

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

August 3, 2009

(continued from July 27, 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, Lena Rotola, Wanda Sang, Mike Stites, and Terry Womble. Also present: City Clerk, Michael Snow; City Manager, Randy Young; Deputy City Manager, Patrick Goff; City Attorney, Gerald Dahl; Parks & Recreation Director, Joyce Manwaring; Tax Auditor, Kathy Franklin; Director of Public Works, Tim Paranto; staff; and interested citizens.

APPROVAL OF MINUTES OF July 13, 2009

Motion by Mrs. Sang for approval of the Minutes of July 13, 2009; seconded by Mr. Stites; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Mrs. Wheat Ridge Karen Thaler read Proclamations for:

PD State Accreditation Award

John Patterson of the Colorado Association of Police Chiefs granted to Chief Brennan the Accreditation Award.

Carnation Festival Proclamation & Wheat Ridge 40th Anniversary Celebration

Cheri Jahn announced the Carnation Festival Committee's success in surpassing the fund-raising goal of \$60,000 for this year's Festival and 40th Birthday Celebration, recognizing the contributions of the committee and especially Tom Meiers and Reef Abbott. Mrs. Jahn also encouraged citizens to participate in this year's Carnation Festival and Celebrations.

Relay for Life – Ashley Hawkins, American Cancer Society

Tom Meiers was present to speak on behalf of the event this year and encouraged all citizens to join in the event.

Recognition of Assistance by Local Agencies to the City of Wheat Ridge

Mayor DiTullio and Mr. Young recognized and thanked the various neighboring organizations and government entities for their aid to the City in the clean up and repairs following the catastrophic storm that hit the City on July 20th, 2009.

CITIZENS' RIGHT TO SPEAK

Lynn Raber and Diane Lopez, representing Table Mountain Animal Center (TMAC) spoke of the hard work being done to construct a new shelter despite the current downturn in the economy. They also expressed thanks to Mayor DiTullio, Patrick Goff and the City of Wheat Ridge for their financial donation and assistance to help make this happen. Donations are requested from residents and businesses to help TMAC meet the \$3 million fundraising goal. Citizens are invited to come see the new facility under construction near the County Fairgrounds.

APPROVAL OF AGENDA

Motion by Mr. Stites to direct the City Attorney to prepare an Emergency Ordinance reducing City permit fees by 50% on a rebate basis on final inspection, for all Building Permits for work needed to repair damage from the July 20, 2009 storm, applications for which are received after July 20, 2009, to and including October 16, 2009, but not to include any reduction in City-imposed Sales, Use or Excise Taxes.

I further move that consideration of the Ordinance be added to the Agenda as a new Item No. 9; seconded by Council Member Sang;

Mrs. Rotola made a substitute motion to continue to the October 15th, 2009 meeting, an Ordinance rebating building permit fees to the owner/permittee for all building permits for work needed to repair damage from the July 20, 2009 storm; seconded by Mrs. Langworthy; tied 4-4 with Council Members Stites, Sang, Womble, Gokey voting No and Council Members Berry, Adams, Langworthy and Rotola voting Yes; motion ultimately failed with Mayor DiTullio voting No.

Mrs. Adams made a substitute motion to direct the City Attorney to prepare a budget amendment and an emergency ordinance rebating to the owner/permittee 50% of such fees for all building permits for work needed to repair damage from the July 20th, 2009 storm, applications for which are received after July 20, 2009, to and including October 16, 2009, but not to include any reduction in City-imposed sales, use or excise taxes. I further move that the 2009 Budget be amended to provide for such rebates; seconded by Mrs. Rotola; tied 4-4 with Council Members Stites, Sang, Womble and Gokey voting No and Council Members Berry, Adams, Langworthy and Rotola voting Yes; motion ultimately failed with Mayor DiTullio voting No.

Ms. Berry made a substitute motion to direct the City Attorney to prepare an emergency ordinance rebating to the owner/permittee that amount of the City's fees in excess of the City's actual costs for the plan review and inspection, up to a maximum of 50% of such fees, for all building permits for work needed to repair damage from the July 20, 2009 storm, applications for which are received after July 20, 2009, to and including October 16th, 2009, but not to include any reduction in City-imposed sales, use or excise taxes; seconded by Mrs. Langworthy; tied 4-4 with Council Members Stites, Sang, Womble and Gokey voting No and Council Members Berry, Adams, Langworthy and Rotola voting Yes; motion ultimately failed with Mayor DiTullio voting No.

Original motion by Mr. Stites tied 4-4 with Council Members Stites, Sang, Womble and Gokey voting Yes and Council Members Berry, Adams, Langworthy and Rotola voting No; motion ultimately passed with Mayor DiTullio voting Yes.

1. CONSENT AGENDA

- A. Approval of a Settlement Agreement among 70 WBC, LLC, (West Business Center) Longs Peak Metropolitan District and City of Wheat Ridge.
- B. Approval of a \$10,000 expenditure for On-Call Storm Sewer Cleaning and Repair Services.
- C. Resolution 36-2009 – amending the fiscal year 2009 General Fund Budget to reflect the approval of a supplemental budget appropriation in an amount not to exceed \$127,153.00 and awarding a contract to Oxford Recycling in the amount of \$52,153.00 for the purposes of tub grinding and disposing of tree branches, limbs and logs from the July 20th storm.

Mrs. Adams requested to pull Item 1.C. from the Consent Agenda.

Consent Agenda was introduced and read by Mr. Stites.

Motion by Mr. Stites for approval of the Consent Agenda Items A & B; seconded by Mr. Gokey; carried 8-0.

Motion by Mrs. Adams to move Item 1.C. on the agenda to be a new Item 10; seconded by Mr. Gokey; carried 7-1 with Mr. Stites voting No.

Motion by Mrs. Adams to move Item 2 on the agenda to be a new Item 11; seconded by Mrs. Rotola; carried 7-1 with Mr. Gokey voting No.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Item Moved on Agenda to Item 11

3. Council Bill 18-2009 – An Ordinance amending Chapter 22, Article I, of the Wheat Ridge Code of Laws concerning the requirement of a license to collect Sales and/or Use Tax.

Mayor DiTullio opened the public hearing.

No citizens were present to speak on this item.

Council Bill 18-2009 was introduced on second reading by Council Member Sang; City Clerk Michael Snow assigned Ordinance No. 1444.

Patrick Goff presented the staff report.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 18-2009 (Ordinance 1444) on second reading and that it take effect 15 days after final publication; seconded by Mr. Stites.

Mr. Gokey made a substitute motion to hear this item as Item 12 for Action Only; seconded by Mr. Womble; failed 6-2 with Council Members Gokey and Womble voting yes.

Original motion carried 6-2 with Council Members Gokey and Womble voting No.

4. Council Bill 14-2009 - An Ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his compensation and approving a Presiding Municipal Judge Services Agreement.

Mayor DiTullio opened the public hearing.

Council Bill 14-2009 was introduced on second reading by Council Member Sang; City Clerk Michael Snow assigned Ordinance No. 1445.

No citizens were present to speak on this Item.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Sang to approve Council Bill 14-2009 (Ordinance 1445) on second reading and that it will take effect upon adoption, with the following amendment to Section 1, given to Mrs. Sang by the City Attorney: No increase in hourly compensation and approving of presiding Municipal Judge services agreement, to include a compensation review on or before July 1st, 2010, on seconded reading and that it take effect upon adoption; seconded by Mrs. Langworthy; carried 8-0.

ORDINANCES ON FIRST READING

5. Council Bill 19-2009 – An Ordinance amending the Wheat Ridge Code of Laws concerning Residential Development Standards.
(Case No. ZOA-09-02)

Council Bill 19-2009 was introduced on first reading by Council Member Berry.

Motion by Ms. Berry to approve Council Bill 19-2008 on first reading, order it published, public hearing set for Monday, August 24, 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 Rotola and Sang; carried 8-0.

6. Council Bill 20-2009 – An Ordinance adopting Amendments to the 2003 International Building Code and the 2003 International Residential Code, both as previously adopted by Reference, concerning Building Permit Fees and certain referenced Standards.

Council Bill 20-2009 was introduced on first reading by Council Member Stites, who read the Executive Summary.

Motion by Mr. Stites to approve Council Bill 20-2009 on first reading, order it published, public hearing set for Monday, August 24, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Womble; carried 8-0.

7. Council Bill 21-2009 – An Ordinance amending Section 26-501 of the Wheat Ridge Code of Laws concerning Off-Street Parking Surface Requirements.

Council Bill 21-2009 was introduced on first reading by Council Member Sang.

Motion by Mrs. Sang to approve Council Bill 21-2009 on first reading, order it published, public hearing set for Monday, August 24, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect on August 31, 2009; seconded by Mrs. Langworthy; carried 8-0.

Mayor called for a break at 8:21pm; to resume at 8:33pm.

8. Council Bill 22-2009 – An Ordinance adopting by reference the 2009 Edition of the Model Traffic Code for Colorado and the Model Traffic Code amendments previously adopted by the City; providing penalties for Model Traffic Code violations; and making conforming amendments to the Wheat Ridge Code of Laws.

Council Bill 22-2009 was introduced on first reading by Council Member Langworthy.

Motion by Mrs. Langworthy to approve Council Bill 22-2009 on first reading, order it published, public hearing set for Monday, Sept 14, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Rotola; carried 8-0.

9. Emergency Ordinance reducing City permit fees by 50% on a rebate basis on final inspection, for all Building Permits for work needed to repair damage from the July 20, 2009 storm, applications for which are received after July 20, 2009, to and including October 16, 2009, but not to include any reduction in City-imposed Sales, Use or Excise Taxes.

Mr. Dahl handed Council copies of the proposed Emergency Ordinance.

Mr. Gokey introduced the Emergency Ordinance. City Clerk Michael Snow assigned Ordinance No. 1446.

John McMillin spoke in favor of this Ordinance, citing the financial hardship that so many citizens are facing because of the damage to their homes, particularly those damage expenses that insurance does not cover, and urged Council to support the rebate as a small means to lessen this hardship on its citizens.

Joe DeMott spoke in favor of the Ordinance, agreeing with Mr. McMillin on many points and citing the positive effect of the Building Permit fee vacation that the City of Denver granted in June on citizens' building permit applications and how this proposed Ordinance will have the similar effect – to increase the likelihood property owners will apply.

Zachary Urban expressed the significance of this Ordinance as a sort of Olive Branch from the City and the benefit that it provides property owners a choice whether to take advantage of the rebate or allow the City to keep those fees to pay for the expenses for the storm.

City Clerk Michael Snow read into record a letter submitted by Nancy Snow (amended to this packet) encouraging the Council to support the Ordinance and asking that they consider extending the benefits of this rebate for as long as possible due to the long duration it will likely take for the Wheat Ridge property owners to complete repairs.

Mr. Dahl read into record his reply to an email request from Mayor DiTullio for information on the effect of this rebate on property owners' insurance reimbursements (amended to this packet).

Motion by Council Member Gokey to approve Emergency Ordinance 1446 (Dahl requested to fix typo in D. and clarification of "...amount originally paid..."); seconded by Council Member Sang;

Mr. Dahl requested the motion be made to amend Section C. of the proposed Ordinance to read ...shall rebate to the owner fifty percent (50%) *of the building permit and inspection fees paid.*; and to fix a typo in Section D. to read ...shall commence on July 21, 2009.

Mr. Gokey and Mrs. Sang agreed to the recommended amendments.

Motion tied 4-4 as amended, with Council Members Gokey, Sang, Stites and Womble voting Yes and Council Members Berry, Adams, Rotola and Langworthy voting No; motion ultimately carried with Mayor DiTullio voting yes.

10. Resolution 36-2009 – amending the fiscal year 2009 General Fund Budget to reflect the approval of a supplemental budget appropriation in an amount not to exceed \$127,153.00 and awarding a contract to Oxford Recycling in the amount of \$52,153.00 for the purposes of tub grinding and disposing of tree branches, limbs and logs from the July 20th storm.

Resolution 36-2009 was introduced by Council Member Adams.

Motion by Mrs. Adams to approve Resolution 36-2009. I further move to award the amount of \$52,153.00 from account # 01-602-700-704 to Oxford Recycling for the purpose of tub grinding and disposing of storm debris. I further move to award an amount not to exceed \$75,000 to various vendors for the purpose of tub grinding, removal of material and other forestry services related to storm damage; seconded by Mrs. Rotola;

Motion by Mr. Gokey to amend the proposed Resolution, striking approval of the additional \$75,000; seconded by Council Member Womble; failed 7-1 with Mr. Gokey voting Yes.

Original motion carried 6-2 with Council Members Womble and Gokey voting No.

11. Council Bill 17-2009 – An Ordinance amending Section 11-22 of the Wheat Ridge Code of Laws concerning conducting business within the City without a valid Business License.

Mayor DiTullio opened the public hearing.

Council Bill 17-2009 was introduced on second reading by Council Member Rotola; City Clerk Michael Snow assigned Ordinance No. 1443.

Patrick Goff presented the staff report.

No citizens were present to speak on this item.

Mayor DiTullio closed the public hearing.

Motion by Mrs. Rotola to approve Council Bill 17-2009 (Ordinance 1443) on second reading and that it will take effect 15 days after final publication; seconded by Mrs. Sang;

Mr. Gokey made a substitute motion to move Item 11 to a Study Session for further study; seconded by Mr. Stites;

Mayor DiTullio called for a break at 9:42pm; to resume at 9:47pm.

Mrs. Rotola read a potential amendment to her original motion, should the substitute motion by Mr. Gokey fail.

Substitute motion to continue failed 5-3 with Council Members Womble, Gokey and Langworthy voting Yes.

Motion by Mrs. Rotola to amend Council Bill 17-2009, Ordinance 1443, with the following change:

- Section 1., *STRIKE* – Penalties for violations of this section shall be as set forth in Sections 1-5 and 1-6 of the City Code. And *INSERT* – Penalties for violations of this section shall be Court Costs plus \$100 for the first violation, \$200 for the second violation and \$500 for the third and subsequent violations.; seconded by Mrs. Sang; carried 6-2 with Mr. Gokey and Mr. Womble voting No.

Original motion by Mrs. Rotola carries as amended 6-2 with Council Members Gokey and Womble voting No.

ELECTED OFFICIALS' MATTERS

City Clerk Michael Snow informed citizens and candidates of the Candidate nomination period beginning tomorrow, August 4th, 2009 continuing through August 24th, 2009 and citing regulations in signing nominating petitions.

Mrs. Adams highlighted the free volunteer offering by Crossroads Community Church in Wheat Ridge to assist members of the community with unfulfilled needs resulting from the recent storm. Information may be found on the City's website, www.ci.wheatridge.co.us, or by calling the City Clerk's Office at 303-235-2823.

Motion by Mr. Womble to contribute the remainder of his Conference & Meeting Funds, Account No. 01-102-700-702, to be donated to the Mayor's Community Art Project; seconded by Mr. Gokey; carried 8-0.

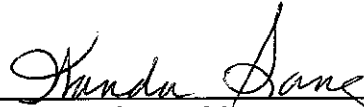
Motion by Mr. Gokey to direct the City Attorney to report to the Council regarding actions necessary to restore Title to the City of the Real Property located at 7150 West 38th Avenue and which property was transferred to the Wheat Ridge 2020 Organization by Special Warranty Deed on November 8th, 2007, subject to certain conditions; seconded by Mrs. Sang; tied 4-4 with Council Members Sang, Gokey, Stites and Womble voting Yes and Council Members Berry, Adams, Rotola and Langworthy voting No; motion ultimately passed with Mayor DiTullio voting Yes.

Meeting adjourned at 10:24p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON August 10, 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.