

# **CITY COUNCIL MINUTES**

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

**May 23, 2016**

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

## **PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

### **ROLL CALL OF MEMBERS**

Monica Duran	Zachary Urban	Janece Hoppe	
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Absent: Kristi Davis

Also present: Deputy City Clerk, Kelly Stevens; City Attorney, Gerald Dahl; City Treasurer, Jerry DiTullio; City Manager, Patrick Goff; Parks and Recreation Director, Joyce Manwaring, Police Chief, Daniel Brennan; Public Works Director, Scott Brink; Administrative Services Director, Heather Geyer; other staff, guests and interested citizens.

## **APPROVAL OF MINUTES OF May 9, 2016, and Study Notes of May 2, 2016 and May 9, 2016**

There being no objection, the Minutes for May 9, 2016 and the Study Notes of May 2, 2016 and May 9, 2016 were approved as published.

## **PROCLAMATIONS AND CEREMONIES**

Wheat Ridge Safety Month – June, 2016

Mayor Jay recognized Jason Bray of the Wheat Ridge Public Works Department and the City of Wheat Ridge Safety Committee.

Mr. Bray thanked the Mayor and Council for the proclamation.

## **CITIZENS' RIGHT TO SPEAK**

Clancy Degenhart - 3621 Garland Street spoke regarding the last study session's discussion about the proposed 38<sup>th</sup> avenue redesign. He is encouraged that Council agrees that this \$10 million project deserves more time for additional input and research and that Council has decided to base the project on facts and realism. In addition to being a Wheat Ridge resident, he also represents the Wheat Ridge Water District. The Water District is reviewing the proposed project and appreciates Council's consideration

in sharing information with them and allowing them time to formulate opinions and provide input. In the past, some of the meeting notices have gone out right before the meetings and the board did not have time to attend and provide input. He would appreciate it if the Council and the City would publish the meetings earlier to give them time to participate in the process.

John Clark – 4665 Swadley St stated that a few weeks ago he viewed the School to Work Alliance Program (SWAP) in action at the Rec Center. He was very impressed with this program which teaches job skills to high school students. Over 100 students, 20 from Wheat Ridge spent the day with various employers, going through interviews and learning about real work environments. He tips his hat to Patrick Goff, Genevieve Wooden, and Jerry DiTullio for funding this program. He attended a mass tree planting at Lewis Meadows Park with around 20 Wheat Ridge High School students. It was good to see so many high school students coming out in the cold and rain to work on this project (This was Treasurer DiTullio's Career Exploration class from WRHS). The Wheat Ridge High School STEM team took second place in Detroit this year. 23 students took 2 cars to the event. Their hydrogen prototype car was in leading in fuel efficiency all weekend, but was outdone by a vehicle from Queen's College in Canada. The students learned many valuable lessons and he is very proud of his son and the other Wheat Ridge students and teachers in this program for all of their work. Programs like STEM and STEAM and other similar learning opportunities are helping to make Wheat Ridge High School the "go to" school in Jefferson County.

## **APPROVAL OF AGENDA**

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

1. Council Bill 08-2016 – An Ordinance approving a zone change from Planned Commercial Development to Planned Industrial Development and a request for approval of an Outline Development Plan for property located at 12700 W. 44<sup>th</sup> Avenue (Case No. WZ-15-10/Stor-All Storage)

Councilmember Wooden introduced Council Bill 08-2016.

Deputy Clerk Stevens assigned Ordinance 1597.

Mayor Jay opened the Public Hearing.

City Attorney Dahl explained that the applicant has right to ask that the question be continued to June 27<sup>th</sup> because a legal protest has been filed and one Council member is absent. A legal protest in accordance with Section 5.10 of the City Charter was signed by the owners of 20% or more of the adjacent properties. This protest was filed prior to the public hearing, as required by code. Also this ordinance requires six votes (a supermajority) to pass instead of the typical five votes. This would be more challenging because of the absent Council member this evening.



Carolyn White, Counsel for the applicant requested a continuance to the June 27<sup>th</sup> meeting due to the legal protest and a councilmember being absent.

Mayor Jay closed the Public Hearing

**Motion** by Councilmember Wooden to continue Council Bill 08-2016, an ordinance approving a zone change from Planned Commercial Development to Planned Industrial Development and a request for approval of an Outline Development Plan for property located at 12700 W. 44<sup>th</sup> Avenue (Case No. WZ-15-10/Stor-All Storage) to the June 27, 2016 Council meeting.

Councilmember Pond stated he may have a conflict on June 27<sup>th</sup> and may not be able to attend that meeting.

Ms. White explained that the applicant desires for the full Council to hear this question and may request a further continuance until the full Council is available.

Seconded by Councilmember Mathews

Motion carried 7-0

**Motion** by Councilmember Pond to waive Council rules and vote whether to continue Item No.2 - Resolution No. 24-2016 – approving a specific Development Plan for property located at 12700 W. 44<sup>th</sup> Ave. (Case No. WZ-15-11); Seconded by Councilmember Mathews; Motion carried 7-0.

## **ORDINANCES ON FIRST READING**

2. Council Bill 09-2016 – amending the Wheat Ridge Code of Laws pertaining to interest on delinquent taxes, exemption of fundraising sales, and licensing requirements for events

Councilmember Duran introduced Council Bill 09-2016

Request is for approval of 3 proposed amendments to the Code pertaining to interest on delinquent taxes, exemption of fundraising sales, and licensing requirements for events.

1. Interest on delinquent taxes – Currently, the Code imposes interest of 1% per month on past due taxes without limits or any eligibility for a waiver. The recommendation is to amend the Code to cap interest at 18% and to permit a waiver of interest by the Treasurer or a designee to a floor of 6%.
2. Limited exemption of fundraising sales for exempt organizations. Currently, the Code requires charitable and non-profit organizations to collect sales tax on any sales they make, including fundraising events. The recommendation is to amend the Code to exempt sales and admission charges by charitable or non-profit organizations up to \$5,000 per transaction and total \$25,000 per calendar year.

3. Reduced licensing requirements for events – currently, the Code requires a non-resident vendor or event participant to obtain a temporary license for \$20 and pay a \$100 tax deposit, which offsets any taxes due upon reporting. The recommendation is to amend the Code to provide certain exemptions for temporary license fees and tax deposits.

Council had no discussion.

**Motion** by Councilmember Duran to approve Council Bill No. 09-2016, an ordinance amending the Wheat Ridge Code of Laws pertaining to interest on delinquent taxes, exemption of fundraising sales, and licensing requirements for events on first reading, order it published, public hearing set for Monday, June 13, 2016 at 7 p.m. in City Council Chambers, and that it take effect fifteen (15) days after final publication; seconded by Councilmember Hoppe; carried 6-1 with Councilmember Fitzgerald voting no.

#### **DECISIONS, RESOLUTIONS AND MOTIONS**

---

3. Resolution No. 24-2016 – approving a specific Development Plan for property located at 12700 W. 44th Ave. (Case No. WZ-15-11)

**Motion** by Councilmember Urban to continue Resolution No. 24-2016, a Resolution approving a specific Development Plan for property located at 12700 W. 44th Ave. (Case No. WZ-15-11) to the June 27, 2016 meeting; seconded by Councilmember Mathews; carried 7-0.

4. Motion to award a contract for the ADA Transition Plan Consulting Services to Alfred Benesch and Company, Denver, CO, in the amount of \$43,247.60

Councilmember Hoppe introduced Item No.4

Mayor Jay asked why the Compliance Coordinator was necessary.

Steve Nguyen, Engineering Manager responded that the City need to have the Coordinator available for public to aid members of the public with ADA requirements.

**Motion** by Councilmember Hoppe to approve the award of a contract for the ADA Transition Plan Consulting Services to Alfred Benesch and Company, Denver, CO, in the amount of \$43,247.60; seconded by Councilmember Urban; carried 7-0

5. Motion to approve payment to Commercial Fitness Solutions, Inc. in the amount of \$109,994.20 for purchase of Circuit and Advanced Strength Equipment for use at the Wheat Ridge Recreation Center



Councilmember Fitzgerald introduced Item No.5

This equipment needs replacement due to age and outdated design. The new equipment will improve fitness program and service to the citizens. The cost of the purchase is already included in the budget.

Councilmember Urban asked what would happen with the old equipment.

Mr. Goff responded that the old equipment will be traded in as part of the purchase. This trade in saved the city almost \$20,000.

**Motion** by Councilmember Fitzgerald to approve the payment to Commercial Fitness Solutions, Inc. in the amount of \$109,994.20 for purchase of Circuit and Advanced Strength Equipment for use at the Wheat Ridge Recreation Center; seconded by Councilmember Wooden; carried 7-0.

---

6. Motion to approve appointment of David Opp to the Cultural Commission- District III

Councilmember Pond introduced Item No.6

**Motion** by Councilmember Pond to approve the appointment of David Opp to the Cultural Commission- District III; seconded by Councilmember Fitzgerald; carried 7-0

#### **CITY MANAGER'S MATTERS**

Mr. Goff – reminded Council and the Public that on Wednesday, May 25<sup>th</sup> from 5:30 to 7:00 pm in the City Council Chambers, the City will host the public scoping open house for the Wadsworth Boulevard Reconstruction project. This is a requirement as part of the environmental assessment process. Project information will be presented to the public and the public will have the opportunity to point out any environmental issues the consultants need to address.

#### **CITY ATTORNEY'S MATTERS**

None

#### **ELECTED OFFICIALS' MATTERS**

Councilmember Duran invited everyone to attend a community meeting regarding the merger of Wheat Ridge Fire and West Metro Fire Rescue. It will be on Wednesday, May 25<sup>th</sup> at 6:30 pm at the Wheat Ridge Grange, 3850 High Court.

Councilmember Urban invited residents to a neighborhood meeting to address concerns and meet each other tomorrow, May 24<sup>th</sup> at 6:30 pm at Wilmore Davis Elementary School

There will be other meetings on Saturday June 4<sup>th</sup> at 9 am at Randall Park and Tuesday June 7<sup>th</sup> at 6:30 pm at Trinity Church, 44<sup>th</sup> and Newland.

Councilmember Pond expressed his thanks to the constituents of District III for attending Coffee with Council last Saturday. There were some good discussions and he has some notes and questions to hand off to staff. He thanked everyone who attended the meeting.

Councilmember Mathews stated he wanted to give a shout out to the Wheat Ridge Police Department. He attended the Police awards ceremony and was impressed with the number of excellent people on the force. He would like to thank them all for their continued service and duty to the public.

Councilmember Wooden stated that 3 weeks ago the 44<sup>th</sup> Avenue Cruise was rained out and there are lots of the goodie bags left. She will leave many of them at the front desk at City Hall and residents are encouraged to come get a bag and help promote the businesses on 44<sup>th</sup> Avenue.


Mayor Jay stated that the Jefferson County Library will be hosting a well-used book sale at the Jefferson County Fairgrounds. Friends of the library can view the books for sale on Thursday June 2<sup>nd</sup> from 6 – 8 pm. The sale will be open to the public on Friday, June 3<sup>rd</sup> at 8am.

### **ADJOURNMENT**

The Regular City Council Meeting was adjourned at 7:35 pm.

  
\_\_\_\_\_  
Kelly K. Stevens, Deputy City Clerk

APPROVED BY CITY COUNCIL ON June 13, 2016

  
\_\_\_\_\_  
George Pond, 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.