

AGENDA

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

September 10, 2018
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 August 13, 2018

PROCLAMATIONS AND AWARDS

Cities and Towns Week
Constitution Week

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 an Agenda Item, please sign the GENERAL AGENDA ROSTER.
- c. Citizens who wish to speak on a Public Hearing item, please sign the PUBLIC HEARING ROSTER before the item is called to be heard.
- d. Citizens who wish to speak on Study Session Agenda Items, please sign the STUDY SESSION AGENDA ROSTER.

APPROVAL OF AGENDA

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

1. Council Bill 23-2018 – vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a Public Roadway, adjacent to 5185 Miller Street (Case No. WV-18-01/Roush Industries)

DECISIONS, RESOLUTIONS AND MOTIONS

2. Resolution No. 56-2018 – amending the Fiscal Year 2018 2E Bond Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$2,129,250 and to award a contract and subsequent payments to GH Phipps Construction Companies in the amount of \$5,069,979 and to approve a Contingency Amount of \$341,560 for the Anderson Park Renovation 2E Bond Project
3. Motion to award contract and subsequent payments to Barker Rinker Seacat Architecture in the amount of \$165,717 for Anderson Park Improvements Construction Administration Services

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

August 13, 2018

Mayor Starker 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

Zachary Urban	Monica Duran	Tim Fitzgerald	Leah Dozeman
Kristi Davis	George Pond	Larry Mathews	

Absent: Janeece Hoppe

Also present: City Attorney, Gerald Dahl; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; Administrative Services Director, Heather Geyer; City Treasurer, Jerry DiTullio; other staff, guests and interested citizens.

APPROVAL OF Council Minutes of July 23, 2018 and Study Session Notes of July 16, 2018

There being no objections, the City Council minutes of July 23, 2018 and Study Session Notes of July 16, 2018 were approved as published.

PROCLAMATIONS AND CEREMONIES

CCCMA Trailblazer Award – Craig Kocian

Craig Kocian presented to **Heather Geyer** the Trailblazer Award from the Colorado City Managers Association. This award is given to a professional that stands out in improving the value of public services in local government – particularly in the area of diversity in executive management. He read a long list of her local and regional involvements and accomplishments. She will be leaving Wheat Ridge to become the city manager of Northglenn. Ms. Geyer gave words of thanks to the City of Wheat Ridge for the 12 years she has had to serve and learn and grow in her profession.

Carnation Festival Plate

Leah Dozeman, chair of the Carnation Festival Parade, presented to Mayor Starker a Carnation Festival plate for the City of Wheat Ridge. The plate will take its place in the display in Council Chambers. She thanked this and previous Councils for support of the Festival, and the City staff, Public Works, Police Department, and Parks & Rec for the

tremendous amount of work they do every year to make the festival such a success. Mayor Starker accepted the plate and recognized Festival Chairman Joe DeMott, Vice-chair Walt Petit, and Parade Chair Leah Dozeman. It was a great Festival and Parade. He thanked the work the City put into it, and the citizens, and people from surrounding communities who came out to have a great time.

- Second Public Input Opportunity for the 2019 Budget There were no speakers.

CITIZENS' RIGHT TO SPEAK

David Ellenberger (WR) spoke about the congressional Land and Water Conversation Fund that has existed since 1964. It is funded by off-shore oil development and associated royalties and revenue. Anderson Park was purchased with monies from this fund. In the last 50 years Jefferson County has received over 80 distributions and Colorado has received over \$268M from the Fund. This Fund will expire at the end of September. He is working to continue the fund. He distributed packets to Council with information and a sample resolution of support that he wrote.

Dominic Breton (WR) thanked everyone for coming out to the Festival. He offered special thanks to the Police Department, Parks & Rec, the City and the community volunteers. He reported they have already raised over \$2,232 on the silent student bench auction. The money goes to all the schools in Wheat Ridge. ~ He also invited the City and citizens to get involved with the Kiwanis. They have served the City for 60 years. They will be having an open house on Thursday morning 7-8:00am. Come have breakfast on them and learn about what the Kiwanis does.

Evan Clark (WR) reported being at the 4H Fair and Festival the last five days. The auction was yesterday, which is a sad day for the kids to say goodbye to their livestock. He thanked Councilmember Urban and Mayor Starker for coming and participating in the Celebrity Livestock Show – which he got to help judge. It was fun watching them show pigs – which are the hardest animal to show. He appreciates everyone's support for the Jefferson County Fair and Festival.

John Clark (WR) expressed thanks for the opportunity to serve pancakes with Dominic at the Grange. He thanked Councilmembers Urban and Dozeman and Mayor Starker for coming to the pancake breakfast, and appreciates all the service organizations that helped with the festival this year. ~ He thanked the Mayor and Councilmember Urban for coming to the 4H Fair. They can testify with him and all the parents to the hard work the kids put in with their animals and for the Fair. It was fun to watch Councilman Urban and Mayor Starker drive pigs in a show ring. He also listed the awards his sons received this year.

Lee H. Canta (WR) said he is dumbfounded by how things are run in the City. He wants to learn about how ADU's qualify as housing because he believes too many people are coming to the Denver area. Mayor Starker suggested he contact Mr. Goff

about that. Mr. Canta said he's lived in Thornton, Denver and Golden and is a member of the national parks; he'd like to find out more about how Wheat Ridge parks are operated because more and more people are coming here every day. Mayor Starker said Mr. Goff could help him with that too.

APPROVAL OF AGENDA

1. CONSENT AGENDA

- a. Motion to approve payment to Kaiser Permanente for August 2018 Membership Billing in the amount of \$191,451.47 and September Membership Billing in the amount of \$202,189.30 [*budgeted*]
- b. Resolution 42-2018 – A Resolution approving a Memorandum of Understanding between the Wheat Ridge Police Department, the Golden Police Department, and the 1st Judicial District Attorney's Office, for the establishment of a Body-Worn Camera Program [*MOU is condition of federal grant to purchase cameras, docking stations, and storage; and two years of storage fees and licenses; other indirect costs not funded by the grant*]

Councilmember Dozeman introduced the Consent Agenda.

Motion by Councilmember Dozeman to approve Consent Agenda Items a.) and b); seconded by Councilmember Pond; motion carried 7-0.

PUBLIC HEARING AND ORDINANCES ON SECOND READING

2. Council Bill 22-2018 – An Ordinance creating a new Section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of Freestanding Emergency Room Facilities

This ordinance revises the Wheat Ridge Code of Laws to prohibit freestanding emergency room facilities throughout the city.

Councilmember Davis introduced Council Bill 22-2018.

City Clerk Shaver assigned Ordinance 1646.

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

Staff Presentation

City Attorney Dahl noted this issue had been discussed thoroughly over the years and most recently at a study session.

- Council recommended this ordinance because our moratorium will expire soon.
- The key to the ordinance is the definition of a freestanding emergency room.
- These types of facilities continue to be unlicensed and unregulated by the state.

- There may be patient confusion between freestanding ERs and urgent care facilities.
- Patients may be uninformed about the relative costs, benefits, advantages and disadvantages of visiting a freestanding ER versus a hospital-based ER.

Public Comment No one came forward to speak.

Council Questions

Councilmember Mathews asked if there was a definition for urgent care facility to differentiate between the two. Mr. Dahl said there was not.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 22-2018, an ordinance creating a new Section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of Freestanding Emergency Room Facilities on second reading, and that it take effect immediately upon Council adoption, seconded by Councilmember Urban; motion carried 7-0.

3. Council Bill 19-2018 – An Ordinance approving the rezoning of property located at 4288 Youngfield Street from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N) (Case No. WZ-18-12/Copper Forest)

The zone change is requested to allow the owner to convert the structure into a bar.

Councilmember Dozeman introduced Council Bill 19-2018

City Clerk Shaver assigned Ordinance 1650.

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

Staff Presentation -- Zack Wallace-Mendez

- Mr. Wallace-Mendez introduced into the record the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation.
- He testified that all appropriate notification and posting requirements had been met.
- He presented an aerial view and a picture of the property and identified the zoning of neighboring properties.
- A neighborhood meeting was held on May 2. Three neighbors attended. Concerns were expressed about a bar being next to Head Start and increased traffic.
- During the referral period to outside agencies, Jeffco Head Start submitted a letter of concern about this property having a bar on it.
- All other utilities can serve the property. No City departments have concerns.
- The Comprehensive Plan lists the property as a neighborhood buffer between low and higher intensity uses. MU-N is being proposed because:
 - Straight Commercial zoning is no longer allowed.
 - Planned Development does not apply because the owner doesn't want to redevelop the property and there are no topographical challenges.

- Industrial-Employment would not be compatible with the surrounding area.
- MU-C Interstate is allowed, but would not provide a buffer to the neighborhood.
- MU-N provides a better buffer now and in the future. While more intense uses are allowed, scale and massing are limited and there is sensitivity to the surrounding commercial, residential and semi-agricultural properties.
- Staff concludes that MU-N meets zone change criteria. It will promote public welfare; it is supported by the Comp Plan; and it is a compatible buffer.

Public Comment

Gayle Perryman (Arvada), Director of Head Start, expressed strong opposition to this rezoning. A bar is an inappropriate use next to Head Start. They work hard to help vulnerable families, and this establishment would be a constant concern for them.

Anne Gladfelter (Head Start teacher) testified they work with 3-5 years old. It's dark on that street – especially in the winter, and they are concerned about safety and traffic.

Mary Eileen Barton (Head Start teacher) added that she has worked in several states over many years. She has never seen this type of establishment this close to a school.

Lee Canta (WR) had comments about trees in the City. The Mayor informed him this was not the appropriate time for that discussion and directed him to the City Manager.

Rex Winters (WR) lives near this property. He and his neighbors, the Blooms, who could not be here tonight, are concerned about this rezoning. He explained that the street is small and they are worried about this type of establishment. That use should be in a commercial area – not by a school. They have serious worries about safety.

Council Questions

Councilmember Pond noted this is not the approval of a liquor license – only a zone change to MU-N. He feels the buffering criteria is specific. He asked for comparison of the difference in buffering between MU-N and MN-Interstate. Mr. Wallace explained:

- 6 ft landscape buffer adjacent to residential uses are the same for both.
- Height limits: 35 ft if there's a residential component; 50 ft if a commercial component (MU-Interstate could be much taller)
- The development standards are different for the two zones.

Councilmember Mathews asked about distance limitations for liquor licenses next to schools. Mr. Dahl said state statutes requires a 500 ft setback from public and parochial schools, however our code was amended in 2012 to eliminate the distance requirement for the following types of licenses: hotel and restaurant, beer and wine, brew pub, arts, and vintners licenses.

Councilmember Mathews listed some setback requirements and suggested there really is no control over the setbacks if the property is redeveloped in the future. He doesn't see the buffering. Mr. Wallace-Mendez listed the transition requirements for residential buildings: a 2-stories requires a 10 ft setback; 3 stories requires 15 ft; 4 stories requires 20 ft. Upper stories also require a 5 foot step back per story. Yes, more of the lot could be covered and the landscaping could be reduced, but there are stepback landscape buffers in MU-N compared to MU-C and MU-CI and less height is allowed overall.

Councilmember Duran asked how far away the Head start was. It's right next door; the properties share a lot line.

Councilmember Fitzgerald asked for hours of operation for the school and the proposed bar. The applicant, **Karen McEahern**, said liquor cannot be next to Grades 1 through 12; Head Start is only a day car and it is private. They plan to do a wine and beer taphouse in the existing structure. Her husband loves the log cabin and wants to keep it. They plan on hours of 3:00pm until 10:00 or 11:00pm.

Councilmember Davis was told there is no access to the property from Youngfield. She noted a commercial office space would generate more traffic than this proposed use.

Councilmember Dozeman inquired about the hours for Head Start. They close at 5:30, but often parents are late picking up their children.

Councilmember Urban asked how hard it would be to get access onto Youngfield from CDOT – given this property has a Youngfield address. Ms. Mikulak, city planner, said CDOT has a 2-step process for access permits. Anyone can apply for that, but she said in the City's experience it's unlikely access would be granted if there is a local street that can serve the property. The closest access point onto Youngfield is at Store-All to the north; they do not have any local street access.

Councilmember Dozeman asked about capacity and square footage. The applicant said it is 5,000 sf. No one knew the capacity of the building.

Councilmember Mathews asked if there were any other zoning categories that would allow this use without going to MU-N. Per Mr. Wallace-Mendez, Planned Development and Industrial would allow that. Councilmember Mathews asked if those zones would be more restrictive than MU-N for land use area and density for residential development. Ms. Mikulak advised MU-N is the most restrictive zone option, and that there are no density restrictions in any of our commercial zone districts. Additionally, this is in an Urban Renewal area so it is exempt from the Charter's height and density requirements for residential.

Mayor Starker closed the public hearing.

Motion by Councilmember Dozeman to approve Council Bill 19-2018, an ordinance approving the rezoning of property located at 4288 Youngfield Street from Neighborhood Commercial (N-C) to Mixed Use-Neighborhood (NU-N) on second reading, and that it take effect fifteen days after final publication for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the Code of Laws.

seconded by Councilmember Pond.

Councilmember Pond said he will vote yes on this. The liquor license is a separate process. He feels this zone is reasonable and appropriate, and is in compliance with the Comp Plan.

The motion failed by a vote of 4-3, with Councilmembers Mathews, Urban and Duran noting no. Five votes of the Council are required to approve an ordinance.

4. Council Bill 20-2018 – An Ordinance approving the rezoning of property located at 6701 West 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (NU-N) (Case No. WZ-18-14/Potrykus)

The applicant is requesting approval of this zone change to allow (at this time) the current tenant, an insurance agent, to live and work on the property.

Councilmember Urban introduced Council Bill 20-2018

City Clerk Shaver assigned Ordinance 1651.

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

Staff Presentation -- Zack Wallace-Mendez

- Mr. Wallace-Mendez introduced into the record the contents of the case file, the zoning ordinance, the Comprehensive Plan and the contents of the digital presentation.
- He testified that all appropriate notifications and posting requirements had been met.
- The aerial view of the property shows it on the north side of 44th Otis Street.
- The property is surrounded primarily by R-C (Restricted Commercial) on three sides, and R-1 to the south.
- The single family home on the property was built in 1910 and rezoned to C-1 in 1982. The applicant would like to have this be a live/work space, which C-1 does not allow.
- A neighborhood meeting was held on May 16. No one attended.
- All agencies can serve the property. No city departments expressed concerns.
- The Comprehensive Plan shows the property in a Neighborhood Commercial Corridor which calls for a broad mix of uses.
- Staff concludes the zone will promote public welfare, the zone change to MU-N is supported by adopted plans, and MU-N is compatible with surroundings.

Applicant

The applicant was present but had no presentation; he was willing to answer questions.

Public Comment none

Council Questions none

Mayor Starker closed the public hearing.

Motion by Councilmember Urban to approve Council Bill 20-2018, an ordinance approving the rezoning of property located at 6701 West 44th Avenue from Commercial-One (C-1) to Mixed Use-Neighborhood (MU-N) on second reading, and that it take effect fifteen days after final publication, for the following reasons:

1. City Council has conducted a proper public hearing that meets all public notice requirements as required by Section 26-109 of the Code of Laws.
2. The requested rezoning has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The requested rezoning has been found to comply with the criteria for review in Section 26-112.E. of the Code of Laws.

Seconded by Councilmember Davis; carried 6-1, with Councilmember Mathews voting no.

5. Council Bill 21-2018 – An Ordinance adopting a new Section 2-9 of the Wheat Ridge Code of Laws concerning the Retention of Interest Earned on Escrow Accounts held by the City

The accounting and record keeping necessary to track and refund small amounts of interest on small escrow accounts is costly, burdensome, impractical, and not required by law. This code amendment will allow the City to retain interest on various small escrow accounts. Treasurer DiTullio supports this change, and further recommends that all future escrow documents clearly state that escrow funds are not paid interest.

Councilmember Fitzgerald introduced Council Bill 21-2018

City Clerk Shaver assigned Ordinance 1652.

Mayor Starker opened the public hearing

Staff Presentation -- City Treasurer Jerry DiTullio

Treasurer DiTullio directed Council's attention to the Total Funds report he had handed out to them. He identified the \$622K that are Escrow Funds. That represents many, many projects. Keeping track of the interest on all those projects is the issue.

This money is currently in Money Market accounts in banks. If this ordinance passes, as the CD's mature he will move the money to the CSAFE account where it will earn better interest and always be available.

No one from the public spoke and Council had no questions.

Mayor Starker closed the public hearing.

Motion by Councilmember Fitzgerald to approve Council Bill 21-2018, an ordinance adopting a new Section 2-9 of the Wheat Ridge Code of Laws concerning the retention of interest earned on escrow accounts held by the City on second reading, and that it take effect fifteen days after final publication, seconded by Councilmember Urban; motion carried 7 -0.

Treasurer DiTullio left the Council Chambers.

ORDINANCES ON FIRST READING

6. Council Bill 23-2018 – An Ordinance vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a Public Roadway, adjacent to 5185 Miller Street (Case No. WV-18-01/Roush Industries)

The applicant owns the property at 5185 Miller St and is requesting the vacation for a remnant section of right-of-way formerly used for Miller St. They have safety concerns and would like to control who parks there. This right-of-way section was abandoned as a thoroughfare in the early 2000s when Miller Street was rerouted to the east.

Councilmember Mathews introduced Council Bill 23-2018

Motion by Councilmember Mathews to approve Council Bill 23-2018 - an ordinance vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a Public Roadway, adjacent to 5185 Miller Street, on first reading for the sole purpose of ordering it published and public hearing set for Monday, September 10, 2018 at 7 p.m. in City Council Chambers, and, if adopted, that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

7. Council Bill 24-2018 – An Ordinance extinguishing any rights or interest held by the City in a Slope Easement PE-55A associated with Taft Court, a Public Roadway

The City of Wheat Ridge holds in trust for the public a slope easement designated PE-55A along the easterly side of Taft Court for the purpose of maintaining a roadway embankment. A landowner wishes to develop the area of land lying east of Taft Court that includes the embankment currently encumbered by the Easement. To allow development of the land the Easement must be extinguished.

Councilmember Duran introduced Council Bill 24-2018.

Motion by Councilmember Duran to approve Council Bill 24-2018 - an ordinance extinguishing any rights or interest held by the City in a Slope Easement PE-55A associated with Taft Court, a Public Roadway, on first reading, order it published, public

hearing set for Monday, August 27, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

8. Council Bill 25-2018 – An Ordinance vacating any interest held by the City in a portion of Ridge Road, a Public Roadway

A strip of ROW approximately 20 feet in width, along the north side of Ridge Road between Tabor Street and Taft Court, has been deemed to be excessive and unnecessary by Public Works. Current street standards can be met within a narrower ROW width. The property is owned by the RTD.

Councilmember Pond introduced Council Bill 25-2018

Motion by Councilmember Pond to approve Council Bill 25-2018 - an ordinance vacating any interest held by the City in a portion of Ridge Road, a Public Roadway, on first reading, order it published, public hearing set for Monday, August 27, 2018, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 7-0.

DECISIONS, RESOLUTIONS AND MOTIONS

9. Resolution 48-2018 – A Resolution approving the Consolidated Service Plan for the Yarrow Gardens Metropolitan District

This Metropolitan District will finance the construction and maintenance of public infrastructure, including roads, sidewalks, drainage and utilities, for the Yarrow Gardens development. A mill levy charged to the residents of the Service Plan Area will fund the District. The City Council's approval of the Service Plan is a required precondition to the District Court's approval of the formation of the district.

Councilmember Davis introduced Item 9.

Applicant **Jay Garcia** (Denver), of Thrive Homebuilders, presented. He began with a presentation about Thrive's approach to homebuilding and a list of awards and recognitions they have received for green building. They focus on sustainability, high design, walkability, and urban density: They built Perrins row (as NewTown Builders) and are very proud of it; it won two awards. They are the same people and same company with a different name.

Mr. Garcia elaborated on energy efficiency elements of the Yarrow Gardens.

- EPA Energy Star; EPA Indoor Plus; US DOE new Zero Energy Certification and LEED certification.
- Super insulated walls with double 2x4's

- Tankless water heaters
- High performance gas furnaces
- Low double E glass windows and roof orientation
- Solar panels on the roofs

Kristen Bear, lawyer for the Yarrow Gardens Metropolitan District, reviewed elements of the Service Plan which will authorize and finance the construction of public infrastructure, provide operation and maintenance of the public improvements, plus covenant control and architectural enforcement that typically is covered by an HOA.

- The District will generate revenue through property taxes and ownership taxes, and the imposition of fees and charges.
- The debt authorization will be maximum \$6M, serviced by maximum 60 mills of property tax until the debt is below 50% on the District's assessed value.
- The mill levy can be assessed for up to 40 years.
- Construction debt for 2018 is anticipated to be \$3.5 M.
- A 2028 bond debt is expected to be \$5.5M for further construction and refunding the outstanding 2018 bonds.
- There is no cap on operations or the mill levy for maintenance.
- The District will impose fees and charges as necessary.
- The District will replace an HOA. It will be run by an elected board of property owners and residents.
- This is an ad valorem property tax based on the 7.2% rate in Colorado right now.
- They will file in District Court requesting an election on Nov. 6, 2018.

There was no staff presentation or public comment.

Council Questions

Councilmember Urban asked Mr. Dahl if Chapter 13 of our Charter regarding the creation of special districts requires a petition to the City as well. Mr. Dahl doesn't think this falls, by definition, under the category of a true "improvement district", but is rather covered by Title 32 of the state statutes for metropolitan districts. Discussion followed. Councilmember Urban also voiced concerns about limitations not covered by this Plan – specifically the District using other revenue sources and the District's property acquisition rights.

Councilmember Mathews inquired about the dissolution of the metro district.

Ms. Bear provided details and there was discussion.

- Property owners and residents will operate it in perpetuity. They could convert it to an HOA in the future, but that is not anticipated.
- Construction and Operation of public utilities (water, sewer, etc.) will be transferred to the various agencies as required by the City.
- The metro district will ultimately manage landscaping, sidewalks, and architectural and covenant control; it is nothing substantial.

- The District will have consultants for accounting and legal. Board members will not be paid. What the District can finance is governed by state statutes.
- The District is authorized to impose mill levies for debt, and operation and maintenance. HOA's cannot impose mill levies.
- They are anticipating 8 mills, but there is no limit on operational mill levy. When the construction debt is paid off, the mill levy could be reduced.
- The metro district will only manage a small number of things. The mill levy will equal expenditures. The District will be TABOR authorized.

Councilmember Urban asked about Service Plan amendments.

- Ms. Bear advised that if there is material modification to the service plan, that would have to come back to the City for approval.
- If the board ever wants to increase the debt, that too would have to come to Council for approval.

Councilmember Urban asked about entering into an IGA with an entity that has not yet been created.

- Mr. Dahl suggested adding the following wording to the end of the motion: "and in conjunction therewith, the IGA attached as Exhibit E, conditioned upon District Court approval of the formation of that District."

Councilmember Davis commented on this new model for the City. She has learned that metro districts are not uncommon. She's pleased to learn this is New Town; she feels the City had good past relationships with them. She is still very worried about traffic.

Councilmember Mathews clarified that his comments are not intended to doubt the integrity of anyone here tonight, but only to look far into the future to foresee unintended consequences.

Councilmember Mathews asked about the "annual review by City Council" and the process of dissolution.

- Mr. Dahl assured that annual reviews are required; he has seen them produced for other cities he has represented.
- Ms. Bear explained the dissolution process. It is done by the eligible electors (all home owners and residents of the District who are registered to vote in Colorado).

Motion by Councilmember Davis to approve Resolution No. 48-2018, a resolution approving the Consolidated Service Plan for the Yarrow Gardens Metropolitan District, and in connection therewith the IGA attached as Exhibit E, conditioned upon District Court approval of the formation of that District; seconded by Councilmember Urban; carried 7-0.

10. Resolution 49-2018 – A Resolution giving notice of and calling for a Special Municipal Election to be held November 6, 2018 and submitting a Ballot Question authorizing the City to provide High Speed Internet Services

Senate Bill 05-152 prohibits local governments from providing cable television services, telecommunication services, or high-speed internet services, either directly or indirectly, unless authorized by the electorate. This resolution will submit the following language to the Wheat Ridge voters on the November 6, 2018 ballot:

“SHALL THE CITY OF WHEAT RIDGE, WITHOUT INCREASING TAXES BY THIS MEASURE, AND TO RESTORE LOCAL AUTHORITY THAT WAS DENIED TO LOCAL GOVERNMENTS BY THE COLORADO GENERAL ASSEMBLY AND FOSTER A MORE COMPETITIVE MARKETPLACE, BE AUTHORIZED TO PROVIDE HIGH-SPEED INTERNET, INCLUDING IMPROVED HIGH BANDWIDTH SERVICES, TELECOMMUNICATIONS SERVICES, AND/OR CABLE TELEVISION SERVICES TO RESIDENTS, BUSINESSES, SCHOOLS, LIBRARIES, NON-PROFIT ENTITIES AND OTHER USERS OF SUCH SERVICES EITHER DIRECTLY OR INDIRECTLY WITH PUBLIC OR PRIVATE SECTOR PARTNERS, AS EXPRESSLY PERMITTED BY ARTICLE 27, TITLE 29 OF THE COLORADO REVISED STATUTES?”

Councilmember Fitzgerald introduced Item 9 and read the text of the ballot language.

Mr. Goff advised he had removed the language about new technologies that Councilmember Urban had suggested and was agreed upon by Council. He also wanted it to be clear that passage of this ballot question would not require the City to do anything; it merely preserves the option for providing services.

Councilmember Fitzgerald noted that all our neighboring cities except Denver have passed similar resolutions, and that 92 cities or counties [sic] have approved similar measures.

Motion by Councilmember Fitzgerald to approve Resolution No. 49-2018, a resolution giving notice of and calling for a special municipal election to be held November 6, 2018 and submitting a Ballot Question authorizing the City to provide High Speed Internet Services, seconded by Councilmember Duran; carried 7-0.

- 11. Resolution 50-2018 – A Resolution giving notice of and calling for a Special Municipal Election to be held November 6, 2018 and submitting a Ballot Question authorizing the City to retain revenues in connection with 2016 Ballot Question 2E**

The amount of new tax revenue received by the City in 2017 was \$457,931 over the TABOR allowed amount the voters approved when they passed the 2E sales tax in 2016. The City must refund the money to the citizens or ask the voters if it can be kept.

Councilmember Dozeman introduced Item 11 and read the ballot question.

“SHALL THE CITY OF WHEAT RIDGE BE ENTITLED TO RETAIN ALL REVENUES FROM THE 2016 VOTER-APPROVED BALLOT QUESTION 2E "INVESTING 4 THE FUTURE" ½ CENT PER DOLLAR SALES AND USE TAX

RATE INCREASE, AND TO CONTINUE TO COLLECT THE TAX AT THE ½ CENT PER DOLLAR RATE AND EXPEND SAID REVENUES INCLUDING ANY INTEREST AND INVESTMENT INCOME THEREFROM, UNTIL REVENUES FROM SUCH TAX INCREASE REACH \$38.5 MILLION OR DECEMBER 31, 2028, WHICHEVER OCCURS FIRST,

IN THE FOLLOWING WAYS DIRECTED BY THE VOTERS IN 2016:

- ANDERSON PARK IMPROVEMENTS;
- WADSWORTH BOULEVARD RECONSTRUCTION – 35TH AVENUE TO INTERSTATE-70;
- WHEAT RIDGE – WARD COMMUTER RAIL STATION AREA;
- CLEAR CREEK CROSSING – MIXED-USE DEVELOPMENT SITE ON THE WEST SIDE OF I-70 AT 38TH AND YOUNGFIELD;

WITHOUT REFUNDING ANY AMOUNT FOR EXCEEDING THE REVENUE ESTIMATES IN THE ELECTION NOTICE MAILED TO VOTERS IN 2016?

Mr. Goff noted that he added the wording suggested by Councilmember Urban to indicate to voters that the tax will still be capped at \$38.5M or December 31, 2028 – whichever comes first.

Motion by Councilmember Dozeman to approve Resolution No. 50-2018, a resolution giving notice of and calling for a special municipal election to be held November 6, 2018 and submitting a ballot question authorizing the City to retain revenues in connection with 2016 ballot Question 2E; seconded by Councilmember Urban; carried 7-0.

CITY MANAGER'S MATTERS

Mr. Goff noted that RTD began multiple train service testing on the G line on August 3. They are hoping to gather adequate evidence in 21 days for the Federal Railroad Administration (FRA) to sign off. He said the train whistle will continue to blow for some time until quiet zones are approved by the FRA and the PUC. It will take a little while.

CITY ATTORNEY'S MATTERS

ELECTED OFFICIALS' MATTERS

Clerk Shaver thanked Joe DeMott, Walt Petit, and Leah Dozeman for an amazing Festival. The fireworks this year were spectacular, and taller than ever. ~ She also reported the loss of a fixture in our community. Gail Watson - also known by some as "Grandma", who has been a waitress at Apple Ridge Café for 28 years, passed away last Thursday. She was a tough, but delightful lady who hailed from Texarkana, Texas. She touched a lot of lives over the years and will be missed by many. There will be no services, but Apple Ridge is having a gathering to honor her. It is tentatively scheduled for Sunday, August 26 after closing (2pm). Check with the restaurant for exact time.

Monica Duran requested that David Ellenburger's resolution supporting continuation of the state land and water conversation fund come to a study session before it expires.

Zachary Urban talked about the good time he and the Mayor had at the 4H livestock auction. He thanked the Clark family for inviting him to show a pig, but he expects the pig showed him. He appreciated visiting with the 4H kids. ~ He agreed this year's festival was one of the better shows. He thanked the folks who came and appreciate all the efforts of the City staff and the Police Department.

Leah Dozeman offered her special thanks to the City staff for their help with the Festival. She named several organizations that benefit from the Festival and thanked them for their efforts: the Rotary and Optimists Clubs (serving beer), West Metro Fire (spaghetti dinner), and the local schools (their benches all sold for over \$150).

Kristi Davis thanked everyone who helped with the Carnation Festival.

George Pond thanked and recognized Heather Geyer for winning the Trailblazer Award. He appreciates her enthusiasm and knowledge and wishes her well.

Mayor Starker echoed thanks to Heather Geyer for her years of service to the City and wished her well. He also thanked the folks who put on the Festival and the Clark family for inviting him to show their swine at the livestock auction.

Leah Dozeman added a reminder about the Kiwanis flyer Dominic Breton had given Council. They are having an open house/networking event this Thursday at 7am at Davie's Chuckwagon. All are welcome.

ADJOURNMENT

The meeting adjourned at 9:39pm.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON September 10, 2018

Tim Fitzgerald, 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.

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 23-2018 – AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY OF WHEAT RIDGE IN A PORTION OF MILLER STREET, A PUBLIC ROADWAY, ADJACENT TO 5185 MILLER STREET (CASE NO. WV-18-01/ROUSH INDUSTRIES)

- ☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

- ☐ ORDINANCES FOR 1ST READING (08/13/2018)
☒ ORDINANCES FOR 2ND READING (09/10/2018)

QUASI-JUDICIAL: ☒ YES

☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of a right-of-way vacation for a remnant section of right-of-way formerly used for Miller Street. The right-of-way section requested for vacation was abandoned as a thoroughfare in the early 2000s when Miller Street was rerouted to the east.

PRIOR ACTION:

Planning Commission heard the request at a public hearing on July 19, 2018 and recommended approval. The staff report and meeting minutes from the Planning Commission meeting are attached.

FINANCIAL IMPACT:

The proposed vacation is not expected to have a direct financial impact on the City. Fees in the amount of \$725.00 were collected for the review and processing of Case No. WV-18-01.

BACKGROUND:

The property located at 5185 Miller Street is bisected by a remnant section of right-of-way formerly used for Miller Street. The reason for the remnant is based on a series of plats that were

approved when this land area was part of Arvada and the property to the east (Arvada Ridge Market Place) was entitled for redevelopment. During the redevelopment of the Arvada Ridge site, a new roadway was platted to the east of the Miller Street alignment. Through traffic was shifted to that new roadway (still called Miller Street), and it provides access to the shopping center and apartments within the City of Arvada, as well as to the industrial properties within the City of Wheat Ridge. The City of Wheat Ridge annexed the entirety of the new Miller Street in 2004. A southerly portion of the former Miller Street was vacated in 2006. The subject property adjacent to 5185 Miller Street is the only remnant portion of right-of-way that still currently exists.

The applicant requesting this action currently leases the building at 5185 Miller Street and is requesting the vacation, with approval of the property owner, so they can have better control over the parking within this section of right-of-way. As public right-of-way the public can park within this area. The proximity of the abandoned right-of-way to the property access point onto Miller Street has caused safety issues for the applicant in their daily use of the site.

The Public Works Department has requested that a Drainage and Utility Easement be maintained over the entirety of the right-of-way proposed to be vacated. Dedication of this easement will be written into the vacation ordinance and, if approved, happen simultaneously with the vacation. Creation of a utility easement is standard protocol when remnant right-of-way is vacated. Valley Water District has also requested an exclusive easement to access and maintain their water main. This easement was recorded with the Jefferson County Clerk and Recorder on August 29, 2018.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 23-2018, an ordinance vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a public roadway, adjacent to 5185 Miller Street on second reading and that it take effect 15 days after final publication for the following reasons:

1. The Public Works Department does not foresee any future roadway needs for this right-of-way.
2. The vacation will not leave adjacent property without access to a public street.
3. The vacation is not in conflict with the goals and objectives of the Comprehensive Plan or the Bicycle and Pedestrian Master Plan.
4. The vacation will not negatively impact City infrastructure.
5. Easements will ensure the City and outside agencies can adequately access infrastructure located within the vacated right-of-way.”

Or...

“I move to postpone indefinitely Council Bill No. 23-2018, an ordinance vacating any interest held by the City of Wheat Ridge in a portion of Miller Street, a public roadway, adjacent to 5185 Miller Street on second reading for the following reasons:

- 1.
- 2.
3. ...”

REPORT PREPARED/REVIEWED BY:

Zack Wallace, Planner II

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 23-2018
2. Planning Commission Staff Report
3. Planning Commission Meeting Minutes

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER MATHEWS
COUNCIL BILL NO. 23
ORDINANCE NO. _____
Series 2018**

TITLE: AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY OF WHEAT RIDGE IN A PORTION OF MILLER STREET, A PUBLIC ROADWAY, ADJACENT TO 5185 MILLER STREET (CASE NO. WV-18-01/ROUSH INDUSTRIES)

WHEREAS, the City of Wheat Ridge holds public rights-of-way in trust for the public and the landowners abutting such rights-of-way; and

WHEREAS, the Miller Street right-of-way between Ridge Road and West 52nd Avenue was realigned pursuant to dedication on the Arvada Ridge plat recorded on December 14, 2004; and

WHEREAS, Miller Street between Ridge Road and West 52nd Avenue was reconstructed to the new alignment in 2006; and

WHEREAS, a portion of right-of-way from the now obsolete Miller Street alignment is unneeded for public roadway purposes; and

WHEREAS, a drainage and utility easement shall be retained by the City of Wheat Ridge over the entirety of the right-of-way proposed for vacation; and

WHEREAS, pursuant to the authority granted by C.R.S. §§ 31-15-702(1)(a)(I) and 43-2-301 et seq., the Council of the City of Wheat Ridge, Colorado, has determined that the nature and extent of the public use and the public interest to be served is such as to warrant the vacation of this area; and

WHEREAS, the portion of the Miller Street right-of-way to be vacated and which is the subject of this ordinance is more fully described on **Exhibit A** attached hereto and fully incorporated herein by this reference; and

WHEREAS, no property abutting said public roadway will be left without an established public road or private-access easement connecting said land with another established public road.

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

Section 1. Vacation. To the extent of any City interest therein, the following portion of the Miller Street right-of-way is hereby vacated, the same being no longer required for public use and the public interest will be served by such vacation, as more particularly described on the attached **Exhibit A**.

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. Recording. This Ordinance shall be filed for record with the office of the Jefferson County Clerk and Recorder.

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 7 to 0 on this 13th day of August, 2018, 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 September 10, 2018 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 ____ day of _____, 2018.

SIGNED by the Mayor on this ____ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication: August 16, 2018

Second Publication:

Wheat Ridge Transcript

Effective Date:

Published:

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

Exhibit A

Legal description:

A PORTION OF MILLER STREET RIGHT-OF-WAY TO BE VACATED, A PORTION OF LAND BEING IN THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH RANGE 69 WEST OF THE 6TH PRINCIPLE MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16, WHENCE THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 16 BEARS S 00°12'11" E, FORMING THE BASIS OF BEARING FOR THIS DESCRIPTION;

THENCE S 00°12'11" E, ALONG THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER A DISTANCE OF 72.51 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S 00°12'11" E A DISTANCE OF 146.55 FEET TO A POINT OF THE NORTH LINE OF THE ROCKY MOUNTAIN BOTTLING SUBDIVISION; THENCE S 89°33'02" W ALONG SAID NORTH LINE A DISTANCE OF 30.00 FEET; THENCE N 00°12'11" W A DISTANCE OF 219.20 FEET; THENCE N 00°12'53" W A DISTANCE OF 119.50 FEET; THENCE 195.14 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 17°44'49", A RADIUS OF 630.00 FEET AND A CHORD WHICH BEARS S 09°05'23" W A DISTANCE OF 194.36 FEET TO THE POINT OF BEGINNING,

SAID PARCEL OF LAND CONTAINING 6299.7 SQ.FT. \ 0.14 ACRES MORE OR LESS

EXHIBIT RIGHT OF WAY TO BE VACATED

N 714994.36
E 109156.25

NE COR
SE 1/4, NE 1/4
SEC. 16, T3S, R69W
FND. 3 1/4" BRASS CAP
IN RANGE BOX PLS 19003

EAST LINE SW 1/4, NE 1/4
SEC. 16, T3S, R69W
140.64' S072°53'E
1315.92'

N0012°53'W
119.50'

R=630.00'
L=195.14'
CD=194.36'
CB=N9°05'23"W
Δ= 17°44'49"

P.O.C.
NE COR
NW 1/4, SE 1/4
SEC. 16, T3S, R69W
FND. 3 1/4" ALUM. CAP
IN RANGE BOX PLS 22564

REC. # F1466962

N0012°11'W
219.20'

S0012°11'E
146.55'

PORTION OF MILLER STREET TO BE VACATED
0.14 ACRES \ 6289.7 SQ.FT.

LOT 84
ROCKY MOUNTAIN BOTTLING SUB.
REC. # 200615165

MILLER STREET (R69W) F2143596

NOTE:
THE CITY OF WHEAT RIDGE HEREBY
RESERVES A DRAINAGE AND UTILITY
EASEMENT OVER THE ENTIRETY OF THE
PORTION OF MILLER STREET
RIGHT-OF-WAY PROPOSED
FOR VACATION.

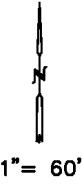
S89°33'02"W
30.00'

BASIS OF BEARING
1317.66'
S072°11'E

EAST LINE NW 1/4, SE 1/4
SEC. 16, T3S, R69W

SE COR
NW 1/4, SE 1/4
SEC. 16, T3S, R69W
FND. 3 1/4" ALUM. CAP
IN RANGE BOX PLS ILLEGIBLE
N 712360.80
E 109165.85

R=500.00'
L=72.40'
CD=271.59'
Δ=18°31'28"



**CITY OF WHEAT RIDGE
PLANNING DIVISION STAFF REPORT**

TO: Planning Commission **MEETING DATE:** July 19, 2018

CASE MANAGER: Zack Wallace Mendez

CASE NO. & NAME: WV-18-01 / Roush Industries

ACTION REQUESTED: Vacation of right-of-way formerly used for Miller Street

LOCATION OF REQUEST: 5185 Miller Street

APPLICANT (S): Roush Industries, Inc.

OWNER (S): City of Wheat Ridge (right-of-way)

APPROXIMATE AREA: 6,299.7 square feet (0.14 acres)

PRESENT ZONING: Planned Industrial Development (PID)

COMPREHENSIVE PLAN: Employment

ENTER INTO RECORD:

(X) CASE FILE & PACKET MATERIALS	(X) COMPREHENSIVE PLAN
(X) ZONING ORDINANCE	(X) DIGITAL PRESENTATION

Location Map



JURISDICTION:

All notification and posting requirements have been met; therefore, there is jurisdiction to hear this case.

1. REQUEST

The applicant is the current lessee of the property located at 5185 Miller Street, and has submitted this application, with authorization from the property owner, to request approval of a right-of-way vacation for a remnant section of right-of-way formerly used for Miller Street. The section requested for vacation was abandoned as a thoroughfare in the early 2000s when Miller Street was rerouted.

II. DESCRIPTION

The property located at 5185 Miller Street is bisected by a remnant section of right-of-way formerly used for Miller Street (*Exhibit 1, 2016 Aerial*). The reason for the remnant is based on a series of plats that were approved when this land area was part of the City of Arvada. This history is summarized below and supported by the series of attached graphics (Exhibits 1 to 4).

The subject property at 5185 Miller Street was originally developed in 1976. At that time Miller Street ran between 50th Avenue and Ridge Road directly north-south in the location of the right-of-way proposed to be vacated (*Exhibit 2, 2001 Aerial*). In 2005, the property to the east (formerly the State of Colorado Ridge Home) was entitled for redevelopment into the Arvada Ridge multi-use center, which exists today. As part of that entitlement, a plat was processed by the City of Arvada, which platted and re-routed Miller Street further east (*Exhibit 3, Arvada Ridge Plat*). That plat also created Lot 8 and Lot 8-A. Lots 8 and 8-A, and the entirety of the new Miller Street right-of-way were eventually annexed into the City of Wheat Ridge via the Coors Annexation in 2006 (*Exhibit 4, Coors Annexation*). Lot 8 was absorbed into the Rocky Mountain Bottling facility (the property to the south) via a plat and rezoning. At that time the Rocky Mountain Bottling Company also applied to vacate the right-of-way for the former Miller Street along their property frontage with the plat. This request was approved, and is the reason why the former Miller Street right-of-way does not currently exist south of the subject property. Lot 8-A was deeded to the subject property, but is separated from the original development parcel by the right-of-way for the former Miller Street (*Exhibit 1, 2016 Aerial*).

The section of right-of-way proposed to be vacated (*Exhibit 5, Vacation Exhibit*) was originally obtained by the City from Jefferson County when the City was incorporated in 1969. The new Miller Street was platted by the Arvada Ridge Final Plat on December 14, 2004 (*Exhibit 3, Arvada Ridge Plat*), and annexed into the City of Wheat Ridge by the Coors Annexation on December 28, 2006 (*Exhibit 4, Coors Annexation*). Because of railroad tracks to the north, the subject property obtains access exclusively from Miller Street.

A right-of-way vacation can be initiated by the City or a private party and approved as part of a plat or by ordinance. This request is being initiated by a private party and is proposed to be approved by ordinance following public hearings before the Planning Commission and City Council. If the right-of-way is vacated, it will vest with the ownership of 5185 Miller Street (subject property).

III. VACATION CRITERIA

Staff has provided an analysis of the right-of-way vacation criteria outlined in Section 26-118. The applicant has provided an explanation of their request, which touches on additional reasons why they are requesting the vacation at this time (*Exhibit 6, Letter of Request*). The Planning Commission shall base its recommendation in consideration of the extent to which the following criteria have been met:

1. The proposed vacation will not leave any adjoining land without access to an established public-right-of-way.

The property will continue to gain access via Miller Street. No other properties utilize the remnant right-of-way proposed to be vacated.

Staff concludes that this criterion has been met.

2. The proposed vacation is in conformity with the most recently enacted goals and policies of the transportation section of the current Comprehensive Plan of the City of Wheat Ridge.

The vacation of the former Miller Street does not impact the goals and policies of the Comprehensive Plan. The rerouted Miller Street will continue to serve the properties in the area, and the vacation of this remnant portion will not compromise connectivity.

In June 2017, City Council approved an update to the Bicycle and Pedestrian Master Plan. In this plan, Miller Street north of the subject property is designated as having bicycle lanes. This vacation will not compromise this pedestrian or bicycle connectivity through the area.

Staff concludes that this criterion has been met.

3. The proposed vacation will not have a negative impact on the infrastructure of the City of Wheat Ridge.

There will not be a negative impact on the infrastructure of the City of Wheat Ridge. Existing utilities remain within the rerouted Miller Street right-of-way or within easements.

Staff concludes that this criterion has been met.

4. Adequate easements have been reserved for use and/or maintenance by the City or other utility agencies.

During the referral period staff received two notices of utilities being located within the former Miller Street right-of-way, one from Xcel Energy and the other from Valley Water District. Additionally, the City's Public Works Department has requested a utility easement be dedicated over the entirety of the right-of-way being vacated. Xcel Energy has approved this general utility easement to accommodate their facilities. Valley Water District will require a separate easement to maintain their facilities. The applicant is actively working with Valley Water to obtain the required easement by separate document.

The general easement will be granted by the same ordinance that vacates the right-of-way. The easement with Valley Water will need to be in place prior to the public hearing before City Council. This arrangement of establishing easements over vacated right-of-way is common.

Staff concludes that this criterion has been met.

Staff concludes that the criteria used to evaluate right-of-way vacations support this request.

IV. AGENCY REFERRAL

All affected service agencies were contacted for comment on the right-of-way vacation request and to confirm if any utilities were present in the area requested to be vacated. Specific referral responses follow:

Wheat Ridge Public Works Department: Required a Drainage and Utility Easement over the entirety of the portion of Miller Street right-of-way proposed to be vacated.

Wheat Ridge Police Department: No objection.

City of Arvada: No objection.

Valley Water District: Required a 30-foot easement to be granted to the District by the property owner for maintenance of an existing 12” water main line within the remnant section of the former Miller Street.

Arvada Fire Protection District: No objection.

Xcel Energy: Required an easement to maintain intermediate pressure and natural gas main facilities within the area to be vacated. Follow up messages between Staff and Xcel Energy confirmed that the Drainage and Utility Easement requested by Public Works is adequate for these facilities.

V. STAFF CONCLUSIONS AND RECOMMENDATION

Staff concludes that the proposed vacation will not leave adjacent property without access to a public street, is consistent with the goals and objectives of the Comprehensive Plan and the Bicycle and Pedestrian Master Plan, and will not negatively impact City infrastructure. Additionally, Staff concludes that appropriate easements are being implemented in order to allow for proper maintenance of existing utility facilities.

Because the right-of-way vacation criteria support the request, staff recommends approval of Case No. WV-18-01.

VI. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WV-18-01, a request for approval of a right-of-way vacation for a portion of the former Miller Street adjacent to 5185 Miller Street, for the following reasons:

1. The Public Works Department does not foresee any future roadway needs for this right-of-way.
2. The vacation will not leave adjacent property without access to a public street.
3. The vacation is not in conflict with the goals and objectives of the Comprehensive Plan or the Bicycle and Pedestrian Master Plan.
4. The vacation will not negatively impact City infrastructure.
5. Easements will ensure the City and outside agencies can adequately access infrastructure located within the vacated right-of-way.

With the following condition:

1. The executed easement document between the property owner and Valley Water shall be provided to City Staff prior to the City Council public hearing.”

Option B:

“I move to recommend DENIAL of Case No. WV-18-01, a request for approval of a right-of-way vacation for a portion of the former Miller Street adjacent to 5185 Miller Street, for the following reasons:

- 1.
2. ...”

EXHIBIT 1: 2016 AERIAL

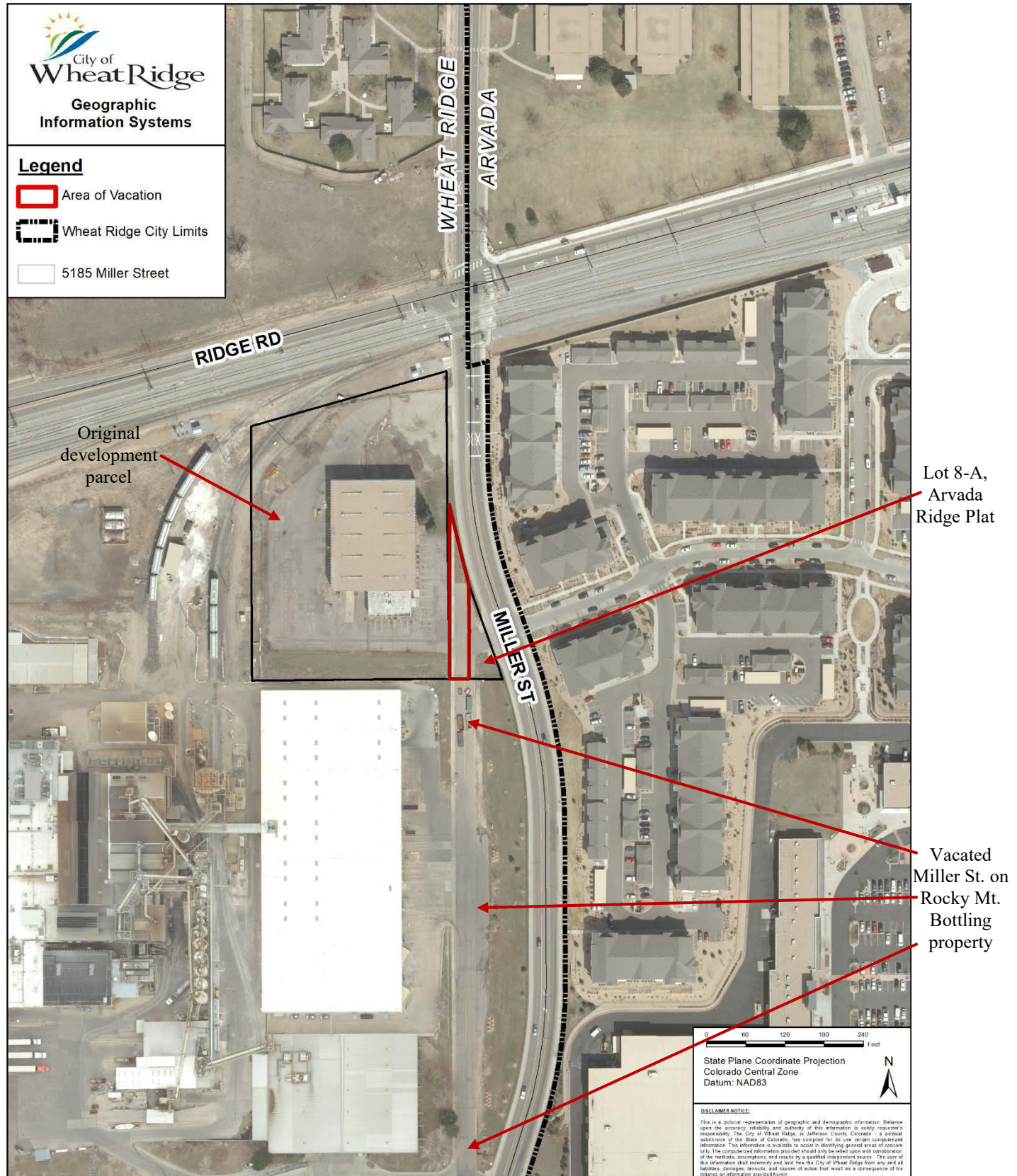
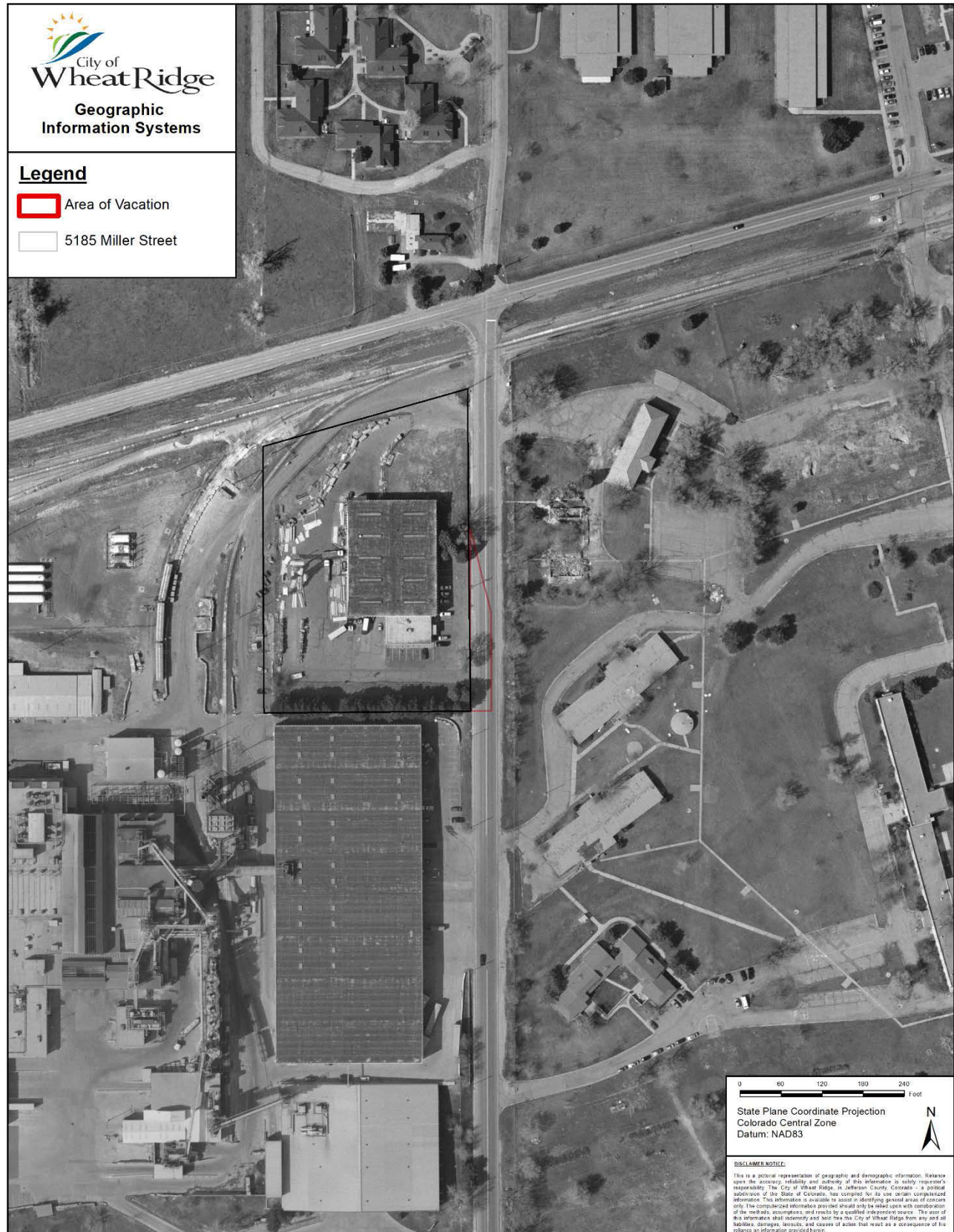


EXHIBIT 2: 2001 AERIAL



(page 2)



Dedication of the new, rerouted Miller Street

(page 2)



EXHIBIT 5: VACATION EXHIBIT

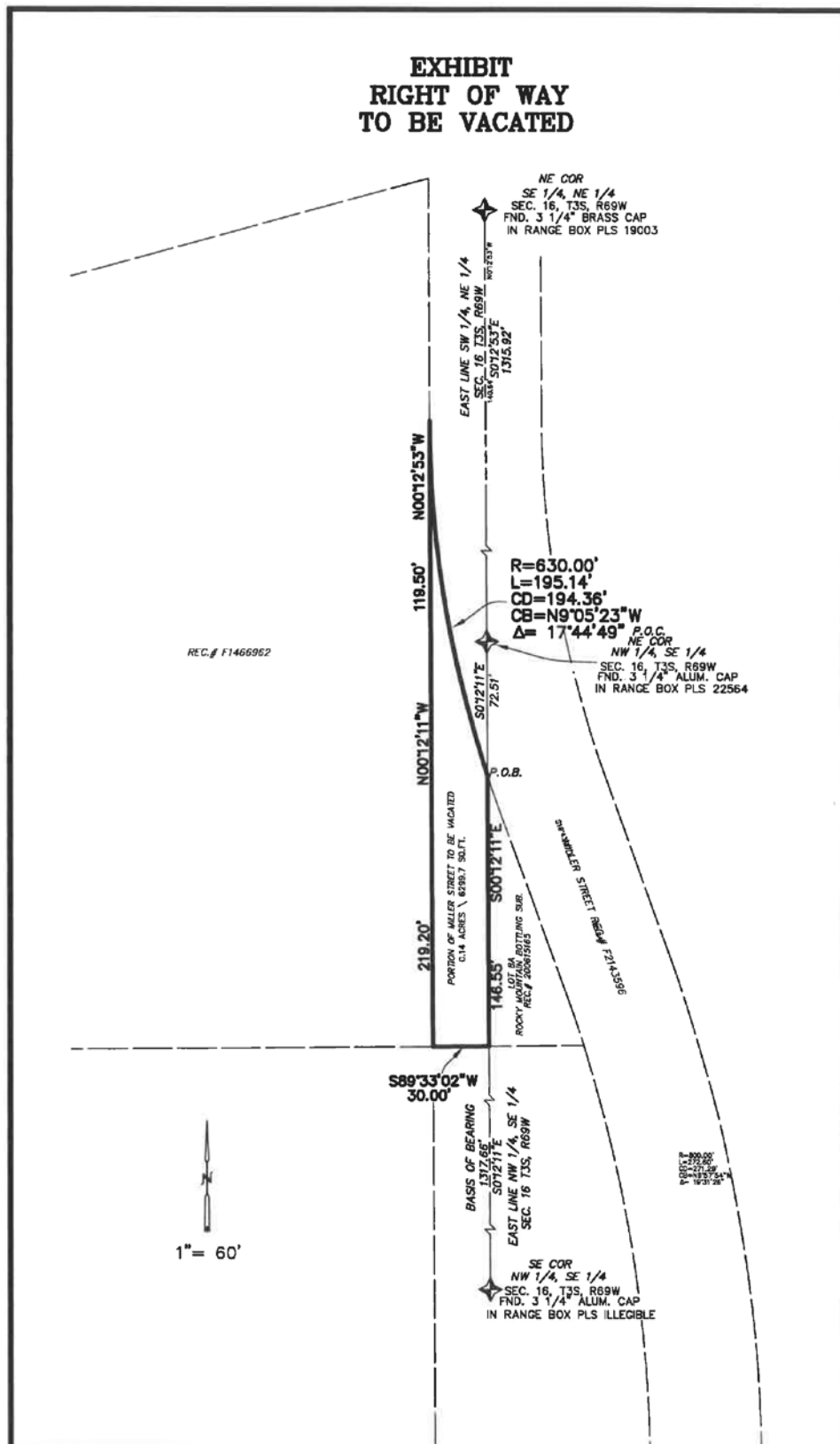


EXHIBIT 6: LETTER OF REQUEST



Facilities Department

11916 Market Street
Livonia, MI 48150
Phone 734-779-7183
Fax 734-779-7956

June 12, 2018

City of Wheat Ridge
Community Development Department
Attn: Zack Wallace Mendez
7500 West 29th Avenue
Wheat Ridge, CO 80033

Re: Right of Way Vacation/Annexation, 5185 Miller Street, Wheat Ridge, Colorado

Dear Wheat Ridge Community Development Department,

Roush Industries, Inc. ("Roush") has been conducting light vehicle testing based out of the Denver Metropolitan area since May of 2000. On March 1, 2017, Roush expanded its Denver operations by moving to 5185 Miller Street, Wheat Ridge, Colorado (Parcel ID: 39-161-00-002), a property owned by local property owner, Nelson Real Estate Properties, Inc.

As Roush has grown into the new Wheat Ridge location, we have come across safety issues caused by the legacy public right-of-way located on the old Miller Street between 5185 Miller Street and modern-day Miller Street. Roush's biggest day-to-day concerns are as follows:

- Non-employees parking in the right-of-way have caused near miss safety incidents due to their rushing in and out of the right-of-way without regard for others parked or entering/exiting Roush's parking lot.
- Non-employees parking in the right of way have regularly partially blocked the main entrance and exit from Miller Street, blocking visibility and preventing two-way traffic in and out of the parking lot.
- Individuals accustomed to parking in the right-of-way will often park in Roush's private parking lot without any regard for private property.
- Overnight parking in the right-of-way has prevented Roush from adequately clearing snow from its own parking lot and the right-of-way, there wasn't any public plow service for the right-of-way during the winter of 2017-2018 and snow maintenance fell to Roush.
- There is a risk that non-employees parking in the parking lot and right-of-way will cause damage to Roush employee and customer vehicles parked in Roush's parking lot. Roush could be liable for damage caused by others.

To resolve these issues, Roush proposes that Wheat Ridge vacate the public right-of-way adjacent to 5185 Miller Street and grant it to the property known as 5185 Miller Street, Wheat Ridge, CO, 80033. Roush is working with its landlord, Nelson Real Estate Properties, Inc., to eliminate the safety concerns caused by the legacy public right-of-way.

Please don't hesitate to contact me if you have any questions or concerns with Roush's attached Land Use Application. I may be reached at (734) 779-7183.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Richards".

Chris Richards
Staff Attorney, Facilities Department
Roush Industries, Inc.

EXHIBIT 7: SITE PHOTOS



Looking south along Miller Street from Ridge Road. The sidewalk and asphalt for the former Miller Street can be seen to the right (indicated by arrow). This is the right-of-way proposed for vacation.



View looking north from Rocky Mountain Bottling. The current Miller Street to the right of the photo. The curb, gutter, and sidewalk of the former Miller Street can be seen near the center of the photo.



View looking northwest from Miller Street and W. 52nd Place. The structure in the background is 5185 Miller Street (subject property). The functional Miller Street thoroughfare is in the foreground, as is the access point into the subject property. The abandoned Miller Street right-of-way is between the yellow vehicle and the structure.



View from the subject property looking south. A structure on the Rocky Mountain Bottling property is seen on the right. The former Miller Street right-of-way, which was vacated in 2006 and platted into the Rocky Mountain Bottling property, can be seen in the center of this photo.



PLANNING COMMISSION

Minutes of Meeting

July 19, 2018

1. CALL THE MEETING TO ORDER

The meeting was called to order by Chair BUCKNAM at 7:00 p.m. in the City Council Chambers of the Municipal Building, 7500 West 29th Avenue, Wheat Ridge, Colorado.

2. ROLL CALL OF MEMBERS

Commission Members Present: Alan Bucknam
Emery Dorsey
Daniel Larson
Janet Leo
Scott Ohm
Amanda Weaver

Commission Members Absent: Richard Peterson
Vivian Vos

Staff Members Present: Kenneth Johnstone, Community Development
Director
Zack Wallace Mendez, Planner II
Tammy Odean, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVE ORDER OF THE AGENDA

It was moved by Commissioner DORSEY and seconded by Commissioner LEO to approve the order of the agenda. Motion carried 6-0.

5. APPROVAL OF MINUTES – June 21, 2018

It was moved by Commissioner LEO and seconded by Commissioner LARSON to approve the minutes of June 21, 2018, as written. Motion carried 4-0-2 with Commissioners OHM and WEAVER abstaining.

6. PUBLIC FORUM (This is the time for any person to speak on any subject not appearing on the agenda.)

No one wished to speak at this time.

7. PUBLIC HEARING

- A. **Case No. WS-17-03:** an application filed by Slavomir Golabek for approval of an 11-lot subdivision for townhomes for property located at 10590 West 44th Avenue.

Mr. Johnstone explained that this project has been in the review stage for a while due to some engineering challenges and there are still some technical issues that need to be resolved before it can be presented to the Planning Commission. The applicant understands the process and has another submittal for staff to review with hopes of a public hearing target date of September 20, 2018.

It was moved by Commissioner WEAVER and seconded by Commissioner OHM a request for approval of an 11-lot townhome plat on property zoned Mixed Use-Neighborhood and located at 10590 W. 44th Avenue and to continue the public hearing to September 20, 2018.

Motion carried 6-0.

- B. **Case No. WV-18-01:** an application filed by Roush Industries, Inc. for vacation of right-of-way formerly used for Miller Street adjacent to 5185 Miller Street.

Mr. Wallace Mendez gave a short presentation regarding the vacation of right-of-way and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner BUCKNAM asked when City Council will hear this case. He was asking to make sure the easement document will be ready.

Mr. Wallace Mendez responded August 13. (The date given was partially correct, City Council will hear this case on August 13 for the first reading and September 10 for the public hearing.)

**Brian Hemphill, North American Real Estate for Coors/Miller
1801 California Street, Ste. 4600, Denver**

Mr. Hemphill was curious to know if the access easement his clients have at 10619 W. 50th Avenue will be affected by the vacation.

Discussion about the location of the access easement continued and Mr. Johnstone said staff will look into this new information. He added that a general condition could be added to the motion directing staff to make sure the existing access

easement will be maintained. This will give staff sufficient time to look at the ordinance.

It was moved by Commissioner OHM and seconded by Commissioner WEAVER to recommend APPROVAL of Case No. WV-18-01, a request for approval of a right-of-way vacation for a portion of the former Miller Street adjacent to 5185 Miller Street, for the following reasons:

1. The Public Works Department does not foresee any future roadway needs for this right-of-way.
2. The vacation will not leave adjacent property without access to a public street.
3. The vacation is not in conflict with the goals and objectives of the Comprehensive Plan or the Bicycle and Pedestrian Master Plan.
4. The vacation will not negatively impact City infrastructure.
5. Easements will ensure the City and outside agencies can adequately access infrastructure located within the vacated right-of-way.

With the following condition:

1. The executed easement document between the property owner and Valley Water shall be provided to City Staff prior to the City Council public hearing.
2. Staff will work with applicant on existing access easements.

Motion carries 6-0.

C. Case No. ZOA-18-04: an ordinance creating a new Section 26-643 of the Wheat Ridge Code of Laws prohibiting the use of freestanding emergency room facilities.

Mr. Johnstone gave a brief summary and background regarding the ordinance amendment.

Commissioner OHM asked about the charts on page 2 and 3 of the ordinance. He wondered why the Commercial chart is blank and the Mixed-Use chart has NP for not permitted.

Mr. Johnstone said it is a different table approach between the City's straight districts and the Mixed-Use districts. He explained it will be clearer when the Freestanding emergency room facilities category is embedded in the charts. In the Commercial and Industrial Districts charts, a P or S will appear if the use is permitted and left blank if not permitted. In the Mixed-Use chart a P will appear if the use is permitted and a NP if not permitted.

REQUEST FOR CITY COUNCIL ACTION


TITLE: RESOLUTION NO. 56-2018 – A RESOLUTION AMENDING THE FISCAL YEAR 2018 2E BOND FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$2,129,250 AND TO AWARD A CONTRACT AND SUBSEQUENT PAYMENTS TO GH PHIPPS CONSTRUCTION COMPANIES IN THE AMOUNT OF \$5,069,979 AND TO APPROVE A CONTINGENCY AMOUNT OF \$341,560 FOR THE ANDERSON PARK RENOVATION 2E BOND PROJECT


☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES

☒ NO


Parks and Recreation Director


City Manager

ISSUE:

The renovation of Anderson Park is one of the four City of Wheat Ridge Investing 4 the Future projects funded by 2E, the voter approved 1/2 cent sales tax increase. A Request for Qualifications for a General Contractor was completed and GH Phipps, Inc. was chosen to provide pricing services, value engineering and a guaranteed maximum price to complete the project based on the master plan design and the subsequent construction drawings.

A value engineering or cost study report was then completed to arrive at the final guaranteed maximum price (GMP) for construction. The contract award is based on the cost study report and submitted GMP.

The approved funding for the project from 2E bond funds is \$4,447,708. Additional funds to supplement the cost of the project are appropriated in the Open Space Fund and the Conservation Trust Fund.

The improvements associated with this project are intended to provide an updated park that functions effectively for the current uses, future trends and park users.

PRIOR ACTION:

City Council approved a master plan for the park which is represented in the construction drawings and construction contract award. A contract for continued services was awarded to Barker Rinker Seacat on November 27, 2017 to complete design development and construction drawings. These drawings include a lighted baseball/multipurpose field with a portable fence.

FINANCIAL IMPACT:

The 2E Bond Fund dollars designated for this project total \$4,447,708. The bond fund balance amendment in the amount of \$2,129,250 will appropriate the balance of the funds for the project to the total of \$4,447,708.

BACKGROUND:

A master plan was developed for the renovation of Anderson Park through an extensive public process. The plan was adopted by City Council with the inclusion of a lighted baseball/multipurpose field. With this inclusion, City Council approved a supplemental budget appropriation, in the amount of \$447,708, increasing the project to \$4,447,708 in bond funds.

The process for arriving at the GMP for the contract award included evaluating the proposals from general contractors on qualifications and cost of construction. From design development through construction drawings the selected contractor, GH Phipps, provided pricing information on different design options. The next step completed by the contractor was to submit a price based on the construction drawings. (Attachment #2 – Summary GMP Estimated Cost). Three bids were received from subcontractors in a majority of the trade areas. All bids were analyzed and scope of work was reviewed to ensure bids represented the work required. A value engineering or cost study report was then completed by GH Phipps to arrive at the final GMP for construction. (Attachment #3 – Cost Study Report) The contract award is based on the value engineering reflected in Attachment #3, page 5, to arrive at the final GMP submitted by GH Phipps.

The only item that was shown on the Master Plan and was eliminated due to cost is the west river access. The east river access is included in the scope of the project and contract award. At time of contract award funds are not available to include any of the add alternates as shown on the master plan.

RECOMMENDATIONS:

Staff recommends approval of contract award and a supplemental budget appropriation.

RECOMMENDED MOTION:

“I move to approve Resolution No. 56-2018, a resolution amending the fiscal year 2018 2E Bond Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$2,129,250 and to award a contract and subsequent payments to GH Phipps Construction Companies in the amount of \$5,069,979 and to approve a contingency amount of \$341,560 for the Anderson Park Renovation 2E Bond project.”

Or,

“I move to postpone indefinitely Resolution No. 56-2018, a resolution amending the fiscal year 2018 2E Bond Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$2,129,250 and to award a contract and subsequent payments to GH Phipps Construction Companies in the amount of \$5,069,979 and to approve a contingency amount of \$341,560 for the Anderson Park Renovation 2E Bond project for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Jennifer Nellis, Purchasing Agent

Joyce Manwaring, Parks and Recreation Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 56-2018
2. Summary Guaranteed Maximum Price Estimated Cost
3. Cost Study Report – August 29, 2018

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 56
Series of 2018

**TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2018 2E
BOND FUND BUDGET TO REFLECT THE APPROVAL OF A
SUPPLEMENTAL BUDGET APPROPRIATION IN THE
AMOUNT OF \$2,129,250**

WHEREAS, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a resolution; and

WHEREAS, City Council wishes to complete the Anderson Park Renovation Investing 4 the Future 2E bond project; and

WHEREAS, budgeted expenditures cannot exceed budgeted revenues; and

WHEREAS, an additional appropriation is required in 2018 to award the construction contract;

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

A transfer of \$2,129,250 is hereby approved from Fund 31 budget undesignated reserves to account #31-104-800-805 and the 2018 revenues are amended accordingly.

DONE AND RESOLVED this 10th day of September 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk



City of Wheat Ridge
 Anderson Park Building Improvements
 Anderson Park Renovation (Sitework)

SUMMARY

August 17, 2018

Job/Est#: 18.0119

Guaranteed Maximum Price Estimate

Summarized Description of Priced Scope:			Building Improvements (Base)	Park Renovation (Base)	Alternate A Play Area Expansion	Alternate B Play Area Shelter	Alternate C Multi-use Field Shelter	Alternate D West Creek Access	Alternate E Discovery Trail	Total with Alternates
Building Improvements	12,982 SF		\$2,072,662							\$2,072,662
Park Renovation	158,352 SF			\$2,632,493						\$2,632,493
Alternate A Play Area Expansion					\$133,975					\$133,975
Alternate B Play Area Shelter						\$56,928				\$56,928
Alternate C Multi-use Field Shelter							\$66,940			\$66,940
Alternate D West Creek Access								\$73,322	\$0	\$73,322
Alternate E Discovery Trail				\$0					\$35,755	\$35,755
Subtotal Direct Costs			\$ 2,072,662	\$ 2,632,493	\$ 133,975	\$ 56,928	\$ 66,940	\$ 73,322	\$ 35,755	\$ 5,072,074
Building Permit	Not Charged		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Plan Check Fee	Not Charged		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Fire Department/Misc Permits	0.15%		\$3,109	\$3,949	\$201	\$85	\$100	\$110	\$54	\$7,608
Use Tax (3.5% on 60%)	exempt		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
			\$2,075,771	\$2,636,442	\$134,176	\$57,013	\$67,040	\$73,432	\$35,808	\$5,079,682
Liability Insurance	0.85%		\$17,644	\$22,410	\$1,140	\$485	\$570	\$624	\$304	\$43,177
Builders Risk Insurance	0.25%		\$5,189	\$6,591	\$335	\$143	\$168	\$184	\$90	\$12,699
Performance and Payment Bond	0.67%		\$13,908	\$17,664	\$899	\$382	\$449	\$492	\$240	\$34,034
			\$2,112,512	\$2,683,107	\$136,551	\$58,022	\$68,227	\$74,732	\$36,442	\$5,169,593
Design Contingency	2.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Estimating Contingency	3.00%		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
City Building Department Review Contingency			\$25,000	\$0	\$0	\$0	\$0	\$0	\$0	\$25,000
Construction Contingency	3.00%		\$63,375	\$80,493	\$4,097	\$1,741	\$2,047	\$2,242	\$1,093	\$155,088
			\$2,200,887	\$2,763,600	\$140,648	\$59,763	\$70,274	\$76,974	\$37,536	\$5,349,681
Phipps' General Conditions			\$120,328	\$125,240						\$245,568
Construction Fee	3.27%		\$71,969	\$90,370	\$4,599	\$1,954	\$2,298	\$2,517	\$1,227	\$174,935
Preconstruction Services			\$7,500	\$7,500	\$0	\$0	\$0	\$0	\$0	\$15,000
GMP Estimate Cost	Total		\$2,400,685	\$2,986,709	\$145,247	\$61,717	\$72,572	\$79,491	\$38,763	\$5,785,183
Total Construction Cost - Base Site and Building				\$ 5,387,394						

COST STUDY REPORT

GMP Estimate

August 29, 2018

Job # 18.0119

Anderson Park Building and Park Site Renovation City of Wheat Ridge

Item	Description	Submitted		Status			Remarks
		Date	Deduct/Add Amount	Status	Date	Accepted Amount	
Defined Project Alternates							
Alt A	Play Area Expansion	8/12/18	145,247	Pending			
Alt B	Play Area Shelter	8/12/18	61,717	Pending			
Alt C	Multi-Use Field Shelter	8/12/18	72,572	Pending			
Alt D	West Creek Access	8/12/18	79,490	Pending			
Alt E	Discovery Trail	8/12/18	38,763	Pending			
SITEWORK / PARK							
2001	Use seed at irrigation trenches and sidewalk patches ILO sod (except keep sod at soccer and softball fields)	8/15/18	(6,280)	Rejected	8/21/2018	0	
2002	Delete N/S portion of concrete pan east of Gym, leave drainage as-is. Change to mulch supplied by city)	8/15/18	(1,325)	Rejected	8/29/2018		
	PAVILION:						
2003	Delete storm drain at lowered area east of Pavillion per MIG drawing	8/15/18	(2,175)	Accepted	8/29/2018	(2,175)	Approved by Paul at MIG 8/29
2004A.1	Change pavers at north east edge of performance stage/pavillion to tooled concrete (see notes for 2004A)	8/15/18	No cost change from scored	Rejected	8/29/2018		8/21 - consider tooled joints instead of scoring (MN).
2004B	Change pavers at north east edge of performance stage/pavillion to 6" concrete (not scored)	8/15/18	(3,749)	Rejected	8/29/2018		
2006	Change grasspave pavers on the southwest side of pavillion to 6" concrete.	8/15/18	(7,200)	Accepted	8/29/2018	(7,200)	
2016	Remove one step at the front of the pavillion - changes rise from 4.5" for 4 stairs to 6" for 3 stairs	8/20/18	(3,640)	Rejected	8/29/2018		8/20 - rough order of magnitude, waiting for deduct (MN). 8/21 - concerns expressed on if this would be a good idea. 8/29 - updated number from \$3500 to \$3,640.00
2021	Remove waterproofing at pavillion stage wall, detail 3/L-604. To accomplish this we'd have to do two separate pours, leaving a control joint just above grade. We could eliminate the control joint & the waterproofing	8/20/18	(1,548)	Accepted	8/29/2018	(1,548)	8/29: Paul needs to talk to Structural for final confirmation.
	ENTRY PLAZA:						
2005A	Use Backless benches no arms at Entry Plaza ILO concrete benches (Keep all 6). Pad remains.	8/21/18	472	Rejected	8/29/2018		8/29 - Concrete benches = \$1,170 each. Backless benches = \$1,248 each
2005B	Use Backless benches no arms at Entry Plaza ILO concrete benches (Reduce to 4).	8/21/18	(2,025)	Rejected	8/29/2018		
2005C	Maintain Concrete Benches, reduce number to 4 (in lieu of 6)	8/21/18	(2,340)	Rejected	8/29/2018		

ATTACHMENT 3

Anderson Park Building and Park Site Renovation
City of Wheat Ridge

Item	Description	Submitted		Status			Remarks
		Date	Deduct/Add Amount	Status	Date	Accepted Amount	
2005D	Maintain Concrete Benches, reduce number to 5 (in lieu of 6)	8/21/18	(1,170)	Accepted	8/29/2018	(1,170)	ONLY REMOVE ONE BENCH - closes to front door. ADD SKATEBOARD STOPS
2012	Anderson Building use Sand Finish in lieu of unit pavers at entry, all other concrete to be light sand blast.	8/15/18	no change	Rejected	8/29/2018		Removing sawcutting = (\$3250)
2012A	Leave unit paver path. Checkerboard finish on the sides. Every other square would have a broom finish, squares would run parallel to the center paver path - 2 on each side	8/15/18	(5,500)	Rejected	8/29/2018		
2012B	Leave unit paver path. Leave diagonal design, instead of sand finish use a colored concrete. Same pattern	8/15/18	(5,000)	Accepted	8/29/2018	(5,000)	Integrally colored, confirmed (8/30)
EAST CREEK ACCESS:							
2008A	East Creek Access to be alternate (less replacement of path/stairs listed below)	8/15/18	(48,449)	Rejected	8/29/2018		Must be chosen by XXX; 8/21 - Need to add landscaping changes
2008B,C,D	East Creek Access: Replace path/stairs with native seed.	8/15/18	(9,398)	Rejected	8/29/2018		Removes all crusher fine path, handrail and sandstone steps.
2008B	East Creek Access: Eliminate steps, North End.	8/15/18	above	Accepted	8/29/2018	above	Assumes nothing remains in lieu of sandstone steps. leaves handrail.
2008C	East Creek Access: Eliminate Handrail, North End.	8/15/18	above	Accepted	8/29/2018	above	
2008D	East Creek Access: Eliminate North Crusher Fine Path	8/21/18	above	Accepted	8/29/2018	above	
MISCELLANEOUS:							
2013	Change thermoplastic colored sidewalk to white thermoplastic	8/15/18	(7,100)	Accepted	8/21/2018	(7,100)	
2014	Remove integral water repellant at masonry at the pavillion columns (not needed w/ graffiti coating)	8/20/18	(442)	Rejected	8/29/2018		
2015	Revised Surveying Quote	8/20/18	(4,325)	Accepted	8/20/2018	(4,325)	
2017	Remove reinforcement at all site sidewalks	8/20/18	(7,500)	Accepted	8/20/2018	(7,500)	Per conversation w/ Paul at MIG on 8/20 reinforcement not needed (MN)
2018A	Additional Concrete Proposal Received (Sitework)	8/20/18	(41,600)	Accepted	8/20/2018	(41,600)	
2018B	Additional Concrete Proposal Received (Slab on Grade & Foundations)	8/24/18	(41,360)	Accepted	8/24/2018	(41,360)	
2020	ADDITIONAL LANDSCAPING CHANGES (per Paul drawings/email on 8/19) (2007 through 2020G totals \$44,063)						
2007	Replace shrubs at west edge of south parking lot w/ irrigated sod.	8/15/18	(2,800)	Rejected	8/29/2018		

Anderson Park Building and Park Site Renovation
City of Wheat Ridge

Item	Description	Submitted		Status			Remarks
		Date	Deduct/Add Amount	Status	Date	Accepted Amount	
2010A	Remove Rock Much at the Forestry Building completely, nothing in it's place.	8/17/18	(9,013)	Accepted	8/17/2018	(9,013)	Updated cost after 8/21 meeting (scope accepted at 8/17 GMP presentation)
2020A	Delete 4 Deciduous Trees - 2.5" Caliper at Forestry Building	8/19/18	(2,878)	Accepted	8/29/2018	(2,878)	
2020B	Delete Wood Mulch, Landscape Edger, Deciduous Tree, Shrub. Add Dryland Grass Seed.	8/19/18	(2,045)	Accepted	8/29/2018	(2,045)	
2020C	Delete Shrub, Ornamental Grass, 1 Gallon Perennial	8/19/18	(1,440)	Accepted	8/29/2018	(1,440)	
2020D	Delete the addition of new sidewalk	8/19/18	(22,363)	Accepted	8/29/2018	(22,363)	
2020E	Delete Deciduous Tree	8/19/18	(2,159)	Accepted	8/29/2018	(2,159)	
2020F	Delete Wood Mulch, Deciduous Shrub, Ornamental Grass, Perennial. Add Sod.	8/19/18	(833)	Rejected	8/29/2018		
2020G	Delete Wood Chips - supplied by owner	8/19/18	(531)	Rejected			
SUBSTRUCTURE							
2101							
STRUCTURE							
2201A	Eliminate grating at top of exterior canopies per 1 & 4/A735	8/15/18	(5,000)	DEFER	8/29/2018		Can this be added back??
2201B	Use larger spaced grating at top of exterior canopies per 1 & 4/A736	8/15/18	no cost change	Rejected	8/29/2018		can't make spacing larger, it's currently included as bar grate.
2201C	Use steel plate at face of exterior canopies ILO metal panel, flashing and plywood	8/15/18	(8,739)	Accepted	8/21/2018	(8,739)	Included as a 1/4" Plate, not continuous (MN). 8/21 - BRS indicated that a 3/16" plate could suffice w/ some support, will provide more information prior to pricing. 8/22 - updated pricing to include additional breakouts from Metal Panel Sub from 6,800 to 9300 (MN). 8/29: Steel number updated per drawing from BRS
2202	Revised Masonry Supplier Pricing, cost reduction from Mason	8/22/18	(4,300)	Accepted	8/21/2018	(4,300)	
2203							
EXTERIORS							
2301	Remove graffiti coating at building exterior & add to masonry columns at Performance Stage.	8/20/18	(8,050)	Accepted	8/29/2018	(8,050)	
2302	24GA in lieu of 22GA metal roof panels & 26GA in lieu of 22GA metal wall panels.	8/20/18	\$0.15/SF less	Rejected	8/29/2018		
2303	Remove Storage Building	8/20/208	(25,044)	Accepted	8/29/2018	(25,044)	
2304	Remove Bathhouse Re-Roof	8/29/18	(53,668)	Accepted	8/29/2018	(53,668)	Gutters, downspouts, fascia remains as existing
INTERIORS							

Anderson Park Building and Park Site Renovation
City of Wheat Ridge

Item	Description	Submitted		Status			Remarks
		Date	Deduct/Add Amount	Status	Date	Accepted Amount	
2402	Change interior aluminum doors and windows to painted hollow metal frames and wood doors. Includes frames: 1-A, 1-B, 1-C, 1-D, 100A and 102	8/15/18	3,637	Rejected	8/29/2018		
2403	Revise epoxy grout to only be at the change room and family cabana room shower floors and walls.	8/20/18	(4,809)	Accepted	8/20/2018	(4,809)	
2404							
EQUIPMENT AND FURNISHINGS							
2501							
MECHANICAL							
2601	Use area drains at showers ILO trench drains	8/15/18	(6,793)	Accepted	8/21/2018	(6,793)	
2602							
ELECTRICAL							
2701							
2702							
FF&E Items							
2801							
Summary Sheet Items							
2901	Building Department Contingency Allowance	8/29/18	(25,000)	Below	8/29/2018		
TOTALS							
	Alternates		397,789			(270,279)	
	Subtotal		(393,429)			(270,279)	

GMP Estimate Dated 8/17/2018		5,387,394	
Project Budget (RE: BRS, 4/26]		5,055,564	
Added Funds- Insurance, Field Lighting, Fence, Etc.			
Over/(Under) Budget		331,830	
Accepted Items to Date		(270,279)	
Burdens for OH & P, Ins, Contingency		(22,136)	
Building Department Contingency Deletion		(25,000)	
Over/(Under) Budget		14,415	

**Anderson Park Building and Park Site Renovation
City of Wheat Ridge**

Item	Description	Submitted		Status			Remarks
		Date	Deduct/Add Amount	Status	Date	Accepted Amount	
	Revised Project Contract Value					5,069,979	

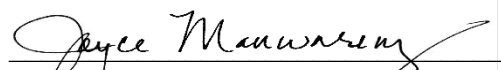

The above options are meant only to serve as suggestions, and are not recommendations of GH Phipps. It is the responsibility of the Design Team and Owner to research each alternative for code compliance, meeting the requirements of the specifications, engineering, compatibility with adjacent products and incorporation into the project documents. GH Phipps takes no responsibility for the design or engineering verification required for any of the options above.

REQUEST FOR CITY COUNCIL ACTION**TITLE: MOTION TO AWARD CONTRACT AND SUBSEQUENT PAYMENTS TO BARKER RINKER SEACAT ARCHITECTURE IN THE AMOUNT OF \$165,717 FOR ANDERSON PARK IMPROVEMENTS CONSTRUCTION ADMINISTRATION SERVICES**

- ☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES☒ NO
Parks and Recreation Director
City Manager**ISSUE:**

The scope of this contract award includes construction services for renovating the existing Anderson Building and Bathhouse as well as the existing Anderson Park per the adopted Anderson Park Master Plan.

The renovation of Anderson Park is one of the four projects approved by voters through the 2E Bond Issue, Investing 4 the Future, in November of 2016.

The improvements associated with this project are intended to provide updated park and recreation facilities that function effectively for current users, address future design trends as well as provide increased maintenance efficiencies.

PRIOR ACTION:

In November of 2016, Wheat Ridge voters approved a ½ cent increase in the City's sales tax rate in order to fund investments that will improve the community. The renovation of Anderson Park is one of the four projects identified for use of these funds.

A contract was awarded to Moore Iacofano Goltsman Inc (MIG) to prepare a Master Plan for the park. The Park and Recreation Commission recommended approval of the preferred concept

plan/master plan. City Council approved the Master Plan by Resolution at the October 23, 2017 regular meeting. The first master plan was amended to include a lighted baseball/multipurpose field with a portable fence.

A contract for continued services was awarded to Barker Rinker Seacat on November 27, 2017 to complete design development and construction drawings. GH Phipps Construction was chosen as the General Contractor to complete preconstruction services, subcontractor bidding and construction.

FINANCIAL IMPACT:

The Anderson Park Renovation bond funding is \$4,000,000. City Council approved an additional \$447,708 from bond fund interest to include a lighted baseball/multipurpose field with a portable fence. The adopted Master Plan construction costs exceed this amount. Additional funds have been appropriated in the Open Space Fund and the Conservation Trust Fund in the amount of \$1,950,000 to supplement the cost of the project.

BACKGROUND:

A public input process was conducted by MIG, Inc. and Barker, Rinker, Seacat Architecture to determine the final adopted Anderson Park Master Plan recommendations. Additional public input was received and the budget for the project was amended to include funding for a lighted baseball/multipurpose field. An additional contract for design and construction drawings was awarded in November of 2017. A Request for Proposal was issued for a general contractor and a selection process was completed. GH Phipps Construction was chosen as the General Contractor to complete preconstruction services, subcontractor bidding and construction. This contract awards the additional architectural administration construction services needed to support the construction process and to ensure that drawings are built to specifications and construction drawings as submitted and permitted. These services include weekly project meetings, inspection of work performed, change order evaluations and payment review and approval.

RECOMMENDATIONS:

Staff recommends award of contract to Barker Rinker Seacat Architecture for Anderson Park Improvements Construction Administration Services.

RECOMMENDED MOTION:

“I move to award contract and subsequent payments to Barker Rinker Seacat Architecture in the amount of \$165,717 for Anderson Park Improvements Construction Administration Services.”

Or,

“I move to deny award of contract and subsequent payments to Barker Rinker Seacat Architecture in the amount of \$165,717 for Anderson Park Improvements Construction Administration Services for the following reason(s) _____.”

REPORT PREPARED/REVIEWED BY:

Jennifer Nellis, Purchasing Agent
Joyce Manwaring, Director of Parks and Recreation
Patrick Goff, City Manager

ATTACHMENTS:

1. Negotiated Scope and Fee Proposal



**BARKER
RINKER
SEACAT**
ARCHITECTURE

August 9, 2018

Ms. Joyce Manwaring
Director Parks and Recreation
City of Wheat Ridge
4005 Kipling Street
Wheat Ridge, CO 80033

Subject: Anderson Park Improvements Construction Administration Services Proposal

Dear Joyce,

Barker Rinker Seacat along with our landscape design partner, MIG, are pleased to offer our proposal to perform construction administration services for renovating the existing Anderson Building & Bathhouse as well as the existing Anderson Park per the 100% Construction Documents dated July 20, 2018. In the following documents we describe our proposed scope of services, schedule, and fees.

Attached is "Exhibit A" with the outline of our proposed scope of services and "Exhibit B" with a breakdown of our fee proposal. Please let us know if this meets your approval and we will work on formalizing an agreement with the City of Wheat Ridge based on an AIA B101 agreement between Owner and Architect to coordinate with the agreement that will be established between the CMGC and the City.

We look forward to continuing our work on this exciting project and providing value to the City of Wheat Ridge Parks and Recreation Department.

Regards,

Kevin Armstrong, AIA | LEED AP
Project Manager
Barker Rinker Seacat Architecture

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Exhibit A

Project Understanding

Our work for this proposal will be to provide construction administration services for both the building improvements and park renovations project. The scope of services will be as follows for the project Design Team members:

Administration and Review Activities

- Respond to Contractor clarification and data requests, in amounts normal and customary for projects of this type, scale, and complexity
- Review of submittals, shop drawings, RFIs issued by the Contractor
- General review of contractor pay applications and change orders for aligning scope with proposed cost modifications
- Issue Bulletins (Proposal Requests and ASIs) as required to provide further design guidance than what is furnished in the 100% CD Set and Addendums.

On Site Activities

- BRS and MIG will provide primary site observation of the construction to review progress and adherence to the permitted and approved contract documents.
- BRS and MIG will attend Owner, Architect, Contractor (OAC) meetings to discuss the progress status and to help facilitate the process with the City and the CMGC.
 - BRS will attend meetings weekly
 - MIG will attend 30 OAC meetings with a reduction in meetings during the Winter
- Consultants will provide site observation and reports in quantities normal and customary for projects of this type, scale, and complexity

Project Team

Our team will include the following disciplines and firms:

- | | |
|----------------------------------|------------------------------------|
| • Architect of Record | Barker Rinker Seacat (BRS) |
| • Landscape Architect | MIG |
| • Civil Engineer | Kiowa Engineer |
| • Irrigation Design | Avocet Irrigation Design |
| • Geotechnical Investigation | CTL Thompson |
| • Structural Engineer | Weeks & Associates (W&A) |
| • Mechanical & Plumbing Engineer | Moen Engineering Consultants (MEC) |
| • Electrical Engineer | AE Design (AED) |

Proposed Schedule

This schedule for the construction of the building and park project is based on the initial construction schedule provided by GH Phipps (CMGC) and is scheduled to begin in September 2018 and will be completed in May 2019. It is understood that the park site scope may extend into June 2019.

Proposed Services and Fees

The BRS / MIG team will provide construction administration services for the building and park projects consistent with industry standards. The proposed fee breakdown is provided on the attached "Exhibit B". The total fee proposed is \$163,317.

Anderson Building Improvements

BRS Construction Administration Hours / Fee Breakdown:

BRS Staff	Role	Hours	Hourly Rate at 2018 Standard Rates	Total
Kevin Armstrong	PM - Oversight	78 Hours	\$157/Hour	\$12,246
Amanda Spear	Primary Facilitator of CA for BRS	470 Hours	\$110/Hour	\$51,700
Angel Trevino	CA Assistance	80 Hours	\$110/Hour	\$8,800
				\$72,746

The following fees are proposed by the building design consultants:

Consultant	Role	Total
Weeks & Associates	Structural Engineer	\$3,200
Moen Engineering Consultants	Mechanical & Plumbing Engineer	\$1,800
AE Design	Electrical Engineer	\$2,400

The hours and fees listed above are based on historical timeframe requirements for projects of similar scale and complexity as the Anderson Building.

Anderson Park Renovation

Please see attached "Exhibit C" for the breakdown of hours and activities for the construction administration activities of the Site Design Team. The BRS coordination / administration fee is shown on "Exhibit B".

Reimbursable Expenses

Expenses for travel and printing required for facilitating the construction administration process are not included within our fees and shall be treated as reimbursable expenses. We have estimated these expenses not to exceed \$2,400. Reimbursable expenses will be billed as they are incurred.

Assumptions and Considerations

The fees listed in this proposal are based on the scope of work described above and the following clarifications:

- BRS will work in conjunction with MIG to conduct the renovation of the Anderson Building & Bathhouse and Anderson Park. BRS will be the primary consultant and will facilitate the process.
- The construction will utilize the CMGC process and will be facilitate by GH Phipps. The construction of the project has been discussed during the design process and the CMGC and pre-coordination has been reviewed for several scope areas which should assist in easing the construction process. The proposed fees in this proposal reflect this pre-coordination.
- Our fees are based on the 100% Construction Documents dated July 20, 2018.
- Additional items listed as part of Exhibit B.

Exhibit B: Fee Summary**Anderson Park Improvements - Construction Administration Fee Tabulation****Scope of Services - Fee Allocation**Prepared 8/9/2018
Revised**Anderson Building / Park Construction Budget**

Anderson Building Construction Cost	\$ 2,775,628
Anderson Park Site Construction Cost	\$ 2,279,936

Includes Owner budgets based on email dated 6/21/18:
 Building - Construction Cost, Const. Contingency, Roof, Gutter &
 Downspout Replacement from Hail Damage
 Park Site - Construction, Const. Contingency, Ballfield Const.

Design Fee Allocation

Anderson Building Base Design Services			SD cost	DD cost	CD cost	BN cost	CA cost
Total		***%					
Architect of Record - BRS	\$ 72,746	2.62%	\$ -	\$ -	\$ -	\$ -	\$ 72,746
Structural Engineer - W&A	\$ 3,200		\$ -	\$ -	\$ -	\$ -	\$ 3,200
Mechanical & Plumbing - MEC	\$ 1,800		\$ -	\$ -	\$ -	\$ -	\$ 1,800
Electrical Engineer - AEDG	\$ 2,400		\$ -	\$ -	\$ -	\$ -	\$ 2,400
Specifications - iBIM	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
Consultant Sub Total	\$ 7,400	0.27%	\$ -	\$ -	\$ -	\$ -	\$ 7,400
Total Building Base Services Fee	\$ 80,146	2.89%	* % of Building Construction Cost				
Park Design Base Services			SD cost	DD cost	CD cost	BN cost	CA cost
Total		***%					
Coordination / Administration - BRS	\$ 3,961	0.17%	\$ -	\$ -	\$ -	\$ -	\$ 3,961
Landscape Design - MIG	\$ 31,530		\$ -	\$ -	\$ -	\$ -	\$ 31,530
Civil Engineer - Kiowa	\$ 30,787		\$ -	\$ -	\$ -	\$ -	\$ 30,787
Electrical Engineer - AED	\$ 4,069		\$ -	\$ -	\$ -	\$ -	\$ 4,069
Irrigation Design - Avocet	\$ 12,824		\$ -	\$ -	\$ -	\$ -	\$ 12,824
Geotechnical - CTL Thompson	\$ -		\$ -	\$ -	\$ -	\$ -	\$ -
Consultant Sub Total	\$ 79,210	3.47%	\$ -	\$ -	\$ -	\$ -	\$ 79,210
Total Park Design Base Services Fee	\$ 83,171	3.65%	** % of Park Construction Cost				
Total Base Services Fees			\$ -	\$ -	\$ -	\$ -	\$ 163,317

Reimbursable Expense Budget

Total Estimated Expenses	\$ 2,400
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Assumptions:

- 1 Per request from the Owner, this proposal is for Construction Administration services only.
- 2 Based on the 100% Consturction Documents dated 7/20/18.
- 3 Site is assumed to be free of environmental hazards and will not require clean up.
- 4 No foundation remediation is assumed to be required for the existing building.
- 5 All fees for permits and jurisdictional approvals, and site inspection fees, utilities and taxes have been excluded
- 6 All printing of documents required to perform work will be provided as a reimbursable expense.
- 7 The proposal is based on a standard construction schedule based on information provided by the CMGC.