

# **CITY COUNCIL MINUTES**

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

**October 24, 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	Janeece Hoppe	
Tim Fitzgerald	George Pond	Larry Mathews	Genevieve Wooden

Absent: Kristi Davis

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Public Works Director, Scott Brink; other staff, guests and interested citizens.

### **APPROVAL OF MINUTES of October 10, 2016 and Study Session Notes of October 3, 2016**

There being no objection, the Minutes of the Regular City Council Meeting of October 10, 2016 and the Study Session Notes of October 3, 2016 were approved as published.

### **PROCLAMATIONS AND CEREMONIES**

#### **Small Business Saturday**

Mayor Jay read a proclamation honoring local small businesses and declaring the Saturday after Thanksgiving, November 26, as Small Business Saturday.

### **CITIZENS' RIGHT TO SPEAK**

**Dorothy Archer** spoke about building heights. She is sad that this issue is not being published to the citizens. Our history is disappearing. People come here because they like the small town atmosphere and community -- which is being destroyed. Allowing these 3-story buildings is like a cancer. It's damaging, and needs to go to the citizens.

**John Clark (WR)** found that pot money doesn't go to any schools. In WR it goes into the general fund. State pot revenue was to go to "education", but it actually goes to educate people about the harm marijuana can cause -- not general education. Were we duped? He urged people to do homework on the 6 ballot measures that will increase taxes -- property tax, income tax, tobacco tax and sales tax. "Tax and spend" has become "borrow, spend, tax and repay debt". People can't afford six new taxes, and then trust the government to spend it wisely. Folks shouldn't be duped. Don't be afraid to vote no.

**Natalie Menten** (LW), RTD Board member, announced a public meeting she's holding this Wednesday, October 26 from 6:30 – 8 PM at the Rec Center. It will cover:

- An update on the Gold Line (opening now delayed until the A line is fixed)
- Information about the problems with the A Line – which has the same system
- A new bus route (Federal Center to Red Rocks to Youngfield to Ward to Ward Station to Westbrook)
- Proposed schedule changes for the W Line (due to low ridership at peak times)
- Citizens can also bring any other concerns

Public comment on Study Session items

**Dorothy Archer** (WR) said she supports 2E. She thinks the raise from 3% to 3.5% is not much to do the things that are needed. She noted the 38<sup>th</sup> & Wadsworth development will help pay off the bonds after the TIF is paid. She doesn't favor 10 ft sidewalks on Wadsworth or taking property to put in a bike path. That will be expensive and she's concerned for the businesses that will have to relocate. ~ Finally, she's against 3-story houses. Stop it.

**APPROVAL OF AGENDA**

**1. CONSENT AGENDA**

- a) Motion to approve award of a Contract to All Copy Products, Inc., Denver, CO, in an annual amount not-to-exceed \$65,000 for the lease of multi-function copier equipment and service, and to approve a three-year term with the option to extend for two additional one-year periods *[budgeted; scheduled replacement of obsolete equipment more than five year old]*
- b) Resolution 42-2016 – amending the Fiscal Year 2016 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation for a 2016 Police Officer Standards and Training Grant in the amount of \$2,976.19 *[unexpected grant for training and arrest control equipment]*
- c) Resolution 43-2016 – between the City of Wheat Ridge and the West Metro Fire Protection District approving a Revocable License Agreement concerning an Emergency Siren Location *[required resolution; Wazee Partners to pay for relocation of City-owned siren from 38<sup>th</sup> & Upham to 3880 Upham Street]*

Councilmember Pond introduced the Consent Agenda.

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

**PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill 24-2016 – an Ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks



Approval of this ordinance will require property owners to remove snow and ice from sidewalks within twenty-four hours after each snowfall of 2 inches or more.

Councilmember Urban introduced Council Bill 24-2016.

Clerk Shaver assigned Ordinance 1611.

Mayor Jay opened the Public Hearing.

Scott Brink gave a brief staff report. He gave a short narrative about the history and reason for the ordinance. Our snow removal policy is similar to that of other cities; it will now be codified and administered through code enforcement. Per Council's direction the first year will focus on heavy education and softer enforcement.

There was no public comment.

Mayor Jay closed the Public Hearing

**Motion** by Councilmember Urban to approve Council Bill 24-2016, an ordinance amending Chapter 16 of the Wheat Ridge Code of Laws to add a new Section 16-68, entitled Removal of Snow and Ice from Sidewalks on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Hoppe; carried 7-0.

### **ORDINANCES ON FIRST READING**

3. Council Bill 25-2016 – An ordinance amending Articles I, II and IV of Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a Residential Bulk Plane Development Standard (Case No. ZOA-16-06)

This ordinance amends the development standards for the R1-C zone and single-family dwellings in R-3 zones to add bulk plane regulation. This will reduce the mass and scale of new development in the smallest lot single-family zones. Currently the only standard is a 35 foot height maximum.

Councilmember Hoppe introduced Council Bill 25-2016.

Motion by Councilmember Hoppe to approve Council Bill No. 25-2016, an ordinance amending Articles I, II and IV of Chapter 26 of the Wheat Ridge Code of Laws concerning the implementation of a residential bulk plane development standards on first reading, order it published, public hearing set for Monday, November 14, 2016 at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption and signature by the Mayor; seconded by Councilmember Pond.

Councilmember Mathews announced for the record that the Planning Commission just voted 5-1 not to approve this ordinance. He thinks people should know that staff is

recommending this against the wishes of the Planning Commission and the many residents of District 1 that are affected by this, and he'd like to know why.

Ken Johnstone remarked that the Planning Commission has expressed they have a difference of opinion and want to look at a broader city-wide approach to this and other issues related to residential development -- such as architectural design standards and overlay districts. He outlined the challenges of addressing the District 1 issue in 90 days; there wasn't time to address larger issues. Bulk plane was all that was considered, so as to get something before Council by Nov 14<sup>th</sup> when the emergency ordinance runs out. He isn't surprised that the Planning Commission voted against the ordinance because they want to look at it in a different way.

Mr. Johnstone verified that if nothing is done and no changes are made, when the emergency ordinance expires the previous regulatory frame work would resume.

Councilmember Fitzgerald announced he would be voting no on this. Besides the competing values of the citizens not wanting the feeling of their neighborhood to change and the City's priority to do revitalization, he also feels it penalizes people who have sloping lots.

Councilmember Pond believes this is a compromise and is timely, and will support it.

Councilmember Duran announced she would be voting no because there are so many issues and Council has not done their due diligence with community outreach.

Councilmember Hoppe supports moving this to second reading. She believes it is a compromise between 35 ft straight-up buildings and not being able to build anything over 1½ stories. She believes it's important to maintain smart growth -- specifically on these small lots, to get people to invest their time, lives and money in the community.

Councilmember Mathews announced he will vote no. He's encouraged that some progress has been made, people are learning about it, we've learned some things and we can continue. He never really liked the false sense of urgency.

The motion failed 3-4, with Councilmember Mathews, Fitzgerald, Urban, and Duran voting no.

Mr. Goff clarified for the public that the emergency ordinance expires November 21. Any application that comes in after November 21 will follow current codes.

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

**Patrick Goff** reported that the 2017 Budget is now on the City website. Council discussion will be Nov 7, with a public hearing Nov 14. Citizens can comment at both of those meetings. He also urged citizens to check out the program "Balancing Act" on the City website where citizens can learn about balancing the budget and offer input.

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



### **ELECTED OFFICIAL'S MATTERS**

**Larry Mathews** encouraged staff and Council to come up with some action on this issue of tall buildings as quickly as possible. It's an obvious priority for the people.

**Zach Urban** received verification from the City Attorney that councilmembers can attend meetings of outside organizations without public notice. The flier for Yes on 2E with a picture including several councilmembers is proper. A Colorado Supreme Court decision has upheld such gatherings.


**Janece Hoppe** announced that October is also Domestic Violence Awareness month. If people are inclined to support victims of domestic violence they can contact Family Tree at 38<sup>th</sup> & Marshall at 303-422-2133. They are doing a number of educational programs this month.

**Monica Duran** invited everyone to a District 1 Neighborhood Watch Meeting she is hosting this Saturday, October 29<sup>th</sup> from 1-3:00pm at Ye Olde Firehouse at 3227 Chase.

**Joyce Jay** has heard concerns from citizens about the businesses on Wadsworth. She has spoken to 15-20 of them to help them understand that the City tries very hard to take care of them. We try not to harm their businesses and if they have to relocate we offer relocation services. Many of them realize the widening of Wadsworth needs to be done and many are looking forward to it.

### **ADJOURNMENT**

The City Council Meeting was adjourned at 7:46 p.m. followed by a Special Study Session.

  
Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON November 14, 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.