

# CITY COUNCIL MINUTES

## CITY OF WHEAT RIDGE, COLORADO

October 12, 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; Director of Community Development, Kenneth Johnstone; Senior Planner, Sally Payne; Assistant to the City Manager, Heather Geyer; staff; and interested citizens.

### APPROVAL OF MINUTES OF September 28, 2009

Motion by Council Member Gokey for approval of the Minutes of September 28, 2009; seconded by Mrs. Sang; carried 8-0.

### PROCLAMATIONS AND CEREMONIES

Mrs. Wheat Ridge, Karen Thaler, read the Proclamation for Conflict Resolution Month – October 2009. Linda Rockwell and Mary Zinn were present to accept the City's Proclamation.

### CITIZENS' RIGHT TO SPEAK

**Tom Slattery** announced the Wheat Ridge United Neighborhoods (WRUN) endorsement of the following candidates for the November, 2009 election:

- For Mayor, they support Jerry DiTullio, because he's been communicative with the public, has been effective and hard-working, encourages public input and involvement in City issues and he supported the Building Permit Rebate program for damage caused by the recent storm.
- For District Four City Council, John McMillin, who has demonstrated a capacity to understand the issues and challenges facing the City, is open-minded and listens to the varying perspectives on those issues, and is mindful that the main role of government is to carry out the wishes of its citizens. He is well-qualified for Council given his experience and contributions as a past member of the Planning Commission and as a former reporter for a local newspaper.

WRUN also opposes Ballot Questions 2A & 2B. They are not deemed to be compatible with the character of Wheat Ridge, they pose a threat to mountain views, they are not considered necessary or needed for effective development and the City lacks adequate infrastructure to support the massive development that may result with the lifting of these restrictions.

**Thomas Ripp** spoke on behalf of Enterprise Wheat Ridge, announcing the issuance of the Passport to Wheat Ridge for the 2009 Holiday Season, which encourages residents to shop in Wheat Ridge with opportunities to win free prizes from Wheat Ridge businesses. Enterprise Wheat Ridge also unanimously endorses adoption of the Updated Comprehensive Plan.

**Susie Seeds** urged citizens to think before relinquishing their voting rights and to vote No on Ballot Questions 2A & 2B. She emphasized that these proposed Charter Changes only tell where in the City the Height & Density restrictions will be lifted, not what height or density will be allowed. Voters should be able to make this determination, not the Council or Developers. In public meetings for the Comprehensive Plan Update, most citizens indicated that they like the look of smaller buildings, but the Citizens' Advisory Committee indicated much larger buildings are ok. Early drafts of the Updated Comprehensive Plan provided specific heights of buildings that would be appropriate at the future Cabelas site, but were later removed. Ballot Questions 2A & 2B ask us to give up our rights to decide these things as a community. Until the City Council is transparent about how high and dense these areas may be in the future, she urges voters to keep these limits intact with a No vote.

### **APPROVAL OF AGENDA**

#### **1. CONSENT AGENDA**

- A. Motion to approve the annual Police Radio System Contract payment to the West Metro Fire Protection District in the amount of \$87,879.00 from Acct. No. 01-204-700-704 for Police Radio System Services.
- B. Motion to cancel October 19, 2009 City Council Study Session.
- C. Resolution 54-2009 – amending the fiscal year 2009 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$5,450.00 for the channel 8 Closet Clean Up and CAD drawings.

Consent Agenda was introduced and read by Council Member Langworthy.

Motion by Mrs. Langworthy for approval of the Consent Agenda; seconded by Mrs. Sang; carried 7-1 with Mr. Womble voting No.

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill 27-2009 - An Ordinance amending Ordinance 1446-2009, concerning a Time-Limited Rebate of a portion of the City's Building Permit and Inspection Fees for the repair of damage caused by the July 20, 2009 Storm.

Mayor DiTullio opened the public hearing.

Council Bill 27-2009 was introduced on second reading by Council Member Stites. City Clerk Michael Snow assigned Ordinance No. 1456.

Mr. Young noted that many contractors and home-owners indicated they were not likely to complete many of the home repairs in the City until late Spring of 2010 and encouraged Council to consider extending the eligibility period of the rebate program until one year from the date of the storm.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill 27-2009 (Ordinance 1456) on second reading and that it take effect upon adoption with the following amendments:

1. Amend the fourth 'Whereas' paragraph in Ordinance 1446 to read...to and including *July 20, 2010*;
2. Amend Section 1.D. Effective Period...to automatically end on *July 20, 2010*.

Seconded by Mrs. Sang; carried 7-1 with Ms. Berry voting No.

**ORDINANCES ON FIRST READING**

3. Council Bill 28-2009 – An Ordinance repealing and reenacting certain sections of Chapter 5 of the Wheat Ridge Code of Laws concerning the Building Code, The Mechanical Code, the Plumbing Code, the Property Maintenance Code, the Energy Conservation Code, the Residential Code, the Fire Code, the Fuel Gas Code, and penalties for violation of the same.

Council Bill 28-2009 was introduced on first reading by Council Member Stites.

Motion by Mr. Stites to approve Council Bill 28-2009 on first reading, changing the base fee to \$23.50, order it published, public hearing set for Monday, October 26, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 5-3 with Council Members Berry, Adams and Womble voting No.

4. Council Bill 29-2009 – An Ordinance amending certain sections of Chapters 5 and 21 of the Wheat Ridge Code of Laws concerning the licensing of contractors.

Council Bill 29-2009 was introduced on first reading by Council Member Stites.

Motion by Stites to approve Council Bill 29-2009 on first reading, order it published, public hearing set for Monday, October 26, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mrs. Sang; carried 7-1 with Mr. Gokey voting No.

5. Council Bill 30-2009 – An Ordinance amending Section 11-183 of the Wheat Ridge Code of Laws to require Pawnbrokers to submit electronic records and digital photographs of property and persons who complete pawn transactions in the City.

Council Bill 30-2009 was introduced on first reading by Council Member Sang.

Motion by Mrs. Sang to approve Council Bill 30-2009 on first reading, order it published, public hearing set for Monday, October 26, 2009 at 7:00 p.m. in the City Council Chambers, and that it take effect 15 days after final publication; seconded by Mr. Stites; carried 7-1 with Mr. Womble voting No.

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

6. Resolution 53-2009 – repealing and reenacting the City Budget and appropriating sums of money to the various funds and spending agencies for the City of Wheat Ridge, Colorado, for the 2010 Budget Year.

Resolution 53-2009 was introduced by Council Member Sang.

Motion by Mrs. Sang to direct the City Manager to identify Public Works projects and their funding source up to \$1,000,000 for the 2010 budget, and I further move to postpone the 2009 Budget approval until October 26, 2009; seconded by Mr. Gokey;

Motion to Amend by Mr. Womble to remove automobile allowances for all City Staff; motion failed for lack of a second.

Motion by Mr. Womble to decrease the City Manager's salary by 20%; motion failed for lack of a second.

Motion to Amend by Ms. Berry to make recommendations only for Public Works projects that do not come from the Budget Reserves; seconded by Mrs. Adams; tied 4-4 with Council Members Rotola, Berry, Adams and Langworthy voting Yes, and Council Members Sang, Womble, Stites and Gokey voting No; motion failed 5-4 with Mayor DiTullio voting No.

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

7. Resolution 52-2009 – adopting the Wheat Ridge Comprehensive Plan.

Resolution 52-2009 was introduced by Council Member Stites.

Sally Payne presented an overview of the process and purpose of the Comprehensive Plan Update (presentation amended to this packet).

Ben Herman of Clarion Associates highlighted the key areas and concepts contained in the Updated Comprehensive Plan.

**Joyce Jay** thanked the Mayor and Council for her appointment to the Citizen's Advisory Committee and for the chance to contribute to the Comprehensive Plan Update. She highlighted that this Comprehensive Plan was a product of strong citizen input, not consultants and officials.

**Kim Calomino** spoke on behalf of Wheat Ridge 2020. She commended the Council, City Staff, Clarion Associates and Citizens for their contributions to this project. She also read a Resolution passed by Wheat Ridge 2020 (amended to this packet) and encouraged Council to adopt the proposed Updated Plan.

**Denise Balkas**, Staff of Wheat Ridge 2020, commented on the quality of this document and its importance in creating the vision desired in the City of Wheat Ridge. She cited professional real estate trends indicating that inner-ring suburbs like Wheat Ridge will see a great deal of the new, yet smaller developments following an economic downturn. So this document is very important in shaping what that development creates for the City.

**Molly Hanson**, the Wheat Ridge Live-Well coordinator, commented on the Live-Well contributions to the Comprehensive Plan Update and the importance of partnering with Wheat Ridge and community-based programs and policies that promote healthy environments. She encouraged passing this Plan because it offers a plan for an environment that encourages and promotes healthy, active living by design, which combats childhood obesity specifically.

**John Marriot**, Wheat Ridge Business District Chairperson and Citizens Advisory Committee member, encouraged Council to adopt this Plan. The Business District unanimously supports the Plan.

**Tom Abbott**, member of Citizens' Advisory Committee, recognized the manner in which this Update came together, with significant citizen input and contributions by the business community and that it incorporates the importance of supporting businesses and primary jobs. He questioned, however, what the intent of the boundary lines drawn throughout the Plan and whether they are meant to be hard, immovable boundaries, or if they allow for flexibility as the City matures and continues to develop.

**Terrell Williams** supports the Plan presented tonight. In attending the various public meetings he was impressed by how the plan evolved and implemented many wishes of the community. He also believes it needs to be documented that this Plan is to be used as a concept, not a specific design that must follow every boundary line in the Plan. He believes it supports the important concepts of walk-ability, sustainability and healthy living environments.

Motion by Mr. Stites to approve Resolution 52-2009; seconded by Mrs. Sang; carried 8-0.

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

Mr. Dahl announced the postponement of the City Manager's evaluation review to the Council Meeting two weeks from now.

Also, a 1 ½ page document will be left in Council Members' mailboxes this week that details the outcome of the Viacom vs. City of Wheat Ridge billboard case. The District Court's ruling in favor of Wheat Ridge was not appealed, drawing an end to the issue.

### **ELECTED OFFICIALS' MATTERS**

City Clerk Michael Snow informed the Council and the community of his decision to use an alternative means to publish notice of Council Bill 28-2009. Considering the length of the 46-page Ordinance and the cost to publish such a large volume of material with the City's current budget challenges, the proposed Ordinance will be published in Title-Only in the Wheat Ridge Transcript. The full text of the Ordinance will be posted on the City's website under Legal Notices and full copies will be available via fax, email or in hard copy by request to the Clerk's Office.

Mail Ballots for the November 3, 2009 Election will be arriving in Wheat Ridge voters' mailboxes this week.

Motion by Mrs. Sang to direct the City Manager to dispose of the building department policy requiring property owners to have a ladder on site before a roof inspection is made, and I Further Move to direct the City Manager to require all roof inspectors to carry a ladder which allows the inspector access to at least a single story structure; seconded by Mr. Womble;

Substitute Motion by Mrs. Adams to hear this issue at a future Study Session; seconded by Mrs. Rotola; tied 4-4 with Council Members Berry, Rotola, Adams and Langworthy voting Yes; motion failed with Mayor DiTullio voting No.

Original motion by Mrs. Sang carried with Council Members Berry, Adams and Rotola voting No.

Mr. Stites spoke of his frustration with his insurance company cancelling his coverage after the damage claim for his house after the July 20 storm. He encouraged citizens with similar experiences to contact the Insurance Commission issuing a complaint and request to change the policies which allow insurance companies to do this to customers.

Mrs. Rotola announced the October 15, 2009 After-hours Business District Meeting from 4:30-6:30pm at Larson's Ski and Sport.

### **EXECUTIVE SESSION**

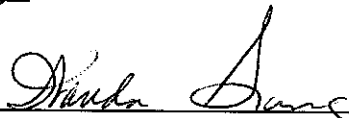
Executive Session was postponed due to some Council Members' evaluations not yet completed and submitted.

Meeting adjourned at 8:42p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON OCTOBER 26, 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.