

AGENDA

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

June 10, 2019

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

PROCLAMATIONS AND CEREMONIES

Men's Health Month
Wheat Ridge Safety Month
Census 2020

APPROVAL OF MINUTES Council Minutes of April 8, 2019 and Study Session notes of March 18, 2019 and April 1, 2019

APPROVAL OF AGENDA

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 for a maximum of 3 minutes and sign the STUDY SESSION AGENDA ROSTER.

1. CONSENT AGENDA

- a. Motion to award purchase and installation of Henderson snow and ice control equipment and approve subsequent payment to Auto Truck Group of Colorado Springs, Colorado for a total amount not to exceed \$107,650
- b. Resolution No. 33-2019 – a resolution amending the fiscal year 2019 general fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$12,500 for the purpose of funding half of the Artspace Feasibility Study
- c. Motion to approve payment to Bank of Oklahoma for 2019 principal and interest payments in the amount of \$3,498,300 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. Resolution No. 34-2019 – a resolution approving a major subdivision plat for property zoned Residential-Three (R-3) and located at 11661 W. 44th Avenue (Case no. WS-19-01 / Riverside Terrace)
3. Council Bill No. 07-2019 – an ordinance removing the local historic landmark status from an accessory structure on property located at 11480 W. 44th Avenue (Case No. WHL-19-01 / McEntire)

ORDINANCES ON FIRST READING

4. Council Bill No. 09-2019 – an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement
5. Council Bill No. 08-2019 – an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities (Case No. ZOA-19-01)

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

April 8, 2019

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	Janeece Hoppe	George Pond	Amanda Weaver
Kristi Davis	Larry Mathews	Leah Dozeman	David Kueter

Also present: City Clerk, Janelle Shaver; City Treasurer, Chris Miller; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Administrative Services Director, Allison Schenk; Community Development Director, Ken Johnstone; Parks & Recreation Director, Joyce Manwaring; other staff, guests and interested citizens.

PROCLAMATIONS AND CEREMONIES

Wheat Ridge High School Boys Basketball 2019 4A Jeffco League Champions

Mayor Starker congratulated **Coach Tom Dowd**, Assistant Coaches Sean Mulligan and RJ Tejon, and the players on their accomplishment and presented him with a certificate from the City. Coach Dowd, having been at WRHS for 23 years, noted the playoff games were like the old days when the gym would be packed. He said the school has wonderful kids and a great faculty and staff. The school is at a competitive disadvantage compared to other school facilities, but what comes from the staff and students is remarkable. This team was hard working kids and he expects a couple more league championships. He invited folks to come to the Barn for a game next year.

National Crime Victims' Rights Week

Mayor Starker read a proclamation designating the week of April 7-13 as National Crime Victims' Rights Week. **Joanie Nelson**, who works with VOI, spoke briefly about the efforts to help victims of crime. Last year in Wheat Ridge there were 237 calls to assist crime victims. 137 were daytime responses and the volunteers did 100 of those calls. Total volunteer hours in WR last year was 15,980 hours; they assisted 1,371 victims. She thanked the City on behalf of the volunteers and the victims.

2019 National Telecommunicators Week

Mayor Starker read a proclamation designating the week of April 14-20 as National Telecommunicators Week to honor the 118 men and women who respond to emergency calls, dispatch emergency professionals and equipment, and render life-saving assistance to the citizens of Wheat Ridge. **Division Chief Pickett** reported the

regionalization of emergency service has been very successful. Jeffcom Director, **Jeff Streeter**, received the proclamation and spoke about the success of Jeffcom, which consolidated eight primary answering points for law, fire and EMS. Jeffcom is a large center that employs 130 telecommunicators and 18 supervisors. He introduced **Deputy Director Michael Brewer** and **Supervisor Chris Garramone**, who worked previously as a supervisor for Wheat Ridge. April 4 was the one year anniversary of services. During this first year Jeffcom has answered 580K non emergency calls and over 250K 911 calls. He thanked the City for honoring these dedicated professionals this week.

Infill Development Award

Mr. Goff announced that Wheat Ridge received an award for Infill Development from the Urban Land Institute for the Fruitdale Apartments project. A short video about the project was played. Housing Authority members **Janice Thompson** and **Tom Abbott** were on hand. Janice Thompson, who attended Fruitdale School as a child, thanked the staff, Jim Hartman, and the past and present councilmembers and Housing Authority members for saving the school.

APPROVAL OF MINUTES Council Minutes of January 28, 2019; Study Session Notes of February 4, 2019 and Special Study Session Notes of January 28, 2019 and February 25, 2019

There being no objections, the City Council Minutes of January 28, 2019; Study Session Notes of February 4, 2019 and Special Study Session Notes of January 28, 2019 and February 25, 2019 were approved as published.

APPROVAL OF AGENDA

CITIZENS RIGHT TO SPEAK

Rachel Hultin (WR) spoke in favor of the consent agenda item about keeping the sidewalk in the ROW. She commented that this is a huge agenda with complicated projects. She likes the sidewalks that are public/private partnerships and the increase in parks.

Kathleen Martell (WR) co chair of the NRS committee thanked Council for doing this project. She sees a lot of opportunity for the City.

Kim Calomino (WR) shared that Wheat Ridge pops up a lot on the internet. That's exciting. She told Council to keep up the good work.

Judy Capra (WR) related how important it is to notify residents about changes. People don't like some of these changes. She believes people who move into our neighborhoods are more interested in using existing housing vs new. People want to be involved at the neighborhood planning; they are not comfortable letting City Council make some of these decisions that affect their neighborhoods. When a big project is going to have a drastic impact on the neighborhood, people should be notified. She

also wonders if it does any good to come in and talk because it seems like everything is a done deal.

Tanya Cardwell (Denver) plans to move here and move her dog business here. She would like to see dog runs allowed in a zone other than Industrial.

John Clark (WR) spoke about District 4. He noted the train still uses its whistle at night. He spoke about \$1.2M of 2E money being used for a public/private partnership for the TRAX project which will bring 220-280 market rate residential units to District 4 at 52nd & Tabor. He distributed photos from Zillow advertising properties for sale in his neighborhood near 46th & Swadley: half a duplex with garage and large side yard, a corner horse property, 44 townhomes coming to a 2-acre lot, and a single family house that sold so fast there's no picture. He invited Council to come see the neighborhood.

Amber Ehrmann (WR) appreciates the parkland and open space in the City. It is essential to our character. She likes to see more open space.

Riley Lindberg (LW) grew up in WR and appreciates the greenbelt. He likes how we integrate urban with open space and thinks we should work together to ensure new developments honor our culture. The charm of WR is the farming roots and being different than other communities. He wishes to see more of our roots preserved and incorporated into our city. He recommended the Dark Sky Society for good ideas about reducing overlighting.

Katie Zaback (WR) moved here 4 years ago to be in a community they could be involved in. They walk and bike a lot, and would like to see more of that. They like that Wheat Ridge is multi-generational. She noted how housing costs are rising as people move into the area. Policies the Council makes are so important to help lower housing prices for families. She supports well-planned density if it's needed to keep housing costs down. Regarding rentals, she urged bringing in more families.

Joe DeMott (WR) told the Council that several years ago the Wheat Ridge Chamber joined with WR United Neighborhoods to host the long tradition of the WR Candidate Forum. Two years ago Council had another group host it; last year it fell by the wayside altogether. The Chamber is planning a Candidate Forum this year. He requested use of Council Chambers for the forum and having it televised by the City on Channel 8.

Jan Kissell (WR) stated that apartment houses don't bring revenue to the City. She suggested those folks shop at Walmart and Target. We keep bringing in seniors and doing away with our children. Soon Stevens will be shut down like Martensen was. She fears for her property values because of all the apartment houses that are going in.

Matt Cavanaugh (WR) wanted to speak in favor of the development on Upham. Mayor Starker instructed him to wait for the agenda item.

Robert Moore (Westminster) grew up on Upham Street and thinks the neighborhood has become dilapidated. He thinks the proposed development will be an upgrade, and that people want to come to a small community that is upgraded.

CONSENT AGENDA

1. CONSENT AGENDA

- a. Motion to award and approve payment to Centerpoint Energy Services, Inc., Denver, CO, for Natural Gas Services provided to the City's Municipal Building, Anderson Park Building, and the Recreation Center [*direct purchase for cost savings*]
- b. Motion to award a contract and approve subsequent payments to A-1 Chipseal/Rocky Mountain Pavement, Denver, Colorado, for the 2019 Crack Seal Project, in the amount of \$134,750, and a Contingency amount of \$6,750 for a total not to exceed amount of \$141,500 [*first of three; budgeted*]
- c. Resolution 22-2019 – approving a Memorandum of Understanding between Colorado State Patrol – Beat Auto Theft Through Law Enforcement (BATTLE) and the City of Wheat Ridge [*shares our data; no financial impact*]
- d. Resolution 23-2019 – approving the Second Amended and Restated Intergovernmental Agreement establishing the Juvenile Assessment Center [*no financial impact*]
- e. Motion to approve payment to LL Johnson Distributing Company, Denver, Colorado in the amount of \$94,711.36 for purchase of a new 2019 Toro Groundsmaster 5900-D Mower [*budgeted*]
- f. Motion to award a contract and approve subsequent payments to J.F. Sato & Associates, Littleton, CO, in an amount not to exceed \$134,120 for Engineering Consulting Services for 38th Avenue and Kipling Intersection Improvements [*adds second left turn lane for eastbound 38th Ave; funds available in Public Improvement Projects – Development Related*]
- g. Resolution 21-2019 – amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a Supplemental Budget Appropriation in the amount of \$18,000 to support Porchlight, a Family Justice Center [*our share based on population*]

Councilmember Mathews introduced the Consent Agenda.

Motion by Councilmember Mathews to approve the Consent Agenda items a), b), c), d), e), f) and g); seconded by Councilmember Hoppe; carried 8-0.

PUBLIC HEARINGS AND ORDINANCES ON SECOND READING

2. **Council Bill 33-2018** – An Ordinance approving a Zone Change from Agricultural-One (A-1) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for property located at 4440 Tabor Street

(Case NO. WA-18-15/Clear Creek Terrace)(Continued for Council Action from February 11, 2019)

The applicant is requesting the zone change to prepare the property for development of a 26-unit townhome project.

This request was heard at a public hearing at City Council on January 14, 2019. A legal protest was entered into the record. After the presentation and testimony, the public hearing was closed and a motion was approved to continue the case to February 11, 2019. On February 11, there were vacancies on Council and pursuant to the applicant's request, a motion was approved continuing the case to April 8, 2019.

Councilmember Dozeman introduced Council Bill 33-2018.

Mayor Starker opened the public hearing.

City Clerk Shaver assigned Ordinance 1663.

Mr. Dahl gave directions on two related procedural matters.

- Legal protests A proper legal protest was filed on January 14 by an adjacent property owner. This triggered a requirement of 6 votes for passage. Since that time the legal protest has been withdrawn, so only five votes are needed for approval. Another legal protest was filed this evening. This protest is untimely (filed after the close of the public hearing) and therefore invalid.
- Eligibility of councilmembers to vote
- Councilmember Kueter was not at the January 14 hearing, but has since listened to the tape of the meeting. When the matter was continued Mr. Dahl questioned Mr. Kueter – establishing that he had listened to the tapes and therefore can and should vote on this matter.
- Councilmember Weaver heard this case when she was on the Planning Commission and, in fact, made the motion to approve the case. She was subsequently appointed to the City Council. His opinion and case law establishes that she has prejudged the case. He consistently reminds councilmembers not to attend Planning Commission meetings on matters that will come to Council as this constitutes ex parte information. He recommends that Councilmember Weaver should recuse herself due to her prejudgment and ex parte issues.

He also reviewed a Charter provision that requires councilmembers to vote unless 1) they have a personal or private interest in the matter, or 2) the remainder of Council votes by unanimous consent to excuse the councilmember from voting. He recommends that mechanism be used now to determine if Councilmember Weaver should vote. If the vote is unanimous for her to recuse herself, she will not vote. If the vote is not unanimous, he will have questions for her to establish a reasonable record.

Councilmember Pond wanted to know if Councilmember Weaver had listened to the proceedings of January 14. Mr. Dahl said it doesn't matter - prejudgment is prejudgment and ex parte is ex parte. These can't be undone.

Motion by Councilmember Mathews to excuse Ms. Weaver from voting on this item; seconded by Councilmember Dozeman.

Discussion followed.

Councilmember Kueter asked to hear the alternative legal opinion of the applicant. Mr. Dahl explained that opinion and why he disagrees with it based on case law.

Councilmember Hoppe suggested that Ms. Weaver should vote because she does not have a personal financial interest in the property and all the Council sees what the Planning Commission sees. Mr. Dahl clarified that City Council only gets the minutes from the Planning Commission hearing and doesn't have benefit of the testimony. In his opinion the Charter provision about approving/waiving her recusal is for situations exactly like this – when a member has had to prejudge a case.

Councilmember Pond believes that the Planning Commission hearing and the City Council hearing are different and therefore Councilmember Weaver's previous vote does not constitute prejudgment. .

Councilmember Mathews suggested that if Councilmember Weaver is not allowed to recuse herself we are making a mockery of the quasi-judicial procedure. Allowing her to vote would set a precedent, and in the future anyone with pre-knowledge could vote.

Councilmember Urban asked how Councilmember Kueter knew the developer's attorney had a different opinion; he was not aware of that. Councilmember Kueter wasn't sure how he knew that – likely from correspondence from staff or Mr. Dahl.

Councilmember Urban asked Mr. Dahl if allowing Councilmember Weaver to vote would create a legal reason for objection. Dr. Dahl explained how either way (failure to recuse or force to recuse), a legal objection could be made. He will defend either way.

Motion failed 3-4, with Councilmember Davis, Pond, Hoppe and Kueter voting no. A unanimous vote was needed for approval.

Mr. Dahl offered a series of questions to Councilmember Weaver to establish that:

- She was at the Planning Commission hearing for this case on November 15, 2018 and made the motion to approve it;
- She is familiar with the case because of that hearing;
- She has reviewed written materials in the packet or listened to the tape of the January 14, 2019 City Council hearing; and
- She believes she can make an unbiased decision despite her participation in reviewing the case when she was a member of the Planning Commission.

Mr. Dahl advised that Councilmember Weaver can vote.

Motion by Councilmember Mathews that Councilmember Kueter be recused from voting as he has outside knowledge the rest of the Council does not have; seconded by Councilmember Urban.

Discussion followed.

Councilmember Kueter doesn't believe that information from the City Attorney to Council about a legal interpretation is outside information that would be disqualifying.

Councilmember Mathews asked if that information was distributed to the entire Council.

Mr. Dahl noted he got an email from the applicant's attorney, but he did not distribute it to anyone other than staff. Mr. Kueter was asked how he found out the applicant had a different legal opinion. He said he didn't remember; he would have to check his correspondence. He posed that in the absence of knowledge it would be a legitimate question to ask the City Attorney if there was a differing legal theory.

Mr. Dahl suggested this was no different than the occasional ex parte contacts that councilmembers inadvertently encounter. He usually questions the councilmember publicly to clear it up. Mayor Starker asked Mr. Dahl to so question Mr. Kueter.

Mr. Dahl questioned Councilmember Kueter about how he learned of the alternate legal opinion. Councilmember Kueter verified that:

- He had not been contacted by the applicant's attorney;
- He doesn't recall how he found out Mr. Dahl had been contacted by the applicant's attorney;
- There was conversation at the retreat about whether Councilmember Weaver could vote; and
- He did not receive any written material from Mr. Dahl or other councilors on this matter.
- He supports the motion to excuse Councilmember Weaver from voting, and he feels he can render a fair and unbiased decision on Item 2.

Mr. Dahl noted that a unanimous vote of the remaining councilmembers would be necessary to excuse councilmember Kueter from voting.

Councilmember Davis recalled some conversation at the retreat about someone not being able to vote.

Councilmember Mathews' motion to excuse Mr. Kueter from voting under Charter Section 5.9 failed 3-4, with Councilmembers Davis, Pond, Hoppe, and Weaver voting no. Mr. Dahl advised that Council member Kueter is required to participate and vote.

Councilmember Urban asked why the legal protest was allowed to be rescinded after the January 14 hearing was closed. Mr. Dahl views the withdrawal of the protest as procedural. It is not evidence; it is similar to a motion being filed in a court case. If an interested party withdraws it would be unfair to the applicant to impose a voting requirement triggered by a protest that is no longer there.

Motion by Councilmember Dozeman to approve Council Bill 33-2018 an ordinance approving the rezoning of property located at 4440 Tabor Street from Agricultural-One (A-1) to Planned Residential Development (PRD) with approval of an Outline

Development Plan, on second reading, and that it take effect 15 days after final publication; for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-303 of the Code of Laws."

seconded by Councilmember Hoppe.

Councilmember Mathews noted that Council rules allow citizens to speak on any item on the agenda, and asked that the public be allowed to speak. Mayor Starker ruled that the hearing was closed and the public could not comment. Mr. Dahl concurred.

Motion by Councilmember Mathews to allow citizens to speak on the item; seconded by Councilmember Dozeman.

Mr. Dahl advised that if this motion passes, it effectively reopens the hearing, and the matter should be continued so it can be properly posted and noticed.

Councilmember Davis spoke against reopening the hearing since it was not publicized.

Councilmember Dozeman shared that she wanted to support this project, but has issues with how this process has been conducted, including

- The continuance,
- The developers strategic move to continue when he didn't have the votes,
- Councilmember Weaver being cleared to recuse herself and now she is voting, and
- Councilmember Kueter being privy to information none of the other councilmembers have.

Substitute motion by Councilmember Dozeman to continue the item, reopen the public hearing and get details on how the information came about with Mr. Kueter; seconded by Councilmember Mathews.

Councilmember Hoppe noted this started in January and she doesn't think it would be fair to the developer to continue it further and delay his building timeline vis a vis subcontractors, bankers and bids.

Councilmember Urban supports a continuance, making the point that there are a lot of unanswered questions, including finding out why the legal protest was withdrawn.

Councilmember Mathews noted how people think Council rushes things through and are not transparent. He thinks a reset is in order because there are so many unanswered questions.

Councilmember Dozeman's motion to continue failed 3-5, with Councilmembers Davis, Pond, Hoppe, Weaver and Kueter voting no.

There were comments on Councilmember Mathews' motion.

- Councilmember Hoppe does not favor citizen comment tonight because the meeting was not properly noticed.
- Councilmember Urban favors public comment, but without proper notice he doesn't think it's appropriate to take public comment tonight.]
- Councilmember Dozeman commented that it was interesting that we would defer to Council on this matter, but not on matters of a councilmember recusing him/herself.

Councilmember Mathews' motion to allow citizens to speak on this agenda item failed 2-6, with Councilmembers Davis, Pond, Hoppe, Weaver, Urban and Kueter voting no.

Main motion to approve Council Bill 33-2018 carried 5-3, with Councilmembers Mathews, Dozeman and Urban voting no.

3. **Council Bill 34-2018** – An Ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street and, in connection therewith, authorizing execution of an agreement for said sale (Continued for Council Action from February 11, 2019)

The City has the opportunity to sell the vacant parcel of park property located on the southwest corner of 38th Avenue and Johnson Street for the development of a CVS Pharmacy. Charter section 16.5 requires a unanimous vote of City Council to dispose of park property.

Councilmember Pond introduced Council Bill 34-2018.

City Clerk Shaver assigned Ordinance 1664.

Staff presentation

Mr. Dahl had a few words of explanation as the hearing for this item was already held.

1. Because this is a legislative matter, contact from citizens is permitted, and
2. Councilmembers Kueter and Weaver can vote on this.

Mayor Starker announced that the hearing had been closed, and a motion was in order.

Motion by Councilmember Pond to approve Council Bill 34-2018, an ordinance approving the sale of designated park land at the intersection of West 38th Avenue and Johnson Street on second reading and that it takes effect 15 days after final publication, on second reading, and that it take effect 15 days after final publication; seconded by Councilmember Hoppe.

Mayor Starker asked if there was any discussion.

Councilmember Weaver noted having done extensive research on the history of this park. She had some questions of staff but the Mayor disallowed that since the hearing was closed. She continued with explanation of her research about the public process in 2008 which provided for this property to be considered for future commercial development. Additionally, she found that in 2009 this property was not un-deeded as parkland and was exchanged for space at the Baugh House. These are the reasons she will vote for this sale.

Councilmember Mathews raised a point of order that the public hearing was closed and now new testimony is being introduced. Mayor Starker ruled that this was just discussion amongst councilmembers.

The motion failed 7-1, with Councilmember Mathews voting no. [*Unanimous vote required.*]

Mayor Starker declared a recess at 8:50pm. The meeting reconvened at 9:03pm.

- 4. Council Bill 02-2019** – An Ordinance approving a zone change from Residential-Three (R-3) to Planned Residential Development (PRD) with an Outline Development Plan (ODP) for Property located at 4000-4066 Upham Street (Case No. WZ-18-17/Ridgetop Village)

The purpose of this request is to prepare the property for development of a 38-unit townhome project. Two related requests are for approval of a Specific Development Plan (SDP) and a Major Subdivision plat.

- 5. Resolution 19-2019** – approving a Specific Development Plan (SDP) for property located at 4000-4066 Upham Street (Case NO. WZ-18-18/Ridgetop Village)

This second step in the approval process for a PRD will provides site plan and design details for the development of the subject property.

- 6. Resolution 20-2019** – A Resolution approving a Major Subdivision for property located at 4000-4066 Upham Street (Case No. WS-18-02/Ridgetop Village)

A major subdivision will establish lot lines, tracts, easements, and right-of-way dedications for the proposed townhome development.

Councilmember Davis introduced Item 4. Council Bill 02-2019 (Zone change from R-3 to PRD), Item 5. Resolution 19-2019 (Specific Development Plan), and Item 6. Resolution 20-2019 (Major Subdivision).

City Clerk Shaver assigned Ordinance 1665.

Mr. Dahl reported a number of protests had been received prior to the hearing. One is valid. Consequently, the rezoning will require 6 votes to approve. Legal protests apply only to rezonings so the SDP and Major Subdivision will only require 5 votes to approve.

Mr. Dahl noted that Councilmember Weaver heard this case when she was on the Planning Commission. She seconded the rezoning and the major subdivision and voted yes on all three items. As with Item 2, he deems this to be evidence of pre-judgement and ex parte information and advises her to recuse herself. He also alerted Council to Sec 5.9 of the Charter which places that decision in the Council's hands.

Motion by Councilmember Urban allow Councilmember Weaver to recuse herself on Items 4, 5, and 6; seconded by Councilmember Mathews; failed 4-3, with Councilmembers Davis, Pond, and Hoppe voting no. [*Unanimous vote required.*]

Mr. Dahl questioned Ms. Weaver about her prior knowledge and voting on this matter when she was on the Planning Commission. She asserted she can make an unbiased decision based on the record of this hearing tonight despite her earlier Planning Commission action.

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

Staff presentation - Lauren Mikulak

Ms. Mikulak entered into the record the contents of the case file, the zoning ordinance, the comprehensive plan, the subdivision regulations, and the digital presentation. She testified that all posting and notification requirements had been met.

Ms. Mikulak used an aerial map to explain area zonings and land uses.

- The property is almost 2 acres and contains four single-family houses that range in age and condition - built between 1928 and 1952.
- The subject property is surrounded by R-3 zoning which allows single family, duplexes and multi-family. A variety of housing types do exist in the area including three single family houses to the south and one across the street; and four apartments to the north, and some on the other side of Upham Street.
- Building heights range from one- to 2 ½ stories. She pointed out the single-family houses to the north and east.
- Adjacent on the east side of the property is a 19 acre campus owned by the School District which houses Stevens Elementary and the Sobesky Academy.
- The drainage facility for the project is accommodated on the school property.
- The PRD proposes 38 attached, privately owned, single family townhomes. It establishes zoning and development standards, specifies site and building designs, and creates the lots lines.
- Any height, density, setback or architectural requirements, would be specific to this property and required to be built. Any changes would require a public hearing.
- The applicant has chosen to process all documents concurrently.
- R-3 allows townhomes, open space, single- and two-family development.

- Proposed height is 35 feet, which is allowed in all residential zones.
- Differences accommodated by the PRD:
 - As R-3, lot consolidation would allow 22 units. This PRD plans for 38 units.
 - Setbacks vary from similar (side mostly 20') to less than R-3 (front 15', backyard 5').
 - Parking requirements are similar: This PRD has 85 off street spaces and 8 off-street spaces. R-3 requires 84 off-street spaces.
 - Architecture requirements are the same, with a few stricter requirements.
 - She read the purpose of a PRD. Differences are expected.
- The Outline Development Plan provides:
 - Each group of units range from 2 to 6 units, each similar in width with a tuck-under, 2-car garage that is alley loaded.
 - Storm water drainage (required) to be accommodated on the school property.
 - Unique feature is ample open space. Having no setbacks between units and alleys frees up space for a small, private, internal pocket park. With the front yards, sidewalks and communal area there is about 35% open space (more than residential standard).
 - Architecture is the other unique feature. The plan is for a melded contemporary and traditional styles – especially mid-century. Has ample windows and a very open feel.
 - Upham is a local street, so no detached tree lawn is required, but the 15 foot setback from Upham offers opportunity for private street trees.
 - Also has a variety of roof lines, materials, masonry bases, orientation of siding (horizontal and vertical), and colors.
 - Building frontage along Upham St will be 15 feet from the street.
- She described how these are not slot homes because
 - 1) they have front yards,
 - 2) they have porches, yards and doors that have relation to the street, and
 - 3) the driveways are not too visible from the street.
 - 4) Slot homes are tall, lack variety in materials, have no ground floor windows, lack articulation of floors, and often lack open space.
- The Subdivision Plat document meets subdivision regulations.
 - It creates separate lots lines for each townhome.
 - It creates open space and utility easements and dedicates ROW.
 - It requires sufficient asphalt the on-street parking, and curb, gutter and sidewalk. Provides the
- Per the Comprehensive Plan the subject property is located in an area labeled "Neighborhood" – between 38th and 44th. She enumerated the goals for this area from the Comp Plan and the 38th Avenue Subarea Plan, and indicated staff finds those goals to be supported by this project.
- This project also provides a new type of house that doesn't exist on Upham Street.
- Concerning land use (for rezoning), most of the properties on Upham are single family, but are book-ended by multi-family.
- Regarding traffic, this section of Upham is considered a mega-block (1/2 mile long with no cross streets). There are 400 dwelling units in the area, but the high volume units at 44th and 38th have access to signal lights. A trip generation letter was

required. 38 units is not enough to warrant further traffic analysis or trigger a signal at Upham. Public Works will continue to monitor the traffic.

- The Findings: The project is consistent with adopted plans, goals, and policies.
 - Outside agencies can serve, and there will be no significant adverse effects.
 - No traffic mitigation is required; it will not result in significant adverse effects.
 - This project is not feasible under any other zone district. The only two options that would accommodate this development are Planned Development or Mixed Use District.
 - There is adequate infrastructure to support the project..
 - For the Specific Development Plan and the subdivision, the proposal complies with the purpose of the PRD and the ODP.
- Neighborhood meeting was held on January 16, 2018 with 9 neighbors attending.
- Public Comment: Three letters of support are in the packet. Several recent letters of support and objection are filed with the City Clerk. She's had several phone calls.
- A legal protest was filed which affects voting requirements for the rezoning.
- The developer is working with all the outside special districts - utilities and fire.
- Planning Commission recommends approval.
- Staff recommends approval with some standard conditions for the subdivision plat.

Applicant

Tony Del Gruppo (4251 Kipling, WR) presented RidgeTop Village

He gave a power point presentation showing why they think this project will benefit the City, the neighbors and the 38th Ave Corridor.

- Investment is happening in the area. A number of apartments are being built in the area. This is a good location for this project.
- They relied on the walkability of the area for this design. They focused on the Village Park concept. The gathering space in the middle is for all.
- Each unit has a private yard – a 12-15 foot space on which to entertain, customize or have a garden.
- The project has an abundance of open space - 35%.
- There are two unique duplexes on Upham Street to help the southern neighbor and make for an attractive street scene. Units are less dense near Upham.
- Building separation is generous throughout.
- North/south setbacks are increased to 20 ft for privacy and to reduce massing.
- Lots of variety in height, size, materials and color. No two adjacent buildings alike.
- Aesthetically: Units on Upham oriented to the street; enhanced landscaping on Upham; a mid-century modern look and materials will be done.
- Many of their decisions were a result of neighborhood outreach.
- Their drainage design reestablishes historic flow of water to the east. The detention pond will be updated and reworked to accommodate their development.
- He shared his thoughts on area density, buffering, and the legal protest.

Mayor Starker announced that due to the large number of speakers signed up for public comment, each person would be limited to 3 minutes.

Public Comment

Joe Sadar (WR) lives on Teller and is against this because of high density and increased traffic on a narrow street. On-street parking already overflows. With the short front setbacks there will be no place to widen Upham St. We have yet to feel the impact of all the new traffic when 38 & Upham fills up, and the new apartments by Lucky's. Emergency response time will be affected. School traffic is already bad. The Wadsworth reconstruction will further add to the congestion. This will worsen an already existing problem. He also doesn't think the architecture fits with the community.

Steve Prose (WR) opposes this proposal. He urged Council not to change from R-3 to increase the density. He reported that original drawings showed 5 feet from the street and heights over 35 feet. He noted flat roofs block sunlight from neighbors. One plan he saw had artificial grass – not real grass. He believes the increase to the school drainage pond will cause water problems on Reed Street. Upham is already a bypass street for Wadsworth, as is Reed. With the narrowing of 38th Ave and the new apartments at 38th & Upham, this extra traffic will make problems worse. From his experience as a WR firefighter he noted that getting out onto 38th Ave was challenging 15 years ago, is worse now, and will get worse in the future. He noted the NRS survey showing that people don't want this kind of development in residential neighborhoods.

Kathy Havens (WR) considers this development predatory. She attended the January 2018 meeting, asked questions, and after that heard nothing. Code enforcement has not responded. This developer has owned the property for some time, and the lots have deteriorated badly. Was that intentional to create a need for redevelopment? The current zoning allows 22 units; she would support that. She thinks the drainage is a big issue; current drainage is inadequate. The developer will go away and an HOA will be responsible. Those 4 houses are small to provide a place for water to drain and to allow for animals. These 4 properties would easily sell as horse properties. She doesn't want to create the urban renewal project of the future. She also noted that The Transcript has nothing about Wheat Ridge.

Gordon Hinshaw (WR) lives across the street from the proposed development. He told how code enforcement has been an issue. Besides increased traffic, there will be further noise, light and air pollution, and more safety and police concerns. People aren't against development, they're against *this* development. He distributed pictures of the current view he has to the east, and the proposed view, and reminded Council this could end up as 49% rentals. He thinks the attempt to promote growth has created an open door to overly dense development – against the City's traditional ideals or and the current residents. He noted only one of the properties was posted.

Lin Martinelli (WR) agrees with all the comments. She lives on Upham and never got one notice until the sign went up. She doesn't know where this idea of neighborhood

input came from. She doesn't think the development is compatible with the street or what neighbors want. She donated the balance of her time to Mr. Hinshaw. **Mr. Hinshaw** said this is too dense. He doesn't blame the owner, he blames the City for making R-3 unworkable. He pointed out that of the four people on this street who are for this, three are renters. Two properties owned by one owner creates the possibility of a request for those properties to become PRD. Look at Tejon Street. We have a choice; Council has a choice.

Sharon Johnston (WR) lives on Teller and opposes this mostly due to traffic. She's not opposed to new things, but thinks in this area things are moving very quickly.

Suzanne Capra (WR) has watched all the development over time. She thinks this is a big mistake due to inadequate parking, a doubtful presentation of glamour, and how close the buildings are to each other. She hopes Council will not change this zoning to PRD; we don't need more apartments.

Kim Calomino (WR) thinks this is an example of well-managed change that is consistent with the goals of the Comprehensive Plan. It provides greatly needed diverse housing, is consistent with the intent of planned development, is compatible with surrounding uses, and will create a high quality development. It will help promote our Main Street concept. We need to consider our large goals and needs.

Rob McCleod (WR) lives on the south side of this property and supports the project. Parts of Upham Street are dying and need help, and this development fits that bill. He and his wife have been involved in this process since before January 2018 and have seen several iterations of the plan. They've been consulted about drainage and how to minimize impact to his property, so they feel they've had input. He thinks this PRD may be a remedy. The City has invited them to come improve our city. The current properties look terrible; this will be an improvement. He thinks the design is charming. Young families want to start in a townhome in a pedestrian friendly, multi-use, urban/suburban setting. This will attract families. He recalled how the west side of Upham was turned down as blighted and there was a hope someone would come fix these four properties.

Judy Capra (WR) lives east and north of this project. She thinks this process has not been fair. There are issues of rezoning and the development itself. The City has been working with the developer, but no one worked with the neighbors. The neighbors learned of this a couple weeks ago and now have the challenge of learning how to tell why we don't like it. Who gives them guidance? She had read all the materials and done research. While the area is zoned R-2 it is almost all single family. These neighbors like a small house on a large lot. The zoning should have been taken separately, then the development. All the young families sign the petition against this. This density does not fit the neighborhood.

Mark Bowman (Lakewood) is a realtor who came to the area six years ago. He thinks Wheat Ridge and Arvada have something special to offer, but as we grow we have to have density. He works with developers all over and has been involved promoting the Ridge at 38; he thinks this is the most well-thought out development he's ever seen for meeting the needs of the neighborhood. It will help the Main Street and he supports it.

Carol Mathews (WR) reminded Council that our City's future stands on attracting more strong households and that a vast majority of our citizens have expressed their desire to maintain a low-density, family character. Tonight you are considering rezoning for more high density housing. You are sucking the oxygen out of the air, blocking our sunlight and wasting our land – taking the Wheat Ridge feel out of Wheat Ridge. There are developers who will make a family community. There are other options, such as the garden homes that were promised by Lucky's. People don't want high density. We need to consider what we're doing before we look like Arvada or Lakewood with high rises everywhere. We are becoming just a corridor for their traffic. The only thing we have left is our character - which is single family houses.

Rhonda Champion (WR) listed ways Wheat Ridge is changing; it's not the place she moved to, and one dense building leads to another and another. Upham St doesn't support this; it will change the character of the street with bottlenecks at both ends. We aren't a city of trees anymore and safety isn't what it used to be. We are selling our soul to developers who will build monstrosities and then retire to their cul de sacs on a mountain. There will be no place for children to play or pets to run. Concrete will be their play yard. Do we really have to sacrifice our quality of life to accommodate growth? She noted the criteria for this development says it should promote the health, safety, and welfare of its citizens. How that is accomplished has yet to be explained.

Rachel Hultin (WR) talked about her house that was built on former farmland. Wheat Ridge has documents to protect the beauty of a lot of our neighborhoods, but the Comp Plan currently calls for Upham to be a transition area. The density that is being called for surrounds this site. She worked in real estate development and noted that rarely has she seen a developer work so hard to accommodate concerns of the neighbors as he responds to the market. He worked with some neighbors and changed his plan to respond to their concerns. He worked with the school district. The businesses on 38th want more households within walking distance. If this is not approved we would have one big lot with R-3 would allow 22 units with no oversight.

Bruce McIntyre (WR) is most concerned about the drainage. He give the history of that drainage ditch: It started as a retention ditch but the City later changed to a detention ditch and put in a large storm drain on Reed Street. These developers want to pay the school for the use of the ditch, and agreed to improve and maintain it. It is unclear who will maintain it after the developers are gone. If any money is exchanged it should go to the City, not the schools. Is it sufficient to handle drainage from 1.8 acres?

And what about mosquito control? The school refers us to the City on that, and the City refers us to the school district. Please vote against this.

Dorothy Archer (WR) is concerned about drainage. She related how three-story houses were built behind her and drainage was ignored. Problems have followed. She believes a developer should create their own drainage on their own property. People aren't opposed to this development; they are opposed to the density. Yes, improve the City, but not at the homeowners who are already here.

Mayor Starker called on several speakers who signed up to speak, but had left.

Joann Sorrentino (WR) said this has been poorly communicated to the neighborhood and the street cannot accommodate this development. If you don't drive in this area at 3:30 in the afternoon, you have no idea of the added congestion this will bring. It is insulting that the school district jumped at the chance to get their storm drainage problem fixed. The schools shouldn't be fixing storm water problems – the City should. She doesn't appreciate people laughing about children walking on 38th. There is nothing for children to do on 38th Ave – other than a few events. There are bars and a few shops. This development is not a place for children. Families with children want homes with yards. No dimensions have been given on the yard in the center of the development. This has been shoved at us, and it's not the image of Wheat Ridge.

John Minshall (Golden) grew up in Wheat Ridge. He owns rentals on the west side of Upham. He agreed the four properties are eyesores, but doesn't think this development is right. He spends a lot of time on that street; it is very inadequate and tight. Meeting other cars head on is a problem, much less a fire truck. The effects of the 38th & Upham apartments are yet to come. Traffic is already terrible. When people try to make a left turn it back traffic up. People will take chances and it will be dangerous. Mr. Del Gruppo came to his house in Golden recently and told him how this would increase property values. Mr. Minshall thinks quality of life is more urgent than property values. This drawings look nice for the site, but he's concerned how it will exasperate existing problems off the site, up and down the street.

Joe DeMott (WR) has talked about this development with his business partners. He spends all his time and energy in Wheat Ridge. He wants to improve his business, but has a hard time spending money with a flat return. He's not seeing the benefit of the growing economy because we have height and density restrictions. We have a very loyal customer base, but we need developments like this. He support this and commended the developer for his due diligence.

Matt Cavanaugh (WR) lives over on Dudley and is a homebuilder. He thinks this is a monumental feat the developer has accomplished. He has done outreach. The people who oppose this are people who have lived here a long time. Wheat Ridge is wanted so badly and we have so much potential here. He thinks staff is doing a fabulous job, and he will be disappointed if this is not approved.

Janice Scuderi (WR) doesn't live in this neighborhood, but she has listened to these folks. She said these kinds of developments are all over the country and people can work successfully against vision plans. To defend your rights as homeowners she recommended looking to the work of Rosa Corey in California. Drainage is a valid concern and driving on 38th is a nightmare now. In California she saw a lot of regret on whole cloth change of neighborhoods – particularly scraping existing homes and replacing them with high density. She thinks the high density at 38th & Wadsworth is unsightly. This is not the ugliest set of overpriced crackerboxes she has ever seen, but just because it is a bit nicer than slot home (stack and pack) that doesn't necessarily mean it's a good use of that property. Toning down this development would be a much saner idea.

Neil Shay (Denver) is one of the applicants. He read a letter of support from Rhonda Norman who lives on Upham St. She supports pedestrian friendly development.

Mayor Starker announced that since it was 11:00 this agenda item would be finished and then a motion would be considered about the remainder of the agenda.

Teri Dalbec (WR) has several concerns about the high density of this project which will more than double the number of single family residences in that area.

- No one has said the size of the units or number of bedrooms.
- She noted the park in the middle seems very small and the porches are very close together.
- She works in Denver and noted that people are getting very fed up with high density and are looking for other places. People want houses with yards. Wheat Ridge incorporated because we didn't want to be a Denver-zoned community. Why not have 22 units as a PRD?
- The setback of 5 feet from the school property could be problematic in the future.
- There has been no mention of the Fair Housing Act for these 3 story units. One out of four units has to be completely disability-accessible. Are they?
- This appears to be a government sponsored project. Everything the government has done has been supportive of the developer and the City has not addressed any of the neighbors' concerns.
- She hasn't talked to anyone who likes the development on Depew that shades the street – other than the people who live there. This will do the same thing.
- The drainage issue is a huge thing to vote on. It should never be allowed to put water onto someone else's land – and then leave it to an HOA? She urged voting this down.

Rollie Sorrentino (WR) said as a taxpayer and voter he disapproves of this rezoning and would like Council to consider these reasons and vote against the PRD.

Notice: He lives within 300 feet of this and he received no notice until for the Feb 7 Planning Commission meeting. He wasn't noticed for the Jan 18 hearing, and the second letter he received was erroneously dated March 27.

Density: Property that has had 4 houses on it for 70 years will have 38 units on it. This is an unacceptable increase in density as it would more than double the number of residential dwellings on Upham Street. Regardless of zoning, this is a single family neighborhood. This project would change the character of the neighborhood.

Infrastructure: There is not sufficient infrastructure to support this project. There are no storm drains on this property. None of these four lots have storm drainage. This developer has a tentative agreement with the school district to route storm water eastward onto school property. But for this offer to Jeffco schools this project could not happen. He thinks this is the wrong project at wrong location at the wrong time.

Odarka Figlus (WR) spoke in support of the neighbors. She noted there was only one sign for the hearing. Do people know it involves four properties? She believes this is too dense; a small plot of Astroturf is not a yard and leaving the management of the drainage to an HOA is not wise. She yielded the balance of her time to Mr. Sorrentino. Mayor Starker said the rules only allow a person to speak one time.

Robert Moore (doesn't live in WR; grew up in WR; owns property in WR) He is pleased this project has off-street parking. He believes this is the kind of development young people with children are looking for.

Dan Hinshaw (WR) agrees that this extra density will alter the neighborhood. It is out of proportion. He encouraged voting against this.

John Clark (WR) was not allowed to donate his time to Mr. Sorrentino because Mr. Sorrentino already spoke. Mayor Starker read the rule stating that people could only speak one time. Mr. Clark wanted Council to know how bad this whole thing looks tonight. People see this on TV. It stinks to high heaven.

Mr. Del Gruppo was given time to responded to some of the themes of public concern.

- People who weren't notified live outside the area of impact. He didn't reach out to some folks because they didn't show up to anything else.
- Traffic: Upham has parking on both sides now. By removing two curb cuts they will be creating new on-street parking. The project wasn't large enough to warrant a full traffic study. Their peak hour traffic projects one car every three minutes. Even two cars would be a light impact.
- Parking: Units are 1600-1800K sf, 2-3 bedrooms. They are exceeding the R-3 per unit standards for parking.
- Storm water: He thinks it's a very effective use of regional and private infrastructure. The school has a substandard facility that will be improved. No dollars will be exchanged; yes the developer will upgrade the facility and build them a new fence. They are proposing a metro district on this project which will be stronger than a HOA.
- There are 18 ADA accessible units scattered in the project.

- Density: There is a benefit of not having a storm basin on site. If they had to put the drainage on their property it would eliminate 2-3 buildings. This helps justify the cost of the new infrastructure. This will be a public private partnership.
- They worked hard to comply with all requirements and have a quality project.

Council questions

- Is there an easement for the drainage? Yes
- Envision WR shows buffer on the west side of Upham, not on the east side.
- The 38 Ave Sub area plan predates the Comp Plan and doesn't focus on this area. Less density is more appropriate.
- The expense of the utility improvements is self-imposed by the developer because of the increased density.
- Increased density begets more increased density and the infrastructure isn't there.
- Two parking spaces for a three bedroom unit isn't adequate if there are teen drivers. Only eight of the units are 3-bedroom units. There are nine spaces around the "park" and eight on-street spaces.
- The school drainage basin currently is inadequate. It will be improved. The storm sewer line to Reed St is adequate and well-engineered.
- 60 trips during peak hours triggers a traffic study. The site is projected to have 20.
- Staff prefers a regional solution for drainage.
- Before any application is submitted, notice of the neighborhood meeting is sent via first class mail to properties within 600 feet. Prior to Planning Commission and City Council hearings a sign is required to be posted – one per property, one per street frontage, and written notice must be sent to every property owner within 300 feet. In this case, the date was changed for the hearing, so a third mailing occurred.
- Councilmember Davis reported getting a letter from Kristine Disney about this case. She submitted it to the Clerk and is available to read.
- Per staff, the traffic from 38 units wouldn't be that much more than from 22 units.
- How much traffic can Upham hold before the street fails? That is unknown at this time. If another development applies staff will take a closer look.
- The traffic study for this development factors in the new development at 38th & Upham – which had to do a more comprehensive traffic analysis due to the large number of units.
- Why is the developer choosing 38 units instead of 22 units the R-3 allows? The developer elaborated on how 22 units would not support the infrastructure for this project. 22 units would be \$700K apiece; 38 makes them mid-\$400K – which is market. Removing two buildings to provide the drainage basin would not change the look of the project or lower the cost of the infrastructure. The density improves financability and marketability. Density usually produces compromise; this doesn't.
- There is no Astroturf in the park; it is about 3,000 sf.
- The front patios will be maintained by the HOA. Three options will be offered to the buyers -- patio deck, crusher fine, or Astroturf. Common areas will be live grass.

Mayor Starker closed the public hearing.

Motion by Councilmember Davis to approve Council Bill 02-2019 an ordinance approving the rezoning of property located at 4000-4066 Upham Street from Residential-Three (R-3) to Planned Residential Development (PRD) with approval of an Outline Development Plan, on second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The Planning Commission has recommended approval of the rezoning after conducting a proper public hearing.
2. The proposed rezoning has been reviewed by the Community Development Department, which has forwarded its recommendation of approval.
3. The proposed rezoning has been found to comply with the "criteria for review" in Section 26-303 of the Code of Laws.

seconded by Councilmember Hoppe.

Councilmember Dozeman favors this but is concerned about the way business has been conducted tonight. She believes in transparency, and doesn't believe the quasi-judicial policy has been followed. Allowing a former Planning Commission member, who has prejudged this case, to vote on this is not good. She thinks density is a necessary change so young people can live here, but she thinks the proceedings here have been at best unethical, at worst illegal.

Councilmember Urban agrees higher density should be allowed in certain areas, but doesn't believe the Comprehensive Plan call for this much density in this area. It's on the line and the neighbors expect some compromise. He noted with interest the City's willingness to spend \$900K on the front of Stevens Elementary school, when behind the school there is a drainage ditch in disrepair.

Councilmember Hoppe believes the charter allows for Councilmember Weaver to vote tonight. If citizens want the noticing requirements to change let the Council know; that is something Council can change. She believes this is a quality product and should be added to our community.

Councilmember Davis believes Councilmember Weaver is ok to vote and doesn't think it's unethical. She believes the businesses on 38th Ave need this density to provide customers, and this project is the best way to provide affordable housing. She is glad we have a developer that is working with the neighbors and doing a quality product.

Councilmember Pond doesn't think the ex parte principle was violated. He appreciates the concern about density, but believes this is a good product. He thinks the PRD provides the requirement for compromise, and that the Comp Plan supports this much density. He understands traffic is an issue and needs to be considered in the aggregate. He thinks the drainage is an improvement and should be successful. It's important to have affordable housing moving close to the businesses on 38th Ave.

The motion failed 5-3, with Councilmembers Mathews, Dozeman and Urban voting no. [Six votes required.]

Mr. Dahl advised that action on Items 5 and 6 is no longer necessary.

Motion by Councilmember Hoppe that due to the lateness of the hour the remainder of the agenda be continued to April 22; second by Councilmember Urban; carried 8-0.

Mayor Starker called for Elected Officials Matters. **Leah Dozeman** announced that the Grange will be having a Community Night on April 25 at 7pm. Pie and ice cream will be served and a citizen to be named will be honored. The public is invited.

ADJOURNMENT

The City Council Meeting adjourned at 12:20 pm.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON June 10, 2019

Janece Hoppe, Mayor Pro tem

The preceding Minutes were prepared according to §47 of Robert's Rules of Order, i.e. they contain a record of what was *done* at the meeting, not what was *said* by the members. Recordings and DVD's of the meetings are available for listening or viewing in the City Clerk's Office, as well as copies of Ordinances and Resolutions.

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
March 18, 2019

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

Councilmembers present: Amanda Weaver, Janeece Hoppe, David Kueter, Zachary Urban, Larry Mathews, Kristi Davis, and George Pond

Absent: Leah Dozeman

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Police Chief, Daniel Brennan; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

CITIZEN COMMENT ON AGENDA ITEMS

Carol Mathews (WR), a member of the NRS committee, commented on the study. She suggested the 27 members were not unbiased or non-political, but all brought energy for their issues and were dedicated to bringing all sides of every issue to the greatest number of WR citizens. There were 1,053 responses to the survey – a record, thanks to Korey Stites who led the communications strategy, Morgan Richards to coordinated outreach, and Guy Nahmiach who wrote Gazette articles and coordinated with neighborhood schools. She recited a long list of elected officials, citizens groups and individuals, and City departments who aided in the process to encourage participation.

Carol Mathews (WR) encouraged preservation of R-1 zoned neighborhoods. She listed a number of problems caused by a short term rental in her neighborhood. It has become an unforeseen threat to quality of life and calls to staff have been answered with "The City has no policies on Airbnb's." She read a list of negative impacts Airbnb's have had in San Diego. She suggested a compromise which would ban STR's in R-1 neighborhoods and allow citizens in R-2 and R-3 neighborhoods to decide.

Kirk McCoy (unincorporated Jeffco) doesn't live in Wheat Ridge, but owns four rental properties in WR – three Airbnb's and one long term rental. He has really had no problems with the short term rentals. He thinks they bring value/revenue to the community. When he travels with his five children they stay at Airbnb's.

Rachel Hultin (WR) has used Airbnb's in several states and countries, and is a huge fan. Her research on how other communities regulate them indicate they are pretty easy to regulate. It would allow us to capture the revenue and offer housing flexibility for visitors. She recently hosted a Deep Dive Club that had a dialog about why BnB's might be good for WR. She listed several reasons the 13 people came up with. She encouraged Council to come up with some regulations and allow these to continue.

Chris Bird (WR) was on the NRS committee and spoke about all the work that went in to the study. Response was varied and good – truly representative of the community. People love the quality of life here and see Wheat Ridge as an oasis in the metro area.

Nancy Ferrier (WR) has been an Airbnb host for 2 years. She highlighted the good things she has offered people. It has helped her financially to upgrade her house and she believes her neighbors benefit from her good curb appeal. She helps create a global community.

John McMillin (WR) uses Airbnb all over. He will never stay in a hotel again. He would like to do it with one of his properties. It's an entrepreneurial opportunity. He recalled that taking in boarders used to be a very common American experience that he sees as a tradition.

Masami Covey (WR) has been an Airbnb host in Wheat Ridge since 2012; they have 400 reviews. She loves it, but has had some bad experiences with guests in their Denver Airbnb (where they didn't live). Marijuana was a problem. She now has a long list of rules. Her experience is the ones where the owners don't live in them have problems. She supports them only if the owner actually lives there. Airbnb is about sharing your home. She is against people who own multiple Airbnb's.

Janice Straybe (WR) moved here and has been an Airbnb host for two years; it supplements her income. Regarding problems, she said she's lived in communities where she had problems with neighbors who are permanent residents. Her neighbors have no issues with her Airbnb. She understands having some regulations.

Tom Robinson (WR) is a short term rental host. He wishes he could leave a review for the college girls living next to him and have them removed, but you can't do that with a long term rental. He agrees with the positive things that have been said about Airbnb. It is only one of the short term rental platforms, designed for a certain target market. He believes if we have a policy, we can collect revenue; if we don't, we can't. He manages properties in Denver, and noted that Denver makes a lot of revenue on Airbnb's. There are ways to regulate it so we attract the kind of visitors we want, and the kind of host that we want. He'd like to see it done responsibly so we can collect revenue.

John Clark (WR) asked why Agenda Item 3 (the Porchlight Family Justice Center) is not included in the outside agency list.

Chis Chidley (WR) is an architect that has designed a number of Airbnb's and ADU's in Denver and elsewhere. He pointed out that since rental properties are too expensive to purchase these days, creating an Airbnb or an ADU is a viable financial option. He favors them, but thinks that, unlike what Denver has allowed, we should have a requirement for adequate off-street parking.

1. NRS Update

Mr. Goff gave opening remarks about the report. A City Council retreat will be held April 6 with the consultants to discuss it. Tonight is a good time to present deeper questions Council would like to discuss then. Consultants from czb LLC, **Charles Buki, Thomas Eddington, and Eric Ameigh** were present, as were Co-Chairs of the citizen committee **Rachel Hultin, Korey Stites and Kathleen Martel**.

Co-Chairs.

Co-chair Rachel Hultin reported that the 27-member steering committee empaneled last July is down to 23. She said the success of the NRS will be due to the facilitation of the steering committee's work with the community, with each other and with the consultants. She praised CZB and their work, and commented about Wheat Ridge being quirky.

Co-chair Kathleen Martel talked about the make-up of the committee.

- Members were diverse from all areas of WR, including ten business owners and tenure of residency ranging from less than one year to 58 years. Four people on the committee have been here less than a year; 11 less than 5 years; 8 in the 5-20 year range; 7 in the 20+ range.
- They broke into small groups that each had 3 council districts, new and older residents, men and women, and business owners. In the community they met at a variety of locations and asked "what are you willing to give up to get what you want?"
- Then they had a large open house in December with 100+ participants. They even asked children what they loved about Wheat Ridge.
- Some folks had more time to analyze information. That small working group of 12 is still meeting. The large group meets less frequently.
- The survey was a great success.
- The working group broke down into smaller focus groups to listen to people who don't think their voices have been heard.

Co-chair Korey Stites pointed out that the group realized Council didn't just want the committee members' opinions.

- They made efforts to reach out into the community. Meeting in various places they reached about 100 people.
- That wasn't enough, so they had an open house Dec 2 with staff and businesses and others; 120 people attended.
- The consultant thought 500 responses to the online survey would be good. The committee wanted more and did publicity. They got 1053 responses.
- Tomorrow and Wednesday there will be four open houses.
 - March 19 from 9-11am at the Active Adult Center and 4-6pm at WR High Sch
 - March 20 from 7:30-9:30am at the Re Center and 5-7pm at Colorado Plus.
 - He urged people to come see the results of the survey and give their opinions.
- There are also display boards in the lobby and the Committee will present to the Planning Commission on Thursday.

Ms. Hultin added that the goal has not been to reach consensus, but to be inclusive. They have worked hard to reach all types of residents. She thanked all who have participated.

Process Update - Eric Ameigh

Mr. Ameigh noted there is an emerging direction for the report, but it isn't finished yet. Certain emerging ideas have come to the fore and need further discussion.

- Mr. Ameigh went through the timeline of the various meetings that were held - what was done and when. He was happy to report that Wheat Ridge destroyed their company's records for survey responses.
- Their company tries to focus on the fewest number of things that are most important.
- He explained the 80/20 Rule of Pareto Planning. 20% of your efforts create 80% of the outcomes.

Emerging NRS Direction - Eric Ameigh

- In taking the pulse of the community, they found that most are satisfied with how things are. Residents don't want or need big change. We aren't at a crossroads anymore. There are a few things folks want.
 - 1- Strong desire for neighborhoods to self-manage change at the neighborhood level.
 - 2- Strong desire for primary corridors to look better.
 - Last year's survey had 81 % rating the quality of life as good or excellent and 90% thinking it's a good/excellent place to live. The NRS survey shows 58% saying WR has gotten better the last five years and 24% saying it's about the same.
 - Things are getting better. Only minor tweaks are necessary.
 - Amenities like parks/rec, parades, festivals, restaurants received high marks.
 - He suggested that as the real estate market strengthens, he thinks it makes sense to make changes to properties – popping tops, adding bathrooms, and adding ADU's. The question isn't how do we create change, but rather how do we manage change.
 - Neighborhood engagement and neighborhoods involved in planning are recommended. Development should include resident input. Need education for residents. There is a strong desire by residents to be involved in the decision making process.
 - Different neighborhoods have different kinds of fixes.
 - He went through some major desires of respondents:
 - Like hometown feel and knowing neighbors. Smallness is important.
 - 79% want to weigh in on things that directly affect them.
 - 63% would participate in neighborhood organizations.
- Special issues include
 - Property conditions and code enforcement.
 - Note: 15% of single family homes are absentee owned.
 - 79% believe their neighbors' property is well maintained.
 - There is no real support for a rental inspection program or additional code enforcement resources.

- Regarding ADU's, nothing in the NRS process contradicted the 2018 Resident Survey findings.
 - 48% strongly/somewhat support it; 22% are against it; 30% are neutral or don't know. For many, "it depends" on design and form or on use.
 - As professionals their company doesn't think it's a big issue that needs regulating.
 - 73% of NRS respondents agree the City should:
 - ensure the community fully understands what ADUs and short term rentals are,
 - the community should be told the pro's and con's so residents can let Council know their opinion.

They will go before Planning Commission this week, have the draft strategy ready in May, and the final strategy in June.

Feedback and Questions

- Councilmember Mathews asked if we have accomplished our 2005 goals and would like to discuss that in greater detail at a future date. He also wants to know how high density works with our desire for small town feel.
- Councilmember Urban commented about the neighborhood planning process. 20% are very involved and participate. How do we know we're getting proper feedback? Quality of feedback matters; tone, content, and character matter.
- Councilmember Davis said she also has questions about density. She commented on how NIMBY makes policy making difficult.
- Councilmember Pond gave thoughts on policy and process. He thinks the issue of improving corridors is great. He wondered about 38th Avenue. Mr. Ameigh said tonight is a once over - details will come later.
- Councilmember Hoppe suggested the co-chairs join Council on April 6 at the retreat. She would like to see how the suggestions from the NRS help us achieve our goals.
- Councilmember Kueter asked if the data can be broken down geographically. It can.
- Councilmember Weaver commented on the wonderful process.

The Mayor declared a short break at 8:10pm. The study session resumed at 8:17pm.

2. Short-term Rental Discussion

Mr. Goff noted tonight's presentation would be an overview of short term rentals.

Staff presentation ~ Marianne Schilling

This is about accommodations for short term rentals

- 140 active Short-term Rentals (STR's) in WR right now (under 1% of households)
- The city gets about three calls a month asking how to become licensed for them.
- Code permits rooming/boarding for up to 2 people for not less than 7 days; and if the entire dwelling is rented it much be not less than 30 days..
- She reported on what some other cities do. 14 other cities and counties were surveyed. 9 have rules and allowances were all over the place. Generally they

are constituted to the entire house, they have to have a business license and/or a STR licenses and hosts are required to collect and submit sales tax.

- The staff position is that citizens generally support collecting a lodger's tax, are split on how long the stay can be, but were split on regulating the amount of . Some prefer allowing rental of the whole house; homeowners prefer only renting a room.
- Staff would like some direction from Council.

Discussion

Councilmember Davis supports some types of regulations for it.

Councilmember Weaver shared her experiences with Airbnb as a guest and a host for five years. She thinks it's important that single homeowners to be able to earn extra money. She pointed out there are financial and social benefits to the host, and for the City there is tax revenue to be gained.

Councilmember Kueter noted that Englewood and Lakewood currently forbid them. He suggested that unless a staff member is hired to oversee this, forbidding them is not feasible. Ignoring it does nothing to regulate it and is a missed opportunity for revenue.

Councilmember Hoppe said she supports some regulations for Airbnb's such as:

- having them licensed and maybe requiring an annual renewal
- requiring them to pay Lodger's Tax
- some kind of safety regulations (she likes the Ft. Collins model).

She favors Council gathering information and opinions, then brainstorming and giving staff some direction.

Councilmember Urban thinks our responsibility is to look at the costs and impacts to the City more than the benefits.

- He favors annual licensing and renewal, but noted if we license it the City and the host will both be on the hook for health and safety issues.
- He's undecided right now about Ft. Collins' policy of self-certification.
- There are zoning code issues about accessory uses and the number of people allowed. A family of five is not "2 people".
- He thinks requiring owner occupation during rental is a good first step. He doesn't think hostels and flop houses are appropriate in residential zones.
- He thinks personal licenses and property licenses should be regulated differently.

Councilmember Mathews stated the following:

- The purpose of zoning is to maintain order. He thinks STR's are commercial ventures and inappropriate for single family neighborhoods.
- When people start businesses they have to have a tax license.
- Locating them would not be hard; they advertisement. We have a map that shows where these 140 STR's are.
- We also have rules about bed and breakfast units ("subordinate use of a one family dwelling which offers sleeping rooms for overnight, transient occupancy"). Why aren't we following them?
- We have Lodging Tax; why aren't we collecting it?

- We have codes for this and we aren't enforcing the rules we have. What is a residential neighborhood for? We are here to protect our neighborhoods.

Mr. Goff said 'Bed and Breakfast' as defined in our Code is different from 'Short Term Rentals' as they are today. Staff will not tax/enforce/license any Airbnb's until they get direction from Council.

Discussion continued.

- Councilmember Hoppe disagrees that residential neighborhoods are just places for families. She thinks manpower is an issue and agrees that hostels are not what we want.
- Councilmember Pond agrees we should be thinking about how to regulate this, and he doesn't want to degrade our neighborhoods.
- Councilmember Davis elaborated on ways she thinks we can regulate this. She repeated what she learned in San Francisco about Airbnb's aiding affordable housing.
- Mr. Johnstone told Councilmember Urban there are no operating Bed and Breakfast facilities in the city. Boarding houses require a Special Use Permit, and we have none. We do not license boarding houses.
- Mr. Goff suggested a survey to Council about what regulations they support.
- Mr. Johnstone asked if Council was interested in having neighborhood outreach meetings, and also noted that the NRS study was to provide guidance on this issue.
- Councilmember Urban thought it important to reach out specifically to current hosts and their neighbors.
- Councilmember Davis asked if a permit was required to rent out a house long term. She'd like to see long term rentals included in this, because they can be problems too.
- Councilmember Kueter reminded that cbz said the NRS data on this can be broken down geographically.
- Councilmember Weaver said we should be careful about regulating parking spaces and safety and not venture into the demographic about why we are regulating it.
- Councilmember Urban urged that property owners be at the house during rental stay, and that tenants of rentals not be allowed to operate Airbnb's.
- Councilmember Hoppe didn't think it was fair to regulate parking for Airbnb's; it isn't regulated for homeowners.

There was consensus to have staff survey the Council about what options they support and bring the results back.

There was discussion about having staff send a letter to Airbnb operators and their neighbors informing them this topic will be discussed at a study session. The data itself would cost \$5-10K.

Councilmember Urban did not receive consensus to have staff compile a list of Airbnb's in the City.

3. Budget Supplemental for Porchlight Family Justice Center

Chief Brennan asked Council to appropriate \$18,000 from Wheat Ridge as our share for the Family Justice Center, now identified as Porchlight (FJC), to serve Jefferson and Gilpin counties. Over 75 agencies will work together to provide coordinated services for victims of violence – including physical abuse, emotional abuse, harassment, threats, strangulation, murder, elder and at-risk adult abuse, human trafficking, property damage, and child abuse.

Members of the WR Police Department remain involved as subcommittee members on this project, and staff continues to assess how our organization will integrate these services into our department.

Last year when we were preparing our budget, our share had not yet determined. The goal is \$1,200,000 (from all sources) to become operational.

Discussion and questions followed.

Councilmember Hoppe received unanimous consent to proceed with the \$18,000 budget supplement for the Family Justice Center.

4. Staff Report(s) None

5. Elected Officials' Report(s)

David Kueter informed the City Clerk that he would be out of town next week.

Larry Mathews asked for an update on the G Line. Mr. Goff said the 21 days is up. The quiet zone application is being rushed.

ADJOURNMENT: The Study Session adjourned at 9:47 p.m.

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON June 10, 2019

Janece Hoppe, Mayor pro tem

STUDY SESSION NOTES
CITY OF WHEAT RIDGE, COLORADO
City Council Chambers 7500 W. 29th Avenue
April 1, 2019

Mayor Bud Starker called the Study Session to order at 6:30 p.m.

Council members present: Amanda Weaver, George Pond, Janeece Hoppe, David Kueter, Zachary Urban, Kristi Davis, Larry Mathews, and Leah Dozeman

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; other staff, guests and interested citizens.

Citizen Comment on Agenda Items

Vivian Vos (WR) remarked that the gala the City put on a few weeks ago to celebrate the City's 50th Anniversary was excellent in every way. Concerning Item 1, she does not favor using 2E money for a public/private partnership. The fact that a study session is necessary and the City Attorney has to weigh in indicates this is not a way to proceed. She urged Council not to abuse the 2E vote. She suggested using the money designated for "The Green" – which she feels is a want, not a need. She thinks spending WR tax dollars on property not owned by the City is wrong.

1. Wheat Ridge - Ward Station area – overall update and review and approval of proposed 2E funded infrastructure projects

The City Manager gave opening remarks. **Ken Johnstone** proceeded.

- The G Line is scheduled to open April 26.
- Tonight's agenda is to

June 2018 projectionsCurrent project phase costsThe Plan

- Arvada reimbursement (cost sharing for Ridge Road and 52nd) - \$2,100,000
- No cost for linear park (owners may provide easements) – save \$500,000
- Parkland dedication fees (north residential) - \$500,000 (toward linear park)
- Ward/Ridge traffic signal not happening now

Net result is \$11,300,000 in total infrastructure costs (including Ward/Ridge signal)

Current project costs

- Local Streets
 - Hance Ranch utility/drainage/storm sewer - \$200,000
 - 52nd - \$2,900,000 (Arvada will reimburse about half)
 - Tabor - \$500,000
 - Ridge - \$700,000 (cost share with Arvada not yet determined)
- Pedestrian Bridge
 - Pedestrian Bridge - \$3,200,000 (includes elevators)
 - South Plaza - \$900,000
- Linear Park - \$700,000

Ped Bridge/Plaza/Linear Park

TRAX Funding Request 2.2 acre site with 270 -280 market rate units, depending on if there's a 5th floor

- Balcony's and common area spaces
- Business Center
- Rooftop pool and other amenities (tenants only)
- *Structured parking – fully URA TIF funded, is an eligible cost* [will use TIF money, not 2E money]
- Overall funding gap of over \$8M
 - Verified through 3rd party review by Economic & Planning Systems; done for URA; paid for by developer
- Project not feasible without public funding assistance
- Request is for \$1.2M in 2E assistance (leveraging a total project valued at \$54M)
- RWR is considering TIF Agreement for \$6.9M
 - Decision deferred, pending City Council decision about using 2E funds
- 2-story parking structure for residents will be surrounded by the apartments
- 2E funds will be used for construction of ½ of 52nd Ave tying into Tabor, and amenities surrounding the project (sidewalk, grass and trees)

TRAX funding request for 2E eligible costsNext steps

- Finalize roadway design/bid documents and acquire ROW
- Continue Arvada partnership on 52nd Ave and Ridge Road
- Citiventure (Marilee Utter) outreach to property owners and developers
- Approval from Council for Scope of Work (SOW) for design and ROW acquisition contracts for pedestrian bridge and linear park

Council Questions

Mayor Starker called a break 8:16. The study session resumed at 8:27pm

2. NRS Update Retreat

Patrick Goff provided details about the Saturday's retreat scheduled at the Seniors Resource Center. Continental breakfast will be at 8:30. The retreat will go from 9am to 2pm. The new director of the SRC will be there to introduce himself.

A tentative agenda is in the packet. Czb will be facilitating to accomplish the following:

- Address pending City Council questions.
- City Council understanding of process findings to date and emerging recommendations.
- City Council understanding of potential implications:
 - New approaches to certain City activities such as planning projects and resident engagement.
 - Personnel needs for implementation.
 - Budget impacts for additional planning projects.
 - Budget impacts for future capital work.
 - Other desired outcomes as may arise in the retreat planning.

He emphasized this is not a strategic planning retreat. The current strategic plan will be updated next year after the election to incorporate NRS recommendations.

Councilmember Hoppe encouraged councilmembers to look at the strategic goals prior to Saturday so the items discussed at the retreat can be linked to the goals.

Mr. Goff advised that:

- Documents such as the Citizen Survey and the Comprehensive Plan are available online if needed.
- The meeting will be noticed publicly like any other meeting.

Councilmember Hoppe noted this will be a working session. Citizens are welcome to attend and observe, but no public comment will be taken.

3. Staff Reports

Mr. Goff reported the ribbon cutting for the Gold Line will be on Friday, April 26th. Details to follow. Three days of celebration are planned: Thursday evening a VIP event; Friday the ribbon cutting; Saturday the community event. There will be no whistles on April 26. The whistles stop April 19 and all intersections will be quiet zones.

4. Elected Official Reports

Leah Dozeman invited all councilmembers to the STEM Gala on Saturday, May 4. The City has a table. The public can purchase tickets at fasefoundation.org.

Zachary Urban reported on S.B. 008 regarding substance abuse treatment related to the criminal justice system. It was amended to remove the expansion of programs from 4 to 10, but the original provisions of the bill remained.

ADJOURNMENT

The Study Session adjourned at 8:37 pm.

APPROVED BY CITY COUNCIL ON June 10, 2019

Janelle Shaver, City Clerk

Janeece Hoppe, Mayor Pro Tem

REQUEST FOR CITY COUNCIL ACTION

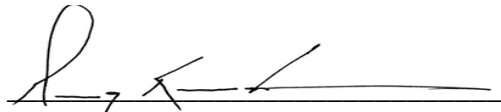
TITLE: MOTION TO AWARD PURCHASE AND INSTALLATION OF HENDERSON SNOW AND ICE CONTROL EQUIPMENT AND APPROVE SUBSEQUENT PAYMENT TO AUTO TRUCK GROUP OF COLORADO SPRINGS, COLORADO FOR A TOTAL AMOUNT NOT TO EXCEED \$107,650

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL: ☐ YES

☒ NO


Public Works Operations Manager


City Manager

ISSUE:

The Public Works Department is proposing purchase of various snow and ice control equipment, dump body, lighting, hydraulics and options to be installed on the new International tandem cab and chassis approved by the City Council last January. The total expense for this tandem equipment up-fit including the various equipment, lighting, hydraulics and options is not to exceed \$107,650.

PRIOR ACTION:

A new plow truck cab and chassis, approved for purchase by the City Council on January 28, 2019, is on order.

FINANCIAL IMPACT:

The funds to up-fit this vehicle are budgeted in the 2019 Public Works Department General Fund budget, account number 01-303-800-807, Fleet Replacement. The total approved budgeted amount for this account is \$740,356.

BACKGROUND:

After contacting the available tandem snow and ice control equipment upfit dealers located in the Denver area, it was determined the City would best be served by utilizing a Sourcewell award. Sourcewell, formerly the National Joint Powers Alliance (NJPA), is a cooperative purchasing organization that performs national competitive solicitations to provide exceptional products from nationally acclaimed vendors with negotiated discounts for municipal organizations. Sourcewell cooperative awards satisfy bid process requirements and the City of Wheat Ridge is a member of Sourcewell. The snow and ice control equipment quoted for the tandem equipment up-fit is well suited for the City's needs. Auto Truck Group, an authorized Henderson Products dealer, located in Colorado Springs, will obtain and install the equipment, lighting, hydraulics and options quoted by Henderson Products, Inc. to up-fit the new International tandem cab and chassis. The existing, obsolete equipment will be sold at auction.

RECOMMENDATIONS:

The vendor source and purchase price of equipment is through the Sourcewell purchasing contract, endorsed by the State of Colorado Purchasing Department, and allows the City to attain the equipment at a competitive discount and in accordance with bid/purchasing requirements. Staff recommends the purchase of the necessary equipment, lighting and hydraulics to properly upfit the new International tandem cab and chassis.

RECOMMENDED MOTION:

"I move to award purchase and installation of Henderson snow and ice control equipment and approve subsequent payment to Auto Truck Group of Colorado Springs, Colorado for a total amount not to exceed \$107,650."

Or,

"I move to deny the award of purchase and installation of Henderson snow and ice control equipment and approve subsequent payment to Auto Truck Group for the following reason(s):
_____,

REPORT PREPARED/REVIEWED BY:

Greg Knudson, Operations Manager
Jennifer Nellis, Purchasing and Contracting Agent
Patrick Goff, City Manager

ATTACHMENTS:

1. Henderson Quote #123626 per Sourcewell Contract #080118-HPI



HENDERSON

PRODUCTS, INC.

CUSTOMER QUOTE

Page 1

916 S 10TH ST
MANCHESTER, IA 52057
PHONE: 563-927-7000
FAX: 563-927-7001

To: City of Wheatridge
Attn: Greg Knudson
Quote Date: 5/3/2019
Valid Until: 6/30/2019
Sourcewell Contract# 080818-HPI
Sourcewell #: 1212
Quoted:
Muni body and Plow

Quoted By: Doug Frauenholtz
Quote #: 123626
Revision #: 32
Phone: 563-927-2828
Fax: 563-927-2521
Email: dfrauenholtz@hendersonproducts.com

Henderson Products is pleased to present the following quote. Please contact us if you have any questions.

Installation Workup

Facility: **IDC-IA**
Chassis Delivery To Henderson: **Truck Dealer/Customer Delivers**
Completed Truck Delivery Method: **Customer Pick-Up**
Chassis Make: **International**
Chassis Model Yr: **2020**
Chassis Model: **HV**

Hitch Type: **Low Profile or Manual Tilt Type Hitch**
Mount Type: **Cheek Plate Mount Kit (Select type below)**
Mount Kit Model (Req'd): **Low Pro/MT Ck Plt Kit (With Wng, 34"w Full Frame)**
Front Bumper: **OEM Bumper Cut and Split**

Front Plow Type: **Standard Henderson Plow**
Plow Markers (Front Plow): **IDC Install of fact supplied markers, sales to order w/ unit**
Rubber Deflector Install: **Supplied/Installed @ Factory, sales to order w/ unit**

Dump Body Type: **Munibody II (Std/FF)**
Floor Length: **15ft Floor Length**
Hoist Type: **Tele Trunnion Hoist, Internal Doghouse**
Cylinder Type: **Single Acting**
Discharge Type: **Frnt Cross Conveyor Discharge Only**
Spinner Assembly Location: **Dual Front Mount Spinner Assy (dual Spinner for x-convey)**
Frame Mntd UB Pan: **Special Pan sup/instld @ IDC (price below)**
Body Material (Sides/ends): **Stainless Steel Type Body Material**
Tailgate Release Type: **IDC supplied Electric over air valve**
Cabshield Install: **Supl'd by fact, welded to body @ IDC, sales to order w/ unit**
Ladder(s): **Supplied by factory, Install @ IDC (sales to order w/ unit)**
Ladder Install QTY (Dump): **(1) LADDER INSTALLED @ IDC (LABOR ONLY)**
Ladder Install Style (Dump) 1: **Fold Down Side Ladder**
Ladder Install Loc 1 (Dump): **Driver Side Front**
Sideboards: **Supl'd by factory (Steel), Instl @ IDC (sales order w/ unit)**
Tarp Brand: **US Tarp (order 86" c/s if using integral shield)**
Tarp System: **Electric Tarp, Bullet Proof Arms, w/ Wind Deflector**





HENDERSON

PRODUCTS, INC.

CUSTOMER QUOTE

Page 2

916 S 10TH ST
MANCHESTER, IA 52057
PHONE: 563-927-7000
FAX: 563-927-7001

Tarp Material: **Black Vinyl (Asphalt rated)**
Tarp Length: **15.5' to 18' Body Length (BV,US)**
Body Install Options 1: **Freight**

Body Spec Notes:

Prewet/Liquid System: **Muni/BBMAXX Prewet System**
Drive Configuration: **Hydraulic Drive, Henderson Supplied (Sales to order w/unit)**
Controls: **Supplied by IDC (sales to order w/ hyd cntrls)**
Feedback Sensor: **Factory Supplied/Installed (Sales to order w/unit)**
Pwet Discharge Loc: **Front or Rear Spinner Only**

Chassis Accessories: **Yes (SELECT RELATED OPTIONS BELOW)**
Mudflaps (Rear): **Stationary w/Logo**
Mudflap Type (Rear): **36" Stationary, SS (with LOGO)**
Mudflaps (Front): **Frame Mounted Stone Shields**
Mudflap Type (Front): **Frame Mounted, SS Stone Shields (no MK3/MB3)**
Pintle Plate: **Not Required for Job or Applic**
Pintle Hook: **Not Required**
Truck Wash: **Complete Truck Wash/Clean/Vac 1**
Warranty: **Standard 1 Year Warranty**

Electrical: **Yes (SELECT RELATED OPTIONS BELOW)**
Power Distribution Panel: **Power Distribution Panel**
Misc Electrical Supplies: **Req'd Misc Elect Supplies**
Plow Lights: **Plow Lts, Halogen, Trucklite All Chassis, (PAIR)**
Plow Light Brackets: **Plow Lt Hood Brckts, SS, INTERNATIONAL**
Driving Lights: **Driving Lights, PIAA, Fog Amber, Pair**
Cab Beacon: **LED Beacon, 360 deg w/201 SS Stationary Mounting Bracket**
Rear Dump Bolster (S/T/T): **LED S/T/T, kit (West) (order holes)**
OEM Light Remount: **Remount OEM Chassis Lights**
Rear Dump Bolster (Back-up): **B/U Lights, LED, Clear, Oval, pair (Order holes with body)**
Rear Dump Bolster Strokes: **6" LED Oval Strokes, Amber, 1 PR, (order holes w/unit)**
Back up alarm: **Backup Alarm, 97db**
Body up switch/light: **Body UP Switch/Body Up Light (Buy)**
Backbone & Wire Standoffs: **14' Backbone (For TA)**
Camera: **Included in Hydraulics Pkg (quote w/ Hyd)**

Hydraulics: **Full Hydraulic Package**
Hyd Supplier: **Force America (Select Pkg Below)**
Controls Type: **Electric Controls**
Low Oil Shut Down: **Yes, included in Hyd Pkg**
High Temp Oil Shut Down: **Yes, included in Hyd Pkg**
Low Oil Indicator: **Yes, included in Hyd Pkg**
Return Filter: **Provided with Hydraulics**
Quick Coupler Upgrade: **Standard Quick Couplers**





HENDERSON

PRODUCTS, INC.

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CUSTOMER QUOTE

Page 3

Hydraulics Notes:

Reversible snow plow

Plow Length: 10' length
Moldboard Trip: Full trip with 2 external compression springs
Pushframe Type: Standard Circle Frame with Top Mount Cylinders
Moldboard Height: 42" height
Moldboard Shield: Integral shield
Moldboard Sheet Material: 10 GA GR50 steel (standard)
Adjustable Trip Spring: Five position adjustable trip spring preload
Hydraulic Cylinders: 4" x 2" x 10" reversing nitrided cylinders
Paint: Henderson Orange
12" Rubber Deflector: Yes, w/ SS Backer
Install Rubber Deflector: Yes
Cutting Edge: Std 5/8" x 8" One Piece AASHTO punch
Hitch, Plow Portion: 29" Hustung hitch
Plow Portion Installed on Plow: Yes
Hitch, Truck Portion: See HPH or HCH for Truck portion hitch
Custom Option Fields: Note Custom Details Below
Option 1 Description: Full Length Bottom Angle Gusset
Option 2 Description: Identical to COP 175209 (RSP-22205)
Option 3 Description:
Option 4 Description:
Option 5 Description:
Option 6 Description:

Snow Plow Hitch

Hitch, Truck Portion: 29" Hustung hitch
Lift Arm Type: Standard Hustung Style Lift Arm
Lift Arm Size: 3/4" x 3" x 20" Lift Arm
Lift Lug(s): 1-7/8" Round Hardened Pin
Hydraulic Lift Cylinder: 4" x 2" x 10" Double Acting Nitrided Lift Cylinder
Custom Options: No Custom Options Required

PWS liquid pre-wetting system

Power Source: Hydraulic Powered Pump
Application: Munibody
Product Size: Munibody 12-14ft Cross Conveyor
Control Box: No Valve, Hydraulic Powered Pump and Flow Meter
Pump: Standard 4.1 GPM Bronze Gear Pump
Console: None-Deduct PWSH-I Console





HENDERSON

PRODUCTS, INC.

CUSTOMER QUOTE

Page 4

916 S 10TH ST
MANCHESTER, IA 52057
PHONE: 563-927-7000
FAX: 563-927-7001

Tank Size: **No Tank(s)-Deduct MUNI 75 gal tank**
Spray Assembly: **Std Variable Displacement Nozzle Assembly for Rear Chute**
Prewet Installed: **Installation on MUNIBody**
Mounting Hardware: **No Mounting Hardware or N/A**
Option 1 Description: **Identical to COP 175209**

MUNIBody II multi-task body

Discharge Options: **Front Cross Conveyor with Front Discharge Only**
Doghouse Type: **Partial Internal Doghouse with Sloped Headsheet**
Body Length: **15' body length, 36" sides, 48" tailgate**
Side Height: **36" High Sides with pockets for 12" boards**
Side to Floor Transition: **Standard 22 Degree from Horizontal Slope on Sides**
Tailgate/Rear Body Style: **Asphalt Rear Body Style with Sloped Tailgate 44"**

Tailgate

Granular Capacity: **9.4 yd Sides 12.4 yd Ends**
Sides / Ends: **Optional 304SS sides, ends**
Cabshield: **Yes**
Cabshield Material: **10 ga. with 7 ga. endplates, Stainless Steel**
Floor: **1/4" AR400**
Rear Apron / Bolsters: **304 Stainless Steel**
Cabshield Size: **22" X 78" (1/2 cab) 304SS**
Tailgate Bracing: **304 Stainless Steel**
Body Hinge Type: **Greaseless Composite Bushing Hinge Blocks (I)**
Body Hinge Paint: **Yes, Rear Hinge Painted @ Factory**
Sloped Steel Sideboards: **Yes**
Sideboard Material: **10 ga. 304 SS**
Install Sideboards: **No, shipped loose**
Conveyor Motor with Integral Speed Sensor: **Yes**
Conveyor Motor and Gearcase Location: **Front Mounted Motor and Gearcase**
3/16" AR 400 Steel Conveyor Cover: **Yes, shipped loose**
Hydraulic Reservoir: **Side mount reservoir**
Fold-up Side Ladder: **Yes**
Ladder Material: **10 ga. 304 SS**
Polyurethane spinner disk: **Yes**
Underbody Pans, 304 SS: **Yes**
Lighting Package: **LED lights**
Extra Light Holes in Rear Bolster: **Two extra light holes in each bolster**
Drivers Side Fender: **Platform Fenders for Toolbox or Tanks**
Passengers Side Fender: **Platform Fenders for Toolbox or Tanks**
Drivers Side Fender Accessory: **105 gallon poly tank (93.5 in long)**
Special Fender Options - Drivers Side: **None needed**
Passengers Side Fender Accessory: **105 gallon poly tank (93.5 in long)**
Special Fender Options - Passengers Side: **None needed**
Option 1 Description: **Full Width Cradle**
Option 2 Description: **SS Cradle Mount Reservoir ILO Mild Steel**
Option 3 Description: **201 SS ILO 304 SS**
Option 4 Description: **Same as COP 175209 but with sloped sideboards**





HENDERSON

PRODUCTS, INC.

916 S 10TH ST
MANCHESTER, IA 52057
PHONE: 563-927-7000
FAX: 563-927-7001

CUSTOMER QUOTE

Page 5

Total configured price: \$120,897.33

****INCLUDES FREIGHT****

Sourcewell package discount: 10%

Discounted single package price: \$107,650.00

Package(s) : 1

Total: \$107,650.00

Signed: _____ Date: _____

Quote notes:



REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 33-2019 – A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$12,500 FOR THE PURPOSE OF FUNDING HALF OF THE ARTSPACE FEASIBILITY STUDY


☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES

☒ NO



City Manager**ISSUE:**

The Wheat Ridge Cultural Commission requested that City Council consider a Preliminary Feasibility Study to provide feedback about the feasibility of creating live/work, multi-use, or other arts facility development in the City of Wheat Ridge. Consensus was reached by City Council at the May 15, 2019 study session to provide funding in the amount of \$12,500 to fund half of the study.

PRIOR ACTION:

At the February 4, 2019 study session, Artspace Consulting and members of the Cultural Commission requested that City Council consider a Preliminary Feasibility Study to provide preliminary feedback about the feasibility of creating live/work, multi-use, or other arts facility development in the City of Wheat Ridge. Consensus was reached that evening by City Council to ask the Cultural Commission to investigate this proposal further with the community to gain additional moral and financial support for the project and to report to City Council at a future meeting.

FINANCIAL IMPACT:

The supplemental budget request is \$12,500, which will pay for half of the Artspace Feasibility Study. Localworks will cover the remaining \$12,500 of funding.

BACKGROUND:

Artspace's mission is to create, foster, and preserve affordable space for artists and arts organizations. Artspace Consulting helps communities identify effective, affordable ways to incorporate the arts into their civic agendas. They help communities revitalize downtown areas and inner city neighborhoods, reanimate historic properties, develop arts districts, and create and preserve affordable spaces for artists.

RECOMMENDATIONS:

None

RECOMMENDED MOTION:

"I move to approve Resolution No. 33-2019 – a resolution amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$12,500 for the purpose of funding half of the Artspace Feasibility Study."

Or,

"I move to postpone indefinitely Resolution No. 33-2019 – a resolution amending the Fiscal Year 2019 General Fund Budget to reflect the approval of a supplemental budget appropriation in the amount of \$12,500 for the purpose of funding half of the Artspace Feasibility Study for the following reason(s) _____."

REPORT PREPARED/REVIEWED BY:

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 33-2019
2. Artspace Consulting Brochure
3. Artspace Consulting – Introduction to Preliminary Feasibility Study
4. Letter from Cultural Commission Chair Diane Robb, dated May 20, 2019

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 33
Series of 2019

TITLE: A RESOLUTION AMENDING THE FISCAL YEAR 2019 GENERAL FUND BUDGET TO REFLECT THE APPROVAL OF A SUPPLEMENTAL BUDGET APPROPRIATION IN THE AMOUNT OF \$12,500 FOR THE PURPOSE OF FUNDING HALF OF THE ARTSPACE FEASIBILITY STUDY

WHEREAS, the Wheat Ridge Cultural Commission requested that City Council fund a Preliminary Feasibility Study to provide feedback about the feasibility of creating live/work, multi-use, or other arts facility development in the City; and

WHEREAS, Artspace, whose mission is to create, foster and preserve affordable space for artists and arts organizations, can perform such a study for \$25,000; and

WHEREAS, Localworks has agreed to contribute \$12,500 towards the cost of funding such study; and

WHEREAS, City Council wishes to appropriate the remaining \$12,500 to fund such study; and

WHEREAS, the Wheat Ridge Charter requires that amendments to the budget be effected by the City Council adopting a Resolution.

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

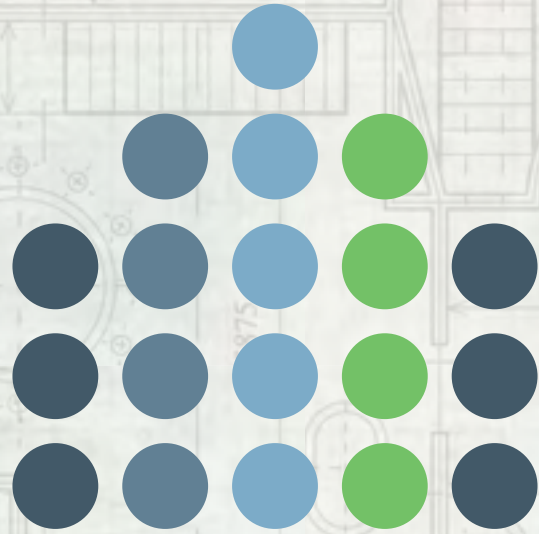
- A. The City Council authorizes the transfer of \$12,500 from the General Fund undesignated reserves to account number 01-106-700-750 and amending the 2019 fiscal year budget accordingly.

DONE AND RESOLVED this 10th day of June 2019.

William "Bud" Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk



ARTSPACE CONSULTING

artspace

Building better communities through the arts

ATTACHMENT 2



WHO WE ARE

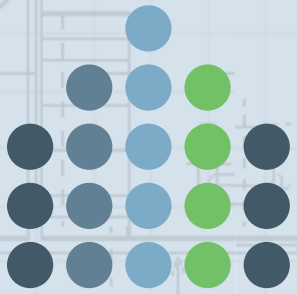
Artspace Consulting is a division of Artspace that helps communities identify effective, affordable ways to incorporate the arts into their civic agendas. Our practice builds on Artspace's expertise as America's leading real estate developer for the arts and operator of more than 30 successful arts facilities around the country.

Our community-based approach bridges the traditional gap between the arts and the civic arena. Our clients benefit from direct access to our three decades of experience as a developer of arts facilities that deliver sustainable, affordable space for artists, arts organizations, and creative businesses.

We help communities revitalize downtown areas and inner city neighborhoods, reanimate historic properties, develop arts districts, and create and preserve affordable space for artists. We help arts organizations evaluate their existing facilities, identify new ones, and determine how their spaces can best serve their needs. Artspace Consulting works with you to determine the next steps toward making your community the best it can be.

Artspace's mission is to create, foster, and preserve affordable space for artists and arts organizations.





WHAT WE DO

Artspace Consulting helps communities by...

...creating a facility to provide affordable live/work or studio space for artists, homes for arts organizations, or space for other creative activities. We identify the most suitable buildings and sites, develop realistic capital and operating budgets with an eye to long-term sustainability, and offer practical advice about how to move a project forward.

...imagining a place, such as an arts or cultural district, neighborhood, campus, or other cluster of people, buildings, and uses. We guide our clients through the process of refining their vision and review plans for arts districts, campuses, and centers.

...improving what exists, whether it's a single facility, a campus, or an entire arts district. Our clients include arts organizations that are thinking about expansion, groups that wish to operate a shared facility more efficiently, and other entities that want to make their facilities better.

...sharing what we know through articles, speaking engagements, presentations at conferences, and other gatherings attended by national policy-makers, urban planners, and community leaders of all kinds.

OUR SERVICES

Preliminary Feasibility Visit

An intensive two-day fact-finding mission to assess the potential for an Artspace live/work or mixed-use project in a community. An Artspace team tours buildings and sites; meets with artists, city officials, and other stakeholders; and conducts a public meeting to welcome community participation and generate a buzz. We recommend the Preliminary Feasibility Visit for communities with populations of more than 50,000 and an established base of local support.

Creative Spaces Consulting Visit

A two-day visit, similar to a Preliminary Feasibility Visit, that focuses on a community's vision for creating an arts facility or district that is not likely to result in an Artspace-developed project. This visit helps communities address civic challenges such as finding a creative use for a city-owned property, evaluating the artist component of a project led by a for-profit developer, or assessing an arts district.

Deliverables for both the Preliminary Feasibility Visit and the Creative Spaces Consulting Visit include a written report that documents our findings and recommendations for next steps.

Washington Studios in Duluth, MN
Photo by Sequest Photography



CREATING A FACILITY



CASE STUDY Loveland, Colorado

THE CHALLENGE

Help the City of Loveland preserve its historic Feed & Grain Building and generate economic development in its downtown

GOALS

- > Identify a viable and sustainable concept for adaptive reuse of the Feed & Grain Building
- > Incorporate affordable housing for artists into the project vision

SCOPE OF WORK

- > Preliminary Feasibility Visit
- > Arts Market Survey

DELIVERABLES

- > Feasibility Report that discusses potential for arts facility in Loveland and identifies next steps for moving the community's vision forward
- > Survey Report identifying strong need for artist live, work, and exhibition space

UPDATE

- > Two-phase project that includes an art center in the Feed & Grain Building, 30 units of artist live/work housing, and a public plaza

Artspace Loveland, Loveland, CO, Love and Light Exhibition, 2012
Photo by Alanna Brake, www.luckybrakelimited.com



OUR SERVICES

Arts Market Survey

An online survey to determine the size and nature of the market for affordable artist live/work, studio, or other creative space in a community.

Artists, creative workers and businesses, as well as arts and cultural organizations of all disciplines are invited to share their needs and preferences for affordable space. This information helps the project team select a site, attract funders, and design a facility that effectively addresses the needs of the local creative community.

Each survey is customized to reflect the unique characteristics of the local community and arts scene. Over the last 20 years, we have conducted approximately 40 Arts Market Surveys that have reached more than 25,000 creative individuals.

Artspace Tannery Lofts Resident, Santa Cruz, CA
Photo by Charles Mixon

IMAGINING A PLACE

• CASE STUDY Wichita, Kansas

THE CHALLENGE

Help the City of Wichita strengthen the Commerce Street Arts District

GOALS

- > Determine whether Commerce Street is a viable arts district
- > Identify action steps to help it grow

SCOPE OF WORK

- > Creative Spaces Consulting Visit

DELIVERABLE

- > Report that recommends a range of actions the City can take to help the arts district and provides additional guidance about another emerging arts area, the Douglas Design District

The Commerce Street arts district in downtown Wichita, KS
Photo by Spacefem / Wikimedia Commons / CC-BY-SA-3.0



OUR SERVICES

Capital Needs Assessment

A program that provides nonprofit clients access to the underwriting capabilities of our real estate practitioners. For organizations considering purchasing, leasing, or co-locating, we help quantify critical-path questions and assist in decision-making.

Sustainable Operations Analysis

A process designed to clarify funding goals, establish recommended steps for raising the necessary funds, and provide a better understanding of current and future operating expenses. We analyze existing annual financial reports and current space usage to establish a base operational profile, evaluate a range of scenarios and build a 15-year forecast to help the organization plan for the long-term sustainability of its facility.

IMPROVING WHAT EXISTS



CASE STUDY

Open Book Minneapolis, Minnesota

Open Book is a multi-tenant nonprofit building that serves as a home for literary and book arts

THE CHALLENGE

Help the Open Book and its three anchor tenants analyze their current space usage and financial status and create a vision that defines their “story” moving forward

GOALS

- > Define the challenges and opportunities available to the building and its anchor tenants
- > Frame the project in ways that make it most relevant to prospective funders

SCOPE OF WORK

- > Capital Needs Assessment
- > Sustainable Operations Analysis

DELIVERABLES

- > Capital and operating budgets, including a 15-year forecast
- > Presentation of findings to the Open Book Board of Directors

Open Book, Minneapolis, MN
Photo by Emily Taylor

SHARING WHAT WE KNOW



Speaking, facilitating, and convening

Artspace Consulting shares its experience developing, owning, and operating arts facilities with groups around the world. We participate in conferences, workshops, and webinars, offering our unique, community- and arts-driven approach to real estate development. We take a multi-disciplinary approach influenced by our personal commitment as artists and our firsthand experience as developers.

Our Clients

Artspace Consulting's recent clients include:

- > Albany Housing Authority / Albany, NY
- > Bemidji Community Arts Center / Bemidji, MN
- > Boston Center for the Arts / Boston, MA
- > Buchanan Center for the Arts / Monmouth, IL
- > City of Long Beach / Long Beach, CA
- > Community and Economic Development Office / Burlington, VT
- > Creative Portland Corporation / Portland, ME
- > Dance/USA / Philadelphia, PA
- > Dubuque Main Street / Dubuque, IA
- > Fleisher Art Memorial / Philadelphia, PA
- > Intermedia Arts / Minneapolis, MN
- > Pregones Theater / New York, NY
- > Wilshire Boulevard Temple / Los Angeles, CA

Wendy Holmes of Artspace Consulting touring potential properties in Dubuque, IA
Photo by Roy Close



Building better communities through the arts

Artspace is a national nonprofit that serves both artists and communities. We help artists by developing projects that serve their needs. We help communities leverage the power of the arts to become stronger, livelier, and safer.

Since 1979, Artspace has brought its hard-earned expertise to more than 300 cultural facility planning efforts from coast to coast. With headquarters in Minneapolis and offices in Los Angeles, New Orleans, New York, Seattle and Washington, D.C., our services include consulting, property development and asset management. Working at the intersection of urban planning, real estate, and the arts, Artspace is the national leader in artist-led community transformation.

Northern Warehouse Artists' Cooperative, St. Paul, MN
Photo by Marc Nordberg



250 Third Avenue North | Minneapolis, MN 55401 | 612.333.9012

www.artspace.org/artspace-consulting | [@artspaceconsult](https://twitter.com/artspaceconsult) | consulting@artspace.org

Introduction to Preliminary Feasibility Study

The Preliminary Feasibility Study provides preliminary feedback about the feasibility of creating a live/work, multi-use, or other arts facility development.

There are six areas of consideration:

1. Project Concept
2. Arts Market
3. Local Leadership
4. Funding and Finance
5. Potential Sites
6. Alignment with Community Goals

The study kick-starts the process of creating affordable space for artists. It is the first step Artspace takes on its own development projects.

As part of this fact-finding process, the Artspace team meets with artists, city officials, funders, and other stakeholders. They look at potential properties and hold a public meeting to welcome community participation, answer questions, and generate buzz.

Who Might Benefit:

- City Governments/Civic Organizations
- Arts and Cultural Organizations
- Downtown Organizations

What is Included:

- **Consulting phone/email time** in preparation for the visit, including review of invitation lists, agenda, and potential building/sites, and past studies
- **Original Artspace materials** to assist in preparing and sharing information regarding the visit
- **Two-day visit** to facilitate focus groups, tour potential sites, hear from the local community, and present at a public meeting
- **Written report** summarizing Artspace's findings and recommended next steps

What to Expect from a Typical Preliminary Feasibility Visit:

Each visit is customized to meet the needs of the community and project. Unique meetings/events suitable to the community's needs may be substituted.

Day 1

- Site Tour
 - Tour potential sites/buildings
 - Visit existing creative spaces and arts communities (e.g. studios, creative businesses, and key arts organizations)
- Dinner with Core Group

Day 2

- Continuation of Site Tour
 - Explore additional potential sites and creative spaces
- Working Lunch: Overview of study with Core Group
 - Discuss site tour impressions and the six areas of consideration
- Artists, Creatives, and Arts Organizations Focus Group
 - Learn about the creative community's space needs, market for renting creative space, and economic considerations
- Funding and Financing Leadership Focus Group
 - Learn more about potential funding sources for a project; gauge the interest of local finance and business leaders
- Public Meeting
 - Present to the community about Artspace and the economic and community impact of the arts; build support, and facilitate Q&A

Day 3

- Civic Leadership Focus Group
 - Learn more about broader community goals, current initiatives and local priorities
- Working Lunch: Debrief with Core Group

May 20, 2019

To: Wheat Ridge City Council

From: Diane Robb, Chair
Wheat Ridge Cultural Commission

Re: Artspace

It is my pleasure this evening to continue our conversation regarding the possibility of bringing Artspace into our beautiful city. On February 4th of this year I introduced Ms. Shannon Joern of ArtSpace to the Council to introduce the concept of Artspace. Artspace helps communities identify effective, affordable ways to incorporate the arts into their civic agendas. Their mission is to “create, foster, and preserve affordable space for artists and arts organizations.”

After much discussion that evening there was consensus amongst the Council that the Cultural Commission should further pursue this idea – which we did. We spoke to a number of individuals including creatives, realtors, affordable housing experts, developers, business owners, property owners, people that have had direct involvement with Artspace, and basically anyone that would listen to us. We have secured a partnership with LocalWorks and formed a core committee of individuals that believe in the Artspace concept for Wheat Ridge.

The first step is to hire Artspace to perform a *Preliminary Feasibility Study* which provides preliminary feedback about the feasibility of creating a live/work, multi-use, or other arts facility development. This Study costs \$25,000.00. LocalWorks, believing in the ArtSpace concept, as well as believing that this is in alignment with their mission of advancing Wheat Ridge as a vibrant and sustainable community, has offered matching funds for this Study in the amount of \$12,500.00. With the Feasibility Study in hand, we will then know the next steps that need to be taken. Artspace brings over 30 years’ experience in developing, owning, and operating arts facilities with groups around the world.

This evening we are asking the Council to approve \$12,500.00 for the second half for the *Preliminary Feasibility Study*.

Thanks!

Diane Robb, Chair

REQUEST FOR CITY COUNCIL ACTION

TITLE: MOTION TO APPROVE PAYMENT TO BANK OF OKLAHOMA FOR 2019 PRINCIPAL AND INTEREST PAYMENTS IN THE AMOUNT OF \$3,498,300 FOR THE CITY OF WHEAT RIDGE, COLORADO SALES AND USE TAX REVENUE BONDS, SERIES 2017A

☐ PUBLIC HEARING
☒ BIDS/MOTIONS
☐ RESOLUTIONS

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

QUASI-JUDICIAL:

☐ YES

☒ NO


City Manager

ISSUE:

On May 2, 2017, the City closed on Series 2017A Sales and Use Tax Revenue Bonds in the par amount of \$30,595,000 with a net premium of \$2,687,079 for a total of \$33,282,079. The City's first interest payment for 2019 is due in June, 2019 in the amount of \$516,650 and the principal and second interest payment is due in December, 2019 in the amount of \$2,981,650. Funds to cover the 2019 payments are budgeted in the 2019 2E Bond Fund budget.

PRIOR ACTION:

On November 26, 2018, City Council approved the second principal and interest payment on the bonds.

On February 13, 2017, City Council approved Resolution No. 02-2017 creating the 2E Bond Fund. The City made the first principal and interest payment on the bonds in November, 2017.

On August 22, 2016, City Council approved Council Bill 17-2016, an ordinance giving notice of and calling for a special municipal election to be held November 8, 2016 and submitting a ballot question concerning a temporary increase of one-half of one cent (0.50%) in the City's sales and use tax rate for 12 years, without increasing property tax, and the issuance of debt to finance City investment in public infrastructure to facilitate economic development opportunities.

FINANCIAL IMPACT:

The aggregate principal amount of the bonds totals \$30,595,000 with a total repayment cost of \$37,809,255 by December 1, 2028. The maximum annual repayment cost of the bonds will not exceed \$3,700,000.

The 2019 adopted 2E Bond Fund budget includes \$3,498,300 for debt service payments. In 2018, the 0.5% sales and use tax rate increase generated \$4,442,044. Therefore, funds are available to cover these debt service payments.

BACKGROUND:

In 2007, when the Mayor initiated a citizen task force to prioritize infrastructure needs, the City identified numerous unfunded capital infrastructure projects. That task force was referred to as the DIRT Task Force, referencing “drainage, infrastructure, roads and trails.” A second DIRT Task Force was initiated by City Council directive on April 25, 2016. This citizen group was tasked with reprioritizing and updating the list of projects and recommending priorities to City Council. City Council directed staff to move forward with a ballot question requesting a temporary, one-half of one-cent (0.50%) increase to the City sales and use tax rate for 12 years and the issuance of debt to finance the following projects:

- 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

At the regular general election held on November 8, 2016, the electorate of the City approved ballot question 2E. The revenues from the voter approved 0.5% tax increase are accounted for in a special fund and will not be released or available for any purposes except for the four projects listed above and to pay debt service on these bonds and to replenish the reserve fund.

RECOMMENDATIONS:

The City entered into a Registrar and Paying Agent Agreement with Colorado State Bank and Trust on May 2, 2017, which requires the City to transfer principal and interest debt payments to the bank by a certain date, otherwise the City will be in default of this agreement. The payments to Colorado State Bank were subsequently assigned to Bank of Oklahoma.

RECOMMENDED MOTION:

“I move to approve payment to Bank of Oklahoma for the 2E Bond principal and interest payments to total \$3,498,300 in 2019 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A.”

Or,

“I move to not approve the payment to Bank of Oklahoma for the 2E Bond principal and interest payments to total \$3,498,300 in 2019 for the City of Wheat Ridge, Colorado Sales and Use Tax Revenue Bonds, Series 2017A for the following reason(s) _____

_____.”

REPORT PREPARED AND REVIEWED BY:

Patrick Goff, City Manager

Allison Scheck, Administrative Services Director

Mark Colvin, Finance Manager

ATTACHMENTS:

1. Bond Debt Service
2. 2019 Adopted 2E Budget

BOND DEBT SERVICE

City of Wheat Ridge, Colorado
Sale Tax Revenue Bonds, Series 2017 (Pricing Day 3.21.2017)
PRICING DAY 3.21.2017
FINAL NUMBERS

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/01/2017	2,800,000	3.000%	690,454.72	3,490,454.72	3,490,454.72
06/01/2018			552,650.00	552,650.00	
12/01/2018	2,400,000	3.000%	552,650.00	2,952,650.00	3,505,300.00
06/01/2019			516,650.00	516,650.00	
12/01/2019	2,465,000	4.000%	516,650.00	2,981,650.00	3,498,300.00
06/01/2020			467,350.00	467,350.00	
12/01/2020	2,565,000	4.000%	467,350.00	3,032,350.00	3,499,700.00
06/01/2021			416,050.00	416,050.00	
12/01/2021	2,665,000	2.000%	416,050.00	3,081,050.00	3,497,100.00
06/01/2022			389,400.00	389,400.00	
12/01/2022	2,720,000	5.000%	389,400.00	3,109,400.00	3,498,800.00
06/01/2023			321,400.00	321,400.00	
12/01/2023	2,860,000	5.000%	321,400.00	3,181,400.00	3,502,800.00
06/01/2024			249,900.00	249,900.00	
12/01/2024	3,000,000	5.000%	249,900.00	3,249,900.00	3,499,800.00
06/01/2025			174,900.00	174,900.00	
12/01/2025	3,150,000	** %	174,900.00	3,324,900.00	3,499,800.00
06/01/2026			119,400.00	119,400.00	
12/01/2026	3,260,000	4.000%	119,400.00	3,379,400.00	3,498,800.00
06/01/2027			54,200.00	54,200.00	
12/01/2027	2,710,000	4.000%	54,200.00	2,764,200.00	2,818,400.00
	30,595,000		7,214,254.72	37,809,254.72	37,809,254.72

Investing 4 the Future – Projects Funded by 2E

About 2E

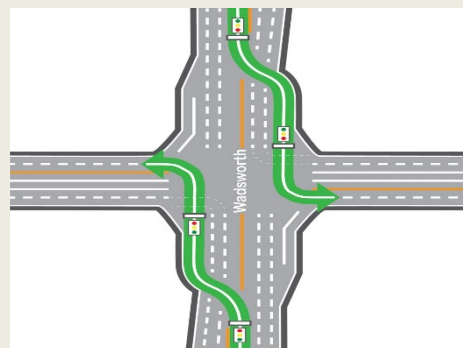
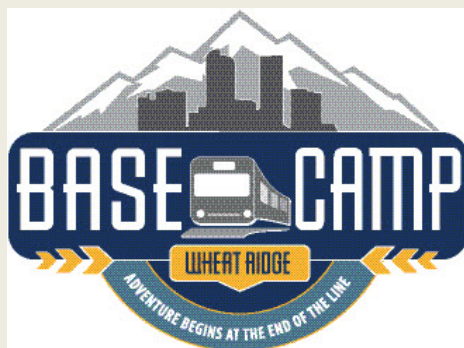
In November of 2016, Wheat Ridge voters approved a 0.5% cent increase in the City's sales and use tax rate in order to fund investments that will improve transportation infrastructure, create opportunities for economic development, and enable additional "placemaking" to attract those wanting to live in Wheat Ridge.

The four projects that will move forward with funding from the sales tax increase include: improvements to Anderson Park and its facilities, installation of I-70 on/off ramps for the Clear Creek Crossing mixed-use development, widening of Wadsworth Blvd. into an attractive corridor for multi-modal use, and improvements to public infrastructure and amenities to encourage economic development and transit opportunities at the Wheat Ridge · Ward Station.

In 2017, City Council adopted Resolution 02-2017 establishing a restricted 2E fund as defined by GASB No. 54 for use for 2E projects. In the spring of 2017, the City sold \$33 million in bonds.

2019 Budget Priorities

- Finalize Wadsworth Blvd. environmental assessment and complete final design
- Complete final design and begin construction at Anderson Park
- Begin construction of I-70 hook ramps
- Complete regional park planning and begin design of infrastructure at WR · Ward Station



Investing 4 the Future - Projects Funded by 2E

Special Funds

	2017 Actual	2018 Adjusted	2018 Estimated	2019 Adopted
Beginning Fund Balance	\$0	\$33,604,584	\$33,403,756	\$26,780,258
Revenues				
2E Sales Tax	\$3,220,444	\$3,152,416	\$3,159,433	\$3,314,959
2E Use Tax	\$147,569	\$152,370	\$158,333	\$158,333
2E Building Use Tax	\$445,649	\$233,333	\$291,666	\$250,000
2E Auto Use Tax	\$344,270	\$283,333	\$350,000	\$300,000
2E Audit Proceeds	\$0	\$0	\$0	\$0
Bond Proceeds - Par	\$30,595,000	\$0	\$0	\$0
Bond Proceeds - Premium	\$2,687,079	\$0	\$0	\$0
Interest Income	\$251,406	\$344,856	\$550,000	\$400,000
Miscellaneous Income	\$0	\$0	\$0	\$1,800,000
Transfer from General Fund	\$0	\$0	\$0	\$0
Total Revenues	\$37,691,416	\$4,166,308	\$4,509,432	\$6,223,292
Total Available Funds	\$37,691,416	\$37,770,892	\$37,913,188	\$33,003,550
Expenditures				
Clear Creek Crossing	\$274,936	\$9,901,312	\$4,666,009	\$5,059,055
Gold Line Station	\$55,983	\$2,071,854	\$937,232	\$8,328,000
Wadsworth	\$37,188	\$562,046	\$195,000	\$3,033,000
Anderson Park	\$154,183	\$2,318,458	\$1,826,122	\$2,467,403
Bond Issuance Costs	\$274,915	\$500	\$3,267	\$0
Debt Payment	\$3,490,455	\$3,505,300	\$3,505,300	\$3,498,300
Total Expenditures	\$4,287,659	\$18,359,470	\$11,132,930	\$22,385,758
Ending Fund Balance	\$33,403,756	\$19,411,422	\$26,780,258	\$10,617,792

Investing 4 the Future – Projects Funded by 2E

Clear Creek Crossing Project Profile

CLEAR CREEK CROSSING

PROJECT DESCRIPTION

Phoenix-based real estate firm Evergreen Development Company Inc., is developing a mixed-use project along I-70, between 32nd Avenue and Clear Creek, which will include multi-family residences, retail stores, entertainment facilities, restaurants, hotels, a large anchor store and an office complex. A trail system will provide connections from 32nd Avenue through the development to the Clear Creek Trail. 2E funding in the amount of \$10 million will finance:

- Construction of westbound I-70 hook ramp
- Removal of the westbound off-ramp at 32nd Avenue

BENEFITS

The construction of the hook ramps will finish the work that was started in 2013, with reconstruction of the 32nd Avenue/Youngfield intersection, to improve the 32nd Avenue/I-70 Interchange. In addition, economic benefits will be realized from increased revenue from the proposed mixed-use development of the large vacant area.

VISION

4. – Wheat Ridge has a choice of economically viable commercial areas

GOAL

1. – Build out key development sites along I-70 corridor by 2025

PLAN ESTIMATES	EXPENDITURES	2019	2020	2021
	Professional Services	\$310,000	\$0	\$0
	Environmental			
	ROW			
	Construction	\$4,749,055	\$0	\$0
	TOTAL	\$5,059,055	\$0	\$0



Clear Creek Crossing Highway Circulation



Clear Creek Crossing Aerial View

Investing 4 the Future – Projects Funded by 2E Wheat Ridge · Ward Gold Station Project Profile

WHEAT RIDGE · WARD GOLD LINE STATION AREA

PROJECT DESCRIPTION

With the 2E funding of \$12 million, the City will address traffic and multi-modal transportation needs to facilitate redevelopment and economic development opportunities in the area surrounding the G Line commuter rail station at Ridge and Ward Roads (Wheat Ridge · Ward Station). The improvements may include:

- Reconstruction of the adjacent streets: Ridge Road, 52nd Avenue, Tabor Street
- Building a pedestrian bridge over the tracks at the west end of the Station
- Pedestrian access improvements and other public parks, trail, and amenities

BENEFITS

Public infrastructure investments at the Wheat Ridge · Ward Station Area will facilitate private sector real estate investments. The investments create the basis for a new mixed use, multi-modal and pedestrian friendly neighborhood, with a dynamic mix of jobs and housing. Proposed development will seek to expand the City's housing diversity providing a mix of for rent and for sale multi-family housing products. The adopted Vision seeks to maintain and expand the City's employment base, with a focus on expanding the City's business base in the outdoor recreation industry. The Vision also includes a goal of creating a regional park and other iconic features that help brand the area as a regional destination accessible and visible from both the G Line and I-70.

VISION

5. – Wheat Ridge has diverse transportation

GOAL

5. – Increase multi modal access to G Line stations

PLAN ESTIMATES	EXPENDITURES	2019	2020	2021
	Professional Services	\$1,300,000	\$351,200	\$0
	Environmental			
	ROW	\$728,000		
	Construction	\$6,300,000	\$4,127,585	\$0
	TOTAL	\$8,328,000	\$4,478,785	\$0



G Line Station Platform



Potential Project Map

Investing 4 the Future – Projects Funded by 2E Wadsworth Boulevard Widening Project Profile

WADSWORTH BOULEVARD WIDENING PROJECT

PROJECT DESCRIPTION

In April 2016, the City of Wheat Ridge initiated an Environmental Assessment (EA) study for the widening of Wadsworth Boulevard. The study is reviewing environmental impacts associated with transportation improvements planned for Wadsworth between 35th Avenue and I-70. The EA builds off of a Planning and Environmental Linkage (PEL) study for Wadsworth that was completed in 2015 with input from the local community. The EA is the first of several phases, with the final phase, construction, projected to begin in mid-2020. 2E funding in the amount of \$7 million will be used to provide the City's local match for a \$25.28 million federal transportation grant. The City has also been awarded a federal safety grant with a CDOT match for a total of \$2.6 million. CDOT has also committed \$4.1 million in maintenance funding towards the project. This brings the total identified funding to just under \$39 million.

BENEFITS

- Improved travel time through the corridor with three vehicle travel lanes in each direction
- Improved capacity at 38th and 44th intersections
- Detached sidewalks with tree-planted or hardscaped amenity zones
- Multi-modal ADA connection to the Clear Creek Trail
- Raised medians along the entire corridor
- Enhanced transit stops with queue jumps at 38th and 44th intersections

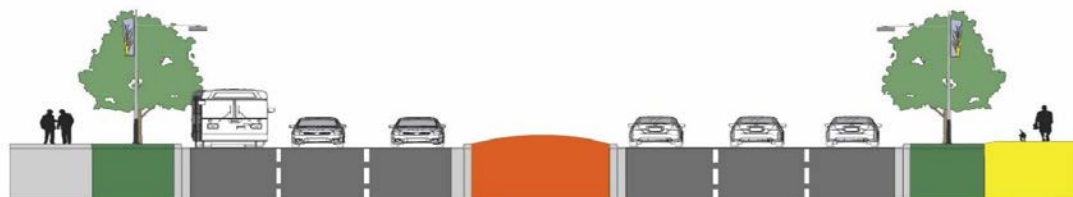
VISION

5. – Wheat Ridge has diverse transportation

GOAL

1. – Improve and identify areas of need for public transportation

PLAN ESTIMATES	EXPENDITURES	2019	2020	2021
	Professional Services	\$275,000	\$27,000	\$0
	Environmental	\$0	\$0	\$0
	ROW	\$2,758,000	\$2,010,000	\$0
	Construction	\$0	\$1,698,000	\$0
	TOTAL	\$3,033,000	\$3,735,000	\$0



Cross-section of proposed design south of W. 44th Avenue

Investing 4 the Future – Projects Funded by 2E

Anderson Park Project Profile

ANDERSON PARK

PROJECT DESCRIPTION

The City will use 2E funds in the amount of \$4 million to modernize Anderson Park with the addition of festival-friendly enhancements. The investments currently being considered include:

- Outdoor pool locker room renovations
- Anderson building — replace leaking roof, reconfigure the space to allow additional programming for fitness and wellness classes
- Sports fields — replace baseball field with multi-purpose sports field (wide variety of uses, including festivals), reconstruct existing soccer field to provide a higher quality game field
- Pavilion area — upgrade park pavilion and small shelter
- Additional needs — parking lot improvement/resurfacing, waterline replacement

BENEFITS

People who use parks and open space are three times more likely to achieve the recommended levels of physical activity than non-users.

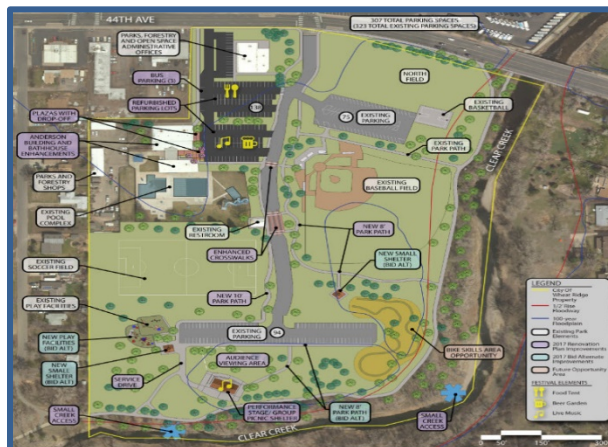
VISION

1. – Wheat Ridge is an attractive and inviting city

GOAL

2. – Ensure that the City has attractive and inviting open space and parks

PLAN ESTIMATES	EXPENDITURES	2019	2020	2021
	Professional Services	\$83,7900	\$0	\$0
	Environmental	\$0	\$0	\$0
	ROW	\$0	\$0	\$0
	Construction	\$2,383,613	\$0	\$0
	TOTAL	\$2,467,403	\$0	\$0



Anderson Park Master Plan



REQUEST FOR CITY COUNCIL ACTION

TITLE: RESOLUTION NO. 34-2019 – A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT FOR PROPERTY ZONED RESIDENTIAL-THREE (R-3) AND LOCATED AT 11661 W. 44th AVENUE (CASE NO. WS-19-01 / RIVERSIDE TERRACE)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☒ RESOLUTIONS

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

QUASI-JUDICIAL:

☒ YES

☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting approval of a major subdivision for an approximately 1.52-acre property located at 11661 W. 44th Avenue. The purpose of this subdivision request is to establish lot lines, tracts, easements, and right-of-way dedication for an 18-unit townhome development in the Residential-Three (R-3) zone district.

PRIOR ACTION:

Planning Commission will hear this request at a public hearing on June 6, 2019.

Attached is a copy of the Planning Commission staff report, which provides a detailed description of the application. The Planning Commission recommendation will be provided during the staff presentation at the City Council hearing on Monday, June 10.

FINANCIAL IMPACT:

Fees in the amount of \$1,533 were collected for the review and processing of Case No. WS-19-01. Fees in lieu of parkland dedication in the amount of \$42,453.93 will be due prior to issuance of building permits. Permit fees and use tax will be paid for each townhome building permit and for all site work and right-of-way permits.

BACKGROUND:

The subject property is located on the north side of W. 44th Avenue between Robb Street and Tabor Street. It is approximately 1.52 acres and is currently vacant. The site is zoned Residential-Three (R-3) which allows multifamily development (including townhomes) up to a density of 12 units per acre.

Properties to the east and west also are zoned Residential-Three (R-3). The properties to the west between the subject property and Tabor Street contain two-story apartment buildings. The properties to the east contain single-family homes. The property across 44th Avenue to the south is zoned Planned Commercial Development (PCD) and contains a retail building with multiple tenant spaces, and an RV park behind it. The properties to the north are zoned Residential-Two (R-2) and contain duplexes. To the northwest is 4440 Tabor Street, which was rezoned to Planned Residential Development (PRD) by City Council earlier in 2019.

Key components of the subdivision are described below. The plat document and additional detail are included in the attached Planning Commission staff report.

The purpose of a subdivision plat is not to review specific site plan details, but rather to confirm appropriate lot configuration, access, rights-of-way, easements, and utility service to the site in order to create developable parcels for a land use that is already permitted by the underlying zoning.

Proposed Plat

The proposed subdivision is comprised of five sheets and establishes 18 townhome lots, with 6 lots/units per townhome building and 4 tracts, which provide for commonly-maintained alleyways, open space, utility easements, drainage basins, and sidewalks.

A feature of the site is the potential for cross access with an adjacent proposed development at the northwest corner. The subdivision regulations encourage connectivity and cross access where logical. If the adjacent parcel is not developed, the Riverside subdivision can function independently with the creation of an emergency access easement being created by separate document. A condition of approval is included to this effect.

Required Agreements

The applicant is responsible for installing all public improvements, including the drainage system, the streetscape improvements, utilities and the open space. These obligations will ultimately be memorialized in a Subdivision Improvement Agreement (SIA) between the City and developer. The SIA dictates construction and maintenance responsibilities as well as the timing of permit issuance relative to the completion of public improvements. A condition of approval is included to this effect.

RECOMMENDATIONS:

A subdivision plat is a technical document and review is a ministerial action. The plat complies with the requirements of the subdivision regulations (Article VII in Chapter 26 of the Municipal Code) and is consistent with the Residential-Three (R-3) zoning requirements. For that reason, staff is recommending approval of the request.

RECOMMENDED MOTION:

“I move to approve Resolution No. 34-2019, a resolution approving a major subdivision for property located at 11661 W. 44th Avenue and zoned Residential-Three (R-3), 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 and 26-407 of the Code of Laws.
2. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
3. All agencies can provide services to the property with improvements installed at the developer’s expense.

and with the following conditions:

1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvement agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner’s association covenants for review and approval by staff.
4. An emergency access easement to allow the subdivision to function independently in the event that the adjacent parcel is not developed shall be recorded by separate instrument prior to the recordation of the subdivision plat.

Or,

“I move to deny Resolution No. 34-2019, a resolution approving a major subdivision for property located at 11661 W. 44th Avenue and zoned Residential-Three (R-3), for the following reasons:

- 1.
- 2.
3. ”

REPORT PREPARED/REVIEWED BY:

Scott Cutler, Planner II

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Resolution No. 34-2019
2. Planning Commission Staff Report
3. Riverside Terrace Subdivision Plat

CITY OF WHEAT RIDGE, COLORADO
RESOLUTION NO. 34
Series of 2019

TITLE: A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT FOR PROPERTY ZONED RESIDENTIAL-THREE (R-3) AND LOCATED AT 11661 W. 44th AVENUE (CASE NO. WS-19-01 / RIVERSIDE TERRACE)

WHEREAS, Chapter 26, Article IV of the Wheat Ridge Code of Laws establishes procedures for the City's review and approval of subdivision plats; and,

WHEREAS, an application for a subdivision plat was received from Riverside Terrace LLC to subdivide property for townhome development located at 11661 W. 44th Avenue in the Residential-Three zone district; and,

WHEREAS, all referral agencies have reviewed the request and can serve the property; and,

WHEREAS, the City Council has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO, AS FOLLOWS:

A MAJOR SUBDIVISION PLAT WITH RIGHT OF WAY DEDICATION FOR PROPERTY ZONED RESIDENTIAL-THREE (R-3) LOCATED AT 11661 W. 44th AVENUE IS HEREBY APPROVED FOR THE FOLLOWING REASONS:

1. City Council has conducted a proper public hearing, meeting all public notice requirements as required by Section 26-109 and 26-407 of the Code of Laws.
2. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
3. All agencies can provide services to the property with improvements installed and the developer's expense.

And, with the following conditions:

1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvement agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowners' association covenants for review and approval by staff.
4. An emergency access easement to allow the subdivision to function independently in the event that the adjacent parcel is not developed shall be recorded by separate instrument prior to the recordation of the subdivision plat.

DONE AND RESOLVED by the City Council this 10th day of June, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

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

TO: Planning Commission **MEETING DATE:** June 6, 2019

CASE MANAGER: Scott Cutler

CASE NO. & NAME: WS-19-01 / Riverside Terrace Subdivision

ACTION REQUESTED: Approval of a major subdivision

LOCATION OF REQUEST: 11661 W. 44th Avenue

APPLICANT/OWNER (S): Riverside Terrace LLC

APPROXIMATE AREA: 66,284 square feet (1.52 acres)

PRESENT ZONING: Residential-Three (R-3)

COMPREHENSIVE PLAN: Neighborhood Commercial Corridor; Neighborhood

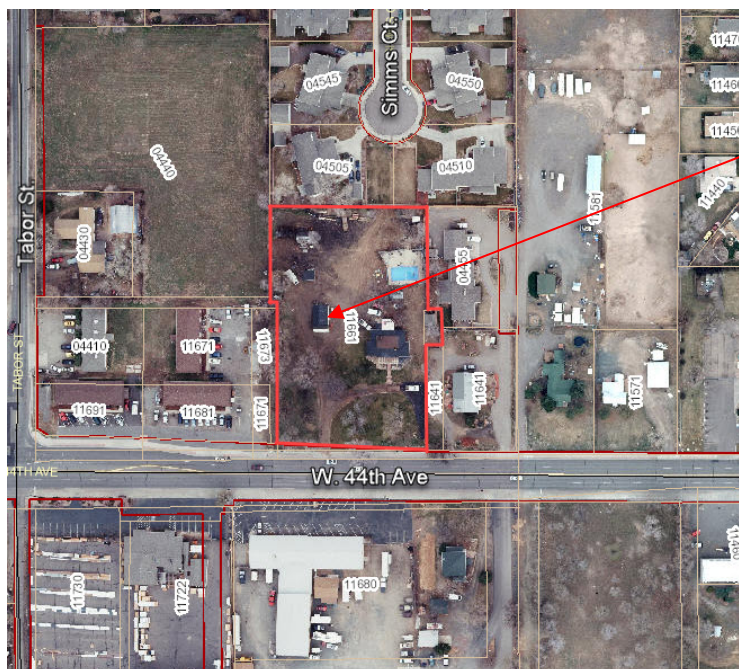
ENTER INTO RECORD:

(X) CASE FILE & PACKET MATERIALS

(X) SUBDIVISION REGULATIONS

(X) DIGITAL PRESENTATION

Location Map



Site

JURISDICTION:

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

I. REQUEST

Case No. WS-19-01 is an application for a major subdivision for property located at 11661 W. 44th Avenue. Eighteen (18) townhome lots are proposed plus four tracts for common areas, drainage, alleyways, and utilities. Access easements and drainage easements are also included in the subdivision plat. A plat is required to facilitate a new townhome development on the site.

Staff is reviewing a Planned Building Group (PBG) application for the property, which is subject to administrative review only as the proposal adheres to all of the Residential-Three (R-3) zone district requirements. (A PBG is the term used in the zoning code for a site plan set that involves multiple buildings, in this case a group of three buildings.) Civil construction documents for the project are under review by Public Works. While the PBG application is related, it is not part of the platting request and should not influence Planning Commission's recommendation on the subdivision.

The purpose of a subdivision plat is not to review specific site plan details, but rather to confirm appropriate lot configuration, access, rights-of-way, easements, and utility service to the site in order to create developable parcels for a land use that is already permitted by the underlying zoning.

II. EXISTING CONDITIONS/PROPERTY HISTORY

The subject property is located in northwestern Wheat Ridge, on the north side of W. 44th Avenue between Robb Street and Tabor Street. The site previously contained a single-family home and various outbuildings, which were demolished in 2019 (*Exhibit 1, Aerial*).

The property is zoned Residential-Three (R-3), as are the properties to the east and west. The zoning map (*Exhibit 2*) shows a mix of zone districts in the area. The properties to the west contain a total of four two-story apartment buildings with multiple dwelling units. The properties to the east contain single-family homes. The properties to the north on Simms Court are zoned Residential-Two (R-2) and contain duplexes before transitioning back to R-3 zoning further north where there are 4-plexes. The property across W. 44th Avenue to the south is zoned Planned Commercial Development (PCD) and contains a retail building with multiple tenant spaces and an RV park. The property to the northwest was recently rezoned to Planned Residential Development (PRD) by City Council.

The property is currently platted as Lot 3 and Tract B of the Fightmaster Subdivision and is approximately 66,284 square feet (1.52 acres).

The current R-3 zoning allows for the development of townhomes, multifamily apartment buildings, duplexes, or single-family homes up to 12 units per acre. The development proposed is 11.8 units/acre.

III. PROPOSED SUBDIVISION PLAT

Plat Document

The proposed plat document consists of five pages (*Exhibit 3*). The cover page includes a legal description of the property; signature blocks for the owners, City, surveyor, and County; standard

declarations and notes; easement notes; and a lot data table. The second page consists of the plat map, showing the arrangement of the lots and tracts. Page 3 shows existing easements and easements being vacated. Page 4 shows details of the proposed sanitary, drainage, and utility easements. Page 5 shows details of the water and access easements.

Lot Configuration

The lot configuration corresponds to the proposed development being reviewed under the PBG application. There will be 18 townhome lots, with 6 lots/units per townhome building. Four tracts are proposed (Tracts A, B, C, and D) which provide for commonly-maintained alleyways, open space, utility easements, drainage basins, and sidewalks.

Public Improvements & Right-of-Way Dedication

When new properties are created through the subdivision process, staff reviews adjacent street improvements to confirm that they meet current roadway design standards. A portion of the southeast corner of the property, approximately 119 square feet, is being dedicated as right-of-way.

The developer will be responsible for constructing an 8-foot wide sidewalk, 2-foot buffer zone between the sidewalk and the street, and reconstructing the bus stop to current standards. The existing sidewalk is approximately 8 feet wide but much of it will need to be removed to reconstruct the bus stop and entrance on the east side of the frontage. New street lights will also be installed.

Easements

Several easements are created by this plat to allow adequate infrastructure and access. These include the following:

- Existing utility and drainage easements around the perimeter that will remain
- 6-foot wide utility easements on the edges of the interior alleys to serve each lot
- 25-foot wide sanitation easement in the primary drive and alleyways
- 30-foot wide water easement in the primary drive
- Access easements in all drives/alleyways

A unique feature of the site is the potential for cross access with an adjacent proposed development at the northwest corner. The subdivision regulations encourage connectivity and cross access where logical, so if the development to the west proceeds, cross access will allow movement through that property and the subject site. If the adjacent parcel is not developed, the Riverside subdivision can function independently with the creation of an emergency access easement being created by separate document. A condition of approval to this effect is recommended.

Drainage

Tracts are being dedicated for an on-site water detention facility (porous landscape detention), which will be located north of the northern alley. The purpose of the tract is to ensure the facility is never built or encroached upon, and will be the sole responsibility of the HOA. The civil construction documents are under review and will be finalized with completion of the PBG application and prior to issuance of any permits.

Parkland Dedication

The subdivision regulations include a parkland dedication requirement for all residential subdivisions based on the assumption that additional residents in the City will impact the demand for parks and

open space. When land is not dedicated for a public park, a fee is required in lieu. Per code and Council Resolution, the fee is \$2,497.28 per unit to be paid at recordation.

Subdivision Improvement Agreement

The applicant is responsible for installing all public improvements, including the drainage system, streetscape improvements, the new private drives and alleys, utilities, and the open space. These obligations will be memorialized in a Subdivision Improvement Agreement (SIA) between the City and developer. The SIA dictates construction and maintenance responsibilities as well as the timing of permit issuance relative to completion of the public improvements.

IV. AGENCY REFERRAL

All affected service agencies were contacted for comment on the zone change request and regarding the ability to serve the property. Specific referral responses follow:

Wheat Ridge Public Works: The plat was found approvable on May 16, 2019. Civil documents are currently under review.

Arvada Fire Protection District: Can serve. The fire district has approved the plat and development with either a cross access or emergency access at the northwest corner.

Valley Water District: No objections. Utility coordination is ongoing.

Fruitdale Sanitation District: No objections. Utility coordination is ongoing.

Xcel Energy: Utility coordination is ongoing. Utility easements are granted as part of the plat.

Century Link: No concerns.

Comcast: No comments.

V. STAFF CONCLUSIONS AND RECOMMENDATION

Staff has concluded that the proposed subdivision plat results in a logical lot layout. Staff further concludes that the subdivision plat complies with the standards in Article IV of the City Code (subdivision regulations) and that all utility agencies can continue to serve the property. The plat will allow the development to proceed with construction. For these reasons, staff recommends approval of the subdivision plat.

VI. SUGGESTED MOTIONS

Option A:

“I move to recommend APPROVAL of Case No. WS-19-01, a request for approval of a major subdivision on property located at 11661 W. 44th Avenue, for the following reasons:

1. All requirements of the subdivision regulations (Article IV) of the zoning and development code have been met.
2. All agencies can provide services to the property with improvements installed at the developer’s expense.

With the following conditions:

1. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
2. The developer shall enter into a subdivision improvements agreement and a lot sale restriction covenant agreement prior to recordation of the subdivision plat.
3. Prior to issuance of building permits, the developer shall provide homeowner's association covenants for review and approval by staff.
4. An emergency access easement to allow the subdivision to function independently in the event that the adjacent parcel is not developed shall be recorded by separate instrument prior to the recordation of the subdivision plat.

Option B: "I move to recommend DENIAL of Case No. WS-19-01, a request for approval of a major subdivision on property located at 11661 W. 44th Avenue, for the following reasons:

1. ..."

EXHIBIT 1: AERIAL

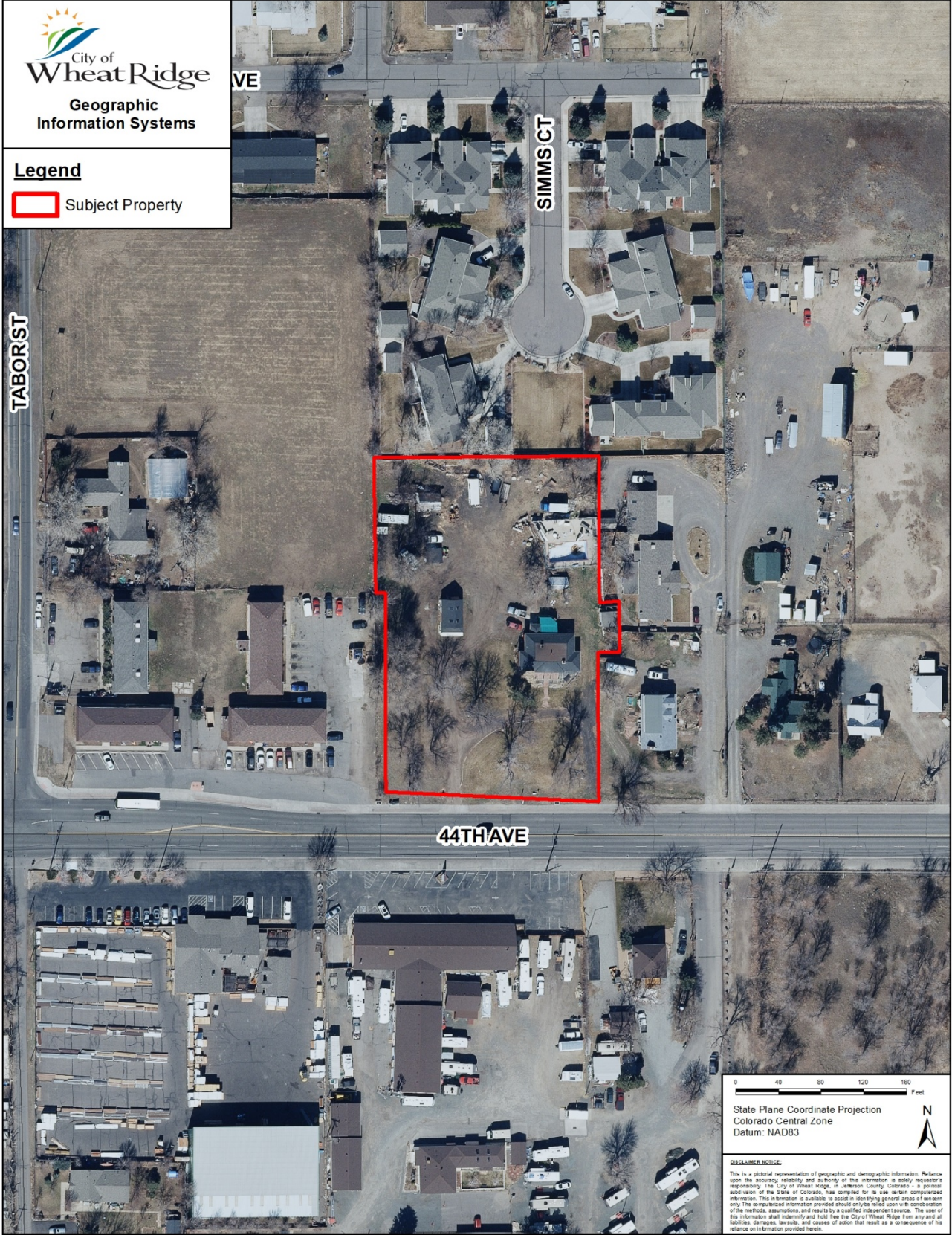


EXHIBIT 2: ZONING MAP

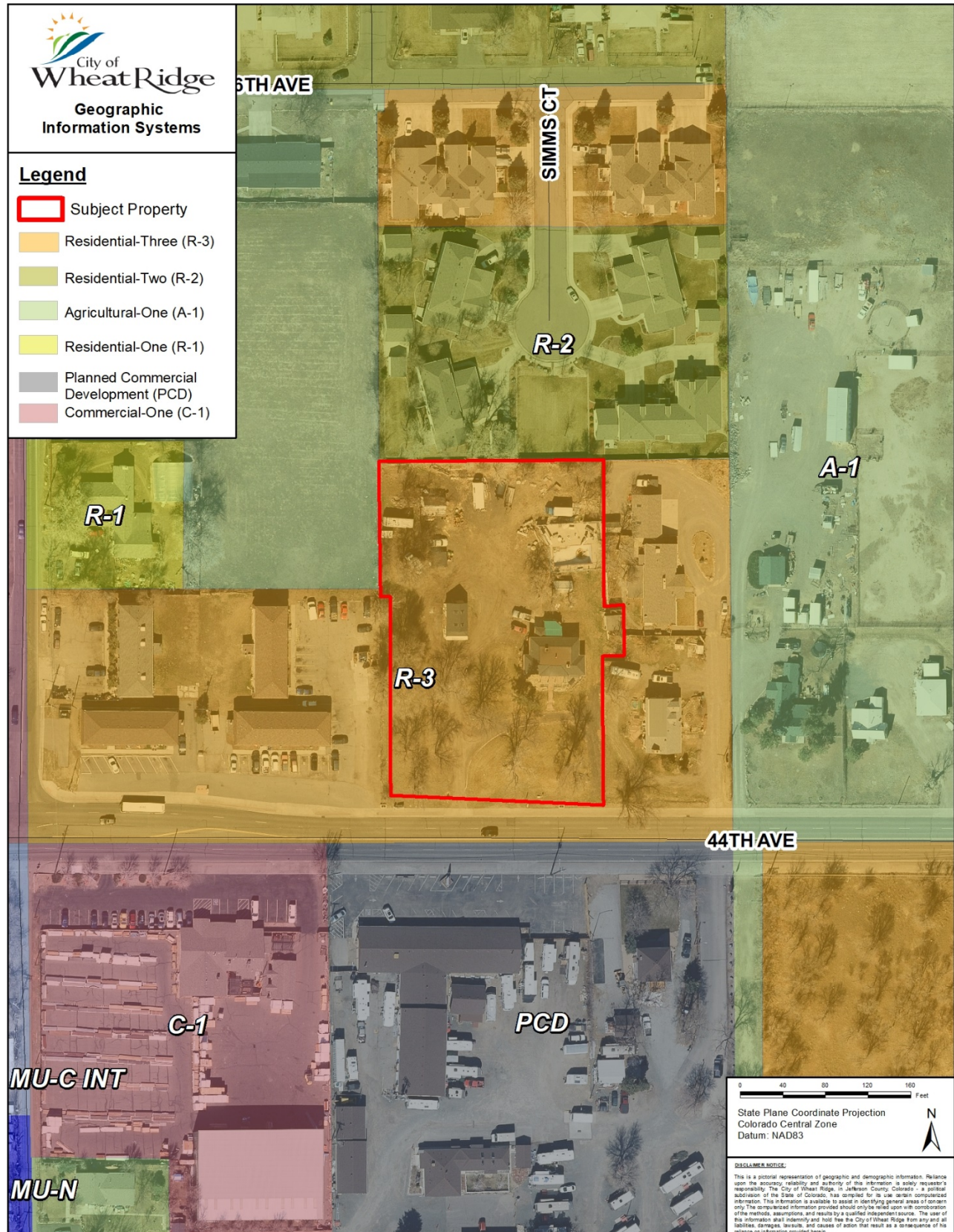


EXHIBIT 3: SUBDIVISION PLAT

Attached as an 11x17 document on the following page.

RIVERSIDE TERRACE SUBDIVISION
A RESUBDIVISION OF LOT 3 AND TRACT B, FIGHTMASTER SUBDIVISION,
BEING A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

SHEET 1 OF 5

OWNER'S CERTIFICATE:

I/WE, RIVERSIDE TERRACE, LLC, BEING THE OWNER(S) OF REAL PROPERTY CONTAINING 66,284 SQUARE FEET OR 1.5217 ACRES, MORE OR LESS, DESCRIBED AS FOLLOWS:

A RESUBDIVISION OF LOT 3 AND TRACT B, FIGHTMASTER SUBDIVISION IN THE CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, PER THE PLAT RECORDED MARCH 7, 2003 AT RECEPTION NO. F1693798 IN THE OFFICE OF THE CLERK AND RECORDER FOR SAID COUNTY, LYING WITHIN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT EAST 1/4 CORNER OF SAID SECTION 20, FROM WHICH THE EAST LINE OF SAID NORTHEAST ONE-QUARTER BEARS NORTH 00°31'28" WEST, PER THE CITY OF WHEAT RIDGE'S COORDINATE SYSTEM DATED FEBRUARY 1, 2008 BETWEEN IDENTIFICATION POINT NUMBER "14209" FOR THE EAST 1/4 CORNER OF SECTION 20 AND IDENTIFICATION POINT NUMBER "13209" FOR THE NORTHEAST CORNER OF SECTION 20, WITH ALL BEARINGS CONTAINED HEREIN BEING REFERENCED TO SAID EAST LINE;
THENCE ALONG SAID EAST LINE, NORTH 00°31'28" WEST, A DISTANCE OF 653.34 FEET; THENCE DEPARTING SAID EAST LINE, NORTH 89°59'29" WEST, A DISTANCE OF 4.68 FEET; THENCE NORTH 89°56'55" WEST, A DISTANCE OF 117.03 FEET TO THE SOUTHEAST CORNER OF SAID LOT 3 AND THE POINT OF BEGINNING;
THENCE ALONG THE SOUTH LINE OF SAID LOT 3, NORTH 87°30'15" WEST, A DISTANCE OF 200.60 FEET TO THE WEST LINE OF SAID LOT 3, ALSO BEING THE EAST LINE OF LOT 13, LEES SUBDIVISION;
THENCE ALONG SAID WEST LINE, NORTH 00°29'29" WEST, A DISTANCE OF 183.13 FEET; THENCE SOUTH 89°10'16" WEST, A DISTANCE OF 9.03 FEET; THENCE NORTH 00°29'29" WEST A DISTANCE OF 129.92 FEET, TO THE NORTH LINE OF SAID LOT 3, BEING THE SOUTH LINE OF LOT 3, TURGEON SUBDIVISION;
THENCE ALONG SAID LINE, NORTH 89°11'18" EAST, A DISTANCE OF 211.11 FEET TO THE EAST LINE OF SAID LOT 3, ALSO BEING THE WEST LINE OF LOT 2, FIGHTMASTER SUBDIVISION;
THENCE ALONG SAID EAST LINE, SOUTH 00°31'32" EAST, A DISTANCE OF 140.12 FEET; THENCE NORTH 86°01'26" EAST, A DISTANCE OF 18.61 FEET; THENCE SOUTH 00°22'17" EAST, A DISTANCE OF 49.62 FEET; THENCE NORTH 89°39'59" WEST, A DISTANCE OF 20.39 FEET; THENCE SOUTH 00°31'28" EAST, A DISTANCE OF 136.31 FEET TO THE POINT OF BEGINNING, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF LOT 1, FIGHTMASTER SUBDIVISION, AND THE SOUTHEAST CORNER OF LOT 3, FIGHTMASTER SUBDIVISION, PER THE PLAT RECORDED MARCH 7, 2003 AT RECEPTION NO. F1693798, IN SAID OFFICE OF THE CLERK AND RECORDER;

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED INTO LOTS AND TRACTS UNDER THE NAME AND STYLE OF RIVERSIDE TERRACE SUBDIVISION, A SUBDIVISION OF A PART OF THE CITY OF WHEAT RIDGE, COLORADO AND BY THESE PRESENTS DO DEDICATE TO THE CITY OF WHEAT RIDGE AND THE PUBLIC THOSE PORTIONS OF REAL PROPERTY SHOWN AS RIGHT-OF-WAY, AND DO FURTHER DEDICATE TO THE CITY OF WHEAT RIDGE AND THOSE MUNICIPALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS OF REAL PROPERTY SHOWN AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES BUT IS NOT LIMITED TO TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORMWATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

WILLIAM S. LYONS JR.
AS MANAGER ON BEHALF OF RIVERSIDE TERRACE, LLC

STATE OF COLORADO)
) SS
COUNTY OF JEFFERSON)

THE FORGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, A.D. 2019 BY _____, AS _____ FOR _____.

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

NOTARY PUBLIC

ACCESS EASEMENT

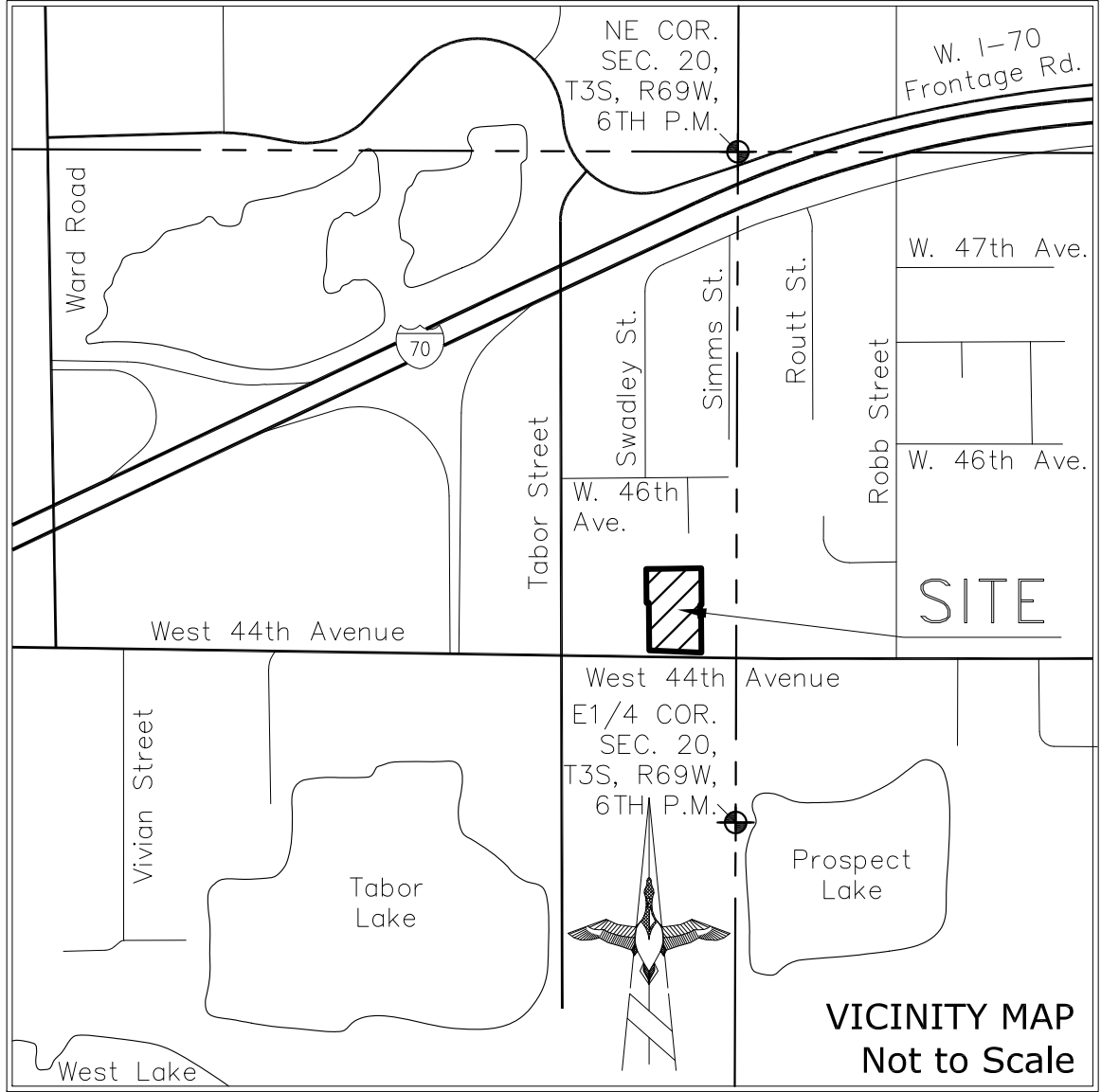
THE OWNER, HIS SUCCESSORS AND ASSIGNS GRANTS LIMITED RIGHTS AND PRIVILEGES TO ACCESS AND TO FREE MOVEMENT THROUGH THOSE AREAS INDICATED AS "ACCESS EASEMENTS", AS ILLUSTRATED UPON THIS PLAT. SUCH GRANT OF EASEMENT SHALL BE LIMITED TO THE OWNERS, TENANTS, CUSTOMERS AND GUESTS OF THE OWNERS, AND SHALL FURTHERMORE GRANT ACCESS TO AND FREE MOVEMENT THROUGH SAID EASEMENTS TO THOSE ENTERING SAID EASEMENTS FROM SIMILARLY RECORDED EASEMENTS FROM ADJACENT PROPERTIES AND/OR ABUTTING PUBLIC STREETS.

SUBDIVISION DATA TABLE					
	SQ. FT.±	ACRES±		SQ. FT.±	ACRES±
LOT 1	1,463	0.0335	LOT 13	1,463	0.0335
LOT 2	1,463	0.0335	LOT 14	1,463	0.0335
LOT 3	1,463	0.0335	LOT 15	1,463	0.0335
LOT 4	1,463	0.0335	LOT 16	1,463	0.0335
LOT 5	1,463	0.0335	LOT 17	1,463	0.0335
LOT 6	1,461	0.0335	LOT 18	1,461	0.0335
LOT 7	1,463	0.0335	TRACT A	5,223	0.1199
LOT 8	1,463	0.0335	TRACT B	11,922	0.2736
LOT 9	1,463	0.0335	TRACT C	19,415	0.4457
LOT 10	1,463	0.0335	TRACT D	3,279	0.0752
LOT 11	1,463	0.0335	R.O.W.	119	0.0027
LOT 12	1,461	0.0335	TOTAL	66,284	1.5217

CASE HISTORY
WS-19-01
PBG-19-01

GENERAL NOTES

- THE TOTAL ACREAGE OF THIS FINAL PLAT IS 66,284 SQUARE FEET OR 1.5217 ACRES, MORE OR LESS.
- THE DATE OF FIELD WORK FOR THIS PLAT WAS PERFORMED ON MAY 18, 2018.
- THIS PLAT WAS INITIALLY PREPARED ON THE 10TH DAY OF JANUARY, 2019. REVISIONS ARE AS NOTED BELOW.
- NO OFFSET MONUMENTS ARE TO BE SET IN CONJUNCTION WITH THIS PLAT.
- THE BASIS OF BEARINGS FOR THIS PLAT IS BASED UPON THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH P.M., WHICH BEARS NORTH 00°31'28" WEST BETWEEN THE FOUND MONUMENTS AS SHOWN HEREON PER THE CITY OF WHEAT RIDGE'S COORDINATE SYSTEM DATED FEBRUARY 1, 2008.
- THIS SURVEY OR PLAT DOES NOT CONSTITUTE A TITLE SEARCH BY ALTURA LAND CONSULTANTS, LLC. TO DETERMINE TITLE, RIGHTS-OF-WAY AND EASEMENTS OF RECORD, TITLE COMMITMENT NO. F70598819-4 WITH AN EFFECTIVE DATE OF DECEMBER 31, 2018 PREPARED BY LAND TITLE GUARANTEE COMPANY WAS RELIED UPON FOR FOR ALL INFORMATION REGARDING RECORD TITLE, RIGHTS-OF-WAY AND EASEMENTS.
- BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES IN ZONE X OF THE FLOOD INSURANCE RATE MAP, SCALE 1:84,000, COMMUNITY PANEL NUMBER 085079 0194 F AND DATED FEBRUARY 5, 2014 - SUBJECT PROPERTY IS NOT IN A SPECIAL FLOOD HAZARD AREA.
- ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- PER COLORADO REVISED STATUTES SEC. 38-51-106(L), ALL LINEAL UNITS DEPICTED ON THIS LAND SURVEY PLAT ARE U.S. SURVEY FEET. ONE METER EQUALS 39.37 DIVIDED BY 12 U.S. SURVEY FEET ACCORDING TO THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.
- THE INFORMATION SHOWN ON THIS PLAT IS CONSISTENT WITH THE CURRENT CITY DATUM, BEING A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502. THE VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). THE GROUND TO GRID COMBINED SCALE FACTOR USED IS 0.99974780300. SCALED FROM THE CITY OF WHEAT RIDGE BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1: NORTHING:1701258.75, EASTING: 3118217.58, ELEVATION: 5471.62.
- THE GEODETIC POINT COORDINATE DATA SHOWN HEREIN HAS BEEN DERIVED FROM THE NAD 83 HARN STATE PLANE COLORADO CENTRAL FIPS 0502 COORDINATE SYSTEM, AND HAS A HORIZONTAL ACCURACY CLASSIFICATION OF 0.07 U.S. SURVEY FEET AT THE 95% CONFIDENCE LEVEL, AS DEFINED IN THE GEOSPATIAL POSITIONING ACCURACY STANDARDS OF THE FEDERAL GEODETIC CONTROL SUBCOMMITTEE (FGDC-STD-007.2-1998).
- THE ZONING FOR THE ENTIRETY OF THE SUBJECT PROPERTY IS RESIDENTIAL-THREE (R-3).
- TRACT A IS DESIGNATED AS OPEN SPACE TO BE USED FOR LANDSCAPING, SWALES, DRY UTILITIES AND DRAINAGE, AND IS FULLY ENCUMBERED BY A DRAINAGE AND UTILITY EASEMENT. MAINTENANCE WILL BE THE RESPONSIBILITY OF THE HOA.
- TRACT B IS DESIGNATED FOR COMMUNITY OPEN SPACE AND SHALL BE USED FOR LANDSCAPING, COMMUNITY AMENITIES SUCH AS DOG WALK PATH, PEDESTRIAN SIDEWALKS, AND PUBLIC USE OF THE OPEN SPACE. MAINTENANCE WILL BE THE RESPONSIBILITY OF THE HOA.
- TRACT C IS NON-BUILDABLE AND SHALL BE USED FOR THE PURPOSES OF PUBLIC AND EMERGENCY VEHICULAR ACCESS AND PEDESTRIAN SIDEWALK ACCESS AND IS FULLY ENCUMBERED BY AN ACCESS EASEMENT. MAINTENANCE WILL BE THE RESPONSIBILITY OF THE HOA. (SEE SHEET 5, NOTE 4)
- TRACT D IS FULLY ENCUMBERED BY A STORMWATER DRAINAGE EASEMENT FOR STORMWATER MANAGEMENT, OUTLET STRUCTURE AND PIPING, AND MAINTENANCE ACCESS. MAINTENANCE WILL BE THE SOLE RESPONSIBILITY OF THE HOA. (SEE SHEET 4) THE NON-BUILDABLE STORMWATER DETENTION/WATER QUALITY AREA HEREIN SHOWN AS "TRACT D" SHALL BE CONSTRUCTED AND MAINTAINED BY THE OWNER AND SUBSEQUENT OWNERS, HEIRS, SUCCESSORS AND ASSIGNS. IN THE EVENT THAT SUCH CONSTRUCTION AND MAINTENANCE IS NOT PERFORMED BY SAID OWNER, THE CITY OF WHEAT RIDGE SHALL HAVE THE RIGHT TO ENTER SUCH AREA AND PERFORM NECESSARY WORK, THE COST OF WHICH SAID OWNER, HEIRS, SUCCESSORS, AND ASSIGNS AGREES TO PAY. NO BUILDING OR STRUCTURE WILL BE CONSTRUCTED IN THE DETENTION AREA AND NO CHANGES OR ALTERATIONS AFFECTING THE HYDRAULIC CHARACTERISTICS OF THE DETENTION AREA WILL BE MADE WITHOUT THE APPROVAL OF THE DIRECTOR OF PUBLIC WORKS.
- FOR EASEMENTS SHOWN ON PLAN AS "HEREBY VACATED BY THIS PLAT", THIS SHALL BE CONSTRUED TO MEAN THE EASEMENT IS "HEREBY REMOVED, TERMINATED AND EXTINGUISHED BY THIS PLAT".
- UPON DEVELOPMENT OF THE PROPERTY TO THE NORTHWEST, SHOWN HEREIN AS LOT 2, DAVISHER MINOR SUBDIVISION, ACCESS FROM TRACT C RIVERSIDE TO THE NORTHWESTERLY PROPERTY SHALL BE REQUIRED TO ALLOW CIRCULATION BETWEEN THE TWO PROPERTIES BY OWNERS, TENANTS AND GUESTS OF THE TWO DEVELOPMENTS. THE COST OF THIS CONSTRUCTION SHALL BE SHARED BY THE DEVELOPER(S) OF BOTH PARTIES'.



CITY SPECIFIC NOTES

- THIS PLAT CONTAINS LOTS, BLOCKS, OR OTHER LAND INTENDED FOR THE DEVELOPMENT OF OWNER-OCCUPIED MULTI-FAMILY DWELLING UNITS OR ASSOCIATED COMMON AREAS, LIMITED COMMON ELEMENTS, OR IMPROVEMENTS (THE "MULTI-FAMILY DEVELOPMENT AREA"), TO THE EXTENT THAT THE FOLLOWING CLAIMS INVOLVE ANY MULTI-FAMILY DEVELOPMENT AREA (OR THE IMPROVEMENTS THEREON) WITHIN THE PROPERTY COVERED BY THIS PLAT. SUCH CLAIMS SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW. INDIVIDUAL TOWNHOUSE LOTS SHALL BE EXEMPT FROM MINIMUM LOT SIZE, LOT WIDTH, AND INTERIOR SIDE YARD SETBACK REQUIREMENTS, SO LONG AS THE DEVELOPMENT PARCEL FOR THE ENTIRE MULTI-UNIT TOWNHOUSE BUILDING MEETS ALL STANDARDS OF ARTICLE II. INDIVIDUAL TOWNHOUSE LOTS SHALL NOT BE DEVELOPED FOR ANY PURPOSE OTHER THAN TOWNHOMES.
- ANY AND ALL CLAIMS THAT ALLEGE A CONSTRUCTION DEFECT AS DEFINED AT SECTION 26-1302 OF THE CODE OF LAWS AND: (1) ARE BETWEEN ANY TWO OR MORE OF THE FOLLOWING PERSONS OR ENTITIES: (A) ANY OWNER OF ANY PORTION OF THE MULTIFAMILY DEVELOPMENT AREA, (B) ANY COMMON INTEREST COMMUNITY ASSOCIATION CREATED WITH RESPECT TO THE MULTI-FAMILY DEVELOPMENT AREA, (C) THE SUBDIVIDER, DEVELOPER, CONTRACTOR, OR ANYONE CLAIMING UNDER OR THROUGH ANY SUCH PERSONS, (D) ANY PARTY THAT CONSTRUCTS OR DESIGNS ANY PORTION OF ANY RESIDENTIAL DWELLING UNITS UPON THE MULTI-FAMILY DEVELOPMENT AREA, AND (E) ANY CONSTRUCTION PROFESSIONAL AS DEFINED IN THE CONSTRUCTION DEFECT ACTION REFORM ACT, C.R.S. § 13-80-802.5, ET SEQ., AS AMENDED ("CDARA"); AND (2) THAT PERTAINS TO ANY OF: (A) THE MULTI-FAMILY DEVELOPMENT AREA, (B) ANY DWELLING UNIT, COMMON AREA DEVELOPMENT STRUCTURE, LIMITED COMMON ELEMENTS, OR OTHER IMPROVEMENTS CONSTRUCTED ON THE MULTI-FAMILY DEVELOPMENT AREA, (C) THE COMMON INTEREST COMMUNITY TO BE CREATED FOR THE MULTI-FAMILY DEVELOPMENT AREA OR ANY PORTION THEREOF, OR (D) THE DECLARATION OR OTHER DOCUMENTS GOVERNING SUCH COMMUNITY.
- THE FOREGOING SHALL NOT PRECLUDE ANY OF THE PERSONS OR ENTITIES DESCRIBED ABOVE FROM ENDEAVORING TO RESOLVE ANY SUCH CLAIM(S) THROUGH EITHER NEGOTIATION OR MEDIATION BEFORE SUBMITTING SUCH CLAIM(S) TO BINDING ARBITRATION. ADDITIONALLY, THE MULTI-FAMILY DEVELOPMENT AREA MAY ALSO BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS THAT MAY IMPLEMENT AND EXPAND UPON THE REQUIREMENTS OF THIS PLAT NOTE AND THAT MAY EXEMPT CERTAIN CLAIMS FROM THE REQUIREMENT THAT SUCH CLAIMS MUST BE SUBMITTED TO BINDING ARBITRATION, PROVIDED, HOWEVER, THAT ANY SUBSEQUENT AMENDMENT OR CHANGE TO SUCH DECLARATION OF COVENANTS, CONDITIONS OR RESTRICTION SHALL NOT ELIMINATE THIS REQUIREMENT THAT CONSTRUCTION DEFECT CLAIMS SHALL BE SUBMITTED TO BIDDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW
- FOR PURPOSES OF THIS PLAT NOTE, BINDING ARBITRATION SHALL MEAN SUBMISSION OF ANY CLAIM DESCRIBED ABOVE TO THE ARBITRATION SERVICE PROVIDER SPECIFIED IN THE DECLARATION OR OTHER COVERING DOCUMENTS OF THE COMMON INTEREST COMMUNITY, IF QUALIFIED PURSUANT TO THE UNIFORM ARBITRATION ACT, PART 2 OF ARTICLE 22 OF TITLE 13, C.R.S., AND, IF NOT, AN ARBITRATION SERVICE PROVIDER SO QUALIFIED IN SUCH ARBITRATION; THE COSTS AND EXPENSES OF ARBITRATION TO BE BORNE EQUALLY BY THE PARTIES.
- ALL FUTURE PURCHASERS OF ANY INTEREST IN THE MULTI-FAMILY DEVELOPMENT AREA ARE DEEMED TO HAVE ACCEPTED AND AGREED TO THE TERMS AND CONDITIONS OF THIS PLAT NOTE AND SHALL BE BOUND BY THE PLAT NOTE, WHICH IS RECORDED IN THE JEFFERSON COUNTY CLERK AND RECORDER'S OFFICE, DEEMED TO BE A COVENANT RUNNING WITH THE MULTI-FAMILY DEVELOPMENT AREA, AND BINDING UPON ALL SUCCESSORS IN INTEREST, GRANTEES, OWNERS, HEIRS, ASSIGNS, AND ALL OTHERS WHO ACQUIRE AN INTEREST IN OR TO THE MULTI-FAMILY DEVELOPMENT AREA, TOGETHER WITH ANY COMMON INTEREST COMMUNITY ASSOCIATION ASSOCIATED THEREWITH.

SURVEYOR'S CERTIFICATE

I, JESUS A. LUGO, DO HEREBY CERTIFY THAT THE SURVEY OF THE BOUNDARY OF RIVERSIDE TERRACE SUBDIVISION WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION AND TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, IN ACCORDANCE WITH ALL APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED, THE ACCOMPANYING PLAT ACCURATELY REPRESENTS SAID SURVEY.

JESUS A. LUGO, PLS 38081
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR
FOR AND ON BEHALF OF ALTURA LAND CONSULTANTS, LLC

PLANNING COMMISSION CERTIFICATE

RECOMMENDED FOR APPROVAL THIS ____ DAY OF _____, A.D. 2019, BY THE WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON

CITY CERTIFICATE/ACCEPTANCE OF DEDICATED INTEREST IN REAL PROPERTY

THE CITY OF WHEAT RIDGE, COLORADO, HEREBY ACCEPTS THE DEDICATION AND CONVEYANCE TO THE CITY OF THOSE LOTS, TRACTS, EASEMENTS AND OTHER INTERESTS IN REAL PROPERTY DENOTED ON THIS PLAT AS BEING DEDICATED TO THE CITY FOR PUBLIC PURPOSES.

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

ATTEST:

MAYOR

CITY CLERK

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF PUBLIC WORKS

RECORDER'S CERTIFICATE

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, ON THIS ____ DAY OF _____, 2019.

JEFFERSON COUNTY CLERK AND RECORDER

BY: DEPUTY CLERK

SHEET INDEX

SHEET 1 - COVER SHEET
SHEET 2 - BOUNDARY, LOT, AND TRACT DETAIL
SHEET 3 - EXISTING EASEMENTS AND EASEMENTS BEING VACATED DETAIL
SHEET 4 - SANITARY, DRAINAGE AND UTILITY EASEMENT DETAIL
SHEET 5 - WATER AND ACCESS EASEMENT DETAIL

DATE	BY	DESCRIPTION
01/10/19	DLM	INITIAL PREPARATION
03/27/19	DLM	1ST SUBMITTAL REVIEW REVISION
04/22/19	DLM	2ND SUBMITTAL REVIEW REVISION
05/28/19	DLM	3RD SUBMITTAL REVIEW REVISION
SHEET 1 OF 5		

ALTURA
LAND CONSULTANTS

6950 South Tucson Way, Unit C
Centennial, Colorado 80112
Phone: (720) 488-1303

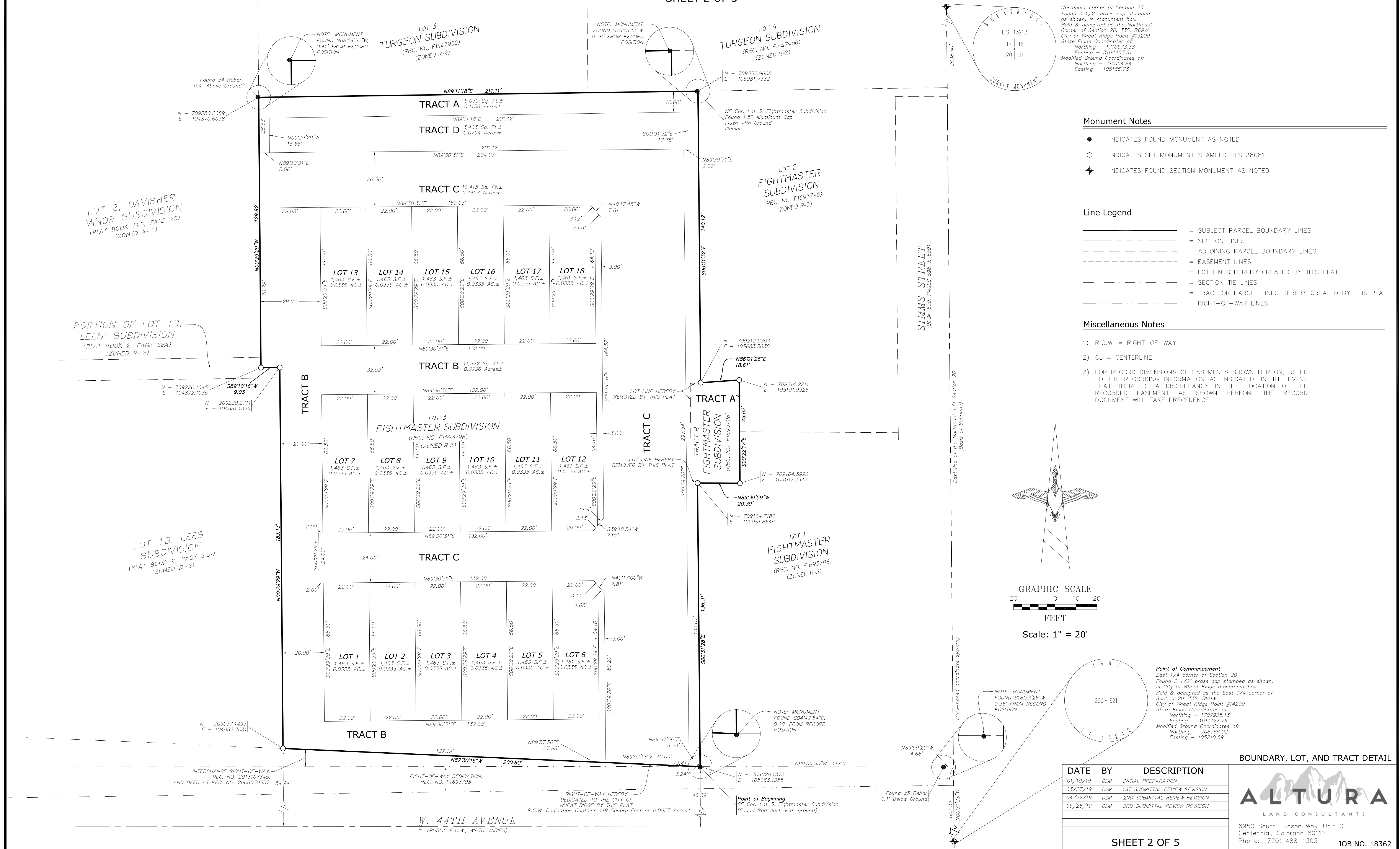
JOB NO. 18362

RECEPTION NO. _____

RIVERSIDE TERRACE SUBDIVISION

A RESUBDIVISION OF LOT 3 AND TRACT B, FIGHTMASTER SUBDIVISION,
BEING A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

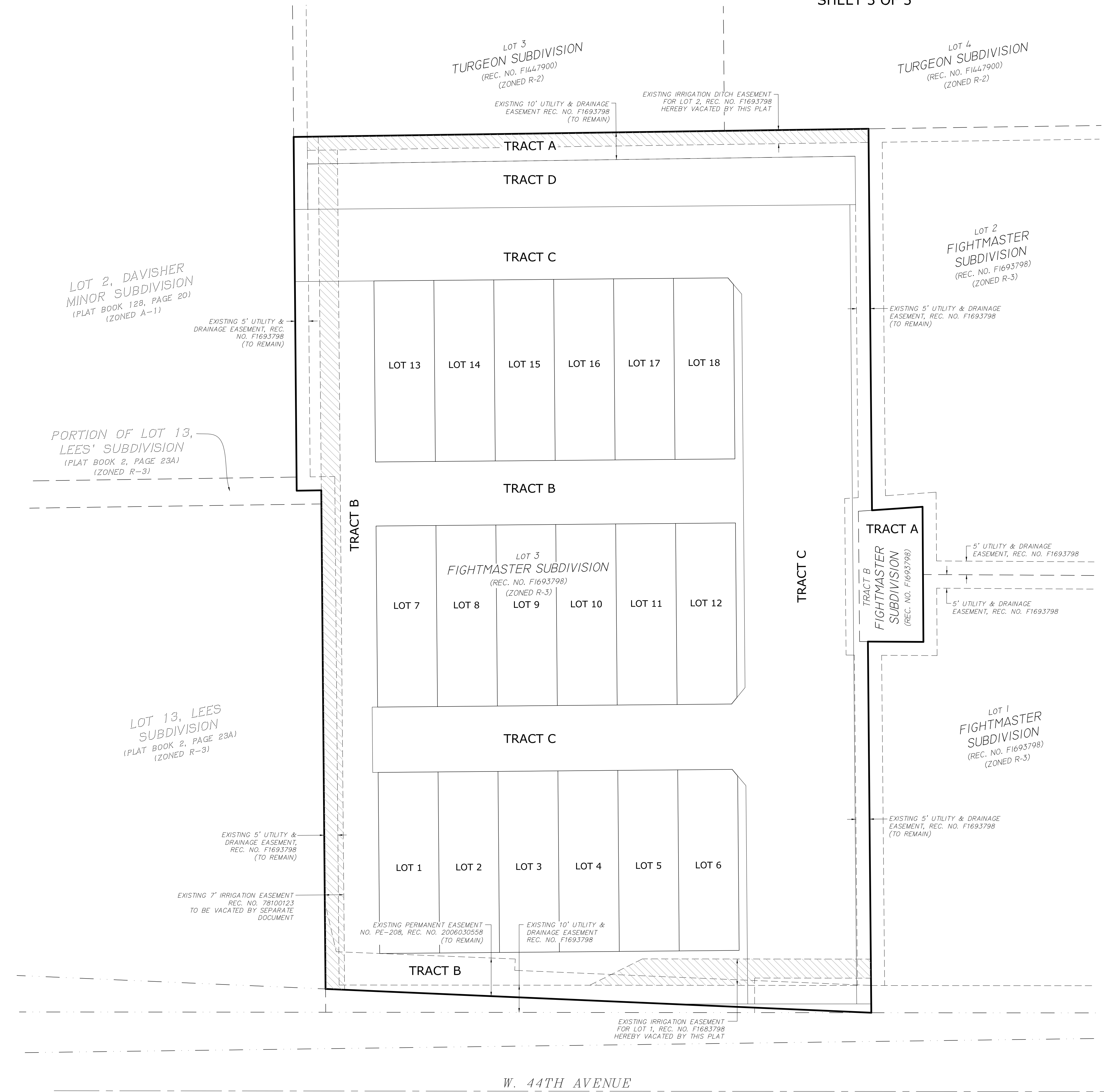
SHEET 2 OF 5



RIVERSIDE TERRACE SUBDIVISION

A RESUBDIVISION OF LOT 3 AND TRACT B, FIGHTMASTER SUBDIVISION,
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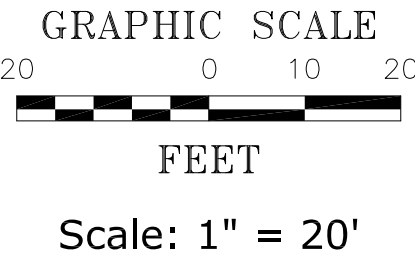
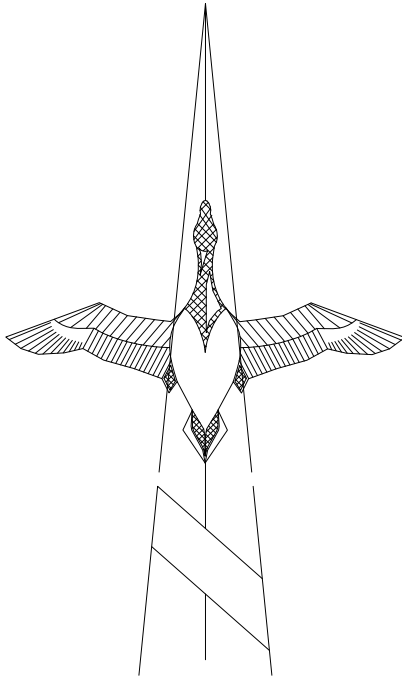
SHEET 3 OF 5



Line Legend	
	= SUBJECT PARCEL BOUNDARY LINES
	= ADJOINING PARCEL BOUNDARY LINES
	= EASEMENT LINES
	= SUBDIVISION LOT LINES

Miscellaneous Notes

- 1) ALL CURVES ARE TANGENT UNLESS OTHERWISE NOTED.
- 2) R.O.W. = RIGHT-OF-WAY.
- 3) CL = CENTERLINE.
- 4) FOR RECORD DIMENSIONS OF EASEMENTS SHOWN HEREON, REFER TO THE RECORDING INFORMATION AS INDICATED. IN THE EVENT THAT THERE IS A DISCREPANCY IN THE LOCATION OF THE RECORDED EASEMENT AS SHOWN HEREON, THE RECORD DOCUMENT WILL TAKE PRECEDENCE.
- EASEMENT TO BE VACATED.
- 5) ANY EXISTING EASEMENT NOT NOTED AS BEING VACATED WILL REMAIN.
- 6) ON APRIL 2, 2016 THE STOCKHOLDERS OF THE LANE DITCH CO. VOTED TO DISSOLVE THE COMPANY AND DISTRIBUTE ITS ASSETS PURSUANT TO THE APPROVED PLAN OF DISSOLUTION (THE "PLAN"). THE ARTICLES OF DISSOLUTION WERE FILED WITH THE COLORADO SECRETARY OF STATE ON JUNE 22, 2016 AT ID# 19871052344. SECTION 5. DISTRIBUTIONS OF THE PLAN REQUESTED THAT ANY STOCKHOLDERS WHO WISH TO RETAIN THEIR INTEREST IN THE LANE DITCH IRRIGATION EASEMENT MUST REPLY IN WRITING TO NEAL SANTANGELO, LANE DITCH COMPANY LIQUIDATOR, OR THE EASEMENT WOULD BE ABANDONED. NO STOCKHOLDER REPLIES WERE EVER RECEIVED BY MR. SANTANGELO. THE LANE DITCH IRRIGATION DITCH EASEMENT IS HEREBY REMOVED, TERMINATED, AND EXTINGUISHED BY THIS PLAT.



EXISTING EASEMENTS AND EASEMENTS BEING VACATED DETAIL

DATE	BY	DESCRIPTION
01/10/19	DLM	INITIAL PREPARATION
03/27/19	DLM	1ST SUBMITTAL REVIEW REVISION
04/22/19	DLM	2ND SUBMITTAL REVIEW REVISION
05/28/19	DLM	3RD SUBMITTAL REVIEW REVISION

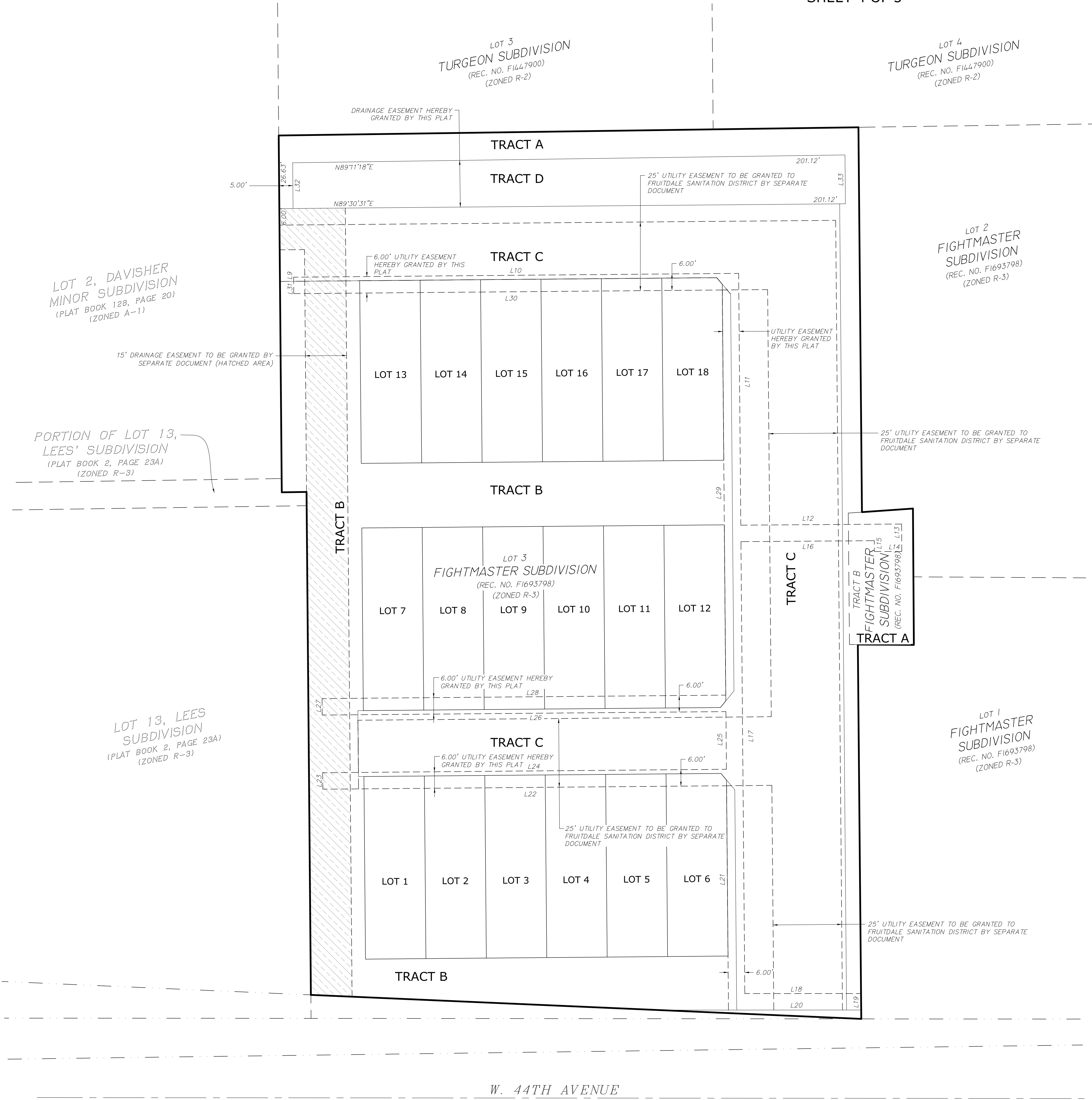
6950 South Tucson Way, Unit C
Centennial, Colorado 80112
Phone: (720) 488-1303

JOB NO. 18362

RIVERSIDE TERRACE SUBDIVISION

A RESUBDIVISION OF LOT 3 AND TRACT B, FIGHTMASTER SUBDIVISION,
BEING A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

SHEET 4 OF 5



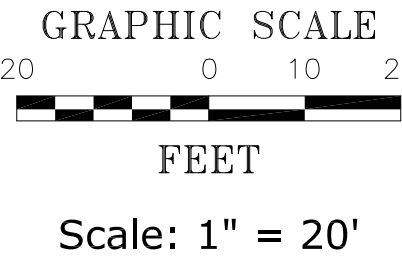
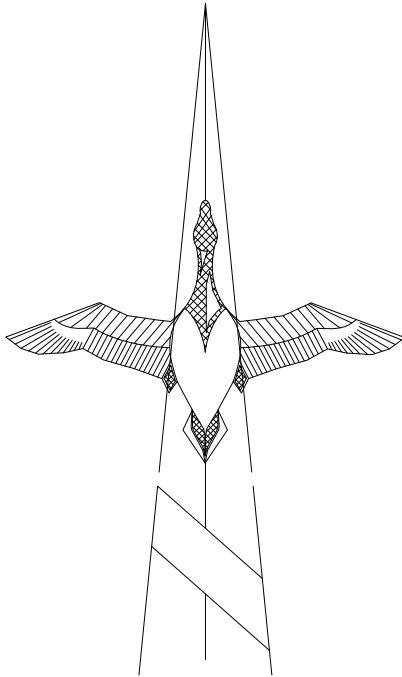
Line Legend

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	= ADJOINING PARCEL BOUNDARY LINES
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LINE TABLE

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L9	N00°29'29"W	1.50'	L21	N00°29'29"W	81.68'
L10	N89°30'31"E	162.03'	L22	S89°30'31"W	147.00'
L11	S00°29'29"E	91.69'	L23	N00°31'29"W	6.00'
L12	N89°35'15"E	58.56'	L24	N89°30'31"E	147.00'
L13	S00°22'17"E	10.00'	L25	N00°29'29"W	21.00'
L14	N90°00'00"W	10.00'	L26	S89°30'31"W	147.00'
L15	N00°11'30"E	3.93'	L27	N00°29'29"W	6.00'
L16	S89°35'15"W	48.56'	L28	N89°30'31"E	147.00'
L17	S00°29'29"W	164.56'	L29	N00°29'29"W	147.52'
L18	N89°57'56"E	42.28'	L30	S89°30'31"W	156.03'
L19	S00°31'28"W	6.00'	L31	N00°29'29"W	4.50'
L20	S89°57'56"W	48.33'	L32	N00°29'29"W	16.66'
			L33	N00°31'32"W	17.78'



SANITARY, DRAINAGE AND UTILITY EASEMENT DETAIL

DATE	BY	DESCRIPTION
01/10/19	DLM	INITIAL PREPARATION
03/27/19	DLM	1ST SUBMITTAL REVIEW REVISION
04/22/19	DLM	2ND SUBMITTAL REVIEW REVISION
05/28/19	DLM	3RD SUBMITTAL REVIEW REVISION

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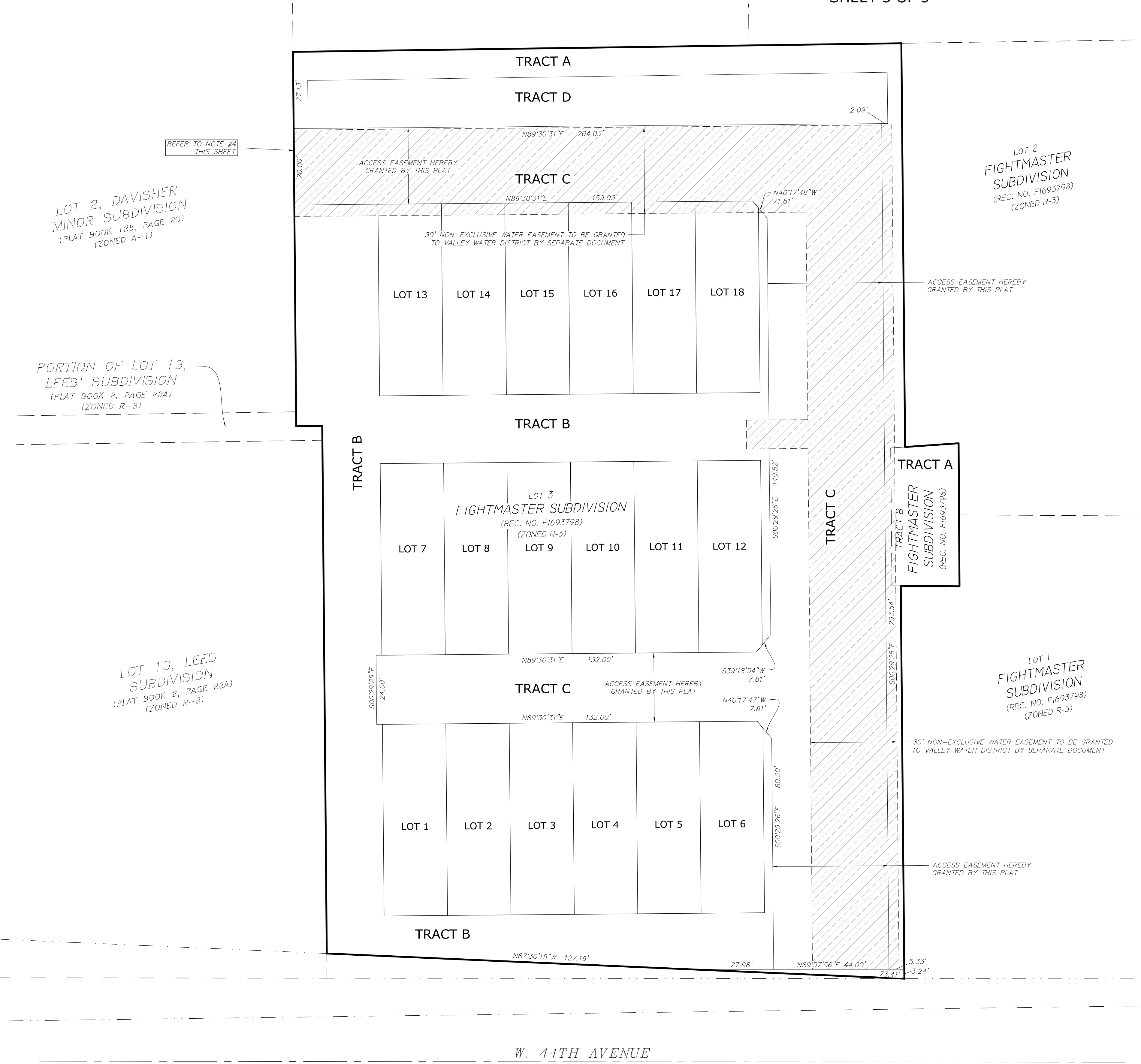
SHEET 4 OF 5

JOB NO. 18362

RIVERSIDE TERRACE SUBDIVISION

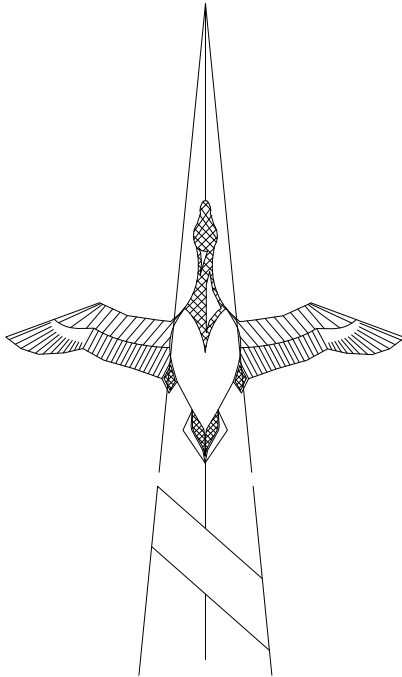
A RESUBDIVISION OF LOT 3 AND TRACT B, FIGHTMASTER SUBDIVISION,
BEING A PARCEL OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF SECTION 20, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

SHEET 5 OF 5



Line Legend	
	= SUBJECT PARCEL BOUNDARY LINES
	= SECTION LINES
	= ADJOINING PARCEL BOUNDARY LINES
	= EASEMENT LINES
	= SUBDIVISION LOT LINES
	= SECTION TIE LINES
	= WATER EASEMENT

- Miscellaneous Notes
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 - 4) UPON DEVELOPMENT OF THE PROPERTY TO THE NORTHWEST, SHOWN HEREIN AS LOT 2, DAVISHER MINOR SUBDIVISION, ACCESS FROM TRACT C RIVERSIDE TO THE NORTHWESTERLY PROPERTY SHALL BE REQUIRED TO ALLOW CIRCULATION BETWEEN THE TWO PROPERTIES BY OWNERS, TENANTS AND GUESTS OF THE TWO DEVELOPMENTS. THE COST OF THIS CONSTRUCTION SHALL BE SHARED BY THE DEVELOPER(S) OF BOTH PARTIES'.



GRAPHIC SCALE
20 0 10 20
FEET
Scale: 1" = 20'

WATER AND ACCESS EASEMENT DETAIL

DATE	BY	DESCRIPTION
01/10/19	DLM	INITIAL PREPARATION
03/27/19	DLM	1ST SUBMITTAL REVIEW REVISION
04/22/19	DLM	2ND SUBMITTAL REVIEW REVISION
05/28/19	DLM	3RD SUBMITTAL REVIEW REVISION

ALTURA
LAND CONSULTANTS
6950 South Tucson Way, Unit C
Centennial, Colorado 80112
Phone: (720) 488-1303

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 07-2019 – AN ORDINANCE REMOVING THE LOCAL HISTORIC LANDMARK STATUS FROM AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 11480 W. 44th AVENUE (CASE NO. WHL-19-01 / McENTIRE)

☒ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☐ ORDINANCES FOR 1ST READING (05/13/2019)
☒ ORDINANCES FOR 2ND READING (06/10/2019)

QUASI-JUDICIAL: ☒ YES ☐ NO


Community Development Director


City Manager

ISSUE:

The applicant is requesting removal of the local historic landmark status from an accessory structure on property located at 11480 W. 44th Avenue in the Agricultural-One (A-1) zone district. The current owner purchased the property in 2013.

Section 26-913.A.3 of the City Code allows for removal of historic designation at the request of a new owner to the extent public financial assistance has not been received to benefit the exterior historic elements of the property.

PRIOR ACTION:

The structure was designated as a local historic landmark in 1998, processed under Case No. WHL-98-01 and passed by ordinance.

FINANCIAL IMPACT:

Fees in the amount of \$320 were collected for the review and processing of Case No. WHL-19-01.

BACKGROUND:

The subject property is located on the south side of W. 44th Avenue between Robb Street and Tabor Street. The property is approximately one acre in size. Currently the property is vacant with the exception of an approximately 576 square foot barn at the rear of the property.

As noted previously, in 1998, City Council approved an ordinance designating the barn on the property as a local historic landmark under Case No. WHL-98-01. Since then, the property has changed hands and the current owner is desirous of removing the local historic status of the barn.

City Code allows for an application for removal of historic designation to be submitted by the owner of the property, provided that it is the request of a new owner (not the owner who requested the designation) and to the extent public financial assistance has not been received to benefit the exterior historic elements of the property. No public funds have been distributed to repair the barn. Staff has determined that the applicant is eligible to apply for the removal of the historic designation, which requires a public hearing at City Council. There are no discretionary review criteria if the request meets these two standards related to ownership and funding.

RECOMMENDATIONS:

The application in this case is for the removal of a historic status of an accessory structure. This action is quasi-judicial, and as a result, the applicant is entitled to a public hearing on the application.

Historic designations (or their removal) in Wheat Ridge is accomplished by ordinance (Charter Sec. 5.10; Code Section 26-913). Ordinances require two readings, and by Charter, the public hearing takes place on second reading.

Staff has determined that the applicant is eligible to apply for the removal of the historic designation, and because there are no discretionary review criteria, will not make a recommendation on this request.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 07-2019 an ordinance approving the removal of local historic status for an accessory structure at 11480 W. 44th Avenue on property zoned Agricultural-One (A-1), on second reading, and that it takes effect 15 days after final publication, for the following reasons:

1. The applicant has been determined to be eligible to apply for the removal of the historic designation, per Section 26-913 of the City Code.
2. ...

Or,

“I move to deny Council Bill No. 07-2019 an ordinance approving the removal of local historic status for an accessory structure at 11480 W. 44th Avenue on property zoned Agricultural-One (A-1), for the following reasons: _____ and direct the City Attorney to prepare a Resolution of Denial, to be scheduled for Council consideration at the next available regular business meeting.”

REPORT PREPARED/REVIEWED BY:

Scott Cutler, Planner II

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 07-2019
2. Site photos

**CITY OF WHEAT RIDGE
INTRODUCED BY COUNCIL MEMBER DOZEMAN
COUNCIL BILL NO. 07
ORDINANCE NO. _____
Series of 2019**

TITLE: AN ORDINANCE REMOVING THE LOCAL HISTORIC LANDMARK STATUS FROM AN ACCESSORY STRUCTURE ON PROPERTY LOCATED AT 11480 W. 44th AVENUE (CASE NO. WHL-19-01 / McENTIRE)

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

WHEREAS, the property owner of 11480 W. 44th Avenue is requesting removal of the local historic landmark status of an accessory structure on their property; and,

WHEREAS, Section 26-913.A.3 of the City Code allows for removal of historic designation at the request of a new property owner to the extent public financial assistance has not been received to benefit the exterior historic elements of the property; and,

WHEREAS, the property owner is a new owner who did not request the original historic landmark status and no public funds have been received to renovate the structure; and,

WHEREAS, there are no discretionary review criteria if the request meets the two standards related to new ownership and funding;

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

Section 1 Findings of Fact. The Wheat Ridge City Council hereby finds that the property owner is eligible to remove the historic landmark designation from the accessory structure. The ownership has changed since the original designation and public financial assistance has not been received to repair the structure.

Section 2. Removal of Historic Landmark Designation. Pursuant to the authority vested in it by Section 26-913 of the Wheat Ridge Code of Laws, the Wheat Ridge City Council hereby removes the local historic designation from the barn on the property at 11480 W. 44th Avenue.

Section 3. Safety Clause. The City of Wheat Ridge hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The

City Council further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

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

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

INTRODUCED, READ, AND ADOPTED on first reading by a vote of 8 to 0 on this 13th day of May, 2019, ordered it published with Public Hearing and consideration on final passage set for **Monday, June 10, 2019, at 7:00 o'clock p.m.**, in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado, and that it takes effect 15 days after final publication.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of _____ to _____, this _____ day of _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald Dahl, City Attorney

1st publication: May 13, 2019
2nd publication:
Wheat Ridge Transcript:
Effective Date:

Site Photos: 11480 W. 44th Ave

All photos were provided by the applicant and taken in April 2019.



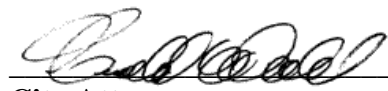


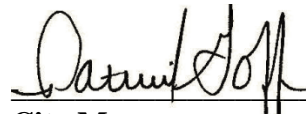




REQUEST FOR CITY COUNCIL ACTION**TITLE: COUNCIL BILL NUMBER 09-2019 - AN ORDINANCE
REAPPOINTING PRESIDING MUNICIPAL JUDGE
CHRISTOPHER RANDALL AND APPROVING A
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**

- | | |
|---|---|
| <input type="checkbox"/> PUBLIC HEARING | <input checked="" type="checkbox"/> ORDINANCES FOR 1 ST READING (06/10/2019) |
| <input type="checkbox"/> BIDS/MOTIONS | <input type="checkbox"/> ORDINANCES FOR 2 ND READING (06/24/2019) |
| <input type="checkbox"/> RESOLUTIONS | |

QUASI-JUDICIAL: ☐ YES ☒ NO

City Attorney

City Manager**ISSUE:**

The City's Home Rule Charter provides for appointment of the Municipal Court Judge for a term of two years. The current term of Presiding Judge Christopher Randall expires July 1, 2019.

PRIOR ACTION:

The Judge was reappointed in June 2017.

FINANCIAL IMPACT:

The Judge is presently compensated at \$98.97 per hour. This rate has been in effect since 2017. The Judge is not requesting any change in this rate.

BACKGROUND:

The Judge has provided a memorandum (attached) requesting reappointment.

RECOMMENDED MOTION:

"I move to approve Council Bill 09-2019, an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement, on first reading, order it published, public hearing set for Monday, June 24, 2019, at 7:00 p.m. in City Council Chambers, and that it take effect upon adoption at second reading."

Or

"I move to postpone indefinitely Council Bill 09-2019, an ordinance reappointing presiding Municipal Judge Christopher Randall and approving a presiding municipal judge services agreement for the following reason(s) _____."

REPORT PREPARED BY:

Gerald Dahl, City Attorney

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill 09-2019
2. Memorandum from Judge Randall
3. Municipal Judge Services Agreement

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 9
ORDINANCE NO. _____
Series of 2019

**TITLE: AN ORDINANCE REAPPOINTING PRESIDING MUNICIPAL
JUDGE CHRISTOPHER RANDALL AND APPROVING A
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**

WHEREAS, the current presiding municipal judge, Christopher Randall, was reappointed effective July 1, 2017 for a two-year term expiring on June 30, 2019; and

WHEREAS, the Presiding Judge has continued to serve since that date; and

WHEREAS, pursuant to Charter Section 8.3, the City Council shall appoint all judges for a term of two years; and

WHEREAS, Judge Randall has requested reappointment at the end of his current term; and

WHEREAS, the Council wishes to reappoint Judge Randall, and approve other changes to the Agreement; and

WHEREAS, Charter Section 8.5 requires the Council to set the Judge's compensation by ordinance.

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

Section 1. Pursuant to Sections 8.3 and 8.5 of the Home Rule Charter, Presiding Municipal Judge Christopher Randall is hereby reappointed for a term of two years, expiring on July 1, 2021. The Presiding Judge's compensation shall be **\$98.97** per hour. The terms and conditions of the Presiding Judge's appointment shall be as set forth in the Presiding Municipal Judge Services Agreement, effective as of July 1, 2019, attached hereto and incorporated herein by this reference.

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

Section 3. Effective Date. This Ordinance shall take effect upon adoption at second reading, as permitted by the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this 10th day of June, 2019, 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 June 24, 2019, at 7:00 o'clock 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 _____, 2019.

SIGNED by the Mayor on this _____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved As To Form

Gerald E. Dahl, City Attorney

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



City of Wheat Ridge Municipal Building 7500 W. 29th Ave. Wheat Ridge, CO 80033-8001 P: 303.235.2835
F: 303.235.2829

June 04, 2019

Honorable Bud Starker, Mayor
Members of the Wheat Ridge City Council
Patrick Goff, City Manager
City of Wheat Ridge
7500 W. 29th St.
Wheat Ridge, CO 80033

Dear Mayor Starker, City Manager, and Members of City Council:

The City Charter creates a municipal court and directs the city council to appoint a presiding judge. The Charter requires that all municipal judges have been on the bench or have practiced law for a period of years. I have thirty-three (33) years in the practice of law and twenty-seven (27) years on the bench of which seventeen (17) have been as the presiding judge in Wheat Ridge.

The Charter states that Council shall appoint a presiding judge for a term of two (2) years. By charter, the duties of the judge are to supervise court personnel and submit a yearly budget. In practice, the Colorado Supreme Court establishes a mandate as well: to justly determine all municipal ordinance violations, ensure criminal law procedures, administer cases fairly, and follow city, state, and federal laws and constitutions. Over the past two years there has been an explosion of legislation directed at municipal courts. As a result, the presiding judge reviews and incorporates new legislation into the operation of the court.

The Colorado Code of Judicial Conduct (Code) guides judicial ethics and requires independence, impartiality, competence, and integrity. Inherent in the Code is the precept that judges must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

I began as Presiding Judge in Wheat Ridge in January 2002, pursuant to a services agreement and have been the Presiding Judge continuously for seventeen (17) years. Each services agreement is for a two-year term. My most recent two-year contract for services began July 2017 and ends June 2019. I am requesting renewal of the contract. Please see the enclosed Memo for information about court, accomplishments, projects, and goals.

I am not requesting a change in salary. I currently receive employee benefits. I am requesting a clarification that the Family Medical and Leave Act apply to my job classification.

ATTACHMENT 2

I am classified as a thirty (30) hour per week employee, so am requesting that I be able to flex the hours worked per pay period. That is, hours worked over 30 hours one week could be added to hours worked under 30 hours another week. Due to the number of years I have worked here, personal time off would accrue at the sixteen (16) plus year level or 6.94 hours per pay period.

Year to date, I am working an average of thirty-two (32) hours per week. Regular court sessions take about twenty-four (24) hours a week. Most court days take ten hours to complete. Preparation for jury trials and the jury trials add a few days per year. Other work hours are related to new legislation, extended court sessions, managerial duties, director obligations, legal research, administrative matters, budget, personnel issues, and meetings.

This is an dynamic City with an interesting court docket. I enjoy the challenge and energy of the City and the court. I look forward to another two years to continue to provide service.

Sincerely yours,

/s/ Christopher D Randall

Christopher D. Randall
Presiding Judge
Wheat Ridge Municipal Court

Attached: Memo



Memorandum

TO: City Council, Mayor, and City Manager

FROM: Christopher D Randall, Presiding Judge and Department Director

DATE: June 10, 2019

SUBJECT: Presiding Judge and Department Director Contract Renewal

BACKGROUND

I began as Presiding Judge and Department Director in 2002 and have been in that position continuously for seventeen years. I am requesting renewal of the current two-year contract that ends June 30, 2019.

COURT

The Colorado Constitution and City Code provide for the creation of a municipal court. Wheat Ridge Municipal Court is a court of record that handles a wide variety of mostly criminal matters. Appeals are taken to the Jefferson County District Court. Municipal court shall be presided over by a Presiding Judge. Court is in session on Mondays, Wednesdays, and Thursdays, so there are approximately 150 court-sessions per year. I work on non-court days as necessary for meetings, training, seminars, conferences, recruiting, warrants, affidavits, prisoners, and other court business.

QUALIFICATIONS

I have been licensed as an attorney in Colorado since 1987. I became an administrative law judge in 1991 and began judging in municipal court in 1992. Wheat Ridge City Council appointed me as the Presiding Judge and Department Director in 2002. I have lived in Wheat Ridge and currently live in Lakewood.

PHILOSOPHY

Municipal judges are obligated to follow the Constitution of the United States, the Constitution of Colorado, and the laws and ordinances of the City. Court rules, established by the Colorado Supreme Court, require that municipal court provide for the just determination of ordinance violations. Procedure is to be simple; the court administered fairly; and unjustifiable expense and delay eliminated. The court considers each case separately, and provides thorough, practical, and professional case management. The judiciary is independent of and acts as a check and balance on the executive (police) and legislative (city council) branches of government. A healthy and responsible government maintains an independent judiciary.

SENTENCING

The city code provides for a general penalty of up to one year of incarceration or up to a one-thousand dollar (\$1,000.00) fine or both. A sentence of this severity however rarely befalls anyone. Restitution for pecuniary loss for victims is required pursuant to city ordinance and state statute. (Due to prohibitory legislation restitution usually goes unpaid since courts now have little recourse against nonpayers.) Probation is a possibility with most sentences.

The purposes of sentencing are as follows: to punish, assure fair treatment, assure consistent treatment, deter crime, promote respect for the law, promote rehabilitation, address the offender's individual characteristics, reduce the potential that the offender will reoffend, promote responsibility and accountability, provide restoration and healing for victims and the community, and address the offender's individual risks and needs. Judges use reason and common sense in sentencing. Each sentence is "custom tailored" for that person's background and circumstances.

DEPARTMENT DIRECTOR

The Presiding Judge in Wheat Ridge is also the Department Director. This expands the Presiding Judge's duties. The Department Director responsibilities require not only presiding on the bench three plus days a week, but administrative, operational, personnel, budget, security, legal, legislative, and purchasing issues. This adds to the complexity, responsibility, and work load of the Presiding Judge. As the Department Director, I also participate in various professional associations regarding education, advocacy, and court improvement.

WHEAT RIDGE MUNICIPAL COURT

Wheat Ridge is a somewhat unique city from a municipal court perspective. It is surrounded by and has traversing through it several major cities and thoroughfares. This leads to a robust traffic docket and the unsolicited entry of individuals from several surrounding jurisdictions. Our client base for the most part is the 2,900,000 people who live in the Denver metropolitan area. Due to the amount of retail business in Wheat Ridge, there are a significant number of theft summonses. Certain locations in the City attract a diverse and challenging population. Many persons have mental health and/or substance abuse issues. The Court sees in-custody persons (jail detainees) at least three times a week. There are court marshals for court security and prisoner transport. There is an active and challenging juvenile docket, mostly directed to substance use. Court also handles animal, zoning, building code, and nuisance violations. The adult docket is significant and features individuals with lengthy and/or violent criminal histories.

CHALLENGES FOR MUNICIPAL COURT

LOCAL CONTROL

State legislation over the last few years has diminished local control. It has impacted the ability to collect fines, fees, costs, and restitution. Attorney appointments are now mandatory for most persons who are in-custody. Certain criminal convictions must be automatically expunged. Courts are now mandated to release most persons on personal recognizance bonds, regardless of their violence level, safety, criminal history, or their number of failures to appear in court.

HOMELESSNESS

Homelessness has placed burdens on police calls for service, emergency rooms, detoxification facilities, treatment facilities, businesses, courts, parks, and trails.

DRUG ABUSE

Drug abuse is a prominent and daily factor when arraigning, sentencing, and supervising offenders. Many persons abusing substances also engage in other criminal activity. Many resist treatment and further harm themselves and society.

INABILITY TO COLLECT RESTITUTION

Legislation no longer permits the issuance of bench warrants for the arrest of persons who fail to pay for the loss and harm they have done to others. Victim's bills for property damage, medical treatment, and veterinarian care go unreimbursed.

JAIL BED LIMITATION

The Jefferson County Jail has limited the number of beds that each city can use. This can at times impact the type of and an appropriate sentence.

ACCOMPLISHMENTS

CITY-ORIENTED ACHIEVEMENTS

Continue improvements to the Performance Management Program
Instructor with the Wheat Ridge Civic Academy
Instructor with the Wheat Ridge Citizen's Police Academy
Past President of the Colorado Municipal Judges Association
Update municipal judges' lobbyist – Dentons LLC - on proposed legislation
Weekly Executive Management Team (EMT) meetings
Attend monthly state and local municipal judges meetings
Support the ACTION core values
Attend various City and community functions, events, and festivals
Attend various Jefferson County functions and events
Attend annual legislative dinner
Take advantage of the Wellness Program and take classes at the Recreation Center
Attend city sponsored trainings
Recommend improvements to NeoGov annual evaluation template
Welcome and assist new Administrative Services Director

COURT-ORIENTED ACHIEVEMENTS

The Employee Recognition Committee and the Executive Management Team awarded court staff the annual ACTION *Change* Award for 2018.

Help create annual goals and objectives for Performance Management Program (PMP)

Meet with some team members for PMP mid-year check in

Write or edit annual evaluations.

Provide information about court and proposed legislation to the Colorado Municipal League and state legislators

Revise job duties, screen, interview, and make offer for Court Marshal position

Mentor Deputy Court Administrator

Assist Court Administrator with budget

Hear cases involving persons in custody within two days; work on day off

Appoint attorneys for persons in custody on fast track basis

Develop process to collect fines, fees, and costs in light of oppositional legislation

Develop process to hold non-payers accountable for willful failure to pay restitution to injured victims.

Continue the “walk-in” court to allow people to resolve outstanding bench warrants

Expand and improve alternatives in sentencing including the payment plan process

Use web based databases to locate non-appearing defendants

Use web based databases to determine accuracy of applications for services or court appointed counsel

Maintain legal library, both hard copy and web-based

Continue to recommend special populations fund to help pay for sentencing requirements for indigents. City Council is commended for this unique and successful budget item.

Coach staff on an almost daily basis

Review motions (written requests) and issue written orders

Engage in legal research on an almost daily basis

Resolve old cases particularly those involving Department of Corrections (DOC) inmates

Contact DOC and City IT department to consider feasibility of audio-video connection with DOC

Improve court security with weekly meetings with marshals and security guard

Repair X-ray scanner

Review effectiveness of G4S security guard service

Streamline crowd movement in and out of court

Modify one court door to require electronic pass key

Improve and add flexibility to bail bond process; increased use of personal recognizance and low cash bonds

Monitor the appearance rate with various types of bonds

Assess defendant risks using statutory factors to determine bail bonds

Develop new court forms to improve accuracy and efficiency or to comply with new legislation

Individualize sentencing, especially for the low-functioning, transient, homeless, mentally ill, veteran, and substance abusing populations.

Attend legal and judicial seminars

Continue IGA that permits first time juvenile alcohol and marijuana users the ability to obtain drug and alcohol treatment and avoid a conviction and fine

Improve program for sealing and expungement of juvenile and adult criminal records

Respond to requests for criminal justice records

Work with police department on court/police issues

Work with police department on body camera introduction

Maintain electronic process for probable cause and arrest warrants on weekends
Meet with county law enforcement to discuss jail populations
Review files beforehand to make audio-visual detainee process more efficient and secure
Member of judges' legislative strategy committee
Moderate and attend monthly court staff meetings
Attend bi-annual Colorado Municipal Court Judges Association judicial conferences
Re-classify court clerks to judicial assistants.
Distribute and discuss WRPD Employee Safety bulletins
Organize team building events
Address protestors, auditors, and agitators
Attend annual employee awards breakfast
Modify two animal control violations to allow expedited plea and fine payment without court appearance
Amend and supplement personnel policy
Revise jury instructions

Note: I did not accomplish these things alone. Most of these accomplishments would not have been possible without the assistance of the court administrator, court staff, IT, or city staff.

2019 PRIORITIES

Obtain training and create strategic plan with Leadership Foundation Program.
Become fully staffed - recruit Court Marshal.
Plan for retirement of a judicial assistant.
Plan for loss of probation officer.
Retain good employees.
Renovate judicial assistant work space.
Improve courtroom security; add bullet resisting material to witness box.
Replace courtroom seating
Investigate and possibly add a collection agency
Go live with on-line payments
Research and implement a formal risk assessment tool for bond selection and sentencing
Comply with new legislation; comply with proposed legislation.
Amend personnel policy and guidelines.
View other teen courts; possibly implement in Wheat Ridge
Investigate more services for probationers, particularly veterans.
Improve sealing and expungement of records.
Train staff and seek outside training opportunities.
Provide input to Colorado Municipal League, Dentons LLC (judges' lobbyist), elected officials, and interested others on proposed legislation.
Work with administrative staff
Work with police department
Have administration and police department evaluate court

PROFESSIONAL MEMBERSHIPS

Colorado Supreme Court (1987-2019)
Colorado Municipal Judges Association (1992-2019)
Municipal Judges of Jefferson County monthly meetings (2016-2019)

Quarterly legislative strategy sessions with municipal judges (2017-2019)

PROFESSIONAL BOARD MEMBERSHIPS

Board of Governors for the First Judicial District Bar Association (2014-2015)

Board of Directors and President of the Colorado Municipal Judges Association (2009-2015)

OTHER BOARD MEMBERSHIPS

Belmar (Lakewood) Row Homes, Home Owner's Association – Secretary

INTERNAL RECOGNITION

I have given and received several "Give-A-Wow" awards. These recognize employees for contributions to the ACTION core values of accountability, change, teamwork, integrity, opportunity, and now! These are available for review.

CUSTOMER COMMENTS

The court makes available to the public court evaluation forms. The comments below are available for review. Comments about the Presiding Judge include:

Judge was courteous, respectful, and knowledgeable.

The court experience was excellent.

Everyone was courteous and helpful.

Judge was fair.

This judge was way better than the Westminster judge.

Staff patient, courteous, and did their jobs well.

Judge had excellent demeanor. I was impressed with the court's professional demeanor, the speed of the court, and the cleanliness of the building.

Everyone is very nice.

I liked how well they all worked together to make my court and problems go [unreadable].

CLASSIFICATION

I work an average of thirty-two (32) hours per week. I am classified for benefits purposes as a 30-hour per week employee. I receive benefits for the most part as if I were a regular employee. Regular court sessions take about twenty-four (24) hours a week. Preparation for jury trials and the trials add a few days per year. Other hours are related to longer court sessions, managerial duties, legal research, administrative matters, budget, personnel, recruiting, interviewing, legislation, training, and meetings.

CONTRACT

There is no request to modify the hourly pay rate. Although I believe that the Family and Medical Leave Act currently applies to my employment classification, I am requesting that it be included in the contract. Due to longevity (16+ years), personal time off would accrue at the 16-year level (6.94 hours per pay period). Additionally, since I occasionally work under 30 hours some weeks and over 30 hours some weeks, I request that I exercise flex time to accrue 60 hours per (two week) pay period.

CONCLUSION

I request reappointment and would be honored to continue to sit as the Presiding Judge and to act as the Department Director for the Wheat Ridge Municipal Court.

/s/ Christopher D Randall

CHRISTOPHER D RANDALL

June 04, 2019

**CITY OF WHEAT RIDGE
PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT**

THIS PRESIDING MUNICIPAL JUDGE SERVICES AGREEMENT is entered into and effective as of the 1st day of July 2019 ("Effective Date"), by and between the **CITY OF WHEAT RIDGE, COLORADO** (the "City") and **CHRISTOPHER D. RANDALL**, ("Presiding Judge"), together referred to herein as the "Parties." In consideration of the mutual promises and covenants contained herein, the Parties agree as follows:

ARTICLE 1 – SERVICES

Pursuant to Chapter VIII of the Wheat Ridge Home Rule Charter (the "Charter"), Presiding Judge shall have the following duties:

- A. Ensure the presence of a municipal judge at all Wheat Ridge Municipal Court ("Municipal Court") cases, by either presiding over such cases personally or by scheduling an Associate Judge to hear such case(s) and by establishing an on-call municipal judge schedule;
- B. Formulate and amend the local rules of the Municipal Court with the approval of the Colorado Supreme Court;
- C. Supervise the Associate Judges, if any, and all Municipal Court personnel; serve as Department Head for the Municipal Court staff; attend Department Director meetings, in person or by designee, and meetings with the City Manager, City Attorney and City Council as needed; and
- D. Responsible for preparation of annual department budget, monitoring of operational expenses and overall delivery of court services.

ARTICLE 2 – QUALIFICATIONS

The Presiding Judge shall continuously maintain the following qualifications:

- A. Licensed to practice law in all Colorado courts, including the U.S. District Court for the District of Colorado; and
- B. Resident within 40 miles of the Wheat Ridge Municipal Court.

ARTICLE 3 - TERM; TERMINATION

Pursuant to Section 8.3 of the Charter, this Agreement shall be for a two (2) year term, ending on July 1, 2021. This Agreement may be terminated during its term for any of the reasons enumerated in Section 8.3 of the Charter.

ARTICLE 4 – COMPENSATION, PERFORMANCE

The Parties agree that Presiding Judge shall be compensated at **\$98.97** per hour for services rendered under this Agreement. Presiding Judge may also be compensated for reimbursable expenses properly invoiced to the City as set forth below. For purposes of this Agreement, "reimbursable expenses" shall mean those expenses directly incurred by Presiding

Judge in the performance of his duties under this Agreement, including mileage and travel expense.

Presiding Judge shall be paid via the current City system for recording and compensating hourly employees.

A. Funding.

This Agreement is specifically subject to the provisions of Section 2-3(c) of the Code of Laws of the City of Wheat Ridge, which limits the amount for which the City shall be liable to the amount expressly appropriated by the City Council, either through budgeted appropriation, or contract or bid appointment. The Parties further recognize and agree that the City, as a political subdivision of the State of Colorado, is subject to the Constitution and laws of the State of Colorado. Notwithstanding any provision of this Agreement to the contrary, the obligation of the City to make payment to Presiding Judge is expressly subject to annual appropriations by the City of funds for the next ensuing budget year.

B. Performance

Pursuant to Section 8.3 of the Home Rule Charter, Presiding Judge is appointed for a two year term. In contrast to other employees of the City, the Judge's compensation is set by the Council by ordinance, rather than through the annual performance review process for other city employees. Also, the Presiding Judge is not an at-will employee as all other city employees are. In recognition of these distinctions, the parties agree that the Council functions as the performance review body for the Presiding Judge, exercising that authority by ordinance as required by the Charter.

ARTICLE 5 – INDEMNIFICATION, INSURANCE AND BENEFITS

- Pursuant to the Colorado Governmental Immunity Act, §§ 24-10-101 *et seq.*, C.R.S., Presiding Judge is an appointed official of the City entitled to any and all benefits of law pertaining to judicial or sovereign immunity and to coverage by the City's insurance applicable to persons holding such a position for claims brought against him in his official capacity or arising out of his performance of his official duties as described. Presiding Judge shall be eligible to participate in the following insurance and benefit programs available to City employees, at a level equal to the average number of hours of work per week performed by the Presiding Judge, which for purposes of this Agreement, the Parties agree shall be a minimum of **thirty (30)** hours per week:

- Benefits as outlined in the 2018 Employee Benefits Guide or as revised for 2019 or 2020. The City agrees to pay the applicable premium for the rate level, consistent with the City insurance plan as amended from time to time.;

- Official holidays (6 hours of holiday pay per holiday recognizing ten (10) holidays per year per the most current City Personnel Policies);

- Personal time off (PTO) leave accrued per pay period dependent upon the number of hours of work per week: a 30-hour per week employee with the Presiding Judge's current longevity receives 6.94 hours of PTO leave per pay period;

- Jury duty pay;
- Family Medical and Leave Act coverage;
- As a department head, Presiding Judge receives the annual allowance for cellular telephone use.

For all such insurance and benefit programs, to the extent the programs or any of their features are altered, amended, or eliminated with respect to all eligible City employees, such alteration, amendment or elimination shall also apply to Presiding Judge in the same manner.

ARTICLE 6 – CHARTER, LAWS AND ORDINANCES

Presiding Judge shall at all times during the performance of this Agreement, strictly adhere to all applicable federal, state and local laws, rules, regulations, and ordinances that affect or govern the work as herein contemplated.

ARTICLE 7 – EQUAL EMPLOYMENT OPPORTUNITY

The Presiding Judge shall not discriminate against any employee or applicant for employment because of age, race, color, religion, sex, or national origin. The Presiding Judge shall adhere to acceptable affirmative action guidelines in selecting employees and shall ensure that employees are treated equally during employment, without regard to their age, race, color, religion, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

ARTICLE 8 – JUDICIAL INDEPENDENCE

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a vital role in preserving the principles of justice and the rule of law. Judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system. Presiding Judge is expected to uphold these principles.

ARTICLE 9 – JUDICIAL IMPARTIALITY

Presiding Judge shall uphold and apply the law, and shall perform all duties of judicial office impartially. Impartially means absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintenance of an open mind in considering issues that may come before the judge. Presiding Judge shall perform the duties of the judicial office, including administrative duties, without bias or prejudice. Presiding Judge shall not be swayed by public clamor or fear of criticism. Presiding Judge shall not permit social, political, financial, or other interests or relationships to influence the judge's judicial conduct or judgment. Presiding Judge shall not convey or permit others to convey the impression that any person is able to influence the judge.

ARTICLE 10 - EX PARTE COMMUNICATION

Presiding Judge shall not initiate, permit or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning pending or impending matters.

ARTICLE 11 – LAW AND VENUE

The laws of the State of Colorado shall govern as to the interpretation, validity, and effect of this Agreement. The Parties agree that venue and jurisdiction for disputes regarding any aspect of this Agreement is proper and exclusive with the District Court of Jefferson County, Colorado.

ARTICLE 12 – NOTICES

Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail or registered mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth below. Such notice shall be deemed to have been given when deposited in the United States Mail.

If to the City: City Manager
7500 W 29th Avenue
Wheat Ridge, CO 80033
Fax: (303) 234-5924

With a copy to: City Attorney
7500 W 29th Avenue
Wheat Ridge, CO 80033
Fax: (303) 234-5924

If to Presiding Judge: Christopher D. Randall, Esq.
7500 W. 29th Avenue
Wheat Ridge, CO 80033
Fax (303) 980-1721

ARTICLE 13 – ASSIGNMENT AND SUBCONTRACTORS

The duties and obligations of Presiding Judge may not be assigned, delegated, or subcontracted except with the express written consent of the City.

ARTICLE 11 – SEVERABILITY

To the extent that the Agreement may be executed and performance of the obligations of the Parties may be accomplished within the intent of the Agreement, the terms of this Agreement are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.

ARTICLE 12 – INTEGRATION OF UNDERSTANDINGS

This Agreement is intended as the complete integration of all understandings between the Parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall

have any force and effect whatsoever, unless embodied herein in writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in writing and signed by Presiding Judge and an authorized representative of the City.

ARTICLE 13 – AMENDMENTS

The City may, from time to time, require changes in the scope of services of the Presiding Judge to be performed herein. Such changes, including any increase or decrease in the amount of the Judge's compensation, must be mutually agreed upon in writing by the City and the Presiding Judge, as an amendment to this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement in two (2) copies, each of which shall be deemed an original, as of the day and year first written above.

ATTEST:

CITY OF WHEAT RIDGE, COLORADO

Janelle Shaver, City Clerk

By: _____
Bud Starker, Mayor

Seal

APPROVED AS TO FORM:

Gerald E. Dahl, City Attorney

PRESIDING JUDGE

Christopher D. Randall

REQUEST FOR CITY COUNCIL ACTION

TITLE: COUNCIL BILL NO. 08-2019 – AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF ANIMAL-RELATED FACILITIES (CASE NO. ZOA-19-01)

☐ PUBLIC HEARING
☐ BIDS/MOTIONS
☐ RESOLUTIONS

☒ ORDINANCES FOR 1ST READING (06/10/2019)
☐ ORDINANCES FOR 2ND READING (06/24/2019)

QUASI-JUDICIAL:

☐ YES

☒ NO


Community Development Director


City Manager

ISSUE:

The purpose of the proposed ordinance is to define “animal daycare facility” and allow it as a special use in the Commercial-One and Commercial-Two zone districts, add supplementary regulations for animal-related facilities (including specifications related to outdoor play yards), and update the definitions and use table for consistency and clarity.

PRIOR ACTION:

Staff discussed this issue with City Council at study sessions on December 17, 2018 and April 15, 2019. At the April study session, Council directed staff to draft a code amendment allowing animal daycares with outdoor play yards as a special use in the C-1 and C-2 zone districts and to consider supplementary regulations. At a public hearing on May 16, 2019, Planning Commission voted to recommend approval of the proposed ordinance. Meeting minutes from the Planning Commission public hearing will be included with the ordinance for second reading.

FINANCIAL IMPACT:

The proposed ordinance is not expected to have a direct financial impact on the City. If the ordinance results in more animal-related commercial businesses, the City may benefit from land use application fees, business license fees, building permit fees, and potential tax revenue.

BACKGROUND:

Staff presented an analysis of the code as it relates to animal-related facilities and zoning maps at an April 15, 2019 City Council Study Session. Council consensus was to permit animal daycares with outdoor play yards as a special use in the C-1 and C-2 zone districts. Council also directed staff to research and propose supplemental regulations on this use, specifically to consider some limitations on the outdoor play yard and boarding given proximity between C-1, C-2, and residential zone districts.

Based on review of other cities' regulations for animal-related facilities and in collaboration with the Police Department, specifically the Community Services Officers who enforce kennel licensing and serve as animal control officers in the field, the attached ordinance was drafted.

Summarized below are some of the key highlights of the ordinance and the reasoning behind the proposed regulations:

- The code amendment proposes to limit the number of animals outside to a maximum of 15 at any given time for animal daycare facilities in the C-1 and C-2 zone districts.
 - This number is aligned with the State of Colorado's Pet Animal Care and Facilities Act (PACFA) allowance of one human supervisor for every 15 dogs.
 - Limiting the number to 15 animals reduces the intensity of the outdoor use area given that C-1 and C-2 zoned properties are often close to residential zoning/uses. In addition, C-1 and C-2 zoned properties are often smaller than agriculturally zoned properties, which require a minimum lot size of one acre to accommodate animal-related uses.
- The code amendment proposes to establish setbacks for outdoor play yards to be at least 20 feet from side and rear property lines where they are adjacent to residentially zoned or used property (for C-1 or C-2 zoned properties).
 - In A-1 and A-2 zone districts, a 25-foot setback applies between outdoor play yards and adjacent residential zoning or uses. A slightly reduced setback in C-1 and C-2 is proportional with the often smaller lot sizes.
 - The proposal is consistent with Denver and Lakewood, who also require 20-foot setbacks.
- The code amendment proposes to allow overnight boarding as an accessory use in animal daycare facilities (in C-1 or C-2 zone districts), up to 25% of the gross floor area of the structures associated with the animal daycare.
 - This is to distinguish the daycare use from a kennel, which allows overnight boarding as the primary use.
 - This code language is consistent with language elsewhere in the code quantifying the extent of an accessory use. A numeric standard provides clarity for business owners.
- The code amendment updates definitions and use table listings for animal-related facilities for consistency, clarity, and ability to cross reference.
 - For example, terms used for veterinary hospitals in the use table were updated to match the terms listed under definitions.

- The “animal daycare facility” use is also added as a special use in the A-1 and A-2 zone districts. The intent is to provide clarity and to distinguish it from the “dog kennels, catteries, veterinary hospitals” use.

RECOMMENDATIONS:

Staff recommends approval of the ordinance.

RECOMMENDED MOTION:

“I move to approve Council Bill No. 08-2019 an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities, on first reading, order it published, public hearing set for Monday, June 24, 2019 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely the ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the regulation of animal-related facilities, for the following reason(s)
_____.”

REPORT PREPARED/REVIEWED BY:

Zareen Tasneem, Planner I

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

ATTACHMENTS:

1. Council Bill No. 08-2019

CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER _____
COUNCIL BILL NO. 08-2019
ORDINANCE NO. _____
Series 2019

TITLE: AN ORDINANCE AMENDING CHAPTER 26 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF ANIMAL-RELATED FACILITIES (CASE NO. ZOA-19-01)

WHEREAS, the City Council of the City of Wheat Ridge is authorized by the Home Rule Charter and the Colorado Constitution and statutes to enact and enforce ordinances for the preservation of the public health, safety and welfare; and

WHEREAS, in the exercise of that authority, the City Council of the City of Wheat Ridge has previously enacted Chapter 26 of the Wheat Ridge Code of Laws (the Code) pertaining to zoning, land use, and development; and

WHEREAS, the City Council has identified a need to clarify regulations pertaining to animal-related uses and outdoor activities associated therewith; and

WHEREAS, the City Council has determined it appropriate to allow by special use animal daycare facilities in certain commercial zone districts; and

WHEREAS, the City Council finds that this amendment does not diminish the quality or character of its commercial corridors or neighborhoods.

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

Section 1. Code Section 26-123 (Definitions) of the Code is amended by the addition of a new definition in its appropriate alphabetical location:

ANIMAL DAYCARE FACILITY. A FACILITY LICENSED BY THE STATE OF COLORADO AND THE CITY OF WHEAT RIDGE POLICE DEPARTMENT WHERE ANIMALS MAY BE GROOMED, TRAINED, EXERCISED, AND/OR SOCIALIZED.

Section 2. Section 26-204 of the Code, entitled Table of Uses for Agricultural and Public Facilities and Table of Uses for Commercial and Industrial Districts, is amended as follows with the rows in their appropriate alphabetical locations:

Table of Uses—Agricultural and Public Facilities

<i>Uses</i>	<i>Notes</i>	<i>A-1</i>	<i>A-2</i>	<i>PF</i>
ANIMAL DAYCARE FACILITY	SEE § 26-644	S	S	
...				

Dog kennels, catteries, veterinary hospitals	Provided that outside runs, PLAY YARDS, PENS, OR TRAINING AREAS which are adjacent to residentially zoned or used property are no closer than 25 feet to a side or rear lot line	S	S	
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Table of Uses—Commercial and Industrial Districts

<i>Uses</i>	<i>Notes</i>	<i>NC</i>	<i>RC</i>	<i>C-1</i>	<i>C-2</i>	<i>I-E</i>
ANIMAL DAYCARE FACILITY	SEE § 26-644			S	S	
...						
Kennels	SEE § 26-644					S
...						
Animal veterinary hospitals and clinics VETERINARY HOSPITAL	With outside runs, PLAY YARDS, PENS, OR TRAINING AREAS ; no cremation				P	P
	WHERE THERE ARE NO OUTSIDE RUNS, PLAY YARDS, PENS, OR TRAINING AREAS; NO CREMATION	S	P	P	P	P
Animal veterinary hospitals and clinics VETERINARY HOSPITAL (SMALL ANIMAL, ENCLOSED)	Where there are no outside pens or runs for dogs, RUNS, PLAY YARDS, OR TRAINING AREAS ; no cremation	S	P	P	P	P

Section 3. Section 26-644 (Animal-related facilities) is hereby added to Article VI. Supplementary Regulations:

SEC. 26-644. ANIMAL-RELATED FACILITIES.

- A. ALL KENNELS AND ANIMAL DAYCARE FACILITIES SHALL OBTAIN A KENNEL LICENSE FROM THE CITY OF WHEAT RIDGE POLICE DEPARTMENT.**
- B. ANIMAL DAYCARE FACILITIES IN MIXED USE ZONE DISTRICTS ARE SUBJECT TO THE FOLLOWING REGULATIONS:**
- 1. ANIMALS SHALL NOT BE KEPT OR BOARDED OVERNIGHT, BRED, SOLD, OR LET FOR HIRE.**
 - 2. NO OUTDOOR PLAY YARDS, RUNS, PENS, OR TRAINING AREAS ARE ALLOWED.**
- C. ANIMAL DAYCARE FACILITIES IN THE C-1 AND C-2 ZONE DISTRICTS ARE SUBJECT TO THE FOLLOWING REGULATIONS:**
- 1. NO MORE THAN 15 ANIMALS SHALL BE OUTSIDE AT ANY GIVEN TIME.**
 - 2. OUTDOOR PLAY YARDS SHALL BE SETBACK AT LEAST 20 FEET FROM SIDE AND REAR PROPERTY LINES WHERE THEY ARE ADJACENT TO RESIDENTIALLY ZONED OR USED PROPERTY.**
 - 3. OUTDOOR PLAY YARDS SHALL BE SCREENED FROM VIEW SO AS NOT TO BE VISIBLE FROM ANY PUBLIC STREET OR ADJACENT PROPERTY.**
 - 4. ANY OUTDOOR PLAY YARD SHALL ONLY BE USED FROM DAWN UNTIL DUSK FOR SUPERVISED EXERCISE AND TRAINING USE. THIS SHALL NOT PROHIBIT THE OCCASIONAL USE OF OUTDOOR AREAS FOR SUPERVISED ANIMAL RELIEF OUTSIDE OF THESE HOURS.**
 - 5. OVERNIGHT BOARDING SHALL NOT EXCEED TWENTY-FIVE (25) PERCENT OF THE GROSS FLOOR AREA OF THE STRUCTURES ASSOCIATED WITH THE ANIMAL DAYCARE. OVERNIGHT BOARDING SHALL BE ENCLOSED WITHIN A SOUNDPROOF BUILDING.**
- D. KENNELS AND ANIMAL DAYCARE FACILITIES WHICH ARE SUBJECT TO THE SPECIAL USE PERMIT PROCESS, PER SECTIONS 26-114 AND 26-204, IN ZONE DISTRICTS WHERE INDICATED IN THIS CHAPTER ARE, IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, SUBJECT TO THE CONDITIONS OF APPROVAL ATTACHED TO THE SPECIAL USE PERMIT.**

Section 4. Section 26-1111 of the Code, Permitted Uses, is amended as follows with the rows in their appropriate alphabetical location:

<i>Permitted Uses</i>				
<i>Uses</i>	<i>MU-C</i>	<i>MU-C Interstate</i>	<i>MU-C TOD</i>	<i>MU-N</i>
Animal daycare, indoor with no outdoor runs or pens FACILITY (SEE § 26-644)	P	P	P	P
...				

Veterinary clinics and hospitals, no outdoor runs or pens, PLAY YARDS, PENS, OR TRAINING AREAS	P	P	P	P
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Section 5. Code Section 26-1119 (Definitions) of the Code is amended as follows in the appropriate alphabetical location:

Animal daycare facility. A facility licensed by the State of Colorado **AND THE CITY OF WHEAT RIDGE POLICE DEPARTMENT** where animals may be groomed, trained, exercised, and socialized, ~~but not kept or boarded overnight, bred, sold, or let for hire.~~

Section 6. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Wheat Ridge, that it is promulgated for the health, safety, and welfare of the public and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. 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 8. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ____ to ____ on this 10th day of June, 2019, ordered published with Public Hearing and consideration on final passage set for Monday, June 24, 2019 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 _____, 2019.

SIGNED by the Mayor on this ____ day of _____, 2019.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to form

Gerald E. Dahl, City Attorney

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