

CITY COUNCIL MINUTES

CITY OF WHEAT RIDGE, COLORADO
7500 WEST 29TH AVENUE, MUNICIPAL BUILDING

December 12, 2016

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

Monica Duran	Zachary Urban	Janeece Hoppe	Kristi Davis
Tim Fitzgerald	George Pond	Larry Mathews	

Absent: Genevieve Wooden

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF the Minutes of the November 14, 2016 and Special Council Minutes of November 21, 2016 and Study Session Notes of November 21, 2016

There being no objection, the minutes of the Regular City Council Meeting of November 14, 2016, the Study Session Notes of November 21, 2016, and the minutes of the Special City Council Meeting of November 21, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES none

CITIZENS' RIGHT TO SPEAK

Robert Vance (WR) lives on Yukon Court. He asked if Yukon Court would be widened or pushed through to 35th Avenue if this development is approved. He was informed the applicant would address that under Item 2.

Vikki Ottoson (WR), on behalf of the Wheat Ridge Garden Tour, expressed support for Councilmember Duran's request to have a banner on 38th for the 2017 Garden Tour that will be on Saturday, July 8. She gave history of the Garden Tour, who attends it, its supporters and volunteers; listed the charities it has funded over the years; and shared why the event has value to the community.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Motion to Ratify the Mayoral reappointment of Kelly Brooks to District IV of the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire November 30, 2021
- b) Resolution No. 51-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$44,930 for the replacement of a Mechanical Street Sweeper *[plus \$75K budgeted in 2016 and \$75K RAQC grant; total price \$194,930; replacing 1999 sweeper]*
- c) Resolution No. 52-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$26,448 for the replacement of a Public Works Department Vehicle *[2000 GMC pick-up in accident Oct 2016; beyond repair; replacement is Ford F-150, ext cab, 4x4]*

Councilmember Pond introduced the Consent Agenda.

Councilmember Duran asked to pull item a).

Motion by Councilmember Pond to approve the Consent Agenda items b) and c); seconded by Councilmember Fitzgerald; carried 7-0.

Motion by Councilmember Pond to ratify the reappointment of Kelly Brooks to District IV of the Wheat Ridge Urban Renewal Authority dba Renewal Wheat Ridge, term to expire November 30, 2021; seconded by Councilmember Hoppe.

Councilmember Mathews commented he would like to address the procedure and transparency of appointments in a study session and/or at the retreat in 2017.

The motion carried 4-3, with Councilmembers Mathews, Fitzgerald, and Duran voting no.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2.** Resolution No. 53- 2016 – a resolution approving a Major Subdivision Plat with Right-Of-Way Vacation for property zoned Mixed Use-Commercial (MU-C) and located at the Southwest Corner of W. 38th Avenue and Wadsworth Boulevard (Case No. WS-16-03)

The request for a major subdivision is to establish new lot lines, to vacate and dedicate right-of-way, and to set easements for the mixed use redevelopment of the 14-acre site.

Councilmember Fitzgerald introduced Resolution 53-2016.

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

Staff presentation

Lauren Milulak entered into the record the contents of the case file, the zoning ordinance, the subdivision regulations, the Comprehensive Plan, and the contents of the digital presentation. She testified that all posting and notification requirements have been met.

- The 14-acre site has been vacant since 2010.
- Primary vacation is the ROW for an internal 36th Ave that was dedicated in 2003 for the expansion of the car lot, but never built.
- Surrounding zoning includes mostly commercial, apartments, and condos.
- Yukon Street will be extended through to 35th Avenue
- The only consideration for this hearing is the subdivision plat – one of several applications that will be required, that reconfigures lot lines, vacates and dedicates ROW, and facilitates development.
- Yukon Street isn't being widened, but a small sliver of the ROW (east side, north end) will be used for a detached sidewalk.
- The future design of Wadsworth isn't decided yet, but staff feels the proposed lot lines will accommodate the widest possible footprint for Wadsworth.
- The wetlands (drainage) tract along the southwest side will remain and be upgraded.
- Drainage easements include two areas -- the wetlands and an underground detention facility under the NE parking lot.
- Access and emergency easements include a grid network for cars with sidewalks along most. They won't be public streets, but will function like local streets; some will be like complete streets with sidewalks and tree lawns on both sides
- The extension of Yukon St to 35th provides connectivity. Connectivity through and around the site are important.
- Utilities allowed in the "streets"; added easements provided for wet and dry utilities.
- The ROW vacation
 - Will not leave any land without access
 - Conforms with goals of the Comprehensive Plan
 - Will have no negative impact on infrastructure
 - Reserves adequate easements

Staff recommends approval.

- All agencies can serve the property
- The proposal complies with subdivision regulations
- The vacation of W. 36th Avenue is appropriate
- The Planning Commission recommends approval
- Three condition for approval are recommended:
 - There be continued coordination on utility easements
 - Clarify that sidewalks are available for public use along with roadways
 - Subdivision Improvement Agreement (SIA) required before recordation

Council questions

- Zoning is in place and only preliminary drainage reports are available at this stage.
- There will be no formal opportunity for public comment on the site design since site plans will be reviewed administratively. Staff could put the plans on the website.

- The extension of Yukon Ct south to 35th Ave won't be a public street, but will function as one. Those living on Yukon Ct will have increased access options.
- A traffic signal is being considered at 38th & Yukon.
- Staff is confident the dedicated ROW will accommodate the future footprint of Wadsworth. The design for Wadsworth has advanced in the last two years.

Public Comment

Deana Swetlik (WR) was sworn in by the Mayor. She reminded Council that the decisions made for this property will be in place for decades; now is the time to make the right decisions as this is a high priority sight. She hopes the internal streets are designed as streets (not internal drives), with detached sidewalks and tree lawns. On-street parking should be required on at least one side, and she hopes all of the roadways have sidewalks. This is most critical on 35th Ave to provide parking for guests and residents, to calm traffic speeds, and to accommodate future advances in transportation technology. Area neighbors have expressed concerns about the need for on-street parking at past meetings for this site. She asked Council to assure the plat provides on-street parking on 35th Ave and all other streets.

Applicant

Representatives from the applicant answered the questions from citizens.

Robert Turner (Littleton) reported the project has 7-8,000 linear feet of walkways.

Jim Shipton (Littleton) testified that the perimeter ROW dedications accommodate sidewalks and additional tree lawns; that has been addressed internally. Regarding the grid network for internal access drives he testified that most have sidewalks immediately adjacent or nearly adjacent. Pedestrian connectivity throughout has been a key design point from the beginning. There are about 1 ½ miles of sidewalk.

Regarding on-street parking for 35th Ave he testified that the width is there with the additional ROW, and the new curb, gutter, landscape and sidewalk on the north side is going to add a lot of the width to have on-street parking there. They haven't made a formal submittal and haven't figured out how the laneage and parking will work, but he believes the width is there to accommodate that.

Mayor Jay closed the public hearing

Motion by Councilmember Fitzgerald to approve Resolution No. 53-2016, a resolution approving a major subdivision plat with right-of-way vacation for property zoned Mixed Use-Commercial (MU-C) and located at the southwest corner of W. 38th Avenue and Wadsworth Boulevard (including 7690 w. 38th avenue; 3790 Yukon Court; and 3501, 3765, and 3795 Wadsworth Boulevard), for the following reasons:

1. City Council had conducted a proper public hearing that meets all public notice requirements as required by section 26-09 and 26-407 of the Code of Laws.
2. The requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendations of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.

4. All agencies can provide services to the property with improvements installed at the developer's expense.

And with the following conditions:

1. The applicant shall continue to coordinate utility services with the appropriate agencies and any updated information regarding utility easements shall be reflected on the plat prior to recordation.
2. The access note on the cover sheet shall be modified to clarify that sidewalks are available for public use.
3. The applicant shall enter into a subdivision improvement agreement with required security prior to recordation of the subdivision plat.

seconded by Councilmember Pond; carried 7-0

CITY MANAGER'S MATTERS

Patrick Goff reported the City closed on the Fruitdale property. There will be a soft celebration this Thursday at the Rec Center at 11am, followed by picture-taking over at the Fruitdale site.

CITY TREASURER'S MATTERS

Jerry DiTullio reported on the Total Funds Report. The funds from the Fruitdale liquid account have been transferred to Citiwide Bank, plus another \$600K was also transferred – for a total of \$2.5M. Our funds are committed, but per the auditors, we still have control of those funds and it does not lower our reserve. Those funds will be drawn periodically and should not endanger our reserve requirements. Starting in January the Total Funds Report will not reflect the Fruitdale funds. Additionally, one of the conditions was that we get the same interest rate, and they pay the transfer fees. ~ He thanked the councilmembers who supported WRHS with their outreach funds.

CITY ATTORNEY'S MATTERS

Mr. Dahl noted the Fruitdale closing lasted three hours. It was complicated since six different loans were involved. He thanked Ken Johnston and Lauren Milulak; they did so much work beforehand it made the closing go very smoothly. He appreciates their effort.

ELECTED OFFICIAL'S MATTERS

Janelle Shaver announced the Clerk's office has complete sets of the Colorado Revised Statutes from 2014 and 2015 that are available to anyone who wants them. Call if you are interested.

Tim Fitzgerald is happy that Fruitdale has come to fruition, and that we've taken one more step on 38th and Wadsworth.

Janeece Hoppe invited folks to an information and cookie exchange on December 22 from 6:00-7:30pm at The Gathering Spot. The City Treasurer will be there to answer financial questions. ~ She reported the WRHS cheerleaders placed 4th out of 35 4A schools this past weekend at the CHSSA state competition. The Poms placed 1st.

Monica Duran received unanimous consent to have Mr. Goff provide the funds (\$2,700) for the street banner for the Garden Tour from the 2016 budget. ~ She reported having won the bid on a decorated Christmas tree auctioned by the Wheat Ridge Business Association. The funds went to the Ralston House. She thanked Treasurer DiTullio for helping find a home for the tree with a Wheat Ridge High School student's family. She voiced support for conducting the retreat somewhere in our City.

Joyce Jay explained that mayoral appointments are open to the public; anyone can apply. Nothing is backdoor. Mr. Mathews indicated he is interested in re-examining the procedure for *all* appointments for boards and commission.

ADJOURNMENT

The City Council Meeting was adjourned at 7:50 p.m.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON January 9, 2017

George Pond, 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.