

# CITY COUNCIL MINUTES

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

November 18, 2013

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

## APPROVAL OF MINUTES OF October 28, 2013

**Motion** by Councilmember Stites for approval of the Minutes of October 28, 2013; seconded by Councilmember Starker; carried 7-0.

## SWEARING IN CEREMONY

*Oath of Office for newly elected Mayor and Council Members by Judge Christopher Randall.*

## ROLL CALL OF MEMBERS

Jerry DiTullio	Bud Starker	Zachary Urban	Kristi Davis
Tim Fitzgerald	Tracy Langworthy	Genevieve Wooden	

Absent: George Pond

Also present: Mayor, Joyce Jay; City Clerk, Janelle Shaver; City Treasurer, Larry Schulz; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Administrative Services Director, Heather Geyer; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

## PROCLAMATIONS AND CEREMONIES

*Recognition of outgoing Mayor and Council Members*

## CITIZENS' RIGHT TO SPEAK

**Eric Wilson** (Wheat Ridge) invited the public to a Live Local Harvest event this Thursday evening entitled Sharing Food and Stories. It will be at 6PM at the Wheat Ridge Grange.

**Tara Jahn** (Wheat Ridge) congratulated the new Council members. She thanked Councilmembers Davis, Starker, Reinhart and Mayor Jay who sponsored a team for the Farmers 5000. Ms. Jahn announced a big family bowling event this Sunday afternoon at Wheat Ridge Lanes from 2-4 pm with music and crafts. Wheat Ridge 2020 has

repurposed the 'Ridge at 38' banners into shopping bags that they will sell at the upcoming events.

**Eileen Kratzer** (Wheat Ridge) thanked the councilmembers who voted to approve the budget appropriation for bike lanes on Pierce.

**Karen Thaler** (Wheat Ridge) thanked the folks who took the time to visit with her in her recent campaign for a District 1 Council seat. She thanked the folks who informed her of an unkind email that was circulated about her during the campaign.

### **APPROVAL OF AGENDA**

**Motion** to approve the agenda by Councilmember Starker; seconded by Councilmember Davis; carried 7-0.

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

1. Resolution 45-2013 – Approving a 26-Lot Subdivision Plat for property zoned Mixed Use – Neighborhood (MU-N) located at 5670 W. 38<sup>th</sup> Ave. (Case No. WS-13-02/Perrin's Row)

Mayor Jay opened the public hearing.

Councilmember Starker introduced Resolution 45-2013.

Mayor Jay swore in the parties who would testify on the case.

Staff presentation:

Senior Planner, Meredith Reckert entered into the record the case file and packet material also stating that posting and publishing requirements have been met. She went through the packet material including photos and documents. Wheat Ridge Fire Protection District, Wheat Ridge Water/Sewer, Xcel Energy, City of Wheat Ridge Police and Public Works can serve the property.

The applicant is requesting approval of a 26-lot subdivision plat for property zoned Mixed-Use Neighborhood (MU-N) located at 5670 W. 38th Avenue. The purpose of the subdivision is to prepare the property for development of a new residential subdivision.

A plat was recorded for development of the property in 2003. At that time a fee in lieu of park land was established at \$13,800. That development was never built, but staff has agreed to honor the 2003 amount even though it is considerably less than what would be required at today's rates. Since the plan has changed to 26 units versus the original 20 the developer has agreed to increase his payment to \$17,000.



Applicant comment:

Richard Onslager (Lakewood) spoke briefly on his history with the property.

Kevin Puccio (Denver) of Newtown Builders is the builder who will do the development. He spoke about his company's attraction to the project as part of a walkable community.

Citizen comment:

**William Lang** (Wheat Ridge) lives nearby. He handed out a map of the nearby land uses. He doesn't think this particular plan is compatible with the area. He feels this plan further segments the area and doesn't honor the Mixed Use philosophy. Since this property is the last major piece of vacant ground on this portion of 38<sup>th</sup> Avenue he believes it should be developed for commercial use.

Council discussion:

Councilmember DiTullio brought out that this property is being developed with Tax Increment Financing using about \$400,000 of taxpayer money. If developed as residential it will generate only property tax. This property is zoned for Mixed Use and he feels it should be developed as such with commercial/mixed use because that would generate much more revenue for the City.

Councilmember Starker had questions about the driveway. It will be an internal one-way drive.

Councilmember Davis likes the diverse type of housing this project offers and hopes the additional residential will help pull in some of the retail that is wanted.

Councilmember Langworthy noted how this project services walkability.

Councilmember Fitzgerald inquired about the width of the units and the pricing. Mr. Puccio reported a mix of sizes will include six 15' wide units and the remainder will be 20' or 22' wide units. The units are estimated to sell from the mid \$200,000 to mid \$300,000 range.

Mayor Jay closed the public hearing.

**Motion** by Councilmember Starker to approve Resolution No. 45-2013, a resolution approving a 26-lot subdivision plat for property zoned Mixed Use - Neighborhood (MU-N) located at 5670 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:

4. The developer pay parks fees at the time of plat recording in the amount of \$17,000.
5. A note with a signature block be added onto Sheet #1 as requested by the Wheat Ridge Sanitation District.
6. The Homeowners' Association covenants be reviewed and approved by Staff prior to the issuance of building permit.

Seconded by Councilmember Davis;

Councilmember DiTullio stated that he had no problems with Newtown Builders, but he will be voting no due to the 20-year debt this project will put on the City, the fact that there is no sales tax or commercial component, and he believes this part of town has enough 2br/1bath single family homes; this adds nothing unique to our housing stock.

Motion carried 6-1, with Councilmember DiTullio voting no.

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

2. Motion to elect the Election of Mayor Pro Tempore

**Motion** by Councilmember Langworthy to appoint Kristi Davis as Mayor Pro Tem, effective immediately, term to expire upon election of their successor; seconded by Councilmember Fitzgerald; carried 6-1, with Councilmember DiTullio voting no.

#### **CITY MANAGER'S MATTERS**

Mr. Goff welcomed the three new Council members.

#### **CITY ATTORNEY'S MATTERS**

Mr. Dahl echoed Mr. Goff's sentiments.

#### **CITY CLERK'S MATTERS**

Clerk Shaver congratulated and welcomed the new councilmembers and mayor. She also noted she would be out of town the rest of the week for the fall municipal clerks' conference. Deputy City Clerk Bruce Roome can be contacted if they need anything.

#### **ELECTED OFFICIALS' MATTERS**

**Genevieve Wooden** is happy to be on Council.



**Tracy Langworthy** wished everyone a safe and happy Thanksgiving. She noted the tree lighting ceremony on December 8th from 3-7pm at the Ridge at 38 and encouraged all to come join the festivities.

**Tim Fitzgerald** is happy to be on Council and hopes to work harmoniously with the other Council members.

**Zachary Urban** congratulated the other new Council members and looks forward to working with City Staff and Council to make Wheat Ridge a great place to live and if you can, find it and buy it in Wheat Ridge. Happy Thanksgiving to all.

**Kristi Davis** thanked outgoing councilmembers. They were very helpful to her when she came on Council. She welcomed the new Councilors and thanked Council for the appointment to be Mayor Pro Tem. Happy Thanksgiving to all.

**Bud Starker** congratulated the new Councilmember, thanked their opponents for their participation in the election process. He thanked the outgoing councilmembers and thanked the voters for taking the time to vote. He looks forward to working the next 2 years as there are lots of challenges to address in this City. Happy Thanksgiving to all.

**Jerry DiTullio** congratulated the Mayor and other new councilmembers and thanked the voters of District 1 for trusting him to represent them. Happy Thanksgiving to all.

**Mayor Jay** is pleased to be the City's new Mayor. Mayor Jay is very excited to bring the City forward with this new Council.

**Motion** by Councilmember DiTullio to adjourn; seconded by Councilmember Starker; carried 7-0.

Meeting adjourned to Study Session at 8:20 pm

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON December 9, 2013 BY A VOTE OF 7 to 0

  
Kristi Davis, 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.