

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO

January 12, 2009

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m. Council Members 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; Parks & Recreation Director, Joyce Manwaring; Senior Planner, Meredith Reckert; staff; and interested citizens.

APPROVAL OF MINUTES OF December 8, 2008

Motion by Mr. Gokey for approval of the Minutes of December 8, 2008; seconded by Mrs. Sang; carried 8-0.

CITIZENS' RIGHT TO SPEAK

Jane Kissel spoke to Council regarding a letter received from the City of Wheat Ridge citing a code violation for the presence of a dumpster on her property for the use of maintaining the property. Mrs. Kissel expressed displeasure that the City Staff were dishonest when she asked about the source of the complaint about this dumpster. Mrs. Kissel demonstrated that she cannot maintain a property of this size with this many trees without somewhere to place the cuttings and that she is no longer able to obtain a dumpster small enough to be within the City code. She asked Council to examine the City code and to allow her to keep this dumpster on her property.

Motion by Mrs. Sang to suspend the current dumpster code until it can be studied and amended to account for the lack of 1 cubic yard dumpsters;

Mr. Gokey amended the motion to bring the subject to a subsequent Study Session

Seconded by Mr. Gokey; carried 8-0.

Item 1. **CONSENT AGENDA**

- A. Award of Contract for Design Development and Construction Documents for the Future Park Site at 38th and Kipling in the Amount of \$143,055 to Design Concepts, Lafayette, CO
- B. Liquor Authority Appointment, District IV
- C. Resolution 01-2009 - Amending the Fiscal Year 2008 General Fund Budget and approving a Supplemental Budget Appropriation in the amount of \$16,082.99 for Costs and Expenses related to the conduct of the November 4th, 2008 Coordinated Election.
- D. Resolution 02-2009 - A Resolution approving an Agreement between the City of Lakewood and the City of Wheat Ridge for Crime Lab/Crime Scene Services.
- E. Resolution 03-2009 – A Resolution approving the renewal of Contract Services with Pridemark Paramedic Services LLC
- F. Ratification of Mayor DiTullio's Wheat Ridge 2020 Ex-Officio Member Appointment
- G. Approval of a Contribution to Wheat Ridge 2020 (WR2020) in the amount of \$500,000 for the purpose of implementing the Vision and Mission of the City Council as outlined in the Neighborhood Revitalization Strategy

Consent Agenda was introduced and read by Council Member Sang.

Mr. Gokey asked to pull Item A from the Consent Agenda.

Mr. Stites asked to pull Item B from the Consent Agenda.

Ms. Berry asked to pull Item F from Consent Agenda.

Mrs. Adams asked to pull Item G from the Consent Agenda.

Motion by Mrs. Sang for approval of Consent Agenda Items C, D and E; seconded by Mr. Gokey; carried 8-0.

Motion by Mr. Gokey to Approve Item 1.A., the award of a contract for design development and construction documents for the future *Regional* Park site at 38th and Kipling in the amount of \$143,055 to Design Concepts, Lafayette, CO to be charged to Account 32-601-800-862; seconded by Mr. Womble.

Mrs. Adams read and submitted to the Clerk a July 7th, 2008 memo to Council from WRURA Member Tom Radigan (included in this packet).

Motion carried 5-3 with Council Members Berry, Adams and Rotola voting No.

Motion by Mr. Stites to approve Item 1.B, a motion to appoint Richard Rotola to the Liquor Authority, representing District IV, term to expire March, 2012; seconded by Mr. Womble; carried 7-0-1 with Mrs. Rotola abstaining.

Item 1.F.

Motion by Ms. Berry to approve a Resolution authorizing the City Manager to appoint one member of the City Staff as a non-voting, Ex-Officio member to Wheat Ridge 2020 Board of Directors (Resolution attached).

City Clerk Michael Snow assigned Resolution 08-2009 to Ms. Berry's newly introduced Resolution.

Ms. Berry changed her motion to approve Resolution 08-2009 and to rescind Resolution 40-2007; seconded by Mrs. Rotola;

Substitute Motion by Mr. Womble to appoint Council Member Dean Gokey to the Wheat Ridge 2020 Board as a non-voting, Ex-Officio Member, term to expire December 1, 2009; seconded by Mrs. Sang;

Motion for substitution tied 4-4 with Council Members Rotola, Berry, Adams and Stites voting No, Council Members Sang, Langworthy, Womble, and Gokey voting Yes; Mayor DiTullio broke the tie in favor; carried 5-4.

Original Substitute Motion by Mr. Womble tied 4-4 with Council Members Rotola, Berry, Adams and Langworthy voting No; Council Members Stites, Sang, Womble and Gokey voting Yes; Mayor DiTullio broke the tie in favor; carried 5-4.

Motion by Mrs. Adams to approve Item 1.G.; I further move for the City Manager to cause an audit of the Wheat Ridge 2020 2008-2009 budget by City Staff; seconded by Mrs. Rotola; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

Item 2. Council Bill 24-2008 – An Ordinance providing for the approval of Agriculture-One (A-1) Zoning on property recently annexed to the City of Wheat Ridge, located West of Lot 9, Cabela's/Coors Subdivision, North of Clear Creek, and South of State Highway 58 at Indiana Street extended.
(Case No. WZ-08-08) (Coors at Clear Creek)

Mayor DiTullio opened the Public Hearing and swore in staff testifying in this matter.

Council Bill 24-2008 was introduced on second reading by Council Member Stites who read the Executive Summary. City Clerk Michael Snow assigned Ordinance No. 1427.

Mrs. Reckert provided Council the Staff summary presentation (included in this packet).

No citizens were present to speak.

Mayor DiTullio closed the public hearing.

Motion by Mr. Stites to approve Council Bill 24-2008 (Ordinance 1427) on second reading, and that it take effect 15 days after final publication for the following reasons:

1. Zoning must be in place within 90 days of annexation.
2. There will be no detrimental impact on properties in the area due to the A-1 zoning.
3. Planning Commission recommends approval of this request.

Motion seconded by Mrs. Rotola; carried 8-0.

Item 3. Council Bill 17-2008 – An Ordinance providing for the approval of a Change of Zoning from Residential-One (R-1) and Agriculture-One (A-1) to Planned Residential Development and for approval of an Outline Development Plan for property located at 11885 West 38th Avenue.
(Case No. WZ-07-06) (Doud Overlook)

Mayor DiTullio opened the Public Hearing and swore in everybody testifying on this Item.

Council Bill 17-2008 was introduced on second reading by Council Member Stites who read the Executive Summary. City Clerk Michael Snow assigned Ordinance No. 1428.

Mrs. Reckert provided the Staff summary presentation (included in this packet).

Bill Howard, representing the applicant, testified in favor of the proposed development plan, providing a presentation outlining the details of the plan (included in this packet).

Steve Labriola spoke in opposition to the proposed plan, contending that this is the finest remaining undeveloped piece of land in Wheat Ridge and that the center portion of the area is too dense for a positive effect on the neighborhood. He believes that a plan with 47 units would eliminate the overly dense 6700 square foot lots in the center area.

Tony Ficco believes the development plan should not be approved with 21 of the 53 lots having less than 9000 square feet and a lot coverage over 40%. He believes this plan would result in a degradation of the quality of the neighborhood.

Ken Asbury of Prospect Ridge neighborhood thanked the developers for the accommodations they've made based on the neighbors' requests, but feels it is not necessary to have lots this small in the area. He believes 6 fewer lots than what's proposed would be appropriate.

Lou Ficco contended that Wheat Ridge has never approved lots smaller than 9000 square feet and believes Council should not approve this Development Plan, citing problems that are created with front set-backs of as little as 20 feet.

Steve Fisher complemented Ashton Woods for their willingness to listen to the neighbors' concerns and make accommodations. However, he also believes that the density proposed in this development is not conducive to maintaining the caliber and quality of housing in this area of the City.

Greg Miller asked whether the proposed plan would include a traffic light at the entrance to the development. He also was concerned whether the development plan included designs and appropriations for the pedestrians to access the Greenbelt from the neighborhood.

Mrs. Reckert confirmed that there are currently no plans to install a traffic light at the entrance. She also explained Staff's conclusions in considering a path for pedestrians to access the Greenbelt from this area, citing the excessive slope at the bluff and the likely damage that would result in creating such a trail access.

Marilyn Fisher agreed with the other citizen speakers in that the density of the proposed development is too high and would degrade the quality of neighborhood.

Brett Wollard representing the applicant, spoke to the technical aspects and the possible opportunities with the open space on the property used for storm-water retention and mitigation.

Mayor DiTullio closed the public hearing.

Mayor DiTullio called for a five minute break at 9:24pm; meeting resumed at 9:31pm.

Motion by Mr. Stites to approve Council Bill 17-2008 (Ordinance 1428) on second reading, and that it take effect 15 days after final publication for the following reasons:

1. A change in the character of the area has occurred due to adjacent properties having been rezoned and/or subdivided and developed with single family homes.
2. The rezoning is compatible with surrounding zoning and land uses and while slightly over the density recommendation on the Future Land Use map, is consistent with the goals and objectives of both the Comprehensive Plan and the Neighborhood Revitalization Strategy.
3. Adequate infrastructure will be constructed as a result of development. There will be further benefit to the area with the upgrade of the sanitary sewer main line east of the property.
4. The change in zone will not adversely affect the public health, safety or welfare.
5. Planning Commission recommends approval.

With the following conditions:

1. The Developer continues working with Jefferson County Open Space regarding design of the storm drainage channel to Clear Creek and easement procurement.
2. At the time of final plat, the property be assessed for fees in lieu of parkland dedication based on the anticipated value of the land after land entitlements have been approved and subdivision improvements have been installed.

Seconded by Mr. Gokey

Motion by Mrs. Adams to amend the original motion to add Condition #3 - that the density be reduced to 47 units, if the applicant consents to such condition; seconded by Mrs. Sang.

The applicant expressed that they do not agree to the recommended condition in Mrs. Adams' amended motion, contending that the resulting changes would make the development economically unviable.

Motion to amend **failed 1-7** with Council Member Adams voting Yes.

Original Motion by Mr. Stites carried 6-2 with Council Members Adams and Sang voting No.

DECISIONS, RESOLUTIONS, AND MOTIONS

Item 4. Ratification of Mayor DiTullio's Budget Oversight Committee by City Council.

Motion by Ms. Berry to approve Resolution 07-2008 (provided during pre-meeting and included in this packet), a Resolution to Ratify the Creation of the Mayor's Budget Oversight Committee; seconded by Mrs. Rotola; carried 8-0.

ELECTED OFFICIALS' MATTERS

The Police Department is accepting applications for the Citizen's Police Academy through February 1st. More information may be obtained from the City's new website, www.ci.wheatridge.co.us.

The Wheat Ridge 2020 Planning Academy will start February 3rd continuing 4 consecutive Tuesday evenings. More information may also be obtained on the City's website.

The Citizens' Budget Oversight Committee, ratified tonight, will include one citizen from each of the four city districts as well as two Council representatives. Applications may be obtained from the City's website and are currently be accepted by Janice Smothers in the Mayor's Office.

Meeting adjourned at 10:00p.m.



Michael Snow, City Clerk

APPROVED BY CITY COUNCIL ON JANUARY 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.