

# **CITY COUNCIL MINUTES**

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

July 8, 2013

Mayor DiTullio called the Regular City Council Meeting to order at 7:00 p.m.

## **ROLL CALL OF MEMBERS**

Joyce Jay	Mike Stites	Davis Reinhart	Bud Starker
Joseph DeMott	Kristi Davis	Tracy Langworthy	George Pond

Also present: Deputy City Clerk, Bruce Roome; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; Community Development Director, Ken Johnstone; Police Division Chief, Joe Cassa; Public Works Director, Tim Paranto; Senior Planner, Meredith Reckert; other staff, guests and interested citizens.

## **APPROVAL OF MINUTES OF June 24, 2013**

**Motion** by Councilmember Stites for approval of the Minutes of June 24, 2013; seconded by Councilmember Starker; carried 8-0.

## **PROCLAMATIONS AND CEREMONIES**

### **Police Department Citizen Award Presentation – Jason Neely**

Division Chief Cassa presented Jason Neely with the Wheat Ridge Police Department Citizen Award and Police Ceremonial Challenge Coin due to his actions on June 14, 2013 by going above and beyond, and placing himself in danger in assisting Officer Josifek and Sergeant Pickett in taking a resistive male into custody.

### **Proclamation for Tim Paranto, Public Works Director**

Mayor DiTullio read and presented a proclamation on behalf of himself and City Council to recognize and thank Tim Paranto, for his 10 years of service to the City of Wheat Ridge.

## **2014 Budget**

**Public meeting providing the first opportunity for public input on the 2014 Budget**  
None

## **CITIZENS' RIGHT TO SPEAK**

**Larry Schulz**, Wheat Ridge City Treasurer and citizen spoke on behalf of the 11<sup>th</sup> annual adoption party hosted by The Brown Dog School of Dog Training at 44<sup>th</sup> and

Jellison St. (9900 W. 44<sup>th</sup> Ave) from 11 am – 3 pm this Saturday (7/13.) There will be plenty of rescue dogs available for adoption. Please come out, there will be food and a raffle. Also donations to the rescue groups is welcome including items such as canned food, blankets, collars, leashes, shampoo, etc.

**Brenda Hurley, 4090 Fenton Court**, passed along her appreciation for the Wheat Ridge Police Department responsiveness as there has been an increase in vandalism and thefts in her neighborhood. The Police Department took the complaints very seriously and addressed the concerns by increasing patrols of the neighborhood. Ms. Hurley commends the department and their quick response to this situation.

### **APPROVAL OF AGENDA**

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

1. Council Bill No. 09-2013 – An Ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement.

Mayor DiTullio opened the public hearing.

Council Member DeMott introduced Council Bill 09-2013.

Deputy City Clerk Roome assigned Ordinance number 1539.

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, 2013. The Judge is presently compensated at \$87.15 per hour. This rate has been in effect since 2007. The Judge requested an increase to \$91.51 per hour, representing a 5% adjustment.

Staff Report: Mr. Dahl stated he had nothing further to add

Public Comment: None

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember DeMott to approve Council Bill No. 09-2013, an ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a presiding municipal judge services agreement, on second reading and that it take effect upon adoption, as permitted by the Charter; seconded by Councilmember Pond; carried 8-0.

2. Resolution No. 23-2013 – A Resolution approving a Two-Lot Subdivision Plat with a Right-of-Way Dedication for property zoned Residential-Three (R-3) and

Neighborhood Commercial (NC) located at 5801 W. 38<sup>th</sup> Avenue/4000 Fenton Court (Case No. MS-13-02/Incarnation)

Mayor DiTullio opened the public hearing.

Council Member Davis introduced Resolution 23-2013.

Staff Report:

**Meredith Reckert** provided Council with a digital presentation which states that the applicant is requesting approval of a two-lot subdivision plat for property zoned R-3 and NC at 5801 W. 38<sup>th</sup> Avenue/4000 Fenton Court. The purpose of the request is to prepare the site for development of 26 new residences and to dedicate street right-of-way.

Applicant:

**Mark Young**, Denver, addressed Council regarding the extra steps they have taken to provide Wheat Ridge with the best product possible. They have exceeded all of the outlines that have been placed on them from the Planning Commission. Asked for Council to reconsider the fees that the Parks Commission has stated are necessary to receive their approval.

Public Comment:

**Sheldon Ronholdt**, 4075 Fenton Court, spoke in opposition of the planned development.

**Ellen Goodnight**, 5825 W. 39<sup>th</sup> Avenue, stated some opposition of the planned development and hopes that Council can be proactive and address her concerns.

**Brenda Hurley**, 4090 Fenton Court, spoke in opposition of the planned development.

7:46 pm: Mayor DiTullio took a five minute recess so the City Attorney could research the issue.

7:51 pm: Mayor DiTullio reconvened the meeting

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember Davis to approve Resolution No. 23-2013, a resolution approving a two-lot subdivision plat with a right-of-way dedication for property zoned Residential-Three (R-3) and Neighborhood Commercial (NC) located at 5801 W. 38<sup>th</sup> Avenue/4000 Fenton Court, for the following reasons:

1. City Council has conducted a proper public hearing meeting 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.

3. The Subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws; seconded by Councilmember Reinhart;

**Motion** by Councilmember Davis to amend the main motion that the applicant pay a fee-in-lieu of parkland dedication prior to the issuance of the first building permit in the amount of 50% of the required fee as determined by a certified appraisal of the property as calculated per Section 26-421.F.2 of the Code OR \$89,500, whichever is less, with 100% of the fee to be paid to the City to be used as allowed by Section 26-421.F.4 of the Code; seconded by Councilmember Pond; carried 8-0.

Main motion carried 8-0

8:15 pm: 5 minute break called by Mayor DiTullio

8:20 pm: Mayor DiTullio reconvened the meeting

3. Resolution No. 22-2013 – A Resolution approving a 48-Lot Subdivision Plat with Right-of-Way Dedications for Property Zoned Planned Residential Development (PRD) Located at 11885 W. 38<sup>th</sup> Avenue (Case No. WS-13-01/Doud Overlook)

Mayor DiTullio opened the public hearing.

Council Member Pond introduced Resolution 22-2013.

Staff Report:

**Meredith Reckert** provided Council with a digital presentation showing that the applicant is requesting approval of a 48-lot subdivision plat with right-of-way dedications for property zoned Planned Residential Development (PRD) located at 11885 W. 38<sup>th</sup> Avenue. The purpose of the subdivision is to prepare the property for development of a new residential subdivision.

Applicant:

**Rip Reid**, spoke in behalf of his company stating their goals of creating a new subdivision. They are under contract to purchase the land from the original developer.

**Russ Burrows**, consulting Civil Engineer, answered questions regarding the detention pond that is proposed for the site.

Public Comment:

**Ava Nagy**, 3834 Union Court, wants two lots eliminated in order to keep lot sizes similar to those of the existing neighborhoods to the east and west.

**Ken Asbury**, 3882 Union Court, is happy with the developer as they appear to have a good product but is also concerned with lot sizes adjacent to his neighborhood.

**Marilyn Fisher**, 3850 Union Court, is also happy with the developer as they appear to have a good product but is also concerned with lot sizes adjacent to his neighborhood.

**Steve Fisher**, 3850 Union Court, also wants the lot sizes to match his neighborhood and feels this can be obtained by eliminating one lot.

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember Pond to approve Resolution No. 22-2013, a resolution approving a 48-lot subdivision plat with right-of-way dedications for property zoned Planned Residential Development (PRD) located at 11885 W. 38<sup>th</sup> Avenue, for the following reasons:

1. City Council has conducted a proper public hearing, meeting 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.
3. The Subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.

With the following conditions:

1. Property addresses be added to Sheet 3 of the plat document prior to recordation
2. The HOA covenants be provided for staff review prior to plat recordation
3. The City continues to work with Jefferson County Open Space to finalize the procurement of the temporary and permanent easements in the open space area
4. The property be assessed for fees in lieu of parkland dedication, based on the appraised value of the land, after land entitlements have been approved, subject to staff review and approval. Said fees to be paid prior to the issuance of the first building permit
5. The developer enters into a City standard subdivision improvement agreement with required security, prior to recordation of the subdivision plat.

Seconded by Councilmember Stites; carried 8-0.

#### **DECISIONS, RESOLUTIONS AND MOTIONS**

4. Resolution No. 24-2013 – A Resolution amending the Fiscal Year 2013 Capital Investment Program Budget to reflect the approval of a Supplemental Budget Appropriation in the Amount of \$49,905 to fund the 38<sup>th</sup> Avenue Streetscape Concept Design and awarding the contract to Entelechy, Denver, CO, for a not-to-exceed amount of \$49,905.

Council Member Reinhart introduced Resolution 22-2013.

City staff is preparing the next incremental implementation phase of the 38<sup>th</sup> Avenue Corridor Plan adopted by City Council in October, 2011. The 38<sup>th</sup> Avenue Streetscape Concept Design will provide needed guidance for the future construction of the streetscape element to the corridor. Entelechy has been selected to perform the corridor

streetscape concepts design work for a not-to-exceed amount of \$49,905. A budget appropriation of said amount is required to fund this work effort.

**Motion** by Councilmember Reinhart to approve Resolution No. 24-2013, a resolution amending the fiscal year 2013 Capital Investment Program Budget to reflect the approval of a supplemental budget appropriation in the amount of \$49,905 to fund the 38<sup>th</sup> Avenue Streetscape Concept Design and awarding the contract to Entelechy, Denver, CO, for a not-to-exceed amount of \$49,905; seconded by Councilmember Pond; carried 6-2 with Councilmembers Stites and DeMott voting no.

5. Motion to Ratify Mayoral Appointment to the Housing Authority.

Council Member Pond introduced Agenda Item #5.

Members of the Housing Authority are appointed by the Mayor and ratified by City Council. The Mayor met with Mr. Abbott and found that he is very interested in taking part of the Fruitdale School project. Mr. Abbott also has a wealth of knowledge and experience in the construction industry to include fixing, repairing, and inspecting residential properties. Mayor DiTullio is recommending that Thomas Abbott be appointed to the Housing Authority representing District III.

**Motion** by Councilmember Pond to ratify the District III Mayoral appointment of Thomas Abbott to the Housing Authority, term to expire March 2, 2017; seconded by Councilmember Stites; carried 8-0.

**CITY MANAGER'S MATTERS**

Mr. Johnstone discussed the human remains found earlier in the week in Park County, there will be a press conference on Tuesday morning at 10:00 a.m. in City Council Chambers.

**CITY ATTORNEY'S MATTERS**

Nothing

**CITY CLERK'S MATTERS**

Nothing

**ELECTED OFFICIALS' MATTERS**

**Mayor DiTullio was the opening speaker** at the Jefferson County Summit on Aging. The Mayor updated those in attendance, about 200 people, that Wheat Ridge is ahead of the game when it comes to senior support programs, such as the Senior Circulator Bus and the new 88 Town Center Apartments strictly for seniors. Wheat Ridge is either on the cutting edge or the bleeding edge of senior services since 1 in 4 residents in Wheat Ridge are over the age of 60. The Mayor would like Council to consider increasing the amount of funding to the Senior Circulator Bus in the 2014 budget from

\$30,000 to \$42,000 to fully fund the program offered by the partnership between the City of Wheat Ridge and the Senior Resource Center.


**Bud Starker** pleased to announce the opening of West 29<sup>th</sup> Restaurant and Bar at W. 29<sup>th</sup> Avenue and Depew St. Open every evening at 5:00 p.m. for dinner and on the weekends for brunch. Lunch will be added in August, please stop by.

**George Pond** went to the July 3<sup>rd</sup> Performance in the Park, it was fantastic and encourages all to give it a try.

**Tracy Langworthy** next Live Local is this Thursday (7/11) from 5:00 to 7:00 p.m. at West 29<sup>th</sup> Restaurant and Bar. Produce fair this Saturday (7/13) from 9:00 – 11:00 a.m. at 6475 W. 29<sup>th</sup> Ave, The Living Waters, there will be all kinds of home grown fruit and vegetables.

**Mike Stites** condolences to the family of George Langdon, he will be missed.

Meeting adjourned at 9:24 pm.

  
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Bruce Roome, Deputy City Clerk

APPROVED BY CITY COUNCIL ON July 22, 2013 BY A VOTE OF 6 to 0

  
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Davis Reinhart, 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.