

# CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO  
7500 WEST 29<sup>TH</sup> AVENUE, MUNICIPAL BUILDING

September 8, 2014

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

## PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

### ROLL CALL OF MEMBERS

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
Tim Fitzgerald	Tracy Langworthy	Genevieve Wooden	

Absent: George Pond

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Parks Director, Joyce Manwaring; Community Development Director, Ken Johnstone; other staff and interested citizens.

### APPROVAL OF MINUTES OF August 25, 2014

There being no additions or corrections, the Mayor declared the minutes of August 25, 2014 approved as published.

### CITIZENS' RIGHT TO SPEAK

**Larry Welshon** (Edgewater), founder of Alpine Valley School, spoke about his school. It is an independent K-12 school at 45<sup>th</sup> & Parfet. Besides a typical curriculum of subjects, it follows the Sudbury model of education where staff and students are actively involved in making and enforcing all the school rules. Managing the budget and the facility is also handled in a democratic fashion.

**Griff Wirth**, principal of Wheat Ridge High School, spoke about the school. Three major focuses are 1) a long, continuing tradition of academic success and advanced placement classes (with a student body now having 50% "at risk" students who receive free/reduced lunches), 2) activities and athletics (10 state championships in the last 8 years), and 3) the arts (visual and performing).

**Mary Fedje** (WR) is unhappy with the direction of our City - with pot shops near parks and schools. She listed Arvada, Littleton and Golden that have turned down marijuana sales. She recommended not allowing any more grow operations, limiting the size of operations, prohibiting food products and move to permanently eliminate it from the City. This mistake needs to be fixed.

**Connie McCoy** (WR) is grateful for and gave examples of how well the City takes care of its families and how the Council has made good decisions for families. She is concerned about bringing in the marijuana industry and fears it will keep families from locating here. She favors a ban on further pot shops and grow operations.

**Kelly Baillie** (WR) came to inquire about a development by Golden Orchard Developments at 4701 and 4711 Wadsworth. The neighborhood meeting was in April 2013 but the project has been dormant until the last few weeks. She's been unable to find out from the Community Development Department what the plan is and the scale of the project. Does it involve pot or WalMart? ~ The Mayor directed her to Mr. Johnstone.

**John Clark** (WR) urged Council, during the moratorium, to learn how the marijuana industry has exploited the legalization well beyond what voters intended. ~ He urged everyone to vote no on 2B. He finds it hard to imagine spending \$10million to tear up perfectly good concrete, asphalt and water, sewer and power lines to narrow a street, and then hear about how far behind we are on infrastructure spending – how we need to borrow \$40million on the other ballot measure, with another \$30 million for debt service. This is the first time the City would be in debt; he urges a no vote on both ballot issues.

**Jennifer Shepherd** (WR) said she is excited about the Committee for Excellence in Education. ~ She thanked Joyce Manwaring for moving the picnic tables at Discovery Park further away from the skate park – so now the pot and cigarette smokers are tucked further away and it's a more beautiful place.

**Jennifer Yates** (WR) suggested some topics for discussion during the marijuana moratorium: 1) no more new or expansion of existing facilities, 2) location only in industrial zones, 3) marijuana licensing process should be the same as for a liquor license – including public notice and a needs and desires survey, and 4) consumption not allowed in commercial property. ~ She noted Amendment 64 passed by less than a 10% margin – not overwhelmingly as was stated, and no one remembers liquor ever being sold at 38<sup>th</sup> & Miller.

## **APPROVAL OF THE AGENDA**

### **1. CONSENT AGENDA**

- A. Resolution No 50-2014 – A resolution amending the Fiscal Year 2014 Open Space Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$350,000 for the purpose of constructing the Wheat Ridge Vehicle Storage Building [*See Item 2B. Costs have risen since the design was done in April 2013. Decreases amount available in 2015 for renovation of Prospect Park.*]
- B. Motion to award bid ITB-14-10 to Growling Bear Company, Inc. in the amount of \$644,209 for the construction of a new Wheat Ridge Vehicle Storage Building, and a ten percent contingency of \$64,420 [*Part of 2004 Master Plan. First step in*

*moving Parks Maintenance operations out of Anderson Park. Building to be next to Public Works shops on 45<sup>th</sup> Ave.]*

- C. Resolution No 51-2014 – a resolution amending the Fiscal Year 2014 General Fund Budget reflecting the approval of a Supplemental Budget appropriation in the amount of \$117,857 for the purposes of repairing damage to city assets caused by the July 7, 2014 hail storm [*For roof and paint damage to several buildings, shelters, sheds and other structures at Anderson Park*]
- D. Motion to approve payment to Insight Public Sector in the amount of \$51,618.51 for the annual renewal of the Microsoft Enterprise Agreement [*Scheduled and budgeted replacement of Microsoft software licenses at all City sites; includes support and maintenance for upgrades or new software.*]

Councilmember Davis introduced the consent agenda.

**Motion** by Councilmember Davis to approve the consent agenda; seconded by Councilmember DiTullio; carried 7-0.

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

- 2. Second public input opportunity for the 2015 Budget

Councilmember Langworthy introduced Item 2

The 2015 Budget will be presented to Council at the October 6<sup>th</sup> Study Session. A public hearing is scheduled for October 27, with final adoption on November 10. The proposed budget will be available online on the City website and in hard copy form in the City Clerk's office and at the library. Public input is invited on Oct. 27 and Nov. 10.

**Scott Cary** (WR) would like to see more resources added for long range planning. In his job he works with other cities and he feels Wheat Ridge falls short in this area.

Councilmember DiTullio reminded Council about looking at expanding our neighborhood clean-up program – possibly funding one in each Council district. Councilmember Davis suggested diversifying the clean-up to include things like paint cans.

- 3. Council Bill 09-2014 – an ordinance approving the rezoning of property located at 7671 W. 32<sup>nd</sup> Avenue and 3299 Wadsworth Boulevard from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan (Case No. WZ-14-06/Yukon Grove 21)

Councilmember Fitzgerald introduced Item 3.

Clerk Shaver assigned Ordinance #1557.

Mayor Jay opened the public hearing and swore in the speakers.

### Staff Report

Senior Planner Meredith Reckert presented. She entered into the record the Comprehensive Plan, the zoning ordinance, all case file and packet material and the contents of the digital presentation. She reported that all notification and posting requirements had been met. A pre-application meeting was held with the applicant in February. If the rezoning and Outline Development Plan (general concept plan) are approved tonight, the final step will be approval of a Specific Development Plan and a plat document.

Basic elements of the proposed project for this rezoning include:

- Access from 32<sup>nd</sup> Avenue into a single cul-de-sac
- Lots are smaller: 3,500 sq ft minimum and 50 feet wide lots.
- Setbacks are smaller: 5 ft side yard; 10 ft front yard; 15 ft rear
- Max. building coverage: 40-50% for single story, allowing 1,500 – 1,700 sq ft pad
- Maximum height : 35ft
- 20 single family residential units; minimum 45 ft wide lots
- Drainage flows north and south; various detention areas
- North property line perpendicular to Rocky Mountain Ditch
- 60 ft wide EW appendage (strip) fronts on Wadsworth
- Southern portion of street: Curb, gutter and sidewalk w/ detached tree lawn on west side, no parking; curb, gutter and parking on east side, but no sidewalk
- Northern portion of street: curb, gutter, detached tree lawn, sidewalks and parking on both sides
- Cottage style homes; 1 and 2-story; covered front porches; mostly painted siding
- Adjacent properties will share driveways; detached garages in the rear
- Net density (w/o street, sidewalks, etc.) is 8.7 units per acre
- All utilities and WR Fire can provide service
- Fees in lieu of land will be required by the Parks Department at time of plat
- Public Works has approved drainage and traffic; WR Sanitation has capacity to serve
- The plan was initially approved by the Planning Commission. Subsequent to 1<sup>st</sup> Reading before City Council the developer realized certain home models were too big for several of the lots due to the requirement for maximum building coverage of 40%. It was returned to Planning Commission and the development standard was amended to increase the building lot coverage to maximum 50% for eight of the lots – which will allow for the smaller yards.

### Council Questions

What is planned for the 60 ft wide “flagpole” extending out to Wadsworth? Denver Water requires a 30 ft wide paved strip for looping. The northern (30 ft wide) portion of the strip will be for drainage detention and a community garden.

### Applicant

**Bill Fritz** (Littleton) said Meredith has done a great job helping them work through the challenges due to the unique shape of the property.

Public Comment

**Lesia Meeks** (WR) lives in the area of this project. She is interested in downsizing to a home this size and is glad the City is providing a wide variety of housing to accommodate different needs and desires.

**Motion** by Councilmember Fitzgerald to approve Council Bill 09-2014 – an ordinance approving the rezoning of property located at 7671 W. 32<sup>nd</sup> Avenue and 3299 Wadsworth Boulevard from Residential-Two (R-2) to Planned Residential Development (PRD) and for approval of an Outline Development Plan on second reading and that it take effect 15 days after final publication for the following reasons:

1. City Council has conducted a proper public hearing meeting all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The required rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation.
3. The required rezoning has been found to comply with the "criteria for review" in Section 26-112-E and 260-303-D of the Code of Laws.

With the following conditions:

1. Additional architectural design be required and reviewed at the time of SDP.
2. The schematic detail of Lots 7-20 must be revised to more accurately represent the larger, narrower lots.
3. The developer is encouraged to work with the City Forester to create a tree friendly plan with consideration of old and new plantings.
4. The developer work with staff to add a crosswalk on the southern portion of the street.
5. Note #2 under Development Standards be modified to indicate that a maximum of eight one-story home models are allowed a 50% building coverage and the remainder one and two-story home models have a maximum of 40% building coverage.

Motion seconded by Councilmember Starker;

Council Starker asked about Denver Water's requirements for a 30 ft wide strip of concrete over their water access and wondered if it could be an impervious (dirt) surface. Mrs. Reckert elaborated and said there would be no vehicular access. She also reviewed the details of the southern portion of the street.

**Motion** by Councilmember Starker to direct staff to work with Denver Water about the possibility of leaving the water line easement unpaved, with the knowledge that failure to achieve this would not kill the entire project; seconded by Councilmember DiTullio; carried 7-0

Main motion carried 7-0.

**ORDINANCES ON FIRST READING**

4. Council Bill 12-2014 – an ordinance approving the rezoning of property located at 4360 Gray Street from Neighborhood Commercial (NC) to Mixed Use-Neighborhood (MU-N) (Case No. WZ-14-07/Germano)

Councilmember Urban introduced Item 4

The purpose of the zone change for this 0.19 acre parcel is to expand possible uses for the property including the option of converting the existing structure back to a residential occupancy. No new development or modifications to the site are planned at this time. Future redevelopment would only require an administrative site plan review to confirm that standards for the mixed use zone are being met.

**Motion** by Councilmember Urban to approve Council Bill 12-2014 – an ordinance approving the rezoning of property located at 4360 Gray Street from Neighborhood Commercial (NC) to Mixed Use-Neighborhood (MU-N) on first reading, order it published, public hearing set for Monday, October 13, 2014 at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Wooden; carried 7-0.

5. Council Bill 13-2014 – an ordinance repealing and reenacting certain sections of Chapter 5 of the Code of Laws of the City of Wheat Ridge 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, National Fire Protection Association 70 National Electrical Code, NFPA 99 Standards for Health Care Facilities and penalties for violation of the same

Councilmember Starker introduced Item 5

**Motion** by Councilmember Starker to approve Council Bill No. 13-2014, an ordinance repealing and reenacting certain sections of Chapter 5 of the Code of Laws of the City of Wheat Ridge 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, the National Fire Protection Association 70 National Electrical Code and the NFPA 99 Standards for Health Care Facilities and penalties for violation of the same, on first reading, order it published, public hearing set for Monday, October 13, 2014 at 7:00 p.m. in City Council Chambers, and that it take effect fifteen (15) days after final publication. Seconded by Councilmember DiTullio; carried 7-0.

## **DISCUSSION**

### 6. Analysis of Solar Garden Proposals

Mr. Goff explained that the City had received two proposals to participate in a solar garden agreement through Xcel's Solar\*Rewards Community program. The proposals are from Clean Energy Collective and Sunshare. The City contracted with Lotus Engineering to review the proposed solar garden models and identify potential risks and opportunities.

Emily Artale from Lotus gave a 27- minute presentation. Council questions, comments and discussion followed for 27 minutes.

There was consensus to have a more detailed discussion at a future study session.

### 7. Discussion of Mayor and Council Budget

Mr. Goff went through the Council Budget and asked if members had suggestions for changes.

Discussion followed. There was agreement on:

- Increase the Arvada Food Bank to \$15,000
- Propose \$2,500 for the Farmers 5000
- Continue with table sponsorships
- Jefferson Center for Mental Health - \$2,500

There was consensus to budget for these items and give further scrutiny at the October 6 budget study session.

## **CITY CLERK'S MATTERS**

**Clerk Shaver** announced that if people would like to submit Pro or Con statements for the TABOR ballot Issue 2A they should be submitted to the City Clerk's Office by Friday, September 19. A summary of submitted statements will appear in the tan book that goes out to all voters.

**ELECTED OFFICIALS' MATTERS**

**Genevieve Wooden** noted that a guide for Wheat Ridge schools is at the publishers and the School Summit is scheduled for Sept. 17<sup>th</sup> at the Rec Center. ~ She propose to have a presentation from SAM, Smart Approaches to Marijuana, at a study session. There was discussion. It will be discussed Sept. 22. Mr. Doyle from SAM and Chief Brennan will present.

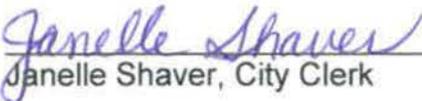
**CITY ATTORNEY'S MATTERS**

Mr. Dahl noted our municipal judge's contract comes up for renewal next April. To better appreciate what the Judge and our municipal court do he suggested that councilmembers visit the court in action. Good times to observe include Monday and Wednesday from 1:00-2:00pm for adult arraignments and Monday at 3:30-4:00 when prisoners are brought in for various actions.

He told of an upcoming Housing Authority purchase contract meeting with the Mountain Phoenix School on the architectural guidelines for the Fruitdale School. There is an issue of successor rights - should the Housing Authority ever cease to exist. He asked if Council is comfortable having the City as the beneficiary on a reverter clause. There were no objections.

**ADJOURNMENT**

The City Council Meeting adjourned at 9:58 pm.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September , 2014.

  
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Kristi Davis, 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.