

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

September 12, 2016

Mayor Jay 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

Monica Duran	Zachary Urban	Janece Hoppe	
Tim Fitzgerald	George Pond	Genevieve Wooden	Larry Mathews

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Chief Daniel Brennan; Community Development Director, Ken Johnstone; Administrative Services Director, Heather Geyer; Parks Director, Joyce Manwaring; City Treasurer, Jerry DiTullio (left after public comment); other staff and interested citizens.

APPROVAL OF MINUTES of August 22, 2016 and Study Session Notes of August 15, 2016

There being no objection, the Minutes of the Regular City Council Meeting of August 22, 2016 and Study Session Notes of August 15, 2016 were approved as published.

PROCLAMATIONS AND CEREMONIES

Pennington Elementary Recognition

Genevieve Wooden presented a plaque and flowers to Samantha Loomis, president of the Pennington Elementary PTA, to honor the National PTA School of Excellence Award the school received. Ms. Loomis thanked the City for recognizing their school for being a strong member of the community.

CITIZENS' RIGHT TO SPEAK

Jenny Schwartz (WR) explained this year's Wheaties project to celebrate the economic growth of local business. They have painted pallets and doors with chalkboard hearts added. They will be placed outside local businesses for customers, the public and businesses to share what they love about the community and that business. Wheaties Love is the theme. She asked councilmembers to keep their eyes out for the pallet art project, to let them know if they have a business they'd like to recommend to receive a pallet, and to show their #wheatieslove on social media.

Jerry DiTullio, City Treasurer, highlighted the most recent report of Total Funds for the City. ~ He reported moving \$134K of a recent audit payment to the Fruitdale project liquid account, so that project is now fully funded at \$1.9M. ~ He reported there is a little over \$5M in the checking account (to pay daily bills), and almost \$5.6M in investments. He noted that no other money is pigeon-holed in the budget; no other funds are available for the projects in ballot question 2E. He supports 2E and mentioned that now is the cheapest time to borrow money on the bonds. ~ This information is available on the City website and updated monthly.

There were no one signed up to speak about items for the Special Study Session.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Resolution No. 33-2016 – Authorizing and supporting a HEAL Grant Application to fund a City Directional and Distance Sign Program that will efficiently and safely guide pedestrians and bicyclists to public parks and recreation facilities [*\$4,000 grant for signs and posts; City to install (budgeted)*]
- b) Resolution No. 34-2016 – authorizing submittal of the application for a 2017 Grant to the State Board of Great Outdoors Colorado for the renovation of Prospect Park [*Grant amount: \$350,000*]
- c) Resolution No. 35-2016 – approving submittal of the application for a 2017 Local Government Grant to Jefferson County Open Space for Prospect Park renovations [*Total grant amount yet to be determined*]
- d) Resolution No. 36-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget appropriation in the amount of \$33,160 for the purpose of funding the Police Extra-Duty Program [*Security duty at Lutheran Hospital for remainder of 2016*]
- e) Resolution No. 37-2016 – approving an Intergovernmental Agreement between the Wheat Ridge Urban Renewal Authority and the City of Wheat Ridge for the purpose of sharing the costs for the design and installation of a traffic signal at 32nd Avenue and Xenon Street [*\$110,500 from Kipling Ridge fund to relieve blight in the I-70/Kipling Corridor URA Plan area will be used*]

Councilmember George Pond introduced the Consent Agenda

Motion by Councilmember Pond to approve the Consent Agenda items a), b), c), d) and e); seconded by Councilmember Wooden; carried 7-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution No. 39-2016 – A Resolution authorizing Assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Wheat Ridge pursuant to the Colorado Private Activity Bond Ceiling Allocation Act

The City has an allocation of \$1,555,400 for issuing Private Activity Bonds (PAB) in 2016. Staff recommends assigning this allocation to the Colorado Housing and Finance Authority (CHFA) for the purpose of providing Mortgage Credit Certificates (MCC's). An MMC allows a borrower to use up to 20% of the mortgage interest paid as a direct credit against their federal income tax liability.

Councilmember Zach Urban introduced Resolution 39-2016.

Mayor Jay opened the public hearing.

Staff presentation

Patrick Goff explained that the City gets this allocation for PAB's every year, but the amount is too little to do anything on our own. The City typically partners with CHFA or the Metro Mayors Caucus. These partnerships haven't happened the last few years due to the housing market and interest rates. This year CHFA is requesting that we transfer our allocation to them to use them for MCC's.

Steve Johnson from CHFA spoke about PAB's. They can be used to build affordable housing, single family, multi-family affordable housing or small issue manufacturing businesses. Multi-family affordable housing is popular in the state. The Town Center apartments are an example of that. He spoke about how the partnering works and the economic activity associated. There is no cash – just the authority to sell bonds.

Council questions

Mr. Goff confirmed for Councilmember Fitzgerald that the City definitely benefits from this partnering. The benefit is the ability for the City to do larger projects and for individuals to get low interest -- 20% of which is a direct write off of federal taxes. ~ He added that if we don't use it, it goes back to the state. Some years this has happened because we didn't have any projects.

Mr. Johnson added that since 2010 their minimum investment in single-family alone in Wheat Ridge was \$1.6M, and in 2015 they are at \$3.6M.

There was no public comment.

Mayor Jay closed the public hearing

Motion by Councilmember Urban to approve the Assignment of Allocation between the Colorado Housing and Finance Authority (CHFA) and the City of Wheat Ridge and to adopt Resolution No. 39-2016 authorizing assignment to the Colorado Housing and Finance Authority of a Private Activity Bond Allocation of the City of Wheat Ridge

pursuant to the Colorado Private Activity Bond Ceiling Allocation Act in the amount of \$1,555,400 thereby designating the City's PAB allocation to CHFA for the purpose of providing Mortgage Credit Certificates; seconded by Councilmember Duran; carried 7-0

3. Council Bill No. 15-2016 –An Ordinance approving a Zone Change from Residential-One C (R-1C) and Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 2826 Eaton Street (Case No. WZ-16-05/Eaton Street Cottages)

The application for a zone change with an Outline Development Plan is the first step in redevelopment of the site. Following review of a Specific Development Plan by the Planning Commission construction of nine residential units is planned.

Councilmember Monica Duran introduced Council Bill No. 15-2016.

Clerk Shaver assigned Ordinance number 1606.

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

Staff presentation

Lisa Ritchie gave the staff presentation. She entered into the record the case file, the zoning ordinance, the comprehensive plan and contents of the digital presentation. She testified that all notification, publication and posting requirements have been met.

- The request is for the rezoning of 10 narrow lots to allow for the construction of nine cottages. Existing houses would be demolished.
- Various pictures of the property were displayed.
- The neighborhood meeting was held.
- Planning Commission recommends approval of the Outline Development Plan.
- A Specific Development Plan will have final approval from Planning Commission.
- A subdivision plat would be reviewed by Planning Commission and approved by City Council.
- She showed drawings from the ODP showing the character and scale of the project: nine homes arranged around a common courtyard; parking on the north.
- Proposed are attached and detached single family homes, home occupations, pets, and common areas.
- Some architectural standards: traditional, covered front & rear porches, lap siding
- The maximum building height proposed is 28 feet (less than the 35 feet allowed).
- Max building coverage will be 43% (slightly higher than allowed in existing zoning)
- Front setbacks to be 10 feet on no more than 22% of the frontage, and 20 feet for the remainder. Portions of the home will extend further into the front setback. Distance between the property line and the current street is roughly 15 feet.
- Side and rear setbacks to be 10 feet (existing zoning allows 5 feet)
- Private and public areas, common parking area. No garages proposed.
- Pedestrian access from the parking area and from a point on the southern end

- Public improvements include 6 foot attached sidewalks with bulb-outs to define parking areas
- Landscaping plan will come with the final SDP. Effort will be made to keep the large pine tree.
- There will be a common garden space
- Homes fronting Eaton Street will orient to the street *and* the internal common area
- Home will have an open and a closed side to provide both privacy and interaction.
- Ms. Ritchie read from the code of ethics and evaluation of codes for a PRD.
- All agencies can serve the development.

Applicant

Andrew Gibson of Squareroot Construction introduced partners Mark O'Brian and Mark Davis. They are the owners, developers and builders; they are a local company based in north Denver; they live where they work.

- He explained why they think this is a good alternative for infill development.
- New construction in the neighborhood is out of scale, has architecture inconsistent with the neighborhood, and is expensive.
- A pocket neighborhood builds community.
- The houses are small, 800 – 1300 sf.
- There will be layered spaces. Land close to houses is more private. Further out is a courtyard area for common use. Each cottage will have a small back yard (some privacy).
- The development is close to 29th & Eaton and is a good place for walkability.

Council questions

Councilmember Mathews inquired of Mr. Gibson:

- Parking spaces? 1.5 spaces per unit; 14 spaces
- Ownership vs rental? Hasn't been decided yet.
- Fencing? There will be 6 ft privacy fences on the three exterior sides of the property and short 3 ft fences for the yards.

Mr. Mathews expressed concern there is inadequate parking and no parking for visitors.

Councilmember Duran asked about the solar panels for the carport. Mr. Gibson said they are still researching it. He also confirmed that the car ports are 22 ft tall and the community storage shed will be 16 ft tall.

Councilmember Wooden inquired about the selling price. Mr. Gibson said it would be market price – hopefully less than \$400K, but they're not sure

Councilmember Mathews asked if there will be any basements. Mr. Gibson testified that the area is very flat so they will likely have to raise the houses for drainage. They aren't sure yet, but it will probably have crawl spaces.

There was no public comment.

Mayor Jay closed the public hearing

Motion by Councilmember Duran to approve Council Bill No. 15-2016, an ordinance approving a zone change from Residential-One C (R-1C) and Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan for property located at 2826 Eaton Street on second reading and that it take effect 15 days after final publication, for the following reasons:

1. The proposal is consistent with the City's comprehensive plan and other guiding documents;
 2. The proposal meets the zone change criteria;
 3. The proposed site design and scale of the proposed homes are consistent with the neighborhood;
 4. All requirements for an Outline Development Plan have been met.
- seconded by Councilmember Hoppe; carried 6-1 with Councilmember Mathews voting no.

4. Council Bill No. 18-2016 –An Ordinance amending Articles I, II and VI of Chapter 26 of the Wheat Ridge Code of Laws concerning regulation of Self Storage Facilities (Case No. ZOA-16-02)

The proposed ordinance amends regulations related to self-storage developments. It will remove this land use from the list of uses allowed in the C-2 zone and add distance and separation requirements for new self-storage facilities.

Councilmember Monica Duran introduced Council Bill 18-2016.

Clerk Shaver assigned Ordinance No. 1607.

Mayor Jay opened the Public Hearing

Staff presentation

Lisa Ritchie informed Council the City had two such facilities. Three applications were received -- two were approved, and one was denied. Recommended changes include:

- Higher architectural standards
- Removal as a permitted use in C-2 zone
- Spacing buffers of one-half-mile between new and existing facilities; one-quarter-mile between storage facilities and any fixed guideway rail station
- Definition of this use be changed from "mini-warehouse" to "self-storage facility", and to allow for both indoor access and exterior access facilities

There were no questions from the Council and no public comment.

Patrick Goff noted the Council has discussed this several times in study sessions.

Mayor Jay closed the Public Hearing

Motion by Councilmember Urban to approve Council Bill 18-2016, an ordinance amending Articles I, II and VI of Chapter 26 of the Wheat Ridge Code of Laws concerning regulation of self-storage facilities, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Hoppe; carried 7-0.

5. Council Bill No. 19-2016 – An Ordinance amending Section 15-4 of the Wheat Ridge Code of Laws concerning the definition of Landscaping for Nuisance Purposes

This amendment will solve the discrepancy between the current definition of "landscaping" (under Section 15-4, which includes "living plants") and Section 15-15(c) which prohibits "damaged or dying landscaping". Staff recommends approval to clarify that Community Service Officers may pursue abatement of dead and dying trees and other specific types of deteriorated landscaping.

Councilmember Tim Fitzgerald introduced Council Bill 19-2016.

Clerk Shaver assigned Ordinance 1608.

Mayor Jay opened the Public Hearing.

Staff presentation

Council has discussed this in the past. Chief Brennan noted the main change is to the term "living".

There was no public comment.

Mayor Jay closed the Public Hearing

Motion by Councilmember Fitzgerald to approve Council Bill 19-2016, an ordinance amending Section 15-4 of the Wheat Ridge Code of Laws concerning the definition of landscaping for nuisance purposes on second reading and that it takes effect 15 days after final publication; seconded by Councilmember Pond; carried 7-0.

6. Council Bill No. 20-2016 – An Ordinance amending Section 2-33 of the Wheat Ridge Code of Laws concerning the Authority of Community Service Officers

This amendment will allow violations of Chapter 24, Vegetation, to be handled by CSOs through the administrative citation process. Areas of tall weeds, nuisance plants and trees and shrubs can be addressed more efficiently.

Councilmember Tim Fitzgerald introduced Council Bill 20-2016.

Clerk Shaver assigned Ordinance 1609.

Mayor Jay opened the Public Hearing

Staff presentation

Chief Brennan noted this is a "cleanup" of existing codes to bring consistency.

There was no public comment.

Mayor Jay closed the Public Hearing

Motion by Councilmember Fitzgerald to approve Council Bill 20-2016, an ordinance amending section 2-33 of the Wheat Ridge Code of Laws concerning the authority of Community Service Officers on second reading and that it takes effect 15 days after final publication; seconded by Councilmember Mathews; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

7. Motion to accept the 2015 Comprehensive Annual Financial Report (CAFR) from Swanhorst & Company, LLC

Councilmember Genevieve Wooden introduced Item 7.

Staff presentation

Wendy Swanhorst spoke briefly about the audit report supplied earlier for Council review.

- Their audit opinion is that all the numbers are fairly stated in all material respects.
- The Single Audit (required when there are grants over \$750K) was clean and showed no issues.
- No weaknesses were identified. The controls and procedures are good.
- A few recommendations were made, but they are minor items related to process.

Councilmember Mathews inquired briefly about the Urban Renewal Authority debt. Mr. Goff explained that debt is for Kipling Ridge. The City contributed \$1M as an economic development incentive, but we also have a loan of just over \$2M to pay for the public infrastructure. The new sales tax from that site is paying that loan down.

Councilmember Wooden thanked Heather Geyer and her staff for their quality work.

Motion by Councilmember Wooden to accept the 2015 Comprehensive Annual Financial Report from Swanhorst & Company, LLC; seconded by Councilmember Duran; carried 7-0.

8. Resolution 38-2016 – a Resolution of Support for Wheat Ridge Ballot Question 2E, a Temporary Sales Tax Increase and Issuance of Debt to Finance City Investment in Public Infrastructure to facilitate Economic Development Opportunities

Councilmember Janeece Hoppe introduced Resolution No. 38-2016 and read a summary list of the projects that would be funded by this new sales tax.

Public Comment

John Genova (WR) urged support of the sales tax measure.

Ruth Baranowski (WR) worked on the DIRT task force and thinks 2E will help the City.

Kim Calomino (WR) is pleased at the united support from Council.

Mr. Dahl spoke about the Fair Campaign Practices Act to verify that while City resources cannot be used to solicit passage or defeat of a ballot issue, it is permissible for Council to engage the staff to prepare for it a resolution about a ballot measure.

Motion by Councilmember Hoppe to approve Resolution 38-2016, – a resolution of support for Wheat Ridge Ballot Question 2E, a temporary sales tax increase and issuance of debt to finance city investment in public infrastructure to facilitate economic development opportunities, and that it take effect upon approval by the Council and signature by the Mayor; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

Patrick Goff thanked Local Works for the Ridgefest and all the City staff and community volunteers who helped.

CITY ATTORNEY'S MATTERS

Jerry Dahl notified Council that he will be gone for the next meeting. Carmen Beery from his office will be attending in his place.

ELECTED OFFICIALS' MATTERS

Clerk Shaver announced the Wheat Ridge Fire District election will be on Tuesday, October 4. To be eligible to vote persons must be registered voters and own property in the fire protection district. It is a vote to dissolve the WR Fire Protection District and join the West Metro Fire District. This is not a mail-in ballot. There will be three polling places that day – the two Wheat Ridge fire stations at 3880 Upham and 10901 W 38th Avenue and the City of Edgewater at 5846 W 25th Avenue.

She also read portions of a news release from the Secretary of State warning people about telephone scams that ask for personal information to update voter registration and threatens that if the information isn't provided the people will not get a ballot. Some of the calls are said to be from GoVoteColorado. The Secretary of State does have a voter registration program by that name, but they will not contact you. People should not release sensitive personal information. If any Wheat Ridge voters receive a call like this, please contact the City Clerk's office and we will pass the information on to the proper authorities.

Genevieve Wooden announced Wheat Ridge Reads tomorrow at Iron Rail Tavern at 6:30pm and the author will be there.

Larry Mathews thanked staff for correcting the councilmembers' phone numbers on the City website.

Janece Hoppe reminded everyone the Farmers 5000 is this weekend.

Mayor Jay expressed that the ballot issue was critical for the City.

Tim Fitzgerald remarked that the City could lose \$38M in grants if 2E doesn't pass.

ADJOURN TO SPECIAL STUDY SESSION

The Regular City Council Meeting was adjourned at 8:15 pm.


Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 26, 2016


George Pond, 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.