

AGENDA

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

August 14, 2017
7:00 p.m.

Individuals with disabilities are encouraged to participate in all public meetings sponsored by the City of Wheat Ridge. Call Sara Spaulding, Public Information Officer, at 303-235-2877 at least one week in advance of a meeting if you are interested in participating and need inclusion assistance.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF MEMBERS

APPROVAL OF Council Minutes of June 26, 2017 and Study Notes of July 17, 2017 and Special Study Session Notes of July 24, 2017

PROCLAMATIONS AND CEREMONIES

- Second Opportunity for Public Input on the 2018 Budget

CITIZENS' RIGHT TO SPEAK

- a. Citizens, who wish, may speak on any matter not on the Agenda for a maximum of 3 minutes and sign the Public Comment Roster.
- b. Citizens who wish to speak on Agenda Items, please sign the GENERAL AGENDA ROSTER or appropriate PUBLIC HEARING ROSTER before the item is called to be heard.
- c. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Resolution 28-2017 – Approving Action by Jefferson County Open Space to Subordinate the Reverter Clause on the Recreation Center Property at 4005 Kipling to permit a Drainage Easement

Consent Agenda cont.

- b) Motion to approve the award of RFP-17-21 Insurance Broker Services to Insurance Management Associates, Inc. (IMA) of Colorado on a Commission-Based Agreement and to approve a one-year term with the option to renew for four additional one-year periods.
- c) Resolution 27-2017 – amending the Fiscal year 2017 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$841,330 for On-Call Building Permit Inspections, Plan Review and other Support Services and Related Costs

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

- 2. Council Bill 15-2017 – granting a Permanent Drainage Easement to Equinox Properties, LLC, for the purpose of constructing a Stormwater Structure on City-Owned Property

ORDINANCES ON FIRST READING

- 3. Council Bill 16-2017 – approving the rezoning of property located at 6025 W. 40th Avenue from Commercial-One (C-1) to Residential-One (R-1C) (Case No. WZ-17-05/Shadow Homes)
- 4. Council Bill 17-2017 – amending Section 5-41 of the Wheat Ridge Code of Laws concerning Building Permit Fees

CITY MANAGER'S MATTERS

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

ADJOURNMENT

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

June 26, 2017

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, Janeece Hoppe, Zachary Urban, Tim Fitzgerald, Larry Mathews, Genevieve Wooden

Members Absent: George Pond (excused), Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Manager Patrick Goff, City Attorney, Jerry Dahl; City Treasurer, Jerry DiTullio, Police Department, Jim Lorentz; Community Development Director, Ken Johnstone; Deputy City Clerk Robin Eaton; Planning Division, Meredith Reckert; Engineering Division, Mark Westberg; guests and interested citizens.

APPROVAL OF Minutes of the Council Study Session Notes of June 5, 2017

Mayor Jay requested postponing approval of the minutes of the Study Session Notes of June 5, 2017 until research can be done regarding one of the items from that session.

PROCLAMATIONS AND CEREMONIES

CITIZENS RIGHT TO SPEAK

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a) Resolution 24-2017 – approving an Agreement between the City of Wheat Ridge and the Wheat Ridge Historical Society
- b) Resolution 23-2017 – approving the 2017 Police Recruit Training Agreement and issuing a \$36,000 payment to the Lakewood Police Department to provide Law Enforcement Academy Training for six Wheat Ridge Police Recruits at the Combined Regional Academy

Councilmember Wooden introduced the Consent Agenda.

Motion by Councilmember Wooden to approve the Consent Agenda items a) and b); seconded by Councilmember Hoppe; carried 6-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution 22--2017 – a resolution approving a Seven-Lot Subdivision Plat for property zoned Residential-One (R-1) at 11435 W. 32nd Ave. (Case No. WS-16-02/Merkwood Estates)

This application would reconfigure two lots into seven lots, allowing for seven single family home sites. A new section of 33rd Ave is proposed to transverse the property, connect the Quail Hollow subdivision on the east to the Brookside subdivision on the west, and allow for the free flow of traffic. The seven new lots would not have direct access to 32nd Ave.

Councilmember Fitzgerald introduced Resolution 22-2017.

The purpose of the subdivision is to create seven new single family sites. The Planning Commission recommended denial for the following reasons: The proposed street system and drainage design do not provide a logical development pattern for the new parcels.

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

Staff Presentation

Meredith Reckert distributed to Council a corrected email and an additional letter from interested citizens. She also presented for the record a packet of hard copies of letters that had already been received and distributed to Council. She entered into the record the case file, packet material, the subdivision regulations and the contents of the digital presentation. She testified that all notifications and posting requirements had been met.

With aerial overlays and photos Ms. Reckert explained the existing conditions and the proposed application.

- The subject property, 11435 W. 32nd Ave, contains two parcels totaling 4.9 acres.
- The southern parcel (1+acre) fronts W. 32nd Ave and contains a single family home built in 1932.
- The larger, vacant, northern parcel (3.77 acres) has a strip of land that allows access to 32nd Ave. It was most recently used for agrarian purposes. About 1/3 of the northern portion of this parcel is encumbered in the Lena Gulch 100 year flood plain.
- The property is zoned R-1.
- Adjacent land use to the west is single family residential platted in 1983 and 2011.
- Adjacent land use to the east includes the Applewood Baptist Church parking lot and the Quail Hollow subdivision (platted in 2014).
- There is a drainage way directly adjacent to the east side of the subject property, which is on the church parcel and is 10 feet lower than the parking lot.
- The subdivision application would accommodate 7 new single family homes, all of which meet or exceed the requirements for the R-1 zone.

- A proposed new street connection for W 33rd Ave crosses the middle of the new subdivision and connects Quail Hollow to Applewood Brookside.
- A new street called Robb St would extend south from 33rd Ave to access the new lots.
- There is no vehicular access from Robb St to 32nd Ave -- only pedestrian access.
- Both 33rd Ave and Robb St will be full width dedicated streets with public improvements installed.
- Lots 1-6 are south of 33rd Ave on the new Robb St; Lot 7 is north of 33rd Ave. Areas of Lot 7 are in the flood plain and cannot be built on.
- The plat shows, among other things, easements, the pedestrian access to 32nd, an emergency access turn-around between Lots 1 and 2, and a storm water pond.
- The Brookside plat contains a piece of Right-of-Way at the end of the Routt cul de sac that was dedicated, but never built. The intent was that at some point there would be an opportunity to create better connection and connect with the property to the east.
- Ms. Reckert elaborated on staff's long-planned intentions for the Brookside and Quail Hollow streets, the 33rd Ave link, and why Robb should not connect to 32nd Ave.
 - Staff believes this link is critical for connectivity and emergency vehicles.
 - It would eliminate two cul-de-sacs that are over 600 feet long and improve north-south and east-west options.
 - Connecting Robb to 32nd is problematic because it creates another offset intersection, it could leave houses on Routt St with frontage on both streets, and it is exacerbated by the drainage channel next to the parking lot.
 - The south end of Robb St is about 7 feet below 32nd Ave and would require substantial fill to bring it up to that level -- possibly requiring wells to be built.

Ms. Reckert paraphrased the regulations regarding subdivision design:

- Required to accommodate all modes of movement through the development and to/from adjacent properties and land uses.
- Provision for the continuation of existing planned or platted streets unless the City determines it is undesirable for specific reasons of topography or design.
- Proposed streets shall be extended to the boundary of the subdivision to provide for future connection.

Process:

- A neighborhood meeting is not required for plat as the zoning is not changing.
- The standard 15-day referral resulted in no concerns from City departments or outside agencies. Utilities will need to be constructed. The Fire District can serve the subdivision as proposed with the turnaround feature between Lots 1 and 2.

Reviewed by Planning Commission on June 1, 2017

- PC recommended denial for the plat showing 33rd Avenue extensions between Routt Street (to the west) and Quail Hollow (to the east)
- Subsequent to the PC hearing the developer submitted a modified plat which removes the connection of 33rd Ave through to Routt St, allowing only for access by pedestrians and emergency vehicles. Staff does not support this; the Fire Dept has concerns about emergency gates.
- If Council wishes to approve the modified plat, a variance would be needed to the maximum cul de sac length of 750 feet. This cul de sac would be 1,400 feet long.

- Numerous letters were received before and after the PC hearing. Most concerns are primarily related to traffic and safety, with some concern for drainage

Staff recommends approval of the plat showing full connection of 33rd Ave between Quail Hollow and Brookside, for the following reasons:

- The proposed lots meet or exceed the R-1 standards
- All requirements of the Subdivision regulations have been met.
- Proposed system and drainage design provide a logical development pattern for the subdivision
- All agencies can serve the property with improvements installed by the developer.

Council questions

Councilmember Fitzgerald noted the three objections to making Robb Street go through to 32nd: the disparity in height or grade, offset of the streets and the cul de sac length. What makes this different from all the other offset streets that face 32nd Ave?

- Ms. Reckert responded that regulations discourage offset streets, especially onto higher volume arteries, which presents a greater potential for traffic conflicts.
- Mr. Westberg added that offsets, in general, are a bad idea; offset cars both turning left can cause accidents; these were done in the past by bad design practices. It is good not to offset the streets when they are that close together. Concerning height: The south end of Routt St had to be filled in. The problem for Robb St is the drainage channel and pipe system along the shared property line with the church. He elaborated on the safety for the houses and the ability of the streets to carry storm water for 100-year events. Underground drainage for these seven lots would be very cost prohibitive. If Robb St is moved to the west side, the new homes would have their entire back yard be a drainage channel.

Councilmember Fitzgerald asks if Routt is considered an illegal cul-de-sac and now Robb Street would be one as well.

- Mr. Westberg responds that it would not be a dead end cul-de-sac if the connection is made to 33rd street and it does not exceed the 750 ft. rule.

Councilmember Urban asked about the maximum length of cul-de-sacs allowed by the Institute of Transportation Engineers (ITE) and what guides our decision making policy?

- Ms. Reckert responded that our subdivision regulations set a maximum length of 750 ft. Mr. Westberg advised the City does not regulate by the ITE manual. Councilmember Urban wondered what other ITE policies might be considered. Mr. Westberg said he didn't know where 750 feet came from, but noted our current code encourages urbanism and connectivity, to give people options.

Mayor Jay asked if a thought had been given to connecting 33rd Avenue just to Quail Ct.

- Mr Westberg responded that by extending 33rd Avenue across the subdivision and creating Robb St.(to go straight south), the cul-de-sac starts back at Quail, down to the end of Robb St. By making the connection across the parcel, there are two streets to provide access to the neighborhood. It would help a fire truck by not making it go around the neighborhood to gain access to the subdivision.

Applicant

Steve Merker shared background of trying to work with neighbors and the City. He lives, works and builds in Wheat Ridge and has worked diligently with City staff on the issues. He was initially opposed to the connection between 33rd and Routt St., as the original vision was that it is a long, complex parcel with many grade changes. Unless he bought the house, it would have been impossible to build the development.

The connectivity issue came up numerous times and multiple scenarios were looked at over the course of a year and a half, to be able to get to this meeting. It is difficult to take considerations from all of the neighbors and the City staff also; he feels stuck between two forces, trying to please everybody. Alternatives to the road include emergency gates for first responders. He asked for clarity to help the project move forward, and wants to do a good job for the project and everyone that is involved.

Councilmember Hoppe noted staff's recommendation does not connect to 32nd Avenue. Mr. Merker said he's very opposed to connecting to 32nd Avenue from Robb St for many reasons – including that up to 7-10 ft. of fill material would be required to be brought in, and also the risk of creating a watershed problem.

Public comment [Most speakers WR residents from Routt St or Quail Hollow]

Dr Gil Schmidtke believes there is not a need to hurt the neighborhoods by creating a thoroughfare, as it's more practical to combine our homes with the new ones, to make our own neighborhood. People have been living in this area for years without connecting to Routt St. He welcomes connection to get in and out from 33rd St, as a very practical and acceptable alternative.

Ross Casados chose to live in a cul de sac because it is quiet. He's raised his own children and grandchildren, including a challenged grandchildren, who loves to play on the street. This new street would endanger the children, making it a very busy street with an uphill battle in the wintertime to get out of it; it would be worse when school is in session. He has no problems with the housing or helping fire engines or police to get in and out, but why do they need to connect 33rd St. all the way to Routt. He's loved living in a cul de sac for 27 years and hopes that Council will not disturb that for them.

Peggy Nielsen clarified that this information does not even address traffic from Prospect Valley School and is very frustrated as to why a new neighborhood is being created at the expense of those who live on Routt St.

Jeff Nielsen reiterated what his wife Peggy said about traffic from the school, especially that it is under open enrollment.

Doug Fisher said he is totally against making 33rd go through to Routt. Neighborhood culture should stand. Merkwod is proposing seven home sites on 4.9 acres. On the surface it sounds reasonable, but six homes are crammed on the south end between 33rd and 32nd. The huge two-story homes would back up to the five ranch homes on his street

that are primarily single level ranch homes. This would change the culture and rob current residents of any back yard privacy; it's not a good idea. The only folks who are for it are the developer -- who would make money at the neighbors' expense. He asked Council to vote against this proposal as designed.

David Hay bought his home on a quiet cul de sac five years ago and opposes putting 33rd through with or without a gate. His understanding, when they bought their property, was that the right of way was just for access for property behind them. Tonight is the first time he's seen the diagram suggesting 33rd Avenue go through. It seems like the residents, and even Mr. Merkl, did not want it, so why do it now? The Comprehensive Plan talks about how the City will work with neighborhoods to maintain character and property values, but the City has not worked with them. The neighbors have not been consulted in over a year and a half and asks the Council to reject this application.

Rebecca Hay expressed concerns over elevation, with her home being one of the lowest homes in cul de sac, and how the new homes would likely want to have walkouts, being built on elevation. With these new homes looming over them, she questioned how the drainage would be handled and does not want to see it in her basement. The proposed plan of emergency gate and pedestrian walkway is unacceptable and there is no guarantee that the City won't remove that gate at a later time. This is a weak attempt at mildly appeasing the neighborhood objections for the benefit of developer.

Duane Chelsey noted living in Wheat Ridge for 55 years. He believes this issue demands attention as his emails explain -- that the connection between Quail and Routt makes no sense and that it degrades the neighborhood. He worries that the gate would not always be locked and is very much opposed to a through street.

Danielle Marcello said her parents built their dream home in a quiet cul de sac; her mother is a life-long Wheat Ridge resident. She testified that it is proven that crime rates are higher on through streets, children do not play outside and property values are estimated to be 20-29 percent lower. They should prevent the alternative to build 33rd as a through street and even if 33rd is not built as a through street now, there is no guarantee it will not go through eventually. Neighborhoods and parents have been traumatized by this, and the neighborhoods have also been harassed.

Anthony Marcello expressed concern about the hammerhead turnaround and inquired what type of design vehicle it was that made the test pass. Mr. Westberg replied he did not know what type of vehicle was used as it was West Metro Fire that did the test. He also stated that the City would not be setting a precedent in making 33rd to Robb St. and not going to Routt. Mr. Marcello gave Council a handout with a view from Google Earth showing clearly that connectivity does not apply with Lena Gulch bisecting the entire area.

David Moss concurs with all neighbors and stated that if this is allowed to become a through street, there will be many property devaluations. Other alternatives can be found for emergency vehicle access. Kids play in the street, riding down the middle of the

street, safe or not; safe passage is allowed for kids to play there. School pickup times would be detrimental to the neighborhood and there is no upside to building 33rd to Routt St. Already it is a hard time to get out of the neighborhood - let alone in wintertime, but adding school parents would increase that hardship.

Mat Glover lives right next to the development. He is not unsympathetic to them and realizes no one gets everything in deals, but there should be something in it for them. He strongly feels access should be off 32nd, which would leave the two cul de sac communities intact. No one wants a through street. There are concerns with safety, cars driving too fast and damaging the new roads in the subdivision – all of which will happen if 33rd Avenue goes through. With a very difficult decision to make, it may help to mitigate the problem and have a road come down from 32nd Avenue.

Carlos Fawcett expressed opposition to giving a brand new subdivision the benefits of a 25-plus year cul de sac community. When he lived in Denver County at 37th and Tejon, new development was great but brought too much traffic. This new road will destroy this community; it will not improve anyone's safety or property values but will have the opposite effect.

Lori Marcello reported talking to Debbie Perry, the original landowner of the plat, and had information provided by Merkwod Construction, who wanted to have net zero, environment friendly landscape. Apparently, Merkwod was told by the City planning department that they needed to put 33rd in as a through street. Ms. Perry said that from the 1980's there was no plan to put 33rd in as a through street, so why do they arbitrarily put roads through undeveloped fields. They were asked to leave land open for access only, so the home would not be landlocked. There was never a plan to have a through street for 33rd. It is unnecessary to put a road though, and the easement was never meant to put a road through.

Stephen Archer noted many of the items he had prepared have been addressed. With the plat maps and people's submissions tonight, it clearly shows that 33rd Avenue was never meant to be a connector. He is opposed to 33rd going through.

Michele Hilliam is concerned mostly with the traffic pattern if the street goes through -- especially traffic from Prospect Valley School where 80% are choice enrolled students that do not live in the area but are brought in by their parents. This could equal up to 250-300 cars per day, much of that would come through the new Routt Street design. This would no longer keep it a safe traffic pattern through the neighborhoods.

Mark Hilliam noted the housing density difference being mentioned along with the number of cars rising on a daily basis. There are other options for emergency vehicle access and turnarounds based on the small size of the access to Robb Street. He suggested a single lane, restricted for emergency vehicle access or pop-up gates for emergency vehicles to name a few.

Lori Strand- agreed with much of what had been said. She thinks through-traffic areas are always dangerous for children, not only in the morning and afternoon hours from the school. She said she's excited about the development as there will be more kids to play with and better sidewalks, but requested denial of the plat. She urged Council to send this back to the developer and staff, for alternatives, especially for emergency access.

Kate Dean shared that she is in full agreement with what Lori Strand had to say.

Nickolas Marcello noted that as a youth growing up he really appreciated knowing that if a ball was kicked into the street, it was still safe to get, since he lived in a cul-de-sac. He asked for a show of hands from the audience of those *against* connecting Quail to Routt Street via 33rd Avenue; 31 people raised their hand.

With public comment concluded, Mayor Jay asked for a response from the applicant.

Steve Merker thanked everyone for their input and stated if the City Council is inclined to vote against this he would like to ask for a continuance to present more good options and alternatives. He finds himself in a very difficult situation and can't in good conscious build a home where everybody is opposed to it. If there is a chance this will be denied, or a variance is put together by vote, he believes it is very unfair to him as he has followed every rule, only to be told by the neighbors that he can't do it. He added that he has submitted two great options -- the fire restriction and left hand turn option, but will take into consideration everything the neighbors have put forth and asks for time to submit new proposals.

Mr. Dahl provided several options. Included were approval or denial, closing this hearing but not acting; continuing it for action to public notice for hearing as a subdivision application; close the hearing, set a variance hearing, and continue it for action on the subdivision until the same night of the variance hearing; or continue the subdivision hearing entirely by request of the applicant, with new revised plats. This could be done in two weeks to a month with no new notice required, and then at that time, move to approve or deny. The neighborhood will need to see the proposed variance as they have already spoken on the subdivision request.

Ms. Reckert requests one month, not two weeks, if a subdivision variance is included. Variances have publication requirements.

Councilmember Mathews inquired if there is any plan for Lot 7 north of 33rd Avenue that runs to the flood plain.

- Mr. Merker said he plans to keep it and build his dream home there but does not know what will be done there.

Councilmember Mathews would like to suggest the house on Lot 1 built in Lot 7 to help open up the area off from 32nd avenue for better access to the property.

- Mr Merker responds that if done, it makes a grade differential that is almost impossible to reconcile and describes the need for an extended retaining wall to name just one.

Councilmember Urban asked why the staff report did not include the Prospect Valley School discussion brought up in the presentation, including the traffic influence in the neighborhood.

- Mr. Westbrook said it was because the traffic is short-lived in the morning and afternoon for the vast majority of time. The proposal is not a bad thing as it distributes the traffic even though some parents may use it as an alternative route and it may be a bad thing for Routt. Connectors are a good thing to distribute traffic and gives everyone the option to get out in case of an accident or other problem.

Discussion followed.

Councilmember Mathews recommended allowing the existing neighborhoods to keep their character and give maximum flexibility to the developer to work out different scenarios. This to be able to give the maximum number of options to find a variance, and not be stuck with arbitrary numbers.

Based on discussion, Mr. Dahl advised to continue the hearing for one month until July 24th with an option to re-design the subdivision or re-design with a variance and or work with the staff to get notice out for a variance hearing.

Mr. Merker requests a continuance of this hearing to try to speak with the neighbors and staff with the possible variance options to bring back in front of council.

Motion by Councilmember Fitzgerald to continue Resolution No. 27-2017, a resolution approving a Seven-Lot Subdivision Plat for property zoned Residential-One (R-1) at 11435 W. 32nd Ave. until July 24, 2017 at 7:00 pm in the City Council Chambers, so alternatives can be brought forward, including a variance if the applicant so requests; seconded by Councilmember Mathews; carried 6-0.

Mayor Jay thanks all in attendance for their patience and understanding and that it was a very nice crowd to work. With that a recess was declared at 9:12 PM

The meeting resumed at 9:18 PM

ORDINANCES ON FIRST READING

3. Council Bill 12-2017 – An Ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement

Councilmember Hoppe introduced Council Bill 12-2017.

Motion by Councilmember Hoppe to approve Council Bill 12-2017, an ordinance reappointing Presiding Municipal Judge Christopher Randall, increasing his hourly compensation and approving a Presiding Municipal Judge Services Agreement on first reading, order it published, public hearing set for Monday, July 10, at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption at second reading; seconded by Councilmember Duran; carried 5-1, with Councilmember Fitzgerald abstaining for not being present at the study session.

The City Attorney advised that Councilmember Fitzgerald should vote as the materials in the packet are sufficient to have an opinion and to exercise his vote. The Council re-voted and the motion carried 6-0.

4. Council Bill 13-2017 – an ordinance approving a Lease with Verizon Wireless for placement of a Cellular Antenna Facility on the Wheat Ridge Recreation Center

Councilmember Urban introduced Council Bill 13-2017.

Motion by Councilmember Urban to approve Council Bill 13-2017, an ordinance approving a lease with Verizon Wireless for placement of a cellular antenna facility on the Wheat Ridge Recreation Center on first reading, order it published, public hearing set for Monday, July 10, at 7:00 p.m. in City Council Chambers, and that it take effect immediately upon adoption at second reading; seconded by Councilmember Duran; carried 6-0

5. Council Bill 14-2017 – an ordinance amending Sections 16-81 and 16-84 of the Wheat Ridge Code of Laws to legalize gravity knives and switchblades, consistent with State Law

Councilmember Mathews introduced Council Bill 14-2017.

Motion by Councilmember Mathews to approve Council Bill 14-2017, an ordinance amending Sections 16-81 and 16-84 of the Wheat Ridge Code of Laws to legalize gravity knives and switchblades, consistent with State Law, on first reading, order it published, public hearing set for Monday, July 10, at 7 p.m. in the City Council Chambers, and that it takes effect 15 days after final publication; seconded by Councilmember Wooden; carried 6-0.

CITY MANAGER'S MATTERS

Mr. Goff reported that the bi-weekly roofing reports are going to start tracking additional costs in the next report. Roofing permit applications continue to be submitted in very significant numbers and also are being processed in record numbers. They continue to staff up the building permit technicians and building inspectors as well. Charles Abbott being under contract, continue to supply additional resources as they can but have a limit on how many staff that they can provide. He has reached out to other local municipalities, DOLA and Colorado Chapter of International Code Council for additional resources and temporary staffing, but they are short on staff as well and are unable to do so at this time.

Treasurer DiTullio added that information will include the total number of applicants, how many permits were processed, and to date the City has processed 2,017 permits for all building; with roof permits being issued at 1,465 with an unanticipated total revenue amount of \$620,657.26. With the freezing of some city projects, we are able to pay the Fruitdale redevelopment \$310,000 bill and also to maintain our reserve at 17.7%

CITY ATTORNEY'S MATTERS

none

ELECTED OFFICIALS' MATTERS

Treasurer DiTullio said the roofing reports will be generated every two weeks and be posted on the City website. Please use the financial reports as back-up to help not have miscommunications, especially to those using many social media sites. It helps to show how permits are being applied for and issued.

Monica Duran has partnered with West 29th Market Place to have a book drive and that it includes Wheat Ridge Poultry, Twisted Smoothy and the Style nail salon, between July 1-31st where patrons will receive 10% off purchase for that day at those locations.

Zachary Urban recognized Brian Blaser, the facility coordinator at the Wheat Ridge Recreation Center, who heroically helped a patron at the Recreation Center handle a medical need in what could have been a tragic situation; he handled it with great leadership and would like to see the Council commend him or show some recognition to him. He thanked Breckenridge Brewery and Sts. Peter and Paul community for their efforts for the diapers they provided to the Jefferson County Human Services.

Mayor Jay would like send her thanks to staff for their help with the updates for roofing permits and it is appreciated by all of the citizens as well. In attendance at the Wheat Ridge Senior Resource gala, it was a wonderful fundraiser and also a retirement party for John Zabawa after over 30 years of service.

ADJOURNMENT

The City Council Meeting adjourned at 9:57pm.

Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON July 24, 2017

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.

STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

July 17, 2017

Mayor Joyce Jay called the Study Session to order at 6:30p.m.

Council members present: Monica Duran, Zachary Urban, Kristi Davis, Tim Fitzgerald, Genevieve Wooden

Absent: Larry Mathews (excused), George Pond (excused), Janeece Hoppe

Also present: City Clerk, Janelle Shaver; Assistant City Attorney, Carmen Beery; Administrative Services Director, Heather Geyer; Parks Director, Joyce Manwaring; other staff, guests, and interested citizens

CITIZEN COMMENT ON AGENDA ITEMS

Vivian Vos (WR) spoke on Item 4. She shared how much she enjoyed being on the Outside Agency Committee; it is quite a learning experience. It was a 2-year term. She supports the committee's recommendations that four members be retained for another year so there is some carryover, and that there be staggered terms. She personally suggested that people engaged with outside agencies not be on the committee so there is an even playing field.

1. Staff Report(s)

- a) Code Amendment to Chapter 5-41 regarding definition of construction valuation – Kathy Franklin

Heather Geyer introduced Kathy Franklin and made note that she is leaving the City and moving to Florida after managing the sales tax division for many years. She was thanked for being such a great asset to the City.

Ms. Franklin explained the recommended code change to Chapter 5 which defines "building project valuation" for purposes of permits and audits. We currently have no definition and over time the value has become the contract price. A survey was done and the cost of construction valuation method appears to be used by most cities for permits and audits. Staff is recommending the cost of construction be used as it is more business friendly.

Councilmember Urban asked if this would cause permit fees to go up or down. Ms. Franklin reported it should have no bearing on permit fees; if anything there may be a small reduction. He asked if there is any ability for staff to lower fees if the cost is questionable. Ms. Franklin said the building division uses the International Building Code standards for costing of jobs.

There were no further questions and no discussion. The presenters were thanked.

Councilmember Wooden received unanimous consent to move forward with the recommended changes for Chapter 5.

2. Presentation from ARC – Valerie Smith, Community Outreach Manager

Valerie Smith presented a slide and video presentation about ARC.

With her was a client named David and his dog, Heavena.

- ARC supports people with intellectual and developmental disabilities (I/DD) in all of Jefferson, Gilpin and Clear Creek Counties.
- Conditions include cerebral palsy, autism, Down's Syndrome, and many others.
- Their goal is to create a more inclusive community in all municipalities.
- She went over the mission and history of ARC and the ARC Thrift Stores.
- In 1960 Community Centered Boards (CCB's) were started by parents of children with disabilities so they wouldn't have to be placed in institutions.
- CCB's such as DDRC, Developmental Pathways, and Rocky Mt. Human Services are life lines for citizens with I/DD so they can stay at home.
- More programs in schools and more transportation options have been created.
- CO is 47th in the nation in funding for people with I/DD.
- ARC's charge is to promote and protect the rights of people with I/DD and support their full inclusion and participation in the community.
- This would include well over 1,000 people in Wheat Ridge.
- They provide services, guidance, information, advocacy, training, and education.
- The ARC thrift stores provide 83% of their funding.
- They are people first.

David, a Community Outreach Coordinator for The ARC, told his story. As a foster child in the 1970's he attended Fletcher Miller School and wasn't exposed to the public. Expectations were not very high. His life changed at age 12 when he became involved with The ARC. He began to expect more from himself and his computer skills helped him advance. He enjoyed participating in Key Club in high school and learned to give back. Now he is an advocate, motivates others, and encourages self-advocacy.

Ms. Smith emphasized that people with disabilities want inclusion. Wheat Ridge is well on its way to inclusion, but there is still folks who don't feel included.

A video was shown featuring local folks with disabilities talking about self-advocacy.

David talked about the rights and responsibilities of people with disabilities, noting that it is a partnership. He and Ms. Smith addressed the following:

- Barriers include: accessibility, understanding, acceptance, reluctance to engage, finding meaningful work and transportation challenges.
- He offered ideas for full inclusion of people with I/DD in Wheat Ridge – such as working with a volunteer coordinator, position on a committee, visibility that would make them part of the normal. The ARC is happy to be a resource.
- There is a campaign called "Just say Hi!" Say hi to us, be yourself, and treat us like you would treat anyone else.
- Full Inclusion is important: The whole community benefits, it fosters better relationships, and everyone benefits.

- David invited everyone to join them for Coffee House at Panera Bread (Belmar) on every Third Thursday from 6-7:30pm.

There was brief Council discussion about accessibility, working with staff and having a volunteer coordinator.

3. 2E Update – Heather Geyer

Staff member were present to provide updates on the projects.

Ms. Geyer reviewed previous milestones: The City closed on the bonds in May with a strong rating. Fund 31 was set up and monthly updates are provided.

Joyce Manwaring reported on the Anderson Park project, which is moving quickly.

- She reviewed the aspects of the project.
- Barker, Rinker and Seacat is the consultant.
- Surveys and background have happened. A detailed schedule was produced.
- There were five focus groups, including selected people that were park users, swimmers, Park staff, City maintenance staff, and special event folks.
- 40-50 people attended the open house.
- Consultants had a design charrette that produced three concepts options.
- A master plan advisory group is ongoing, including Steve Ngyen, Lauren Mikulak, special event people, park maintenance staff, herself and the consultants.
- Today they looked at the remodel of the Anderson Building and the bath house, and arrived at some numbers for that.
- A pop-up event will be Aug 2 at 5:30pm before Performance in Park, to provide information and concept plans.
- Information on the project website is posted and updated periodically.
- There will be a community meeting in early October, followed by a presentation to the Parks Commission and the Council of the final masterplan.
- Final approval of the masterplan is planned for January, 2018.

Scott Brink reported on Clear Creek Crossing.

- He reviewed that it is a phased, mixed use development of just over 80 acres.
- Phase 1 has been approved by CDOT and the FHWA.
- Evergreen(developer) is working on Phase 2; CDOT and FHWA approval is close.
- Traffic is the biggest concern for the Environmental Assessment – making sure it works. Evaluation to finish early fall.
- The three things happening right now
 1. Getting the evaluation done
 2. Construction of the hook ramps (Design is complete; waiting for CDOT approval)
 3. Working with Denver Water on the relocation of their line replacement. A redesign is being done and update on that is coming soon
- Something on the hook ramps should come to Council in a couple months, with dirt hopefully to move in October.
- The City attends monthly coordination meetings with all the stakeholders, including Evergreen, CDOT, FHWA, Denver Water, and the general contractors.

Mark Westberg reported on the Wadsworth widening.

- He reviewed details of the project: Wadsworth to I-70; hopefully three travel lanes in each directions and 10 foot sidewalks on both sides; a 10 foot two-way cycle track on the east side; center medians; and continuous flow intersections at 38th and 44th.
- Design was approved by CDOT and FHWA, and is now called the 'preferred alternative'.
- He gave an update on the several historical properties. This may effect having a third lane and only allow a 6 foot sidewalk.
- He provided details about the funding status. Total for the project is \$39.23M. \$27.62 – Federal funding; \$ 4.36M – CDOT funding; \$ 7.25M – City funding. There are some other grants possibilities that will be pursued.

Questions from the Council followed.

Councilmember Davis asked if there is a waiver program we could ask for to remove historic status from buildings or properties that are unkempt? No. Mr. Westberg noted a property owner could raze them, but the City cannot. He explained the historic process and the adverse impact process, which takes a year and costs \$100K.

Councilmember Duran asked if the City has reached out to owners of these potentially historic properties. No -- how they feel is irrelevant to the process. Once it's resolved there will be a lot of outreach to these properties.

Councilmember Fitzgerald inquired about moving these buildings to the Historic Park. Mr. Westberg said the setting is often important too.

Lauren Milulak reported on the Ward Station.

- Since April the following has happened:
 - Considerable outreach, since \$12M isn't enough to do all the improvements that are wanted.
 - The vision has been presented to the Parks and Planning Commissions.
 - Property owner meetings – one on one and block by block
 - An outdoor recreation industry meeting (2 dozen attendees)
 - Regarding co-working developers, staff has toured some areas like that.
 - The Hance Ranch plat was approved by Council.
 - Working with the TOD group at RTD for future modifications since there will be fewer busses than was originally designed for. A Memorandum of Understanding (MOU) is likely.
 - Met with Arvada and Jeffco last week to discuss a potential IGA for cooperation on infrastructure development.
- Ongoing are: Branding of the "Base Camp" concept (new logo provided); work with a consultant on the ped bridge concept; work with another consultant on drainage analysis; and looking at grants, a TIF analysis and the possibility of a metro district.
- Gold Line is testing now. No date yet on opening.
- A priority is working with the two property owners of the land where a regional park is proposed.
- She explained that maker space is shared, hands-on, small manufacturing space.
- The tag line of the logo is "Adventure begins at the end of the line."

Mr. Westberg added that we don't have the staff to pull off Wadsworth. An RFQ was sent out for engineering and architect firms. We will need help with design

management and dealing with land use cases. During construction we will need help with inspections, construction management and plan review.

Six submittals for the RFQ were received last week. They are being scored by staff members and staff hopes to have a decision by August 4. The contract for staff assistance should be coming to Council on September 25 for approval.

4. Outside Agency Recommendations – Carolyn Lorentz

Scott Wesley, Outside Agency Committee member, reported from the citizen committee.

- 21 agency applications were reviewed, with one new one this year.
- Funding recommendations are 17% more than last year.
- The process was streamlined from last year.
- They recommend carrying over one members per district to provide continuity of knowledge. The learning curve is considerable.

Discussion and questions followed.

- Discussion about how to achieve the carryover.
- All current members are willing to continue serving. They would leave the decision to the Council.
- PAHA was the new applicant. It is a therapy camp out of Lakewood that serves needs of some WR citizens.
- A 17% increase may not be doable with Walmart leaving.
- Is disclosure part of the process? Mr. Wesley said that was addressed last year. The committee felt that as long as a person doesn't personally benefit financially, they were deemed not to have a conflict of interest.
- Ms. Lorentz pointed out that individuals may have had passion for particular organizations, but all the amounts were averaged to arrive at the recommendation for donations.
- Prioritization was primarily weighted by value for Wheat Ridge citizens.
- The 17% increase was based on the presentations and needs.
- We should honor the work of the committee and accept their recommendations.

Councilmember Wooden asked about what to do as a guideline if an agency asks for money after the budget is set. Discussion followed.

Councilmember Duran received unanimous consent to have applications be closed and to ask latecomers to apply next year.

Following more discussion, it was agreed to see what applications come in for committee positions and then decide about staggered terms and term limits. Ms. Geyer noted that all positions expire January 2018. Applications happen in the spring.

Councilmember Fitzgerald received unanimous consent to accept the recommendations from the committee (including staggered terms) -- assuming available funding, and if funding isn't available the percentages recommended by the committee be followed.

Following further discussion Councilmember Urban received unanimous consent to make the next appointments for one and two year terms.

Unscheduled Item

Mayor Jay brought up the Election Forum and posed the question of having a structure for hosting.

Heather Geyer provided information about the City's Channel 8 and administrative guidelines for access to it. She provided history of the Candidate Forum, traditionally hosted by WR United Neighbors. Last year the WR Chamber became involved. The cost to the City is about \$425 for videography. The Chamber has submitted paperwork. Jerry DiTullio also inquired about CFIWR hosting. Her understanding is they are co-hosting. The date of October 3 has been set. A schedule is still being worked out and the moderator is still undecided.

Lengthy discussion followed. As discussion continued about elements of a policy, Councilmember Urban pointed out that this topic was not an agenda item. There were additional comments.

Councilmember Davis asked to put this on the next study session or as a special study session item after the next meeting Council meeting.

5. Elected Officials' Report(s)

Kristi Davis reported the next Urban Renewal Meeting will be August 1.

Tim Fitzgerald reported the Commissioners voted unanimously to apply for the federal housing funds. He also noted that the current proposed federal budget reduces funding for CDBG grants by a third.

Janelle Shaver noted she would be absent next week and the Deputy Clerk would be covering the meeting in her stead.

Heather Geyer announced the City received the GFOA budget award for the fifth year in a row. She thanked all the staff members who participate in the budget process. ~ Kristi Davis asked if there were numbers available for the roofing permit process – such as numbers of permits and turn-around time for permits and inspections. Ms. Geyer said she will let Patrick Goff and Ken Johnstone know to provide some numbers at next week's meeting.

ADJOURNMENT The Study Session adjourned at 9:10 pm.

APPROVED BY CITY COUNCIL ON August 14, 2017

Janelle Shaver, City Clerk

George Pond, Mayor Pro Tem

SPECIAL STUDY SESSION NOTES

CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29th Avenue

July 24, 2017

Upon adjournment of the Regular City Council Meeting

Mayor Joyce Jay called the Study Session to order at 9:19 p.m.

Council members present: Janeece Hoppe, Kristi Davis, Monica Duran, Tim Fitzgerald, Zachary Urban, Genevieve Wooden, and Larry Mathews

Absent: George Pond (excused)

Also present: Deputy City Clerk, Robin Eaton; City Attorney, Jerry Dahl; City Manager, Patrick Goff, Administrative Services Director, Heather Geyer, Public Information Officer Sara Spaulding, and interested citizens.

CITIZEN COMMENT ON AGENDA ITEM

none

APPROVAL OF AGENDA

1. 2017 Election Forum

Background from July 17, 2017 Study Session:

The City budgets to host one election forum annually that is broadcast live on WRTV8. The cost for this WRTV8 production is \$425. That is the direct cost for the videographer's time. Up until 2016, Wheat Ridge United Neighbors hosted the annual Election Forum, with the exception of 2009, when Enterprise Wheat Ridge was the host. In 2016, the Wheat Ridge Chamber hosted the forum. Administrative Guideline No. 3 outlines the City's current guidelines on managing election forums. Guideline No. 3 does not address how a host will be chosen when more than one person/entity files an application to host the forum.

Heather Geyer discusses Options 1-4 for Council's considerations and possible direction regarding the 2017 Election Forum.

1. Provide direction in applying the Guideline to multiple host applications *this year*.

As mentioned, the Guideline does not address how a forum host should be selected when more than one person/entity files an application. In the event that CFIWR, the League of Women Voters, or some other organization files an application to host this year's forum, staff would like direction on how to choose the host.

2. Provide direction to amend the Guideline to address multiple host applications permanently:

This year's potential for competing forum hosts may be an anomaly. However, Council may wish to take this opportunity to permanently amend the Guideline to address this scenario in the future as well.

3. Designate a neutral third party, such as the League of Women Voters, to host the forum this year and/or future years.

Perhaps in conjunction with Option # 2 above, while the Council considers how to address the multiple-host issue in the future, Council could designate a neutral host to determine the 2017 host.

4. Amend the Guideline to include Moderator Guidelines:

Questions about how the moderator conducts the forum have also arisen. The Guideline does not currently provide guidance to moderators. Staff believes it would benefit all involved, including the moderator, to have guidance on conducting the Forum.

Staff recommends option # 3 as well as the addition of Moderator Guidelines for this year and for future Election Forums.

Council comments and questions:

Councilmember Davis supports the recommendation of Option 3 and states that the League of Women Voters has helped us with a previous forum. Questions can be submitted by other organizations that want to be involved in it or have questionnaires from publications that can be posted on their websites. Having no elected officials be part of the process is a good thing to do.

Councilmember Fitzgerald also supports Option 3 but to possibly approach it from a different angle concerning the sponsor rules for Channel 8 by changing the wording to list moderators or hosts instead of sponsor. This would change the concept of being a sponsor and using a community group as a sponsor of a city event and how it might relate to possibly having control over the events.

Ms. Geyer said that if council wants someone with a name recognition to serve as moderator, then that can be added to the preferred option. The City has not budgeted for this but someone from outside can be requested to moderate the forum.

Councilmember Mathew does not want to have the same organization put on the Forum throughout the years and would like to see the two different groups get together to run the forum jointly, each asking a specific list of questions.

Councilmember Duran has no concerns with the League of Women's Voters putting on the forum but to change the criteria after an organization has submitted an application would not be fair this year.

Councilmember Hoppe asked Ms. Geyer about the moderator guidelines on where it shows how the questions are collected, sorted, and then chosen. Can we add to the guidelines that those questions will need to have City staff approval?

Ms. Geyer responded that the sponsors typically perform that, but all of them are approved by the City in advance and we can voice any concerns with them, if found. There is general language in the sponsor and moderator guidelines and it can be made to be more explicit.

Councilmember Hoppe feels that we should go ahead and use the first applicant being the West Chamber and if we want to change it for the years coming then there can be no cry of foul.

Councilmember Wooden asks if there was anyone else who knew the Forum was open for application and was informed that the City does not solicit for those applications. As such and that the City has not had a procedure in the past, she is in supportive of Option 3 and to have a professional third party moderator if available.

Councilmember Davis is fine with the West Chamber or League of Women Voters especially since there is no policy that the City accepts the first application submitted; even being only a partial application. She does not feel that Citizens for an Inclusive Wheat Ridge would be acceptable as they are not an un-biased group, if only perceived that way. The time as well should be moved to be a more reasonable hour so that people can attend the entire forum, not only partially.

Councilmember Urban has concerns that a special study session is being taken up for this matter and there are other more pressing concerns that the city should be hearing. Anyone that hosts this forum would be respectful of the City and Council Chambers and this is another example of those who do not like those who have applied and really does not need to be discussed. This item should have been discussed way before the forum had been scheduled and that we need to move on from it.

Mayor Jay added that for many years, United Neighborhoods had put on the forum and this issue had never been presented before, and there needs to be some type of policy on how the City fills this gap. Especially since these are important forums for the citizens and we have a duty to make sure of that, and that they occur in the most honorable way that we can.

Councilman Fitzgerald does not see that we are breaking any rules and we have enough time to do the right thing. Out of fairness, anybody that is interested gets a fair chance and that political interest groups should not be involved in the forum in any manner.

Councilmember Fitzgerald called for a consensus to use Option 3 for this year and to incorporate adding to the guidelines, City approved questions and a City approved start time and date. The consensus failed.

Councilmember Duran called for a consensus on Option 4 to honor this year's applicant, the Wheat Ridge Chamber, with the addition of a City approved start time, City approved questions, and the other moderator guidelines under Option 4. In addition there be no co-host and to look for a process for the future. The consensus failed.

Councilmember Hoppe asked for a consensus that for the elections in 2018 to go with Option 3 to designate a neutral third party, such as the League of Women's Voters, to host the Forum for future years. The consensus passed.

ADJOURNMENT The Special Study Session adjourned at 10:02 p.m.

Robin Eaton, Deputy City Clerk

APPROVED BY CITY COUNCIL ON August 14, 2017

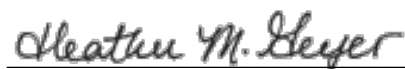
Joyce Jay, Mayor

REQUEST FOR CITY COUNCIL ACTION**TITLE: SECOND OPPORTUNITY FOR PUBLIC INPUT ON THE 2018 BUDGET**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL:

☐ YES☒ NO

Administrative Services Director



City Manager

ISSUE:

The process for the development of the 2018 Budget is underway. An important phase of this process is offering the public opportunities to provide input to City Council prior to the presentation of the 2018 Proposed Budget. This is the second of two public input meetings. The 2018 Budget is scheduled to be presented to the Mayor and City Council on Monday, October 2, 2017. Following review and direction from City Council, the City will hold a public hearing and consider adoption of the proposed 2018 Budget on Monday, October 9, 2017. Staff includes a summary of all feedback received from these public meetings in the presentation of the proposed budget to City Council.

FINANCIAL IMPACT:

There is no financial impact on this item.

BACKGROUND:

Each year, the City invites the public to provide input on the budget prior to the time it is presented to City Council. This community engagement practice is in line with best practices used by local governments across the country and endorsed by the Government Finance Officers' Association (GFOA). Staff includes a summary of all feedback received from these public input meetings in the presentation of the proposed budget to City Council.

Council Action Form - Second Public Input Opportunity on the 2018 Budget

August 14, 2017

Page 2

The proposed budget will be available online on the City website prior to the September 18th meeting. The public is invited to provide input on the proposed 2018 Budget at the October 2nd and October 9th meetings.

RECOMMENDATIONS:

No recommendation on this item is necessary.

RECOMMENDED MOTION:

No formal action by City Council is necessary at this time.

REPORT PREPARED/REVIEWED BY:

Carly Lorentz, Assistant to the City Manager

Heather Geyer, Administrative Services Director

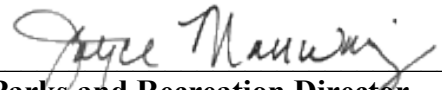
Patrick Goff, City Manager

REQUEST FOR CITY COUNCIL ACTION

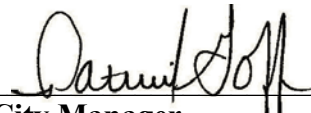
TITLE: RESOLUTION NO. 28-2017 – A RESOLUTION APPROVING ACTION BY JEFFERSON COUNTY OPEN SPACE TO SUBORDINATE THE REVERTER CLAUSE ON THE RECREATION CENTER PROPERTY AT 4005 KIJPLING TO PERMIT A DRAINAGE EASEMENT

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input type="checkbox"/> ORDINANCES FOR 1 ST READING |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING |
| <input checked="" type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO



Parks and Recreation Director



City Manager

ISSUE:

The City of Wheat Ridge has granted a permanent easement to Equinox Properties, LLC for the purpose of constructing a storm water structure on City-owned property. Because this is a utility easement and not a park and recreation use, it requires the release of the Jefferson County Open Space reverter clause currently held on the property title by Jefferson County.

PRIOR ACTION:

No prior action by City Council has occurred at this location related to this issue.

FINANCIAL IMPACT:

There is no financial impact to the City or Recreation Center.

BACKGROUND:

When open space funds are used to purchase property and Jefferson County participates in the acquisition by contributing additional county funds, a reverter clause or real estate encumbrance is placed on the property to ensure that it will always be used for the original park and recreation purpose intended. If the property is not used for park and recreational purposes, the ownership reverts back to Jefferson County. When a request is proposed for use other than parks and

recreation purposes the City Council is required by Jefferson County to approve the subordination of the reverter to allow a different use.

RECOMMENDATIONS:

Staff recommends approval of the resolution subordinating the reverter for the purpose of constructing a storm water drainage structure.

RECOMMENDED MOTION:

“I move to approve Resolution No. 28-2017, a resolution approving action by Jefferson County Open Space to subordinate the reverter clause on the Recreation Center property at 4005 Kipling to permit a drainage easement.

Or,

“I move to postpone indefinitely Resolution No. 28-2017, a resolution approving action by Jefferson County Open Space to permit a drainage easement for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 28-2017

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 28
Series of 2017

**TITLE: A RESOLUTION APPROVING ACTION BY JEFFERSON COUNTY
OPEN SPACE TO SUBORDINATE THE REVERTER CLAUSE ON
THE RECREATION CENTER PROPERTY AT 4005 KIPLING TO
PERMIT A DRAINAGE EASEMENT**

WHEREAS, the Wheat Ridge Recreation Center property was acquired through the use of Jefferson County Open space funds; and

WHEREAS, as a condition of use of those funds, a reverter clause was placed on the Recreation Center Property to require the same to revert to the County should the property be used for other than recreation, park and open space purposes; and

WHEREAS, certain incidental uses of properties acquired with Open Space funds are permitted by the County to the extent the same do not undermine the recreation, open space and park purpose; and

WHEREAS, the City has approved the development and renovation of an adjacent property; and

WHEREAS, the City supports the use of the Recreation Center land for a storm water structure; and

WHEREAS, the installation of this equipment will not interfere with the recreation use of the Recreation Center property; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado, as follows:

Section 1. Subordination approved.

The City Council hereby approves the subordination of the reverter clause pertaining to the Recreation Center property at 4005 Kipling Street

Section 2. Effective date. This resolution shall be effective immediately upon adoption.

DONE AND RESOLVED THIS DAY August 14, 2017.

Joyce Jay, Mayor

ATTEST: _____
Janelle Shaver, City Clerk



ITEM NO: 1b.
DATE: August 14, 2017

REQUEST FOR CITY COUNCIL ACTION



TITLE: MOTION TO APPROVE THE AWARD OF RFP-17-21 INSURANCE BROKER SERVICES TO INSURANCE MANAGEMENT ASSOCIATES, INC. (IMA) OF COLORADO ON A COMMISSION-BASED AGREEMENT AND TO APPROVE A ONE-YEAR TERM WITH THE OPTION TO RENEW FOR FOUR ADDITIONAL ONE-YEAR PERIODS


☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES

☒ NO


Administrative Services Director


City Manager

ISSUE:

The City contracts with a brokerage firm to provide employee insurance benefits which include the following services: review benefit contracts, solicit and negotiate rates for benefit plans in coordination with Human Resources, provide updated information and changes in regulations concerning benefits provided to public employees, evaluate and underwrite data for any changes in benefit plans, counsel, advise and make recommendations to the Administrative Services Department/Human Resources concerning various applicable issues, and act as liaison to insurers when service problems occur. Commissions are generated from the insurance premiums paid by the City and its employees. The contract with the current brokerage firm expires in August, 2017.

PRIOR ACTION:

Insurance Management Associates, Inc. (IMA) has provided these services to the City for the past sixteen years based on a best value award recommendation resulting from competitive

solicitations. Council last approved award of RFP-12-07 Insurance Broker Services to Insurance Management Associates, Inc. (IMA) on June 25, 2012. Options to renew have been exercised on an annual basis since that date.

FINANCIAL IMPACT:

The City's insurance broker works on behalf of the City to negotiate the best rates for staff insurance benefits. Financial impact cannot be defined because this is a commission-based agreement and commissions are generated from the premiums paid by the City and its employees; however, total commissions are estimated at less than \$82,000 for fiscal year 2017.

BACKGROUND:

In accordance with procurement and contracting best-practices and current bid guidelines, the City initiated an RFP process. Six brokerage firms submitted written proposals. After careful screening of the proposals by the evaluation committee, one firm unanimously received the highest individual scores based on the proposed evaluation criteria. The committee selected the incumbent vendor, IMA, thus no interview was conducted.

IMA has proven to be very innovative, has provided state-of-the art services, and customized technologies not offered by other brokers in the insurance industry. Their negotiations for us have often resulted in single-digit renewal increases for the City, atypical in the recent benefits market. In addition, IMA provides two areas of expertise (Wellness Program guidance and Health Care Reform preparation) that other firms do not provide or charge additional fees for services.

RECOMMENDATIONS:

Staff recommends retaining the broker services of IMA of Colorado with an effective date of August 17, 2017, with an option to review for four additional one-year periods.

RECOMMENDED MOTION:

"I move to award RFP-17-21 Insurance Broker Services to Insurance Management Associates, Inc. of Colorado on a commission-based agreement for a one-year term with the option to renew for four additional one-year periods.

Or,

"I move to deny the award of RFP-17-21 Insurance Broker Services to Insurance Management Associates, Inc. of Colorado on a commission-based agreement for a one-year term with the option to renew for four additional one-year periods for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Tamara Dixon, Human Resources Manager
Heather Geyer, Administrative Services Director
Jennifer Nellis, Purchasing Agent

ATTACHMENTS:

1. Bid Tabulation Sheet



PROJECT: RFP-17-21

PROJECT NAME: INSURANCE BROKER SERVICES

DUE DATE/TIME: THURSDAY, JULY 13, 2017 BY TIME 1:00 P.M. LOCAL TIME

REQUESTED BY: TAMARA DIXON - HUMAN RESOURCES DIVISION

OPENED BY: JENNIFER NELLIS, PURCHASING AGENT

WITNESSED BY: CINDY RAILOLO, PURCHASING TECHNICIAN

VENDOR	Holmes Murphy	IMA, Inc.	Gallagher Benefit Services, Inc.	Moreton and Company	Segal Consulting
LOCATION	Greenwood Village, CO	Denver, CO	Centennial, CO	Denver, CO	Greenwood Village, CO
PROPOSER ACKNOWLEDGMENT FORM	Yes	Yes	Yes	Yes	Yes
ACKNOWLEDGEMENT OF ADDENDA (1)	Yes	Yes	Yes	Yes	Yes
ILLEGAL ALIEN COMPLIANCE	Yes	Yes	Yes	Yes	Yes
NON-DISCRIMINATION ASSURANCE	Yes	Yes	Yes	Yes	Yes
NON-COLLUSION AFFADAVIT	Yes	Yes	Yes	Yes	Yes
VENDOR QUALIFICATION FORM	Yes	Yes	Yes	Yes	Yes
REFERENCE AUTHORIZATION AND RELEASE	Yes	Yes	Yes	Yes	Yes
EXPERIENCE AND QUALIFICATIONS	Yes	Yes	Yes	Yes	Yes
TECHNICAL APPROACH	Yes	Yes	Yes	Yes	Yes
REFERENCES AND LOCATION	Yes	Yes	Yes	Yes	Yes
SCHEDULE OF RATES	Yes	Yes	Yes	Yes	Yes

Attachment 1



PROJECT: RFP-17-21

PROJECT NAME: INSURANCE BROKER SERVICES

DUE DATE/TIME: THURSDAY, JULY 13, 2017 BY TIME 1:00 P.M. LOCAL TIME

REQUESTED BY: TAMARA DIXON - HUMAN RESOURCES DIVISION

OPENED BY: JENNIFER NELLIS, PURCHASING AGENT

WITNESSED BY: CINDY RAILOLO, PURCHASING TECHNICIAN

VENDOR	Hays Companies of Denver				
LOCATION	Denver, CO				
PROPOSER ACKNOWLEDGMENT FORM	Yes				
ACKNOWLEDGEMENT OF ADDENDA (1)	Yes				
ILLEGAL ALIEN COMPLIANCE	Yes				
NON-DISCRIMINATION ASSURANCE	Yes				
NON-COLLUSION AFFADAVIT	Yes				
VENDOR QUALIFICATION FORM	Yes				
REFERENCE AUTHORIZATION AND RELEASE	Yes				
EXPERIENCE AND QUALIFICATIONS	Yes				
TECHNICAL APPROACH	Yes				
REFERENCES AND LOCATION	Yes				
SCHEDULE OF RATES	Yes				

REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 27-2017 – A RESOLUTION AMENDING THE FISCAL YEAR 2017 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$841,330 FOR ON-CALL BUILDING PERMIT INSPECTIONS, PLAN REVIEW AND OTHER SUPPORT SERVICES AND RELATED COSTS

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

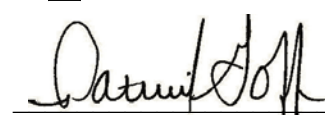
☐ ORDINANCES FOR 1ST READING
☐ ORDINANCES FOR 2ND READING

QUASI-JUDICIAL: ☐ YES

☒ NO



Community Development Director



City Manager

ISSUE:

On May 8, 2017, the City of Wheat Ridge experienced an extremely damaging hailstorm, and as a result, the workload for the City's building division has increased exponentially. Prior to the storm, the City had processed approximately 500 building permits, a typical volume for that time of year. Since the storm the building division has processed more than 4,000 residential, re-roof permits alone. Prior to the storm, building inspection volume was averaging 20 to 30 inspections per day. Currently, staff is averaging 140 to 175+ inspections per day.

Prior to the storm, the City had two full time building permit technicians (one position was temporarily vacant) and two full time building inspectors (one position was temporarily vacant). To respond to the permit processing and inspection volumes, the City has augmented staff resources through the City's contract inspection firm, Charles Abbott and Associates (CAA). CAA is based in Mission Viejo, California, but recently opened a Colorado office in Broomfield. CAA is providing 4-6 inspectors and 2-4 permit technicians on a daily basis to help meet our work volume. A budget supplemental is needed to pay for these additional costs, and other ancillary expenses.

PRIOR ACTION:

During the annual budget adoption process for 2017, City Council approved \$34,000 in the budget for building division contract services. In a typical year, these funds are used to provide on-call staffing during staff absences for vacations, training, illness, etc.

FINANCIAL IMPACT:

Initially, staff transferred funds that were available in other accounts, based on staff vacancies, knowing that a much larger budget supplemental would soon be needed. The intervening time has allowed staff to better understand the scope of the staff resources (and associated funding) that will likely be necessary.

Prior to the hiring CAA, the contract inspection firm was Code Consultants International, and they billed the City \$12,180 for their work through April 18, 2017. Since the storm, CAA has thus far billed \$112,853.75. For reference, CAA's June billing totaled \$94,780. July's bill will exceed \$100,000.

The adopted budget in Building Division Account 01-122-700-704 (Contract Services) was \$34,000. In June, staff transferred \$28,720 in salary savings into the 01-122-700-704 account, resulting in an adjusted budget of \$62,720. Expenses through June 30 for all contract services are \$128,050, so a budget supplemental of \$65,330 is needed to cover actual costs through June 30.

For the balance of July through December of 2017, staff is estimating \$700,000 of additional contract building division staff resources for permit technicians, plan reviews and field inspections. This is based on an estimate of \$150,000 per month for July through October and \$50,000 per month for November and December. This estimate is based on actual costs for the week of July 24th.

This line item account also pays for credit card fees associated with building permits, which were budgeted at \$18,000. As a result of storm-related permit volume, these fees are also estimated to increase to a total of \$90,000 for all of 2017.

Following is a summary of the breakdown of the budget supplemental request:

\$ 65,330 – balance of June contract staffing costs
\$ 72,000 – additional credit card processing costs
\$ 4,000 – additional budget for office supplies
<u>+ \$ 700,000 – additional contract labor (CAA) for the balance of the year</u>
\$ 841,330 – TOTAL budget supplemental request

Since the May 8 storm, and as of August 7, 2017, approximately \$1,800,000 has been generated in fees and use taxes for residential re-roof permits. Conservatively, staff is estimating approximately 6000 residential re-roof permits in total will be processed and paid for in 2017. Though it is difficult to predict, staff anticipates the work of completing all necessary roof repairs will likely continue into 2018; however not likely at the same volume. Based on a typical building permit charge (fee and use tax) of \$400, staff estimates total revenue of \$2,400,000 in 2017.

This supplemental budget appropriation will not decrease the City's undesignated reserve below the minimum 17% policy.

BACKGROUND:

The City of Wheat Ridge was at the center of the damaging May 8 hailstorm, which at times had hailstones as large as baseballs. This storm is on track to be the costliest weather-related storm event in Colorado's history. For budgeting purposes, staff has estimated a total of 7,000 residential re-roof permits will be issued over the course of 2017 and 2018; although, those figures could easily go higher based on the volume of permit applications received to date.

To respond to the permit application and inspection volume, staff has brought on between 4 and 6 additional inspectors, between 2 and 4 additional building permit technicians, and plan reviewers as needed. The City continues to offer next day inspections, though the ability for permit holders to request an inspection time window has been temporarily suspended. The City's on-call inspection firm, Charles Abbott and Associates is providing the additional staff resources.

CAA is relatively new to the City. They were the successful bidder earlier this year through a competitive RFP process and started with the City on April 18 by letter of engagement. Due to the rapid departure of the previous contract building inspection firm, it was necessary to enter into this temporary agreement prior to City Council's award of a formal contract (pending). CAA has numerous offices throughout the country and has brought in staff from as far away as California, Nevada and Georgia.

RECOMMENDATIONS:

Staff recommends approval of the resolution in order to provide for a supplemental budget appropriation in the amount of \$841,330 for the purpose of amending the fiscal year 2017 budget to reflect the need for additional building division staff resources to respond to the permit and inspection volume associated with the May storm.

RECOMMENDED MOTION:

"I move to approve Resolution No. 27-2017, a resolution amending the fiscal year 2017 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$841,330 for on-call building permit inspections, plan review and other support services and related costs."

Or,

"I move to table indefinitely Resolution No. 27-2017, a resolution amending the fiscal year 2017 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$841,330 for on-call building permit inspections, plan review and other support services and related costs for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Kenneth Johnstone, Community Development Director
Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 27 -2017

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 27
Series of 2017

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2017 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$841,330 FOR ON-CALL BUILDING PERMIT INSPECTIONS, PLAN REVIEW AND OTHER SUPPORT SERVICES AND RELATED COSTS

WHEREAS, the City regularly contracts with an outside firm to provide intermittent building inspections, plan review and other building division related services; and

WHEREAS, Charles Abbott Associates was selected by staff as the top firm to provide said services through RFQ-17-09 in the spring of 2017; and

WHEREAS, a hailstorm on May 8, 2017, has resulted in a significant increase in the amount of contract building permit-related services required by the City to address the associated building permit and inspection volume; and

WHEREAS, said storm has also resulted in increases in credit card processing fees and other office supply expenses; and

WHEREAS, the requested funding is available in the General Fund undesignated reserves.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Wheat Ridge, Colorado as follows:

- Section 1. A transfer of \$72,000 for additional credit card processing fees to account 01-122-700-704
- Section 2. A transfer of \$765,330 for on-call building permit inspections, plan reviews and other support services to account 01-122-700-704
- Section 3. A transfer of \$4,000 for office supplies to account 01-120-600-651

DONE AND RESOLVED this 14th day of August 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

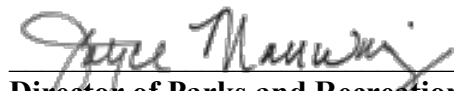
REQUEST FOR CITY COUNCIL ACTION

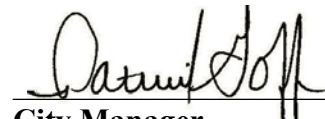
TITLE: COUNCIL BILL 15-2017 - AN ORDINANCE GRANTING A PERMANENT DRAINAGE EASEMENT TO EQUINOX PROPERTIES, LLC FOR THE PURPOSE OF CONSTRUCTING A STORMWATER STRUCTURE ON CITY-OWNED PROPERTY

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (07/24/2017)
☒ ORDINANCES FOR 2ND READING (08/14/2017)

QUASI-JUDICIAL: ☐ YES ☒ NO


Director of Parks and Recreation


City Manager

ISSUE:

Equinox Properties, LLC is expanding and conducting improvements to the Circle K located at 3805 Kipling Street. As part of these improvements a new storm water/drainage structure is required. This structure is located in Lena Gulch on city-owned property, just south of the Recreation Center at 4005 Kipling Street.

PRIOR ACTION:

Equinox Properties, LLC applied to the Jefferson County Open Space Department for a subordination of the reverter clause for a utility easement on park property. Jefferson County approved the easement request contingent on the granting of a permanent easement by City Council.

Earlier this month, the City approved Equinox Subdivision Filing No. 1, an administrative subdivision plat which has been recorded with the Jefferson County Clerk and Recorder. The plat and easement allow for redevelopment of the existing Circle K and creates a new development lot.

FINANCIAL IMPACT:

There is no direct financial impact to the City.

BACKGROUND:

When open space funds are used to purchase property, and Jefferson County participates in the acquisition by contributing additional county funds, a reverter clause or real estate encumbrance is placed on the property to ensure that the property always be used for the original park and recreation purpose intended. If the property is not used for park and recreation purposes, such as a utility easement, Jefferson County Open Space removes the reverter clause on the portion of the property required. In this specific case the reverter clause has been removed in the area required for the storm water structure and staff is requesting City Council approve a permanent easement on City Park and Recreation property.

RECOMMENDATIONS:

Staff recommends a permanent easement be approved by the City Council.

RECOMMENDED MOTION:

“I move to approve Council Bill 15-2017, an ordinance approving a permanent drainage easement to Equinox Properties, LLC for the purpose of constructing a storm water structure on city-owned property on second reading and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill 15-2017, an ordinance approving a permanent drainage easement to Equinox Properties, LLC for the purpose of constructing a storm water structure on city-owned property for the following reason(s)

_____.”

REPORT PREPARED BY:

Lauren Mikulak, Senior Planner

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 15-2017 (with Exhibit)
2. Easement Map
3. Subdivision Plat

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER FITZGERALD
COUNCIL BILL NO. 15
ORDINANCE NO. _____
Series 2017

TITLE: AN ORDINANCE GRANTING A PERMANENT DRAINAGE EASEMENT TO EQUINOX PROPERTIES, LLC, FOR THE PURPOSE OF CONSTRUCTING A STORMWATER STRUCTURE ON CITY-OWNED PROPERTY

WHEREAS, the City of Wheat Ridge is a home rule municipality having all powers conferred by Article XX of the Colorado Constitution; and

WHEREAS, the Council is authorized by Section 16.5 of the Charter to dispose of real property held by the City, by ordinance; and

WHEREAS, the Council wishes to grant a permanent drainage easement across real property owned by the City in the vicinity of 38th Avenue and Kipling Street.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Easement approved. The Council hereby approves the grant of a permanent drainage easement across City-owned property, in the form attached hereto as **Exhibit 1** and fully incorporated by this reference. The Mayor and City Clerk are authorized and directed to execute the same.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 7 to 0 on this 24th day of July, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 14, 2017 at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this 14th day of August, 2017.

SIGNED by the Mayor on this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: July 27, 2017

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

Wheat Ridge Transcript and www.ci.wheatridge.co.us

Exhibit 1
Form of easement
[attached]

EXHIBIT A

SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 1 OF 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 21 BEARS S89°12'50"W WHICH IS THE BASIS OF BEARINGS FOR ALL BEARINGS STATED HEREIN; THENCE N37°49'05"W, A DISTANCE OF 450.28 FEET TO THE TRUE POINT OF BEGINNING;

THENCE N15°40'53"W, A DISTANCE OF 113.31 FEET;
THENCE S74°19'07"W, A DISTANCE OF 15.00 FEET;
THENCE S15°40'53"E, A DISTANCE OF 118.15 FEET;
THENCE N56°26'03"E, A DISTANCE OF 15.76 FEET TO THE TRUE POINT OF BEGINNING.

THE DESCRIBED PARCEL CONTAINS 1,736 SQUARE FEET OR 0.0399 ACRES, MORE OR LESS.



prepared by:
ROBERT J. RUBINO
RUBINO SURVEYING
3312 AIRPORT ROAD
BOULDER, CO 80301
(303)464-9515 FAX (303)464-7792
E-MAIL: rubinosurveying@ool.com

ROBERT J. RUBINO, P.L.S. 14142

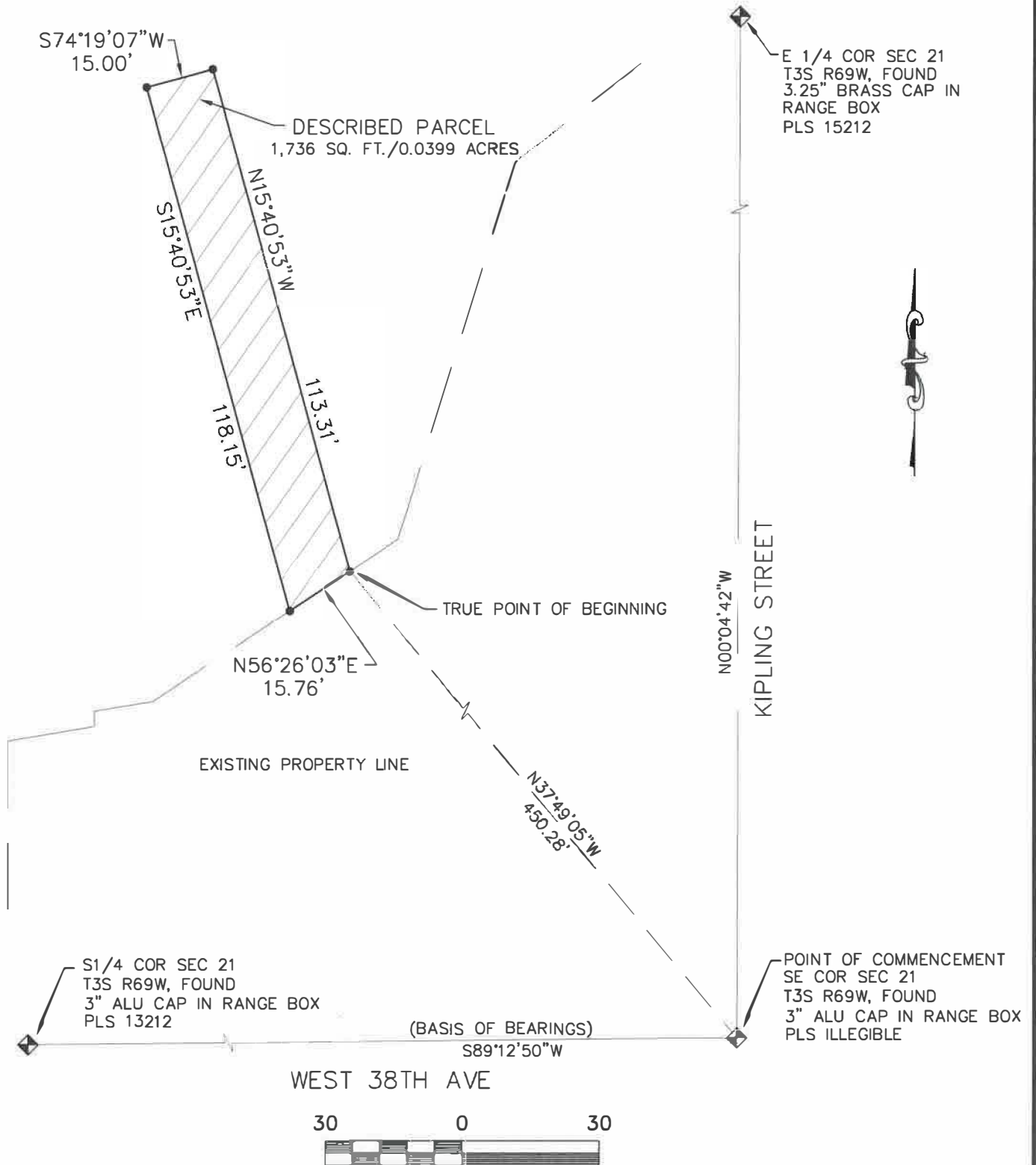
16135EASEMENT.DWG

DRAWN BY: BR	APPROVED BY: RJR	DATE: APRIL 9, 2017	JOB NO. 16135
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EXHIBIT A

SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M.
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 2



RUBINO SURVEYING
3312 AIRPORT ROAD
BOULDER, CO 80301
(303)464-9515 FAX (303)464-7792
E-MAIL: rubinosurveying@aol.com

Scale 1" = 30 ft

ROBERT J. RUBINO, P.L.S. 14142

16135EASEMENT.DWG


DRAWN BY: BR

APPROVED BY: RJR

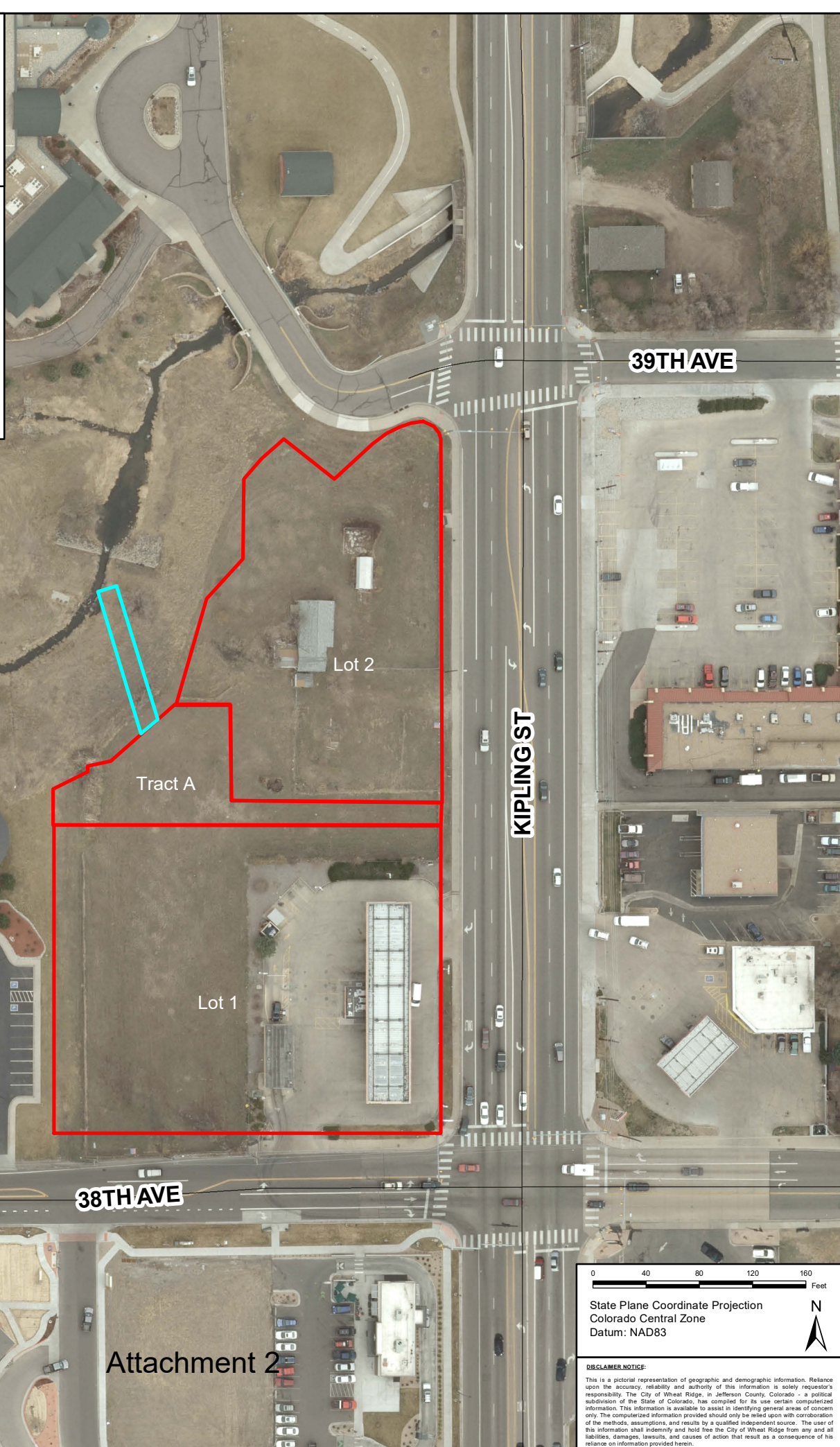
DATE: APRIL 9, 2017

JOB NO. 16135

Legend

 Equinox Subdivision

 Subject Easement



38TH AVE


39TH AVE

KIPLING ST

Attachment 2

0 40 80 120 160 Feet

State Plane Coordinate Projection
Colorado Central Zone
Datum: NAD83



DISCLAIMER NOTICE
This is a pictorial representation of geographic and demographic information. Reliance upon the accuracy, reliability and authority of this information is solely requestor's responsibility. The City of Wheat Ridge, in Jefferson County, Colorado - a political subdivision of the State of Colorado, has compiled for its use certain computerized information. This information is available to assist in identifying general areas of concern only. The computerized information provided should only be relied upon with corroboration of the methods, assumptions, and results by a qualified independent source. The user of this information shall indemnify and hold free the City of Wheat Ridge from any and all liabilities, damages, lawsuits, and causes of action that result as a consequence of his reliance on information provided herein.

OWNER'S CERTIFICATE:

WE, CIRCLE K STORES INC., AND EQUINOX PROPERTIES, LLC, BEING THE OWNERS OF THE REAL PROPERTY OF 3.0551 ACRES DESCRIBED AS FOLLOWS;

PARCEL 1:

THAT PART OF THE EAST 1/2 EAST 1/2 SOUTHEAST 1/4 SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION; RUNNING THENCE NORTH ALONG EAST LINE OF SAID SECTION 762 FEET TO A POINT; RUNNING THENCE IN A SOUTHWESTERLY DIRECTION IN A STRAIGHT LINE TO A POINT ON WEST LINE OF SAID E1/2E1/2SE1/4SE1/4 OF SAID SECTION, WHICH POINT IS 600 FEET NORTH OF SOUTH LINE OF SAID SECTION; RUNNING THENCE ALONG WEST LINE OF SAID E1/2E1/2SE1/4SE1/4 TO SOUTH LINE OF SAID SECTION; RUNNING THENCE EAST ALONG SOUTH LINE OF SAID SECTION TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION DEEDED TO STANDARD OIL COMPANY, RECORDED OCTOBER 23, 1956 IN BOOK 1026 AT PAGE 160, OF THE RECORDS OF JEFFERSON COUNTY;

AND EXCEPT THAT PORTION DEEDED TO THE AMERICAN OIL COMPANY, RECORDED JUNE 10, 1968 IN BOOK 2024 AT PAGE 347;

AND EXCEPT RIGHT OF WAY FOR WEST 38TH AVENUE, AND RIGHT OF WAY FOR KIPLING STREET WHICH HAVE PREVIOUSLY BEEN DEDICATED TO THE COUNTY OF JEFFERSON, STATE OF COLORADO;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF WHEAT RIDGE BY QUIT CLAIM DEED RECORDED MARCH 29, 1989 AT RECEPTION NO. 89026317;

AND EXCEPT THOSE PORTIONS CONVEYED TO THE CITY OF WHEAT RIDGE BY WARRANTY DEEDS RECORDED JULY 23, 1999 AT RECEPTION NO. F0913893 AND F0913895;

AND EXCEPT THAT PORTION CONVEYED TO THE CITY OF WHEAT RIDGE BY DEED RECORDED MAY 7, 1980 AT RECEPTION NO. 80035262;

AND EXCEPT ANY PORTION LOCATED WITHIN THE CONSOLIDATION PLAT AMOCO STATION NO. 5215 RECORDED APRIL 25, 1989 AT RECEPTION NO. 89034911.

PARCEL 2:

A TRACT OF LAND LYING IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF WEST 1/2 OF THE EAST 1/2 OF SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 21; THENCE NORTHERLY ALONG THE EAST LINE OF THE SAID WEST 1/2 A DISTANCE OF 30 FEET TO THE TRUE POINT OF BEGINNING; SAID POINT LYING ON THE NORTH RIGHT OF WAY LINE OF WEST 38TH AVENUE; THENCE NORTHERLY ALONG THE EAST LINE OF THE SAID WEST 1/2 A DISTANCE OF 296.4 FEET; THENCE ON A DEFLECTION LEFT 99°30', A DISTANCE OF 20.28 FEET TO A POINT WHICH LIES 20 FEET WEST OF THE EAST LINE OF THE SAID WEST 1/2; THENCE SOUTHERLY PARALLEL TO THE SAID EAST LINE OF THE WEST 1/2 A DISTANCE OF 293.0 FEET MORE OR LESS TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF WEST 38TH AVENUE; THENCE EASTERLY A DISTANCE OF 20 FEET ALONG THE SAID NORTHERLY RIGHT WAY LINE OF WEST 38TH AVENUE TO THE TRUE POINT OF BEGINNING.

PARCEL 3:

LOT 1, CONSOLIDATION PLAT AMOCO STATION NO. 5215 RECORDED APRIL 25, 1989 AT RECEPTION NO. 89034911, COUNTY OF JEFFERSON, STATE OF COLORADO.

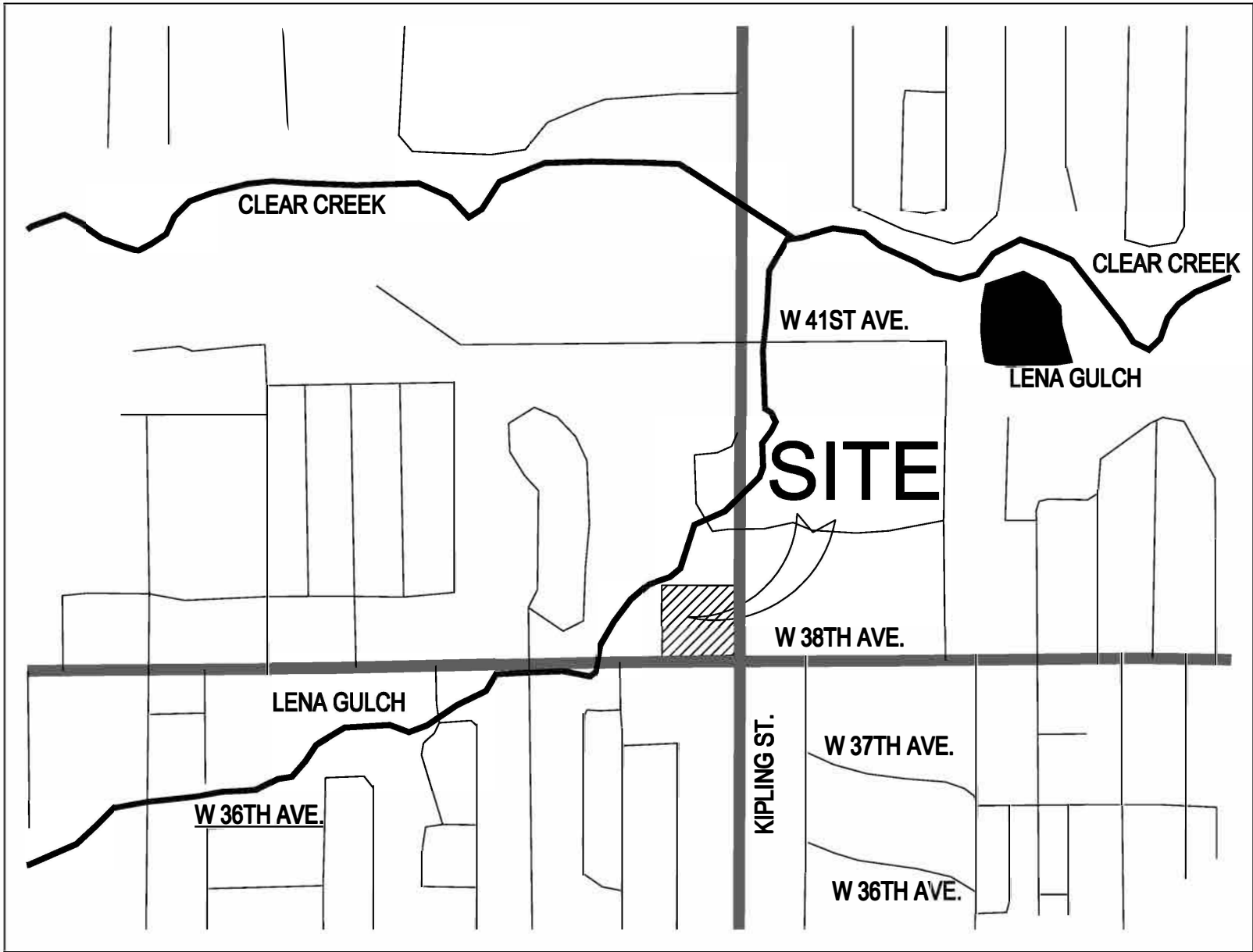
THE SUBJECT PROPERTY BEING MORE PARTICULARLY DESCRIBED AS:

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21, FROM WHICH THE SOUTH 1/4 CORNER OF SAID SECTION 21 BEARS S89°12'50"W WHICH IS THE BASIS OF BEARINGS FOR ALL BEARINGS STATED HEREIN; THENCE N38°49'34"W, A DISTANCE OF 75.09 FEET TO THE WESTERLY ROW LINE OF KIPLING STREET AND THE TRUE POINT OF BEGINNING;

THENCE N00°04'42"W ALONG SAID WESTERLY LINE, A DISTANCE OF 185.87 FEET; THENCE S89°12'50"W ALONG SAID WESTERLY LINE, A DISTANCE OF 8.00 FEET; THENCE N00°04'42"W ALONG SAID WESTERLY LINE, A DISTANCE OF 315.31 FEET; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHWEST (SAID CURVE HAVING A RADIUS OF 22.00 FEET, A DELTA ANGLE OF 117°05'08", A CHORD BEARING N58°37'16"W, 37.53 FEET), AN ARC LENGTH OF 44.96 FEET; THENCE SOUTHWESTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST (SAID CURVE HAVING A RADIUS OF 117.00 FEET, A DELTA ANGLE OF 18°09'15", A CHORD BEARING S53°45'33"W, 36.92 FEET), AN ARC LENGTH OF 37.07 FEET; THENCE S44°40'55"W, A DISTANCE OF 31.76 FEET; THENCE N45°19'05"W, A DISTANCE OF 55.10 FEET; THENCE S47°55'18"W, A DISTANCE OF 23.93 FEET; THENCE S28°55'18"W, A DISTANCE OF 34.00 FEET; THENCE S00°24'42"E, A DISTANCE OF 61.00 FEET; THENCE S51°35'18"W, A DISTANCE OF 35.00 FEET; THENCE S17°05'18"W, A DISTANCE OF 86.00 FEET; THENCE S56°26'03"W, A DISTANCE OF 64.31 FEET; THENCE S80°25'18"W, A DISTANCE OF 13.00 FEET; THENCE S00°06'34"E, A DISTANCE OF 3.30 FEET; THENCE S80°23'26"W, A DISTANCE OF 19.18 FEET THE EASTERLY LINE OF THE WHEAT RIDGE GROUP SUBDIVISION; THENCE S00°06'34"E ALONG SAID EASTERLY LINE, A DISTANCE OF 293.29 FEET TO THE NORTHERLY ROW LINE OF WEST 38TH AVENUE; THENCE N89°12'50"E ALONG SAID NORTHERLY LINE, A DISTANCE OF 145.27 FEET; THENCE N00°04'42"W ALONG SAID NORTHERLY LINE, A DISTANCE OF 0.50 FEET; THENCE N89°12'50"E ALONG SAID NORTHERLY LINE, A DISTANCE OF 129.37 FEET; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE NORTHWEST (SAID CURVE HAVING A RADIUS OF 29.00 FEET, A DELTA ANGLE OF 89°17'32", A CHORD BEARING N44°34'04"E, 40.76 FEET), AN ARC LENGTH OF 45.19 FEET TO THE TRUE POINT OF BEGINNING.

AND HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME UNDER THE NAME AND STYLE OF EQUINOX SUBDIVISION FILING NO. 1, A SUBDIVISION OF A PART OF THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF SAID REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORM WATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

EQUINOX SUBDIVISION FILING NO. 1
A PORTION OF THE SE 1/4 OF SECTION 21, TOWNSHIP 3 SOUTH,
RANGE 69 WEST OF THE 6TH P.M., CITY OF WHEAT RIDGE,
COUNTY OF JEFFERSON, STATE OF COLORADO
SHEET 1 OF 2



VICINITY MAP
NOT TO SCALE

OWNER: CIRCLE K STORES INC., A TEXAS CORPORATION (LOT 1)

BY: _____, AS: REAL ESTATE DIRECTOR
TIM PETERS

STATE OF _____)
COUNTY OF _____) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____DAY OF _____, A.D. 20____ BY TIM PETERS, AS REAL ESTATE DIRECTOR.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC

OWNER: EQUINOX PROPERTIES, LLC, A COLORADO LIMITED LIABILITY COMPANY (LOT 2 AND TRACT A)

BY: _____, AS: MANAGING MEMBER
CRAIG S. KINARD

STATE OF COLORADO)
COUNTY OF JEFFERSON) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____DAY OF _____, A.D. 20____ BY CRAIG S. KINARD, AS MANAGING MEMBER.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC

EASEMENT NOTES:

1. PURSUANT TO THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN THE OWNERS HEREOF RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY OF JEFFERSON, STATE OF COLORADO, AT RECEPTION NO. _____ THE STORMWATER QUALITY AREA SHOWN AS TRACT A SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER AND SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNER, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREA AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNER, HEIRS, SUCCESSORS, AND ASSIGNS AGREES TO PAY. NO BUILDING OR STRUCTURE WILL BE CONSTRUCTED IN THE DETENTION AREA AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC CHARACTERISTICS OF THE DETENTION AREA WILL BE MADE WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS. TRACT A IS FULLY ENCUMBERED BY A DRAINAGE EASEMENT TO THE BENEFIT OF THE CITY OF WHEAT RIDGE.

2. PURSUANT TO THAT CERTAIN RECIPROCAL EASEMENT AGREEMENT BY AND BETWEEN THE OWNERS HEREOF RECORDED WITH THE CLERK AND RECORDER OF THE COUNTY OF JEFFERSON, STATE OF COLORADO, AT RECEPTION NO. _____ THE OWNER(S) OF LOT 1 AND 2 AND TRACT A, AND HIS SUCCESSORS AND ASSIGNS, GRANTS LIMITED RIGHTS AND PRIVILEGES TO ACCESS AND UTILITIES AND TO FREE MOVEMENT THROUGH THOSE AREAS INDICATED AS ACCESS AND UTILITY EASEMENTS, AS ILLUSTRATED UPON THIS PLAT. SUCH GRANT OF EASEMENT SHALL BE LIMITED TO THE OWNERS, TENANTS, CUSTOMERS, AND GUESTS OF THE OWNERS, AND SHALL FURTHERMORE GRANT ACCESS TO AND FREE MOVEMENT THROUGH SAID EASEMENTS TO THOSE ENTERING SAID EASEMENTS FROM SIMILARLY RECORDED EASEMENTS FROM ADJACENT PROPERTIES AND/OR FROM ABUTTING PUBLIC STREETS. NOTWITHSTANDING THE PREVIOUS LIMITATIONS, ACCESS EASEMENTS SHALL ALSO BE FOR THE PURPOSE OF EMERGENCY ACCESS AND VEHICLES AND SHALL BE KEPT FREE FROM OBSTRUCTION.

3. TEMPORARY CONSTRUCTION AND PERMANENT STORM WATER EASEMENTS WILL BE OBTAINED BY SEPARATE DOCUMENT FROM JEFFERSON COUNTY AND/OR THE CITY OF WHEAT RIDGE FOR THE AREA ADJACENT TO AND OUTSIDE OF THE SUBDIVISION BOUNDARY AS PLATTED HEREIN..

GENERAL NOTES:

1. NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATE SHOWN HEREON.

2. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY RUBINO SURVEYING TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD, RIGHT OF WAY OR TITLE OF RECORD. RUBINO SURVEYING RELIED UPON LAND TITLE GUARANTEE COMPANY, COMMITMENT NO. ABN70490394, EFFECTIVE APRIL 13, 2016.

3. THE BASIS OF BEARINGS IS THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 21 ASSUMED TO BEAR S89°12'50"W PER THE CURRENT CITY DATUM BETWEEN MONUMENTS FOUND AND DESCRIBED HEREON. THE BASIS OF BEARINGS ALONG WITH NOTES 8, 9, 10 AND 11 WERE SUPPLIED FROM THE CITY AND THE DATA DESCRIBED THEREIN WAS NOT VERIFIED BY THIS SURVEY. THIS SURVEY IS CONSISTENT WITH THE CURRENT CITY DATUM AS SUPPLIED BY THE CITY.

4. THE LINEAL UNITS SHOWN HEREON ARE BASED ON THE US SURVEY FOOT.

5. ALL EASEMENTS SHOWN ON THE "EXISTING CONDITIONS" PORTION OF THIS PLAT ARE HEREBY REMOVED, TERMINATED AND EXTINGUISHED BY THIS PLAT.

6. UNLESS OTHERWISE NOTED, ALL EXISTING LOT LINES SHALL BE REMOVED UPON RECORDATION OF THIS PLAT.

7. THIS PLAT WILL NOT BE APPROVED AT PUBLIC HEARING AND RIGHT-OF-WAY DEDICATION WILL OCCUR BY SEPARATE INSTRUMENT.

8. ALL DISTANCES ON THIS PLAT ARE SHOWN USING (GROUND) MODIFIED STATE PLANE MEASUREMENTS (U.S. SURVEY FEET ROUNDED TO THE NEAREST 0.01') CONSISTENT WITH THE CURRENT CITY DATUM, AND THE FOLLOWING DATUM INFORMATION IS SHOWN ON THE FINAL AS PROPOSED CONDITIONS:
A. THE CURRENT CITY DATUM COORDINATE SYSTEM IS A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 502.
B. VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
C. GROUND TO GRID SCALE FACTOR IS 0.9974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1: NORTHING 1701258.75, EASTING 3118217.58, ELEVATION: 5471.62.

9. THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO FIPS 0502 COORDINATE SYSTEM, HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE FGDC-STD-007.2-1998)

10. CITY MONUMENT #15409 NORTHING: 705773.73, EASTING: 110511.46

11. CITY MONUMENT #15309 NORTHING: 705737.48, EASTING: 107869.65

SURVEYOR'S CERTIFICATE:

I, ROBERT J. RUBINO, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF EQUINOX SUBDIVISION FILING NO. 1, WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENTS SAID SURVEY

ROBERT J. RUBINO, PLS 14142

CITY CERTIFICATION:

APPROVED THIS ____ DAY OF _____ BY THE CITY OF WHEAT RIDGE.

ATTEST

CITY CLERK MAYOR

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF PUBLIC WORKS

COUNTY CLERK AND RECORDERS CERTIFICATE:

STATE OF COLORADO)
COUNTY OF JEFFERSON) SS

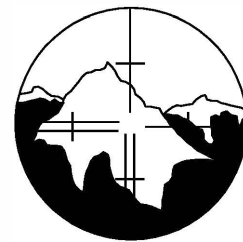
I HEREBY CERTIFY THAT THIS PLAT WAS FILED IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, AT ____O'CLOCK__M. ON THE ____ DAY OF _____, A.D., IN BOOK____, PAGE____, RECEPTION NO. _____.

JEFFERSON COUNTY CLERK AND RECORDER

BY: _____
DEPUTY

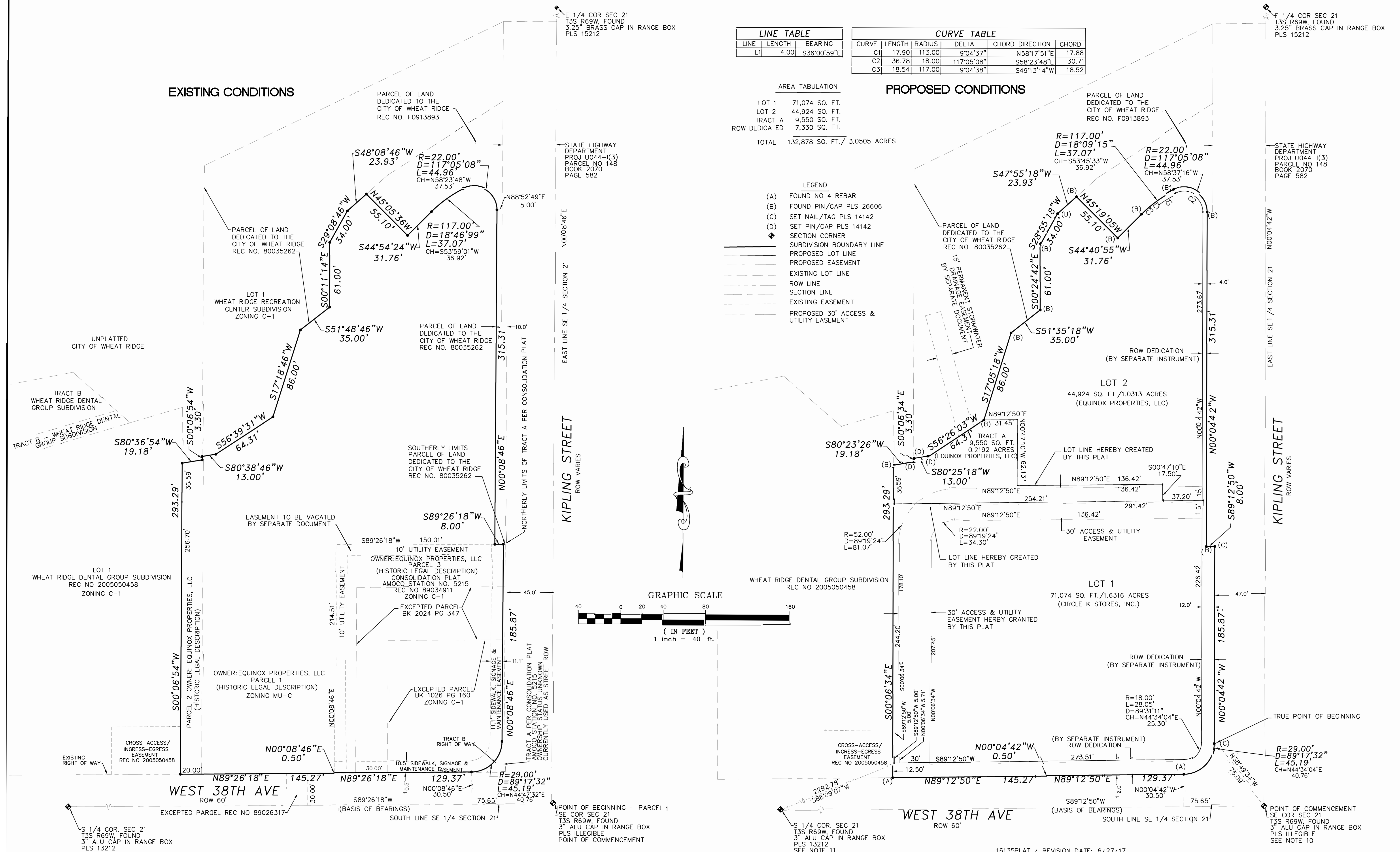
CASE HISTORY

MS-16-05
WCP-16-02



prepared by:
RUBINO SURVEYING
3312 AIRPORT ROAD
BOULDER, COLORADO 80301
(303) 464-9515

Attachment 3



REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 16-2017 – AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6025 WEST 40TH AVENUE FROM COMMERCIAL-ONE (C-1) TO RESIDENTIAL-ONE C (R-1C) (CASE NO. WZ-17-05/SHADOW HOMES)

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

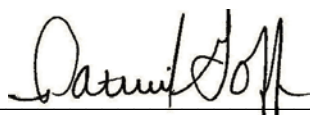
- ☒ ORDINANCES FOR 1ST READING (8/14/2017)
☐ ORDINANCES FOR 2ND READING (9/11/2017)

QUASI-JUDICIAL: ☒ YES

☐ NO



Community Development Director



City Manager

ISSUE:

The applicant is requesting approval of a zone change from Commercial-One (C-1) to Residential-One C (R-1C) for property located at 6025 W. 40th Avenue.

The proposed rezoning area includes two parcels, with a total size of approximately one-third of an acre. The purpose of the zone change is to bring the property, and its historical use as a residence, into compliance with the zoning regulations. The zone change will also allow for the future construction of an additional home, pending approval of this zone change and an administrative subdivision review.

PRIOR ACTION:

Planning Commission heard the request at a public hearing on August 3, 2017, and recommended approval. The staff report and meeting minutes from the Planning Commission meeting will be included with the ordinance for second reading.

FINANCIAL IMPACT:

The proposed zone change is not expected to have a direct financial impact on the City. Fees of \$865.25 were collected for the review and processing of Case No. WZ-17-05.

BACKGROUND:

The property is located at 6025 W. 40th Avenue, just west of Harlan Street, in the northeast quadrant of the City. The property is currently zoned Commercial-One (C-1) which allows a wide range of commercial uses, such as office, general business, retail sales, and service establishments, which are oriented towards the community or entire region.

The primary structure on the property was built in 1942 and has served as a residence as far back as City records indicate. Many other properties in the area are zoned commercially, but utilized residentially. These properties were built primarily during two time periods: late 1890s thru early 1900s and the early 1950s. Both periods are prior to the incorporation of the City of Wheat Ridge, and one is prior to the adoption of the original zoning code by Jefferson County in 1941. The inconsistent zoning is also found in the reverse; a commercial use in the same area is zoned residential, and was constructed in 1943. This pattern demonstrates the disconnect between land use and zoning that has existed in this isolated part of the City for decades.

Surrounding Land Uses

The subject property is zoned Commercial-One (C-1), and surrounding properties, have a mix of commercial and residential zoning, although predominately residential. To the south and east, is a large area of Residential-Three (R-3) zoned properties, consisting of single-family, duplex, and multi-family development. The neighboring property to the east is currently vacant and zoned Residential-One C (R-1C), the same zone district proposed for the subject property. To the west, the neighboring property is a single family home zoned C-1, and further west is an area of Residential-Two (R-2) zoned properties. To the north are more C-1 zoned properties, which are largely utilized for single-family, duplex, and multi-family uses.

Current and Proposed Zoning

The proposed zone district, R-1C, is a small-lot, single-family residential zone district. Other limited uses, such as schools, churches, government buildings, and group homes, are permitted with a Special Use Permit but would require a lot size far larger than the subject parcel. The current zoning, C-1, allows for a wide range of commercial uses, such as offices, general business, retail sales, auto service and other service establishments which are oriented towards the community or entire region.

A zone change from C-1 to R-1C will bring the property into conformance with its historic and continued use as a residential property. It should be noted that in the C-1 zone district, residential uses are permitted on a very limited basis per section 26-626 of the city code. Existing residential uses may continue, but new residential uses must be accessory to a commercial use.

The rezoning would allow an additional single-family home to be built, if the zone change is approved by City Council and if an administrative subdivision is approved. The zone change will also provide assurances that the property will not be scraped for a commercial use, as is currently allowed under the C-1 zoning.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 16-2017 an ordinance approving the rezoning of property located at 6025 West 40th Avenue from Commercial-One (C-1) to Residential-One C (R-1C) on

first reading, order it published, public hearing set for Monday, September 11, 2017, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

REPORT PREPARED/REVIEWED BY:

Zack Wallace, Planner II

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 16-2017

CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 16
ORDINANCE NO. _____
Series of 2017

TITLE: AN ORDINANCE APPROVING THE REZONING OF PROPERTY LOCATED AT 6025 WEST 40TH AVENUE FROM COMMERCIAL-ONE (C-1) TO RESIDENTIAL-ONE C (R-1C) (CASE NO. WZ-17-05 / SHADOW HOMES)

WHEREAS, Chapter 26 of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of requests for land use cases; and,

WHEREAS, Shadow Homes has submitted a land use application for approval of a zone change to the Residential-One C (R-1C) zone district for property located at 6025 West 40th Avenue; and,

WHEREAS, the City of Wheat Ridge has adopted a comprehensive plan—*Envision Wheat Ridge*—which supports opportunities for home ownership and encourages investment in established neighborhoods; and,

WHEREAS, the zone change will align the land use and zoning on the property and prevent commercial uses in an otherwise established residential neighborhood; and,

WHEREAS, the City of Wheat Ridge Planning Commission held a public hearing on August 3, 2017 and voted to recommend approval of rezoning the property to Residential-One C (R-1C),

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Upon application by Shadow Homes for approval of a zone change ordinance from Commercial-One (C-1) to Residential-One C (R-1C) for property located at 6025 W. 40th Avenue, and pursuant to the findings made based on testimony and evidence presented at a public hearing before the Wheat Ridge City Council, a zone change is approved for the following described land:

Parcel A:

That part of the North 1/2 of the NE 1/4 of the S 1/4 of the SW 1/4 of Section 24, Township 3 South, Range 69, West of the 6th P.M., described as follows: Beginning at the SE corner of the above tract, thence due North 75 feet; thence at right angles due West 297 feet; thence at right angles due South 75 feet; thence at right angles due East 297 feet to the true point of beginning; except that portion of the above property described in deed recorded in Book 830 at

ATTACHMENT 1

page 554 in the records of the office of the Clerk and Recorder of Jefferson County, County of Jefferson, State of Colorado.

Parcel B:

That part of the North 1/2 of the NE 1/4 of the S 1/4 of the SW 1/4 of Section 24, Township 3, Range 69, West of the 6th P.M., described as follows: Beginning at a point on the North line of said tract, 297 feet West of the NE corner of said tract; thence South 180 feet to the True Point of Beginning; thence East 25 feet; thence South 75 feet; thence West 25 feet; thence North 75 feet to the true point of beginning, County of Jefferson, State of Colorado.

Parcel C:

That part of the North 1/2 of the NE 1/4 of the S 1/4 of the SW 1/4 of Section 24, Township 3, Range 69, West of the 6th P.M., described as follows: described as follows, to wit: That portion of the Lot five beginning at a point on the North line of the above described tract, 214 feet West and 180 South of the NE corner of said above described tracts which is the true point of beginning; thence South 75 feet to a point; thence at right angles West 58 feet to a point; thence at right angles North 765 feet to a point; thence at right angles East 58 feet to the true point of beginning, County of Jefferson, State of Colorado

Section 2. Vested Property Rights. Approval of this zone change does not create a vested property right. Vested property rights may only arise and accrue pursuant to the provisions of Section 26-121 of the Code of Laws of the City of Wheat Ridge.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Severability; Conflicting Ordinance Repealed. If any section, subsection or clause of the ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 5. Effective Date. This Ordinance shall take effect 15 days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 14th day of August, 2017, ordered it published with Public Hearing and consideration on final passage set for **Monday, September 11, 2017 at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by
a vote of _____ to _____, this _____ day of _____, 2017.

SIGNED by the Mayor on this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

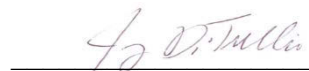
1st publication:
2nd publication:
Wheat Ridge Transcript:
Effective Date:

REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NO. 17-2017 – AN ORDINANCE AMENDING SECTION 5-41 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING BUILDING PERMIT FEES**

- ☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☒ ORDINANCES FOR 1ST READING (08/14/2017)
☐ ORDINANCES FOR 2ND READING (08/28/2017)

QUASI-JUDICIAL:

☐ YES☒ NO

City Treasurer

City Manager

Administrative Services Director**ISSUE:**

An amendment to Section 5-41 of the Building Code is recommended in order to provide clarification on the definition of project valuation. As a result of a protest filed in 2017 with the City Treasurer, staff reviewed the administrative practices used in determining project valuation. Staff and the City Treasurer proposed amending the current code language to provide greater clarity for the business community.

PRIOR ACTION:

Staff presented the recommended code amendment to City Council at the July 17, 2017, Study Session. Council provided staff with consensus to bring the code amendment forward.

FINANCIAL IMPACT:

None

BACKGROUND:

A contractor submitted a use tax refund request to the Tax Division for a completed construction project. Following the long-standing practice established at the direction of a former Community Development Director, Tax Division staff audited the project and valued the completed project based on its contract (or purchase) value. As the refund request was processed, it was discovered that the Building Division uses a different method of project valuation when building plans are first filed and building permits are issued. The Building Division uses the cost-of-construction valuation established by the International Construction Code. Either method of valuation can be used, as long as the City's internal practices and information provided to the public are consistent.

The Tax Division staff conducted a survey of other Colorado cities and found that, out of the 17 respondents, only Greenwood Village and Denver use contract/purchase price to value construction projects. Most jurisdictions use the cost-of-construction valuation method.

After considering the data, staff, the City attorney and the treasurer reached a consensus that the cost-of-construction valuation is consistent with common practice among other cities in Colorado and is a business-friendly approach. It was also determined that a Code amendment that defines "valuation" and "total value" would provide clarity concerning the City's valuation method and hopefully avoid future inconsistencies.

Staff and the treasurer recommend amending Section 5-41 of the Code to include a definition of the terms "valuation" and "total cost" as a matter of clarity, and that cost-of-construction, as set forth in the ICC, be used at the time a construction project permit is issued.

RECOMMENDATIONS:

Staff recommends approval.

RECOMMENDED MOTION:

"I move to approve Council Bill No. 17-2017, an ordinance amending Section 5-41 of the Wheat Ridge Code of Laws concerning building permit fees on first reading, order it published, public hearing set for Monday, August 28, 2017, at 7 p.m. in the City Council Chambers, and that it takes effect 15 days after final publication."

Or,

"I move to deny Council Bill No. 17-2017, an ordinance amending Section 5-41 of the Wheat Ridge Code of Laws concerning building permit fees(s) for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Heather Geyer, Administrative Services Director

Jerry DiTullio, City Treasurer

Patrick Goff, City Manager

ATTACHMENTS:

1. Ordinance No. 17-2017
2. Building Valuation Data, February 2017

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
Council Bill No. 17
Ordinance No. _____
Series 2017

**TITLE: AN ORDINANCE AMENDING SECTION 5-41 OF THE WHEAT
RIDGE CODE OF LAWS CONCERNING BUILDING PERMIT FEES**

WHEREAS, the City of Wheat Ridge, Colorado (the “City”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, pursuant to its home rule authority and C.R.S. § 31-15-601, the City, acting through its City Council (the “Council”), possesses the authority to adopt building and fire regulations; and

WHEREAS, pursuant to this authority, the City previously adopted building and fire regulations, including an administrative and enforcement process related thereto, codified as Chapter 5 of the Wheat Ridge Code of Laws (“Code”); and

WHEREAS, Section 5-41 of the Code addresses building permit fees, which are typically calculated by reference to project “valuation” or “cost”; and

WHEREAS, the Council desires to clarify and codify the manner in which building project valuation and cost shall be calculated by the City, for purposes of permit fee assessment.

**NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WHEAT RIDGE, COLORADO:**

Section 1. Section 5-41 of the Code, concerning building permit fees, is hereby amended as follows:

Sec. 5-41. Fees.

(a) All fees related to public works building permit review and processing under this chapter shall be established by Council resolution. Building permit fees shall not include cost of land or public improvements associated with purchase of land for construction of the structure.

(b) The government of the United States of America, the state of Colorado and its political subdivisions, the city and all agencies and departments thereof shall be exempt from the payment of fees for work performed on buildings, structures or utilities owned wholly by such

agencies or departments and devoted exclusively to governmental use.

(c) The fee for a supplementary permit to cover any additional valuation not included in the original permit shall be the difference between the fee paid for the original permit and the fee which would have been required had the original permit included the entire valuation.

(D) PERMIT FEES IMPOSED UNDER THIS CHAPTER THAT RELATE TO "VALUATION," "TOTAL COST" OR SIMILAR REFERENCE TO THE MONETARY VALUE OF A PROJECT SHALL BE CALCULATED BY REFERENCE TO THE MOST RECENT BUILDING VALUATION DATA (BVD) PROMULGATED AND PUBLISHED BY THE INTERNATIONAL CODE COUNCIL (ICC). THE BVD REPRESENTS AVERAGE COSTS-OF-CONSTRUCTION BASED ON TYPICAL CONSTRUCTION METHODS FOR EACH OCCUPANCY GROUP AND TYPE OF CONSTRUCTION.

Section 2. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 14th day of August, 2017, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for August 28, 2017, at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, PUBLIC HEARING CONDUCTED, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ____ to ____, this ____ day of _____, 2017.

SIGNED by the Mayor on this _____ day of _____, 2017.

Joyce Jay, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date:

Building Valuation Data – FEBRUARY 2017

The International Code Council is pleased to provide the following Building Valuation Data (BVD) for its members. The BVD will be updated at six-month intervals, with the next update in August 2017. ICC strongly recommends that all jurisdictions and other interested parties actively evaluate and assess the impact of this BVD table before utilizing it in their current code enforcement related activities.

The BVD table provides the “average” construction costs per square foot, which can be used in determining permit fees for a jurisdiction. Permit fee schedules are addressed in Section 109.2 of the 2015 *International Building Code* (IBC) whereas Section 109.3 addresses building permit valuations. The permit fees can be established by using the BVD table and a Permit Fee Multiplier, which is based on the total construction value within the jurisdiction for the past year. The Square Foot Construction Cost table presents factors that reflect relative value of one construction classification/occupancy group to another so that more expensive construction is assessed greater permit fees than less expensive construction.

ICC has developed this data to aid jurisdictions in determining permit fees. It is important to note that while this BVD table does determine an estimated value of a building (i.e., Gross Area x Square Foot Construction Cost), this data is only intended to assist jurisdictions in determining their permit fees. This data table is not intended to be used as an estimating guide because the data only reflects average costs and is not representative of specific construction.

This degree of precision is sufficient for the intended purpose, which is to help establish permit fees so as to fund code compliance activities. This BVD table provides jurisdictions with a simplified way to determine the estimated value of a building that does not rely on the permit applicant to determine the cost of construction. Therefore, the bidding process for a particular job and other associated factors do not affect the value of a building for determining the permit fee. Whether a specific project is bid at a cost above or below the computed value of construction does not affect the permit fee because the cost of related code enforcement activities is not directly affected by the bid process and results.

Building Valuation

The following building valuation data represents average valuations for most buildings. In conjunction with IBC Section 109.3, this data is offered as an aid for the building official to determine if the permit valuation is underestimated. Again it should be noted that, when using this data, these are “average” costs based on typical construction methods for each occupancy group and type of construction. The average costs include foundation work, structural and nonstructural

building components, electrical, plumbing, mechanical and interior finish material. The data is a national average and does not take into account any regional cost differences. As such, the use of Regional Cost Modifiers is subject to the authority having jurisdiction.

Permit Fee Multiplier

Determine the Permit Fee Multiplier:

1. Based on historical records, determine the total annual construction value which has occurred within the jurisdiction for the past year.
2. Determine the percentage (%) of the building department budget expected to be provided by building permit revenue.
- 3.

$$\text{Permit Fee Multiplier} = \frac{\text{Bldg. Dept. Budget x (\%)}}{\text{Total Annual Construction Value}}$$

Example

The building department operates on a \$300,000 budget, and it expects to cover 75 percent of that from building permit fees. The total annual construction value which occurred within the jurisdiction in the previous year is \$30,000,000.

$$\text{Permit Fee Multiplier} = \frac{\$300,000 \times 75\%}{\$30,000,000} = 0.0075$$

Permit Fee

The permit fee is determined using the building gross area, the Square Foot Construction Cost and the Permit Fee Multiplier.

$$\text{Permit Fee} = \text{Gross Area} \times \text{Square Foot Construction Cost} \times \text{Permit Fee Multiplier}$$

Example

Type of Construction: IIB

Area: 1st story = 8,000 sq. ft.
2nd story = 8,000 sq. ft.

Height: 2 stories

Permit Fee Multiplier = 0.0075

Use Group: B

1. Gross area:
Business = 2 stories x 8,000 sq. ft. = 16,000 sq. ft.
2. Square Foot Construction Cost:
B/IIB = \$161.91/sq. ft.
3. Permit Fee:
Business = 16,000 sq. ft. x \$161.91/sq. ft x 0.0075
= \$19,429

Important Points

- The BVD is not intended to apply to alterations or repairs to existing buildings. Because the scope of alterations or repairs to an existing building varies so greatly, the Square Foot Construction Costs table does not reflect accurate values for that purpose. However, the Square Foot Construction Costs table can be used to determine the cost of an addition that is basically a stand-alone building which happens to be attached to an existing building. In the case of such additions, the only alterations to the existing building would involve the attachment of the addition to the existing building and the openings between the addition and the existing building.
- For purposes of establishing the Permit Fee Multiplier, the estimated total annual construction value for a given time period (1 year) is the sum of each building's value (Gross Area x Square Foot Construction Cost) for that time period (e.g., 1 year).
- The Square Foot Construction Cost does not include the price of the land on which the building is built. The Square Foot Construction Cost takes into account everything from foundation work to the roof structure and coverings but does not include the price of the land. The cost of the land does not affect the cost of related code enforcement activities and is not included in the Square Foot Construction Cost.

Square Foot Construction Costs^{a, b, c}

Group (2015 International Building Code)	IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A-1 Assembly, theaters, with stage	229.26	221.37	216.01	207.16	194.94	189.29	200.61	178.00	171.48
A-1 Assembly, theaters, without stage	210.11	202.22	196.86	188.01	175.94	170.29	181.46	158.99	152.48
A-2 Assembly, nightclubs	179.28	174.08	169.68	162.81	153.48	149.24	157.08	138.97	134.26
A-2 Assembly, restaurants, bars, banquet halls	178.28	173.08	167.68	161.81	151.48	148.24	156.08	136.97	133.26
A-3 Assembly, churches	212.12	204.22	198.87	190.01	178.14	172.49	183.47	161.20	154.68
A-3 Assembly, general, community halls, libraries, museums	176.94	169.04	162.69	154.83	141.96	137.30	148.28	125.01	119.50
A-4 Assembly, arenas	209.11	201.22	194.86	187.01	173.94	169.29	180.46	156.99	151.48
B Business	182.98	176.21	170.40	161.91	147.69	142.14	155.55	129.66	123.97
E Educational	194.27	187.38	182.00	173.88	162.37	154.12	167.88	141.89	137.57
F-1 Factory and industrial, moderate hazard	109.64	104.60	98.57	94.77	85.03	81.17	90.78	71.30	66.75
F-2 Factory and industrial, low hazard	108.64	103.60	98.57	93.77	85.03	80.17	89.78	71.30	65.75
H-1 High Hazard, explosives	102.63	97.58	92.55	87.75	79.22	74.36	83.76	65.48	N.P.
H234 High Hazard	102.63	97.58	92.55	87.75	79.22	74.36	83.76	65.48	59.94
H-5 HPM	182.98	176.21	170.40	161.91	147.69	142.14	155.55	129.66	123.97
I-1 Institutional, supervised environment	183.95	177.72	172.57	165.30	152.29	148.15	165.39	136.43	132.19
I-2 Institutional, hospitals	307.93	301.16	295.35	286.86	271.68	N.P.	280.50	253.65	N.P.
I-2 Institutional, nursing homes	213.36	206.59	200.78	192.29	179.07	N.P.	185.93	161.04	N.P.
I-3 Institutional, restrained	208.19	201.43	195.62	187.12	174.39	167.85	180.76	156.37	148.68
I-4 Institutional, day care facilities	183.95	177.72	172.57	165.30	152.29	148.15	165.39	136.43	132.19
M Mercantile	133.57	128.37	122.97	117.10	107.27	104.03	111.38	92.75	89.05
R-1 Residential, hotels	185.63	179.39	174.24	166.97	153.72	149.58	167.06	137.86	133.61
R-2 Residential, multiple family	155.74	149.50	144.35	137.09	124.57	120.43	137.17	108.71	104.47
R-3 Residential, one- and two-family ^d	145.23	141.28	137.64	134.18	129.27	125.87	131.94	120.96	113.85
R-4 Residential, care/assisted living facilities	183.95	177.72	172.57	165.30	152.29	148.15	165.39	136.43	132.19
S-1 Storage, moderate hazard	101.63	96.58	90.55	86.75	77.22	73.36	82.76	63.48	58.94
S-2 Storage, low hazard	100.63	95.58	90.55	85.75	77.22	72.36	81.76	63.48	57.94
U Utility, miscellaneous	78.63	74.24	69.76	66.20	59.84	55.88	63.23	47.31	45.09

- Private Garages use Utility, miscellaneous
- For shell only buildings deduct 20 percent
- N.P. = not permitted
- Unfinished basements (Group R-3) = \$21.00 per sq. ft.