

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

January 26, 2009

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Councilmembers present: Karen Adams, Karen Berry, Dean Gokey, Tracy Langworthy, Terry Womble, Lena Rotola, Wanda Sang, and Mike Stites. Also present: City Clerk, Michael Snow; City Manager, Randy Young; Deputy City Manager, Patrick Goff; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Senior Planner, Meredith Reckert; staff; and interested citizens.

APPROVAL OF MINUTES OF January 12, 2009

Motion by Mr. Gokey for approval of the Minutes of January 12, 2009; seconded by Mrs. Sang; carried 8-0.

CITIZENS' RIGHT TO SPEAK

John McMillin spoke in objection to the City Manager's decision to remodel the City Hall Lobby, removing the wooden City Emblem and City Motto which displayed on the wall since the opening of City Hall.

Elaine Slattery spoke of the history of the hand-made wooden City Motto and City Emblem which hung in the City Hall lobby before the remodel. She cited the Council's award letter to the winner of the design contest that took place in 1977 and which states the motto and emblem will remain permanently installed in City Hall. Mrs. Slattery submitted the letter to the City Clerk (included in this packet).

Rhonda Champion expressed her shock at finding the unexpected and unwarranted remodeling of the City Hall lobby. She believes the City has displayed a pattern of exclusion of the residents it serves instead of inclusion over the past several years, often doing things against the wishes of its citizens.

Motion by Mrs. Sang that the City Motto be placed back on the Lobby wall where it was originally; seconded by Mr. Womble;

Motion to amend by Mr. Gokey that the City Emblem also be replaced in the City Hall Lobby. Mrs. Sang agreed to amend this to her original motion.

Mr. Gokey Called for the Question; carried 7-1 with Mrs. Rotola voting No.

Original Motion as amended carried 7-1 with Mrs. Adams voting No.

APPROVAL OF AGENDA

Item 1. CONSENT AGENDA

- A. Resolution 06-2009 – A Resolution approving purchase of a replacement Police Sedan with all required equipment and markings, amending the fiscal Year 2009 Public Works Operations Budget, and in connection therewith, approval of a supplemental budget appropriation in the amount of \$36,810.00.
- B. Approval of the annual renewal for the Cartegraph System in the amount of \$27,715.00.
- C. Approval of the annual renewal for the Computer Aided Dispatch and Records Management System in the amount of \$65,326.00.
- D. Approval of the purchase of two marked Police Sedans, two small 4x4 Light Duty Pickup Trucks, one small 4x2 Light Duty Pickup Truck, one large 4x4 Heavy Duty Pickup Truck, and one 60,000 GVW Tandem Axle Cab and Chassis Truck in an amount not-to-exceed \$315,000.00.

Consent Agenda was introduced and read by Mrs. Sang.

Mr. Stites asked to pull Item 1D from the Consent Agenda.

Motion by Mrs. Sang for approval of Consent Agenda Items A, B and C; seconded by Mrs. Rotola; carried 8-0.

Motion by Mr. Stites to approve the purchase of two (2) 2009 Crown Victoria Police Option Marked Sedans in the amount of \$21,625.00 each, one (1) 2009 Dodge Dakota 4x4 Pickup for the Police Department – Community Services in the amount of \$18,713.00 and for approval to purchase, install and/or relocate auxiliary equipment required for the operation of the replacement vehicles; seconded by Mrs. Sang;

Motion to amend by Ms. Berry to also approve the purchase of one (1) 2009 Dodge Dakota 4x4 pickup for the Community Development Department in the amount of \$17,636.00 and one (1) 2009 International 7500 6x4 Cab & Chassis Truck in the amount of \$91,114.00; seconded by Mrs. Rotola; tied 4-4 with Council Members Gokey, Stites, Sang and Womble voting No. Mayor DiTullio broke tie against, voting No; motion to amend failed 5-4.

Original motion by Mr. Stites carried 5-3 with Council Members Berry, Adams and Rotola voting No.

Council Member Womble left the meeting at 7:52pm due to illness.

ORDINANCES ON FIRST READING

Item 2. Council Bill 01-2009 – An Ordinance amending Article IV of Chapter 21 of the Code of Laws of the City of Wheat Ridge entitled Courtesy Benches and Bus Stop Shelters.

Council Bill 01-2009 was introduced on first reading by Mrs. Rotola.

Motion by Mrs. Rotola to approve Ordinance No. 01-2009, An Ordinance Amending Article IV of the Chapter 21 of the Code of Laws of the City of Wheat Ridge Entitled Courtesy Benches and Bus Stop Shelters; seconded by Mrs. Langworthy.

Substitute Motion by Mrs. Rotola to approve Council Bill 01-2009 on first reading, order it published, public hearing set for Monday, February 9, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Council Members Langworthy and Adams.

Motion for substitution carried 5-2 with Council Members Sang and Berry voting No.

Substitute Motion carried 6-1 with Mrs. Sang voting No.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 3. Resolution 04-2009 – A Resolution finding a Petition for Annexation of land located in Sections 19 and 20, Township 3 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado, to be in substantial compliance with Section 31-12-107(1), Colorado Revised Statutes and setting a hearing date to consider the annexation.

Resolution 04-2009 was introduced by Mr. Stites who read the Executive Summary.

Motion by Mr. Stites to adopt Resolution 04-2009 and setting a first reading date of February 23, 2009 on an Annexation Ordinance, and a public hearing date of March 23, 2009; seconded by Mr. Gokey; carried 7-0.

Item 4. Resolution 05-2009 – A Resolution approving a two-lot Subdivision Plat with variances and waivers of right-of-way dedication and public improvements installation for property zoned R-1, Residential-One, located at 2690 Pierce Street.
(Case No. WA-08-14/MS-08-01/Reinhart)

Mayor DiTullio opened the Public Hearing and gave oath to all citizens giving testimony.

Resolution 05-2009 was introduced by Ms. Berry who read the Executive Summary.

Ms. Berry informed the Council of her receiving calls from citizens on this quasi-judicial matter recently but that she did not discuss the matters of the case, only the procedures of the hearing. She also had recent conversations with the applicant, Mr. Reinhart, none of which pertained to this case.

Mr. Gokey cited having recent conversations with Mr. Reinhart, none of which pertained to this case.

Mrs. Reckert provided the Staff summary presentation (included in this packet).

Davis Reinhart, applicant and property owner, demonstrated to Council the process and reasoning followed in arriving at the presently proposed Plat. Mr. Reinhart requests that Council approve his request for variance from Public right-of-way dedications, citing the damage, cost and negative impact that would be incurred in removing the mature Silver Maple trees that currently exist in the requested right-of-way.

Mayor DiTullio called for a break at 8:44pm; resuming at 8:57pm.

Cliff Selby noted the value of the existing trees on the property to the neighborhood character. He argued that considering the budgetary challenges in the City currently we don't want sparse City funds spent on a sidewalk that would not connect to any other segment of sidewalk in the area.

Scott Ernest contended that a new home built in this location would interfere with the view from his home that currently adjoins the property in question. He also argued that the approval of this subdivision and the variances required to approve the building of the additional home would adversely affect his and his neighbors' property values.

Motion by Ms. Berry to approve Case No. WA-08-14, a request for approval of a 6' lot width variance and a 4.3 foot side setback variance for Lot 2 in conjunction with Case No. MS-08-01, for the following reasons:

1. Granting of the variances would not alter the character of the area.
2. There are numerous lots with nonconforming widths and setbacks in the area, including several approved as variance requests by the Board of Adjustment.
3. Granting of the variances should not impair the amount of light and air to adjacent properties, increase congestion in the public streets or increase fire danger.

Seconded by Mrs. Sang; carried 7-0.

Mr. Gokey asked for a Council concession to allow further public testimony.

Mr. Ernest contended that if a seventh Planning Commission member had been present when they heard this case, even with that affirmative vote the Commission would not have reached a 75% majority to recommend approval of the applicant's requests.

Motion by Ms. Berry to deny a request for variances for street right-of-way dedications for Pierce Street in conjunction with case No. MS-08-01, for the following reasons:

1. It is City Policy to bring streets with insufficient right-of-way up to City standards.
2. It will further the future general health, safety and welfare of the City.

Motion failed due to lack of a second.

Motion by Mrs. Sang to approve a request for variances for street right-of-way dedications for Pierce and W. 28th Avenue in conjunction with case No. MS-08-01, for the following reasons:

1. There is no other curb, gutter and sidewalk on the east side of Pierce Street between W. 26th and W. 29th Avenues.
2. The right-of-way for W. 28th Avenue was vacated in the 1950's and there is no other curb, gutter and sidewalk on the south side of W. 28th Avenue between Pierce and Newland streets.

Seconded by Mr. Gokey; carried 6-1 with Ms. Berry voting No.

Motion by Ms. Berry to approve Resolution 05-2009 for the following reason:

All technical requirements of the subdivision regulations have been met.

With the following conditions:

1. All typographical errors on the plat document be corrected.
2. Add the following case number to the case history box: WA-08-14.
3. The payment of parkland dedication fees occur prior to the recordation of the plat;

Seconded by Mrs. Sang; carried 7-0.

ELECTED OFFICIALS' MATTERS

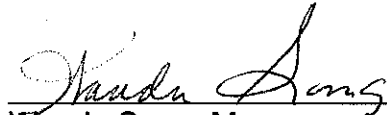
Motion by Mr. Gokey to direct Staff to bring forth an Ordinance to allow citizen representatives from other City Districts to fill positions on the Wheat Ridge Urban Renewal Authority for which no citizens in those districts have expressed interest and to prepare a Resolution doing the same for the Wheat Ridge Housing Authority; seconded by Mrs. Sang; carried 6-1 with Mrs. Adams voting No.

Meeting adjourned at 9:45p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON FEBRUARY 9, 2009 BY A VOTE OF 8 to 0



Wanda Sang, 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.