

# CITY COUNCIL MINUTES

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

October 14, 2013

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

## ROLL CALL OF MEMBERS

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

Also present: City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; Police Chief Daniel Brennan; Parks Director, Joyce Manwaring; other staff, guests and interested citizens.

## APPROVAL OF MINUTES OF September 23, 2013

**Motion** by Councilmember Stites for approval of the Minutes of September 23, 2013; seconded by Councilmember Reinhart; carried 6-0-2, with Mr. Starker and Ms. Davis abstaining.

## CITIZENS' RIGHT TO SPEAK

**Nancy Snow** spoke on behalf of Wheat Ridge United Neighborhood. She reminded folks that the recent candidate forum is available on the City's website and is being replayed on Channel 8 a couple of times every day. It includes candidates for WR offices, the School Board and speakers for and against the two statewide ballot proposals. People in Wheat Ridge are very fortunate to have the ability to see and hear the candidates who are running for office.

**Eileen Kratzer** (Wheat Ridge) enjoys the changes that have been happening in Wheat Ridge. Her family attends all the activities like Live Local, Cruiser Crawl, etc., and they, along with her friends, hope to see that growth continue and for it to be a priority for the Council and mayor.

**Amanda Weaver** (Wheat Ridge) is excited about the initiatives that have happened in Wheat Ridge. She initially got involved in the fresh fruit and vegetable task force. She loves the redevelopment of 38<sup>th</sup> Avenue and wants to see us have more revenue to do things like that because it brings us together as a community.

**Karen Thaler**, candidate for City Council District 1, thanked WR United Neighborhoods for the candidate forum they put on; it was well done. She spoke about her background and candidacy and directed voters to the candidate bio's in this week's Transcript.

## APPROVAL OF AGENDA

### 1. CONSENT AGENDA

- a. Motion to approve award of ITB-13-24 29<sup>th</sup> Avenue Storm Sewer to JBS Pipeline Contractors, Commerce City, CO, in the contract amount of \$830,484.50 with a contingency amount of \$83,000 and that the Director of Public Works be authorized to issue change orders up to a total contract and contingency amount of \$913,484.50

[This project will provide new storm sewer along 29<sup>th</sup> Ave. (Sheridan to Fenton), southward on Benton to the Richards-Hart Estate and some on Sheridan.]

- b. Motion to cancel the Study Sessions of October 21<sup>st</sup> and November 4<sup>th</sup>, 2013

[No items are scheduled for consideration on these dates. Additionally, the City is an official polling place and the Council Chambers must be set up the evening of November 4 for the general election on November 5<sup>th</sup>.]

- c. Resolution 38-2013 – approving a contract with the Colorado Department of Transportation for maintenance of traffic signals.

[This agreement renews CDOT's commitment to pay the City for operating and maintaining three traffic signals that CDOT owns at the I-70/32<sup>nd</sup> Avenue Interchange. Payment is \$280 per month per signal for five years. Total yearly compensation will be \$10,080.]

- d. Resolution 40-2013 – approving submittal of an application for a 2014 Local Government Grant to Jefferson County Open Space for the relocation of Clear Creek Trail west of Kipling from 41<sup>st</sup> Ave. to open space north of 41<sup>st</sup> Ave.

[The existing trailhead at the end of 41<sup>st</sup> Ave. (west of Kipling) is being relocated to nearby Open Space property on the west side of Kipling adjacent to Clear Creek (formerly identified as the "Zarlengo property").]

- e. Motion to approve payment of the Sales Tax Increment for September of fiscal year 2013 from the Town Center Project in the amount of \$70,606.58 to Renewal Wheat Ridge

[Scheduled share back of 100% of the sales tax increment for the commercial area east of Wadsworth between 38<sup>th</sup> Ave. and 44<sup>th</sup> Ave. This payment policy was approved in September, 2011 and extends through December, 2014.]

Councilmember Stites introduced and read the Consent Agenda.

**Motion** by Councilmember Stites to approve the consent agenda; seconded by Councilmember Starker; carried 8-0

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

Mr. Goff asked Council to take up agenda Item #3 next as some staff members had yet to arrive for Item #2.

### 2. Public Hearing on the 2014 proposed budget

[Public hearing only. No formal action required. Adoption of the budget is scheduled for Monday, October 28, 2013.]

Mayor DiTullio opened the public hearing.

#### Staff presentation

Mr. Goff reviewed the budget presentation that was given to Council on Sept 16. Since that time the following changes have been made at Council's request:

- Additions totaling \$50,000:
  - Add \$30K in funding for SRC's Senior Circulator Bus
  - Add 10K contribution to Jeffco School Outdoor Lab program
  - Add \$10,000 contribution to Jeffco Action Center Capital Campaign
- Reductions totaling \$113K:
  - Reduce WR2020 funding by \$20K
    - 38<sup>th</sup> Avenue Feasibility Study reduced by \$10K; revised total \$10K
    - Live Local Events reduce by \$5K; revised total \$35K
    - East WR Block Improvements Program reduced by \$5K, revised total \$15K
  - Reduce WR Business District loan program from \$90K to \$45K
  - Eliminate one vehicle from the fleet replacement program: \$48K; revised total: \$377,500
- Keep the annual Jeffco EDC contribution at its current funding level of \$6,600
- Include bicycle path options along Pierce for Council consideration. (Options range from \$20K to \$125K. Budget surplus of \$63K is available to fund this project.

Total Projected Revenue in 2014 for all funds is \$34,273,943.

- 58% from Sales Tax
- 10% from Use Tax
- 3% from Property Tax
- The balance from a variety of smaller sources, such as fines and licenses

Added with the 2013 Projected Fund Balance we should have total available funds of \$46,577,260 for 2014.

Total Proposed Expenditures for 2014 are \$36,806,326

- 77% for General Fund \*
- 11% for Capital Improvements Projects
- 6% for the Recreation Center
- 4% for Open Space
- The balance for miscellaneous responsibilities

\*General Fund expenditures are allocated as follows:

- 33% Police
- 14% Public Works
- 15% Parks and Recreation
- 12% Administrative Services
- 11% Central Charges
- 8% general government
- 4% Community Development
- 3% Municipal Court

Citizen comment

**Rachel Hultin** (Wheat Ridge), the transition coordinator for LiveWell Wheat Ridge, thanked the City staff for projects that support a healthy lifestyle. She's delighted to see the addition of the bike trail project on Pierce for next year and offered LiveWell's assistance with information as the project is considered.

**Janece Hoppe** (Wheat Ridge), owner of Compass Construction and board member of WR2020 and the WR Business District, spoke about the October 6 Denver Post article about revitalization on 38th Ave. The City's investment in WR2020 has had an impact and made a difference for her and the businesses that were interviewed for the article. ~ She noted that WR2020 hears the budget is tight; their staff worked with City staff to reduce 2020's funding. She encouraged full funding for requests that partner with WR2020

**Nancy Snow** (Wheat Ridge) appreciates the funding for Feed the Future, Outdoor Lab, and the Seniors Resource Center. ~ In general, she suggested more budget cutting to fund street maintenance. ~ She begged Council to quit studying things – reminding them that 38<sup>th</sup> was being fought over in 1991 when she was last on Council; since then there have been numerous studies. Please, no more feasibility studies. ~ She noted that WR2020's original goal (improving

housing stock) has long since gone by the way. It has become very social and political. Their members are running for council. It appears we are funding over \$100K to a private organization for marketing – marketing mostly for WR2020, not the city. It's time for them to be on their own. ~ She is sorry to see cuts for staff's medical bills.

**Herb Shillereff** (Wheat Ridge) commented that he thinks 38<sup>th</sup> Avenue is a disaster and thinks not much thought went into it. He questions what few businesses that have moved in there have paid for anything. He finds it dangerous to drive on 38<sup>th</sup>. ~ He believes Kipling is too steep for a bike path and the expense for buying private property is too much. ~ He thinks bike paths are fine, but there should be some way for cyclists to help fund them; Council should look into a fee. ~ He thinks it's good the employees are getting a raise.

3. Council Bill 13-2013 – amending Chapter 11 of the Wheat Ridge Code of Laws by adding a new Article XIII concerning retail Marijuana and making certain amendments to Chapter 26 (Zoning and Development) in association therewith

Mayor DiTullio re-opened the public hearing which had been continued from September 23, 2013. [See September 23<sup>rd</sup> Minutes for details and staff presentation on Ordinance No. 1543.]

#### Public Comment

**Herb Schillereff** (Wheat Ridge), 50-year resident, spoke in opposition to allowing the sale of recreational marijuana. It's detrimental to our community and not needed.

**Patty Nicholl** (Wheat Ridge) spoke against having marijuana brought into Wheat Ridge. We've always had a very family oriented image and this is completely opposite of that. Retail marijuana will bring our city down and to learn that WR will be the forerunner in Jefferson County for retail marijuana breaks her heart. She's also upset that this issue and tonight's vote were not well advertised to the citizens.

**Doug Dawson** (Wheat Ridge), resident over 40 years, echoed the sentiment of the previous speakers. Having a science background leads him to recommend that this be done slowly. Once this is in place it will be hard to undo it, so he urged Council to wait a couple of years and see what happens in other cities.

#### Council Discussion

Councilmember DeMott addressed the difficulty of the issue. It's easy to say we don't want recreational marijuana, but it's naïve to say we haven't had it for decades – in alleyways, parking lots, homes, etc. The fact is that Amendment 6 passed, and he hopes this will cut the legs out from under the black market. The store owners are very well trained and will be a new set of eyes and ears for illegal activity. He didn't vote for Amendment 64, but he thinks this ordinance is very well thought out.

Councilmember Langworthy said this ordinance will not address home growers. ~ We're a home rule city and we don't have to do this. She wishes we'd wait to see what other communities do to manage this, and what Denver does to address the impact of the smell of marijuana on neighboring shops and offices. ~ It will increase the number of homes that have marijuana in them, thereby exposing more children to it. .

Councilmember Davis believes the ordinance is well thought out in that it restricts the distance from schools and has spacing regulations for the allowed shops

Councilmember Jay spoke of the negative health effects of marijuana. She supports medical marijuana, but doesn't think recreational marijuana is healthy, nor does it represent our home town values.

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember DeMott to approve Council Bill No. 13-2013, an ordinance amending Chapter 11 of the Wheat Ridge Code of Laws by adding a new Article XIII concerning retail marijuana and making certain amendments to Chapter 26 (Zoning and Development) in association therewith as amended, on second reading and that it take effect upon final adoption as provided by Section 5.11 of the Charter; seconded by Councilmember Pond; carried 5-3, with Councilmembers Stites, Langworthy and Jay voting no.

4. Resolution 41-2013 – adopting the updated Northwest Subarea Plan and, by such adoption, amending the Wheat Ridge Comprehensive Plan (Case No. WPA-13-01/NW Subarea)

Mayor DiTullio opened the public hearing.

Councilmember Langworthy introduced Agenda Item 4.

#### Staff Report

Since the last update to the NW Subarea Plan in 2006 many things have happened:

- ✓ Gold Line EIS completed
- ✓ Wheat Ridge Comp Plan updated (2009)
- ✓ URA (urban renewal) designation (2009)
- ✓ Bike/ped plan adopted (2010)
- ✓ Mixed use zoning created (2010)
- ✓ Streetscape design manual redone (2011)
- ✓ EPA Smart growth grant (2011)

The updated plan provides land use recommendations, implementation actions, financing tools, and new graphics. The overall vision and long term nature of the plan are not changed. Changes include:

- Expanding the mixed use TOD area to include most of the land north of the railroad tracks

- Changing the area south of the tracks from “office/flex” to “mixed use/employment TOD to allow higher density, mixed use
- Showing the approved location of the RTD parking lot
- Showing the approved alignments of W.50<sup>th</sup> Place, Tabor St., and Ridge Rd.
- Showing proposed street alignment south of the rail lines
- Showing a proposed pedestrian bridge across the rail lines
- Identifying a commercial transition area on the west side between the multi-modal subarea and the more auto-oriented ward road
- Identifying a residential transition area on the east side between a higher density TOD area and the lower density neighborhood to the east
- Including a conceptual framework for open space that promotes a central open space in the TOD and a more traditional park or open space in the residential transition
- Modifying the boundary of the subarea map by removing the established neighborhood to the northeast and adding the area east of Tabor Street and south of Ridge Road

#### Public Comment

**Nancy Snow** spoke against putting tall buildings in the TOD area. It is one of the highest points in the City and it will damage mountain views – which is one of the special features of our city. People will be shocked when they see what goes in there. She asked Council to remove the allowance of 120' tall buildings on the northern most part of the area and asked that lighting be restricted too.

Mayor DiTullio closed the public hearing.

**Motion** by Councilmember Langworthy to approve Resolution No. 41-2013, a resolution adopting the updated Northwest Subarea Plan and, by such adoption, amending the Wheat Ridge Comprehensive Plan; seconded by Councilmember DeMott; carried 8-0.

#### CITY MANAGER'S MATTERS

#### CITY ATTORNEY'S MATTERS

#### CITY CLERK'S MATTERS

Clerk Shaver announced that the County will begin mailing out ballots tomorrow. A ballot box will be available in the lobby of City Hall from 8AM to 5PM. Folks can come in and drop off their ballots if they'd rather not mail them.

#### ELECTED OFFICIALS' MATTERS

**Tracy Langworthy** invited everyone to Meet the Artist at Rickoli Brewery from 5:30 – 7PM [this Thursday].

**George Pond** thanked everyone for coming tonight and said he attended the new Civic

Academy last week. It's a large class of 18 people this year.

**Joyce Jay** encouraged folks to come to Trunk or Treat on Oct 26<sup>th</sup> in the Middle School parking lot.

**Davis Reinhart** is pleased to see that construction on the Chase Street drainage project is underway.

**Joseph DeMott** has had requests related to the bike path along Kipling. The Mesa Verde apartments have no sidewalk at all. He's wonders if Council would be willing to make it part of the Kipling project? He'll share the emails he's gotten about it with Council and hopes there's a possibility it can be discussed.

**Bud Starker** offered his appreciation to Wheat Ridge United Neighborhoods for the recent election Forum they put on. It was well done and well attended. ~ He also thanked the folks who come to these meetings and comment. They may think they are not heard, but they are. He encouraged them to continue to let their voices be heard.

**Mike Stites** remarked about all the new restaurants in town. Mama Saninno's at 38<sup>th</sup> & Fenton is another new one that's relocated here from Arvada. ~ Mike's positive thing: With cold weather coming on, please check to see if someone in your neighborhood needs a coat -- especially the children.

**Mayor DiTullio** asked Mr. Goff if there was any word on the utility undergrounding for Kipling. Mr. Goff said things are being delayed because CDOT is working on flood related projects, but there are no problems. They have everything they need from us.

Meeting adjourned at 8:30pm

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2013 BY A VOTE OF 8 to 0

  
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.