

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

March 23, 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, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Treasurer, Larry Schulz; City Manager, Randy Young; City Attorney, Gerald Dahl; Director of Community Development, Kenneth Johnstone; Director of Public Works, Tim Paranto; Senior Planner, Meredith Reckert; staff; and interested citizens.

City Council Member Lena Rotola was absent.

APPROVAL OF MINUTES OF March 9, 2009

Motion by Mr. Gokey for approval of the Minutes of March 9, 2009; seconded by Mrs. Sang; carried 7-0.

CITIZENS' RIGHT TO SPEAK

John McMillin of Wheat Ridge expressed his disappointment in the passing of Ordinance 1434 at the March 9, 2009 Council Meeting that changed the allowance for City-Initiated Rezoning, citing that the Council neglected to thoroughly review and consider the merits and impacts of the code change. Mr. McMillin also cited that Council was incorrectly informed that such Code change would bring Wheat Ridge "in-line with rezoning code in surrounding municipalities" and proceeded to outline rezoning laws he researched in several surrounding municipalities' codes.

APPROVAL OF AGENDA

Item 1. CONSENT AGENDA

- A. Resolution 16-2009 – A resolution establishing procedures for advertising and filling vacancies in the membership of all City Boards, Commissions and Authorities.
- B. Resolution 20-2009 – approving an Intergovernmental Agreement with the Urban Drainage and Flood Control District for Reimbursement of \$200,000 of the cost of purchasing 3453 Simms Street Property and demolition of 3453 Simms Street Property and 3388 Swadley Street Property, amending the Fiscal Year 2009 Capital Investment Program Budget, and in connection therewith, approval of a supplemental budget appropriation in the amount of \$200,000.
- C. Resolution 21-2009 – authorizing the expenditures of funds in the projected amount of \$3,644.00 for the Citizen Budget Oversight Committee (CBOC) to be funded by the Legislative Services Budget.

- D. Approval to award ITB-09-03 2009 Overlay Concrete Rehabilitation Project to Asphalt Specialties in the amount of \$687,589.50.
- E. Approval to award RFP-08-43 USGS Lidar and DRCOG Aerial Services to Bohannon Huston, Inc. in the amount not-to-exceed \$98,500.

Consent Agenda was introduced and read by Mrs. Sang.

Motion by Mrs. Sang for approval of all Consent Agenda Items A-E; seconded by Mr. Stites; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 12-2009 – amending Chapter 26 of the Wheat Ridge Code of Laws to require proof of adequate water supply for certain new developments.
(Case No. ZOA-08-04)

During the pre-meeting, Mr. Johnstone amended to the packet a September 8, 2009 memo from City Attorney Gerald Dahl regarding House Bill 08-1141 concerning proof of adequate water supply for new developments (amended to this packet).

Mayor DiTullio opened the public hearing.

Council Bill 12-2009 was introduced on second reading by Council Member Womble. City Clerk Michael Snow assigned Ordinance No. 1436.

Mr. Johnstone presented the staff report.

No citizens were present to speak on this issue.

Mayor DiTullio closed the public hearing.

Motion by Mr. Womble to approve Council Bill 12-2009 (Ordinance 1436) on second reading and that it take effect 15 days after final publication; seconded by Mrs. Sang and Mr. Stites; carried 7-0.

Item 3.A. Resolution 12-2009 - making certain findings of fact regarding the proposed Annexation of a parcel of land to the City of Wheat Ridge, Colorado, and Council Bill 05-2009 – approving the Annexation of certain territory to the City of Wheat Ridge, Colorado.
(Cases No. ANX-08-03/Long's Peak Metropolitan District)

Item 3.B. Council Bill 06-2009 – An Ordinance providing for the approval of Agriculture-One, A-1, zoning on property recently annexed to the City of Wheat Ridge, located east of 14802 W. 44th Avenue, including the rights-of-way for State Highway 58 and Cabela Drive, Cabela Drive between the new Interchange of W. 44th Avenue and right-of-way for West 44th Avenue from west of Holman Street to the existing City Limit Line.
(Case No. WZ-08-09/Long's Peak Metropolitan District)

Mayor DiTullio opened the public hearing for all Items 3.A. & 3.B.

Resolution 12-2009, Council Bill 05-2009 and Council Bill 06-2009 were introduced by Council Member Stites. City Clerk Michael Snow assigned Ordinance No. 1437 to Council Bill 05-2009 and Ordinance No. 1438 to Council Bill 06-2009.

Mrs. Reckert presented the staff report for all Items 3.A. & 3.B.

No citizens were present to speak on the matter.

Mayor DiTullio closed the Public Hearing.

Motion by Mr. Stites to adopt Resolution 12-2009; seconded by Mrs. Sang; carried 6-1. Mrs. Langworthy interjected that she'd mistakenly voted No and asked for a re-vote. Mayor DiTullio approved a re-vote by Council. Motion passed 7-0 on re-vote.

Motion by Mr. Stites to approve Council Bill 05-2009 (Ordinance 1437) on second reading and that it take effect upon recordation of the annexation ordinance and map of the area annexed with the Jefferson County Clerk and Recorder as provided by C.R.S. 31-113; seconded by Mrs. Adams and Mrs. Sang; carried 7-0.

Motion by Mr. Stites to approve Council Bill 06-2009 (Ordinance 1438) on second reading, and that it take effect 15 days after final publication for the following reasons:

1. Zoning must be in place within 90 days of annexation.
2. A-1 zoning is appropriate for infrastructure.
3. Planning Commission recommends approval.

Seconded by Mrs. Sang; carried 7-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 4. Approval to purchase the 3453 Simms Street Property in the amount not to exceed \$360,000.00.

Motion by Mr. Stites to approve purchase of the 3453 Simms Street property in the amount not-to-exceed \$360,000 contingent upon reimbursement of fifty percent (50%) of the cost of acquisition by the Urban Drainage and Flood Control District; seconded by Mrs. Adams; carried 7-0.

ELECTED OFFICIALS' MATTERS

City Clerk Michael Snow announced his plans to attend the NLC Green Cities Conference in Portland, Oregon from April 18th through April 22nd, 2009 to research and obtain resources on Sustainability programming and ideas for the City of Wheat Ridge. Mr. Snow invited citizens, Council Members and City Staff to contact him with any ideas or requests in preparation for his attendance at the conference.

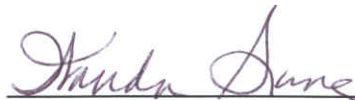
City Treasurer Larry Schulz announced the first televised meeting of the Citizens' Budget Oversight Committee on March 25, 2009 from 6:30pm to 8:30pm. The meeting is open to public attendance and will be televised for the viewing on the Government Access Cable Channel 8. Further information on this and future meetings may be obtained on the City's website.

Meeting adjourned at 7:35p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON APRIL 13, 2009 BY A VOTE OF 6 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.