7-0.

Item 4. Council Bill 12-2008 - An Ordinance amending Article IX of the Wheat Ridge Code of Laws concerning Historical Landmark Designation. (Case No. ZOA-08-03)

Council Bill 12-2008 was introduced on first reading by Mr. Stites, who read the Executive Summary.

Motion by Mr. Stites to adopt Council Bill 12-2008 on first reading, order it published, public hearing set for Monday, July 28, 2008 at 7:00 p.m. in the City Council Chambers, and that it take effect immediately after final publication; seconded by Mrs. Sang; carried 6-1 with Mr. Womble voting No.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 5. Public Meeting on 2009 Budget.

Item 5 was introduced by Mrs. Sang, who read the Executive Summary.

No citizens were present to speak on the 2009 City Budget.

Item 6. Resolution 37-2008 – A Resolution approving a Memorandum of Understanding among Metro Denver's Cities and Counties promoting Health and Wellness.

Resolution 37-2008 was introduced by Mrs. Sang. Michael Snow read the executive summary.

Motion by Mrs. Sang to approve Resolution 37-2008; seconded by Mr. Womble and Mrs. Rotola; carried 7-0.

ELECTED OFFICIALS' MATTERS

Mrs. Rotola related the new pool is very popular and a great success; congratulations to Joyce Manwaring and her staff for the hard work in bringing the new pool to the City.

Mr. Stites asked all citizens to try to do one new positive thing for the City and its citizens; find and buy it in Wheat Ridge.

Councilmembers sent good wishes to Jim Payne and family and Mr. Gokey and family.

Mr. Womble supports Mr. Stites' goal to help people in the community. He is very pleased with the direction the City is taking concerning Art and thanked the Mayor and Tom Abbott for the Public Art Funding Campaign.

Mayor DiTullio announced the citizen bus tour for the WR2020 rehabilitated properties on Saturday, July 19th, at 10:30 a.m., bus leaving from the Senior/Community Center located at 35th & Marshall Street. He thanked the Wheat Ridge Housing Authority and WR2020 for their status reports under public comment.

He stated that fireworks are illegal in the City of Wheat Ridge; please remember your civic duty to not use illegal fireworks due to fire safety hazards; The Police Department committed additional personnel to staffing the Patrol Operations Division during this holiday weekend.

On Friday July 4th, and Saturday July 5th the department scheduled two (2) additional officers on overtime to assist with the call load. This was in addition to the normal compliment of officers assigned for regular patrol duties. These officers were assigned to work from 8:00 p.m. to 2:00 a.m. During this time frame, the department had approximately 13-14 patrol officers working, as well as two supervisors.

During the Fourth of July holiday, the department handled 544 calls for service, 80 of these were firework complaints. One of these calls for service was related to a fire directly related to the illegal use of fireworks.

He commended the work of the Wheat Ridge Police Department over the 4th of July weekend and reminded citizens that the improper use of fireworks places first responders (police and fire personnel) at unnecessary risk due to emergency responses to complaints attributed to the illegal use of fireworks.

Meeting adjourned at 8:34 p.m.

Signed: Michael Snow

Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON JULY 28, 2008 BY A VOTE OF 7-0.

Signed: Mike Stites

Mike Stites, 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.