

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

June 10, 2019

Mayor Starker 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

Zachary Urban David Kueter Amanda Weaver Leah Dozeman
Kristi Davis Larry Mathews Janece Hoppe

Absent: George Pond (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Allison Scheck; Community Development Director, Ken Johnstone; other staff and interested citizens.

PROCLAMATIONS AND CEREMONIES

Men's Health Month

Mayor Starker read a proclamation designating the month of June as Men's Health Month encouraging men of the community to practice healthy habits.

Wheat Ridge Safety Month

Mayor Starker read a proclamation designating the month of June as Safety Month. **Allison Scheck**, Director of Administrative Services, received the proclamation. She reported to Council that staff just finished a CIRSA safety audit and she witnessed for the first time how well prepared employees are. As an organization the City embraces safety and has a very active employee safety committee that promotes a variety of internal opportunities for safety education of various kinds. She thanked Council for their support.

Census 2020

Mayor Starker read a list of citizens and employees that are on our Complete Count Committee and read a proclamation declaring the City's recognition and support for the 2020 Colorado Complete Count Campaign for the upcoming census. **Jenny Pool** thanked the City and welcomed volunteers.

APPROVAL OF COUNCIL MINUTES of April 8, 2019 and Study Session notes of March 18, 2019 and April 1, 2019

Councilmember Kueter noted that on page 6 of the April 8 minutes he recalls voting in favor of the motion to excuse Councilmember Weaver from voting. Clerk Shaver apologized for the error and said she would correct that.

There being no other objections, the City Council minutes of April 8, 2019 (to be corrected) and Study Session notes of March 18, 2019 and April 1, 2019 were approved as published.

APPROVAL OF AGENDA

CITIZENS' RIGHT TO SPEAK

Suzanne Kiel (WR) donated her time to Sandy Nance.

Sandy Nance (WR) commented on the Neighborhood Revitalization Strategy. She attended meetings every step of the way and is pleased with the idea of hiring staff to confer with neighbors. She stated she is not anti-growth, but citizens have a problem with their neighborhoods being controlled by one staff member who does not answer to citizens or elected officials. She passed out photos of a house being built in her neighborhood. There is a clause in the Code that would have allowed Mr. Johnstone to not approve this – because it created a flagpole lot. He was confronted by neighbors who thought subdivision of this corner lot was not appropriate for the neighborhood, but he acted like there was no choice. He refused requests to find a way to have a public hearing and quickly approved the subdivision and flag lot. She thinks there should be a penalty for developers who are duplicitous – saying the house would be 1½ stories, and then building a 3-story monstrosity. She called for Council to immediately pass an ordinance requiring all subdivisions and creations of flag lots to be decided by the Planning Commission after notice is given to neighbors and public hearings are held. A check must be put on his powers – otherwise the listening tour suggested by the NRS will be a big, empty PR gesture. She closed with support for the Artspace project.

1. CONSENT AGENDA

- a. Motion to award purchase and installation of Henderson snow and ice control equipment and approve subsequent payment to Auto Truck Group of Colorado Springs, Colorado for a total amount not to exceed \$107,650
- b. Resolution No. 33-2019 – a resolution amending the fiscal year 2019 general fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$12,500 for the purpose of funding half of the Artspace Feasibility Study
- c. Motion to approve payment to Bank of Oklahoma for 2019 principal and interest payments in the amount of \$3,498,300 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A

Councilmember Hoppe introduced the Consent Agenda.

Motion by Councilmember Hoppe to approve Consent Agenda Items a.); b); and c.) seconded by Councilmember Dozeman; motion carried 7-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Resolution No. 34-2019 – A Resolution approving a major subdivision plat for property zoned Residential-Three (R-3) and located at 11661 W. 44th Avenue (Case no. WS-19-01 / Riverside Terrace)

The applicant is requesting subdivision of approximately 1.52-acres to establish lot lines, tracts, easements, and right-of-way dedication for an 18-unit townhome development.

Councilmember Mathews introduced Resolution No. 34-2019. He noted there has been a request to postpone this.

Mayor Starker announced the receipt of a memo from Mr. Johnstone. Mr. Johnstone explained that the Planning Commission held their hearing last Thursday. They have requested further information and continued their hearing to July 18. The next available Council meeting after that is August 12. Staff is requesting a continuance to that date.

Mr. Dahl advised the Council they could open the hearing and continue it.

Mayor Starker opened the public hearing.

Public Comment

John Clark (WR) asked Council to deny this action, because you can. He attended the Planning Commission (PC) hearing where the PC denied the resolution. He thought that was the end of it. What followed was over an hour of discussion between staff and the commissioners that destroyed Robert's Rules. It was sad. He said citizens are getting used to staff, Planning Commission and Council giving developers everything they want, while the citizens are ignored. People don't bother to come to meetings because they know the City will do whatever it wants. Last Thursday citizens stopped it. He hopes someone looks at this because it was a melee. Robert's Rules meant nothing. No one questions collusion between developers and staff, and everyone at every level just rubberstamps whatever the developers want. Staff seems bound and determined to ignore what happened Thursday and figure out a way to still give the developer what he wants. He believes the City is running straight into the ground. Citizens are disgusted; they think we're going downhill fast; and they do not trust their government.

Motion by Councilmember Mathews to continue the City Council public hearing for Case no. WS-19-01, a request for approval of a major subdivision on property located at 11661 W. 44th Avenue and zoned R-3 to August 12, 2019; seconded by Councilmember Urban; carried 7-0.

Councilmember Mathews assumed when this case is heard in August Council will have a full report of what happened at the Planning Commission.

3. Council Bill 07-2019 – An Ordinance removing the local historic landmark status from an accessory structure on property located at 11480 W. 44th Avenue (Case No. WHL-19-01 / McEntire)

The current owner purchased the A-1 property in 2013 and is requesting removal of the local historic landmark status from the Joy Williams barn located on the property.

Councilmember Dozeman introduced Council Bill 07-2019.

Mayor Starker declared this was a quasi-judicial matter and swore in the speakers.

City Clerk Shaver assigned Ordinance 1669.

Mayor Starker opened the public hearing and

Staff Presentation - Scott Cutler

- Mr. Cutler entered into the record the case file, the local historic regulations and contents of the digital presentation.
- The subject property, approximately one acre in size and zoned Agricultural-One (A-1), is located on the south side of W. 44th Avenue just west of Robb Street, with the Greenbelt further to the south. It is currently vacant with the exception of the 576 sf barn at the SE corner of the property.
- There is some commercial use to the south and residential to the west and east.
- The previous owner applied for and received by ordinance, local historic landmark status for the barn in 1998.
- The current owner purchased the property in 2013 and is now asking for removal of the historic status.
- There are eligibility requirements for application to remove historic status.
 - It must be done by a new owner.
 - Per Section 26-913.A.3 of our Code, no public funds can have been distributed to renovate the structure.
- A 15-day notice of public hearing was done. No letter/calls were received.
- Staff finds the new owner is eligible to remove this designation and makes no recommendation.

Applicant

Sandra McEntire (Denver), owner and applicant, passed out documents to the Council and referred to them as she spoke. She purchased the property in 2013 with the intent of letting Wild Bird Rehab build and have a facility for injured birds. She held the mortgage and Wild Bird was responsible for everything else. Wild Bird was unable to fulfill their obligation. The County told her the barn was built in 1950. In 2009 a bad storm had damaged the sod house and it had to be removed. When she purchased the property it was not disclosed to her that the barn had historic designation. At that time

the agreement stated the barn was in poor condition and she stipulated to that. No improvements have been made by her or Wild Bird. She said the barn has further deteriorated and is a nuisance. In its condition it serves no public purpose. Her tax records show there are no improvements on this property. She is open for questions.

Public Comment

Bonnie Botham (Lakewood), longtime Wheat Ridge resident and treasurer of the Wheat Ridge Historical Society (WRHS), spoke on the importance of history for a strong, vibrant community. The WRHS notes the barn has withstood the test of time and already received local historic designation. There has been no change in the connection to James Baugh, on whose property the barn was built, and no change in the connection to Charles Townsend, a second-wave settler who owned the barn. There was also no change documented by the Williams family who purchased the barn in 1907. Therefore there is no need for change in the historic designation. She listed a number of benefits to a community that preserves historic buildings. The Society applauds the preservation of the historic Fruitdale School building as housing. She encouraged Council to continue with policies that encourage the repurposing of historic buildings. All of us must do all we can to support property owners and developers who are willing to preserve our heritage. She asked Council that the historic designation for this barn not be removed or to work with the owner to move the barn to the Baugh Property. She suggested a feasibility study if moving the barn is considered. These suggestions are from the Board of Directors of the WR Historical Society.

Claudia Worth (WR) testified Joy Williams came to the Historical Society and asked for local historic designation for the barn. At the time there was a local historic designation ordinance which did not allow for historic designation to be removed, but that was later changed. When Joy left, she was happy to know her childhood barn would remain.

- She noted the house severely damaged by the tornado was brick – not a sod house.
- In 1999 Bob Olson got a grant from the State Historical Society to identify all buildings in Wheat Ridge that were built before 1920. These buildings were on that list and are registered with the State Historical Society.
- She read some information verifying the agricultural history of the property as part of the Baugh Property – which is a National Historic Site, owned by the City and maintained by the Historical Society.
- It is a very large barn, allowing for entry of a team of horses and the wagon. Old timers thought it was probably a weigh station – not just a stage stop. Being four miles from Denver and four miles from Golden, it is a logical location.
- She shared information about James Baugh who came to the area in 1858.
- Exact date of construction of the barn cannot be determined, but based on the type of construction it was built in the 19th Century.
- In 1889 Charles and Mae Townsend purchased 30 acres south of the county road from James Baugh. The Jefferson County Assessor's Office lists the house as built in 1892.
- The Williams family referred to the old barn when they bought the property in 1907.

- The historic significance of the barn is real. It is the oldest barn they can find. 1859 was only 20 years after Bent's Fort closed.
- The Historical Society was thrilled at the idea of the barn becoming a bird sanctuary – being adjacent to the Greenbelt where 287 species of birds have been sighted.
- While the property has not been improved, the barn is as sturdy as ever.
- Suggestions: Donate the barn to the City or the WRHS. It could be moved. The expensive part would be to put it on a concrete pad. An Arts Center would be a perfect use – with studios and gallery. She said demolition will be expensive, as the base is concrete and it is built with sturdy logs.

Claudia Callas (WR) recalled speaking many times to Councils about buildings we have saved. Thinking back to how many barns there used to be in Wheat Ridge, it seems it should be possible to save one 100 year old barn. They have thought of having a barn raising at the Baugh Property to build a pole barn. Now there is one across the street, but not handy to move. She also invited everyone to come to a pot luck supper tomorrow night at the WR Historic Park, 4610 Robb Street at 5:00.

John Clark (WR) lives less than ½ mile from this barn. He loves barns. His sons have raised livestock at the Moore farm at 72nd & Ward Rd which was founded about 1908 and has a huge barn. He encouraged people to see the inside of a barn to see how it's built. He appreciates that staff is not taking a side, but wishes they had been able to give the historic information. When it was designated as historic in 1998, there were 8 councilmembers who felt it was worthy of historic designation. He knows who they are, and thinks they should be contacted by this Council to find out what they thought. He thanked the Historical Society for the information they gave him about the barn; the City didn't provide it. He wants the barn to stay right where it's at, because if that historic building is removed – we all know, this 1.15 acres of A-1 land will be rezoned to MUN or PRD and have 18 units on it within a year and a half.

Lionel Smith (WR) is a Wheat Ridge native and member of the WRHS. His ancestral home is in Vermont; they have lots of old barns. He supports keeping the historic designation for the barn.

Ruth Baranowski (WR), president of the WRHS, is interested that staff didn't do much research. The Historical Society has documents that you are looking for. She understands property rights, but also knows we lose a lot of history if we don't make an effort to preserve it. Tonight's decision affects the future and what we leave as a legacy. The WRHS board discussed what should be done with the barn. They really want to have the barn stay where it is, but they also respect property rights, so they researched organizations that move historic barns. It would be very expensive. The WRHS has 501c3 status now; they can get grants. They do believe if the historical designation is removed the barn will be removed. As a local landmark it offers the City, all of us, and future generations something. She doesn't oppose development, but having lived here 7 years she is still shocked at the buildings we remove, areas we raze for new development, and how we don't acknowledge and respect our history.

Brandy Zamudio (WR) feels this is very important. He feels strongly Council should consider the history of Wheat Ridge. He wants the future residents of WR to be proud of the historic things. It's tough to grow a city, but not lose the past. If we start taking down historic buildings, where does it stop. We've lost enough of our history. He thinks Council should study up on why it was made historic and is still there. He believes it should stay where it is. Before you decide, find out why it was designated as historic.

Ms. McEntire responded. She said the barn is in terrible condition. The inside has a poured floor. She believes it may have been used by a construction company because there are benches, peg boards and fluorescent lights. It has a blonde wood door. There are bird cages stored upstairs. It has no water or sewer or electricity. Infrastructure requirements from the Fire Dept are cost prohibitive. She'd be glad to donate the building to the City, but she can't afford to move it. She testified it has deteriorated in the 6½ years she has owned it.

Council Questions

Councilmember Dozeman asked Ms. McEntire when she learned of the historic status. This spring.

Councilmember Hoppe asked staff about removing historic designation, moving the barn and then redesignating it as historic. Mr. Johnstone wasn't sure, but said it could be figured out. She asked about the difference between local and state historic designation. Mr. Johnstone said each jurisdiction has registries, including federal.

Councilmember Weaver learned from Mr. Johnstone there is only one type of local designation, and there are no criteria regarding modification of the inside.

Councilmember Mathews noted this is quasi, so he couldn't ask questions.

- At the very least he thinks the packet should have had a copy of the original ordinance so Council might know why it was designated as historic.
- Was it recorded somewhere? Council needs to know this before voting.
- Appreciate the owner's willingness to donate the barn.
- Why didn't staff contact the WRHS about this? They have a wealth of knowledge.
- Mr. Dahl said the historic designation was to be recorded at the County within 15 days. Ms. McEntire said it wasn't filed within the 15 days. Councilor Mathews asked why staff couldn't find this out if the owner could?
- Mr. Goff said it was owned by a private party - not the City. He suggested that if staff had done more research on this they would have been accused of trying to direct Council to save this property. That's not staff's role. There is a process in the Code and it has been followed.

Councilmember Dozeman said she got information from the Historic Society. She feels there's been lots of miscommunication and wrong information. She asked if the applicant would be willing to postpone this until she talks to the WRHS and the City

about using it as an art space. Ms. McEntire said it's a financial drain and she'd like to resolve this sooner rather than later. She agreed the address is numbered oddly.

Mr. Johnstone advocates for quality historic preservation. He worked thousands of hours preserving the Fruitdale School and was instrumental in saving the water pump station at the Ashland Reservoir. But the City does not have a historic preservation masterplan - no policy documents. Staff's responsibility was to look at the code; in this case the property was eligible to have the historic designation removed. To research further and reach out to the Historical Society, which isn't formally a part of the City, would have been advocating for preservation of a private structure.

Councilmember Urban inquired about the recorded site plan for the property from 2013. Mr. Cutler explained that was Wild Bird's plan. The requirements of the fire department made their project cost prohibitive for them and the site plan was abandoned.

Councilmember Kueter asked Mr. Dahl if the criteria for removal are met, can Council still deny the request. Mr. Dahl advised it is a discretionary act and Council is not forced legally to approve the removal just because the criteria are met.

Councilmember Weaver asked if the Historical Society had a place for the barn. Ruth Baronowski said they do. Starting cost for moving is \$300,000, but the Society is willing to tackle that. Renovation would be extra, but they are willing to work with the Cultural Commission or Artspace or anyone to help preserve the barn. She's heard the community wants us to be involved in projects like this. Councilmember Weaver asked staff about restrictions on rehabbing historic locations. Mr. Johnstone said there's a process, but no established local standards.

Mr. Goff pulled up the original ordinance granting historical designation and read parts of it. There is no information about the reason for the designation.

Mr. Johnstone told Councilmember Dozeman the historic designation was not mentioned when Wild Bird presented their site plan. He said the City doesn't maintain a good data base for local historic properties. It would be institutional knowledge.

Claudia Worth informed Councilmember Mathews that Joy Williams didn't want to have the house designated because she thought people would want to remodel it. The barn was more important to her as a landmark. It would be eligible for state or national historic designation if it stays on its original location. The inside could be renovated, but the outside has to remain as is. Grants are available. The WRHS has gotten over \$1M.

Mr. Goff added that the second page of the ordinance indicates with a time stamp that the historic designation was recorded at the County within the 15 days.

Discussion continued.

Mayor Starker closed the public hearing.

Motion by Councilmember Dozeman to approve Council Bill 07-2019, an ordinance removing the local historic landmark status from an accessory structure on property located at 11480 W. 44th Avenue second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The applicant has been determined to be eligible to apply for the removal of the historic designation, per Section 26-913 of the City Code.

The motion died for lack of a second.

Mayor Starker declared a recess at 8:57pm. The meeting resumed at 9:08pm.

ORDINANCES ON FIRST READING

4. Council Bill 09-2019 – An Ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement.

The City's Home Rule Charter provides for appointment of the Municipal Court Judge for a term of two years. The current term of Presiding Judge Christopher Randall expires July 1, 2019.

Councilmember Urban introduced Council Bill 09-2019.

Motion by Councilmember Urban to approve Council Bill 09-2019 - an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement, on first reading, order it published, public hearing set for Monday, June 24, 2019, at 7pm in City Council Chambers, and that it take effect upon adoption at second reading; seconded by Councilmember Hoppe; carried 7-0.

5. Council Bill 08-2019 – An Ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities (Case No. ZOA-19-01)

This ordinance would define “animal daycare facility” and allow it as a Special Use in C-1 and C-2 zone districts. It would also add supplementary regulations for animal facilities, and update definitions and the Use Table for consistency and clarity.

Councilmember Weaver introduced Council Bill 08-2019.

Motion by Councilmember Weaver to approve Council Bill 08-2019 - an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities, on first reading, order it published, public hearing set for

Monday, June 24, 2019, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff announced sadly that after 42 years in law enforcement and almost 15 years with the City Police Chief Dan Brennan will be retiring July 19.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS


Leah Dozeman announced that names can be submitted for consideration for parade royalty for the Carnation Festival until June 30. She also said Circus tickets are available for sale and Parade registration is open. This is all at Carnationfestival.com.

Kristi Davis encouraged folks to take the Gold Line to the A Line to the airport. She did it and it worked very smoothly and didn't take much longer. ~ She would like to see staff bring interested parties together to find a way to save the barn. At Mr. Goff's request she asked for consensus from Council to authorize the use of staff time to do that. The Mayor was uncomfortable with the appropriateness of this action. Mr. Dahl advised that it was appropriate to direct staff to explore options and provide information to Council. The support for Ms. Davis's consensus was unanimous.

Mayor Starker thanked everyone for participating in the open discussion tonight. He also thanked staff, citizens, and volunteers for their work on the Criterium yesterday. It was a very successful day.

ADJOURNMENT

The meeting adjourned at 9:19pm.



Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON August 12, 2019



Janece Hoppe, 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.