

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

August 10, 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; City Attorney, Gerald Dahl; City Treasurer, Larry Schulz; Director of Community Development, Kenneth Johnstone; staff; and interested citizens.

APPROVAL OF MINUTES OF August 3, 2009

Motion by Mr. Gokey for approval of the Minutes of August 3, 2009; seconded by Mrs. Sang; carried 8-0.

PROCLAMATIONS AND CEREMONIES

Citizen Award for Joe Arrellano

Chief Brennan granted Mr. Arrellano of Connelly's Towing Service an award from the Wheat Ridge Police Department recognizing the outstanding customer and community service qualities he displayed in providing assistance recently to an elderly man whose vehicle had broken down on Wadsworth. The man was struggling to revive his vehicle and was unable to pay for towing services when Mr. Arrellano provided free assistance to move his vehicle to safety and help restart it.

CITIZENS' RIGHT TO SPEAK

Louise Turner commended and thanked the City for its speedy City cleanup of the recent storm by providing a location for residents to drop off tree debris. Many residents have commented that this is the kind of service they like to see their tax dollars providing. Mrs. Turner also thanked the Council for doing something about the high building permit fees in the City for home owners requiring repairs from this storm. She then expressed her dismay that the City has had no bus stops for over two months, citing many situations where elderly or handicapped citizens are forced to stand for long periods of time waiting for buses. Mrs. Turner requested that the bulletin board be replaced in the City Hall Lobby and inquired as to the whereabouts of the City Emblem that used to be attached to the front of the building. Lastly, she recommended the City postpone or cancel any of the several capital improvement projects that have been started in order to address the 2009 budget shortfall.

Bob Vermillion, who is the owner of properties north of I-70, spoke of the untapped potential for new development along the I-70 corridor. Mr. Vermillion indicated that the City needs to do something to establish easier vehicle access to the area.

Ryan Dolan of the Second Wind Fund, highlighted the tremendous need in the community for suicide awareness, citing that Colorado is sixth in the nation in the incidence of Teen Suicide. Mr. Dolan explained some of the related services provided by Second Wind Fund and the need for public and private contributions for the Second Wind Fund of Metro Denver's 8th Annual Walk/Run/Ride event raising funds for Teen Suicide Prevention. The event takes place September 20, 2009 at the Jeffco Fairgrounds. Council Members were provided fliers with information on the event. Citizens interested to donate or register for the event may do so by visiting www.swfmd.org.

Anna Martinez-Barnish, also with Second Wind Fund, explained that the proceeds for the September 20th event provide assistance to Teens in need of mental health services who have no means or insurance for such need. At Second Wind Fund of Metro Denver, clients in need often receive services from therapists within hours where typically it may take weeks to receive such service.

Zachary Urban, District 2 Council Candidate, thanked the City Staff for allowing him to have a Community Block Party for his street on August 8th. He also thanked all who attended the event and contributed to his campaign. Mr. Urban encouraged neighbors throughout the City to have similar block parties in order to get to know neighbors and help build a sense of community. Mr. Urban also spoke of a friend he lost to suicide and encouraged Wheat Ridge citizens to please give assistance to Second Wind Fund.

APPROVAL OF AGENDA

1. CONSENT AGENDA:

- A. Resolution 41-2009 – approving an Intergovernmental Agreement with the City of Lakewood for the annual maintenance of the City of Wheat Ridge Emergency Warning System.
- B. Resolution 38-2009 – adopting a revision to the Intergovernmental Agreement between the City of Wheat Ridge, the City of Lakewood, the City of Arvada, the First Judicial District, and Jefferson County concerning the establishment of a Jefferson County Regional Auto Theft Task Force.

Consent Agenda was introduced and read by Mr. Stites.

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

ORDINANCES ON FIRST READING

2. Council Bill 23-2009 – An Ordinance approving a Gas and Electric Utility Franchise with Public Service Company of Colorado, such Franchise conditioned on Voter approval of the same.

Council Bill 23-2009 was introduced on first reading by Council Member Sang.

Motion by Mrs. Sang to approve Council Bill 23-2009 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 upon approval by a vote of the registered electors of the City at the November 3, 2009 regular municipal election; seconded by Mr. Stites; carried 8-0.

3. Council Bill 24-2009 – An Ordinance submitting two ballot questions to the voters of the City at the November 3, 2009 Regular Municipal Election, to amend the Wheat Ridge Home Rule Charter to exempt certain areas of the City from the Height and Residential Density Limitations of Charter Section 5.10.1.

Council Bill 24-2009 was introduced on first reading by Mr. Gokey.

Motion by Mr. Gokey to approve Council Bill 24-2009 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 immediately upon adoption at second reading; seconded by Mrs. Sang; carried 8-0.

DECISIONS, RESOLUTIONS, AND MOTIONS

4. Public Hearing - Resolution 39-2009 – finding the existence of Blight in the vicinity of the Interstate 70 Corridor between 32nd Avenue and Kipling Street and the Kipling Corridor between Interstate 70 and 26th Avenue.

Resolution 40-2009 – approving the Interstate 70/Kipling Corridors Urban Renewal Plan.

Resolutions 39-2009 and 40-2009 were introduced by Mrs. Adams.

Mayor DiTullio opened the Public Hearing.

Mr. Young introduced Ann Ricker of Leland Consulting Group who provided summary report (amended to this packet).

Mark Kramer expressed concern that the blight designation on the apartment he owns, which is included in Block 28 of the Urban Renewal Plan, will have a negative impact on its real estate value and future bank financing potential. Mr. Kramer also contended that his property did not have any of the four factors of blight cited in Block 28, such as Faulty Lot Layout, Unsanitary or Unsafe Conditions, High Level of Services Needed, etc. Mr. Kramer provided photos and refuted each blight citation contending that his Apartment, though it contains five units, are all owned by one owner. He's also gathered fire and police statistics, showing that his apartment complex has a lower incidence than the average in Wheat Ridge or Arvada as a whole. Also, the "high level of services needed" is misleading in that there may statistically be many police or emergency calls, but all are attributed to a single address while that address has 275 living units. Lastly, Mr. Kramer explained that he is redoing all the landscape and the property has grown in value from \$14m to \$17m - evidence that it is not blighted.

Harry Hanley, who is a property and business owner in the area feels that the Urban Renewal Plan has good intentions, but that property put into a 25-year plan for renewal, and subjecting it to potential confiscation puts the owner under undue stress. Mr. Hanley believes Council should not make a decision on an arbitrary finding by a consultant group that will affect those properties for 25 years. He feels that is unfairly and unjustly hinders or limits the business owner's ability to buy and sell property.

Karen Joos, who is a first time homebuyer in Wheat Ridge this past July, read the conditions survey on page 20 and found the home that she loves has been deemed to have "faulty layout". She asked the Council why this is blight and also asked what do they propose owners do?

Odarka Figlus urged the Council to please vote against this resolution. She contends that the most troubling part of Urban Renewal Plans is the potential for condemnation and that this plan would be ok if it were accepted with the condition that no eminent domain may be used. She believes this plan can have chilling effect on property values and was surprised that it even contains parkland and City facilities, including our Recreation Center! The plan cites two unsafe conditions at the Recreation Center. What is our City doing about those factors at the WRRC, she asks? She pointed out that the Urban Renewal Authority was asked years ago to concentrate on Wadsworth, but nothing has come from that yet. Mrs. Figlus urged Council to ask them (URA) to concentrate on that area and make progress before asking them to expand the Plan area in the City.

Scott Singer pointed out that the 38th & Kipling Park is in the plan now too, that it was not developed when he was in Elementary School yet it's still not developed. He would like to see it made into park rather than resources going to an expanded Urban Renewal Plan.

Fran Singer, who lives near 38th & Kipling, contends this is not how to run business or the City. She is still waiting for park to be developed and believes the City is playing a shell game with her neighborhood; that funding was acquired over ten years ago for the park, the plan was made then and accepted, now the plan was changed to include regional park facilities, to include skate park, and now it's under Urban Renewal. She asked Council to walk the walk and stick to the plan that was put under way by previous Councils.

Randy Kettelson, of Kettelson Campers on I-70, urged Council to please consider the effect of Urban Renewal designation on an owner's bottom line. He pointed out that businesses are thoroughly invested in the City and that the City needs better and more direct communication with business owners and residents so these issues can be discussed with those it affects.

Bob Vermillion, owner of the Lakemont Center, has one building left to sell on the complex and the lender has told him they need evidence of pre-leasing. Because of this, he is concerned that the Urban Renewal designation will affect his ability to attract renters to the area. Mr. Vermillion also believes that given the potential affect that the Cabelas development could have to revitalize the entire area, an Urban Renewal Plan may be premature.

Garth Gibbons, Senior Broker of Prudential Real Estate which owns the Paramount Center, expressed concern that many major tenants have moved out of their properties, and they're even moving out of the Colfax & Wads Walmart Center. With this strained economic condition, if Paramount is blighted, it's more likely to not attract tenants. He urged Council to please consider the negative impact on already struggling businesses and property owners. He believes the Plan only creates a horrible stigma on a retail center that is already struggling to stay alive.

Ann Ricker was asked to answer citizen questions, clarifying that the individual properties are not blighted necessarily, rather the Blocks are and a property may be included in that block. She explained that areas under Urban Renewal increase in value over time, that potential investors see the potential Tax Increment Funding (TIF) under such a plan as a positive. She also contended that while Cabelas is a strong economic catalyst, they will likely need the Urban Renewal designation and TIF funding to make the development possible.

Terry Womble left the Meeting at 8:51pm due to illness.

Ken Schreppel of Leland Consulting Group, who conducted the blight survey, testified to the elements of blight found in particular blocks within the Plan.

Larry Burkowitz representing Mesa Verde Partnership, owner of Mesa Verde Apartments in Block 28, argued that no blight factors present and contended that it would not cause any harm to the plan to omit Block 28 from the Plan.

Mayor DiTullio called for a break at 9:18pm; to resume at 9:30pm.

Mayor DiTullio closed the Public Hearing.

Motion by Mrs. Adams to approve Resolution 39-2009, a resolution finding the existence of blight in the vicinity of the Interstate 70 Corridor between 32nd Avenue and Kipling Street and the Kipling Corridor between Interstate 70 and 26th Avenue and that such blight substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

I further move to approve Resolution 40-2009; seconded by Council Members Sang and Rotola; carried 7-0.

5. Resolution 37-2009 – concerning expenditure of a portion of the City's 2008 jurisdictional allocation of Federal Community Development Block Grant Funds.

Resolution 37-2009 was introduced by Council Member Sang.

Motion by Mrs. Sang to approve Resolution 37-2009 authorizing the allocation of approximately \$125,000 of the City's 2008 jurisdictional of CDBG funds for the acquisition of property located at 7300 West 44th Avenue by the Wheat Ridge Urban Renewal Authority; seconded by Mrs. Rotola; carried 7-0.

6. Public Meeting providing opportunity for public input on 2010 Budget.

No citizens were present to speak on this item.

City Clerk Michael Snow read a memo to Council submitted by Denise Waddell, President of Wheat Ridge 2020 Board of Directors (amended to this packet).

ELECTED OFFICIALS' MATTERS

Council reminded citizens to visit the Wheat Ridge Carnation Festival taking place August 13th-15th at Anderson Park, which includes a parade on 38th Avenue east of Wadsworth at 10:00am Saturday, fireworks on Friday and Saturday evenings and many more events for the whole family.

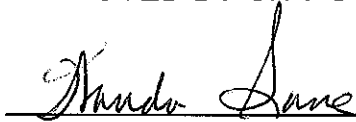
Motion by Mr. Gokey to Direct the City Manager to find an impartial group to put on an Election Forum; seconded by Ms. Berry; carried 6-1 with Mr. Stites voting No.

Meeting adjourned at 9:54p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON AUGUST 24, 2009 BY A VOTE OF ____ to ____



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.