

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

April 9, 2012

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

## ROLL CALL OF MEMBERS

Davis Reinhart  
Bud Starker  
Joyce Jay  
Kristi Davis  
Mike Stites  
George Pond  
Joseph DeMott  
Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Chief of Police, Dan Brennan; Administrative Services Director, Heather Geyer; Community Development Director, Ken Johnstone; staff, interested parties and interested citizens.

## APPROVAL OF MINUTES OF March 26, 2012

Motion by Mr. Stites for approval of the Minutes of March 26, 2012; seconded by Mr. Starker; carried 7-1 with Mr. Pond abstaining.

## PROCLAMATIONS AND CEREMONIES

Ralston House/National Child Abuse Prevention Month

City Clerk Shaver read the proclamation on behalf of Mayor DiTullio and City Council declaring April as National Child Abuse Prevention Month.

**Linda Mikow** thanked the City for its recognition of child abuse and Ralston House. She gave pinwheels to the council. They will be selling these pinwheels as a fundraiser in the future. Chief Brennan also spoke of the felony child abuse and sexual assault case they handle, and that the Police Department is helped greatly by the Ralston House.

Wheat Ridge 6<sup>th</sup> Grade Essay Contest Winners:

**David Holland**, director of Broadridge/SIS, explained that this is his company's ninth year to sponsor this essay contest for elementary schools that feed into Wheat

Ridge High School. He thanked the Jefferson Foundation as a co-sponsor and the WR High School Honor Society for grading the essays. \$100 was awarded to each school of the participants. 306 students participated from all the schools, and Mr. Holland presented awards to the top 7 winners.

- 7<sup>th</sup> Place Alexis Lombardi – Maple Grove Elementary School
- 6<sup>th</sup> Place Jacob Raache – Pennington Elementary School
- 5<sup>th</sup> Place John Potter – Kullerstrand Elementary School
- 4<sup>th</sup> Place Amanda Komoczi – Prospect Valley Elementary School
- 3<sup>rd</sup> Place McKinnley Bartels – Wilmore-Davis Elementary School
- 2<sup>nd</sup> Place Breanna Blucher – Stober Elementary School
- 1<sup>st</sup> Place Dante Salamone – Wilmore-Davis Elementary School

### **CITIZENS' RIGHT TO SPEAK**

**Genevieve Wooden**, a 2020 board member and chair of the community-building events committee, announced some upcoming events and invited the public.

- April Live Local Wheat Ridge this Thursday from 5-8 PM at Thai Green and Sushi (Applewood Shopping Center) includes a free house wine or beer with an entrée.
- The May Live Local will be at John's Chicago Style Bar B Q on May 10.
- Wheat Ridge Garden Tour on Saturday, June 16
- Mid-Century and Modern Home tour in September. If residents would like to have their home evaluated to be on the tour list or volunteer to help with these events or have your business sponsor an event please contact her or Kim at the 2020 office.

**Jesse Hill**, WR resident, thanked the Council for looking at the Study Session Rules to allow public comment and supports the change.

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

1. Resolution 18-2012 - A Resolution approving the Service Plan: Ward TOD Metropolitan Districts 1-3

Resolution 18-2012 was introduced by Mrs. Langworthy  
Mrs. Langworthy read a list of the minimum requirements (for information) that a service plan must contain in preparation of forming a Metropolitan District. She also read the statute-mandated criteria for approval of the service plan:

Mayor DiTullio opened the public hearing.

Staff Report by **Charlie Kuechenmeister**, from the City Attorney's office. The proposed service plan meets all the approval criteria required by state statute for a Metropolitan District. This was done with short notice, but they have done the

work necessary to fulfill the legal requirements. Forming a Metro District is a way to finance public improvements in developing areas and provide a unit of local government to own, operate and maintain some of them. The only property owner within the proposed district is the developer, IBC, LLC.

IBC property owner **Brian Mott** from Golden thanked staff for working with them. This application is just the 1<sup>st</sup> step. They will be coming before Council again soon with formal application for the rezoning process.

**Russ Dyjstra**, council for IBC, thanked the City staff for working so hard with them on such a short time frame. They have been extremely accommodating. The Metro District will be a tool to make the vision happen. The infrastructure will be costing around \$20 million, so the District will help by providing an opportunity to use tax exempt financing to lessen the cost (because the interest rates are much less), and it also gives a governmental entity the opportunity to maintain and control those improvements over a long period of time.

Mr. Dyjstra related that the water, fire and sewer districts are very supportive. This is not a free ride for the developer, it's just for the main infrastructure – the big ticket items. There will be probably double this amount for other infrastructure costs that will be paid for separately by the developer. While the District only covers the IBC property now, these improvements such as the intersections, the signalization, the extension of the main lines, water, sewer, etc. will ultimately benefit this entire area.

Citizen comments:

**John Cillessen**, owner of an adjacent property, said the first time he's heard of this hearing was at 5:00PM tonight. He's been to most of the RTD planning meetings and from what he has seen so far tonight he doesn't think it matches what came out of those meetings. He doesn't know if it's a good or bad plan.

**Brett Hall**, representing Burner Southerland Properties found out about this late Friday afternoon. They don't know if this Metro District is a good thing or not.

**Bob Harmsen** said he found out about this last Friday. He said the neighborhood hasn't been told or asked about this \$20 million project. He sees plans for a parking structure and RTD told him this morning they aren't interested in a parking garage because they have been planning a train station and parking lot on his property for three years. There needs to be better communication. Brian Mott never told them about this when he was offering to trade properties a few months ago.

**Sean Baker**, one of the partners who have owned an auto body/repair business on Ward Road for the last 50 years, said he will lose all street parking on 50<sup>th</sup> Place – which is the primary entrance to his property and the subject property. He got this 62-page document this morning. He feels blindsided because he has been asking for months to see what the plan for the street is. How will this development of utilities impact this major street? He would like to see the whole plan before the financing is approved. Please communicate better with the neighbors.

City Attorney Dahl explained that it is not a requirement that adjacent property owners be notified about the formation of a Metro District – only the property owners within the boundaries of the District. Later when there are proposed changes in land use (zoning) the typical notice and hearing procedures we have for all land use developments will be followed. All development issues such as design, street access, etc. will all be addressed in the land use approval.

Ken Johnstone, Director of Community Development, noted there is a Planning Commission meeting scheduled in April and neighbors will certainly be notified.

During the discussion several things were explained and clarified for the Council by Mr. Kuechenmeister, the applicant, and the City staff.

- Re: Mill levy cap language: The mill levy cap can be raised, but there can be no increase in the money collected as it is only raised if the assessed value goes down and cannot meet the debt service requirements.
- If there is a shortfall is there any recourse against the city? No
- The developer has no desire or plans to pursue Tax Increment Financing (TIF)
- The public infrastructure will be owned by the District, **not** IBC. Also, residents of District 1 (the service district) of the Metro District can run for positions on the boards for District 2 and 3 (the residential and commercial districts) that are the financing districts.
- The reason for the delay is that it took time to get everything ready to present so that it's all accurate and meets statutory requirements. The economy has made it difficult to predict costs.
- Council had a Study Session on this, and they got the large set of packet information last Thursday. It was a concern why all this complicated information was not brought before Council earlier at a study session? Mr. Goff stated that staff only received the service plan in late March so they've had to fast track it. Tonight is the last chance Council has to approve the service plan so it can go on the May election. There just hasn't been time to do a full study session on the particulars of the final service plan.
- Why does the basis in the financial analysis have a zero value for the existing land or improvements? This is a typical technique used by bond writers so you can see what the incremental increase is from the development.
- Where will the money come from the first few years before the district starts generating money? These usually start small with unimproved land and the developer agrees to an advance/reimbursement agreement. The developer fronts the money for the improvements and when the district starts generating tax (income) it will reimburse the developer. It's a mutually reliant situation: If the developer wants infrastructure he needs to give the District the money, because the District can't do anything without money.
- In the zoning process the City will want to have an improvements guarantee to be sure the infrastructure is completely financed before the zoning is granted.
- One of the reasons for forming a district is that RTD prefers to enter into these long term agreements with governmental entities, not private entities. Governments stick around; developers may not.

- Since the facility is financed with public funds, it has to be available for public use.
- The District can contract with a property owner or an HOA for fees for things such as parking or landscaping. These fees are not for debt financing.
- If other property owners choose to join this Metro District at a later time there is a statutory process for annexation into the district.

Mayor DiTullio closed the public hearing.

**Motion** by Mrs. Langworthy to approve Resolution 18-212, a resolution approving the service plan for the Ward TOD Metropolitan Districts 1-3; seconded by Mr. Stites;

Mr. DeMott questioned whether the parking garage is needed for this development to go forward. The parking spaces in a parking garage will cost \$12,000 per space. Mr. Reinhart is troubled by the timing and notification, but accepts the eventual need. He isn't sure there is the financing available to build the parking garage. Mr. Starker is concerned about the process, wished we were reaching out to adjacent landowners, and thinks the financing for the Metro District should have been produced.

Motion carried 6-2 with Councilmembers Davis and Starker voting no.

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

2. Motion to approve the payment to JPK Micro Supply, Incorporated, City of Industry, CA, in the amount of \$47,640 for the replacement of 60 Desktop Computers

**Motion** by Mr. Stites to approve payment to JPK Micro Supply, Incorporated, City of Industry, CA, in the amount of \$47,640 for the replacement of 60 Desktop Computers; seconded by Mr. DeMott; carried 8-0.

3. Motion to approve the annual police radio contract payment to the West Metro Fire Protection District in the amount of \$97,683.75 for police radio system services

**Motion** by Mr. DeMott to approve the annual radio system contract payment to the West Metro Fire Protection District in the amount of \$97,683.75 from account # 01-204-700-704 for radio system services; seconded by Mrs. Langworthy; carried 8-0.

4. Resolution No. 19-2012 – Amending the Fiscal Year 2011 Budget to reflect the approval of increased revenue in the Open Space and Richards Hart Estate Funds

Resolution 19-2012 was introduced by Mr. Starker

This resolution meets the auditor's recommendation to identify and approve non-budgeted revenue such as grants. The Open Space Fund received a grant for the Bass Lake project in 2011. Because Council closed the Richards Hart Estate Fund in October 2011 at the auditor's recommendation, the revenue received from rentals of the Estate in 2011 is now considered non-budgeted revenue, and should be approved accordingly.

**Motion** by Mr. Starker to approve Resolution 19-2012, amending the Fiscal Year 2011 Budget to reflect the approval of increased revenue in the Open Space and Richards Hart Estate Funds; seconded by Mr. DeMott; carried 8-0.

5. Presentation of the proposed change to City Council Rules of Order and Procedure to allow Public Comment at Study Sessions

Mayor DiTullio introduced the proposed change to the Council Rules that will allow citizens to speak at study sessions for three (3) minutes on agenda items only. Having now publicized the change, it will be voted on at the next meeting.

**CITY MANAGER'S MATTERS**

Mr. Goff alerted council and citizens to the test of the City warning sirens that will happen this Wednesday at 11 AM. He also mentioned the WR Police Department will be providing another Child Safety Fair at WR Middle School on April 28<sup>th</sup> from 11-3 PM. It includes free inspection and replacement of car seats and free bicycle inspections.

**CITY ATTORNEY'S MATTERS**

**ELECTED OFFICIALS' MATTERS**

Mr. Starker congratulated the WR 6<sup>th</sup> Grade Essay Winners.

Mr. Stites reminded folks to tend to their weeds now that it's growing season.

Mrs. Langworthy also praised the 6th Grade Essay Writers and appreciates their efforts.

Ms. Davis requested an agenda item for a near future study session regarding the WR Business District expanding its scope to include accessibility.

Mrs. Jay noted the postcards that have gone out to citizens in Dist 1 and 2 for the Town Meeting for Districts 1 and 2 on April 30.

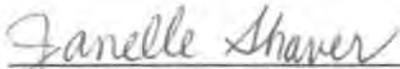
Mayor DiTullio reported that he joined Ms. Davis at the WR Business District along with staff members John Schumacher and Steve Art. In talking with them about ADA requirements the WRBD agreed to create a separate Accessibility and Usability Grant for up to \$5,000 of matching money for half of the cost of an ADA compliance upgrade.

The WRBD is requesting an additional \$20,000 from the City to be earmarked for ADA projects only.

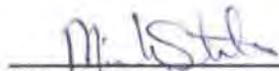
The Mayor also wants the City to buy a table at the fundraiser event for the Jefferson Center for Mental Health on May 10. The cost of \$720 will be added as a budget amendment to the April 23 agenda for potential approval by Council.

The Mayor reported that WRHS has rented the ballroom at the Rec Center for Advanced Placement Testing in May at a cost of \$675. If any Councilmembers would like to use some of their public outreach funds to help out it would be appreciated and they can call Janice to take care of that.

Meeting adjourned at 8:30 pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON April 23, 2012 BY A VOTE OF 7 to 0

  
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Mike Stites, 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.