

# **CITY COUNCIL MINUTES**

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

September 22, 2014

## **CALL TO ORDER**

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	George Pond	Genevieve Wooden	

Absent: Tracy Langworthy

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; other staff and interested citizens.

## **APPROVAL OF MINUTES OF September 8, 2014**

Councilmember DiTullio made note of a correction on Agenda Item 3, Council Bill 09-2014. The direction to have staff work with Consolidated Mutual regarding their requirement of a concrete cover for the water easement was a separate motion he made and it was seconded by Mr. Starker. Clerk Shaver said she would make that correction.

**Motion** by Councilmember Starker to approve the minutes of September 8, as corrected; seconded by Councilmember DiTullio; carried 6-0-1, with Councilmember Pond abstaining.

## **PROCLAMATIONS AND CEREMONIES**

**Grayson Robinson**, a retired sheriff representing CALEA (Commission on Accreditation for Law Enforcement Agencies) was present to recognize the WRPD for its re-accreditation. Accreditation involves regular visits from teams of auditors who monitor for compliance to standards and use of best practices. Less than 1200 law enforcement agencies across Canada and the United States reach this level – a great source of pride and reassurance for the department and the community.

**Chief Brennan** presented his accreditation team members for recognition: Jim Lorentz, Dave Pickett, and Mark Cooney. There are over 17,000 law enforcement agencies in the US alone (not counting Canada, Mexico, and Barbados). This achievement matches up with the Police Department's vision – "Exceptional people providing exceptional service" -- and demonstrates its commitment to professional excellence for the community.

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

Mayor Jay made note of the two meetings tonight – the regular City Council Meeting followed by a Special Study Session on marijuana. She said public comment on marijuana would be limited to the Study Session only.

**Motion** by DiTullio that any public comment concerning marijuana not be allowed during this regular business meeting since timed public comment will be allowed at the study session following this meeting tonight; seconded by Councilmember Fitzgerald; carried 7-0.

**Nancy Snow** (WR) announced that Wheat Ridge United Neighborhoods will be hosting an Election Forum on Thursday, October 9<sup>th</sup> here at City Hall at 7pm. It will include candidates for CD7, SD 20, HD 24, and the various County offices. There will also be speakers for and against the two Wheat Ridge ballot issues. The public is welcome to attend. It will be cast live on Channel 8 and replayed numerous times before the election.

**Jim Stevenson** (WR), local sight-impaired artist and author, spoke on behalf of the American Council for the Blind and Visually Impaired. He talked about serious vision diseases in seniors. He invited all to join with them for an upcoming fundraising event called "Raisin' Cane" that will raise money for aid to seniors. It is a 7 block mini-walk held downtown. Everyone who makes the walk does it blindfolded with a sighted guide. It is Wednesday, October Oct 15, at 5:00pm, starting at the steps of the State Capitol.

**Mark Eskow**, business owner on 38<sup>th</sup> Avenue, expressed his support for 2B. He noted all the support for community events on 38<sup>th</sup> Avenue. He reported that data from the Wheat Ridge Fire Dept. indicates that response times are 37 seconds faster since the road diet. He said Lutheran Hospital also supports 2B.

**John Clark** (WR) spoke about revenue as it relates to 2A and 2B. He noted that one year's worth of pot tax in Wheat Ridge could pay for the 2B project in 103 years, or it could pay 11.8 days of interest on the \$40 million worth of bonds in 2A. He doesn't think we are ready to sacrifice our children to pay 12 days of interest on a loan.

**Patty Lazzari** (WR) asked that the triangular right-of-way signs on the greenbelt be returned. It is becoming dangerous as exuberant bicyclists almost run over children and families and fail to call out their presence. It presents a safety hazard for walkers.

## **APPROVAL OF AGENDA**

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

1. Resolution 52-2014 – Approving a 13-Lot Subdivision Plat with a Right-of-Way dedication for property zoned Residential-One (R-1) at 3301 and 3345 Quail Street (Case No. WS-14-02/Quail Hollow)

Councilmember Pond introduced Item 1.

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

### **Staff Report**

Meredith Reckert, Senior Planner, gave the staff report.

She entered into the record the zoning ordinance, the case file and packet material, and the contents of the digital presentation. She reported that all noticing and posting requirements have been met.

- The 7.8 acres is vacant land in the Lena Gulch area. There is no existing street frontage, but right-of-way can be dedicated.
- 33<sup>rd</sup> Avenue will extend east from Quail Street, and Quail Court will extend northward from 33<sup>rd</sup> Avenue. They will be full streets with curb, gutter and attached sidewalk.
- There will be 13 lots for 12 new home sites.
- Drainage will be in a pipe in the eastern part of the subdivision and through a natural channel that extends to Lena Gulch providing an amenity. There is no encroachment into the 100 year flood plain and all lots meet or exceed R-1size.
- The Planning Commission heard this case and made three recommendations.
- All agencies can serve the property with improvements provided by the developer.
- The Parks Department recommends fees in lieu of land dedication in the amount of \$32,000+.
- Public Works has reviewed and approved the plat and drainage report.
- Staff recommends approval with the added recommendations from the Planning Commission.

### **Applicant**

**Bill Lyons** (Greenwood Village), the developer, announced the development of Quail Hollow, for seniors, with tile roofs and 3 and 4 car garages. The home sizes will range from 16,500 sf down to 13,642 sf for the smallest.

Public Comment

**Arther Gibbard** (WR), who lives nearby, reported the vote was 4-3 at Planning Commission. He has concerns about the 6 feet of fill dirt that is being brought in. The property close to him will be higher than his property and gets no answers about where the water will go?

**Linda Gibbard** (WR) doesn't support this development because it is a home to so much wild life. It will affect the quality of life for the surrounding neighborhood. The run-off from all the concrete will cause problems. She noted that school events put lots of cars in the neighborhood -- sometimes 300 cars. They don't need more traffic.

**Holly Heaton** (WR) asked if the homes will be custom, semi-custom or tract homes.

Mr. Lyons reported the houses will be \$900,000 w/ full basements. The average amount of fill dirt is 3 feet. He said the drainage system for this project will make drainage nearby better.

Council questions

Mark Westberg explained the drainage plan, which will preserve the natural channel. He testified that the Army Corps of Engineers is okay with this plan.

Mayor Jay closed the public hearing.

**Motion** by Councilmember Pond to approve Resolution No. 52-2014, a resolution approving a 13-lot subdivision plat with a right-of-way dedication for property zoned Residential-One (R-1) at 3301 and 3345 Quail Street (Case No. WS-14-02/Quail Hollow), for the following reasons:

1. City Council has conducted a proper public hearing, which met all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, and their recommendation was forwarded for approval.
3. The subdivision plat is in compliance with the R-1 Zone district standards and Article IV of Chapter 26 of the Code of Laws

With the following conditions:

1. A Subdivision Improvement Agreement is executed whereby all public improvements are in place prior to issuance of building permits for individual lots.
2. The developer pays parks fees at the time of plat recording in the amount of \$32,464.77.
3. The Homeowners' Association covenants are reviewed and approved by staff.

Motion seconded by Councilmember Fitzgerald; carried 7-0.

**DECISIONS, RESOLUTIONS AND MOTIONS**

2. Motion to approve payment of the Sales Tax Increment Share Back for August of Fiscal Year 2014 from the Wheat Ridge Urban Renewal Authority Town Center Project in the amount of \$37,106.52 to Renewal Wheat Ridge

Councilmember Davis introduced Item 2.

The Town Center Urban Renewal Plan was adopted in December, 1981. It has been extended twice and will end December 31, 2014. The amount of sales tax increment shared back to Urban Renewal has been 100% since September, 2011.

**Motion** by Councilmember Davis to approve payment of the sales tax increment share back for August of fiscal year 2014 from the Town Center Project in the amount of \$37,106.52 to Renewal Wheat Ridge; seconded by Councilmember DiTullio; carried 7-0

**CITY MANAGER'S MATTERS** none

**CITY ATTORNEY'S MATTERS** none

**ELECTED OFFICIALS' MATTERS** none

**ADJOURNMENT to STUDY SESSION**

The Regular City Council Meeting adjourned at 8:00 p.m.

  
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Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 13<sup>th</sup>, 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.