

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

October 28, 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

| | | |
|--------------|---------------|---------------|
| David Kueter | Leah Dozeman | Kristi Davis |
| George Pond | Larry Mathews | Janeece Hoppe |

Absent: Zachary Urban (excused), Amanda Weaver (unexcused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Acting Public Works Director, Steve Nguyen; Development Director, Ken Johnstone; City Treasurer, Chris Miller; other staff, guests and interested citizens.

PROCLAMATIONS AND CEREMONIES

National Hunger and Homelessness Awareness Week

Mayor Starker proclaimed the week of November 16-24, 2019 as National Hunger and Homelessness Awareness Week in the City of Wheat Ridge. **Kelley Baker**, the Regional Homeless Coordinator for Jefferson County Human Services, was present to receive the proclamation. She thanked the City for the proclamation and its continued willingness to collaborate on this issue.

APPROVAL of Council Minutes of July 8, July 22, August 12, August 26, September 9, September 23, 2019; Study Session Notes of July 15, August 5, August 19, September 16, October 7, 2019 and Special Study Session Notes of September 9, 2019 and September 23, 2019

- Councilmember Hoppe reported that Councilmember Dozeman had called her to say she wouldn't be at the meeting of October 7, so she would like her to be listed as excused.
- Councilmember Kueter requested that his first name be corrected on the July 8 Roll Call.
- Clerk Shaver explained the reason for the backlog of minutes. It has to do with inadvertent, incomplete staff notification since Janice Smothers retired. She apologized and reported the cause for this has finally been identified and is now remedied.

There being no further corrections, the City Council minutes, Study Session Notes and Special Study Session Notes were approved as published.

CITIZENS' RIGHT TO SPEAK

Katy Winner (Arvada) is a member of the Class of 2020 of Leadership Jefferson County. Their class project is related to homelessness and hunger. She thanked Wheat Ridge for hiring a Homeless Navigator. She encouraged the public to help alleviate this widespread concern and help find solutions. The Action Center is currently doing a Sox Drive, and will be doing advocacy and awareness events the week of Nov 16-24.

Pam Brier (Lakewood) from the Action Center thanked the Mayor and Council for the Proclamation. She said the Action Center is seeing increased demand for food and shelter. She advocated for increased awareness. They're going to be reopening their shelter in partnership with Red Rocks Community College. With the cold weather upon us coats, blankets, sleeping bags, mittens, hats, and boots are badly needed. They are also having a sock drive. Socks can be delivered to the Action Center on Dec. 4 from 12-5. The delivery date and time is a fun thing to try to set a world record, but people can bring socks at another time if necessary.

Bob Brazell (WR) recalled at the last study session Mr. Johnstone said Short Term Rentals are not allowed in Wheat Ridge. Mr. Brazell referenced the situation in District 1 where numerous people came in about an STR that has several people living in the basement, that is destroying their property values and neighborhood, and doing it by breaking current codes. He's very disappointed Council hasn't acted on this and staff hasn't met with these people to enforce current codes. That is your job – to protect the citizens, not rant about your own personal beliefs about STRs. Why pass new rules, if the existing ones are not being enforced?

Rachel Hultin (WR) noted this is the last meeting for Councilmembers Pond and Davis and City Clerk Shaver. They have all served longer than she has lived in Wheat Ridge. Over the last 8 years she has seen a lot of things happen that she feels are good for the City and she thanked all of them for their part.

APPROVAL OF AGENDA

PUBLIC HEARING AND ORDINANCES ON SECOND READING

1. Council Bill 16-2019 – An Ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the regulation of minor accessory structures in the Residential-One zone district (Case No. ZOA-19-04)

This ordinance would decrease both the required rear and side yard setbacks and the maximum allowable square footage for minor accessory structures in R-1 zones.

Councilmember Davis introduced Council Bill 16-2019.

City Clerk Shaver assigned Ordinance 1675.

Mayor Starker opened the public hearing.

Staff Presentation - Ken Johnstone

- This is a Council-initiated ordinance.
- R-1 is the largest lot size. Currently in R-1 zones minor accessory structures require 15 foot rear and side yard setbacks.
- All other residential district have setbacks of 5 feet for accessory structures.
- This ordinance will reduce the rear and side setbacks requirements to 5 feet in R-1.
- Council has also requested to reduce the maximum size for minor accessory structures in R-1 from 400sf to 200sf.
- With this change any detached structure over 200 square feet in the R-1 zone district will be classified as a major accessory structure and will require 15-foot side and rear setbacks.
- Planning Commission heard this case and recommends approval.

No one came forward to speak and the Council had no questions.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 16-2019, an ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the regulation of minor accessory structures in the Residential-One zone district on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Hoppe ; motion carried 6-0.

2. Council Bill 17-2019 – An Ordinance vacating any interest held by the City in a portion of West 38th Avenue, a public roadway.

The City holds rights-of-way in trust for the public. An irregular-shaped strip of ROW on the SE corner of West 38th Ave and Youngfield Street has been deemed to be excessive and unnecessary by Public Works. Staff recommends transferring the ROW to the owners of the Applewood Shopping Center.

Councilmember Pond introduced Council Bill 17-2019.

City Clerk Shaver assigned Ordinance 1676.

Mayor Starker opened the public hearing.

Staff Presentation - Steve Nguyen

- This strip of land was, at one time, reserved for a dedicated right turn lane from Youngfield onto eastbound 38th Ave. Since the entrance to I-70 has been moved to the south, a dedicated right turn lane at this location would likely never be needed.
- The current street standards can be met.
- The area proposed for vacation is 2,367 sq. ft. (0.05 acres), more or less.
- U.S. Retail LLC will use the additional square footage for a new developable pad at this intersection.
- In return for the vacated area, U.S. Retail has agreed to deed to the City a small, irregular-shaped strip of ROW along the east side of Youngfield Street lying just south of the area of vacation. The City needs the area to bring the Youngfield corridor into compliance with current street standards and to allow for construction of public improvements.
- The area proposed for dedication is 2,187 square feet (0.05 acres), more or less.

Mr. Cutler went through pictures showing the parcels of land under consideration.

The exchange of land between the City and the land owner is about an equal exchange.

Public Comment No one came forward to speak.

Council Questions

Councilmember Mathews verified there will be no interference with the existing City monument.

Mayor Starker closed the public hearing.

Motion by Councilmember Pond to approve Council Bill 17-2019, an ordinance vacating any interest held by the City in a portion of West 38th Avenue, a public roadway on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Davis; carried 6-0.

3. Resolution 58-2019 – A Resolution approving a major subdivision plat with right-of-way dedication for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) and located at 5352, 5372, and 5392 Quail Street (Case No. WS-18-01/Quail Run Plat)

The purpose of this subdivision request is to establish lot lines, tracts, easements, and right-of-way dedication for a 56-unit development with townhomes and single family detached homes.

Councilmember Mathews introduced Resolution 58-2019.

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

Staff Presentation - Scott Cutler

Mr. Cutler entered into the record the case file, the subdivision regulations, and the contents of the digital presentation. He testified that all posting and notification requirements had been met.

- The approximately 7.11-acre property is surrounded by Arvada on 3 sides.
- The PRD Zoning was approved by the Council in April, 2018

Proposed conditions

- 42 for-sale townhomes in 10 buildings, and 14 single family home lots.
- 6 tracts, commonly maintained (open space, drainage, and alleys), plus utility easements
- New public streets: 53rd Avenue/Drive, Pierson Court., Quail Street
- He explained why the plat and SDP have different boundaries. The plat has an extended boundary for two reasons. One, the lot to the south of the SDP portion needs to be involved in the plat because the rear portion of that area is being cut off and sold to this project to be used for the detention pond, and the Pierson Court right-of-way will extend south. The second reason is the narrow "tail" of the plat, which is the drainage conveyance, which will tie into the Skyline Estates drainage system via a private property owner's lot. They have signed an agreement which was reviewed and approved by Public Works, as have all drainage and civil documents for this site.

Process

- All outside agencies can serve the property and expressed no concerns.
- Public Works and Planning have found the plat and civil construction documents to be approvable
- No written comments were received for the plat application

The proposal complies with subdivision standards. Staff and Planning Commission both recommend approval.

No one from the public came forward to speak and there were no questions from the Council.

Mayor Starker closed the public hearing.

Motion by Councilmember Mathews to approve Resolution 58-2019, a resolution approving a major subdivision plat with right-of-way dedication for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) and located at 5352, 5372, and 5392 Quail Street for the following reasons:

1. City Council has conducted a proper public hearing that meets 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, which has forwarded its recommendation 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 reception number of the Quail Street right-of-way in Arvada will be filled in prior to recordation of the SDP and plat.
2. The developer shall enter into a subdivision improvement agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner's association covenants for review by staff.
4. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
5. Reconfiguration of the intersection of W. 53rd Avenue and Quail Street shall be completed to the satisfaction of the City.
6. All minor corrections to the plat shall occur prior to recordation.

on second reading, and that it take effect immediately upon Council adoption, seconded by Councilmember Hoppe; motion carried 6-0.

ORDINANCES ON FIRST READING

4. Council Bill 18-2019 – An Ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the Duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City's organizational chart

The Wheat Ridge Charter §3.5 provides that Council may, by ordinance, consolidate and/or merge City departments and that each department be under the supervision of a department head appointed by the City Manager. Section 2-26 of the Code grants the City Manager the authority to exercise supervision and control over all departments.

The purpose of the proposed ordinance is to reassign duties in the appropriate sections of the City's Code of Laws and to update the City's organizational chart as follows:

1. Move direction of the City's code enforcement program from the Community Development Department to the Police Department
2. Move direction of the City's engineering functions of the current Public Works Department to the Community Development Department

Councilmember Hoppe introduced Council Bill 18-2019.

Motion by Councilmember Hoppe to approve Council Bill 18-2019 - an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the Duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City's organizational chart, on first reading, order it published, public hearing set for Monday, November 25, 2019 at 7:00 p.m. in City Council Chambers, and that it take effect immediately; seconded by Councilmember Davis; carried 5-1, with Councilmember Mathews voting no.

CITY MANAGER'S MATTERS

Mr. Goff alerted all to potential early closures tomorrow because of the coming storm. ~ He reminded folks there will be no Council meetings until November 18. ~ He also reported that Rocky Mountain Bottle has sent word they are proceeding with the work to quiet their operation. No dates have been given. Councilmember Mathews noted having calls from neighbors about new, strange noises, some of which are even louder.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Kristi Davis thanked folks for the last 8 years - including the staff. She thanked her peers, past and present. She thanked her constituents in District 2; she has enjoyed the conversations and the collaboration.

Janece Hoppe thanked George Pond and Kristi Davis for their help when she came onto the Council. She thanked Janelle Shaver for her diligence in preparing the minutes over the years on top of all the other work she has.

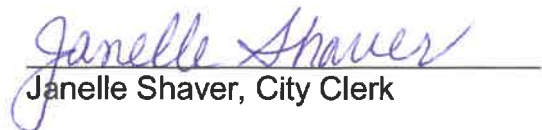
George Pond thanked the staff and Council for the last 8 years. It has been a real learning experience for him and he has enjoyed serving.

Mayor Starker thanked Clerk Shaver and Councilmembers Davis and Pond; it has been a pleasure to serve with you. ~ He urged citizens to vote. ~ In recognition of Veterans' Day, he thanked all veterans for their service.


Janelle Shaver thanked the citizens for allowing her to serve as their Clerk for the last 8 years. She thanked the staff she has had the privilege to work with – particularly Kim Cooke, Lauren Mikulak and Jennifer Nellis with whom she has collaborated on Public Information Requests a great deal. She assured citizens that the worker bees of the City are competent, hardworking and dedicated to providing good service to the citizens and businesses in the City. She thanked Mr. Goff for his cooperation through the years. It has been an honor to serve.

ADJOURNMENT

The meeting adjourned at 7:53 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON November 18, 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.