

# **AGENDA**

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

**October 28, 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**

National Hunger and Homelessness Awareness Week

### **APPROVAL OF MINUTES**

| <b>City Council Minutes</b> | <b>Study Session Notes</b> | <b>Special Study Session Notes</b> |
|-----------------------------|----------------------------|------------------------------------|
| July 8, 2019                | July 15, 2019              | September 9, 2019                  |
| July 22, 2019               | August 5, 2019             | September 23, 2019                 |
| August 12, 2019             | August 19, 2019            |                                    |
| August 26, 2019             | September 16, 2019         |                                    |
| September 9, 2019           | October 7, 2019            |                                    |
| September 23, 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.

### **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

1. Council Bill No. 16-2019 – an ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the regulation of minor accessory structures in the Residential-One zone district (Case No. ZOA-19-04)
2. Council Bill No. 17-2019 – an ordinance vacating any interest held by the City in a portion of West 38<sup>th</sup> Avenue, a public roadway
3. Resolution No. 58-2019 – a resolution approving a major subdivision plat with right-of-way dedication for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) and located at 5352, 5372, and 5392 Quail Street (Case No. WS-18-01 / Quail Run Plat)

### **ORDINANCES ON FIRST READING**

4. Council Bill No. 18-2019 – an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the Duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City's organizational chart

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

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

### **ELECTED OFFICIALS' MATTERS**

### **ADJOURNMENT**

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

**July 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 | Larry Kueter  | Leah Dozeman  |
| George Pond   | Larry Mathews | Janeece Hoppe |

Absent: Kristi Davis (excused) and Amanda Weaver (excused)

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

**PROCLAMATIONS AND CEREMONIES**

**Chief Dan Brennan Retirement**

Mayor Starker read the proclamation recognizing **Chief of Police Dan Brennan** for his 42 years of dedicated service in law enforcement. The last 14 and a half years have been with the City of Wheat Ridge Police Department.

**John Camper**, Director of the CBI and current chair of the Colorado Association of Chiefs of Police, read a summary of Chief Brennan's many achievements through the years and presented to him an award for his leadership, innovation and collaboration.

Chief Brennan expressed thanks for the honors and said he feels humbled by it. He thanked his staff, the City managers, members of the PD and the commitment they bring to the job every day, elected officials past and present, and the citizens and stakeholders in the community. It has been a pleasure and honor to serve this community. He also thanked his wife and family for their support.

**First opportunity for public input on the 2020 Budget**

Mayor Starker announced this would be taken under Citizens Right to Speak

**APPROVAL OF Council Minutes of June 24, 2019 and Study Session Notes of May 6, 2019**

There being no objections, the City Council minutes of June 24, 2019 and Study Session Notes of May 6, 2019 were approved as published.

**APPROVAL OF AGENDA****CITIZENS' RIGHT TO SPEAK**

**Perry Minkler** (WR) said she and her husband are considering moving from WR because their new neighbors at 4005 Independence Ct. have 11-12 vehicles, tow trucks, inoperable vehicles that are being traded out of the home, towing vehicles in and out of the home. The CSO's have talked to them, but the problem isn't fixed. There's also another neighbor running a junk businesses out of his home. She implored the City to take some action.

**Cloridus Winegart** (WR) reported that at 4005 Independence people moved in last month with several large U-Haul trucks. It looks like a car junk yard. They have a traffic signal in their back yard and there are many vehicles. They're even using the church parking lot for junk cars and tow trucks. It's a mess and is lowering the value of neighboring homes. This property is constantly busy - moving things day and night, pounding, clanking, metal on metal. She hopes something can be done. She verified the house at 3930 is also a problem. He had his two Akia dogs taken away- only after they bit a Denver officer with her dog. This man also sells cars from his property.

Councilmember Mathews reported that complaints have been filed about this property and CSO's are working on it. There has been some mitigation, but there are still things to address. Mr. Goff said he will check in the morning to see why this isn't finished yet.

**1. CONSENT AGENDA**

- a. Motion to award the purchase of and subsequent payment for twenty-five mobile data computer replacements in the amount of \$79,000.00 to Malor and Company, Inc. in New York, New York [*budgeted*]

Councilmember Hoppe introduced the Consent Agenda.

Motion by Councilmember Hoppe to approve the Consent Agenda item a.); seconded by Councilmember Urban; motion carried 6-0.

**PUBLIC HEARING AND ORDINANCES ON SECOND READING**

2. Resolution No. 39-2019 – A Resolution approving a major subdivision plat with right-of-way dedication for property zoned Planned Residential Development (PRD) and located at 4440 Tabor Street (Case No. WS-18-03 / Clear Creek Terrace)

The applicant requests approval of a major subdivision with right-of-way dedication for an approximately 2.09-acre property to establish lot lines, tracts, easements, and right-of-way dedication for a 26-unit townhome development.



Councilmember Dozeman introduced Resolution 39-2019.

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

Staff Presentation - Planner **Scott Cutler**

- Mr. Cutler entered into the record the case file, the subdivision regulations, and the contents of the digital presentation.
- He testified that all posting and notification requirements had been met.
- The 2.09 acres just east of Tabor Street and north of 44<sup>th</sup> is vacant.
- Surrounding uses and zoning are mixed.
- Proposed townhome subdivision includes:
  - 26 lots across 5 buildings (three 6-unit, two 4-unit)
  - 4 tracts that are commonly maintained,
  - ROW dedication on Tabor Street, with added pavement and sidewalks
  - Utility and drainage easements with landscaping
- City Council approved this rezoning on April 8; 26 units are allowed
- Planning Commission reviewed and approved the Specific Development Plan (site plan and architectural design plan) on June 20.
- This subdivision is the last step in the process.
- An adjacent proposed development to the southeast has separate ownership and different zoning. If both move forward, there is the potential for cross-access and multiple access points to better distribute traffic and help with emergency access.
- Easements for sanitary, drainage, water, utility and access are in the plat.
- Traffic
  - A traffic trip generation analysis was done for this and the adjacent parcel. The estimate of 16 trips in peak hours for the maximum potential of 44 units (for both developments) is well below the requirements for turn lanes.
  - Public Works concludes that no further traffic analysis is necessary and additional lanes are not appropriate.
  - There are plans for Tabor Street in the future to have a center turn lane.
- Outside agencies can serve the property and have no concerns.
- The 15-day public notice for this hearing generated no phone calls or letters.
- Staff and the Planning Commission recommend approval.

Public Comment    No one came forward to speak.

Council Questions

Councilmember Dozeman asked the purpose of the subdivision.

Mr. Johnstone offered three reasons: 1) Create individual lots, 2) Dedicate ROW for improvements/sidewalks on Tabor Street, and 3) Dedicate out lots and easements.

She expressed concern about accepting fees in lieu of parkland dedication, and not providing enough green space in these high density areas.

Mr. Johnstone related that no parks are planned in this area, so he believes the Parks Department feels the fees provide resources for capital investment to

existing parks in the area. Also, the amount of parkland this project would generate would be small and maintenance would not be financially reasonable. She inquired about things the Planning Commission brought up.

- Connecting Tabor to Clear Creek Trail? No plans.
- Separated bike lane on Tabor? Not a separate facility; isolated to this project.

She drives this corridor daily. Backed up traffic is already a problem and the Tabor light is timed awkwardly.

**Jordan Jeffries** of Public Works testified that the intersection is being monitored. A warrant study begins tomorrow to determine if a signal is necessary.

Councilmember Mathews noted the close proximity of the signal at the I-70 ramp.

Mr. Jeffries indicated another signal is possible just a few hundred feet away at Tabor.

Councilmember Mathews gave two local examples of close traffic signals on Wadsworth that cause traffic to bog down.

Mr. Jeffries said those are CDOT roads and he could not address them. If a light is put at 44<sup>th</sup> & Tabor the City will make sure it coordinates with other lights.

Councilmember Dozeman asked for a timeline for the townhome project.

**Steven Sundberg** (Chatfield address), representative for the owner, said the owner would like to start in 2-4 months.

Councilmember Mathews noted how the new signal at 38<sup>th</sup> & Yukon already interferes with traffic flow. That is not a CDOT road and he advised that traffic lights in close proximity are notoriously difficult to keep timed for good flow.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Dozeman to approve Resolution No. 39-2019, a resolution approving a major subdivision plat with right-of-way dedication for property located at 4440 Tabor Street and zoned Planned Residential Development (PRD) 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 requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. 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.

seconded by Councilmember Hoppe; carried 5-1, with Councilmember Mathews voting no.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

3. Motion to ratify Mayoral appointments to the Wheat Ridge Urban Renewal Authority

**Motion** by Councilmember Pond to ratify the District III Mayoral appointment of Marsha Hughes to Renewal Wheat Ridge, term to expire March 2, 2024; seconded by Councilmember Hoppe.

Ms. Hughes greeted those she already knows. She appreciates the opportunity to serve.

The motion carried 6-0.

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

**Patrick Goff** apologized for the heat in the room tonight. The HVAC system broke down this afternoon. A new part is on order. ~ He also announced the new Director for Parks & Recreation has been hired. She is Karen O'Donnell, a recreation manager from Commerce City, and she starts July 29.

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

### **ELECTED OFFICIALS' MATTERS**

**Clerk Shaver** complimented Mr. Goff for recent safeguards that have been put in place at City Hall to increase employee safety. They are frugal yet effective, and much appreciated by all.

**Larry Mathews** congratulated Chief Brennan on his retirement. While they have not always agreed on methods, he knows in his heart that the Chief has always had the welfare of the City at the base of everything he has done. ~ He also thanked the constituents who had the courage to come forward tonight to peak about code enforcement issues. He appreciates them and noted there is a lot of work to do.

**Zach Urban** appreciates Chief Brennan's passion and dedication. Officers have shared they have a great deal of respect for him, and that says a lot. He thanked the Chief for all he's done.

**Leah Dozeman** echoed thanks to Chief Brennan for his service. She has enjoyed working with him on the Carnation Festival and Parade.

**Janeece Hoppe** thanked the Chief. She appreciates his leadership and openness about things happening in the community. He will be missed.

**George Pond** gave a District 3 shout out to Chief Brennan. He appreciates him on multiple levels, and is honored to be able to talk to him over the fence as a neighbor.

**Mayor Starker** added his thanks to Chief Brennan. His talents have been valuable to the City. He has been a good friend and mentor, and the Mayor looks forward to his continued contribution to our community. ~ He also gave a shout-out and thank you to the Recreation Department and their children's program for inviting him to yoga with goats. It was a great time.

### **ADJOURNMENT**

The meeting adjourned at 8:48pm.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janeece 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.

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

**July 22, 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 | David Kueter | Amanda Weaver | Leah Dozeman |
| Kristi Davis  | George Pond  | Janece Hoppe  |              |

Absent: Larry Mathews (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Interim Police Chief, Dave Pickett; Community Development Director, Ken Johnstone; Administrative Services Director; Allison Scheck; other staff, guests and interested citizens.

**APPROVAL OF Council Minutes of May 13, 2019 and Study Session Notes of May 20, 2019, and June 3, 2019**

There being no objections, the City Council minutes of May 13, 2019 and Study Session Notes of May 20, 2019 and June 3, 2019 were approved as published.

**APPROVAL OF AGENDA**

**CITIZENS' RIGHT TO SPEAK**

**Jay Harris** (WR) has used his house as a short term rental since his children have grown and moved out. He would like to continue to use his house as he sees fit.

**Heather VanDeburgh** (WR) spoke about short term rentals. They have moved just down the street, but kept their first house across from Stites Park because they liked it so much. They rented it out for a few years, but then turned it into a short term rental. She read several positive comments guests have written about their place. They would like to continue renting their house as a short term rental.

**Benji VanDeburgh** (WR) said they have two short term rentals. The money provides added income and funds for maintenance. It has been a positive experience. Benefits to the city include

- Bringing to the city vacationers who spend money here.
  - Cleaning up neighborhoods – tend not to have code violations like long term rentals
- He hopes the Council will consider allowing this use.

**Kenny Burroughs** (WR) operates short term rentals and has one in Wheat Ridge. He has received some pushback from neighbors. He said maintaining the quality of the property is easier with a short term rental. He believes regulations could be a win/win for renters and neighbors.

**Kevin Barron** (WR) said the integrity of Airbnb can limit who we rent to. If there is a problem, they are liable. He runs multiple Airbnb's and has always had a positive experience. A good portion of guests come from within the state - visiting family. He said he is happy to follow guidelines.

**Kristine Disney** (WR) is a user of short term rentals – recently in Wales. She also uses them when she attends conferences. She is a preferred visitor and she looks for a superhost (nice and clean). She noted that violations will get you kicked out of the system. She thinks short term rentals help seniors with income. She is considering making her house an Airbnb, and she thinks guidelines are ok.

**Julie Clark** (WR) informed Council there are no car charging stations in Wheat Ridge, and car-sharing stops at Sheridan. She noted Arvada has a car charging station at their train station; Wheat Ridge doesn't. The new gas station at 38<sup>th</sup> & Kipling and Lucky's don't have one either. She thinks it's something the City should be working on.

**Judy Capra** (WR) reported on the progress on the petition to reverse the zoning decision on Upham Street which would allow 4 single-family homes to be scraped and replaced with 38 townhomes. 32 people carried petitions, talked to about 2,200 people and got about 2,000 signatures. About 90% of people they talked to agreed to sign. Top reasons were 1) Don't like the dense projects the City is approving – especially 38<sup>th</sup> & Wadsworth. 2) Don't want Wheat Ridge to do what Denver did to their neighborhoods. 3) Don't like tall buildings next to one story homes. Overall, signers believed "the City listens to developers – not the residents". There is resentment and frustration toward the City. Only about 10% didn't sign – primarily because they were not registered or never sign petitions; a few did say they don't mind development. The bottom line, which corresponds with the NRS report, is people don't trust the City to make decisions about their neighborhoods; they want to be involved. They want more restrictive zoning regulations and they don't want large scale development.

**Ihor figlus** (WR) was a petition carrier and talked to about 140 people. He was surprised how easy it was to get signatures. He appreciates Council for basically volunteering their time, but they should know there is a big disconnect between the people running the City and the citizens. He encouraged Council to go out and talk to people in their districts. Smell the flowers; they are not the carefully selected bouquets presented to them by the City administration.

**Rachel Hultin** (WR) shared her thoughts on Airbnb. She uses them every time she travels; it lets her get inside neighborhoods she would otherwise not get to. She is excited to have Airbnb's in our community – to bring people to Wheat Ridge, to 38<sup>th</sup> or 29<sup>th</sup> or 26<sup>th</sup>. One NRS member couldn't be here tonight because she is in Oregon, and let her house out to some people from Paris who are here for the birth of their surrogate baby. Short term rentals each have a story. Denver recently restricted Airbnb's to owner occupants – which has created pushback. She suggested that renting out single beds is a formulas for disaster as it brings out low rent people. She favors being able to rent out all of the house or a room, but not individual rooms to different people at different times – to maintain more control. She thinks licensing and taxing benefits everyone for predictability and accountability. She suggested requiring owners of Airbnb's to notify neighbors and to have an emergency contact available nearby 24/7.

### **1. CONSENT AGENDA**

- a. Motion to award a contract and approve subsequent payments to Independent Roofing Specialists, Commerce City, CO in the amount of \$481,000 for the Recreation Center roof-HVAC repairs and replacement [*from hail damage May 2017 storm*]
- b. Resolution No. 41-2019 – a resolution approving an Intergovernmental Agreement with the West Metro Fire Protection District for Radio Specialist services [*sharing costs; \$15,015 for 2019 covered from Fund 57; \$20,020 for 2020 will be budgeted*]
- c. Resolution No. 42-2019 – a resolution authorizing the appropriate City officials to execute an Intergovernmental Agreement by and between the County of Jefferson, State of Colorado, and the City of Wheat Ridge, Colorado regarding the administration of their respective duties concerning the conduct of the Coordinated Election to be held on November 5, 2019 [*prorated costs yet to be determined; budgeted*]

Councilmember Dozeman introduced the Consent Agenda.

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

### **ORDINANCES ON FIRST READING**

2. Council Bill 10-2019 – An Ordinance amending Chapter 2 of the Wheat Ridge Code of Laws regarding a Code of Ethics for City Officers and employees

While certain ethics matters are governed by the Home Rule Charter, that coverage is incomplete. This ordinance implements a gift ban, a provision on use of confidential information, and a procedure for enforcement.

Councilmember Weaver introduced Council Bill 10-2019.

**Motion** by Councilmember Weaver to approve Council Bill 10-2019 - an ordinance amending Chapter 2 of the Wheat Ridge Code of Laws regarding a Code of Ethics for City Officers and employees, on first reading, order it published, public hearing set for Monday, August 12, 2019, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 7-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

#### **3. Motion to accept the 2018 Financial Statements from CliftonLarsonAllen**

The CPA firm CliftonLarsonAllen (CLA) performed the required annual audit of the City's financial statements for the year ended December 31, 2018. Once again this year, the City received an unqualified opinion.

Councilmember Urban introduced item 3. 7:30

#### **Staff Presentation** – Allison Scheck

Ms. Scheck introduced the two representatives from CliftonLarsonSegal who performed the audit, Allison Sliffe and Sarah Segal, and the City's Financial Manager, Mark Colvin.

**Allison Sliffe** went through some highlights of the audit opinion for 2018.

- It is a clean opinion – the best you can get.
- Some corrections were made to last year's audit.
- The Management Discussion is a quick narrative of the analysis.
- She noted the section on accounting policy changes.
- There were no difficulties in performing the audit.
- The few adjustments that were made are attached.
- CLA experienced no significant issues with management.

**Sarah Segal**, the audit manager, highlighted the Internal Control Letter. She highlighted a few issues they found during the audit.

- Grant funding: The timing had to be corrected in places.
- Some invoices from Urban Renewal were not submitted within the proper time.

Councilmember Urban has some minor questions, which were answered.

**Motion** by Councilmember Urban to accept the 2018 Financial Statements from CliftonLarsonAllen; seconded by Councilmember Hoppe; motion carried 7-0.



**4. Resolution No. 40-2019 – A Resolution adopting the 2019 Neighborhood Revitalization Strategy update and accepting its findings and recommendations**

The process of updating the NRS has been guided over the past year by a 26-person Council appointed citizen steering committee. The NRS is intended to serve as a guiding policy document for City Council and staff for the next 5-10 years. As such, it is proposed to be formally adopted by a City Council Resolution.

Councilmember Hoppe introduced Item 4.

**Staff Presentation – Kenneth Johnstone**

- City Council received a thorough briefing on the recommendations at a June 3 study session.
- The original NRS report of 2005 has been a significant planning document and guide for policy making. Many ordinances have been enacted as a result.
- He highlighted the steps of the NRS process.
- The summary of recommendations section should guide our work for the next ten years.
- At a study session on August 5, staff will present a proposed implementation approach for the next 1-2 years, and seek direction from Council on whether and how to proceed with specific recommendations.

**Public Comment**

**Korey Stites**\_(WR), a chair of the steering committee, emphasized the report is not one person's opinion. Once it has been adopted the real work starts. We need to hold ourselves accountable. People want to be heard more, now. Aging housing and commercial stock is an issue. Renovation and rehab will be big. Streamlining the permitting process is important. We need to communicate with citizens. We need to make sure everything from the NRS is successful and citizens are happy.

**Rachel Hultin** (WR), a co-chair of the steering committee, said implementation is very important. During the NRS process she learned:

- Wheat Ridge is happy with Wheat Ridge.
- Voices of people who love the city are heard.
- Need to finish things we've started.
- We don't need a bunch of new things, but we need clarity.
- We need to slow down.
- We need to invest in primary corridors and involve the citizens.
- The next year is critical for how we address change and finish things we started.
- The 26 committee members are excited; it's important to keep momentum going.

**Chris Bird** (WR), a member of the steering committee, said they talked to a lot of people. The committee wanted to be sure the report reflected those people. Listening

to citizens will be the cornerstone to rebuilding the trust that has been lost. He offered thoughts on planning for density, strong corridors, and the beautification process.

**Kristine Disney** (WR) reminded Council they can't make everyone happy. She challenged Judy Capra's assertion that the listening the petition carriers did was similar to the NRS process. She charged that the petitioners sought out unhappy people and fomented derision and division, while the NRS committee listened to people in a constructive way so the city could move forward with solid suggestions on what the community wants. The NRS committee found out that people are pretty happy with Wheat Ridge; they like living here; they believe in the process; they like their elected officials. She didn't hear any complaints. What she heard dealt mostly with process – like wanting more consistent code enforcement and having citizen input beforehand. People may not like the architecture or some of the development, but she believes it has been well thought out and planned. She recommended keeping on the same trajectory so the next ten years can be as successful as the time since the last NRS.

**Dorothy Archer** (WR) defended the petition process, saying they did not go out to find angry people. Their concern was changing a residential zone to a PRD for a contractor. She agreed that people all love Wheat Ridge – they just have concerns. Growth is great, but where's the compromise? 36 units instead of 22 units? The 38<sup>th</sup> & Upham apartments: 140 units instead of 100 units? The development by Lucky's was presented as townhouses; now is it 250 apartments? She listened to people. The NRS committee is to be commended for their time, care and outstanding dedication. She encouraged Council to also consider the things the petitioners heard.

**Ihor Figlus** (WR) urged Council not to accept the NRS report; it is flawed. He noted the recommendation on page 37 saying "the listening tour may reveal a need for ongoing neighborhood engagement". He pointed out that the data already shows (on the same page above) that 79% of people want more citizen engagement. A listening tour and hiring more staff will only delay what we already know people want. If Council is going to delay, to find out what people want, are you also going to pass a moratorium on any further rezonings and developments until you find out what people want? He maintained the study should be recommending the implementation of what people have already said they want/like. He believes the study should be rewritten to reflect that. He also informed Council, as one of the petition circulators, he did not go out looking for disgruntled people. He talked to people as they came and he got what he got.

**Julie Clark** (WR) told Council she and her neighbors didn't even know this NRS thing was going on. Infrastructure is one thing, but she lamented there are no good places to eat in Wheat Ridge. We need to get going on this.

### Council Questions

Councilmember Urban expressed concerns about ignoring the issue of ADU's for two years, especially since there are people who already have ADU's. Mr. Dahl offered

perspective. It can be a legislative priority if Council wants. Councilmember Urban suggested removing this recommendation. There was discussion. Mr. Johnstone weighed in making the points that 1) the recommendation is to not bring it up as a code change, 2) enforcement will continue based on zoning, and 3) Council can make it a higher priority.

Councilmember Dozeman thought the NRS process was robust and was to be the listening tour. We can implement this document. Council should be doing the listening.

Mr. Goff noted this topic was originally scheduled for August, but due to scheduling considerations it was moved up to tonight. He apologized to the NRS Committee members who were unable to come tonight due to the change.

**Motion** by Councilmember Hoppe to approve Resolution No. 40-2019, a resolution adopting the 2019 Neighborhood Revitalization Strategy update and accepting its findings and recommendations; seconded by Councilmember Dozeman;

Discussion followed.

**Motion** by Councilmember Urban to remove the NRS recommendation to table the topic of ADU's as stated in the report; seconded by Councilmember Dozeman.

There was discussion.

- Don't want to lose the valuable information.
- While generally it is a lukewarm issue, it is far from a lukewarm issue with some.
- It could still be a high priority for the Council.
- Council has the power to address this sooner.
- This is a divisive topic.

The amendment failed 2-5, with Councilmembers Davis, Pond, Hoppe, Weaver, and Kueter voting no.

Councilmembers Pond and Hoppe thanked the committee members and offered thoughts about the importance of the plan.

The main motion carried 6-1, with Councilmember Urban voting no.

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

Mr. Goff had three short items:

- Reminder to Council there is no meeting next week since it is the 5<sup>th</sup> Monday.
- The flaggers are being removed from the G Line.
- The parking at Ward Station is pretty full – full enough to trigger a requirement for RTD to increase the amount of parking. We'll have to figure that out.

## **CITY ATTORNEY'S MATTERS**

### **ELECTED OFFICIALS' MATTERS**

**Kristi Davis** gave a personal account of the parking at Ward Station being full. ~ She related her good experience with a group of five who rented an Airbnb house for three days at Cheyenne Frontier Days. ~ She encouraged people to order peaches from the Rotary on their website [Wheatridgerotary.org](http://Wheatridgerotary.org)

**Mayor Starker** thanked the citizens who came to speak tonight, thanked the NRS committee members, and reminded everyone the Carnation Festival is coming soon.

### **ADJOURNMENT**

The meeting adjourned at 8:45pm.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 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.

# **CITY COUNCIL MINUTES**

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

**August 12, 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 | David Kueter | Amanda Weaver | Leah Dozeman |
| George Pond   | Kristi Davis | Larry Mathews | Janece Hoppe |

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Interim Police Chief, Dave Pickett; Administrative Services Director, Allison Scheck; Acting Public Works Director, Steve Nguyen; other staff, guests and interested citizens.

### **PROCLAMATIONS AND CEREMONIES**

50<sup>th</sup> Anniversary – Recognition of Official Incorporation of the City of Wheat Ridge  
Mayor Starker read a proclamation celebrating the 50<sup>th</sup> anniversary of the incorporation of the city and declaring August 15, 2019 as City of Wheat Ridge Day to honor the courageous settlers who came to this area in the 1800's as well as those who farmed in the area over the years and made Wheat Ridge the Carnation Capital of the world, and to recognize those who had vision in 1969 to mobilize the residents to create a new city.

Leah Dozeman presented the Mayor with a traditional ceremonial plate for this year's Carnation Festival. This year's festival celebrated the 50th Anniversary of the City's incorporation. The winner of this year's Carnation Festival plate design competition was Carly Picollo. Ms. Dozeman thanked the City of Wheat Ridge, the City Council, and the staff for their unwavering support over the years. She noted how every year the Police and Parks Departments do a tremendous amount of hard work that helps make the festival run smoothly and be safe and successful.

### **APPROVAL OF Council Minutes of June 10, 2019 and Study Session Notes of June 17, 2019 and July 1, 2019**

There being no objections, the City Council minutes of June 10, 2019 and Study Session Notes of June 17, 2019 and July 1, 2019 were approved as published.

### **APPROVAL OF AGENDA**

**CITIZENS' RIGHT TO SPEAK**

**Stan Koniz** (WR) reported receiving notice of a proposed 60-unit development behind his house. While it is premature at this time to comment in opposition to this proposal, he informed Council that the community has rallied around this issue, and Council will be hearing from them in the future.

**Rachel Hultin** (WR) recognized everyone who contributed to the spectacular Carnation Festival. Being a judge for the parade this year she delighted to see students, community organizations and businesses show their creativity and spirit. While helping to serve beer she heard comments by people from around the metro area about how spectacular the festival is and that they come every year. She thanked everyone for their hard work and thinks it's great to see the community show up.

**John Mackey** (Edgewater), the Police Chief of Edgewater, thanked the City for coming to their aid during a recent SWAT call in Edgewater. A letter providing details is provided for council. Collaborative efforts are common, but the aid Wheat Ridge provided allowed their city to endure a 17 hour incident with no one getting hurt. That is almost impossible for small cities. The letter from him and the Mayor of Edgewater thanks Wheat Ridge for their excellent collaboration and support.

**Judy Capra** (WR) gave an update on the petition drive. She and Lynne Martinelli, along with 33 other circulators, collected over 2,000 signatures from residents who oppose Ordinance 1667 rezoning four lots on Upham St from R-3 to PRD. Enough signatures were validated to reach the 1,642 required. They informed the City Clerk of 37 signatures they felt should have been counted, but then they also were made aware of a protest against the sufficiency of the petition. The Charter explicitly states that once there is sufficiency it goes directly to the Council for consideration. Council can either reverse their decision or send it to the ballot. There is no timeline or provision for a protest nor any direction to see state laws regarding protests. It appears this will be ignored and a hearing will take place. State law says the hearing officer is to be our City Clerk. The McLeod's, who have filed the protest, say our Clerk should be disqualified because she has an interest in the outcome and/or is prejudiced. This is pretty general mudslinging – hoping something will stick. While the bigger question is 'should we be having a hearing in the first place?', if there is to be a hearing they believe the City Clerk should be the hearing officer.

**Lynne Martinelli** (WR) lives on the block of the Upham Street development. She thanked Clerk Janelle Shaver for her help with the petition process. They are all volunteers, all citizens, and all novices and it was extremely time consuming for everyone. It took a lot of time away from her other duties at work and home, and she wanted to thank her and Robin [Deputy Clerk Robin Eaton] for giving so much time. She did an excellent job.

**Odarka Figlus** (WR) As a petition circulator, she shared that getting 2,000 signatures in a short time is not easy, but they were bolstered by the fact that so many people supported this. She explained to those watching that home rule cities have the greatest authority; they adopt a charter and can have laws that supersede conflicting state law. Example: State law limits what ordinances are subject to referendum, while our Charter allows ALL ordinances to be subject to referendum. The state constitution provides for the right to referendum by citizens. She suggested the proper way to challenge a referendum is to campaign against it and vote against it at the ballot. State regulations indicate the most important part of a referendum is to not abridge the people's right to get to the ballot box.

**Ihor Figlus** (WR) offered some suggestions related to notification on rezonings. 1) The signs that are posted should be 4 times the size they are now (double the dimensions), and 2) Legal protest distance should be doubled and notification should be extended to 1,000 feet.

#### Second public input opportunity for 2020 Budget

**Rachel Hultin** (WR) spoke in support of 1) Implementing the NRS recommendation to hire 2 neighborhood specialists for the community engagement tour, and 2) Hiring 0.5 FTE for a Sustainability Coordinator. To adopt the Sustainable Neighborhoods Program it will take dedicated staff.

### **PUBLIC HEARING AND ORDINANCES ON SECOND READING**

1. 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)

The major subdivision will establish lot lines, tracts, easement, and ROW dedications for 18 town homes to be built on the approximately 1.52-acre property that is zoned R-3.

Councilmember Mathews introduced Resolution 34-2019.

Mayor Starker announced that the matter was quasi-judicial and swore in the speakers.

#### Staff Presentation - Planner **Scott Cutler**

Mr. Cutler entered into the record the case file, the subdivision regulations, and the contents of the digital presentation.

Mayor Starker opened the public hearing.

Mr. Cutler continued.

- Aerial photos of the property were shown.
- The 1.52 acre vacant lot formerly contained a single family house. It is zoned R-3 and there are a mixture of zoning uses in the area.

- R-3 allows single family, duplexes and up to 12 units per acre.
- The request is for
  - 18 units spread over 3 buildings
  - 4 tracts that will be commonly maintained
  - Alley loaded units (alleys to have access easements)
  - Utility and drainage easements
- A major subdivision is necessary to sell the units a townhomes.
- Each lots has a building, driveway and private front patio.
- The two alleys, entrance drive, drainage strip and landscaping strips will be maintained by the HOA. A tiny ROW dedication in the SE corner is for sidewalk.
- All outside agencies can serve the property and have no concerns
- Staff has found the plat, site plan, and civil documents to be approvable.
- Planning Commission heard the case and continued it for more traffic information. Subsequent analysis by staff reported to the Planning Commission concluded that the trip generation did not warrant any additional improvements on 44<sup>th</sup> Avenue.
- He testified that all posting and notification requirements had been met.
- The 15-day public hearing notice generated no phone calls or letters.
- Staff and the Planning Commission recommend approval with conditions.

Public Comment No one came forward to speak.

#### Council Questions

Councilmember Dozeman asked about the traffic analysis. Based on the traffic report Public Works determined no accel/decel lane or added turning lanes were warranted.

Councilmember Urban inquired about the fire truck turn-around. Staff is requiring that prior to recordation the offsite fire truck turnaround easement must be platted.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Mathews to approve 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) 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.

Seconded by Councilmember Dozeman.

Councilmember Mathews said people have asked for no more high density developments – yet this is all we see. Corners was to be 38 town homes; now it is several hundred apartments. As long as we keep doing this citizens will continued to be dissatisfied. People don't want high density.

Councilmember Davis noted that this meets the requirements for R-3 zoning.

Councilmember Dozeman said 18 units is a use by right and it is in a major corridor

The motion carried 7-1, with Councilmember Mathews voting no.

2. Council Bill No. 10-2019 – An Ordinance amending Chapter 2 of the Wheat Ridge Code of Laws regarding a Code of Ethics for City officers and employees

This ordinance would amend and update the Code of Ethics to implement a gift ban, a provision on use of confidential information, and a procedure for enforcement.

Councilmember Kueter introduced Council Bill 10-2019

City Clerk Shaver assigned Ordinance 1671.

Mayor Starker opened the public hearing.

Staff Presentation ~ Jerry Dahl

Mr. Dahl reviewed what had been discussed at a recent study session.

- The City does have a few ethics obligations in the Charter, but it is minor.
- In 2006 an amendment to the Colorado Constitution created a series of ethics rules for government and created an independent ethics commission to enforce the rules.
- Home Rule cities can have their own system, but our system is very incomplete and could be challenged.
- This ordinance fills in the gaps. The areas covered include
  - 1) Gifts of a substantial nature, what is included and what is not
  - 2) Enforcement – Council having exclusive enforcement authority over all elected officials; the City Manager having enforcement authority over employees
  - 3) A process for distinguishing between frivolous and non-frivolous complaints
- He asked that section 2-102 (i), boilerplate language deferring to the Independent Ethics Commission, be deleted when the motion is made. The point of having our own ethics code is to keep enforcement at home.

- Council would have the ability to pose penalties and public sanction, but not remove from office. Council determined that is what recall is for.

#### Public Comment

**Carol Mathews** (WR) expressed concern that this Ethics Code is designed to protect the Council from the state Ethics Commission and will not address ethics issues that really affect citizens' civil and property rights – such as massive campaign contributions from organizations who will later benefit from votes on rezonings and land use?

It also leaves the Council to decide the validity of complaints against itself; there is no oversight by an objective, uninvolved third party. Will there be no recourse for citizens other than law suits and referendums? She thinks the Upham petition is an example of what will result from adopting this ethics program.

**Ihor Figlus** (WR) expressed disappointment at the ordinance because it would allow for a corrupt City Council to judge itself. One of the basic values of our American system is checks and balances. He believes removing the authority of the state to judge the actions of the City Council is inappropriate. He urged this not be passed.

**Odarka Figlus** (WR) asked Council to postpone this for further consideration. There are too many issues that need to be resolved.

- In the event of a worst case scenario....
  - A corrupt city council would be the final authority on itself and it appears the matter could not even be taken to district court.
  - Council should be able to have final oversight on employees.
  - Who has oversight on the City Manager?
- She is disappointed the packet is lacking in information. She knows it's for the Council, but it provides good information for citizens too. Lately they have been very stripped down.
- She would like someone to go through each section of the state rules and these rules, step by step, and explain to citizens how this will provide extra protection for them – better than what the state constitution provides.

#### Council Questions

Councilmember Dozeman asked how many ethics complaints there have been. Mr. Dahl can't remember any.

Councilmember Urban had a question about judges being allowed gratuities for certain services. Mr. Dahl recommended substituting the words "in addition to" with "other than". The issue is primarily for marriage ceremonies. Councilmember Urban would like to see the words specifically reference marriage services.

Councilmember Urban inquired about the liability to the City on an ethics violation by a police officer. Mr. Dahl doesn't envision there being a sanction on the city as a whole. Regarding structure, use of the state's Independent Ethics Commission will not be an option. Council will handle charges about all elected officials; the City Manager will

handle charges about employees. Per the Charter Council does not discipline employees.

Councilmember Urban believes this ethics code lacks third party objectivity. He doesn't want to sit in judgement of another councilmember. He will vote no on this – not because he is against ethics, but because he feels the state has the best ability to investigate and judge impartially.

Councilmember Mathews opined that Council having oversight on itself is not right. He believes checks and balances is the answer.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Kueter to approve Council Bill 10-2019, an ordinance amending Chapter 2 of the Wheat Ridge Code of Laws regarding a Code of Ethics for City officers and employees, with the deletion of Section 2-102 (i) as recommended by the City Attorney, on second reading, and that it take effect 15 days after final publication.

Mr. Dahl asked if Mr. Kueter would include the addition of a change in Sec 2-100 (10) to identify the allowance for municipal judges regarding marriage services. Mr. Kueter declined.

The motion was seconded by Councilmember Hoppe.

Councilmember Mathews asked what a “public sanction” would look like. Mr. Dahl advised the only consequence allowed is a reprimand or public sanction – likely a written or oral letter of reprimand. There are no fines, etc.

Councilmember Hoppe expressed not being opposed to continuing this for further discussion and improvement.

Councilmember Dozeman is ok being governed by the IEC, she thinks it is good to strengthen our Code.

**Motion** by Councilmember Hoppe to continue for action Council Bill 10-2019 to a future study session followed by Council action after that; second by Councilmember Urban; carried 8-0.

### **ORDINANCES ON FIRST READING**

3. Council Bill 11-2019 – An Ordinance amending Sections 11-51, 11-53, and 11-63 of the Wheat Ridge Code of Laws concerning the licensing and regulation of alcoholic beverages

This ordinance provides the final set of revisions to the City's liquor code which have been necessitated by the legislature's adoption of significant changes to the CO Liquor and Beer Codes in 2016 and 2018, which went into effect on January 1, 2019.

Councilmember Weaver introduced Council Bill 11-2019.

**Motion** by Councilmember Weaver to approve Council Bill 11-2019 - an ordinance amending Sections 11-51, 11-53, and 11-63 of the Wheat Ridge Code of Laws concerning the licensing and regulation of alcoholic beverages, on first reading, order it published, public hearing set for Monday, August 26, 2019, at 7 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Dozeman; carried 8-0.

**4. Council Bill No. 12-2019 – An Ordinance prescribing compensation for the office of City Treasurer**

This ordinance would establish two salary levels for the City Treasurer, depending on education and work experience.

Councilmember Davis introduced Council Bill 12-2019.

**Motion** by Councilmember Davis to postpone indefinitely Council Bill 12-2019; seconded by Council member Weaver.

Councilmember Davis said based on discussion at the study session further qualifications are not needed. She believes it should be done by a charter commission.

Councilmember Hoppe doesn't support adding criteria to an elected position. It is not in the Charter.

Councilmember Urban also thinks no requirements should be added. Trust the voters.

Motion carried 8-0.

**DECISIONS, RESOLUTIONS AND MOTIONS**

**5. Resolution No. 43-2019 - A Resolution amending the fiscal year 2019 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$25,000 for the purpose of funding the Wheat Ridge Business District grant program.**

This supplement for the Wheat Ridge Business District (WRBD) Grant Program were discussed at the June 5 study session.

Councilmember Hoppe introduced Item 5.

**Motion** by Councilmember Hoppe to approve Resolution 43-2019, a resolution amending the fiscal year 2019 General Fund budget to reflect the approval of a supplemental budget appropriation in the amount of \$25,000 for the purpose of funding the Wheat Ridge Business District grant program; seconded by Councilmember Urban;

Councilmember Mathews had several concerns.

- This will come from reserves.
- The 2019 appropriation for \$90K was already doubled from 2018.
- If we're adding \$25,000 to WRBD we should take \$25K from something else.
- We are 2 month away from budget; this should be asked then

Councilmember Dozeman thinks this is a good program

Councilmember Hoppe noted some of this year's funds were used for ADA compliance. She believes Investing in the businesses helps the City. She listed some of the grant awards for this year.

Councilmember Pond noted this is the procedure for supplemental budget appropriations.

Motion carried 7-1, with Councilmember Mathews voting no.

6. Motion approving the appointment of a hearing officer to hear and decide upon protests in connection with the referendum petition regarding Ordinance 1667, Series 2019

The City Clerk and the City Attorney request that this appointment be made, consistent with the state statute governing procedures for handling initiative and referendum protests.

Councilmember Urban introduced Item 6.

**Staff presentation**

Mr. Dahl referenced the memo for the task at hand. After the petition was certified as sufficient a protest was filed. Since the Charter does not provide for a protest, state statutes govern and the City Clerk is the hearing officer. In this case Clerk Shaver has asked not to be the hearing officer, so Council is charged with appointing one. The names of the choices are experienced and capable.

- Pam Anderson – former WR City Clerk and former County Clerk
- Paul Basso – occasional administrative hearing officer for WR
- Karen Goldman – former city clerk and deputy clerk; expert on election law
- Michael Snow – former WR City Clerk

Public comment

**Tom Slattery** (WR) protested the entire procedure and suggested City Council should recuse itself. He feels it's improper for Council to approve a hearing officer for a protest against a challenge on a rezoning the Council has approved. He believes it's a conflict of interest and would like to know where in the Charter this is prescribed.

**Odarka Figlus** (WR) No matter how you feel about the referendum, we should all be appalled by the attacks of the protesters against our City Clerk. Protesters claim the City Clerk is so tainted by impropriety that she must not serve as the hearing officer. Their charges included:

- An adult relative of the Clerk carried a petition. Relatives of elected officials don't lose their constitutional rights. What elected official can control the actions of their adult relatives?
- She performed her duties without oversight. We have an elected clerk for a reason and the only people who can do that oversight are the voters.

Protesters should not be making unfounded accusations.

**Judy Capra** (WR) wanted to be clear she saw no evidence of bias or prejudice by Clerk Shaver. She didn't know her before this process. She always answered questions fairly and gave explanations. She believes the claims of the protestors are invalid and thinks Clerk Shaver should be the hearing officer.

**Rollie Sorrentino** (WR) made the case there are no provision in the Charter for protest. Preemption applies. It's a City issue so the home rule Charter should apply. There is no provision for protest. The referendum has been certified and should move forward.

**Carol Mathews** (WR) wanted citizens to know that when Clerk Shaver certified the petitions as sufficient, over 2,000 people had signed them. She was not prejudiced; she used software available from the Secretary of State to all City Clerks in the state. It is not biased; it is a technical tool. Now these protesters didn't get their way, so they have protested against the people and made accusation against innocent people. The number of verified signatures is well over the 1,600 required. The people are speaking. And the Charter says we have a process; she thinks it's bad to change the process when you don't get your own way.

Council questions

Councilmember Mathews had several question about what is being protested, and the process. Mr. Dahl responded:

- Council does not rule on the protest.
- The protest challenges individual signatures for various reasons; entire sections for alleged disassembly; and one section because the circulator is a relative of the Clerk.
- The hearing officer will hear testimony, take evidence and make a judgement.
- The hearing is noticed and open to the public. It is like a trial, but the public can't testify.

Councilmember Urban also had questions about what Council is appointing and the process. Mr. Dahl advised Council is appointing a hearing officer under the elections statutes governing initiative and referendum. This is not a trial and the administrative hearing officer does not have to be an attorney. Our charter is silent about protests. He explained the hearing process. Regarding what is the complaint against the Clerk and who will defend her, Mr. Dahl advised that if Council doesn't appoint, the Clerk will be the hearing officer.

Clerk Shaver explained her thoughts on the issue. She said she would be glad to serve as the hearing officer but for the fact that the protest contains attacks against her capabilities and integrity, and the competency of her and the Deputy Clerk. She feels it looks improper to be the judge if she is the accused.

Councilmember Pond had questions about standing. Mr. Dahl explained why he believes that state statutes prevail regarding protests because the Charter is silent.

**Motion** by Councilmember Urban to approve the appointment Michel Snow as hearing officer, pursuant to CRS 31-11-110(3), for the purpose of hearing and deciding upon protests to the referendum petition regarding Ordinance 1667; seconded by Councilmember Mathews.

**Motion** by Councilmember Dozeman for a substitute motion to appoint Pam Anderson as hearing officer, pursuant to CRS 31-11-110(3), for the purpose of hearing and deciding upon protests to the referendum petition regarding Ordinance 1667; seconded by Councilmember Hoppe.

In response to Councilmember Urban's protest, Mr. Dahl advised about the murky distinction between amendments and substitute motions. Mayor Starker ruled that Councilmember Dozeman's motion would be voted on. In response to Councilmember Mathews' question, Mr. Dahl advised that no super majority is needed.

Councilmember Dozeman clarified her motion as a motion to amend. Comments followed.

The motion to amend carried 7-1, with Councilmember Mathews voting no.

The main motion, as amended, carried 8-0.

The Mayor recognized Councilmember Hoppe for the purpose of a motion.

**Motion** by Councilmember Hoppe to go into Executive Session for a conference with the City attorney and City Manager and appropriate staff under Charter Section 5.7(b)1 CRS 24-6-402(4)(b) to receive legal advice concerning pending Clark Sorrentino litigation, and to return to the open meeting at the close of the Executive Session for the

purpose of taking any final action deemed necessary; seconded by Councilmember Kueter; carried 8-0.

### **ADJOURNMENT to Executive Session**

Mayor Starker declared a 10-minute recess at 9:10pm, with the Executive Session to reconvene in the Lobby Conference room.

The Executive Session began at 9:21pm and adjourned at 10:10pm.

### **RECONVENE to Regular Session**

The Regular City Council Meeting reconvened in Council Chambers at 10:14pm.

**Motion** by Councilmember Weaver direct the City Attorney to work with the City's defense council in the Clark Sorrentino case to further negotiations with the Plaintiff's attorney and to report the results to the Council at its next available meeting; seconded by Councilmember Urban; carried 8-0.

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

Mr. Goff gave dates for the openings of new businesses: Hobby Lobby and Home Goods Sept 8; Ulta around Sept 25; Sierra Trading Post sometime in October; Hacienda Colorado has no confirmed date, but is shooting for some time in October.

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

Mr. Dahl advised that due to recent legislation that will go into effect in August, there is a need for an ordinance to change the amount of jail time a municipal judge may impose. Currently municipal judges can impose 1 year, but the state legislature has decided that should be 364 days. It likely has something to do with immigration status. There was consensus to proceed with that.

### **ELECTED OFFICIALS' MATTERS**

**Clerk Shaver** inquired if the protest hearing could/would be audio or video taped. Mr. Dahl advised it should at least be audio taped, videotaped if possible. We can work with the city Manager on this. If there is an appeal we'll want to have a good record.

**Larry Mathews** said the Carnation Festival was great!

**Zachary Urban** thanked the police department for a safe and fun Festival.

**Leah Dozeman** thanked the City staff, the various departments, and the West Metro and Arvada Fire Departments for their help with the festival. She gave a huge shout out



to Chairman Joe DeMott and the Festival board; the volunteers provide 1000's of combined hours of work. We had a great turnout and a great event.

**Amanda Weaver** thanked those who came out to the Festival and Parade, and the Festival organization. It was so fun. She met travelers from Texas who came for the festival.

**Kristi Davis** thanked everyone for the Festival.

**Mayor Starker** thanked all the City staff, organizers and citizens. It was a tremendous success.

### **ADJOURNMENT**

The meeting adjourned at 10:18pm.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 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.

# **CITY COUNCIL MINUTES**

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

**August 26, 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 | David Kueter | Amanda Weaver | Leah Dozeman |
| Kristi Davis  | George Pond  | Larry Mathews | Janece Hoppe |

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; Chief Engineer, Steve Nguyen; other staff, guests and interested citizens.

### **APPROVAL OF AGENDA**

Councilmember Mathews asked to pull Item 1a from the Consent Agenda.

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

**Julia Reese** (WR) is concerned about the increase in traffic on 32<sup>nd</sup> Ave. She asked Council not to move forward with any new development that will increase it more.

**Sam Carpenter** (WR) went to the 32nd & Kipling neighborhood meeting. The plan is for 60 townhome units where it is zoned R-1. At the meeting about 200 were there and 100% opposed it. This would not enhance the quality of life in WR. Traffic at that intersection is already horrendous. This proposed development would only worsen the situation. He urged Council to revisit what is an established neighborhood.

**Greg Reese** (WR) spoke against the potential development at 32<sup>nd</sup> & Kipling. He would like the Council to stand up and say no.

**Korey Stites** (WR) thanked those who came to the neighborhood meeting. He noted the NRS committee worked hard to get citizen input. We need to show respect to each other at public meetings. No bullying.

**John Bakeen** (WR) moved here 24 years ago and raised their family. Now they see younger people moving in who want the same kind of space. He attended the neighborhood meeting for 32nd & Kipling and was appalled by the developer's failure to answer so many questions people had. High density is not appropriate in the middle of a single family neighborhood. Incompatible activities. He has three requests of Council. 1) Respect the wisdom of your predecessors who kept this zoned R-1; 2) Respect the wishes of your constituents; and 3) Respect your own common sense. Would you want this built next to you?

**Ihor Figlus** (WR) announced he is a candidate for District 3. Being on Council means representing the citizens. He will run a campaign based on ideas/policies. He pledged he will not make or condone any personal attacks on candidates, their family members or issue proponents. He invited all other candidates to make the same pledge.

**Rachel Hultin** (WR) Watching the recent discussion about the barn reminded her we don't have an inventory of houses we want to save. As we discuss new investments, ideas that people in our city have, and people who want to bring their ideas to Wheat Ridge, we need clarity about what we value and want to preserve. She thinks the City should have a GIS layer designating houses/structures for historic preservation. ~ She also believes in civility. She has not always felt safe expressing her opinion; she has been personally attacked and threatened on Facebook. It's hard to keep coming when you don't feel safe. She feels in Wheat Ridge everyone is in the minority and that there is no majority on any subject. There needs to be civility so all voices can be heard. ~ She is running for Council. More than one person has told her they feel they can't be heard because there are such dominant voices in the community. She is working with Conflict Center to host a community and conversation workshop on Tuesday, October 8 from 6:30 – 8:30. All candidates will be invited to co-host that. It will be a dialog about how we as a community can talk about topics we don't agree on. ~ Because some people can't come on Monday nights she would like Wheat Ridge to adopt a program like Lakewood has called Lakewood Listens; it allows people to provide input on agenda items and public hearings – online at their convenience. She looks forward to civility.

**Sierra Quinonez** (WR) spoke against the application for rezoning at 32<sup>nd</sup> & Kipling. People in this area have invested in their properties with the knowledge that the property behind them is zoned R-1. Houses have been adjusted to work with the water table. That many new structures will affect our drainage. Hundreds of thousands of dollars have been spent on retrofitting. She added that her husband is retired military and needs the quiet of a single family neighborhood.

**Megan Schleicker** (WR) made the point that the zoning criteria are not met with the plan for 60 townhomes. The hill at 32<sup>nd</sup> & Kipling is a treacherous intersection. She has young children, but Kipling is already a threatening barrier to Discovery Park and Crown Hill. Increasing traffic won't help matters. R-1 even makes her nervous. 20 single family houses on that weird shaped area is too much.

**Jenny Shaver** (WR) attended the 32<sup>nd</sup> & Kipling meeting. People don't want this high density. We are your constituents. What is wrong with single family homes there? Other areas are more appropriate for higher density. She lives on 32<sup>nd</sup> Avenue and the speed and volume of traffic is already horrendous, dangerous and very challenging. ~ She shared her participation in the recent referendum petition process. Now the McLeod's have dug her name through the mud because of her filial relation to the City Clerk. At the hearing there was the added implication that she ignored a subpoena. She said she got no subpoena and the suggestion that she did is insulting. She considers this bullying for helping her neighbors and participating in a democratic process. She hopes this won't discourage others from participating. When Council

doesn't vote with the citizens, the citizens become the target of the developers. Council needs to listen to citizens and be smart about what we develop.

**Jennifer Yates** (WR) agrees the property at 32 & Kipling should remain R-1. ~ She displayed a JUUL vaping device, showing how easy it is to carry and use. She gave information about nicotine addiction and the bad health effects of the other substances in cigarettes and vaping devices. She encouraged the licensing of tobacco vendors.

**Daniel Bryce** (WR) Due to traffic concerns at 32nd & Kipling, he suggested Council consider the possibility of a park or conservation easement. ~ Regarding agenda item #5, he noted this failed 1-6 at the Planning Commission, but staff recommends approval. What's the point of having a Planning Commission and meetings with citizen input, if staff can countermand the decision?

**Brandi Zamudio** (WR) sees and hears the passion of our citizens. People cut out time in their schedules to participate. He thanked Council for what they do, but said they need to actively listen to what people are saying. He knows it's a hard job to make some decisions, but actively listen to what people are saying and why they're saying it.

**Dorothy Archer** (WR) Her heart goes out to the folks near 32<sup>nd</sup> & Kipling. She spoke about how 35 ft tall houses have affected east Wheat Ridge. Council did change the 35 ft height to 35 ft with a 15 ft bulk plane, but she hopes the 35 feet tall houses will be abolished in all residential zones. Citizens in east Wheat Ridge will support their neighbors in west Wheat Ridge. Council should respect those who live here and not change residential zones to PRDs.

**Becky Zachmeier** (WR) has been reading the NRS survey. A mere 3.4% of the population was surveyed. She understands sampling can be done, but wonders why such a small group was surveyed. What about the rest of our voices?

**Dorothy Meganck** (WR) wants to represent the younger folks in the community. It's hard to show up when you have small children and she owns 2 small businesses. They lived in the Highlands but it got too dense; they wanted space. People want a safe place for kids to ride a bike and walk to school. She feels the proposed development for 32<sup>nd</sup> & Kipling does not represent what young families are wanting.

Councilmember Dozeman quoted the City motto in the lobby about "participation or neglect". She believes participation should include respect and civility. She related being verbally attacked by a constituent last week and had to have an officer escort her to her car. Councilmembers need to have thick skin, but they need to be able to have discussions and say things people might not want to hear – without fear of being attacked. She wants people to call her, but she expects respect – which she will return.

## **1. CONSENT AGENDA**

- a. Resolution No. 44-2019 – a resolution approving an Intergovernmental Agreement between the City of Wheat Ridge and the Wheat Ridge Urban

Renewal Authority providing for an annual contribution in the amount of \$300,000 through 2024 [*budgeted; yearly funding*]

- b. Motion to award the purchase of and subsequent payment for twenty-five mobile data computer replacements in the amount of \$80,100 to PCN Strategies in Washington, DC for the annual scheduled mobile data computer replacement [*budgeted; secured wireless connections to the PD; allows patrol officers to file reports and remain in the field longer; provides reliability and stays current with standard technologies*]
- c. Motion to approve payment to Insight Public Sector in the amount of \$77,485.40 for the annual renewal of the Microsoft Enterprise Agreement [*budgeted; keeps us current on all Microsoft licenses; provides discounts, services, planning, training and access to Exchange 2016, Windows 10 and Office 2019 upgrades*]

Councilmember Kueter introduced Consent Agenda items 1 b) and 1c).

**Motion** by Councilmember Kueter to approve Consent Agenda Items b.), and c.); seconded by Councilmember Hoppe; carried 8-0.

Councilmember Kueter introduced Consent Agenda items 1a).

**Motion** by Councilmember Kueter to approve Item 1a); seconded by Councilmember Hoppe.

Councilmember Mathews asked where the \$300K is coming from. Mr. Goff responded:

- Urban Renewal monies come from the General Fund – primarily sales tax. It pays for operational expenses and the URA attorney. Any extra revenue from incremental property tax is used for special projects such as the street light replacement on 38<sup>th</sup> Avenue and the traffic light at 32<sup>nd</sup> & Xenon.
- Councilmember Davis added that the money goes right back into the project (e.g. Sprouts) or to pay off early to lessen the interest obligation (e.g. WR Cyclery).
- When the sales tax increment is satisfied the sales tax returns to the City, but by state statute the URA can continue to earn property tax increment for the rest of the 25 years.

Councilmember Mathews said he doesn't believe in budgeting money 5 years out when there is no identified need and wants to make sure people understand the process.

Councilmember Urban asked if the money is used for staff salaries.

- Mr. Goff advised that Mr. Art's salary comes from the General Fund.
- URA is still paying for the clean-up of 38<sup>th</sup> & Yukon.
- Mr. Art noted other expenses of the URA
  - Paying for the sanitation line on Upham Street and the sanitation improvements on 44<sup>th</sup> from Upham to Wadsworth.
  - Consultant fees when working with the County Assessor
  - The money is not used to pay for debt unless you consider the Yukon clean-up as such.

Councilmember Urban noted a lack of clarity in two different sections about staff salaries. There was discussion/clarification about the salaries for URA staff and other employees. Mr. Dahl agreed and can create new wording that eliminates duplication.

The maker of the motion and the second accepted that as a friendly amendment.

The revised Para 2.C will now reads in its entirety:

The salary of the Executive Director of the Authority shall be established by the board of commissioners of the Authority; provided however, in the event the Executive director hired by the Authority is also a City employee, the Authority agrees that his/her total salary shall be in accordance with the salary set by the City for the Executive Director's position with City; and that the portion thereof attributable to the Authority shall be allocated and paid as provided in this Agreement. The salaries/fees of all other employees, consultants, and experts shall be established by the Board of Commissioners of the Authority. Any Authority employees may be included in benefit programs available to City employees and the Authority shall pay for the costs thereof.

Councilmember Urban noted the differences between the original agreement from 2006 which 1) defined an income source 2) that would pay URA salaries and benefits, and 3) was a supplemental budget appropriation. Now the salaries and benefits are not paid for by URA and it's not a budget appropriation; it's just a resolution for a 5 year commitment for funds. He would like to see it be a yearly budgeted item, and urged his colleagues to vote against this agreement.

The motion to approve Item 1a) with clarifying wording by the City Attorney carried 6-2, with Councilmembers Mathews and Urban voting no.

## **PUBLIC HEARING AND ORDINANCES ON SECOND READING**

2. Resolution No. 45-2019 – a resolution approving a service plan and Intergovernmental Agreement for the Hance Ranch Metropolitan District

This taxing district will finance certain improvements for a residential development. Service plan approval by the City Council is the way the City oversees the creation of such districts, which are ultimately approved for formation by the District Court. Councilmember Mathews introduced Resolution 45-2019.

Mayor Starker opened the public hearing.

Staff Presentation –Meagan Murphy, legal representative for the developer

This is substantively the same service plan as the Ward TOD district.

The plat has been approved for 63 townhomes.

She highlighted what a metropolitan district is - how it's governed, public disclosure.

- This is a brand new plan.

- The debt limit is \$6M; same 60 mills for debt
- It's Gallagerized from Jan 1, 2018; it's a four year debt term.
- Total projected cost for public improvements is \$1.8M.
- The plan was originally written having the City reimburse the developer up to \$241K.
- That has been changed so the City pays no reimbursement to the developer for additional drainage improvements the City requested offsite. Instead the City will provide a credit of up to \$84K for a Tabor Street pipe – a better deal for the City.

#### Public Comment

**Teri Dalbec** (WR) remarked that it seems like the developer isn't paying for things they should pay for such as streets and other infrastructure - as outlined in the PRD. Instead it has the people who will live there pay for it – so they will be getting taxed twice. Failure to pay those fees can result in foreclosure. She is against this.

**Rollie Sorrentino** (WR) said people in the audience would like more explanation about where the Hance Ranch is. Ms. Murphy said it is the SW corner of 52<sup>nd</sup> & Tabor.

#### Council Questions

Councilmember Davis wanted it to be clear that prospective buyers will be aware of the metropolitan district. Ms. Murphy said it will be in the sales contract, and other publicly available documents.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Mathews to approve Resolution No. 45-2019, a resolution approving a service plan and Intergovernmental Agreement for the Hance Ranch Metropolitan District; seconded by Councilmember Urban; carried 8-0.

3. Resolution No. 46-2019 – a resolution approving the assignment to the Housing Authority of the City of Lakewood, Colorado, D/B/A Metro West Housing Solutions of \$1,667,715 of the City of Wheat Ridge, Colorado's 2019 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and authorizing the execution and delivery of an Assignment and other documents in connection therewith

The City of Wheat Ridge has received an allocation of \$1,667,715 for the purpose of issuing Private Activity Bonds (PABs) in 2019.

Councilmember Dozeman introduced Resolution 46-2019.

Mayor Starker opened the public hearing.

#### Staff Presentation – Patrick Goff

Mr. Goff noted this was discussed thoroughly at the study session just last week. PABs are tax exempt bonds through a program from the federal government. The City gets an annual allocation, but we've never used it for a specific project in WR. We're

fortunate this year the Jefferson County Housing Authority (JCHA) has come to us with a good project. We'll be partnering with them for leverage for other funding for an affordable housing project.

**Lori Rosendahl**, Executive Director of the JCHA, stated that improvements at Caesar's Square apartments were chosen to help families.

- It's currently a market rate property and receives no subsidy. They will be bringing in a tax credit financing deal that will restrict the rents to 60%/80% or below; it will be a restricted income property.
- They will add a community room, improve the units, and they have been working with the WR Police Department on access issues and lighting for safety.
- The complex includes 37 1BR, 69 2BR, and 2 3BR units.
- The 60% EMI in Jefferson County (i.e. income ranges served) is \$39K (one person), \$44K (two persons) and \$50K (three persons).
- Restricted rents will range from \$1000 -1,400 a month.

Public Comment No one came forward to speak.

#### Council Questions

Councilmember Kueter made the point that these are federal funds, given to the state of Colorado, a portion of which is allocated to the City of Wheat Ridge, to be used to leverage bonds from the City of Lakewood's housing authority, for a project owned by the Jefferson County Housing Authority that is located in Wheat Ridge. Ms. Rosendahl agreed it is a complex funding structure. Metro West Housing Solutions (Lakewood) is only involved because they are issuing the PABs on their behalf.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Dozeman to approve Resolution No. 46-2019, a resolution approving the assignment to the Housing Authority of the City of Lakewood, Colorado, D/B/A Metro West Housing Solutions of \$1,667,715 of the City of Wheat Ridge, Colorado's 2019 Private Activity Bond Volume Cap Allocation from the State Ceiling for Private Activity Bonds; and authorizing the execution and delivery of an Assignment and other documents in connection therewith; seconded by Councilmember Weaver.

Councilmember Urban felt it important to note that this \$1.6M is not costing the City any money; it doesn't come from our coffers. We are just letting them use our allocation.

Councilmember Hoppe praised this effort to maintain affordable housing in the City.

The motion carried 8-0.

4. Council Bill No. 11-2019 – an ordinance amending Sections 11-51, 11-53, and 11-63 of the Wheat Ridge Code of Laws concerning the licensing and regulation of alcoholic beverages



This is the final set of code revisions necessary to conform to the significant changes the legislature made in the Colorado Liquor and Beer Codes in 2016 and 2018. They all went into effect on January 1, 2019.

Councilmember Weaver introduced Council Bill 11-2019.

Mayor Starker opened the public hearing.

City Clerk Shaver assigned Ordinance 1673.

Staff Presentation – Gerald Dahl

- These changes are in response to changes made by the state legislature that created several new types of liquor licenses.
- We don't have to create a new type of license or a new land designation.
- By approving these code changes Council will
  - 1 Define Entertainment and Lodging facilities.
  - 2 Allow Lodging & Entertainment Licenses within 500 feet of schools
  - 3 For the new Liquor Sales Room - when there's an application to the Liquor Authority, there will be a zoning check to see if it is an allowed use.
  - 4 Place these new licenses into categories for setting fees.

Public Comment No one came forward to speak.

Council Questions

- Councilmember Weaver asked if full strength beer could be sold within 500 ft of a school. Yes. 1:28
- Councilmember Mathews received confirmation that this is meshing with state law – we are not creating our own new rules.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Weaver to approve Council Bill 11-2019, an ordinance amending Sections 11-51, 11-53, and 11-63 of the Wheat Ridge Code of Laws concerning the licensing and regulation of alcoholic beverages on second reading, and that it take effect 15 days after final publication, seconded by Councilmember Kueter; motion carried 8 -0.

**ORDINANCES ON FIRST READING**

5. Council Bill 13-2019 – An Ordinance amending the Wheat Ridge Code of Laws concerning procedures for protests under Section 5.10 of the Home Rule Charter (Case No. ZOA-19-03)

The City Charter includes a provision allowing for a protest to be filed against a zone change request. If a protest is received, the rezoning ordinance must be approved by a  $\frac{3}{4}$  vote of the entire Council (6 votes). The purpose of this code amendment is to enact a delay in the public hearing in the event a protest is received.

Councilmember Hoppe introduced Council Bill 13-2019.

**Motion** by Councilmember Hoppe to approve Council Bill 13-2019 - an ordinance amending the Wheat Ridge Code of Laws concerning procedures for protests under Section 5.10 of the Home Rule Charter (Case No. ZOA-19-03), on first reading, order it published, public hearing set for Monday, September 9, 2019 at 7:00 p.m. City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Kueter; carried 7-1, with Councilmember Urban voting no.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

6. Referendum of Ordinance 1667, Series 2019 with respect to rezoned property at 4000-4066 Upham Street

Citizens of Wheat Ridge have submitted a referendum petition for the repeal of Ordinance 1667.

Councilmember Davis introduced Item 6.

#### **Staff Presentation**

- Mr. Dahl explained for Council the two actions that are possible for them:
  - 1) Repeal Ordinance 1667, or 2) Refer Ordinance 1667 to the voters.
- The City Clerk and the hearing officer have both ruled the referendum petition is sufficient.
- The Charter is specific about the language that is required. Yes means yes (for the ordinance), and no means no (against the ordinance).
- Council can refer this to the upcoming election on November 5<sup>th</sup> or to a special election after that on specific Tuesdays in December or January.

#### **Public Comment**

**Kathy Havens** (WR), who carried petitions for the referendum, said 90% of people signed it and they were a variety of ages. Over and over she heard people say they left the Highlands because of the increasing density. Traffic is the biggest reason for signing the petition; higher density brings more traffic. No traffic study was done for this development. Apparently the City doesn't have the resources to do the traffic study. She believes the citizens who live on Upham are owed an independent traffic study – not one paid for by the developer. There is also a concern that in Wheat Ridge the "Planned Development" is just a way to sneak around the requirements for R-1 and R-2 zoning and build high density. She asked Council to consider the 2,000+ plus people who signed the petition.

**Rollie Sorrentino** (WR) reminded Council that last spring they heard dozens of citizens ask them to stop this PRD. That didn't happen. Now 2,000 citizens have signed a petition against this development. Council should not turn their backs on them again.

Council Questions

Councilmember Davis asked if Council could set a hearing for repeal and *then* decide to put it on the ballot. Mr. Dahl advised that due to deadlines with the County tonight is the last night to get it on the November ballot. If it's not done tonight, it will require a special election.

Councilmember Kueter was told this only needed a majority vote.

Councilmember Mathews asked about the possibility of reconsideration. Mr. Dahl explained the various possibilities, but ultimately – if Council does not repeal this ordinance, it will have to go to a special election.

**Motion** by Councilmember Davis to approve Resolution No. 47-2019, a resolution referring Ordinance 1667, Series 2019 to the regular municipal election to be held on November 5, 2019 and setting a ballot question therefor; seconded by Councilmember Kueter.

- Councilmember Davis chose this motion because she thinks it's best for the citizens to decide.
- Councilmember Hoppe read the proposed ballot language. She noted that the official record does state that Jenny Shaver was not served a subpoena.
- Councilmember Weaver stated that this rezoning was from R-3 to PRD. Her vote was a personal decision based on what she would want next to her. PRD has a specific nicer design than R-3.
- Councilmember Urban spoke about the fundamental right of citizens to petition their government and the need to respect the integrity of the City Clerk and the citizens during this process.
- Councilmember Kueter noted in his seven months on 'Council this is the 6<sup>th</sup> time to address this subject. He will support the motion so that the issue has some closure, but he knows the underlying principle is still not settled.
- Councilmember Mathews thinks sending this to the ballot will be a better sampling of how citizens feel about density and rezoning. He hopes the next Council will listen to the citizens.
- Councilmember Hoppe stated that while she may not vote like Mr. Mathews, she does listen to citizens, and to impugn her motives is inappropriate.

The motion carried 8-0.

**CITY MANAGER'S MATTERS**

**Patrick Goff** reported on the Rocky Mountain Bottle Company noise mitigation issue. They did send a letter to the surrounding neighbors. This Thursday they will receive a proposal for abatement and a timeline from the company that installed the equipment.

**CITY ATTORNEY'S MATTERS**

**ELECTED OFFICIALS' MATTERS**

**Clerk Shaver** reported that candidate petitions are all in. There will be a race in all council districts. The date for the lot drawing had to be changed to September 4. She apologized for the lack of updates on candidate paperwork on the Clerk's website. Now that the hearing is over and the Deputy Clerk is back from vacation, things will get back to normal. The website will be updated as soon as possible.

**Larry Mathews** had several items to report.

- He attended the hearing last Friday. Democracy is messy, but it was an interesting and long day.
- He assured citizens the City will continue to stay on top of the Rocky Mountain Bottle situation and work to get a satisfactory result.
- The Grand Opening for Hobby Lobby was exciting; it's a beautiful store. Home Goods and Sierra Trading Company should be opening in about a month.
- Clear Creek Crossing progress update:
  - Construction for the I-70 ramps and associated roadworks is underway and parts should be finished by the end of the year; bridge work will be later.
  - The leasing team is focusing on entertainment and restaurants to find a good mix that works for all committed and future tenants.
  - Foothills Credit Union is under contract for a pad north of the ramps.
  - Kum and Go will be the gas/convenience store.
  - They have a hotel agreement for a 125 room Hampton Inn & Suites.
  - Harvest Village will be submitting a proposal for the retail portion of the complex.
  - The multifamily apartments will begin in 2019.

**David Kueter** announced that the bicyclist killed in Arvada last week was a WR resident; his wife is a community volunteer. He cautioned that this could have happened in Wheat Ridge and safety needs to remain a high priority.

**Leah Dozemann** remarked that the new Hobby Lobby is beautiful. Sierra Trading Goods should be open in a week. Ulta and Home Goods should open sometime in early October. She welcomed them and thinks they will be good for the community.

**Zach Urban** noted that August 31 is International Overdose Awareness Day. There are so many preventable tragedies.

**Kristi Davis** listened to what people said about the developments. ~ Her Melrose Manor neighborhood had their 13th annual block party. Approximately 90 people attended; West Metro showed up. She encouraged other neighborhoods to have them.

**Amanda Weaver** liked the comments about civility. ~ She reassured everyone, especially the folks in District 3, that the Council is listening. She and Councilmember Pond read every email, do callbacks and meet with people if needed. While listening to people who email and come to meetings, they are also listening to other people who

have other opinions who live in R-1, R-2 and R-3 neighborhoods and the business community. They are working very hard. She thanked those who came in to speak.

**George Pond** thanked those who showed up tonight. He looks forward to more participation.

**Janeece Hoppe** reported having a beautiful morning at the new Hobby Lobby for the ribbon cutting. ~ She noted that Councilmember Mathews and Dozeman have requested Rocky Mountain Bottling be on a study session; it is set for a Special Study Session for September 23. ~ On October 7 there will be a presentation on "People Speak", an on-line, public outreach software for land use and public hearings.

**Mayor Starker** reported participating last Tuesday in the Comprehensive Homeless Count that Jefferson County has been doing in August. They are working on solutions to address the issue. It is everywhere and will require everyone working together with understanding and compassion. He's glad Council approved the Ceasar's Square project as it will help some folks avoid homelessness. ~ He joined in offering condolences to the family of the Wheat Ridge man [*Mr. Nadler*] who was hit and killed on his bicycle in Arvada last week. He urged folk to be careful of the kids too – now that school has started. ~ He wished all a safe and happy holiday this weekend.

### **ADJOURNMENT TO SPECIAL STUDY SESSION**

The meeting adjourned at 9:15 pm.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janeece 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.

# **CITY COUNCIL MINUTES**

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

**September 9, 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 | David Kueter | Amanda Weaver |               |
| Janece Hoppe  | Leah Dozeman | George Pond   | Larry Mathews |

Absent: Kristi Davis (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Gerald Dahl; City Manager, Patrick Goff; City Treasurer, Chris Miller; Interim Police Chief, Dave Pickett, other staff, guests and interested citizens.

### **APPROVAL OF THE AGENDA**

Councilmember Mathews asked to pull Item 1b from the Consent Agenda.

In order to accommodate a scheduled Executive Session, Mr. Dahl asked that the following schedule be followed: At the end of the Regular Meeting the Council should recess to the Special Study Session; then reconvene the Regular Meeting for the purpose of going into Executive Session. Following the Executive Session, Council can return to the Regular Meeting and adjourn.

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

**Jefferson County Sheriff Jeff Shrader** asked the Council to endorse Jefferson County Ballot Issue 1A. It is a TABOR timeout. He explained the ramifications for public safety if the measure does not pass.

- The sheriff's budget will be cut about \$10M.
- He will have to close one housing floor (of five) of the jail in 2020, and close another floor in 2021. That's 640 beds.
- This reduction of about 550 inmates will force him to do two things:
  - 1) Enact a court ordered reduction of sentences by 50%.
  - 2) Refuse to accept prisoners for petty offenses, municipal offenses, and up to and including Class 4 Felonies. Offenders with multiple DUIs and some with "persons crimes" would be included in this.

- The DA's budget will also be cut by \$1.5M. This will reduce the number of lawyers and investigators and change public safety policy throughout the County. Citizens can look to KeepJeffcosafe.com for more details. He asked the Council to please pass a resolution in support of 1A.

## **1. CONSENT AGENDA**

- a. Motion to cancel the Study Session of the Wheat Ridge City Council on November 4, 2019, due to the Municipal Election
- b. Resolution No. 48-2019 – a resolution concerning the acquisition and acceptance of private property for the purpose of constructing, installing, maintaining, and using public improvements for improving the intersections of W 52<sup>nd</sup> Avenue/Ward Road and Ridge Road/Ward Road and the pedestrian bridge, associated plaza areas, and the multi-use trail by negotiation and voluntary purchase and authorizing such action as necessary to accomplish said purposes [*acquisition costs: \$711,480; from 2E funds*]
- c. Resolution No. 49-2019 – a resolution approving an intergovernmental agreement with the City of Mountain View regarding Stormwater Drainage Improvements [*41<sup>st</sup> & Fenton*]
- d. Resolution No. 50-2019 – a resolution approving the memorandum of understanding between the West Metro Fire Protection District and the City of Wheat Ridge concerning DUI blood draw services [*WMFPD has personnel trained for this*]

Councilmember Pond introduced the Consent Agenda.

**Motion** by Councilmember Pond to approve the Consent Agenda Items a), c), and d); seconded by Councilmember Hoppe; carried 7-0.

Councilmember Pond introduced Consent Item 1b.

**Motion** by Councilmember Pond to approve Item 1b; seconded by Councilmember Hoppe.

Councilmember Mathews asked if this would include eminent domain. No. It authorizes all other options, but eminent domain would come to Council.

The motion carries 7-0.

## **PUBLIC HEARINGS AND ORDINANCES ON SECOND READING**

2. Council Bill No. 13-2019 – An Ordinance amending the Wheat Ridge Code of Laws concerning procedures for protests under Section 5.10 of the Home Rule Charter (Case No. ZOA-19-03)

The City Charter provides for a legal protest to be filed against a zone change request. If a protest by 20% of adjacent property owners is received, the rezoning ordinance must be approved by a  $\frac{3}{4}$  vote of the entire Council (6 votes). The purpose of this code amendment is to clarify the protest procedure and to enact a delay in the public hearing in the event a protest is received.

Councilmember Hoppe introduced Council Bill 13 -2019.

Mayor Starker opened the public hearing.

City Clerk Shaver assigned Ordinance No. 1673.

Staff Presentation – Jerry Dahl

- This doesn't change the Charter; it implements the Charter for protest procedures.
- The Charter doesn't define the time when a protest can be filed; this ordinance will.
- The motion in the packet is the 1<sup>st</sup> reading version. He has given Councilmember Hoppe the 2<sup>nd</sup> Reading version. He recommended some additional changes:
  - Detailing the protest process in one place – not three as currently exists.
  - Community Development Department figures out if the 20% is met.
  - A recess can occur to determine if the protest is sufficient.
  - If sufficient, the item will be continued to the next meeting.
  - Includes properties diagonally adjacent to the corners of the subject property.
  - A protest can be rescinded by a written instrument. (Council could disallow withdrawal of a protest if it wishes.)
  - At Council's request, it is written to require protests to be filed prior to commencement of the hearing.

Public Comment

**Meghan Schleicher** (WR) has concerns about this. Citizens are at a disadvantage, while staff and developers are experts on this. Citizens should be given plenty of time, as the ability to obtain signatures is a challenge. Also, who do we call for answers to questions – including what properties are eligible to protest. Please include wording that provides the ability of citizens to correct their protest, and provides a way of knowing which addresses are to be included.

**Dorothy Archer** (WR) donated her time to Ihor Figlus.

**Ihor Figlus** (WR) spoke in opposition to this change.

- At best it is unnecessary; at worst it is erroneous and subverts the Charter.
- The Charter specifically does not require advance submission of a protest to prevent undue influence from being exerted against the protesters. Protests can be submitted "at the hearing". Requiring a continuance will effectively create a two week advance submission requirement in direct opposition to the intent of the Charter.
- A protest does not create a pressing need or change the facts of the case.
- The matter is quasi-judicial; Council should not be discussing it.



- The only thing that can change is withdrawal of a protest; protests cannot be added. This opens the door for unsavory influence on a protestor. Given the zealousness of a developer currently pursuing his rezoning in this city, it isn't hard to imagine this happening.
- If anything, Council should be adopting an ordinance requiring them to vote on a rezoning that has a protest at the hearing - without a continuance.
- He noted an error in the diagram Figure 26-11.2 panel E. He explained how the corners should remain and cited precedent in Case WZ 18-09 in Aug 2018 when a diagonal property across the street was allowed to protest and it was accepted.

**Rachel Hultin** (WR) spoke in favor of the ordinance.

- It came forward from her remarks about the desire to have more notice, transparency, predictability and inclusion.
- If there's a protest that means there is something that needs to be addressed.
- If citizens have gone through the process, we should pay closer attention to it. They should be allowed that extra time.
- A protest changes the dynamic on the dais and creates tension.
- She didn't expect all the nuances that came out of this process (e.g. corners). Citizens should all have the same accurate information.
- She understands the issue of opening this up to undue influence, but ultimately our community values predictability, inclusion and transparency.
- A protest is a signal to pay closer attention. She thinks it's fair to give us all time to understand what that is.

**Odarka Figlus** (WR) responded:

- If the desire is predictability, stability and integrity, this proposal works against all of those things and will jeopardize the City's integrity and predictability. Everyone, including developers, should understand/expect the possibility of a protest.
- Regarding tension on the dais, there should be none; discussion should be only about the merits of the case.
- During the intervening 2 weeks period, there could be undue influence through the police power of the City or influence on the protester to withdraw their protest. There is already hesitancy to protest for fear of repercussions.
- Being allowed to file a protest during a hearing makes sense because sometimes you have to listen to the proposal before you know if you want to protest.
- It's also hard to get people to come again to another meeting. People won't trust what's happening – wondering what back room deals could happen during the two weeks.
- This can also be unfair to the developer. If he has a good proposal he has to wait and uncertainty is added.
- This not fair to anyone. It doesn't open the process; it clouds it up.

### Council Questions

Councilmember Mathews had concerns about not including properties diagonal across the street in the "100 feet". Mr. Dahl agreed that the intent of the Charter was as if the street was not there, and advised Council could articulate that if they wished.

Councilmember Weaver asked if notification would now include these diagonal areas. Mr. Johnstone outlined the notification policy: 600ft for the neighborhood meeting, 2-300 ft for rezoning, depending on the type of land use application, and immediately adjacent for subdivision plats. The 100 ft will be calculated around the whole perimeter of the property.

Councilmember Kueter had questions about the 20% and noted that adding more properties could be a 2-edged sword.

Councilmember Urban noted the Charter says protests are to be received “by the hearing”. If we can’t require protests to be due by 1<sup>st</sup> Reading, how can we require protests by the start of the hearing (2<sup>nd</sup> Reading), then continue it, prohibiting further protests, and essentially create a Third Reading? During discussion Mr. Dahl advised that Council gets to decide what “by the hearing” means and needs to decide when the door closes for protests. If it is “at the commencement of the hearing” followed by mandatory continuance, the letter of the Charter is satisfied, but probably not the spirit of the Charter. While no new protests could be filed during the next two weeks, the list of things that could happen in two weeks is large. The continuance satisfies the Charter but raises other concerns.

Councilmember Hoppe asked if Council could add “once the hearing has commenced, no new protests can be submitted”. Mr. Dahl indicated that is possible with the words “prior to initial commencement of the hearing”.

Councilmember Kueter inquired if multiple owners protest, to make the 20%, what if one property owner withdraws. Mr. Dahl advised it can be individual protest documents or one document signed by multiple protesters – in which case all protestors would have to agree to withdraw the protest. In any case, you still need to follow the 20%.

Councilmember Urban confirmed with Mr. Dahl that there is currently nothing in the Charter that prevents Council from continuing a hearing. He encouraged maintaining flexibility.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hoppe to approve Council Bill 13-2019, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the right of protest procedure for rezoning decisions, on second reading, order it published, and that it take effect 15 days after final publication, with the following adjustments;

- Section 1.7: Add a new a) to read “prior to the commencement of the hearing”,
  - Adjust subsequent lettering,
  - Page 3, Figure 26-112.1, Figure E: Add the corner properties
- seconded by Councilmember Kueter.

**Motion** by Councilmember Urban to amend changing “Council shall” to “Council may”; seconded by Councilmember Mathews. Discussion followed and the amendment failed 3-4, with Councilmembers Hoppe, Weaver Kueter and Pond voting no.

Mr. Dahl received clarification from Councilmember Hoppe regarding changes to paragraph 7. She agreed to strike “no later than”, and replace it with “prior to commencement of”. Councilmember Urban noted that language comes from the Charter, so how can we amend Charter language in the Code? Mr. Dahl agreed and recommended new wording.

Councilmember Hoppe restated the motion with new wording.

**Motion** by Councilmember Hoppe to approve Council Bill 13-2019, an ordinance amending Chapter 26 of the Wheat Ridge Code of Laws concerning the right of protest procedure for rezoning decisions, on second reading, order it published, and that it take effect 15 days after final publication, with the following **amendments**;

- Section 1.7: Add a new a) to read “**All protests shall be submitted prior to the commencement of the public hearing**”
- Adjust subsequent lettering,
- Page 3, Figure 26-112.1, Diagram E: **Diagonal properties shall be added as shown in Diagram B**

The second to the motion agreed.

**Motion** by Councilmember Weaver to amend the main motion by adding a subsection h) stating the Community Development Department shall provide written guidance to the public on procedures for protest; seconded by Councilmember Hoppe; carried 7-0.

Discussion of the main motion continued.

- Councilmember Kueter: We should be encouraging the developer and the protesters/neighbors to work together.
- Councilmember Hoppe: This is an effort to grow inclusivity and transparency. All citizens benefit when the playing field is leveled.
- Councilmember Pond thanked people for coming in and speaking. Allowing protests up until the start of the hearing preserves the ability for “last minute” protests.
- Councilmember Urban: This does not level the playing field. It forces unnecessary delay of the process, ties Council’s hands, and is an impediment to citizens’ rights.
- Councilmember Dozeman: Planning Commission voted this down for a variety of reasons. Tension prevents good discussion.

**Motion** by Councilmember Dozeman to continue this item to the next Regular Meeting for review and further discussion of the proposed amendments; second by Councilmember Urban; carried 7-0.

3. Resolution No. 51-2019 – A Resolution approving a two-lot subdivision with variances for lot width and lot size for property zoned Residential-Three (R-3)

located at 2810 and 2816 Benton Street (Case No. WS-19-05 / Horton Subdivision)

The applicant is requesting approval of a two-lot subdivision with lot width and size variances. The purpose of the request is to allow for two existing single-family homes to be contained on separate lots, with one also encompassing a carriage house which currently functions as a legally nonconforming third dwelling unit.

Councilmember Kueter introduced Resolution 51-2019.

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

#### Staff Presentation - Planner Stephanie Stevens

- Ms. Stevens entered into the record the case file, the subdivision regulations, and the contents of the digital presentation.
- She testified that all posting and notification requirements had been met.
- The 0.30 acre property was originally subdivided in 1893. Two single family homes and a carriage unit were built in 1917, 1930 and 1970 (pre-dating City zoning regs).
- A chicken coop converted to dwelling unit was recently demolished. The carriage unit is a legal non-conforming structure.
- Zoning is R-3 and is surrounded by similar zoning with primarily single family houses.
- The proposal re-subdivides from 4 lots to 2; Council approval is needed on this due to the request for variances.
- The structures were developed over lot lines. There are several nonconformities, but the subdivision improves and decreases incrementally those nonconformities.
- Layout allows two existing single-family homes to be contained on separate lots, with one including the carriage house - a legal nonconforming 3rd dwelling unit.
- The requested variances are lot width (slightly narrower than allowed in R-3).
- Public improvements are in place and do not need to be added.
- Outside agencies can serve the property and have no concerns.
- The 15-day public hearing notice generated no calls or letters of opposition.
- Staff and the Planning Commission recommend approval of the subdivision with variances.

#### Applicant

Mr. Terry Horton, who lives on Cody in Lakewood, spoke.

- Each property has electricity and gas lines.
- Plumbing and furnaces were upgraded to code 20 years ago.
- It's zoned R-3 but he will not build a triplex; he is signing a document that neither he nor anyone who buys it in the future can build a triplex.
- They lived in the big house for 5 years. All houses have been rentals for the last 15 years. They want to sell off one house to pay off mortgage for the other one. A property management company will tend to the one they keep.

Public Comment No one came forward to speak.

#### Council Questions

Councilmember Weaver asked about the possibility of an R-3 dwelling. Ms. Stevens testified that due to lot size it will only ever allow single family houses.

Councilmember Mathews is not sure things will not change. Mr. Johnstone explained that absent any changes to the zoning or the development regulations these lots are only big enough to allow a single family home on each lot. The carriage house is legally non-conforming; if it is torn down it cannot be rebuilt.

Mr. Horton stated he is not a developer. He will sell one lot and keep one as a rental.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Kueter to approve Resolution No. 39-2019, a resolution approving a two-lot subdivision with variances for lot width and lot size for property zoned Residential-Three (R-3) located at 2810 and 2816 Benton Street 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 requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.
5. The variance request is in compliance with a majority of the review criteria.

seconded by Councilmember Hoppe; carried 6-1, with Councilmember Mathews voting no.

### **ORDINANCES ON FIRST READING**

4. Council Bill 15-2019 – An Ordinance amending Chapter 26 Article VIII, of the Wheat Ridge Code of Laws to add floodplains in the Sloan's Lake watershed to the City's Floodplain maps as a Local Flood Hazard Area

The Sloan's Lake Flood Hazard Area Delineation (FHAD) is now ready to be adopted as a Local Flood Hazard Area (LFHA).

Councilmember Kueter introduced Council Bill 15-2019.

**Motion** by Councilmember Kueter to approve Council Bill 15-2019 - an ordinance amending Chapter 26 Article VIII, of the Wheat Ridge Code of Laws to add floodplains in the Sloan's Lake watershed to the City's Floodplain maps as a Local Flood Hazard Area, on first reading, order it published, public hearing set for Monday, September 23, 2019 at 7:00 p.m. in City Council Chambers, and that it take effect 15 days after final publication; seconded by Councilmember Urban; carried 7-0.

## **DECISIONS, RESOLUTIONS AND MOTIONS**

5. Motion to award a contract and approve subsequent payment of \$83,000 to KC Construction Inc., of Castle Rock, CO, for the Wheat Ridge Police Evidence Building improvements and approve a 10% contingency in the amount of \$8,300

The project will add a second floor within one side of the building to create more storage space for evidence. Modifications will include structural, mechanical and electrical additions/improvements.

Councilmember Dozeman introduced Item 5.

### **Staff Presentation**

Karen O'Donnell spoke briefly. This project will complete the build-out of the evidence building and provide much-needed space for storage of evidence.

There was no public comment, and there were no questions from Council.

**Motion** by Councilmember Dozeman to award a contract and approve subsequent payment of \$83,000 to KC Construction Inc., of Castle Rock, CO, for the Wheat Ridge Police Evidence Building improvements and approve a 10% contingency in the amount of \$8,300; seconded by Councilmember Weaver; carried 7-0

6. Resolution No. 52-2019 – A Resolution approving the acceptance of Justice Assistance Grant (JAG) funds in the amount of \$10,440 to be combined with budgeted funds to upgrade three security cameras covering the Police Department parking lot

The WRPD would like to combine the 2019 JAG funds with \$6,218 of budgeted IT Division funds to upgrade three security cameras that monitor the employee parking lot east of the police building to a digital format.

Councilmember Urban introduced Item 6.

**Staff Presentation** – Dave Pickett was available for questions

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

**Motion** by Councilmember Urban to approve Resolution No. 52-2019, a resolution approving the acceptance of Justice Assistance Grant funds in the amount of \$10,440 to be combined with budgeted funds to upgrade three security cameras covering the Police Department parking lot; seconded by Councilmember Dozeman; carried 7-0.

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

Mr. Goff reported the long awaited hiring of a new Public Works Director. He will start November 1 after he finishes some projects in North Dakota and moves his family here. A press release will be issued. ~ Rocky Mountain Bottle has a proposal from PraxAir for long term noise mitigation. In the meantime they've done some short term fixes - adjusting the cycling of the oxygenator and changing piping that was improperly installed. .

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

### **ELECTED OFFICIALS' MATTERS**

**Leah Dozeman** reminded everyone the Farmers 5000 is this weekend, Sunday at 9am.

**Motion** by **Janeece Hoppe** to have a resolution in support of Jeffco1A prepared for a vote at the next meeting; seconded by Councilmember Kueter; carried 7-0.

**Mayor Starker** reported attending the Ridge Fest. It was a great time. He thanked the City staff that volunteered to help with the event and Localworks for their collaboration.

The Mayor recognized Councilmember Urban for the purpose of a motion.

**Motion** by Councilmember Urban to recess to a Special Study Session for a report on the Clear Creek Crossing PIF Collecting Agent Agreement, seconded by Councilmember Hoppe, carried 7-0.

**RECESS TO SPECIAL STUDY SESSION at 9:00pm** (A short break was also taken.)  
*[Notes for the Special Study Session are under separate cover. Audio of the Special Study Session is available within the recording of this Regular Meeting. Cf. 9:13-9:21pm.]*

### **RECONVENE CITY COUNCIL MEETING at 9:21pm**

Following the Special Study Session, Mayor Starker reconvened the Regular City Council Meeting and recognized Councilmember Hoppe for the purpose of a motion.

**Motion** by Councilmember Hoppe to go into Executive Session for a conference with the City attorney and City Manager and appropriate staff under Charter Section 5.7(b)1 CRS 24-6-402(4)(b) to receive legal advice concerning pending litigation Clark/Sorrentino and McLeod, and to return to the open meeting at the close of the Executive Session for the purpose of taking any final action deemed necessary; seconded by Councilmember Urban; carried 7-0.

**RECESS TO EXECUTIVE SESSION at 9:22pm.**

The Executive Session was held in the Lobby Conference room.

**RECONVENE REGULAR MEETING**

Following the Executive Session the Regular Meeting was reconvened at 9:55.

There being no further business Mayor Starker declared the meeting adjourned.

**ADJOURNMENT**

The meeting adjourned at 9:55pm.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 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.



# **CITY COUNCIL MINUTES**

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

**September 23, 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 | David Kueter | Amanda Weaver | Leah Dozeman  |
| Kristi Davis  | George Pond  | Larry Mathews | Janeece Hoppe |

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

### **PROCLAMATIONS AND CEREMONIES**

#### **Domestic Violence Awareness Month**

Mayor Starker proclaimed the month of October 2019 as Domestic Violence Awareness Month and stated the City of Wheat Ridge is committed to the reduction of domestic violence and the health, safety and welfare of its residents by providing assistance to victims and witnesses of crime and other traumatic events through victim assistance partnerships and awareness-related efforts and events.

**Scott Shields** and **Deb Bittner** from Family Tree were present to receive the proclamation. Mr. Shields thanked the City for its continued stance against domestic violence. Ms. Bittner shared numbers and explanation about how many people have been helped - women, youth and families, with shelter, legal services, help with protection orders, education on prevention and parenting, guidance, and other services.

### **APPROVAL OF AGENDA**

### **CITIZENS RIGHT TO SPEAK**

Mayor Starker announced that comments on study session items would be taken at this time.

**LynnAnn Huizingh** (Littleton), executive director for Severe Shelter Network. They provides overnite shelter for homeless people/families at 25 local churches in Jefferson County. She asked for help to ensure that churches can continue to provide safe shelter during severe weather. This practice is being threatened due to legal arguments

regarding fire and building code issues. Motels are not funded this year, and are no place for children. She urged Wheat Ridge to offer local code amendments to allow churches and buildings to be used for shelter.

**Allie Card** (Denver), executive director for Family Promise of Greater Denver. Two of the 24 churches they use to provide temporary shelter for families are in Wheat Ridge. She highlighted their year-round services which are for families. If changes aren't made to existing code they will lose all their emergency shelter beds.

**Bruce Carl** from West Metro Fire confirmed that the codes in Wheat Ridge do not allow churches to be used as shelter. He asked Council to direct building staff to consider changing codes to allow for sheltering.

**Stacy Mintken** (WR) spoke about the house in their neighborhood that has been refurbished and is now a sober living home run by Monarch Sober Living Strategy (MSLS). She commends people for trying to change their lives, but MSLS has standards that are not being followed at this house - including enforcement of curfew, restriction to one sex, and checking for alcohol. This project is being conducted in secrecy; there is no open dialog about what is happening. The people who bought the home do not live there. There is something mischievous about the way it was presented to the neighbors. There are 12 people living there with 10-11 cars. People and cars come and go at all hours. She asked for Council's help to fix this situation and/or prevent it from happening in the future.

**Dale Squillace** (WR) spoke about the terrible noise coming from the Rocky Mountain Bottle plant. For 15 years the noise has been tolerable, but changes last winter have resulted in an intolerable situation. They can't use their patio and they can hear it through their bathroom fan. It never stops. He hopes the City can work with RMB to find a solution.

**Ashley Holland** (WR) from Local Works highlighted the recent, successful Ridgefest celebration. She thanked the City for all the help. There will be a public reception Oct 23 to meet the new executive director, Kate Cook, who joined them today.

**Charles Parnell** (WR) spoke about the noise at the Rocky Mountain Bottle plant. The noise was never a problem until changes were made last year. Now it's hard to get a decent night's sleep. Yes, they knew that RMB was there when they moved in, but now that they are there, RMB should not be allowed to increase the noise so drastically. Some nights are much worse than in the day. It can be heard all the time. A solution needs to be found.

**Edward Fleegeler** (WR), a retired geriatrician, referenced a white paper from the American College of Physicians that addresses the health effects of climate change and global warming. He spoke about algae in the Greenbelt and that the City is monitoring it. He asked for the community to demand something be done about climate change and

sustainability – like the students who struck last week. He hopes any future rulings or changes to the laws by the City include climate change and sustainability.

**Deborah Young** (WR) spoke about the Monarch sober living group home. Word from the City is that the number of residents is unregulated. This Saturday at 6am they began installing another basement egress window – presumably to add another bedroom. Our code specifies R-1 zoning prohibits “any activities that are incompatible with low density residential character”. Children can’t ride their bikes on the edge of the street, and are forced into the middle of the street because there are so many cars. Residents of the group home also make U-turns, coming and going; it is a safety concern. She wishes the ladies full recovery, but believes all residents need to be considered so that it’s fair to everyone.

**Colette Beneski** (WR) spoke about the sober living home. Her concern is who is protecting property values and character of her neighborhood. The owners are making money at the expense of the neighborhood. Local government does have a role. This is important. Council should look at ordinances that were passed in Prescott, Arizona that provide regulatory oversight for sober living homes with breeching the Americans with Disabilities Act or the FHA.

**Kim James** (WR) lives near the sober living house. She has a sister that lived in a similar home, so she has sympathy for them. Her concern is lack of transparency. The owner said he and his wife would be living in the house and he would be bringing cookies around to everyone to introduce themselves. Now there are 9-11 cars and multiple people coming at all hours. Her children can no longer ride their bikes in the area due to the cars and there is also insidious drainage coming from the house that’s a concern. The inability of neighbors to offer input is another concern. She spoke with ladies who live there and found out the owners are getting \$900/month from 12 women. When the owner was contacted, he was defensive and wouldn’t discuss it. We all want these ladies to do well, but this situation is tough to accept.

**Abby Biegler** (WR) lives in the neighborhood of the sober living house. She agreed with her neighbors that have spoken and had nothing else to add.

**Jerry DiTullio** (WR) announced a local candidate forum tomorrow night in Council Chambers from 6-9pm sponsored by the WR Chamber. He didn’t want this confused with a private event next Monday night at 5:30 at Pietra’s that is a fundraiser for candidates Kueter, Hultin, Stites, Nosler, Kirkpatrick and Miller. If people want to meet those candidates they can come. He wanted Mr. Dahl to know this is a private event and three or more councilmembers may be present - if he thinks it should be posted.

#### Study session public comment

**Greg Dunkelberger** (WR) urged Council to pass a noise ordinance. He applauded RMB’s efforts to reduce emissions, but they took no input from the neighbors. The noise is so bad they cannot enjoy their back yards or decks, or visit without coming in the house. They can’t have windows open at night. A letter from RMB says they want

to be good neighbors; then they should fix the problem. Council should enact a noise ordinance that will let them enjoy their back yards again and have their windows open. Tax revenue from RMB should not influence you to favor them over the citizens. While mitigation may be expensive, it should have been done at the beginning.

**Ray Gilligan** (WR) agrees with all the complaints about the noise. He agrees the noise had been tolerable until last winter, but now it is unbearable. He played a recording of the noise he wakes up to in the morning. He added that no notice of construction was received by the neighbors.

**Kris Bradley** (WR) also owns a business in WR. She said the noise was not loud until this last winter. Her husband, a physics teacher, brought a decibel meter home this summer. They are 250-300 ft from the fence. During the day it is 70 decibels; at night it's 75-78. At the end of the street it is higher than 75. Her family has to wear earplugs at night; they can't have windows open. They went over to the Red Rocks campus to watch the Carnation Festival fireworks; they could hear RMB there. Homes in Arvada and apartments are affected too. She noted the excitement of the light rail has subsided due to the noise issue.

Councilmember Mathews thanked the people for coming tonight. Baffled at having one set of people advocating for emergency shelter for the homeless in churches that have large areas and parking lots, and another set of people who have been told there is nothing that can be done about an influx of people in one house in their neighborhood.

Councilmember Weaver said she will be asking for Council support for regulations on group homes. There was consensus to bring the group home issue to a study session

Councilmember Davis asked for consensus to bring the codes for church/shelter issue to a study session. Mr. Goff said that's already coming up when the building codes are adopted. Staff has already worked with the Fire Department on wording.

## **1. CONSENT AGENDA**

- a. Resolution No. 55-2019 - a resolution approving the PIF Collecting Agent Agreement between the City of Wheat Ridge, the Longs Peak Metropolitan District and Evergreen-Clear Creek Crossing, LLC [*estimated receipt to City estimated at least \$20K annually*]
- b. Resolution No. 54-2019 – a resolution supporting the City's application for a Non-Motorized Trails Grant from the Colorado Parks and Wildlife State Trails Program for the planned multiuse trail associated with the Wheat Ridge Ward Station area [*if awarded at \$250K would cover 1/3 of cost of trail*]

Councilmember Dozeman introduced the Consent Agenda.

**Motion** by Councilmember Dozeman to approve Consent Agenda Items a.) and b); seconded by Councilmember Kueter; motion carried 8 -0.

## **PUBLIC HEARING AND ORDINANCES ON SECOND READING**

2. Council Bill 13-2019 – An Ordinance amending the Wheat Ridge Code of Laws concerning procedures for protests under Section 5.10 of the Home Rule Charter (Case No. ZOA-19-03)

The City Charter includes a provision allowing for a protest to be filed against a zone change request. If a protest is received, the rezoning ordinance must be approved by a  $\frac{3}{4}$  vote of the entire Council (6 votes). The purpose of this code amendment is to specify the protest procedure for rezoning decisions and to require a continuance of the public hearing if a protest is received.

Councilmember Hoppe introduced Council Bill 13-2019.

City Clerk Shaver had previously assigned Ordinance 1673.

Mayor Starker re-opened the public hearing [continued from September 9, 2019].

### **Staff Presentation** - Jerry Dahl

Mr. Dahl explained the changes in red in the Council packet are changes Council already approved by motion.

Properties adjacent at the corners have been added.

Purpose of ordinance is to detail how the charter provision is to be implemented.

He prepared additional amendments for Councilmember Hoppe; they have been distributed to you tonight.

### **Public Comment**

**Meghan Schleicher** (WR) doesn't think the proposed wording addresses the two areas of concern she brought before Council.

1. The current wording says if the protest is insufficient there is no opportunity to remedy it, and the protest is automatically dismissed. This does not provide transparency for the citizens or encourage participation. Wording should be added to allow for the protest to be remedied.
2. We would like the Planning/Development staff to provide, upon request, the addresses of those within 100 feet. Citizens probably can't figure that out on their own, or don't have the technology to figure it out.

**Rachel Hultin** (WR) appreciates that this has not been hurried. Posting the packet online so people can see it is good. More time is good.

### **Council Questions**

Councilmember Kueter asked if the protest is ruled inadequate and Council acts, can that decision be appealed in Court? Mr. Dahl said it could.

Councilmember Mathews received confirmation that multiple protests can be handled with the wording that is being proposed. Rescission of a protest is accounted for.

Councilmember Urban noted there is no explanation of how early a protest can be filed. How late can you file? Answers: This ordinance as amended requires all protests to be filed before the hearing starts. Protest can be submitted any time after an application is made. The first notice would be 15 days before the Planning Commission public hearing. There was discussion about what to do if a protest is filed before first reading by City Council.

Councilmember Weaver asked about the scenario of one person signing two protests. Mr. Johnstone explained how protests are submitted; it's not a petition that is passed around. Only property owners can protest and each property owner submits a protest. There was discussion about when and how the 20% is calculated.

Councilmember Davis thinks we should be able to provide the addresses in that area.

Councilmember Hoppe asked if wording could be added to indicate that if a legal protest is filed after First Reading, the publication could indicate that the hearing will be continued. Mr. Dahl said that would be possible.

Clerk Shaver asked if the automatic continuation would require republishing. Mr. Dahl said no, but it could be noticed on the website.

Councilmember Mathews asked about extending the 100foot limit. Mr. Dahl advised that would require a Charter change. Extending the 100 foot line would remove protections afforded the applicant.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Hoppe to approve Council Bill 13-2019, an ordinance amending the Wheat Ridge Code of Laws concerning the right of protest procedure for rezoning decisions, with amendments on second reading with the following amendments [to Section 1.7]:

- a. [Retained as published. No change in wording.] All protests must be submitted prior to the commencement of the public hearing.]
- b. In the event a letter of protest is submitted prior to the first reading and has been determined to be sufficient by community development staff and the Charter requirements 5.10, the hearing shall continue on the originally scheduled date. If a protest is submitted after first reading before the commencement of the public hearing, the hearing shall be continued to the next regular business meeting of Council.
- c. Prior to 5:00 pm on the next regular business day following the day upon which the protest was submitted, the community development staff shall review the protest to confirm the signers thereof as owners of the required property ownership and area requirements of Charter 5.10 and shall promptly inform the signers of that determination.

- d. If the community development staff determines the protest does not meet the required property ownership and area requirements of Charter 5.10, the signers of the protest may amend the protest at any time prior to the commencement of the continued public hearing.
- e. At the continued public hearing, only the original protest, or the original protest, amended as permitted by this section (the “amended protest”) will be considered for purposes of determining the proper Council voting requirements on the matter.
- f. If the amended protest is timely submitted before the commencement of the continued public hearing, the community development staff shall review the amended protest to confirm the signers thereof as owners of the required property and its compliance with the area requirements of charter 5.10.
- g. If necessary, the mayor shall declare a recess to enable the community development staff to perform their review.
- h. If the community development staff determines the protest does not meet the owner or area requirements of Charter 5.10, the hearing may be conducted and closed, and the Council may act without the  $\frac{3}{4}$  majority voting requirement.
- i. If the community development staff determines the protest meets the owner and area requirements of Charter 5.10, the hearing shall be conducted and closed and the Council may act, subject to the  $\frac{3}{4}$  majority requirement of Charter 5.10.
- j. [Published Section ‘i’ renumbered as ‘j’. No change in wording.]  
The protest area and owner requirements of Charter 5.10, which provide, in pertinent part:  
  - In the event of a protest against such changes signed by the owners of twenty (20) percent or more of the area:*
    - (1) *Of the property included within the proposed change; or,*
    - (2) *Of those immediately adjacent to the rear or any side of the property, extending one hundred (100) feet from the property; or,*
    - (3) *Of those directly opposite across the street from the property, extending one hundred (100) feet from the street frontage of such opposite property,*

Shall extend to those property owners within 100 feet of the subject property, including those located diagonally adjacent to the corners of the subject property, as illustrated in Figure 26-112.1.
- k. A protest, once filed and determined by the community development staff to comply with the owner and area requirements of Charter 5.10, may be rescinded only in a written instrument, signed by the same person(s) as the protest, and presented to the City Clerk prior to closing of the public hearing
- l. The community development department shall provide written guidelines to the public on procedures for protest.

And further, to add language to the first reading notice, noticing if a protest is filed before the commencement of the public hearing and is found sufficient, the hearing will be continued to the next business meeting; seconded by Councilmember Kueter.

Councilmember Kueter stressed that if a protest is submitted and found to be inadequate, if there is time before the start of the public hearing it can be amended.

The motion carried 8-0.

3. Council Bill 15-2019 – An Ordinance amending Chapter 26 Article VIII, of the Wheat Ridge Code of Laws to add floodplains in the Sloan's Lake watershed to the City's Floodplain maps as a Local Flood Hazard Area

The Sloan's Lake Flood Hazard Area Delineation (FHAD) has been adopted by both the Colorado Water Conservation Board and the Mile High Flood District. The FHAD is now ready to be adopted as a Local Flood Hazard Area (LFHA). This requires an amendment to Chapter 26, Article VIII, pertaining to floodplain control.

Councilmember Kueter introduced Council Bill 15-2019.

City Clerk Shaver assigned Ordinance 1674.

Mayor Starker opened the public hearing.

#### Staff Presentation

This subject had been presented and discussed at length at a recent study session. Mr. Westberg was available for questions. There were none.

No one from the public spoke.

Mayor Starker closed the public hearing.

**Motion** by Councilmember Kueter to approve Council Bill 15-2019, an ordinance amending Chapter 26 Article VIII, of the Wheat Ridge Code of Laws to add floodplains in the Sloan's Lake watershed to the City's Floodplain maps as a Local Flood Hazard Area on second reading and that it take effect 15 days after final publication, seconded by Councilmember Urban; carried 8-0.

### **DECISIONS, RESOLUTIONS AND MOTIONS**

4. Resolution 53-2019 – A Resolution in support of Jefferson County Ballot Issue 1A

Ballot measure 1A asks Jefferson County voters to approve a 7-year exemption from all TABOR revenue and spending limitations to avoid potential budget cuts. No tax would be created or increased; the County would be allowed to collect the allowed amount, and retain and spend or reserve all revenues collected between 2020 and 2026.

Councilmember Davis introduced Item 4.

There was no Staff Presentation as this was discussed recently at a study session.

#### Public Comment



**Jerry DiTullio**, Jefferson County Treasurer, spoke in favor of the ballot measure

- The County Commissioners had a 7 hour public hearing on this on July 23. About 300 people came and spoke.
- This will sunset in 7 years. It's a 7-year time-out on the TABOR revenue cap, after which the Commissioners will have to return to the voters for permission to keep excess revenue.
- Commissioners lowered the mill levy before collecting it, so now they have to borrow from reserves to pay the bills.
- In the last 5 years about \$110M that could have been collected from taxpayers, was not.
- The county would still have to go to the voters to increase the mill levy or create a new tax.
- Budget cuts notwithstanding, without this, public safety will be affected.
- The County Treasurer and Clerk & Recorder have already cut their budgets
- Roads/bridges, facilities maintenance, and public health will all be affected,
- 80% of counties have de-Bruce. Property tax is the main source of revenue.
- It has bipartisan support.

#### Council Questions

Councilmember Mathews had questions of Mr. DiTullio about the budget shortfall of \$15M (3%) that is coming primarily from public safety and roads. Mr. DiTullio reported:

- The Sheriff's budget is 67% of the total county budget. Most reduction is coming from the jail.
- Attrition of FTE's will not be replaced.
- The number of jail beds will be decreased - including "WR beds".
- The 1<sup>st</sup> year (2020) the mill levy will go back to the allowed level, up to \$16M. Generally, when the mill levy is at max it could be \$30M/year, but the commissioners will be phasing it in.
- Yes, the commissioners haven't been charging the mill levy they could. When they lowered the mill levy, they underestimated the revenue cap and didn't collect enough revenue. As a result they had to start borrowing from the reserves.
- He suggested they should have collected the full mill levy all along for the last five years, and asked voters annually if they could keep it.

Councilmember Hoppe asked about the impact.

- Mr. DiTullio said it would average \$9/month for a \$400K home (about \$100/year).
- Mr. Goff stated for the average homeowner it will be \$4.50/mo or \$54/yr.; for businesses, every \$100K of business property value will be \$9/month.

**Motion** by Councilmember Davis to approve Resolution No. 53-2019, a resolution in support of Jefferson County Ballot Issue 1A; seconded by Councilmember Urban; carried 8-0.

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

**Patrick Goff** had exciting news. After 2 years of planning and Environmental Linkage Study and 3 years of Environmental Assessment, the FONSI (Finding Of No Significant Impact) and all federal approvals for the Wadsworth project have been received. He thanked Mark Westberg and the whole team for their patience with that.

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

Mr. Dahl asked for an Executive Session after the Special study session for purposes of a litigation report.

On the Clark and Sorrentino case he reported that the plaintiffs have agreed to dismiss their claims with prejudice. Attorneys for the developers settled with them.

- The City, as a defendant of the suit and represented by CIRSA, consented to the dismissal based on Council's request that the material elements of the settlement be disclosed and made public.
  - Clark and Sorrentino have agreed to dismiss the suit and any future claims.
  - The amount they received was less than the cost of their attorney's fees.
  - Clark received \$8K; Sorrentino received \$5K. Both agreed to not challenge the developments.
- The City paid no money. Insurance covered attorney fees and some minor costs.

### **ELECTED OFFICIALS' MATTERS**

**Zachary Urban** noted he would be excusing himself for the study session.

**Janeece Hoppe** thanked Family Tree for coming for the proclamation of Domestic Violence Awareness Month. She shared that Family Tree currently has needs for shelf stable foods and toiletries. A large fundraiser will be held on Wednesday, October 16 at 6:30pm at the Red Lion Contemporary Art Center. Tickets are available at [www.thefamilytree.org](http://www.thefamilytree.org)

**Kristi Davis** announced the Candidate Forum will be here in Council Chambers tomorrow at 6pm. It will be televised.

**Mayor Starker** stated he will be on a panel with other mayors tomorrow night at 5:30 at the Denver Press Club to discuss sustainability issues and decrease of carbon footprint.

At 9:05 the Mayor declared a 10 minute break – to be followed by a recess to a Special Study Session. Following the Special Study Session, the Council will reconvene the Regular Meeting for the purpose of going into Executive Session.

### **RECESS TO SPECIAL STUDY SESSION** at 9:19pm

Clerk's note: Notes for the Special Study Session are under separate cover.

Audio for the Special Study session is under separate cover. That recording also contains the balance of this Regular Meeting – the minutes of which follow here.

**RECONVENE TO REGULAR MEETING** at 9:54

The Mayor recognized Councilmember Hoppe for the purpose of a motion.

**Motion** by Councilmember Hoppe to go into Executive Session for a conference with the City attorney, City Manager and appropriate staff under Charter Section 5.7(b)(1) and CRS 24-6-402(4)(b), to receive legal advice concerning pending litigation on McLeod; a further to return to the open meeting at the close of the executive session for the purpose of taking any formal action deemed necessary; seconded by Councilmember Davis; carried 7-0.

**RECESS TO EXECUTIVE SESSION** at 9:55pm.

The Executive Session ended at 10:12pm.

**RECONVENE TO REGULAR MEETING** AT 10:12PM.

**CITY ATTORNEY'S MATTERS**

Mr. Dahl advised the Council that campaign events are allowed to be private because they are not about public business before the Council. However, when three or more incumbents are present care must be taken not to have discussion of matters pending before Council. If there is a questions about public perception of the event he advised that it be posted.

**ADJOURNMENT**

The meeting adjourned at 10:18 pm.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 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. 29<sup>th</sup> Avenue**  
**July 15, 2019**

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

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

Absent: Amanda Weaver (excused)

Also present: City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Police Chief Dan Brennan; Executive Director RWR, Steve Art; WRPD Division Chief, Jim Lorentz, other staff, guests and interested citizens.

Citizen Comment on Agenda Items No one came forward to speak.

1. Intergovernmental Agreement with Urban Renewal Authority ~ Steve Art

Mr. Art, Economic Development Coordinator, gave a brief presentation on the renewal of an Intergovernmental Agreement (IGA) that exists between the City and Renewal Wheat Ridge (RWR) to provide funding on an annual basis to help complete their undertakings and activities.

- The IGA provides an annual contribution of \$300K to RWR.
- It establish the rights and responsibilities of the City and RWR with respect to (1) operational assistance and (2) funding for urban renewal activities.
- This agreement started in 2006 and was last modified in 2014.
- The current IGA expires on December 31, 2019.
- RWR is requesting that City Council extend the IGA for a five-year term through December 31, 2024.
- The funds are used to help remove blight.
  - The Town Center and Town Center North apartments have been completed.
  - Construction on Ridge House apartments will begin shortly.
  - Almost \$1M has been spent to buy and remediate contamination on the lot at 38<sup>th</sup> & Yukon Court. Still awaiting final clearance from the State on that.

Questions and discussion followed.

- The \$300K can be spent on any project area.
  - The Corners, Hacienda CO and Clear Creek Crossing all have their own funding sources.
  - Mr. Art's salary comes from the General Fund - not Urban Renewal.
  - The \$300K is spent down annually on such things as stop lights and remediating contaminated sites.
  - 2019 funds are being used for remediation of Yukon Ct.
  - Mr. Goff added that typically funds are transferred at the beginning of the year. If they don't spend it, it rolls over.
  - Pedestrian lights on 38<sup>th</sup> Avenue were funded with RWR money
- Salary for the RWR attorney, Cory Hoffman, come from these funds.
- Hesitancy to write a 5-year blank check
- RWR paid for the replacement of the hail damaged street lights on 38<sup>th</sup> Avenue.
- RWR paid for the stop light at 44<sup>th</sup> & Vance and half of the stop light at 32<sup>nd</sup> & Xenon
- They have an RFP out for a crossing light in front of Clancy's
- There was discussion about the I-70 & Kipling corridor and the SE corner of I-70 & Kipling as a place where Urban Renewal funds could assist. There are many projects and the area is ripe for the use of TIF.
- Specific needs for 2020 have not been identified.
- Would like an annual or periodic accounting from RWR of how the money is spent.

There was consensus to move forward with the budgeting of \$300,000 for Renewal Wheat Ridge with an annual review of how the funds are spent.

## 2. Extended Stay Lodging Regulations ~ Kenneth Johnstone

### Introduction

- Hotel and motels receive higher calls for service from the Police department.
- Yearly inspections have revealed issues of public health and safety concern.
- Extended stay lodging could be regulated in the Code with an ordinance.
- Tonight is a high level of discussion – deep details to follow.
- Staff has ideas, but would like to get input from the hotel/motel industry.
- Direction on some decision points is needed from Council.

### 1. Definition of Extended Stay Lodging

- Our Code doesn't have a category called "extended stay lodging". If that is defined they can be regulated as far as location, physical/operational characteristics, and how to treat existing situations allowing long term guests.
- The code is silent on what constitutes "transient."
- Hotels/motels are currently a Special Use in C-1, C-2, and I/E zone districts.
- Some cities differentiate a traditional hotel/motel from extended stay lodging, may prohibit one or the other in certain districts, or regulate them in some ways.

Questions and discussion followed. Discussion points included:

- By defining and allowing them are we inviting more crime?
- Where extended stay lodging could be of benefit near I-70.
- “Longer than 30 days” is considered residential and is not taxed.
- Extended stay lodging should be defined.
- What zone districts are appropriate for extended stay? Staff recommends C1, C2, and all MU districts.

Councilmember Hoppe received sufficient consensus to proceed with definition and allowance of extended stay lodging in our Code.

Councilmember Hoppe received unanimous consent to restrict extended stay lodging to C1, C2 zones as Conditional Use and in all MU zones.

## 2. Physical and Operational Characteristics and Duration of Stay

Discussion about how many days to allow.

- Staff suggests 10 days for traditional hotel/motel rooms, maximum 30 days for long term stay, and maximum 120 days per year.
- Mr. Johnstone indicated it would be helpful to define “transient”.
- Extended stay rooms should have some amenities.
- A regulatory process would allow the City to find out what’s really going on.
- Construction workers and corporate folks often stay for months. Industry standards should be explored.
- How would we enforce the 120 day yearly maximum? Or the 30 day limit?
- Could have a percentage of rooms allowed for 30-day stay and for 120-day stay.
- Should guard against having so many requirements that those that accommodate homeless people are forced to discontinue that option.

Councilmember Hoppe’s request for consensus to approve the 30/120 day duration of stay for extended stay and 10 days duration of stay for traditional hotel/motel failed.

There was further discussion.

Councilmember Hoppe received consensus for public outreach through staff and return to Council before an ordinance is drafted.

Councilmember Hoppe received consensus to support the 30/120 days duration of stay for extended stay, and 10 days for traditional stay hotel/motel.

There was a question about providing resources for people who stay long term in budget motels as affordable housing. We currently don’t have the staff for that – other than what is available through the County. Chief Brennan noted that not all extended stay tenants commit crimes and generate calls for service.

### 3. In-Room Characteristics

Staff recommends some requirements for extended stay lodging, to include:

- minimum size of the unit and for living area
- minimum kitchen/cooking facilities; dedicated sink; refrigerator
- maximum sleeping occupancy
- prohibit storage of personal items on balconies or in hallways
- available daily housekeeping

Discussion continued on various issues.

- Support storing a bicycle or stroller on the balcony.
- Do we have a reality check of what is possible for existing businesses?
- How to pay for monitoring this since the lodger's tax only applies for 30 days.
  - Staff does one inspection a year, but will that be adequate?
  - Hiring added personnel is likely.
  - The Special Use fee will pay for some or it.
  - Retrofitting rooms would generate building permit fees.
- Would like to see revenues from this remain self-contained and pay for the program
- Facilities with extended stay need to provide refrigerators and cooking capabilities
- Mr. Dahl advised that Council can set licensing fees and require they be used for the regulatory program; this would not require voter approval as it is not a tax.

Councilmember Hoppe received consensus for the general characteristics suggested for in-room requirement for extended stay lodging.

### 4. Common Area Characteristics

- Staff recommends requiring some common area amenities to make the extended stay facilities more attractive and of higher quality. These elements make it a better business model.
- Suggested are such services as: 24 hr desk, business center, fitness center, heated pool, laundry facilities, meeting areas/conference rooms, on-site restaurant.
- Could be flexible and require a certain number of these items from the list.

The only point of concern was the difficulty for existing facilities to retrofit.

Councilmember Hoppe received consensus to support the general framework presented for minimum common area characteristics for extended stay lodging

### 5. Existing Hotels/Motels

Minimum standards? How long to come into compliance? Council might want to grant a grace period for compliance to benefit occupants and business owners.

There was discussion about providing information about resources for those who need a different housing option.

Councilmember Hoppe received consensus to provide information about available resources to those who need long term housing, and to provide a grace period for compliance by the businesses.

Following Mr. Johnstone's inquiry about grace periods there was consensus that:

- Grace period needs to be considerable for some of these requirements.
- Graduated grace periods for the different requirements should be included.

#### 6. Exceptions

- Some exceptions should be allowed such as temporary housing funded by an insurance company for someone whose house is unlivable due to fire, weather damage, etc.; resident on-site manager; persons in crisis receiving temporary housing assistance from the government
- Would like to see an exception for extended medical treatments or rehab
- Suggest only a certain percentage can be used for exception purposes.

Councilmember Hoppe received consensus to allow some exceptions to the maximum 30-day occupancy rule and for staff to research/recommend a number for percentage.

Mr. Johnstone said staff will work to craft a framework for further discussion and outreach, and meet with industry members and existing operators about these issues.

### 3. Lodging Facility Licensing Program -- Chief Brennan

Chief Brennan highlighted some information about dealing with budget motels

- Police departments and city services employ a disproportionate amount of resources dealing with budget motels
- Wheat Ridge has nine motels in its jurisdiction with a total of 972 rooms.
- Citizen calls for service (CFS) at these nine motels account for 7.5% of the total calls for service in the entire city of 14,616 households and 4,194 businesses.
- 6% of the calls receive a report – i.e. some form of crime was committed
- We do annual inspections. Significant health/safety issues have been identified and remediated.
- Prevention measures have been taken with mixed results.
- Staff believes creating a lodging facility licensing program would help lower police calls at budget motels and make the area safer for surrounding businesses/visitors.
- Hotel Motel licensing tends to be the last resort, but it is becoming more common in various cities and states.

Division Chief Jim Lorentz reported on the proposed ordinance.



- The Justice Dept has a good publication that provides ideas of how to handle budget motels. There are 6 solutions presented in the Memo to Council. We use 4 of the suggested ideas.
- Talked to Lakewood to learn what they are doing. In Lakewood the City Clerk's office reviews the licensing. He explained Lakewood's program.
- Staff likes the tiered system that categorizes the hotels based on the number of calls for service.

Chief Brennan offered additional input.

Questions and discussion followed.

- How the tier system works. Incentives can be provided. Fewer calls has less expensive license.
- Suggest requiring them to hire off duty police officers or security company
- How strict would the hearing process be? Mr. Dahl explained a process similar to the Liquor License show cause hearing would serve well.
- The nexus of a Liquor License show cause hearing and a Lodging facility hearing.
- Issue of drug involved activities. Mr. Dahl said it could be a trigger for a show cause hearing.

Councilmember Hoppe received unanimous consent to pursue lodging licensing.

#### 4. Staff Reports

**Mr. Goff** reported that Rocky Mountain Bottling Company has made some recent changes. We offered tax share back incentive, but there are code issues now related to noise. He will update council on communications with them and the neighbors. RMBC is actively trying to do noise mitigation.

Mr. Dahl explained there is a state statute that deals with this – noise levels. Local regulations can only be more stringent.

#### 5. Elected Official Reports

**David Kueter** said he would like to have staff explore having someone from the County come and present concerning things that can be done to promote construction of affordable housing. There was agreement to put that on a future study session agenda.

**Kristi Davis** invited everyone to order Palisade peaches through the Rotary. Do it on the Rotary website. You can order a half case, but she recommended ordering a full case. Pick up will be at Pietra's. If you can't pick it up, give her a call and she will bring your order to you.

**Larry Mathews** reported spending time at the Ward Station asking questions of riders. Riders were very complimentary of the service; unfortunately in the middle of the day

ridership is low. He also reminded his constituents that even though it is a quiet zone, the operators do have discretion to sound their horn if the need arises. If it's a problem, let us know.

**Mr. Goff** reminded Council that Friday is Chief Brennan's last day. Council is invited to come to his farewell at the Rec Center at 2:00pm this Friday.

### **ADJOURNMENT**

The Study Session adjourned at 8:55pm.

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janelle Shaver, City Clerk

---

Janece Hoppe, Mayor Pro Tem

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**City Council Chambers 7500 W. 29<sup>th</sup> Avenue**  
**August 5, 2019**

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

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

Absent: George Pond (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; City Attorney Jerry Dahl; City Treasurer, Chris Miller; Community Development Director, Ken Johnstone; Administrative Services Director, Allison Scheck; Parks and Recreation Director, Karen O'Donnell; other staff, guests and interested citizens.

Citizen Comment on Agenda Items

**Odarka Figlus** (WR) yielded her time to Carol Mathews.

**Michelle Beyer** (WR) Item 2 Ms. Beyer thought this issue was settled when it was decided on Nov 19, 2018 to do no further improvements east of Tabor into Arvada's Haskins Station development – which is next to her property.

- She has paperwork saying she will allow the City to put a foot path in the 90x30 piece of vacated land at the end of the street. However, if no other improvements are being made this would be a footpath that dumps pedestrians out on the middle of the street. .
- The paperwork also says she will be involved in the location of path. She feels the south side is best so it won't involve her drainage or that of the other homes along 52<sup>nd</sup>. However there are two huge power poles in the way of a potential path.
- She would also like to have a fence – which would create a “tunnel” for pedestrians and there is no sidewalk after the path.
- The City has already taken property from residents at the ends of Simms and Tabor Streets to create foot and bike paths to the station. There's no reason to do this.
- City staff has been out to her property and completely agreed to the fence, but she doesn't think it's a very safe thing to do if there's not going to be any sidewalk.

**Connie Burg** (WR) made several points on Item 2.

- The staff report statement that there was “a fair amount of interest” by neighbors east of Tabor in having this foot path connection into Arvada is a misrepresentation.
- People said they “could live with it”, or that it would “be OK”, but there was no true interest in creating this connection.
- The City acquired property along Ridge Road and is spending thousands of dollars to create a safe, multimodal access to the rail station via Ridge Road. People in Arvada should use their sidewalks to go south to Ridge Road and then west to the G Line; don't dump them onto a narrow Wheat Ridge street.

- The opening of the G Line has already resulted in increased cut-through traffic to avoid the signal at Tabor & Ridge Road, and the speed limit is greatly exceeded by most. A speeding car already hit a truck parked in front of a house on Simms Place.
- It is irresponsible to create an unsafe connection for pedestrians and bicyclists.
- Everyone she has spoken with thinks this is a bad idea.
- It's also irresponsible to create an unsafe connection for Drake Middle schoolers when a safe route already exists.
- She quoted the phrase "Just because we can, doesn't mean we should."
- Please consider the previous request to barricade 52<sup>nd</sup> Avenue east of Tabor Street be honored.

**Jeff Burg** (WR) agrees that the foot path should not be built. He'd rather have efforts spent on finding a way for pedestrians and bicyclists to get from this area to Clear Creek Crossing. Imagine how many people would use that.

**Carol Mathews** (WR) is disappointed the NRS was approved with so little scrutiny.

- The report disparages people over 65 and their older homes by posing that 80% of these houses could become rentals and decrease in value.
- Facts are: There is minimal turnover among residents over 65 and a higher percentage of blighted houses owned by real estate developers and out of area rental companies than by seniors.
- Data left out of the report were:
  - Majority of participants wanted code enforcement and rental regulations.
  - They favored neighborhood participation in zoning and building codes.
- Chief Brennan and Commander Lorentz have presented a fair and brilliant plan to deal with rentals. Council should copy that model for the community.
- The \$200-400K to hire more people to "listen" could be spent on a neighborhood improvement fund.
- The business investment program of the WRBD would be a good model for community investment.
- Council has spent \$125K for 26 people to conduct community meetings and listen to the people. Why waste another \$200-400K to hire city employee to listen? Listen to the voices who want to participate in the inevitable changes in the City.
  - The Bel-Air neighborhood has volunteered to be a pilot program for overlay zones.
  - Let Dorothy Archer and her neighbors present a plan to Council.
  - Give citizens the same privilege you give to developers.
- Since the majority population of seniors is vastly underrepresented on Council, she urged seniors to run for City Council to preserve Wheat Ridge character and values.

**Walter LaMendola** (WR) addressed the NRS priorities for development/improvement.

- The development of neighborhood plans is supported by 76% of all residents.
- 8-10 people think there is a current need to engage citizens on planning and development issues that directly affect them.
- We should engage and act now. Changes are happening. We shouldn't have to wait for a 2-year listening tour.

- The Bel-Air Improvement Association has volunteered to be a pilot neighborhood for a model neighborhood process. He elaborated on immediate need/benefit of this.

**Sandy Nance** (WR) A year ago she told Council what did and didn't fit in her neighborhood. She was told to wait for the NRS. She participated in the NRS. She is finished talking and wants action now to create a neighborhood overlay plan to protect her neighborhood from future cockeyed developers. She asked to cede the balance of her time to Walter LaMendola. Mayor Starker did not allow it.

**David (& Karen) Thaler** (WR) said he missed the neighborhood meeting about the floodplain. He heard of low attendance, a blurry power point, and no information handed out. He wants to know who to talk to for information. He's heard rumors of forced flood insurance. Mayor Starker suggested he talk to Mr. Westberg.

**Rachel Hultin** (WR) noted spending the last year with the NRS committee talking to the community. She supports the listening tour.

- The recommendation for the listening tour wasn't for hiring 2 neighborhood specialists to go out and ask the same questions, but rather to drill down on questions the Bel-Air folks talked about tonight, such as what is unique about our community, what do we care about, so when we interface with the City we have a framework for decision-making that makes sense to us as a unique neighborhood.
- We don't have that framework yet. To think we can jump out of the gate and have that happen magically does a disservice to the neighborhoods that are not Bel-Air.
- Unlike most neighborhoods, Bel-Air is very organized already; they know their issues and have vision and infrastructure in place. Most folks don't know what neighborhood they live in or what the unique issues of their neighborhood are.
- The listening tour will be about how we ask the right questions, how do we get the right answers and ensure our citizens are informed. How our city builds the capacity to do that in a way that is proactive – not reactive, requires slowing down.
- It is important that the council that approves the plan for the listening session is the same council that will be part of implementing it.
- While it's important to approve funding for the positions now, as far as what the plan looks like – that should be done by the Council that will oversee it.

## 1. Neighborhood Revitalization Strategy (NRS) Implementation Work Plan

Ken Johnstone summarized what the NRS plans are for the next ten years. They are:

- Building resident capacity to manage neighborhood change
- Connecting the community by investing in primary corridors
- Facilitating investment through customer outreach, education and service
- Addressing accessory dwelling units

He went through the NRS recommendations and next steps which will be a work plan for the next one to three years.

He referenced a set of tables for various tasks and timelines for each item, noting most of this will be taken on by the next City Council. Two major implementation efforts are:

1. Hiring two professionals next year to facilitate the listening tour.

- Public engagement to begin in the second quarter of 2020.
- 2. The 44<sup>th</sup> Avenue Corridor Plan
  - Budgeted for 2019. Some scoping done. RFP for contract to go out this year. Public process to begin at the end of 1<sup>st</sup> quarter 2020.
  - A Market Study and Traffic Study are seen as important.

Discussion followed.

Councilmember Hoppe believes some neighborhoods are ready to go and thinks the timetable is doable. She thinks the new employees should be part of the planning process, but doesn't want to take too much time.

Councilmember Weaver completely agrees with Councilmember Hoppe. People are ready, but we have to have a process. She suggested starting with Bel Air since they seem ready. Use staff members. Maybe spend some time helping neighborhoods identify their identity. Do something in the 6 month range.

Councilmember Davis raised the technicality that the Bel Air neighborhood also includes her neighborhood – which people identify as Melrose Manor. She asked about the properties owned by seniors; she reads it as a projection. Mr. Goff said it was based on data from Jefferson County. She supports hiring coordinators and thinks it would be nice to have a coordinator to help identify neighborhoods.

Councilmember Mathews agrees with Councilmember Weaver. It doesn't make sense to hire staff without a plan. He would like to see job descriptions, salary, etc., plus an exit strategy for dismissal after two years. He thinks we need to refine how we define neighborhoods, and doesn't think staff should do this. He thinks it's Council's responsibility and the impetus need to come from Council – with maybe one staff member to coordinate. Defining neighborhoods is the first most important thing to do.

Councilmember Urban's points included:

- The \$213K for czb to do the NRS would've been better spent on this listening tour.
- Listening won't change anything if we don't change our Code.
- He's concerned the first recommendation of czb is to go out and do what we just paid them to do. The first question they were to answer was "What does WR want to be?"
- There's no point in hiring people for this if our tools and code don't allow is to work with residents. Without code changes we can't help any neighborhoods.
- He'd like to be assured that the traffic study on 44<sup>th</sup> does not include recommending a road diet.

Councilmember Dozeman approves hiring one staff member to help proceed. She thinks there's too much "hurry up and wait". If we don't have a process in place a whole lot can happen in two years, and we won't have a way to navigate any change the way citizens want us to. She thinks waiting until the 1<sup>st</sup> or 2<sup>nd</sup> quarter of next year is too late. She's also concerned about what constitutes neighborhood boundaries. But she wants to start moving forward because citizens really want to protect their neighborhoods.

Mr. Goff said they probably should have not used the word “listening tour”. It’s a two year engagement tour, listening to citizens and bringing things to Council as we hear them. He said we need to hear from the people who live in these neighborhoods to see what each one is.

Discussion continued.

- This is an outline.
- Mr. Goff said this could be started before the 2020 budget is done.
- Would like to address ADU’s addressed now.
- Could Council do some things with constituents to help move the process along?
- What is the “adopted” streetscape plan for 38<sup>th</sup> Avenue that is referenced?

Councilmember Urban asked for consensus to remove the Green from the plan. The consensus failed 3-5.

Councilmember Hoppe received a 4-3 consensus to

- Adopt the work plan
- Fund at least 1 part time position, if not full time, for the 4<sup>th</sup> Quarter 2019
- Address ADU’s in upcoming months if Council chooses

Mr. Goff said we don’t have enough staff to massage the NRS report and reminded Council that increasing an FTE requires Council action.

There was further discussion.

Councilmember Urban received consensus to have staff create a sub area plan for the Wadsworth Town Center sub-area plan related to the 38<sup>th</sup> Avenue Corridor Plan. Mr. Johnstone noted there already is one from 2006 that can be incorporated into this one.

Mr. Goff noted this will take time and funding – either hiring another planner, hiring a consultant, or postponing the 44<sup>th</sup> Ave Sub-Area Plan.

There was discussion about the 44<sup>th</sup> Ave Sub-Area Plan.

- \$150K was budgeted for that this year.
- A Fruitdale Plan exists, but NRS recommends replacing it with a plan for 44<sup>th</sup> - Wads to Youngfield.
- Staff has drafted a scope of work; hiring will be done yet this year.
- The year-long process is scheduled to begin in March 2020.

## 2. Wheat Ridge Ward TOD – 52<sup>nd</sup> Avenue Pedestrian Connection

Mark Westberg gave the staff presentation.

Should a pedestrian connection along 52<sup>nd</sup> Avenue extend east of Tabor Street to connect to Arvada?

- At a neighborhood meeting some residents east of Tabor expressed some desire for a foot path to the east.

- This would allow access between the existing WR neighborhood and the new neighborhood, Haskins Station, which is proposed in Arvada.
- The north/south traffic calming can be extended to 52<sup>nd</sup> Avenue.
- The design cost may fit in the existing contract.

Discussion followed.

Councilmember Urban asked for consensus to indefinitely postpone any action on this connection. That failed 3-4.

Councilmember Hoppe received consensus to have the consultant prepare a 30% design if it is in the scope of the current contract. Approval was 4-3.

Mayor Starker declared a break at 8:15pm. The study session resumed at 8:26pm.

### 3. Sloan's Lake Floodplain Adoption ~ Mark Westberg

- The Sloan's Lake Basin is the watershed extending upstream and downstream from Sloan's Lake.
- Original flood plain map was done in 1974.
- Parts of SE Wheat Ridge have properties that are in the flood plain.
- Hydrology, hydraulics and mapping have been updated. Additional improvements have been identified, but none are in Wheat Ridge.
- Purpose is to protect people and property – to help owners get flood insurance.
- Two area in WR have houses that are insurable. They have structures in the floodplain. Shown on map.

Should the City adopt the flood hazard areas identified on the Sloan's Lake FHAD as Local Flood Hazard Areas (LFHA)?

Mr. Westberg compared the 3 options for Flood Hazard Area Designation (FHAD).

- Last November we adopted as local flood plain hazard area.
- He explained the regulations for this option.

Discussion followed.

Councilmember Hoppe received unanimous consent to move forward with the adoption of an ordinance designating the FHAD as a Local Flood Hazard Area (LFHA).

### 4. City Treasurer Duties and Compensation ~ Chris Miller

City Treasurer, Chris Miller, began by highlighting the City's investment portfolio.

- The City invests idle cash on Local Government Investment Pools (LGIP).
- CSAFE
  - General Fund: \$14.5M



- 2E Bond Fund: \$25.6M
- Minimal amounts are kept in the bank
- Benefits include:
  - Safety and preservation of our principle (AAA/investment grade)
  - Highly liquid to meet day to day cash needs
  - Higher yields than we could obtain ourselves due to variety of securities
  - Regulatory compliance

He explained the following:

- Permitted Investments and Maturity Limits allowed in the State of CO (See chart)
- The Local Government Investment Pools (LGIP).
  - He's met with representatives of each of the major LPIG's in the state, compared investments products and reached a decision:
    - Continue relationship with CSAFE, but move to Colorado CORE. It allows 3 redemptions per month and next-day settlement of redemptions.
  - The 10-12 basis point .10% to .12%
    - Increased earnings by \$12,000 in the last 90 days
    - \$48,000 in the current year depending on interest rate variability
    - Interest rates have dropped over 30 basis points this year alone in this type of investment product
- He gave some updates on Yield Curves and Key Economic Metrics
- He explained the CSIP term-based portfolio strategy, and the Term-Based Portfolio Investment Strategy the City employs.

Concerning the Treasurer's position in the Wheat Ridge Charter he noted the following:

- The Treasurer's position originally had more duties.
- The Treasurer has not supervised employees since 2003 at which time the City Manager transferred day to day financial management to his staff.
- Currently the Treasurer's primary responsibility is the investment of City money, but fiscal oversight is also a responsibility.
- The Treasurer is the administrative hearing officer and acts as a tax payer advocate and ombudsman.
- The Treasurer is referenced over 100 times in the Charter and Code.
- The Treasurer is on the Police Pension Board.

Regarding time commitment:

- He spends 1-2 days a week at his work.
- He sees it as .20 to .33 FTE.
- He reviewed the salary History of the position. The salary is currently set at \$29,000.

Council questions and discussion followed.

Councilmember Davis received consensus to ask Mr. Dahl if Council can authorize that the Treasurer will make what the mayor makes unless additional certification can be shown. The vote was 5-3.

Discussion on this point continued.

Councilmember Mathews noted the qualifications for the Treasurer are in the Charter.

Councilmember Urban has a concern about one elected body deciding to change the qualification of another elected official. He personally would like to have councilmembers earn money based on the meetings they actually attend.

There was discussion unrelated to the Treasurer's position.

#### 5. Staff Report(s)

Mr. Goff reported he had sent Council a 2Q report for 2019. Things are looking good.

- Revenue is 105% projected. Expenditures are also more than projected.
- Use taxes have been good.
- The Unrestricted Fund Balance is currently large due to the Rocky Mountain Bottle use tax at the end of 2018.
- The Fund balance is 44% right now, but projected to be about 26% by year's end.
- The proposed 2020 budget is scheduled to be delivered to Council on Sept 1.

#### 6. Elected Officials' Report

**Leah Dozeman** reminded everyone of the Carnation Festival this weekend. She listed some of the main activities and events

**Janece Hoppe** commented on scheduling for meetings. She is looking at some things that should be discussed before the budget; there will be some special study sessions ahead. ~ She also reported the WR Business District has used all their funds for this year. She provided a handout and went through a list of projects that were funded. She asked if Council would consider a supplemental amount for the remainder of the year. Following discussion she received consensus to proceed with a supplemental \$25K allocation to the WRBD for 2019.

**Clerk Shaver** recalled participating in a similar conversation about 20 years ago – worry that an incompetent person would be elected Treasurer. She reminded Council that in 50 years we have never had a bad treasurer. ~ She announced that tomorrow is the first day candidates can pick up their nomination petitions.

**Larry Mathews** announced the good news that the flaggers are starting to come off the G Line. He also announced that the City met with Rocky Mt Bottle on the noise issue.

Mr. Goff reported meeting with the General Manager earlier in the day. The City had requested they send a letter of explanation to neighbors, but that hadn't happened. The City strongly encouraged that and will provide them with addresses. They are working on getting approval from Miller Coors for funding to fix the problem. He also noted our City Code is quite subjective on noise. He suggests adopting state standards

**Mayor Starker** reported the ground breaking for the hook ramps at Clear Creek Crossing will be at 10:00 tomorrow morning.

**ADJOURNMENT**

The Study Session adjourned at 9:39 pm.

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janelle Shaver, City Clerk

---

Janeece Hoppe, Mayor Pro Tem

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**City Council Chambers 7500 W. 29<sup>th</sup> Avenue**  
**August 19, 2019**

Mayor Bud Starker called the Study Session to order at 6:29 p.m.

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

Absent: Kristi Davis (excused) and George Pond (excused)

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; other staff, guests and interested citizens.

Citizen Comment on Agenda Items

**Barbara St. John** (WR) is concerned about the young folks growing up. They are treading on water they don't know how to navigate. Tobacco was on the decline, and now vaping is appealing to the young people. There are consequences physical, morally, financially and mentally. Other states are considering age 21 and licensing the dealers. She urged Council to do the same.

**Rhonda Valdez** (Lakewood) is the school nurse at WRHS. Her work is to support students who are vaping. They have the Breathe Easy team. She showed the Council one of the posters that appears in bathrooms at school. She shared a story of a student she helped quit smoking who later testified to the legislature. She supports local control over smoking and vaping.

**Michelle Michtener** (WR) spoke about setbacks for sheds. She favors allowing sheds less than 15 ft from the property line. It unnecessarily wastes space that can be used for other things.

**Lynette Namba** (WR) spoke for Citizen for Healthy Wheat Ridge. She supports raising the legal age to buy tobacco products to 21 and requiring licenses to sell tobacco.

**Lorrie Odom** (WR) made several points

- Despite increased reports on the short and long term health risks of vaping, use of e-cigarettes continues to rise among teens in WR.
- Colorado has the highest rate of vaping in 37 states surveyed.
- A year ago the Jeffco Board of Health adopted a resolution declaring youth vaping a public health crisis in Jefferson County.
- This June the CO PTA board adopted a position statement against e-cigarettes and other tobacco products. They support raising the legal age to purchase all tobacco products to 21, taxing the products, eliminating the advertising of same to youth, and encouraging all to take an active roll in prevention of use.
- Youth are attracted by the flavors, discreetness of vaping, the hip paraphernalia that is marketed, the easy availability and popularity, and social pressure.

- Efforts to prevent youth e-cigarette use must be comprehensive and include legislation.
- She encouraged licensing all retail tobacco businesses and increasing the age to purchase these products to 21.

**Carol Mathews** (WR) thinks legislation against vaping is a no brainer.

- She spoke against giving City staff the right to proceed with eminent domain on properties on Wadsworth. Many property owners on Wadsworth are either losing their property/businesses or access to it – rendering it pretty valueless. They should at least have the right to a public hearing. City staff should not have that power; Council should face the people they are taking property from.
- Storage sheds are common in WR and are generally close to the property line. A 10'x10'x10' storage shed is not a problem. No one cares. A giant 15 foot tall garage of 1,000sf is a something else. These issues should be separated and resolved one at a time.

**Jennifer Yates** (WR) read some disturbing numbers on youth vaping and smoking.

- 44% of CO youth have used e-cigarettes at least once.
- 33% of CO youth use nicotine regularly.
- 27% of CO youth use e-cigarettes; this is twice the national average.
- Use of e-cigs by high school youth increased 38% from 2017 to 2018.
- 50% of CO youth think vaping is risky; 87% think smoking is risky.
- 350 teens become regular smokers each day in the US.
- 95% of adult smokers start before they are 18.
- In 2018 4.9M youth were tobacco users nationwide.
- 99% of e-cigarettes sold in the US contain nicotine.
- 90% of underage users are supplied by their 18-20 peers.

With the money to be made in this youth market, the industry will counter any legislation with more deceitful products and marketing. It is important that any vaping ordinances you pass include alternative products we may not have thought of yet.

**Guy Namiach** (WR) addressed zoning changes and ADUs. Unlike other areas, in Wheat Ridge realtors cannot reassure buyers what will happen to neighboring houses. These issues are important to people who are investing in a home. They want the future of the area to be predictable. In the NRS study that was adopted, one of the major things people wanted was letting neighborhoods decide what's going to happen. People have told us what they want. We adopted it. We should listen to them.

**Laura Secard** (WR) has a daughter at WRHS and thinks we need to ban together and raise the age to buy cigarettes to 21.

Councilmember Mathews responded to the vaping issue. He admitted voting in favor of allowing vaping in the past. He now thinks that was a mistake

## 1. Youth Vaping/Tobacco Use Overview - Marianne Schilling

At the request of Councilmembers Weaver, Hoppe and Mayor Starker, Jefferson County Public Health (JCPH) provided an overview of youth vaping and tobacco use in Wheat Ridge.

Tobacco Prevention specialist, **Khanh Nguyen** gave a power point presentation on youth tobacco use data and trends, why youth vaping is a problem, and what can be done to reduce youth tobacco use.

- Jefferson County Board of Health has classified youth vaping as a public health crisis.
- Colorado has the highest rate of youth vaping in the nation – over twice the national average
- Jeffco's rate is higher than the state average.
- They are discreet, accessible and tasty.
- Social media is used for advertising.

#### Environmental concerns

- Cigarettes butts are the most littered item
- Cigarettes and Electric Smoking Devices ESD's are fire hazards
- Hazardous substances may end up in the water and soil
- ESDs are both e-waste and hazardous waste (lithium batteries and nicotine), plus the plastic waste.

#### Addiction

- One JUUL pod contains as much nicotine as an entire pack of cigarettes.
- Youth who vape regularly are 4x more likely to smoke regular cigarettes a year later, 9.5x more likely to use marijuana, 8.8x more likely to binge drink and 8.6x more likely to abuse prescription drugs. It helps rewire the brain.
- Vape devices are used to vape other products (marijuana or illicit drugs)
- Vaping results in carcinogen exposure and pulmonary risk

She highlighted the many efforts in place for youth education and prevention.

#### Municipal policies and youth access policies.

- Edgewater had licensing and age 21
- LW and Arvada have some regulations
- Youth access to tobacco in the retail setting is easy.

She went through gaps in the FDA and State laws.

Colorado is one of the few states that does not have a tobacco license.

Penalties are not meaningful. Fines are low compared to the profit of the product.

#### Recommendations for retail licensing should include

- No license near schools or youth populated areas
- Keep tobacco out of sight
- Flavor ban
- No self-service

- No coupons or discounting
- Raise minimum age to buy and/or sell
- Advertising restrictions indoors and/or outdoors
- Suspension/revocation for repeat offenders

Why have a license?

- Prevents illegal sales to minors
- Small annual fee
- Allows for local enforcement
- 12 Colorado towns have tobacco retail licensing laws including Edgewater, Lakewood and Golden in the area.

Why raise the age?

- Reduces the social source for HS students
- Minimal impact to retailers. Only 2% of all tobacco sales are by people under 21
- 18 states have raised it to 21.
- 7 communities in CO have passed T21
- It will decrease the initiation to smoking.

Tobacco Policy Strategy recommended

- Local policy is one of the most effective ways to reduce youth tobacco use
- Require all tobacco/vaping retailers to have a license
- Require products to be behind the counter
- Clerks have to be 21
- No sales within 1000 feet of schools
- Raise age to 21
- Use fees to fund local enforcements with meaningful penalties.

Questions and discussion followed.

- A pack of cigarettes costs about \$5
- Starter packs for vaping used to cost \$50, with 4 pods \$15-20 dollars. Now starter packs are \$30 and 4 pods are sometimes under \$15
- There should be no warnings. Penalties can vary.

Councilmember Urban received unanimous consent to move forward and have staff bring a menu of options to the Council for an ordinance.

## 2. Delegation of Private Activity Bond Cap to Jefferson County Housing Authority – Patrick Goff

The City of Wheat Ridge has received an allocation of \$1,667,715 for the purpose of issuing Private Activity Bonds (PABs) in 2019.

Mr. Goff explained that typically our City allotment for PABs is too small to do anything with. We can pool our funds with Jefferson County towards improving an older Wheat Ridge property.

Staff recommends assigning the City's allocation to Metro West Housing Solutions which has agreed to issue PABs for the renovation of the Caesar Square Apartments owned and operated by the Jefferson County Housing Authority.

Jeffco Housing Authority representatives **Lori Rosendahl** and **Julie Stern** explained what upgrades and repairs would be done.

Councilmembers had a few questions and comments.

Councilmember Urban received unanimous consent to proceed as recommended.

It was noted that no one should lose their housing because of this.

### 3. Right-of-Way Acquisition and Eminent Domain 101 – Mark Westberg

On January 14, 2019, Council authorized staff to acquire right-of-way (ROW) for both the Wadsworth Boulevard widening and the Ridge Road TOD projects.

Ridge Road negotiations are complete.

Wadsworth: Initial offers for 2 full acquisitions will happen next week.

Over 60 partial acquisitions Notice of Intent (NOI) will be sent in October, with initial offers in January 2020

Ward TOD still needs ROW

- 52<sup>nd</sup>/ Ward intersection
- Ridge/Ward intersection
- Ped Bridge/Plazas/trails

Mr. Westberg went through the several steps of the ROW acquisition process

**Greg Jamieson**, senior ROW manager for HDR, gave a detailed walk through the steps of the ROW acquisition process. He educated the Council about:

- Notice of Intent (officially informs the landowner)
- Determining Just Compensation (takes 3-4 months); determines the value of property, improvements, and damages. If federal funds are being used, a 2<sup>nd</sup> certified appraiser is required to determine Fair Market Value (typically CDOT staff)
- Initial Offer Packet is sent after FMV is determined (Memorandum of Agreement)
- Incentives include accepting the offer within 30 days; scaled based on FMV.
- Valid Counteroffers for additional compensation are always considered
- Initial Negotiations - 8 weeks
  - Real Estate Specialists meet and talk with owners
  - The goal is always good faith negotiations to reach a cooperative agreement and avoid eminent domain
- Final Offer – 2 weeks Informs owner negotiations will continue for 23 weeks



- Last and Final Offer - 2 weeks informs owner of potential legal action (eminent domain)

Councilmember Mathews asked about how we would compensate businesses that are essentially put out of business due to access.

Mr. Jamieson said there are only 2 complete buy-outs. The intention is to reach agreements with owners of partial acquisitions. Mark Westberg noted that all businesses that have access to Wadsworth will still have access to Wadsworth. It may change to right in/right out due to the medians. Some access will be improved due to more lights. Others may change and left in's will be removed. Access points for some businesses will relocate.

Eminent Domain 101 (also known as condemnation)

- It is a judicial process whereby a neutral 3<sup>rd</sup> party determines just compensation
- It is in the 5 Amendment of the constitution.
- Is not a "taking"; City must "acquire" the property.
- It doesn't decide if property will be acquired. That decision was made during project development when the ROW was determined.

When is Eminent Domain used?

- Uncooperative owner. <1% of cases go to trial
- Unresponsive Owner. Sometimes a multi-national corporation; can't get a response
- Absentee Owner. Owner can't be found, has no heirs, or may no longer exist.
- Other Interested Parties (OIP). Often a major business tenant or mortgage holder

Process

City attorney prepares and files a petition for Immediate Possession

A hearing is held. Good faith negotiations have to be proved

Hopefully the Judge will issue an Order of Possession.

The Judge sets a Valuation Trial with a jury or a 3 person Commission

Who pays for what?

- City pays for ROW consultant, City Attorney's fees, exhibits and other documents, court costs, and reimburse owner's attorney's fees if final compensation is >30% of last and final offer
- If the last and final offer is NOT accepted and eminent domain has NOT been authorized, Council Action will take 2-4 weeks. The goal is to keep Council Action concerning eminent domain impersonal.

What happens if we don't use eminent domain?

- Overpay the uncooperative owner (Cooperative owners may see as unfair to them.)
- Redesign the project around outstanding properties. (May also be seen as unfair.)
- Redesign increases consultant costs and causes delays that could impact federal funding.
- Abandon the project and don't build it.
- We have spent \$4M in taxpayer money in four years to get where we are today.

Discussion

- Councilmember Mathews doesn't think Council should abdicate its responsibility by letting staff make the decision to use eminent domain.
- Councilmember Hoppe supports giving staff the authority to exercise eminent domain.
- Councilmember Kueter inquired about pre-authorization. Mr. Westberg responded and discussion followed.
- Mr. Westberg explained the need for authorizing eminent domain for the Wadsworth and three Ward TOD projects.
- Councilmember Dozeman thinks the decision should be made by an elected body.

Councilmember Hoppe's consensus to allow staff to execute eminent domain failed 3-3

Mr. Westberg said staff will proceed as directed.

**4.** Residential-One (R-1) Zone District Accessory Structure Setbacks – Lauren Mikulak

Ms. Mikulak explained that several requests have been received from property owners for City Council to consider the option of a code amendment to reduce setbacks for accessory structures in the R-1 zone district. The 15 foot minimum side and rear setback requirement seems too restrictive.

Questions and discussion followed.

Accessory structures less than 120sf do not require a permit.

Councilmember Hoppe received consensus to change the minimum setback for minor accessory structures in R-1 to 5 feet and to increase the allowable size to 200sf or less.

**5.** Staff Report(s)

Mr. Goff reported meeting with Rocky Mountain Bottling regarding the noise issue. They have brought in an engineering firm to analyze the noise. The Executive Board of Miller Coors has given the green light to continue to move forward with the oxygen unit that is more environmentally friendly and will address the noise problem. Timelines and proposals are being prepared and a letter will be sent to the neighbors.

**6.** Elected Officials' Report(s)

**Clerk Shaver** reported on the referendum hearing that took place Friday. A decision will be coming on Wednesday. ~ The deadline for petitions for running for office is next Monday at 5pm. ~ New security measures at City Hall started today. All visitors will now be required to stop at the front desk and get a visitors badge. The glass doors into the Clerk's Office and Admin area will now be locked to anyone without a badge and access to the departments upstairs will require a visitor's badge as well. She complimented Mr. Goff and reported that employees feel safer.

**David Kueter** reported attending the TCL clean-up day at Sts. Peter & Paul last Saturday. The next one will be September 21 at WR Congregational Church on 29<sup>th</sup>.

**Larry Mathews** reported there was work on the G Line today involved horns. ~ He reported attending the referendum protest hearing. If anyone would like to know about it they can contact him. ~ For those councilmembers who are if-fy about increasing storage area for accessory structures in residential neighborhoods he showed a door flyer he received at this house. It is about Airbnb's new business for storage. The flyer encourages people to rent out their garages for storage through Airbnb. This is another commercial enterprise in residential neighborhoods that the City will need to address.

### **ADJOURNMENT**

The Study Session adjourned at 9:50 pm.

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janelle Shaver, City Clerk

---

Janeece Hoppe, Mayor Pro Tem

**STUDY SESSION NOTES**  
**CITY OF WHEAT RIDGE, COLORADO**  
**City Council Chambers 7500 W. 29<sup>th</sup> Avenue**  
**September 16, 2019**

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

Council members present: Amanda Weaver, George Pond, Janece Hoppe, David Kueter, Zachary Urban, Kristi Davis (arrived late), Larry Mathews, and Leah Dozeman

Also present: City Clerk, Janelle Shaver; City Manager, Patrick Goff; Community Development Director, Ken Johnstone; Karen O'Donnell, Parks Director; Acting Police Chief, Dave Pickett; Allison Scheck, Administrative Services Director; Steve Nguyen and Greg Knudson, Acting Public Works Directors; City Treasurer, Chris Miller; other staff and interested citizens.

Citizen Comment on Agenda Items

**Vivian Vos** (WR) said she read the budget and encouraged citizens to read it. She has a concern about development of The Green. It's a want, not a need. \$900,000+ dollars and we don't even own the property. She thinks a letter of agreement with the school district should be posted on the website. She doesn't think it's right to spend citizens' money on this; we have greater needs.

**Jan Rose** (WR) volunteers for several organizations. She is working on the County's climate action plan, and others. She disagrees with the previous speaker. She wants staff to address sustainability. People with solar panels didn't have to have their roofs replaced; she would like to see solar panels on City Hall. The Environmental Sustainability plan is excellent. People can get solar panels installed for free and get state income credit. She thinks there should be a charging station in front of City Hall.

**Janelle Shaver** (WR) talked about the citywide problem of rats and encouraged the Council to budget some money for mitigation. They're in every district and it's a bad problem that's getting worse. People are not happy.

1. Presentation of 2020 Proposed Budget – Patrick Goff

Note: The complete 2020 Proposed Budget is available at

<https://co-wheatridge3.civicplus.com/DocumentCenter/View/30828/2020-Proposed-Budget>

Mr. Goff introduced the budget team: Marianne Schilling (Admin), Susan Anderson (Parks), Zach Lovato (Parks), Steve Nguyen (Public Works), Greg Knudson (Public works), Kristen Armstrong (Court), Allison Scheck (Admin), Dave Pickett (PD), Karen O'Donnell (Parks).

Mr. Goff and the department heads went through the budget power point presentation.

### Structure

- General Fund is the day to day operating budget. (51%)
- Special Funds – Public Art, Police Investigations, Open Space, Municipal Court, Conservation Trust Fund, Equipment Replacement, and Crime Prevention
- CIP is the Capital Improvement Fund (24%)
- 2E bond fund (20%)
- Rec Center Fund – proposed to be eliminated. Combined with general fund

### Revenue

- Projected General Fund revenues are just under \$40M.
- Beginning Fund balance is \$13.2M.
- This \$53M available funds for 2020 is about a 10% increase in year-end estimated revenues. (4% w/o the Rec Center revenue)
- Unrestricted Fund Balance at the end of 2019 is projected to be 30.6%
- Revenue will be 55% from sales tax, 14% use tax, 10% services, 7% other taxes, 5% licenses, 4% intergovernmental, 2% property tax, 1% each 'other', interest, fines
- Property tax provides \$1M out of the \$40M in revenue.
- Revenues have increased every year since 2013.
- 2020 expenditures expected to increase 7.5% increase
  - Proposed to have an ending fund balance of \$10M
  - Unrestricted fund balance of \$7.5M (19.2%)

### Expenditures

Will be proportioned a little differently this year. Police is more.

- Police 30%
- Parks 20%
- Public Works 13%
- Admin Services 11%
- Central Charges 8%
- General Government 10%
- Community Development 5%,
- Court 3%

Financial Health – expenditures will be up from 2019.

- 2019 - \$733K for TIF, \$1.6M for hailstorm repairs
- 2020 - \$1.1M for TIF
- Expenditures increased every year since 2015. But.....

- We usually spend about \$1.0M less than budgeted.
- We have increased 18.11 FTE during that time.
- There have been increased economic development activities.

## **2E Funds**

- Reimbursements from Arvada on 52nd avenue.
- Only 2 projects left – Gold Line Station 54% and Wads 23%, plus 23% debt payment of \$3.4M
- \$10M earmarked for ramps for Clear Creek Crossing. Going slow. No expenditures budgeted for 2020; may go into 2021. May advance hook ramp balance (\$6M +/-) to Longs Peak Metro District until they float the bonds

### Wadsworth Project -- Steve Nguyen

\$3.5 for Wadsworth widening

### Ward G Line Station -- Ken Johnstone

\$8M for Ped bridge, trail, 52<sup>nd</sup> Ave, Ridge Road, plaza area, and other minor road improvements

## **CIP Budget** – Steve Nguyen

We are spending more on Capital Improvements in 2020

- \$14.1M for Wadsworth widening (largest expense; 77% of the CIP)
- \$1.8M for preventative street maintenance
- \$830,000 street improvements - 38<sup>th</sup> and Kipling
- \$410K bridge maintenance – Youngfield
- \$280 drainage improvement - 26<sup>th</sup> & Fenton
- \$150K gateway signage (on Sheridan and two locations on west side of town)
- \$107K City Hall Improvements
- \$110K sidewalk improvements (Marshall St to Clear Creek Trail)
- \$100K street striping maintenance.

Allison Scheck went through the security improvements for City Hall

- \$100K traffic signal master plan
- \$85K aerial photography/GIS updates
- \$75K Clear Creek Crossing
- \$50K ADA improvements
- \$35K Neighborhood Traffic Management Program
- \$25K Clear Creek Master Plan update
- \$25K Neighborhood street light program
- \$20K City Hall parking lot maintenance
- \$15K Anderson Building Workstation

Karen O'Donnell highlighted design elements of the project. The wasn't budgeted wasn't budgeted in the remodeling done with 2E funds.

2021 and beyond

- Projected \$3M transfer from the General Fund every year.
- \$2-3M annual street maintenance
- \$19M for Wadsworth reconstruction project through 2022
- Other annual projects to fund:
  - Drainage
  - Bike/Ped improvements
  - ADA improvements
  - Street lights
  - Bridge maintenance
  - NTMP
  - Preventative street maintenance

**Major Special Funds - Karen O'Donnell****Open Space Fund (\$3.1M available)**

- \$900K for development of "The Green"
- \$500K trail maintenance and repair
- \$100K Open Space master plan
- \$25K Open Space improvements (ditch)
- \$25K small parks maintenance projects

**Conservation Trust Fund (\$864K available)**

- \$500K for Prospect Park Phase II
- \$175 Rec Center maintenance projects
- \$100 New playground at Bonnie's Park
- \$36K Resurfacing tennis courts

The Rec Center Fund was established when the Rec Center was built. All funds have been spent. At the end of 2019 this fund will be in the red. Recommend eliminating this fund and just using the General Fund.

**Strategic Priorities****Economic Development**

- \$300,000 - Urban renewal funding
- \$1.1 M - Tax Increment Financing (TIFs)
- \$180,000 - Public Events (Localworks)
- \$41,500 - Live Local events (Localworks)
- \$50,000 - Building up Business Loan Program - (Localworks)
- \$90,000 - Wheat Ridge Business District grant program

**City Functions**

- \$70K Security initiatives (security guard and armored bank services)
- \$58K New and upgraded security cameras
- \$40K Citizen survey
- \$19.2 Online public hearing software (10/7 SS)
- \$83.8K Historic building management and maintenance
- \$15,000 - Police Department wellness and resiliency

- \$5,000 - Large-item pickup program

#### External Agency Contributions

- \$33K TLC Program (Localworks)
- \$100K Carnation Festival
- \$27K Staff overtime and barricades for Carnation Festival
- \$134K Outside Agency Program

#### **2020 Fleet Replacement** - Greg Knudson/Dave Pickett

- Complies with council guidelines based on age and mileage/hours of the unit
- \$815K includes new snow plow, backhoe, SWAT transfer van, and 8 replacement vehicles
- Integrating sustainable practices = 1 electric vehicle and 4 hybrid vehicles
- \$1.9M in vehicle replacement identified for 2021-2023
- Grant received for electric charging station at Rec Center

#### Staffing and benefits – Allison Scheck, Ken Johnstone, Marianne Schilling

##### Adding 2.75 new FTEs

- 1.0 FTE Neighborhood Engagement Specialist (Comm Dev)
- 0.75 FTE Landscape Inspection Program Manager (Comm Dev)
- 0.5 FTE Payroll Technician (Admin Services)
- 0.5 FTE Homeless Navigator (comes from the Crime Prevention Fund)

#### Employee benefit highlights – Allison Scheck

- Year 8 of Pay-for-Performance Plan
  - \$830K budgeted for performance and market adjustment
- 0.5% pension increase for sworn employees
- Medical Benefits – 4.6% premium increase expected in 2020 (no increase last year)
- Worker's Comp moving to Pinnacol Assurance (from CIRSA). Will save money and improve service to injured workers.

#### Council Questions

- Mr. Goff explained why the decision was made to not increase employee premiums for health coverage.
- There was discussion about finding more options than Kaiser.

#### Short-term fiscal opportunities - Patrick Goff

- The Corners, Clear Creek Crossing, Ward Station, Kipling Ridge, West End 38, Applewood Shopping Center, Multi-family/townhome development

#### Short-term fiscal challenges - Patrick Goff

- Sales Tax – recession predicted for second half of 2020
- Projecting only modest growth of 1.5% increase in sales tax revenue in 2020



Long term fiscal challenges - Patrick Goff

- Will there be a recession? How much of an impact and how long?
- The peak time for development in Wheat Ridge may have already passed.
- CIP funding gap – lack of sustainable long-term funding source for capital projects.
- Continued dependence on transfers from the Gen Fund -- \$2.5M to \$3.5M each year
- Rec Center long term maintenance will be dependent on the General Fund
- Inadequacies of municipal facilities – age, safety, and size

Adoption of the budget is scheduled for October 14.

Discussion followed.

- Will County budget problems have an effect on services for WR?  
Yes: Jail services, probation services
- \$40K for Homeless Navigator. Will work in collaboration with County services and agencies. This is still a work in progress with County, cities, and non-profits. Lutheran Foundation is setting aside funding for related services.
- Discussion about adding a 0.5 FTE sustainability coordinator for 2020. Mr. Goff suggested waiting.
- Should encourage developments to include charging stations. We don't know how much the charging station at Fruitdale is being used.
- The school district is well aware of The Green project, and is pleased with it. They're doing a similar arrangement with a school in Arvada.
- The improvements at 38<sup>th</sup> & Kipling are to accommodate additional traffic from 38<sup>th</sup> Ave. Data about I-70 & Kipling is still not available.

Councilmember Hoppe received consensus to add an additional 0.5 FTE for a Sustainability Coordinator. The vote was 5-3.

There was consensus to move the budget forward to the next step.

2. Staff Report(s) none

3. Elected Officials' Report(s)

**Leah Dozeman** thanked the City and community for the Farmer 5000.

**Janece Hoppe** thanked staff for all their hard work and thanked the Council for suffering through the extra study sessions recently.

**Zachary Urban** announced the Candidate Forum will be on Sept 24 from 6-9pm in Council Chambers.

**David Kueter** announced the TLC dumpster will be at the Congregational Church on 29<sup>th</sup> this Saturday. Access from the west.

**Amanda Weaver** thanked the City. She noted her goats are back up.

**Mr. Goff** mentioned the Police Chief recruitment process. The community is invited to a forum at the Rec Center this Wednesday at 6:30 to come and offer input about what they would like to see in a Police Chief.

**Mayor Starker** thanked all the staff for their work on the budget.

### **ADJOURNMENT**

The Study Session adjourned at 8:40 pm.

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janelle Shaver, City Clerk

---

Janeece Hoppe, Mayor Pro Tem

## STUDY SESSION NOTES

### CITY OF WHEAT RIDGE, COLORADO

City Council Chambers 7500 W. 29<sup>th</sup> Avenue

October 7, 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, and Larry Mathews

Absent: Leah Dozeman (unexcused)

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

#### Citizen Comment on Agenda Items

**Steve Parker** (Arvada), Fire Marshall of the Arvada Fire Protection District, spoke in favor of keeping the prescriptive requirement for sprinkler systems. He offered history and statistics about their benefit. He referenced the recent apartment fire at 44<sup>th</sup> & Tabor, noting how the fire would have been contained to one unit if sprinklers had been in place.

**Scott Plumer** (Arvada), Deputy Fire Marshall for Arvada Fire Protection District, spoke in favor of keeping the prescriptive requirement for sprinkler systems. He addressed design, operation, the unlikelihood of accidental alarms being triggered and the actual low cost of sprinklers compared to other costs without them.

**Heidi Williams** (Centennial), represents townhome builders who are putting in double firewalls and fire retardant materials that are effective but less expensive. She challenged the figures presented that claim the cost is low because it omits several aspects of installation. The additional costs will push many folks out of the market, thereby hindering affordable housing.

**Rachel Hultin** (WR) is excited to see Council considering the software for public hearings that will allow more people to participate.

**Kelly Brooks** (Lakewood), Deputy Fire Marshall for West Metro Fire, added that West Metro also supports maintaining the prescriptive requirement for sprinkler systems. He counselled against placing underground drainage systems under fire access lanes and gave a number of reasons why. He urged consideration of HS 20 for fire department apparatus design conditions.

## 1. Crisis Intervention Team and Case Manager Co-Responder Program

Jim Lorentz gave a quick update on our program for Crisis Intervention Team (CIT) that responds to persons in the community that are experiencing mental health crises or substance use problems. About 90% of our officers (higher than most) are trained in CI techniques for crisis intervention and de-escalation techniques for people with mental health problems. It has been very effective for several years. He elaborated.

- We received a grant last year and will partner with Jefferson County and Golden.
- Jefferson County will administer the grant.
- Two responders, behavioral specialists, will ride with officers.
- Updates will be given over the year. Then decisions will have to be made if and how to continue the program.
- This program has been operating in south Jeffco for five years and has been very successful in providing law enforcement direct access to behavioral health management services. Now we will cover the northern portion of the County

Mr. Goff announced that August 29<sup>th</sup> was Jim Lorentz Day in Denver. This was in recognition of his receiving the Minoru Yasui Community Volunteer Award for his work training first responders how to deal with community members suffering from dementia.

On September 28<sup>th</sup> Jim was recognized again for his work with dementia patients. He received the National Alliance on Mental Health award and the Jefferson County Crisis Team award at the first annual Jefferson County CIT Awards Banquet.

### Council questions

#### Councilmember Urban

- How this position will intersect with the Homeless Navigator is not known yet.
- When the calls come to dispatch, PD and the co-responder will respond. Peak hours are identified. Officers can deal with it on the spot or delay action to the following day if appropriate (when secondary services are available).
- Major crimes would be addressed immediately. Some minor crimes may be better handled through the mental health system the following day.

Councilmember Mathews reported having interacted with Officer Lorentz during the last 4 years and has found him to be a valuable asset for the City and a quality person.

- Regarding response times with the mental health professional, Crisis Intervention training will continue. De-escalation techniques are taught. Officer Lorentz elaborated on possible scenarios.
- These responders will be hired by Jefferson Center for Mental Health.
- Arvada and Lakewood have their own programs.

#### Councilmember Hoppe

- Data will come from Jeffcom.

Division Chief Lorentz said he sees a permanent program having two Masters level behavior health specialists. He should have something to report by mid-spring 2020.

## 2. Inclusive Public Hearings – *People Speak* Online Platform

Ken Johnstone noted there has been a desire for increased public participation in decision making, particularly related to development approvals and zoning code amendments.

### Our current practice

- 600 foot mailing radius for neighborhood meeting
- 300 foot mailing radius for PC and CC hearings
- People can participate by attending in person or sending emails or written comments.

*People Speak* is an online platform for the public to learn about and comment on public hearing agenda items in advance of the hearing.

- Expanded opportunity for learning and participating
- Comments submitted at people's convenience and directly unto the record
- Appeals to public's current practice (Facebook, Nextdoor, etc.)

**Travis Parker**, the Planning Director for Lakewood, was on hand to share their experience with *People Speak*.

- Lakewood has used this program for 2 years with their Planning Commission and since February with their City Council.
- They found most people who attended meetings are over 55 years old.
- Online participation more accurately mirrors the demographic of Lakewood's population.
- So far they are seeing about twice the participation by online. It remains to be seen if that trend will continue.

**Lauren Mikulak** went through how upcoming meetings will be publicized and all the various information that will be available to the public (staff reports, maps, attachments, criteria, options). For the public:

- No account is needed; there is a clear deadline for public comment.
- The comment field has a 2,000 word limit.
- There will be no threads.
- Decision maker tracking
- Address hidden in public view
- There will be a comment policy (rejection for profanity or personal attacks)

What changes for staff?

- Have to finalize report 2 days earlier
- Prepare slides 1 week earlier

- Revise letter notice

What changes for decision makers (Planning Commission/ City Council)?

- Review online comments in advance
- Can refer constituents to website for comment

*Wheat Ridge Speaks* would...

- Mimic the current practice and provide additional opportunity for input
- Protect from ex parte contact
- Streamline receipt of public comment

It would not

- Replace the current practice (letter, mailing, public hearing, in-person testimony)

Lakewood Feedback – Travis Parker

Decision makers

- Appreciate additional comments and reaching new people
- Ability to digest feedback days before the meeting
- Place to send constituents on Quasi-judicial cases

Citizens

- Appreciate ability to comment without attending meeting
- Easier to find all information on the case and ask questions
- No issues with ease of use

Staff

- Simple to upload case information
- Saves time providing information

Mr. Johnstone concluded.

- Planning Commission recommended implementing this.
- Use will be month by month; there is no long term contract. Company is in Boulder.
- Will cost \$1,600/month, which is a little less than \$20K a year.
- Following training for Council and Planning Commission implementation could be in early 2020 for land use cases and zoning code amendments.

Council comments and questions

- Data on comments will be provided to Council.
- Could this be used for other items than land use cases? That is possible.
- What if councilmember doesn't review the comments? It is hoped councilmembers would pay attention. This systems can track if councilmembers logged in. Mr. Dahl suggested making it part of Council Rules. Mr. Parker commented from a Lakewood perspective. Council is emailed that the comment period is closed. Also emails those who have not read them.
- Rejecting comments for profanity is against the 1<sup>st</sup> Amendment. Mr. Dahl addressed how creating a public record and effectively publishing the information would allow for screening for things like harassment or bullying, which may include profanity.

- Should institute other changes with the adoption of this program –such as increasing the 300 foot mailing distance.
- Adverse to limiting the words to 2,000 – since there is no time limit on public comment if people speak in person at the hearing.
- Sometimes new information is revealed by the developer at the hearing, and there would be an opportunity to respond.
- Should be careful about regulating Council behavior.
- Power point has the ability to record audio with each slide. Audio presentation? Ask Lauren about Kristi's question
- Lakewood requires name, physical address and email address. On the public side only the name shows. Decision makers will see name and address, and they can be the judge of how much weight they want to give comments from non-residents.
- Lakewood hasn't had false identification of the commenter; we can addresses that if it happens.

Mayor Starker had several questions.

Clerk Shaver asked if there were other companies for Lakewood to consider. There weren't. She asked Ms. Mikulak if hard copies of the comments will be provided to file for the record. She said that could be done.

Councilmember Hoppe received unanimous consent to move forward to develop the implementation schedule, schedule training on the platform, keep the attachments option engaged, and change the deadline to midnight Saturday before the meeting.

**Mayor Starker declared a recess at 8:10pm**  
**The study session resumed at 8:21pm.**

**3.** 2018 Building Code Adoption Update

Ken Johnstone and Randy Slusser, Chief Building Official

Mr. Johnstone gave some background.

- The City currently operates on the 2012 International Codes, the 2015 version of NFPA 99, and the 2017 National Electrical Code.
- The International Building Codes (IBC) are revised every three years, but historically the City, along with many jurisdictions, has adopted a newer version of the codes about every 6 years. The last update was in 2014.
- Staff proposes adoption of the 2018 version of the IBC, the 2018 version of National Fire Protection Association (NFPA) 99 Standard for Health Care Facilities, and the current version of the National Electrical Code (currently 2017) as adopted by the State of Colorado.
- Purchase of the new codes is in the 2020 budget.
- Since May staff has
  - Met with the Building Code Advisory Board on a monthly basis.

- Held a community meeting and some one-on-one meetings with builders.
- Worked with the fire districts.
- The Building Code Advisory Board has signed off on all the proposed changes.

Mr. Johnstone highlighted the proposed amendments.

- Add administrative language that will keep permit fees more consistent with construction costs.
- Modify requirements for churches to allow overnight homeless sheltering on a temporary basis for under 50 residents.
- Allow “live/work” housing concepts
- Revise language for businesses that perform combustible and non-combustible extraction processes (marijuana)
- Exemptions for residential decks that are less than 120 sf in area, are not more than 30” above grade, and are not attached to the dwelling
- Exempt residential lawn sprinklers from permits and not require licenses for installers
- Requiring automatic Fire Sprinkler Systems in residential town homes

Following discussion about automatic sprinkler systems, Councilmember Urban received consensus to not include this requirement.

- Adopt radon control requirements for all residential homes

Following discussion Councilmember Hoppe received consensus to keep this provision.

- Adopt language that accommodates certain elements of older homes

There was consensus to adopt this provision about older homes.

- Remove language for Lumber Sheathing that allow any gaps less than ½ inch to be considered solid sheathing
  - Adopt language that relaxes requirements for Tiny Houses (less than 400 sf)
- Councilmember Mathews asked for consensus to not adopt Appendix Q for Tiny Houses. That consensus failed.

Councilmember Hoppe received consensus to adopt Appendix Q for Tiny Houses.

- Require all new residential construction to plan for future solar installations by providing pathways and structural support. There was discussion about this and the regulations about restricting where trees can be planted and existing old trees.

Following lengthy discussion Councilmember Hoppe asked for consensus to keep Appendix T for solar ready provisions, with the exception of shading, and to require conduit for future solar installation. That consensus failed.

Councilmember Urban received unanimous consent to require extra circuit space for future solar installation.

- Modifications proposed by the local Fire Districts.



Mr. Johnstone reported that most new developments now have some form of underground detention system (Lucky's, the Corners, Town Center North, West End 38, the assisted living facility at 44<sup>th</sup> and Yarrow). It's part of our development pattern, because it allows for more efficient use of land. We have administratively adopted the ASHTO guidelines. He proposed that the Fire Departments' suggestion is well intentioned, but not workable. Ex: The West End 38 building is built on top of an underground detention system. Discussion followed.

Councilmember Kueter received consensus to adopt staff's recommendation.

- Energy Conservation Code

Mr. Slusser explained there is an appendix for solar ready requirement for commercial buildings. Council did not have that in the packet, but it is similar to the residential requirements. There was consensus to adopt requirements similar to what was agreed on for residential.

- Grandfathering

- There is the issue of projects in progress and when to implement new requirements such as radon control requirements and solar readiness.
- The IBC Codes are scheduled for approval in December, to go into effect July 1. How would Council like to handle projects in progress?

Councilmember Hoppe received consensus to require projects in the pipeline to immediately (upon passage) follow the new requirements for radon control and extra circuits for solar panels.

After further discussion Councilmember Hoppe received consensus to require projects in the pipeline to follow the new requirements for radon control and extra circuits for solar panels "fifteen days after passage".

Ken Johnstone clarified that the rest of the 2018 IBC codes will go into effect July 1.

- Electrical Codes

Mr., Johnstone advised the State adopts electrical codes; we enforce them. Proposed is to automatically adopt the new electrical codes when the State does. There was consensus to proceed with that policy.

1st Reading is planned for November 25<sup>th</sup>, with the public hearing on December 9.

#### 4. Staff Reports

Mr. Goff reported that Ulta will be opening this Friday and Sierra Trading Post on Saturday.

#### 5. Elected Official Report

**Janeece Hoppe** announced that on Tuesday, October 22 at 6:30pm at the Rec Center she will be having a District 1 meeting. She will be talking about 2E and 1A and explaining why she supports them.

**Larry Mathews** read a report (email from Mr. Goff) about Mathews regarding the noise issue at Rocky Mountain Bottle.

- They have decided on a plan for mitigation and received funding.
- The plan is to insulate the oxygenator to decrease noise volume at the plant.
- No specific schedule was given, but they communicated they will be moving quickly.
- Mr. Goff will keep Council informed.

**Clerk Shaver** had questions about the result of two consensus votes.

### **ADJOURNMENT**

The Study Session adjourned at 10:08 pm.

APPROVED BY CITY COUNCIL ON OCTOBER 28, 2019

---

Janelle Shaver, City Clerk

---

Janeece Hoppe, Mayor Pro Tem

N.B. The audio for this short Special Study Session is located within the audio recording of the Regular Council Meeting of Sept 9, near the end. Cf. 9:13pm – 9:21pm.

**SPECIAL STUDY SESSION NOTES  
EXECUTIVE SESSION AGENDA  
CITY OF WHEAT RIDGE, COLORADO**

City Council Chambers 7500 W. 29<sup>th</sup> Avenue

**September 9, 2019**

Upon recess of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 9:13pm.

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

Also present: City Manager, Patrick Goff; City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; guests and interested citizens.

**CITIZEN COMMENT ON AGENDA ITEMS**      none

**1.**      Clear Creek Crossing PIF Collecting Agent Agreement

Staff presentation – Russell Newton of the Longs Peak Metropolitan District

**Russell Newton** explained that a PIF (Public Improvement Fee) is a private covenant put on property, by the owner of the property, to run with the property. In this case there is a lodging PIF, a retail sales tax PIF, and an entertainment PIF. These funds that are collected from sales go back into the property to fund public improvements.

The district prefers to have the City serve as the PIF Collecting Agent.

- It would eliminate the need for third party involvement.
- They aren't taxes, but are processed like taxes - which the City has experience with.
- It's more efficient for the retail establishments to send two checks to the same place.
- The District prefers the funds (for public purposes) stay in the public realm.
- A 2% fee on any PIF funds collected would return to the City to cover its costs.
- At full buildout they anticipate a yearly collection of \$20K.
- Since the City is a long term partner is Clear Creek Crossing this will provide reliable, prudent and transparent collection.

### Council questions

Councilmember Mathews asked how these PIF funds would co-mingle with 2E funds for the hook ramps.

- Mr. Goff clarified the information in the packet was incorrect. 2E funds will be paying for the hook ramps.
- Mr. Newton added that the District will be obligated to reimburse the City any bond proceeds above the \$10M. Also, any PIF revenue not required for the bonds may be retained by the City.
- Mr. Newton also noted the bonds are expected to last 30 years. Another benefit of having the City be the Collection Agent is that while private accounting firms may come and go over time, the City will always be here collecting taxes.

Mr. Goff reported this will come to Council for approval on September 23.

There was consensus to move forward with this.

### ADJOURNMENT

The Special Study Session adjourned at 9:21pm and the Regular Meeting was reconvened.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janece Hoppe, Mayor pro tem

**SPECIAL STUDY SESSION NOTES  
EXECUTIVE SESSION AGENDA  
CITY OF WHEAT RIDGE, COLORADO**

City Council Chambers 7500 W. 29<sup>th</sup> Avenue

**September 23, 2019**

Upon adjournment of the Regular City Council Meeting

Mayor Bud Starker called the Special Study Session to order at 9:19 p.m.

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

Absent: Zachary Urban (excused)

Also present: City Manager, Patrick Goff; City Clerk, Janelle Shaver; City Attorney, Jerry Dahl; City Engineer, Mark Westberg; guests and interested citizens.

**CITIZEN COMMENT ON AGENDA ITEMS**

**1.** Noise Ordinance

**Staff presentation – Patrick Goff**

- Staff report and 5 noise ordinances from neighboring jurisdictions are in the packet.
- Councilors Mathews and Dozeman requested this discussion, but this is not just about Rocky Mountain Bottle (RMB).
- Noise ordinance tend to be community-specific. There are a wide variety of noise regulations across the country and even with our neighbors.
- Wheat Ridge has a qualitative ordinance which tend to use vague adjectives like unreasonable, unnecessary, and unusual, annoying.
- Other ordinances are quantitative, and can be measured and limited by decibel levels. The State, the County and Arvada have that.
- Andrew Truitt, an acoustic engineer, was in the audience for advice if necessary. He has helped other communities draft ordinances.

Councilmember Mathews thanked Mr. Goff for his work on this and with RMB.

- He reviewed that RMB had come to the City for some tax breaks because the EPA had required them to make changes with their furnaces.
- They changed from two small furnaces to one large one.
- RMB decided they are under County codes, which excludes noise regulations for industrial sites.

- They have engineered their operation up to the limit the EPA declares as hazardous to health.
- Most codes set residential limit at 50-55 decibels. The EPA's danger level is 80. He has measured 78 on one neighbor's porch. On Sunday afternoon he measured 70 decibels over at Pierson and Quail where Arvada is developing. This is a new location for the sound.
- He believes action is necessary for the health and welfare of our citizens.

Councilmember Davis believes that Industrial properties should have to use the standards of the zoning of properties to which they are adjacent or near, and that consistent ongoing sound should be considered – not short sporadic sounds like fireworks.

Councilmember Pond asked what changes were made five years ago.

- Per Mr. Goff the one change was that a police officer could not be the complainant.
- A quantitative code will require training for police officers and calibrated machines.
- The issue 5 years ago, loud music from a business, was resolved through mediation.

Mr. Goff related that RMB wants to know what level they have to fix it to.

Councilmember Hoppe proposed a hybrid policy that accommodates residential and mixed use with more flexible qualitative standards, and applies tougher quantitative standards for commercial and industrial.

Mr. Goff offered perspective about the hybrid concept.

Councilmember Mathews pointed out that most quantitative ordinances already allow some flexibility for things like fireworks, ambulances, fire trucks, etc.

Councilmember Dozeman received consensus to have staff draft a noise ordinance to bring back for discussion at a study session. It will have a variety of options.

Mr. Goff assured Councilmember Mathews something could be ready for discussion in 6-8 weeks, so the RMB neighbors have a time.

Mr. Goff gave an update on RMB.

- RMB has two bids for mitigation that they are evaluating now.
- Two weeks ago they made some adjustments to their equipment that should help.
- They have sent one letter to neighbors. City provided addresses. He will have them send another letter when they have a solution and a timeline.

Councilmember Davis suggested RMB go back to where they were before the changes. Mr. Goff said sound measurements from that time are available.

## 2. 52<sup>nd</sup> Avenue Annexation

Mr. Westberg reported that due to budget constraints Jefferson County will no longer participate as a funding partner for improvements of 52<sup>nd</sup> Ave. We are most contiguous to the street; Arvada has some. Jeffco is supportive of allowing us to annex the JeffCo

portions of 52<sup>nd</sup> Avenue right-of-way in order to complete the improvements to 52<sup>nd</sup> Avenue in a timely manner. That will come on Oct 4. Then we will proceed with the annexation process.

There was some brief discussion followed by consensus to proceed with the annexation.

**ADJOURNMENT to RECONVENE COUNCIL MEETING**

The Special Study Session adjourned at 9:52 p.m.

---

Janelle Shaver, City Clerk

APPROVED BY CITY COUNCIL ON October 28, 2019

---

Janece Hoppe, Mayor pro tem

**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: COUNCIL BILL NO. 16-2019 – AN ORDINANCE AMENDING SECTION 26-205 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF MINOR ACCESSORY STRUCTURES IN THE RESIDENTIAL-ONE ZONE DISTRICT (CASE NO. ZOA-19-04)**

☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☐ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING (10/14/2019)  
☒ ORDINANCES FOR 2<sup>ND</sup> READING (10/28/2019)

QUASI-JUDICIAL: ☐ YES ☒ NO

  
Community Development Director

  
City Manager

**ISSUE:**

The purpose of the proposed ordinance is to modify development standards for minor accessory structures in the Residential-One (R-1) zone district, specifically as they relate to the rear and side setbacks and maximum square footage allowed per structure.

**PRIOR ACTION:**

Staff discussed this issue with City Council at a study session on August 19, 2019. At the study session, Council directed staff to draft a code amendment allowing smaller structures to have reduced setbacks in R-1. Council approved the ordinance on first reading on October 14, 2019. At a public hearing on October 17, 2019, Planning Commission voted to recommend approval of the proposed ordinance. Commissioners discussed the appropriateness of a 5-foot setback and discussed the height limitation of minor accessory structures. There was no public testimony.

**FINANCIAL IMPACT:**

There are no direct financial impacts to the City.



**BACKGROUND:**

The R-1 zone district is the City's largest lot, single-family zone district requiring a minimum lot area of 12,500 square feet (0.25 acre) and lot width of 100 feet. The purpose and intent of this zone district is to provide high quality, safe, quiet, and stable low-density residential neighborhoods, and to prohibit activities of any nature which are incompatible with the low-density residential character.

In residential zone districts, setbacks are established for primary and accessory structures. Accessory structures are defined as major or minor. This distinction between major and minor depends on the size and height of the structure. In general, a garage or carport is often classified as a major accessory structure, whereas a shed or gazebo is often classified as a minor accessory structure. The minimum side and rear setbacks for *all* structures in R-1 are currently 15 feet, including for minor accessory structures.

At a study session on August 19, 2019, staff presented an analysis of the code and other jurisdictions' regulations as it relates to the setbacks of accessory structures in the R-1 zone district. Council consensus was to reduce minimum rear and side yard setbacks but only for very small accessory structures (such as sheds) in the R-1 zone district. The enclosed ordinance reflects Council's direction and includes two text amendments to the zoning code:

1. Minor accessory structures in R-1 are limited to a maximum size of 200 square feet (a reduction from the current allowance of 400 square feet), and
2. Minimum side and rear setbacks are 5 feet for these minor accessory structures in R-1.

Based on this change, any detached structure over 200 square feet in the R-1 zone district is classified as a major accessory structure and will require 15-foot side and rear setbacks.

**RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**RECOMMENDED MOTION:**

"I move to approve Council Bill No. 16-2019, an ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the regulation of minor accessory structures in the Residential-One zone district, on second reading and that it take effect 15 days after final publication."

Or,

"I move to postpone indefinitely Council Bill No. 16-2019, an ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the regulation of minor accessory structures in the Residential-One zone district, for the following reason(s) \_\_\_\_\_."

**REPORT PREPARED/REVIEWED BY:**

Zareen Tasneem, Planner I

Lauren Mikulak, Planning Manager

Kenneth Johnstone, Community Development Director

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Council Bill No. 16-2019

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER DAVIS**  
**COUNCIL BILL NO. 16**  
**ORDINANCE NO. 1675**  
**Series 2019**

**TITLE: AN ORDINANCE AMENDING SECTION 26-205 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE REGULATION OF MINOR ACCESSORY STRUCTURES IN THE RESIDENTIAL-ONE ZONE DISTRICT (CASE NO. ZOA-19-04)**

**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 modify regulations pertaining to minor accessory structures in the Residential-One (R-1) zone district associated therewith; and

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

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

**Section 1.** Code Section 26-205 (Residential-One District (R-1)) of the Code is amended as follows in their appropriate locations:

**B. *Development standards:***

|                                    |       | Maximum Height | Maximum Building Coverage          | Minimum Lot Area | Minimum Lot Width | Minimum Front Yard Setback<br>(a) | Minimum Side Yard Setback<br>(b) | Minimum Rear Yard Setback<br>(b) |
|------------------------------------|-------|----------------|------------------------------------|------------------|-------------------|-----------------------------------|----------------------------------|----------------------------------|
| ...                                |       |                |                                    |                  |                   |                                   |                                  |                                  |
| Accessory Buildings <sup>(d)</sup> | Major | 15'            | 1,000 sf                           | N/A              | N/A               | 30' (c)                           | 15'                              | 15'                              |
|                                    | Minor | 10'            | <del>400 sf</del><br><b>200 SF</b> | N/A              | N/A               | 30' (c)                           | <del>15'</del> <b>5'</b>         | <del>15'</del> <b>5'</b>         |

**Section 2. 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 3. 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 4. Effective Date.** This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 14<sup>th</sup> day of October, 2019, ordered published with Public Hearing and consideration on final passage set for Monday, October 28, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_\_ to \_\_\_\_, this 28<sup>th</sup> day of October 2019.

**SIGNED** by the Mayor on this 28<sup>th</sup> day of October 2019.

\_\_\_\_\_  
Bud Starker, Mayor

ATTEST:

\_\_\_\_\_  
Janelle Shaver, City Clerk

Approved as to form

\_\_\_\_\_  
Gerald E. Dahl, City Attorney

First Publication: October 17, 2019  
Second Publication: October 28, 2019  
Wheat Ridge Transcript  
Effective Date: November 15, 2019

**REQUEST FOR CITY COUNCIL ACTION**

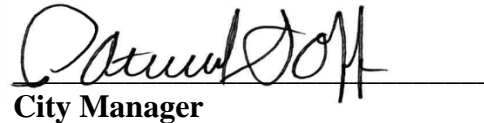
**TITLE: COUNCIL BILL NO. 17-2019 – AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY IN A PORTION OF WEST 38<sup>TH</sup> AVENUE, A PUBLIC ROADWAY**

☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☐ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING (10/14/2019)  
☒ ORDINANCES FOR 2<sup>ND</sup> READING (10/28/2019)

QUASI-JUDICIAL: ☐ YES ☒ NO

  
Engineering Manager

  
City Manager

**ISSUE:**

The City of Wheat Ridge holds rights-of-way in trust for the public. An irregular-shaped strip of ROW running along the south side of West 38<sup>th</sup> Avenue eastward from Youngfield Street has been deemed to be excessive and unnecessary by Public Works. Staff recommends transferring the ROW to U.S. Retail Partners, LLC, owners of the Applewood Shopping Center.

**PRIOR ACTION:**

None

**FINANCIAL IMPACT:**

None. The ROW is currently owned and maintained by the City of Wheat Ridge.

**BACKGROUND:**

Originally an on-ramp to eastbound Interstate 70 on the west side of Youngfield Street was located at the West 38<sup>th</sup> Avenue intersection (the "Intersection"). Due to the interstate traffic load at the Intersection, ROW was dedicated for a right turn lane from northbound Youngfield to eastbound West 38<sup>th</sup> Avenue. However, by 2008 the eastbound Interstate 70 on-ramp was relocated further south on Youngfield Street to better align with the signalized entrance to the Applewood Village Shopping Center.

After a decade of reviewing traffic counts and observing basic traffic operations in the area, Public Works has determined that a dedicated right turn lane at this location would likely never be needed. The current street standards can be met, and if desired by the City, a new monument entry sign can easily be placed within a narrower ROW width at the intersection. The area proposed for vacation is 2,367 sq. ft. (0.05 acres), more or less.

If approved by Council, the title to the strip of ROW being vacated will revert to U.S. Retail Partners, LLC (“U.S. Retail”), owners of the Applewood Village Shopping Center. This additional ROW will provide U.S. Retail with the additional square footage required for a new developable pad at this Intersection. In return for the vacated area, U.S. Retail has agreed to deed to the City a small, irregular-shaped strip of ROW along the east side of Youngfield Street lying due south of the area of vacation. The City needs the area to bring the Youngfield corridor into compliance with current street standards and to allow for construction of public improvements. The area proposed for dedication is 2,187 square feet (0.05 acres), more or less.

**RECOMMENDATION:**

Staff recommends approval of the attached ordinance.

**RECOMMENDED MOTION:**

“I move to approve Council Bill No. 17-2019, an ordinance vacating any interest held by the City in a portion of West 38<sup>th</sup> Avenue, on second reading and that it take effect 15 days after final publication.”

Or,

“I move to postpone indefinitely Council Bill No. 17-2019, an ordinance vacating any interest held by the City in a portion of West 38<sup>th</sup> Avenue for the following reason(s) \_\_\_\_\_.”

**REPORT PREPARED BY:**

Dave Brossman, Development Review Engineer

Steve Nguyen, Engineering Manager

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Council Bill 17-2019
2. Legal Description
3. Overall Aerial

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER WEAVER**  
**COUNCIL BILL NO. 17**  
**ORDINANCE NO. 1676**  
**Series 2019**

**TITLE: AN ORDINANCE VACATING ANY INTEREST HELD BY THE CITY IN A PORTION OF WEST 38<sup>th</sup> AVENUE, A PUBLIC ROADWAY**

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

**WHEREAS**, a portion of right-of-way along the southerly side of West 38<sup>th</sup> Avenue at Youngfield Street is not needed for public roadway purposes; and

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

**WHEREAS**, the portion of the West 38<sup>th</sup> Avenue right-of-way to be vacated and which is the subject of this ordinance is more fully described on **Exhibit A** attached hereto and fully incorporated herein by this reference; and

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

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

**Section 1. Vacation.** To the extent of any City interest therein, the following portion of the West 38<sup>th</sup> Avenue right-of-way is hereby vacated, the same being no longer required for public use and the public interest will be served by such vacation, as more particularly described on the attached **Exhibit A**.

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

**Section 3. Recording.** This Ordinance shall be filed for record with the office of the Jefferson County Clerk and Recorder.

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

**INTRODUCED, READ, AND ADOPTED** on first reading by a vote of 7 to 0 on this 14<sup>th</sup> day of October, 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 October 28, 2019 at 7:00 p.m., in the Council Chambers, 7500 West 29<sup>th</sup> Avenue, Wheat Ridge, Colorado.

**READ, ADOPTED AND ORDERED PUBLISHED** on second and final reading by a vote of \_\_\_\_ to \_\_\_\_, this 28<sup>th</sup> day of October 2019.

SIGNED by the Mayor on this 28<sup>th</sup> day of October 2019.

---

Bud Starker, Mayor

ATTEST:

---

Janelle Shaver, City Clerk

Approved as to Form

---

Gerald E. Dahl, City Attorney

First Publication: October 17, 2019  
Second Publication: October 31, 2019  
Wheat Ridge Transcript  
Effective Date: November 15, 2019

Published:  
Wheat Ridge Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)



# EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 1 OF 2

A PORTION OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION TO BEAR NORTH 89°29'29" EAST, A DISTANCE OF 1322.31 FEET BETWEEN A FOUND NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP, STAMPED "T3S R69W 1/4 S30 S29 2013 LS 29761" IN RANGE BOX AND A FOUND NO. 6 REBAR WITH 3-1/4" ALUMINUM CAP, STAMPED T3S R69W W 1/16 C-C S29 1995 LS 13155" IN RANGE BOX, WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO.

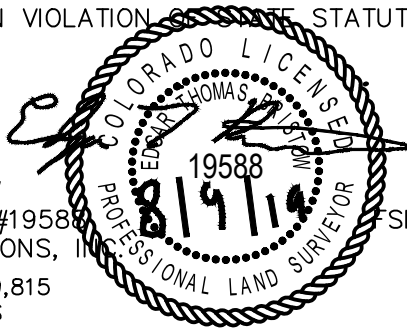
COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 29; THENCE NORTH 38°25'46" EAST, A DISTANCE OF 2206.22 FEET TO THE POINT OF BEGINNING, SAID POINT BEING A POINT ON THE WESTERLY LINE OF LOT 1, APPLEWOOD VILLAGE SHOPPING CENTER FILING NO. 2, AS RECORDED AT RECEPTION NO. 2017081101, DATED AUGUST 7, 2017 IN THE RECORDS OF JEFFERSON COUNTY CLERK AND RECORDER, SAID POINT ALSO BEING THE EASTERLY RIGHT-OF-WAY LINE OF YOUNGFIELD STREET; THENCE NORTH 02°12'34" WEST, A DISTANCE OF 10.15 FEET; THENCE NORTH 02°07'32" WEST, A DISTANCE OF 40.61 FEET; THENCE NORTH 47°12'57" EAST, A DISTANCE OF 77.77 FEET; THENCE NORTH 76°42'33" EAST, A DISTANCE OF 14.72 FEET; THENCE NORTH 76°13'11" EAST, A DISTANCE OF 31.00 FEET; THENCE NORTH 79°34'48" EAST, A DISTANCE OF 65.43 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 1, SAID POINT ALSO BEING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 38TH AVENUE; THENCE ALONG SAID SOUTHERLY & EASTERLY RIGHT-OF-WAY LINES OF WEST 38TH AVENUE AND YOUNGFIELD STREET THE FOLLOWING TWO (2) COURSES:

1. SOUTH 76°32'08" WEST, A DISTANCE OF 37.35 FEET TO A POINT OF CURVATURE;
2. THENCE 181.17 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 178.00 FEET, AN INCLUDED ANGLE OF 58°19'00" AND SUBTENDED BY A CHORD BEARING SOUTH 47°22'39" WEST, A DISTANCE OF 173.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 2,367 SQ.FT. OR 0.05 ACRES, MORE OR LESS.

I, EDGAR T. BRISTOW, A LAND SURVEYOR LICENSED IN THE STATE OF COLORADO, DO HEREBY STATE FOR AND ON BEHALF OF FLATIRONS, INC., THAT THIS PARCEL DESCRIPTION AND ATTACHED EXHIBIT, BEING MADE A PART THEREOF, WERE PREPARED BY ME OR UNDER MY RESPONSIBLE CHARGE AT THE REQUEST OF THE CLIENT AND IS NOT INTENDED TO REPRESENT A MONUMENTED LAND SURVEY OR SUBDIVIDE LAND IN VIOLATION OF STATE STATUTE.

EDGAR T. BRISTOW  
COLORADO P.L.S. #19588  
PRESIDENT, FLATIRONS, INC.  
JOB NUMBER: 17-69,815  
DRAWN BY: E. DAVIS  
DATE: AUGUST 9, 2019



THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.

**Flatirons, Inc.**  
*Surveying, Engineering & Geomatics*

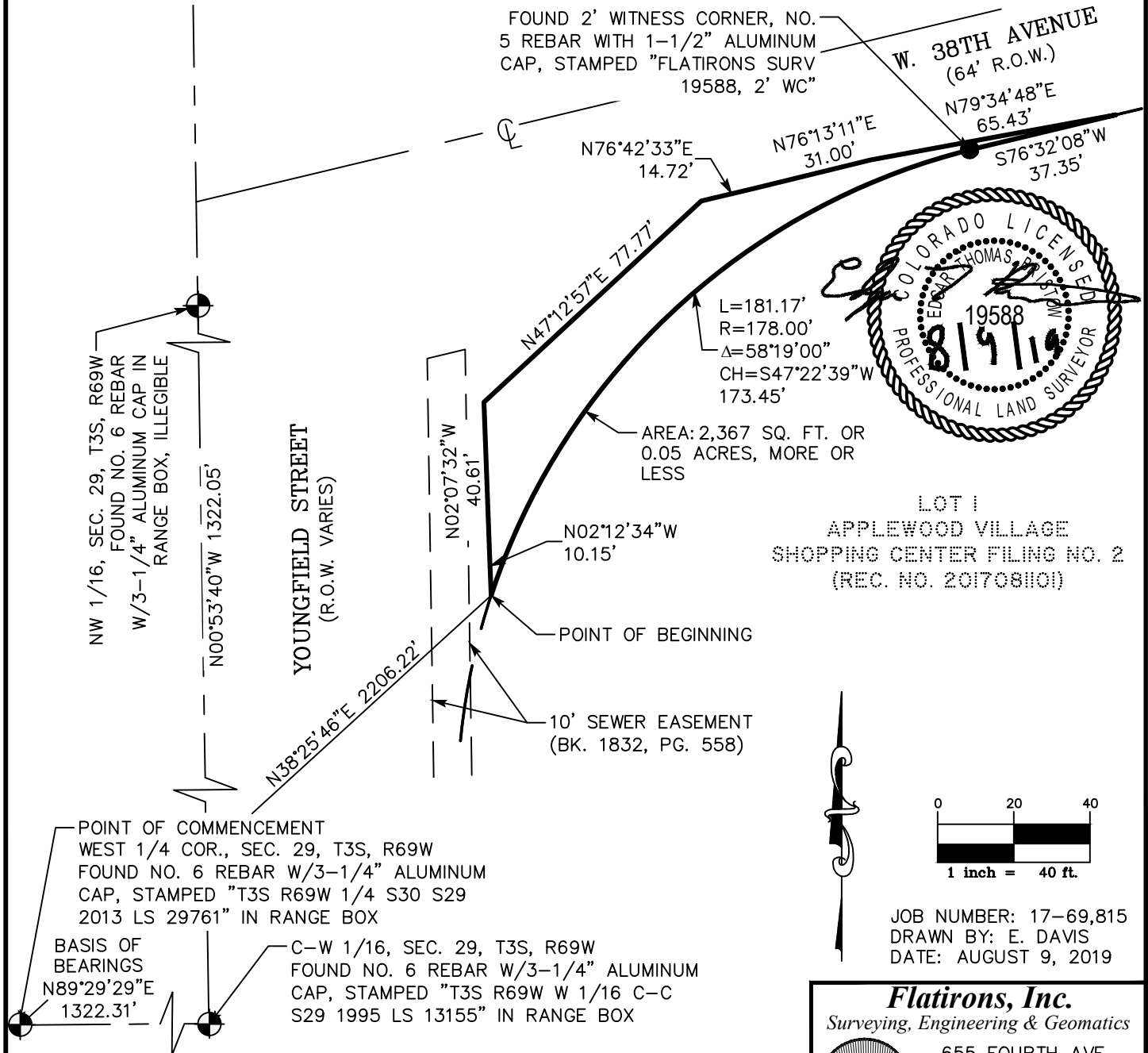


655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355  
[www.FlatironsInc.com](http://www.FlatironsInc.com)

# EXHIBIT "A"

LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 3 SOUTH,  
RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO

SHEET 2 OF 2



THIS IS NOT A "LAND SURVEY PLAT" OR "IMPROVEMENT SURVEY PLAT" AND THIS EXHIBIT IS NOT INTENDED FOR PURPOSES OF TRANSFER OF TITLE OR SUBDIVISIONS OF LAND. RECORD INFORMATION SHOWN HEREON IS BASED ON INFORMATION PROVIDED BY CLIENT.



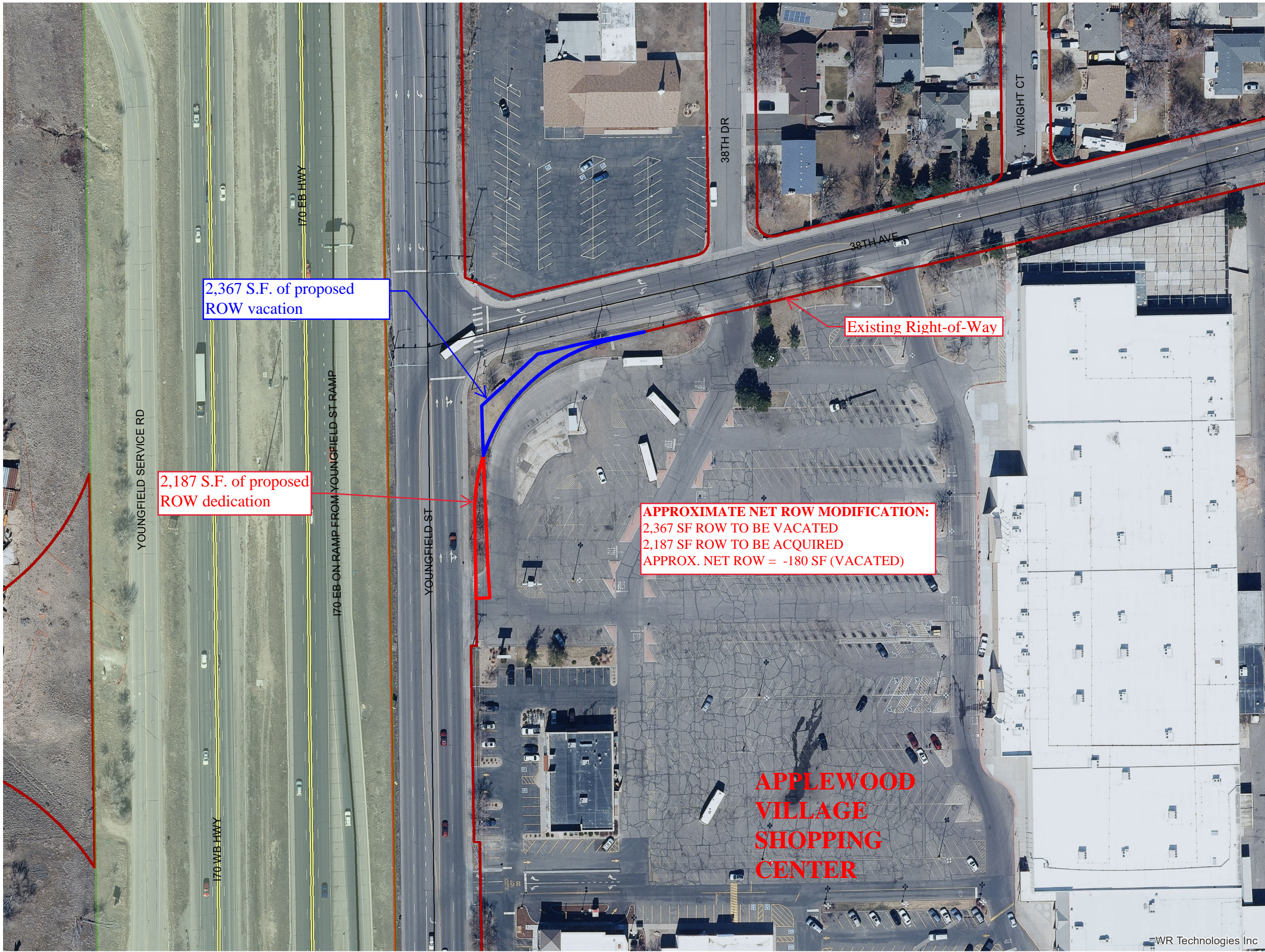
**Flatirons, Inc.**

Surveying, Engineering & Geomatics

655 FOURTH AVE  
LONGMONT, CO 80501  
PH: (303) 776-1733  
FAX: (303) 776-4355

[www.FlatironsInc.com](http://www.FlatironsInc.com)





### 38th Ave. & Youngfield St.

**Legend**

**US Retail**

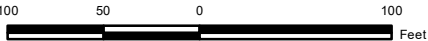
Type

- Proposed Dedication Area
- Proposed Vacation Area
- ROW\_CURRENT

**Road Centerline**

CLASS

- Primary road, interstate highway, limited access road
- Secondary road, U.S. highway
- Connecting road, county roads
- Neighborhood road, city street, unimproved road
- Special Road Feature



Horizontal Coordinate System:  
NAD83/92 State Plane, Colorado Central Zone 0502

Vertical Datum: NAVD88

#### DISCLAIMER NOTICE:

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



7500 West 29th Avenue  
Wheat Ridge, CO 80033-8001  
303.234.5900

DATE: 10/14/2019



**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: RESOLUTION NO. 58-2019 – A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND AGRICULTURAL-ONE (A-1) AND LOCATED AT 5352, 5372, AND 5392 QUAIL STREET (CASE NO. WS-18-01 / QUAIL RUN PLAT)**


☒ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☒ RESOLUTIONS

☐ ORDINANCES FOR 1<sup>ST</sup> READING  
☐ ORDINANCES FOR 2<sup>ND</sup> READING

QUASI-JUDICIAL: ☒ YES

☐ NO

  
Community Development Director

  
City Manager

**ISSUE:**

The applicant is requesting approval of a major subdivision with right-of-way dedication for an approximately 7.11-acre property located at 5352, 5372, and 5392 Quail Street. The purpose of this subdivision request is to establish lot lines, tracts, easements, and right-of-way dedication for a 56-unit development with townhomes and single family detached homes.

**PRIOR ACTION:**

Planning Commission heard the request at a public hearing on October 17, 2019 and recommended approval of the major subdivision for the following reasons:

1. All agencies can provide services to the property with improvements installed at the developer's expense.
2. The plat will result in a logical layout consistent with the future development proposed by the specific development plan.
3. The requirements of Article IV of the zoning and development code have been met.

City Council approved the rezoning for this site with an Outline Development Plan (ODP) on April 23, 2018, with a vote of 7-0. Planning Commission approved the Specific Development Plan (SDP) for this site on October 17, 2019.

**FINANCIAL IMPACT:**

Fees in the amount of \$2,395.60 were collected for the review and processing of Case No. WS-18-01. Fees in lieu of parkland dedication in the amount of \$134,853.56 will be due prior to issuance of building permits. Permit fees and use tax will be paid for each building permit and for all site work and right-of-way permits.

**BACKGROUND:**

The subject property is located in a northern peninsula of Wheat Ridge, surrounded on three sides by the City of Arvada. It is located along Quail Street north of Ridge Road and south of W. 54<sup>th</sup> Avenue.

The subject property consists of three parcels, each of which contains a single-family home. The northern two parcels are zoned Planned Residential Development (PRD), per the Quail Run Outline Development Plan, which allows for single-family homes and townhomes. The southern portion of the subdivision includes a parcel zoned Agricultural-One (A-1), a zone district which allows for residential estate living within a quasi-rural or agricultural setting. This A-1 parcel is included in the subdivision because the applicant is purchasing the eastern portion of their oversized residential property for the purpose of drainage conveyance for the proposed development. The only way to legally divide that parcel is to include it in the subdivision.

To the north and east of the subject property is the Skyline Estates neighborhood in the City of Arvada. This area consists of single-family homes constructed throughout the mid-2000s. To the southeast along Ridge Road, also within the Skyline Estates neighborhood, are five 8-unit apartment buildings.

To the west of the subject property is a large vacant parcel within the City of Arvada. A plat was approved by the City of Arvada for this property on September 18, 2019, which establishes the necessary right-of-way for Quail Street and establishes lot lines and right-of-way for the “Haskins Station” development. An Outline Development Plan was approved by the Arvada City Council on September 10, 2018 for this development. The approved ODP shows 477 housing units consisting of single-family detached homes, paired homes, townhomes, and apartments. The development will connect to 54<sup>th</sup> Avenue, located just north of the subject property, and will share access from Quail Street with the subject property. It will also connect south to Ridge Road.

To the south of the subject property is a property zoned agriculturally and utilized for a single-family home with apparent accessory agricultural uses. Further to the south is the Quail Ridge Estates development, zoned Planned Residential Development (PRD) and containing 25 single-family homes, which was recently completed.

The catalyst for much of the development activity in the area is the proximity of two commuter rail stations on the RTD G Line. The Arvada Ridge and Wheat Ridge · Ward Stations are each less than a mile from the subject site to the east and west, respectively.

The site is zoned Planned Residential Development (PRD). As stated above, City Council approved the rezoning of the property to PRD on April 23, 2018. Planning Commission approved a Specific Development Plan (SDP) for this property on October 17, 2019 (Case No. WZ-18-13), which complies with the Outline Development Plan standards approved by City Council. Key components of the subdivision are described below. The plat document is attached.

The purpose of a subdivision plat is not to review specific site plan or architectural 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. Planning Commission has approved the site plan, architecture, landscaping, and parking for this property as part of the SDP approval on October 17, 2019.

#### *Proposed Plat*

The proposed plat document consists of six pages. The first page includes the legal description of the property; signature blocks for the owner, City, surveyor and County; and standards declarations and notes. The second page shows the current condition of the land. The third page shows the entire site, and how the land will be subdivided, including lots, tracts, and dedicated right-of-way. Pages 4-6 divide the property into three sections and expand upon the information provided on page 3.

#### *Right-of-way*

The site is mostly rectangular in shape, and plats 4 new public street segments: Quail Street, West 53<sup>rd</sup> Drive, West 53<sup>rd</sup> Place, and Pierson Court.

The majority of Quail Street lies within the City of Arvada, and will be built to Arvada roadway specifications; as noted above it was platted by the recently-approved Haskins Station Subdivision. The portion of Quail Street within the City of Wheat Ridge will be built to Wheat Ridge specifications, essentially just the public sidewalk. Quail Street will be completed between Quail Run and Quail Ridge Estates in an interim condition on the Arvada side of the City boundary when the Haskins Station development is constructed.

West 53<sup>rd</sup> Drive will be built as a standard local street with a 53-foot wide cross section which is wide enough to accommodate two travel lanes, on-street parking, and 5-foot attached sidewalks on both sides of the street.

West 53<sup>rd</sup> Place is located along the southern property border, and is 42 feet wide which will accommodate on-street parking on the north side, a 5-foot attached sidewalk on the north side, and two travel lanes. If the property to the south develops, the remaining 11 feet of right-of-way for a local street section will be built. Due to the single-family home remaining to the south of the subject property, the applicant is proposing to plat Tract C between West 53<sup>rd</sup> Place and the

neighboring property. This Tract will be converted to right-of-way if the property to the south redevelops.

Pierson Court will be built as a standard local street with a 53-foot wide cross section. This section extends south along the drainage pond, and aligns with Pierson Court in the Quail Ridge Estates Development to the south. If the properties between the subject property, Quail Run, and Quail Ridge Estates redevelop, Pierson Court will connect the developments.

A Subdivision Improvement Agreement will ensure all public rights-of-way and other public improvements are in-place prior to issuance of a building permit.

#### *Site Configuration*

The lot configuration is consistent with the SDP site plan with 14 larger lots (approximately 4,500 square feet to 9,000 square feet) located along the northern and eastern property lines, accessed from West 53<sup>rd</sup> Drive and Pierson Court. These lots will accommodate the single-family detached units. No access to W. 54<sup>th</sup> Avenue for these individual homes will be permitted. At the southeast corner of the property is Tract D, for stormwater detention, and Tract F, for stormwater conveyance.

Forty-two townhome (single-family attached) lots are located central to the community, bounded by West 53<sup>rd</sup> Drive to the north, West 53<sup>rd</sup> Place to the south, Pierson Court to the east, and Quail Street to the west. This area is traversed from east to west by Tracts A and B, which will provide a central landscape amenity area for the community. The homes will front Quail Street, 53<sup>rd</sup> Drive, and 53<sup>rd</sup> Place, with garage access being accommodated by Tract E, an alley dedicated for access, utilities, and drainage. Tract E connects to Pierson Court, 53<sup>rd</sup> Place, and 53<sup>rd</sup> Drive.

#### *Easements*

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

- A series of 6-foot, 8-foot, and 10-foot wide utility easements on the perimeters of Lots 1-14
- A utility easement running north-south between the townhome buildings, interrupted by Tract A and Tract B
- Vacation of 25 feet of existing Quail Street right-of-way across Lot 43 which will not be required to construct Quail Street (the alignment in this section falls mostly in Arvada's jurisdiction). This vacation is at the request and recommendation of the Public Works Department.

#### *Drainage*

The property will be utilizing a detention pond (Tract D) located at the southeast corner of the property. This water will be conveyed through Tract F, and outfall into public storm sewer downstream within the Skyline Estates Subdivision. This is in an existing platted drainage easement designed to accommodate off-site flows.

**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 development standards and requirements from the approved outline development plan. For that reason, staff is recommending approval of the request.

**RECOMMENDED MOTION:**

“I move to approve Resolution No. 58-2019, a resolution approving a major subdivision with right-of-way dedication for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) located at 5352, 5372, and 5392 Quail Street 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 requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer’s expense.

and with the following conditions:

1. The reception number of the Quail Street right-of-way in Arvada will be filled in prior to recordation of the SDP and plat.
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 by staff.
4. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
5. Reconfiguration of the intersection of W. 53<sup>rd</sup> Avenue and Quail Street shall be completed to the satisfaction of the City.
6. All minor corrections to the plat shall occur prior to recordation.

Or,

“I move to deny Resolution No. 58-2019, a resolution approving a major subdivision with right-of-way dedication for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) located at 5352, 5372, and 5392 Quail Street for the following reasons:

- 1.
- 2.
3. ”



**REPORT PREPARED/REVIEWED BY:**

Scott Cutler, Planner II

Lauren Mikulak, Planning Manager

Ken Johnstone, Community Development Director

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Resolution No. 58-2019
2. Plat Document
3. Aerial
4. Quail Street Exhibit
5. Planning Commission Draft Meeting Minutes

**CITY OF WHEAT RIDGE  
RESOLUTION NO. 58  
Series of 2019**

**TITLE: A RESOLUTION APPROVING A MAJOR SUBDIVISION PLAT WITH RIGHT-OF-WAY DEDICATION FOR PROPERTY ZONED PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND AGRICULTURAL-ONE (A-1) AND LOCATED AT 5352, 5372, AND 5392 QUAIL STREET (CASE NO. WS-18-01 / QUAIL RUN PLAT)**

**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 with right-of-way dedication was received from Wonderland Homes to subdivide property located at 5352, 5372, and 5392 Quail Street in the Planned Residential Development (PRD) and Agricultural-One (A-1) zone districts; and,

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

**WHEREAS**, the Planning Commission has conducted a public hearing complying with all public notice requirements as required by Section 26-109 of the Code of Laws and forwarded its recommendation of approval; 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 PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND AGRICULTURAL-ONE (A-1) LOCATED AT 5352, 5372, AND 5392 QUAIL STREET 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 requested subdivision has been reviewed by the Planning Commission, which has forwarded its recommendation of approval.
3. The subdivision plat has been found in compliance with Article IV of Chapter 26 of the Code of Laws.
4. All agencies can provide services to the property with improvements installed at the developer's expense.

And, with the following conditions:

1. The reception number of the Quail Street right-of-way in Arvada will be filled in prior to recordation of the SDP and plat.
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. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
5. Reconfiguration of the intersection of W. 53<sup>rd</sup> Avenue and Quail Street shall be completed to the satisfaction of the City.
6. All minor corrections to the plat shall occur prior to recordation.

**DONE AND RESOLVED** by the City Council this 28<sup>th</sup> day of October, 2019.

---

Bud Starker, Mayor

ATTEST:

---

Janelle Shaver, City Clerk



OWNER'S CERTIFICATE

WE, ARTHUR J. AHO, BARBARA J. AHO, GREGORY R. SKALLA, SUMMER CLARK, JOEL L. LUBKER AND DAWN R. LUBKER BEING THE OWNERS OF REAL PROPERTY CONTAINING 7.0158 ACRES DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING SITUATED IN THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN;

THENCE SOUTH 45°31'44" EAST, A DISTANCE OF 1872.93 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 16 ALSO BEING THE POINT OF BEGINNING;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF 54TH AVENUE AS RECORDED IN RECEPTION NO. F0988769 IN THE OFFICIAL RECORDS OF THE CLERK AND RECORDER, CITY OF ARVADA, COUNTY OF JEFFERSON, STATE OF COLORADO, NORTH 89°37'29" EAST, A DISTANCE OF 471.14 FEET TO THE NORTHWEST CORNER OF SKYLINE ESTATES FILING NO. 2 AS RECORDED IN BOOK 172 AT PAGE 60 OF THE RECORDS OF THE CLERK AND RECORDER OF JEFFERSON COUNTY;

THENCE SOUTH 00°12'57" EAST, A DISTANCE OF 937.22 FEET ALONG THE WESTERLY BOUNDARY OF SAID SKYLINE ESTATES FILING NO. 2 TO THE NORTHEAST CORNER OF QUAIL RIDGE ESTATES RESUBDIVISION RECORDED AT RECEPTION NO. 2015098618 OF THE RECORDS OF THE CLERK AND RECORDER OF SAID JEFFERSON COUNTY;

THENCE SOUTH 89°32'53" WEST, A DISTANCE OF 7.69 FEET TO THE SOUTHEAST CORNER OF A PARCEL OF LAND RECORDED AT RECEPTION NO. 2008052592 OF THE RECORDS OF THE CLERK AND RECORDER OF SAID JEFFERSON COUNTY;

THENCE NORTH 00°16'48" WEST, A DISTANCE OF 277.98 FEET ALONG THE EASTERLY BOUNDARY OF SAID PARCEL;

THENCE SOUTH 89°32'53" WEST, A DISTANCE OF 422.75 FEET TO THE EASTERLY RIGHT-OF-WAY OF QUAIL STREET;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING THREE (3) COURSES;

- THENCE NORTH 00°15'01" WEST, A DISTANCE OF 179.63 FEET;
- THENCE SOUTH 89°32'53" WEST, A DISTANCE OF 40.00 FEET;
- THENCE NORTH 00°15'01" WEST, A DISTANCE OF 480.24 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 7.0158 ACRES, (305,609 SQUARE FEET), MORE OR LESS.

HAVE LAID OUT, SUBDIVIDED AND PLATTED SAID LAND AS PER THE DRAWING HEREON CONTAINED UNDER THE NAME AND STYLE OF **QUAIL RUN FINAL PLAT**, 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 MUNICIALLY OWNED AND/OR MUNICIPALLY FRANCHISED UTILITIES AND SERVICES THOSE PORTIONS AS EASEMENTS FOR THE CONSTRUCTION, INSTALLATION, OPERATION, MAINTENANCE, REPAIR AND REPLACEMENT FOR ALL SERVICES. THIS INCLUDES, BUT IS NOT LIMITED TO, TELEPHONE AND ELECTRIC LINES, GAS LINES, WATER AND SANITARY SEWER LINES, HYDRANTS, STORM WATER SYSTEMS AND PIPES, DETENTION PONDS, STREET LIGHTS AND ALL APPURTENANCES THERETO.

OWNER / SUBDIVIDER

ARTHUR J. AHO  
ARTHUR JOEL AHO REVOCABLE TRUST

BARBARA J. AHO  
ARTHUR JOEL AHO REVOCABLE TRUST

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS\_\_\_\_ DAY OF

\_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_

\_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

\_\_\_\_\_

NOTARY PUBLIC

GREGORY R. SKALLA

STATE OF \_\_\_\_\_ )  
COUNTY OF \_\_\_\_\_ ) SS

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS\_\_\_\_ DAY OF

\_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_

WITNESS MY HAND AND OFFICIAL SEAL. MY COMMISSION EXPIRES:

\_\_\_\_\_

NOTARY PUBLIC

CASE HISTORY

WZ-17-11  
WZ-18-13  
WS-18-01

QUAIL RUN FINAL PLAT  
A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

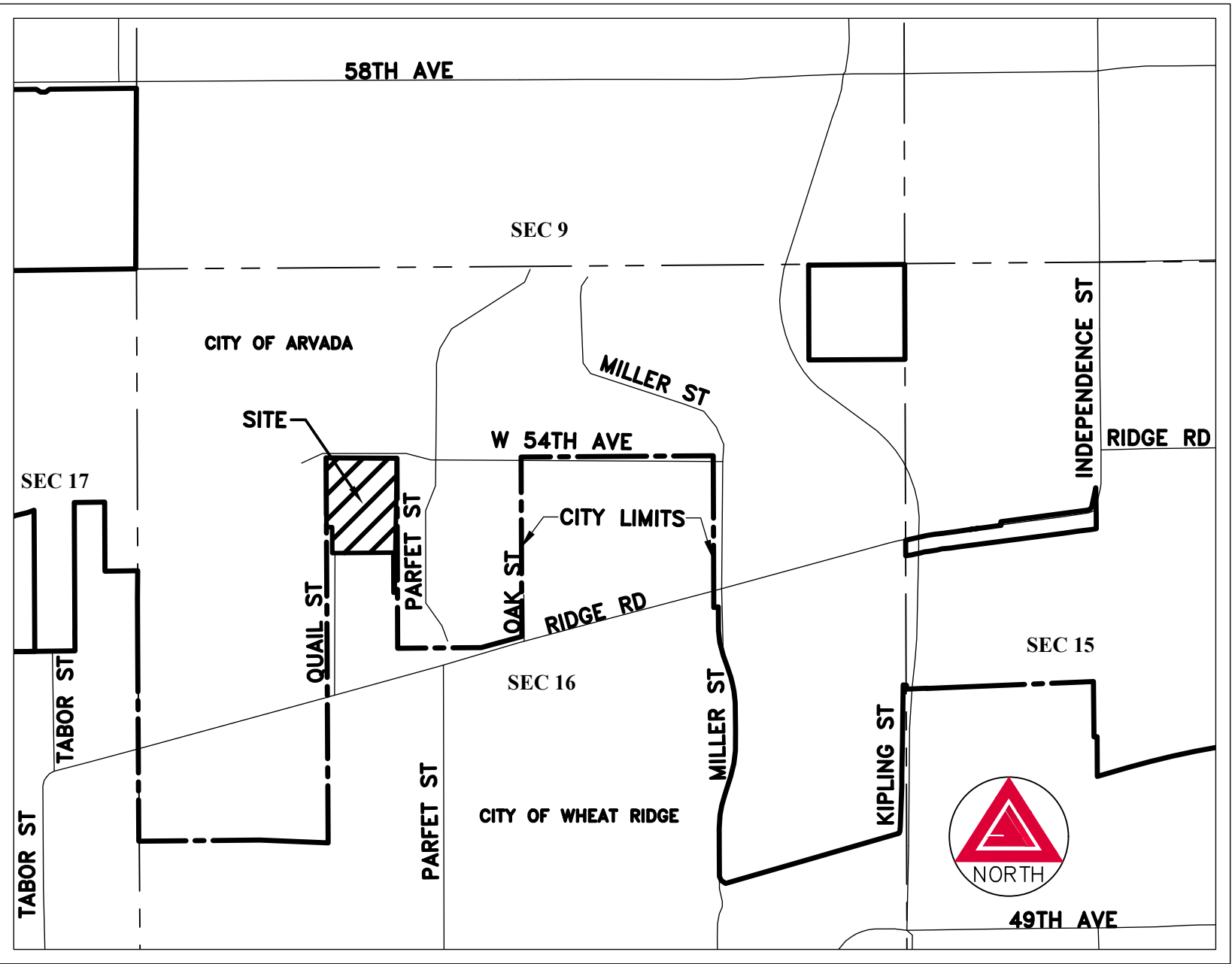
| SHEET INDEX                          |           |
|--------------------------------------|-----------|
| DESCRIPTION                          | SHEET NO. |
| COVER SHEET                          | 1         |
| EXISTING CONDITIONS                  | 2         |
| PROPOSED CONDITIONS – OVERALL VIEW   | 3         |
| PROPOSED CONDITIONS – NORTH PORTION  | 4         |
| PROPOSED CONDITIONS – MIDDLE PORTION | 5         |
| PROPOSED CONDITIONS – SOUTH PORTION  | 6         |

| PROPOSED LAND USE TABLE |         |      |
|-------------------------|---------|------|
| USE                     | SQ.FT.  | AC.  |
| RESIDENTIAL AREA        | 186,744 | 4.29 |
| OPEN SPACE/TRACTS       | 55,282  | 1.27 |
| RIGHT-OF-WAY            | 67,726  | 1.55 |
| TOTAL AREA              | 305,609 | 7.11 |

| PROPOSED LAND AREA TABLE |         |      |
|--------------------------|---------|------|
| DESCRIPTION              | SQ.FT.  | AC.  |
| BLOCK 1 (14 LOTS)        | 75,587  | 1.74 |
| BLOCK 2 (43 LOTS)        | 111,157 | 2.55 |
| TRACT A                  | 3,523   | 0.08 |
| TRACT B                  | 6,390   | 0.15 |
| TRACT C                  | 1,692   | 0.04 |
| TRACT D                  | 21,922  | 0.50 |
| TRACT E                  | 19,574  | 0.45 |
| TRACT F                  | 2,181   | 0.05 |
| RIGHT-OF-WAY             | 67,726  | 1.55 |

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, BEING MONUMENTED AT THE NORTHWEST CORNER BY A 3-1/4" BRASS CAP STAMPED "LS 13212" IN MONUMENT BOX AND AT THE WEST QUARTER CORNER BY A 3-1/4" BRASS CAP STAMPED "LS 13212" IN MONUMENT BOX, ASSUMED TO BEAR NORTH 00°16'53" WEST.



GENERAL NOTES.

- THE CURRENT CITY DATUM COORDINATE SYSTEM USED IS A GROUND-BASED MODIFIED FORM OF THE NAD83/92 STATE PLANE COORDINATE SYSTEM, COLORADO CENTRAL ZONE 0502.
- VERTICAL DATUM USED IS THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- GROUND TO GRID COMBINED SCALE FACTOR IS 0.99974780300, SCALED FROM BASE POINT PHAC 1 (PERMANENT HIGH ACCURACY CONTROL POINT #1) HAVING THE FOLLOWING NAD83/92 STATE PLANE COORDINATES: PHAC 1: NORTHING: 1701258.7500, EASTING: 3118217.5810, ELEVATION: 5471.62 (NAVD88).
- THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY AZTEC CONSULTANTS INC. TO DETERMINE OWNERSHIP OR EASEMENTS OF RECORD. FOR ALL INFORMATION REGARDING EASEMENTS, AZTEC CONSULTANTS INC. RELIED UPON TITLE COMMITMENT NO. 598-F06008855-122-V00, WITH AN EFFECTIVE DATE OF JANUARY 12, 2018 @ 7:00AM. PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY. ALL TAX INFORMATION, LIENS, IF ANY, LEASES, DEED OF TRUST, RELEASES, ASSIGNMENTS, ASSUMPTIONS, TERMS, AGREEMENTS, PROVISIONS, CONDITIONS AND OBLIGATIONS FOR THE PROPERTY SHOWN HEREIN ARE REFLECTED IN SAID TITLE COMMITMENT.
- ANY PERSON WHO KNOWINGLY REMOVES, ALTERS OR DEFACES ANY PUBLIC LAND SURVEY MONUMENT OR LAND BOUNDARY MONUMENT OR ACCESSORY COMITS A CLASS TWO (2) MISDEMEANOR PURSUANT TO STATE STATUTE 18-4-508, OF THE COLORADO REVISED STATUTES.
- 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.
- FLOOD ZONE: THE SURVEYED PROPERTY SHOWN HEREIN LIES WITHIN OTHER AREAS ZONE "X", AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, PER FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP (FIRM) NO. 08059C0211F, WITH A REVISED DATE OF FEBRUARY 5, 2014, DETERMINATION OF FLOOD ZONE CLASSIFICATION IS DEPICTED BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY.
- THE STORM WATER QUALITY DETENTION 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 SHALL 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.
- STREET RIGHT-OF-WAY MONUMENTS SHALL BE SET PRIOR TO FINAL LIFT OF ASPHALT PAYMENT. MONUMENT HARDWARE AND RANGE BOXES WILL BE PROVIDED BY THE CITY OF WHEAT RIDGE UPON REQUEST (303-235-2861).
- UTILITY EASEMENTS ARE DEDICATED TO THE CITY OF WHEAT RIDGE FOR THE BENEFIT OF THE APPLICABLE UTILITY PROVIDERS FOR THE INSTALLATION, MAINTENANCE, AND REPLACEMENT OF ELECTRIC, GAS, TELEVISION, CABLE, AND TELECOMMUNICATIONS FACILITIES (DRY UTILITIES). UTILITY EASEMENTS SHALL ALSO BE GRANTED WITHIN ANY ACCESS EASEMENTS AND PRIVATE STREETS IN THE SUBDIVISION. PERMANENT STRUCTURES, IMPROVEMENTS, OBJECTS, BUILDINGS, WELLS, AND OTHER OBJECTS THAT MAY INTERFERE WITH THE UTILITY FACILITIES OR USE THEREOF (INTERFERING OBJECTS) SHALL NOT BE PERMITTED WITHIN SAID UTILITY EASEMENTS AND THE UTILITY PROVIDERS, AS GRANTEEES, MAY REMOVE ANY INTERFERING OBJECTS AT NO COST TO SUCH GRANTEEES, INCLUDING, WITHOUT LIMITATION, VEGETATION. XCEL ENERGY AND ITS SUCCESSORS RESERVE THE RIGHT TO REQUIRE ADDITIONAL EASEMENTS AND TO REQUIRE THE PROPERTY OWNER TO GRANT XCEL ENERGY AN EASEMENT ON ITS STANDARD FORM.
- ALL TRACTS ARE NON-BUILDABLE AND ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.  
  
TRACT A: TO BE USED FOR LANDSCAPE AND UTILITIES  
TRACT B: TO BE USED FOR LANDSCAPE AND UTILITIES  
TRACT C: TO BE USED FOR LANDSCAPE AND GRADING  
TRACT D: TO BE USED FOR STORMWATER DETENTION AND DRAINAGE APPURTENANCES  
TRACT E: TO BE USED FOR ACCESS, UTILITIES, AND DRAINAGE  
TRACT F: TO BE USED FOR UTILITIES AND DRAINAGE

| REVISION BLOCK      |          |
|---------------------|----------|
| INITIAL PREPARATION | 5/9/18   |
| FIRST REVISION      | 6/12/18  |
| SECOND REVISION     | 7/20/18  |
| THIRD REVISION      | 9/19/18  |
| FOURTH REVISION     | 11/02/18 |

| REVISION BLOCK   |          |
|------------------|----------|
| FIFTH REVISION   | 1/04/19  |
| SIXTH REVISION   | 6/24/19  |
| SEVENTH REVISION | 7/9/19   |
| EIGHTH REVISION  | 10/03/19 |



AzTec Proj. No.: 54818-17

Drawn By: NAK

DEVELOPER  
CDL HOMES, INC. (A COLORADO CORPORATION)  
WONDERLAND HOMES

8246 NORTHFIELD BLVD  
BUILDING J, SUITE #2600  
DENVER, CO 80238

|                      |            |
|----------------------|------------|
| DATE OF PREPARATION: | 2018-05-07 |
| SCALE:               | NA         |
| SHEET 1 OF 6         |            |

GENERAL NOTES CONT.

- INDIVIDUAL TOWNHOUSE (SINGLE-FAMILY ATTACHED) LOTS SHALL NOT BE DEVELOPED FOR ANY OTHER PURPOSE OTHER THAN TOWNHOMES.
- 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.

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 MULTI-FAMILY 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 CLAIMS(S) THROUGH EITHER NEGOTIATION OR MEDIATION BEFORE SUBMITTING SUCH CLAIMS(S) TO BINDING ARBITRATION. ADDITIONALLY, THE MULTI-FAMILY DEVELOPMENT AREA MAY ALSO BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITION AND RESTRICTIONS THAT MAY IMPLEMENT AND EXPAND UPON THE REQUIREMENTS OF THIS PLAT NOTE AND THAT MAY EXEMPT CERTAIN CLAIMS FROM 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 BINDING 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 GOVERNING 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, GRANTEEES, 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.

PLANNING COMMISSION CERTIFICATION

RECOMMENDED FOR APPROVAL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE WHEAT RIDGE PLANNING COMMISSION.

CHAIRPERSON

ACCEPTANCE OF DEDICATED INTERESTS 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.

CITY CERTIFICATION

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY THE WHEAT RIDGE CITY COUNCIL.

ATTEST

CITY CLERK \_\_\_\_\_ MAYOR \_\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR

DIRECTOR OF PUBLIC WORKS

SURVEYOR'S CERTIFICATE

I, DON R. HULSEY, A PROFESSIONAL LAND SURVEYOR LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF **QUAIL RUN FINAL PLAT** WAS MADE BY ME OR DIRECTLY UNDER MY SUPERVISION ON OR ABOUT THE 10TH DAY OF MAY, 2018, AND THAT THE SURVEY IS BASED UPON MY KNOWLEDGE, INFORMATION AND BELIEF. IT HAS BEEN PREPARED IN ACCORDANCE WITH APPLICABLE COLORADO STATUTES, CURRENT REVISED EDITION AS AMENDED AND APPLICABLE COLORADO STANDARDS OF PRACTICE, THE SURVEY IS NOT A GUARANTY OR WARRANTY, EITHER EXPRESSED OR IMPLIED, AND THE ACCOMPANYING MAP ACCURATELY AND PROPERLY SHOWS SAID PLAT AND THE SURVEY THEREOF.

DON R. HULSEY, P.L.S. 38291  
LICENSED PROFESSIONAL LAND SURVEYOR  
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

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

CLERK AND RECORDER'S CERTIFICATE

ACCEPTED FOR RECORDING IN THE OFFICE OF THE COUNTY CLERK AND RECORDER OF JEFFERSON COUNTY AT GOLDEN, COLORADO, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JEFFERSON COUNTY CLERK AND RECORDER

BY: DEPUTY CLERK

COVER SHEET



A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.



FOR AND ON BEHALF OF  
AZTEC CONSULTANTS, INC.

### EXISTING CONDITIONS

|                      |           |
|----------------------|-----------|
| DATE OF PREPARATION: | 2018-05-0 |
| SCALE:               | 1"=50'    |
| SHEET 2 OF 6         |           |

| REVISION BLOCK |                     |          |
|----------------|---------------------|----------|
|                | INITIAL PREPARATION | 5/9/18   |
|                | FIRST REVISION      | 6/12/18  |
| (R)            | SECOND REVISION     | 7/20/18  |
|                | THIRD REVISION      | 9/19/18  |
|                | FOURTH REVISION     | 11/02/18 |
|                | FIFTH REVISION      | 1/04/19  |
| (R)            | SIXTH REVISION      | 6/24/19  |
|                | SEVENTH REVISION    | 7/9/19   |

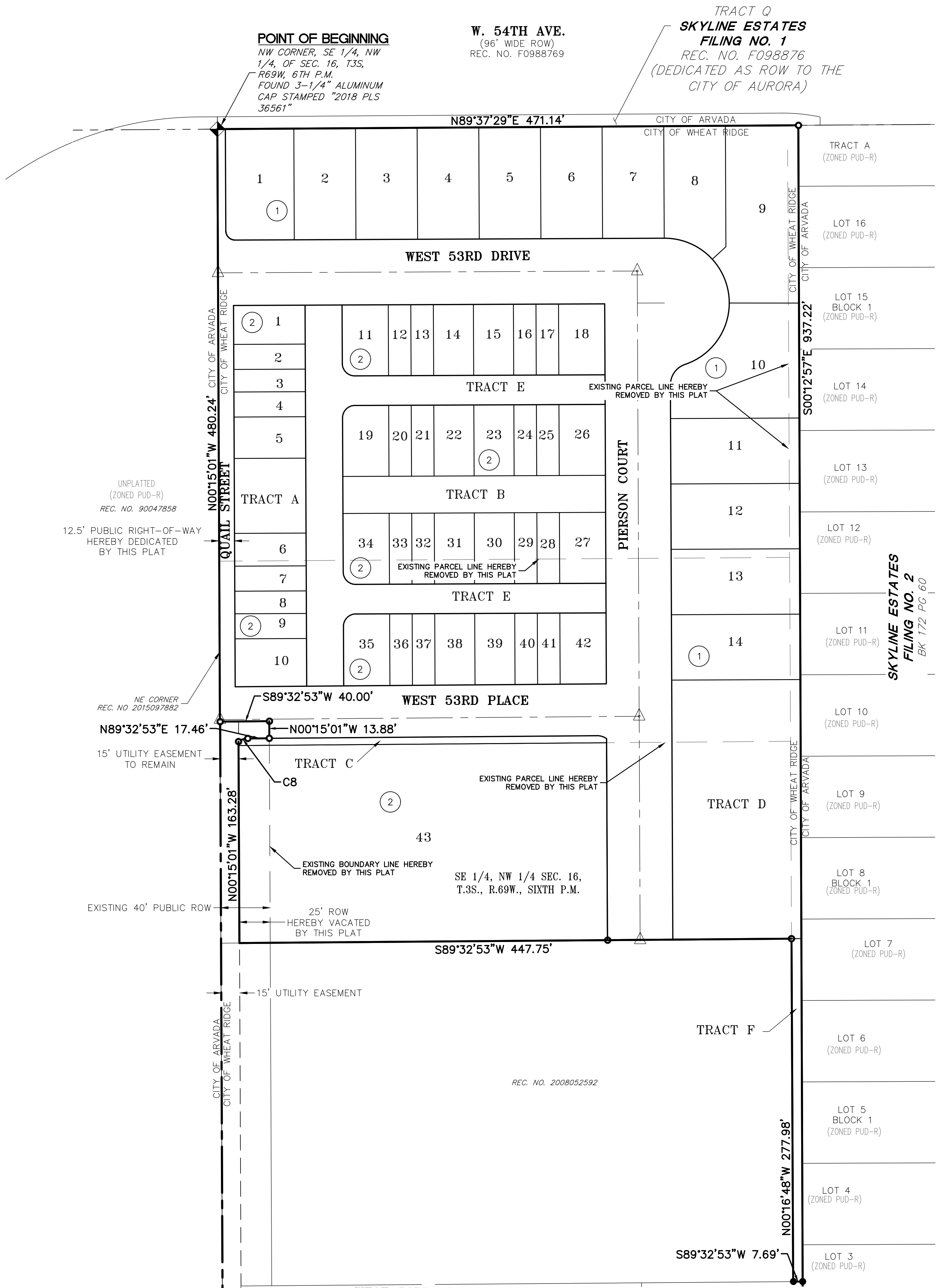


AzTec Proj. No.: 54818-17 Drawn By: NAK

**D E V E L O P E R**  
**CDL HOMES, INC. (A COLORADO CORPORATION)**  
**WONDERLAND HOMES**  
8246 NORTHFIELD BLVD  
BUILDING J, SUITE #2600  
DENCER, CO 80238

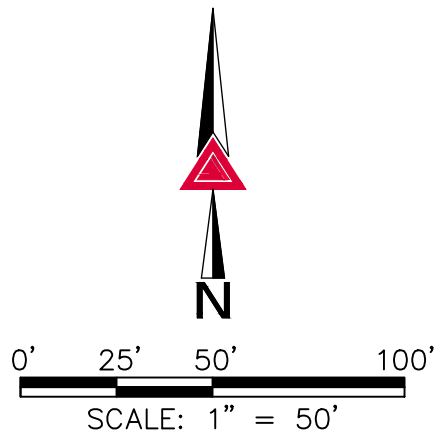
QUAIL RUN FINAL PLAT

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.



**LEGEND**

- SET NO. 5 REBAR WITH 1-1/4" (ORANGE) PLASTIC CAP STAMPED "AZTEC LS 38291"
- FOUND NO. 5 REBAR WITH 1-1/4" ALUMINUM CAP STAMPED "OPC KT ENG PLS 36561"
- ◆ SECTION CORNER, AS NOTED
- SUBDIVISION BOUNDARY
- EXISTING PARCEL LINE
- LOT LINES HEREBY CREATED BY THIS PLAT
- - - EASEMENT
- - - CITY BOUNDARY
- - - SECTION LINE
- - - ROW/PROPERTY LINE
- - - ROW CENTERLINE
- △ MONUMENT IN BOXES TO BE SET AFTER CONSTRUCTION IS COMPLETE PER SEC. 147-47 AURORA CITY CODE AND PER SEC. 38-51-105-9 (a&b) COLORADO REVISED STATUTES
- ② BLOCK NUMBER
- (ROW) RIGHT-OF-WAY



| REVISION BLOCK      |          |
|---------------------|----------|
| INITIAL PREPARATION | 5/9/18   |
| FIRST REVISION      | 6/12/18  |
| SECOND REVISION     | 7/20/18  |
| THIRD REVISION      | 9/19/18  |
| FOURTH REVISION     | 11/02/18 |
| FIFTH REVISION      | 1/04/19  |
| SIXTH REVISION      | 6/24/19  |
| SEVENTH REVISION    | 7/9/19   |

300 East Mineral Ave., Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
www.aztecconsultants.com

**DEVELOPER**  
CDL HOMES, INC. (A COLORADO CORPORATION)  
WONDERLAND HOMES  
8246 NORTHFIELD BLVD  
BUILDING J, SUITE #2600  
DENVER, CO 80238

|                      |            |
|----------------------|------------|
| DATE OF PREPARATION: | 2018-05-09 |
| SCALE:               | 1"=50'     |
| SHEET 3 OF 6         |            |

FOR REVIEW

FOR AND ON BEHALF OF  
AZTEC CONSULTANTS, INC.  
PROPOSED CONDITIONS  
OVERALL VIEW

AzTec Proj. No.: 54818-17

Drawn By: NAK



# QUAIL RUN FINAL PLAT

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

## POINT OF BEGINNING

NW CORNER, SE 1/4, NW 1/4, OF SEC. 16, T3S, R69W, 6TH P.M.  
FOUND 3-1/4" ALUMINUM CAP STAMPED "2018 PLS 36561"

## W. 54TH AVE.

(96' WIDE ROW)  
REC. NO. F0988769

TRACT Q  
SKYLINE ESTATES  
FILING NO. 1  
REC. NO. F098876

(DEDICATED AS ROW TO THE  
CITY OF AURORA)

## LEGEND

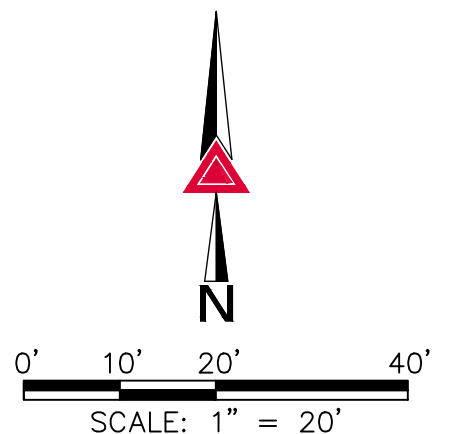
- SET NO. 5 REBAR WITH 1-1/4" (ORANGE) PLASTIC CAP STAMPED "AZTEC LS 38291"
- FOUND NO. 5 REBAR WITH 1-1/4" ALUMINUM CAP STAMPED "OPC KT ENG PLS 36561"
- SECTION CORNER, AS NOTED
- SUBDIVISION BOUNDARY
- EXISTING PARCEL LINE
- LOT LINES HEREBY CREATED BY THIS PLAT
- EASEMENT
- CITY BOUNDARY
- SECTION LINE
- ROW/PROPERTY LINE
- ROW CENTERLINE
- MONUMENT IN BOXES TO BE SET AFTER CONSTRUCTION IS COMPLETE PER SEC. 147-47 AURORA CITY CODE AND PER SEC. 38-51-105-9 (a&b) COLORADO REVISED STATUTES
- BLOCK NUMBER
- (ROW) RIGHT-OF-WAY

## CURVE TABLE

| CURVE | DELTA     | RADIUS | LENGTH | CHD BRG     | CHD DIST |
|-------|-----------|--------|--------|-------------|----------|
| C1    | 90°00'00" | 7.50'  | 11.78' | S45°15'01"E | 10.61    |
| C2    | 71°40'56" | 17.50' | 21.89' | S35°35'28"W | 20.49    |
| C3    | 37°02'45" | 12.50' | 8.08'  | N71°54'12"W | 7.94     |
| C4    | 90°00'00" | 10.00' | 15.71' | S44°44'59"W | 14.14    |
| C5    | 90°00'00" | 10.00' | 15.71' | S45°15'01"E | 14.14    |
| C6    | 90°00'00" | 10.00' | 15.71' | S44°44'59"W | 14.14    |
| C7    | 90°00'00" | 10.00' | 15.71' | S45°15'01"E | 14.14    |
| C8    | 36°55'27" | 12.54' | 8.08'  | N71°26'09"E | 7.94     |

LOT 15  
BLOCK 1  
(ZONED PUD-R)

SKYLINE ESTATES  
FILING NO. 2  
BK 172 PG 60



LOT 14  
(ZONED PUD-R)

LOT 13  
(ZONED PUD-R)

FOR REVIEW

FOR AND ON BEHALF OF  
AZTEC CONSULTANTS, INC.

PROPOSED CONDITIONS  
NORTH PORTION

| REVISION BLOCK      |          |
|---------------------|----------|
| INITIAL PREPARATION | 5/9/18   |
| FIRST REVISION      | 6/12/18  |
| SECOND REVISION     | 7/20/18  |
| THIRD REVISION      | 9/19/18  |
| FOURTH REVISION     | 11/02/18 |
| FIFTH REVISION      | 1/04/19  |
| SIXTH REVISION      | 6/24/19  |
| SEVENTH REVISION    | 7/9/19   |



AzTec Proj. No.: 54818-17

Drawn By: NAK

DEVELOPER  
CDL HOMES, INC. (A COLORADO CORPORATION)  
WONDERLAND HOMES  
8246 NORTHFIELD BLVD  
BUILDING J, SUITE #2600  
DENVER, CO 80238

|                      |            |
|----------------------|------------|
| DATE OF PREPARATION: | 2018-05-09 |
| SCALE:               | 1"=20'     |
| SHEET 4 OF 6         |            |

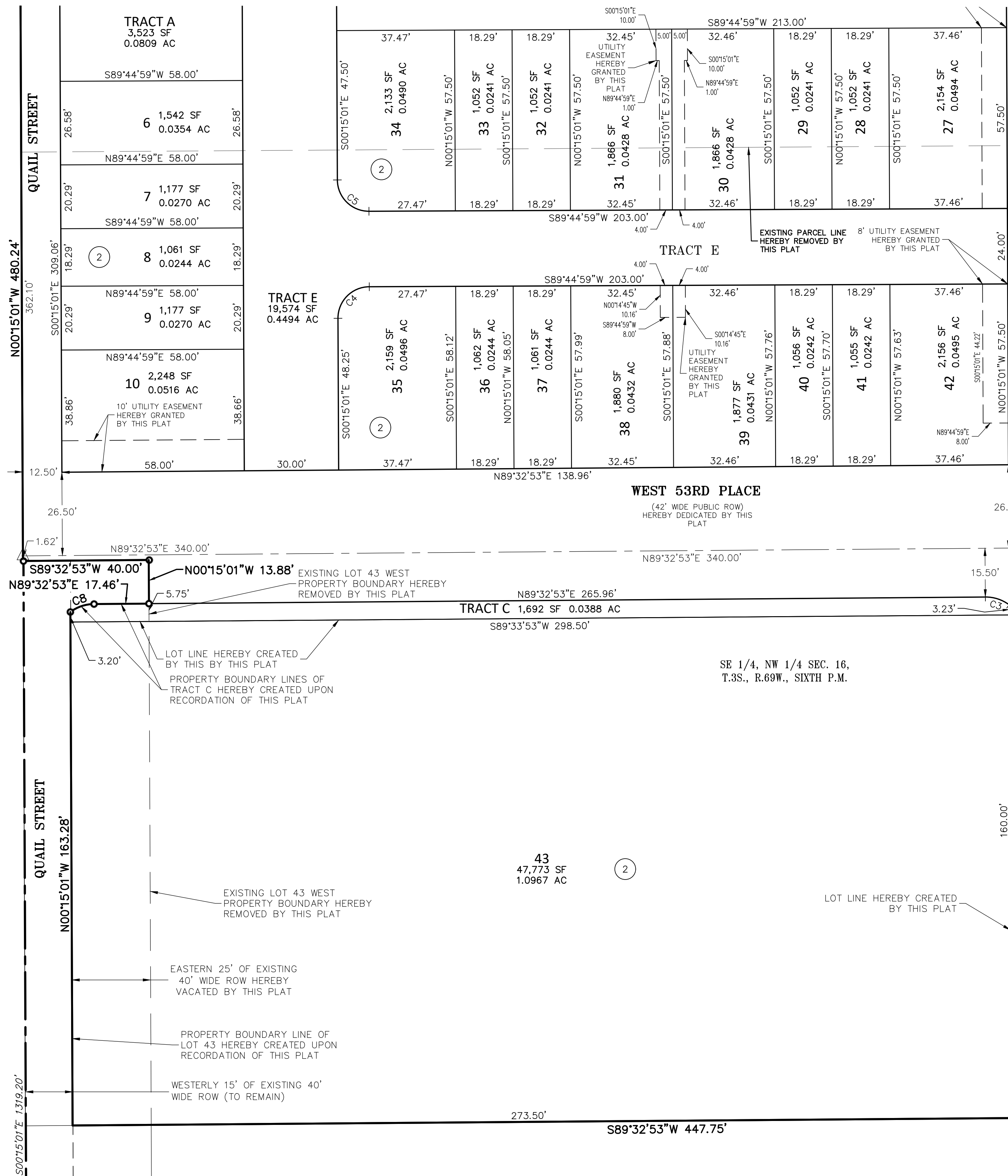
SEE SHEET 5



# QUAIL RUN FINAL PLAT

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

SEE SHEET 4



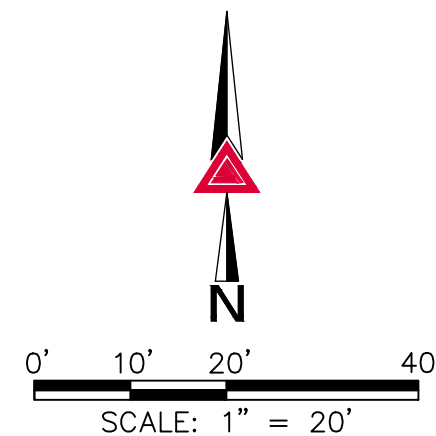
SEE SHEET 6

REC. NO. 2008052592

## LEGEND

- SET NO. 5 REBAR WITH 1-1/4" (ORANGE) PLASTIC CAP STAMPED "AZTEC LS 38291"
- FOUND NO. 5 REBAR WITH 1-1/4" ALUMINUM CAP STAMPED "OPC KT ENG PLS 36561"
- ◆ SECTION CORNER, AS NOTED
- SUBDIVISION BOUNDARY
- EXISTING PARCEL LINE
- LOT LINES HEREBY CREATED BY THIS PLAT
- - - EASEMENT
- - - CITY BOUNDARY
- - - SECTION LINE
- - - ROW/PROPERTY LINE
- - - ROW CENTERLINE
- △ MONUMENT IN BOXES TO BE SET AFTER CONSTRUCTION IS COMPLETE PER SEC. 147-47 AURORA CITY CODE AND PER SEC. 38-51-105-9 (a&b) COLORADO REVISED STATUTES
- ② BLOCK NUMBER
- (ROW) RIGHT-OF-WAY

| CURVE TABLE |           |        |        |             |          |
|-------------|-----------|--------|--------|-------------|----------|
| CURVE       | DELTA     | RADIUS | LENGTH | CHD BRG     | CHD DIST |
| C1          | 90°00'00" | 7.50'  | 11.78' | S45°15'01"E | 10.61    |
| C2          | 71°40'56" | 17.50' | 21.89' | S35°35'28"E | 20.49    |
| C3          | 37°02'45" | 12.50' | 8.08'  | N71°54'12"W | 7.94     |
| C4          | 90°00'00" | 10.00' | 15.71' | S44°44'59"W | 14.14    |
| C5          | 90°00'00" | 10.00' | 15.71' | S45°15'01"E | 14.14    |
| C6          | 90°00'00" | 10.00' | 15.71' | S44°44'59"W | 14.14    |
| C7          | 90°00'00" | 10.00' | 15.71' | S45°15'01"E | 14.14    |
| C8          | 36°55'27" | 12.54' | 8.08'  | N71°26'09"E | 7.94     |



FOR REVIEW

FOR AND ON BEHALF OF  
AZTEC CONSULTANTS, INC

## REVISION BLOCK

|                     |          |
|---------------------|----------|
| INITIAL PREPARATION | 5/9/18   |
| FIRST REVISION      | 6/12/18  |
| SECOND REVISION     | 7/20/18  |
| THIRD REVISION      | 9/19/18  |
| FOURTH REVISION     | 11/02/18 |
| FIFTH REVISION      | 1/04/19  |
| SIXTH REVISION      | 6/24/19  |
| SEVENTH REVISION    | 7/9/19   |

PROPOSED CONDITIONS  
MIDDLE PORTION



300 East Mineral Ave., Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
www.aztecconsultants.com

AzTec Proj. No.: 54818-17

Drawn By: NAK

DEVELOPER  
CDL HOMES, INC. (A COLORADO COMPANY)  
WONDERLAND HOMES  
8246 NORTHFIELD BLVD  
BUILDING J, SUITE #2600  
DENVER, CO 80238

|                      |            |
|----------------------|------------|
| DATE OF PREPARATION: | 2018-05-09 |
| SCALE:               | 1"=20'     |
| SHEET 5 OF 6         |            |



# QUAIL RUN FINAL PLAT

A PARCEL OF LAND SITUATED IN THE NORTHWEST QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,  
CITY OF WHEAT RIDGE, COUNTY OF JEFFERSON, STATE OF COLORADO.

SEE SHEET 5

43  
47,773 SF  
1.0967 AC

273.50'  
S89°32'53"W 447.75'

REC. NO. 2008052592

EXISTING PARCEL LINE HEREBY  
REMOVED BY THIS PLAT  
TRACT D  
21,921 SF  
0.5032 AC  
S89°32'53"W 8.00'  
PARCEL LINE HEREBY  
CREATED BY THIS PLAT

TRACT F  
2,181 SF  
0.0501 AC  
(TO BE FULLY BLANKETED AND  
ENCUMBERED BY A UTILITY  
AND DRAINAGE EASEMENT)

LOT 7  
(ZONED PUD-R)

LOT 6  
(ZONED PUD-R)

**SKYLINE ESTATES**  
**FILING NO. 2**  
BK 172 PG 60

LOT 5  
BLOCK 1

(ZONED PUD-R)

LOT 4  
(ZONED PUD-R)

LOT 3  
(ZONED PUD-R)

S89°32'53"W 7.69'

LOT 1  
BLOCK 2

CITY OF WHEAT RIDGE  
CITY OF ARVADA

WEST 53RD AVENUE  
(25' WIDE PUBLIC ROW)  
REC. NO. 2015098618

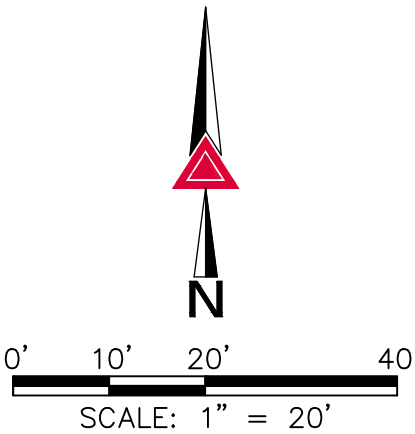
LOT 9

LOT 10  
BLOCK 1  
**QUAIL RIDGE**  
**ESTATES**  
**RE-SUBDIVISION**  
REC. NO. 2015098618

PIERSON COURT  
(46' WIDE PUBLIC ROW)  
REC. NO. 2015098618

**LEGEND**

- SET NO. 5 REBAR WITH 1-1/4" (ORANGE) PLASTIC CAP STAMPED "AZTEC LS 38291"
- FOUND NO. 5 REBAR WITH 1-1/4" ALUMINUM CAP STAMPED "OPC KT ENG PLS 36561"
- ◆ SECTION CORNER, AS NOTED
- SUBDIVISION BOUNDARY
- EXISTING PARCEL LINE
- LOT LINES HEREBY CREATED BY THIS PLAT
- - - EASEMENT
- - - CITY BOUNDARY
- - - SECTION LINE
- - - ROW/PROPERTY LINE
- - - ROW CENTERLINE
- ▲ MONUMENT IN BOXES TO BE SET AFTER CONSTRUCTION IS COMPLETE PER SEC. 147-47 AURORA CITY CODE AND PER SEC. 38-51-105-9 (a&b) COLORADO REVISED STATUTES
- ② BLOCK NUMBER
- (ROW) RIGHT-OF-WAY



| REVISION BLOCK      |          |
|---------------------|----------|
| INITIAL PREPARATION | 5/9/18   |
| FIRST REVISION      | 6/12/18  |
| SECOND REVISION     | 7/20/18  |
| THIRD REVISION      | 9/19/18  |
| FOURTH REVISION     | 11/02/18 |
| FIFTH REVISION      | 1/04/19  |
| SIXTH REVISION      | 6/24/19  |
| SEVENTH REVISION    | 7/9/19   |



300 East Mineral Ave., Suite 1  
Littleton, Colorado 80122  
Phone: (303) 713-1898  
Fax: (303) 713-1897  
[www.aztecconsultants.com](http://www.aztecconsultants.com)

AzTec Proj. No.: 54818-17

Drawn By: NAK

DEVELOPER  
CDL HOMES, INC. (A COLORADO COPORATION)  
WONDERLAND HOMES  
8246 NORTHFIELD BLVD  
BUILDING J, SUITE #2600  
DENVER, CO 80238

FOR AND ON BEHALF OF  
AZTEC CONSULTANTS, INC

PROPOSED CONDITIONS  
SOUTH PORTION

DATE OF  
PREPARATION: 2018-05-09



SCALE: 1"=20'

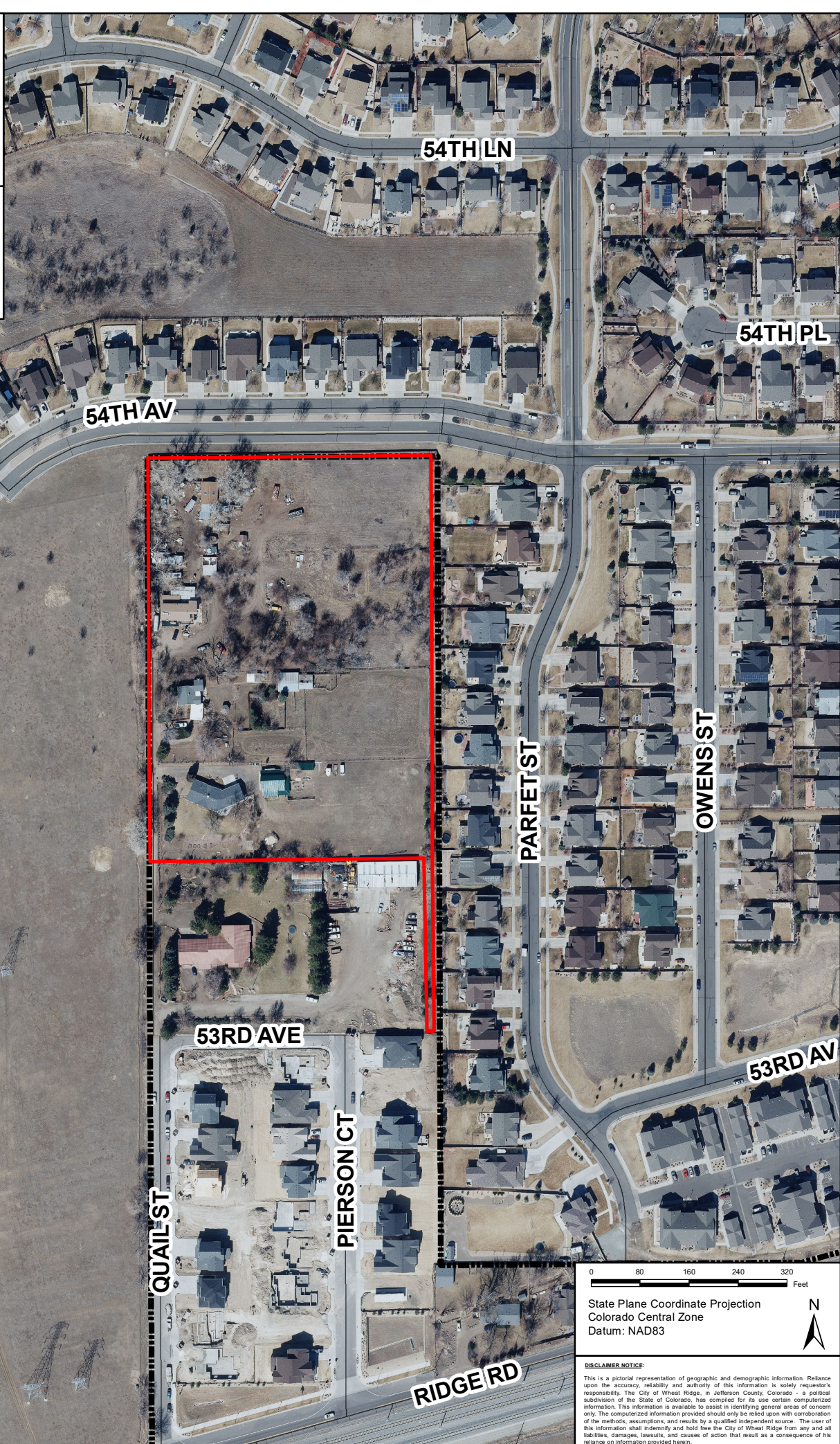
SHEET 6 OF 6

FOR REVIEW



**Legend**

-  Subject Property
-  Wheat Ridge City Limits



State Plane Coordinate Projection  
Colorado Central Zone  
Datum: NAD83

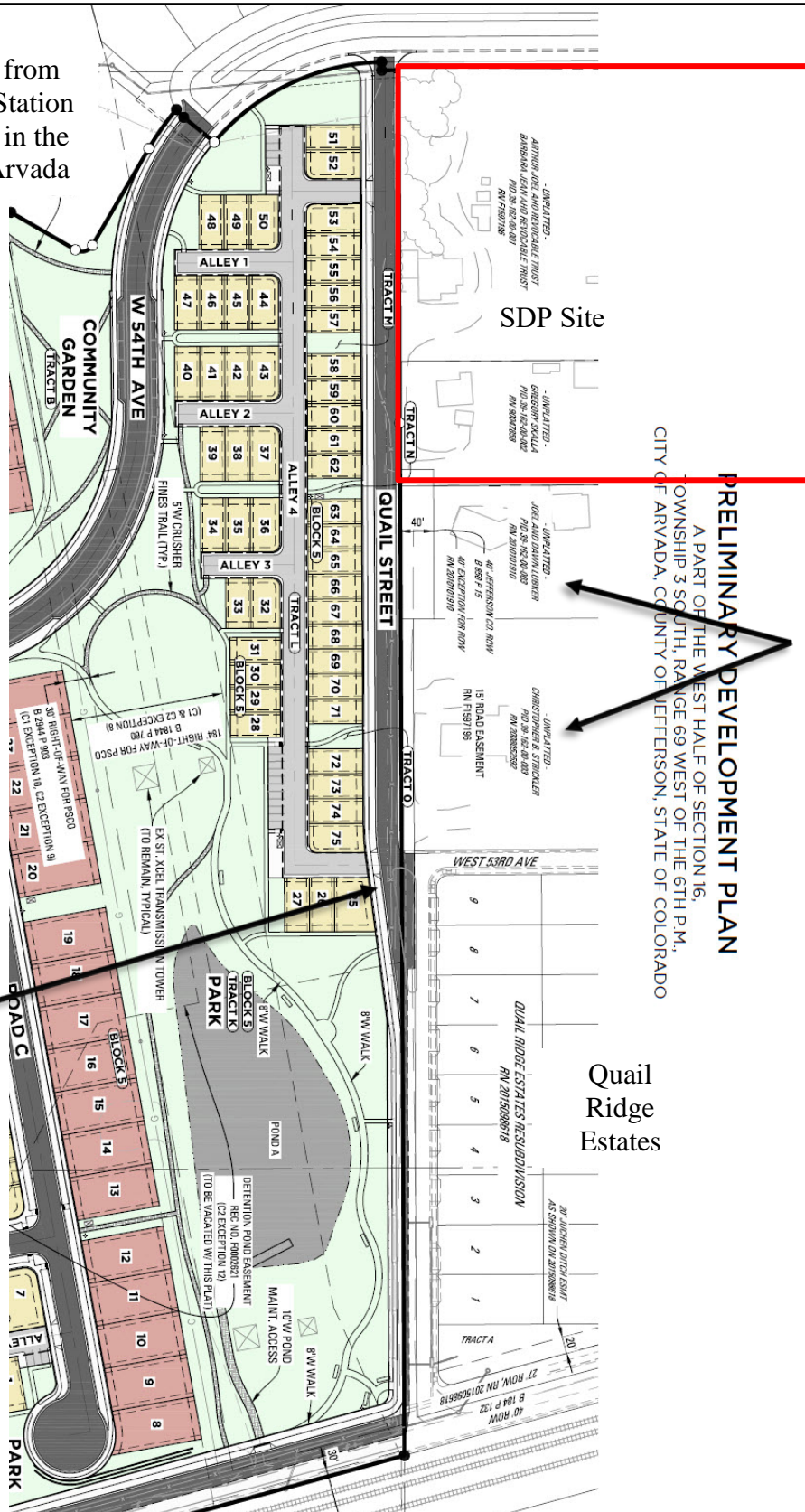
**DISCLAIMER NOTICE**

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



# QUAIL STREET CONSTRUCTION

Excerpt from  
Haskins Station  
proposal in the  
City of Arvada



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

No one wished to speak at this time.

7. **PUBLIC HEARING**

- A. **Case Nos. WS-18-01 and WZ-18-13:** an application filed by Wonderland Homes for approval of a 57-lot subdivision and for approval of a Specific Development Plan for property zoned Planned Residential Development (PRD) and located at 5372-5392 Quail Street.

Mr. Cutler gave a short presentation regarding the subdivision, Specific Development Plan (SDP) and the application. He entered into the record the contents of the case file, packet materials, the zoning ordinance, and the contents of the digital presentation. He stated the public notice and posting requirements have been met, therefore the Planning Commission has jurisdiction to hear this case.

Commissioner ANTOL wanted confirmed that the zoning that is in place approves the density and we are not looking at that in this case.

Mr. Cutler confirmed that is true and this plan is in conformance with the ODP.

Commissioner Simbai asked about the purchasing of the other property on the top of page 3.

Mr. Cutler explained that the lot to the south will get a little smaller but will still be in compliance with Agricultural-One standards. He explained it is getting smaller because part of it will become City right-of-way and part will become the detention facility for the HOA.

Commissioner Simbai inquired about the different specs for Quail Street as it pertains to Arvada and Wheat Ridge.

Mr. Cutler mentioned that each City has different width requirements for their streets. He explained that the only part of the street in the City of Wheat Ridge is the sidewalk so there will be a 5-foot attached sidewalk, but there will also be a bit of detached sidewalk to allow for on-street parking and landscape buffer; the rest will be built to Arvada's standards.

Commissioner Simbai also asked about the owners being responsible for water taps.

Mr. Cutler explained that this will allow each owner to be responsible for their own water taps instead of it being shared. The developer will pay for the cost of installation.

Commissioner Larson asked if Pierson Court will extend to Ridge Road.

Mr. Cutler explained that if the plat is approved then Pierson Court will be dedicated to the City and if at a future date the property to the south decides to develop then the connection of Pierson Court could be made all the way to Ridge Road.

Commissioner VOS asked if the utilities will be under ground.

Mr. Cutler confirmed the utilities will be buried.

Commissioner VOS asked how the traffic will exit the community and will there be traffic backup issues.

Mr. Cutler explained the traffic will exit onto Quail Street and will either go south to Ridge Road or North to 54<sup>th</sup> Avenue and there were no issues per the trip generation study.

Commissioner VOS asked if there are parkland fees in lieu or will there be parks in this community.

Mr. Cutler said yes, parkland fees will be approximately \$2500 per unit because there will not be any City parks in this community, although there will be private park like amenities that will be used by the residents and maintained by the HOA.

Commissioner OHM inquired about the minimum driveway length of 15 feet and asked if this will be an issue if cars are parked on the driveways and sidewalks.

Mr. Cutler explained the driveways will be 15 to 18 feet, depending on the house and there will be on street parking as well.

Commissioner OHM then inquired about some of the streets being excluded from the tree requirement chart.

Mr. Cutler explained that the tree requirement shown is for the detached sidewalk on Quail Street and the other streets all have attached sidewalks and City Code requires one tree per 70 feet of street frontage so one tree per single family lot. This will be reviewed and approved during the time of permitting.

Commissioner OHM also asked why there are trees in the detention pond, and if they can cause issues.

Mr. Jefferies explained the trees are out of the high water surface elevation.

Commissioner OHM asked about the maximum building height and how it is measured.

Mr. Cutler said that per the City's code the roof maximum is measured at mid-roof so the center peak might be higher than 35 feet depending on the pitch of the roof.

Commissioner LARSON asked about Haskins Station and the homes backing up to Quail Street.

Mr. Cutler deferred to the applicant but thought those homes are alley loaded.

Commissioner ANTOL asked how many homes might be in Haskin's Station.

Mr. Cutler said he is not sure because it is the City of Arvada's project, but knows it is much bigger than this project.

**Kolby O'Herron, representative of applicant  
Wonderland Homes**

Mr. O'Herron gave a brief history of Wonderland Homes which was founded in 1956 in Boulder. He mentioned they have built homes from Ft. Collins to Douglas County and pride themselves on building homes for communities.

Commissioner ANTOL asked if there is any information on Haskin's Station.

Mr. O'Herron said there will be 477 units at Haskin's Station and their plat was just approved.

Commissioner LARSON asked if there are any concerns with traffic once Haskin's Station is developed.

Mr. O'Herron explained that most of the traffic will go directly south out of their project to Ridge Road and don't expect to see a lot of traffic on Quail Street. He added there will be parking on both sides of Quail Street.

Commissioner OHM asked about the maximum height on the single family attached.

Mr. O'Herron said the pitch of the roofs will be 4/12 which will add only two feet to the 35-foot to the peak of the roof, which is allowed by how the City measures building height.

**Ken Fay, resident  
5393 Parfet Street**

Mr. Fay mentioned he has concerns about the development being approved before Quail Street has been constructed. He also has concerns about the landscaping and wonders if the detention pond is being considered open space which people cannot access. His 3<sup>rd</sup> concern is adequate parking due to smaller driveways.

**Summer Clark, resident  
5392 Quail Street**

Ms. Clark gave a background of her family's estate and how the farming desire has become obsolescent. She believes this development will add value to the surrounding communities.

**Angela King, resident  
5353 Parfet Street**

Ms. King said she will live behind the detention pond and has concerns that her HOA has not approved the drainage. She is also concerned about traffic on Ridge Road. She would also like to see longer driveways and is also sad to see the existing trees being lost.

**Bernie Ames, resident  
5363 Parfet Street**

Ms. Ames has concerns for traffic driving down Parfet Street due to trains and multiple cars and does not believe this area is designed for high density and would like to see larger lots. She also has concerns for the height of the homes and for drainage.

Commissioner OHM asked staff to address the traffic concerns and parking issues and open space requirements.

Mr. Cutler explained that this development is not allowed to start construction until Quail Street is complete as part of the Subdivision Improvement Agreement. Regarding parking, the plans require two car garages for each unit and there will be on street parking for this development, more than is required by Code. Mr. Cutler also mentioned that Quail Street will connect to Ridge Road to the South which will alleviate congestion on Parfet Street. He also added that the development will provide more than the 30% open space requirement in the townhome area.

Commissioner OHM also asked staff about the existing trees in the detention pond and if they can stay. He also asked if the drainage will affect the neighboring properties.

Mr. Jefferies said the trees cannot stay because it has to be regraded and added the drainage will not affect the adjacent properties because the detention pond will be oversized.

**Travis Frazier, Civil Engineer with Redland  
1500 West Canal Court, Littleton**

Mr. Frazier explained that the detention pond is designed with conformance to Skyline Estates drainage and will release at the historic rate and there will be no negative impact downstream and there is a letter from the Skyline Estates HOA approving the detention pond. He also explained in detail how everything will drain. Mr. Jefferies added the detention pond will reduce the flows of storm water.

Commissioner VOS asked what parking will look like if nobody parks in their garages.

Mr. Johnstone commented that the standard is to have 2 off street parking spots (either on a driveway or the street) per unit and this project exceeds the standards.

Ms. King asked about the covering of the drainage area with things people have in their yards.

Mr. Jefferies added that there is a drainage easement and nothing can be built in that easement and the flows will be less not more because of the way it is constructed. Mr. Frazier added that when a site is developed there will be more runoff and that is why a detention pond is created to hold the runoff and release it at historic rates so there is no negative impact downstream.

Commissioner VOS mentioned her concerns of the HOA not having feedback.

Mr. Frazier said they have tried to have conversations but have not heard back from them. Ms. Clark added there is a letter from the HOA and they have approved the detention pond.

Commissioner OHM then asked about the additional condition for the WS-18-01 motion.

Mr. Cutler said it regards the completion of Quail Street and 53<sup>rd</sup> Avenue which will be reconstructed to a T intersection instead of an offset intersection.

Commissioner OHM asked about a condition for street trees, making sure they are all planted before CO. He wants to make sure there are assurances.

Mr. Cutler said it is at the Commission's discretion but staff tracks requirements like this through the building permit process. He added landscaping is tied to the SDP which will be decided on tonight and the other conditions are associated with the plat and that goes on to City Council for approval.



Commissioner OHM also asked if the letter for the HOA needs to be a Condition of Approval.

Mr. Johnstone said the HOA letter is not a requirement because this is a platted drainage easement and when Skyline Estates was platted 15 years ago it was anticipated to be used for exactly this purpose, so there does not need to be a formal approval from the HOA. He confirmed the letter will be part of the case file.

**It was moved by Commissioner ANTOL and seconded by Commissioner LEO to APPROVE Case No. WZ-18-13, a request for approval of a Specific Development Plan for property zoned Planned Residential Development (PRD) located at 5372 and 5392 Quail Street, for the following reasons:**

- 1. The specific development plan is consistent with the intent and purpose of a planned development, as stated in Section 26-301 of the City Code.**
- 2. The specific development plan is consistent with the intent and purpose of the outline development plan.**
- 3. The proposed uses are consistent with those approved by the outline development plan.**
- 4. All responding agencies have indicated they can serve the property with improvements installed at the developer's expense.**
- 5. The specific development plan is in substantial compliance with the applicable standards set forth in the outline development plan and with the City's adopted codes and policies.**

**With the following condition:**

- 1. To ensure that the minimum quantity of trees are put in on Quail Street and meet the landscaping requirements before a CO is issued on the property.**

**Motion passed 6-0.**

**It was moved by Commissioner LARSON and seconded by Commissioner VOS to recommend APPROVAL of Case No. WS-18-01, a request for approval of a major subdivision for property zoned Planned Residential Development (PRD) and Agricultural-One (A-1) located at 5372 and 5392 Quail Street, for the following reasons:**

- 1. All agencies can provide services to the property with improvements installed at the developer's expense.**
- 2. The plat will result in a logical layout consistent with the future development proposed by the specific development plan.**

3. The requirements of Article IV of the zoning and development code have been met.

With the following conditions:

1. The reception number of the Quail Street right-of-way in Arvada will be filled in prior to recordation of the SDP and plat.
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 by staff.
4. Prior to recordation, the applicant shall pay the required fees-in-lieu of parkland dedication.
5. Reconfiguration of the intersection of West 53<sup>rd</sup> Avenue and Quail Street shall be completed to the satisfaction of the City.
6. All minor corrections to plat shall occur prior to recordation.

Motion carries 6-0.

- B. Case No. ZOA-19-04:** An ordinance amending Section 26-205 of the Wheat Ridge Code of Laws concerning the development standards for minor accessory structures in the Residential-One (R-1) zone district.

Ms. Tasneem gave a short presentation regarding the ordinance and accessory structures in the R-1 zone district.

Commissioner SIMBAL wondered if this ordinance is really needed if only 8 variance have been processed in the last 10 years and also wondered if the maximum height should be changed as well for a minor structure.

Commissioner ANTOL asked why only 8 variances have been processed within the last 10 years and if this ordinance is really needed.

Ms. Tasneem said staff might hear from more R-1 residents regarding variances, but only 8 have carried through with them. Mr. Johnstone added that when the City amended all the residential zone districts a few years back the City decided not to touch the R-1 zone district and the reasoning was that when the Comprehensive Plan was adopted and it said revitalization was encouraged on the commercial corridors it also placed a high value on established residential communities.

Commissioner LARSON wondered if there is a pressing need to change the ordinance, but thinks this would normalize the setback within all residential zone districts.

**REQUEST FOR CITY COUNCIL ACTION**

**TITLE: COUNCIL BILL NO. 18-2019 – AN ORDINANCE AMENDING SECTIONS 2-30, 2-31 and 2-32 OF THE WHEAT RIDGE CODE OF LAWS CONCERNING THE DUTIES OF THE CHIEF OF POLICE, PUBLIC WORKS DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR AND AUTHORIZING CHANGES TO THE CITY’S ORGANIZATIONAL CHART**

☐ PUBLIC HEARING  
☐ BIDS/MOTIONS  
☐ RESOLUTIONS

☒ ORDINANCES FOR 1<sup>ST</sup> READING (10/28/2019)  
☐ ORDINANCES FOR 2<sup>ND</sup> READING (11/25/2019)

QUASI-JUDICIAL: ☐ YES ☒ NO



**City Manager**

**ISSUE:**

The Wheat Ridge Charter §3.5 provides that council may, by ordinance, consolidate and/or merge City departments and that each department be under the supervision of a department head appointed by the City Manager. Section 2-26 of the Code grants the City Manager the authority to exercise supervision and control over all departments. The purpose of the proposed ordinance is to reassign duties in the appropriate sections of the City’s Code of Laws and to update the City’s organizational chart as follows:

1. Move direction of the City’s code enforcement program from the Community Development Department to the Police Department
2. Move direction of the City’s engineering functions of the current Public Works Department to the Community Development Department

**PRIOR ACTION:**

There has been no prior action.

**FINANCIAL IMPACT:**

There is no financial impact to the City.

**BACKGROUND:**

Section 2-32 of the Code of Laws currently assigns responsibility for the organization and direction of the City's code enforcement program to the Community Development Director. The code enforcement program has, in practice, been organized out of the Police Department for a number of years. This ordinance officially amends section 2-30 to add the organizing and direction of the code enforcement program to the duties of the Chief of Police.

The City has operated without a Director of Public Works for approximately 11 months. During that time, and while management was attempting to recruit an exceptional leader to fill the role, duties have been shared among others in the organization. This period of time has provided City leadership with the opportunity to reevaluate how various functions within the Public Works Department are organized.

Based on internal discussions and a review of other municipal organizations, the engineering functions are best managed by the Director of Community Development. This organizational change will result in improved internal and external communication, enhanced collaboration, stronger information sharing among staff and streamlined processes for external partners.

The Public Works Director will continue to provide oversight of the City's operations including maintenance of the City's streets, storm sewer, traffic signals and signs; maintenance of the City's automotive fleet; provide snow removal and ice control; and manage construction on public and, in some cases, private property. This ordinance amends Section 2-31 of the Code of Laws to reflect these changes.

The Community Development Director will provide oversight of long range planning, development review and building permitting functions; plan the design of street, drainage, traffic and other public improvement projects identified in the Capital Improvement Program; review and approve proposed development-related documents; and approve traffic control plans. This ordinance amends Section 2-32 to reflect these changes.

The current Community Development Director, Ken Johnstone, will remain in this role. The current Operations Manager, Greg Knudson, will be appointed as the Public Works Director, leaving a vacancy of an approved FTE. Following the implementation of this reorganization, the City's leadership team will evaluate the staffing needs based on work plans and organizational needs.

**RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**RECOMMENDED MOTION:**

“I move to approve Council Bill No. 18-2019, an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City’s organizational chart on first reading, order it published, public hearing set for Monday, November 25, 2019 at 7:00 p.m. in City Council Chambers, and that it take effect immediately.”

Or,

“I move to postpone indefinitely Council Bill No. 18-2019, an ordinance amending Sections 2-30, 2-31 and 2-32 of the Wheat Ridge Code of Laws concerning the duties of the Chief of Police, Public Works Director and Community Development Director and authorizing changes to the City’s organizational chart, for the following reason(s) \_\_\_\_\_.”

**REPORT PREPARED/REVIEWED BY:**

Patrick Goff, City Manager

**ATTACHMENTS:**

1. Council Bill No. 18-2019

**CITY OF WHEAT RIDGE, COLORADO**  
**INTRODUCED BY COUNCIL MEMBER \_\_\_\_\_**  
**COUNCIL BILL NO. 18**  
**ORDINANCE NO. \_\_\_\_\_**  
**Series 2019**

**TITLE: AN ORDINANCE AMENDING SECTIONS 2-30, 2-31, AND 2-32 OF THE WHEAT RIDGE CODE OF LAWS, CONCERNING THE DUTIES OF THE CHIEF OF POLICE, PUBLIC WORKS DIRECTOR AND COMMUNITY DEVELOPMENT DIRECTOR AND AUTHORIZING CHANGES TO THE CITY'S ORGANIZATIONAL CHART**

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

**WHEREAS**, pursuant to its home rule authority and § 31-23-101, C.R.S., the City, acting through its City Council (the "Council"), is authorized to adopt ordinances for the protection of the public health, safety or welfare and therefore has adopted the Wheat Ridge Code of Laws (the "Code"); and

**WHEREAS**, the Wheat Ridge Charter §3.5 provides that the Council may, by ordinance, establish, consolidate and/or merge City departments and that each such department shall be under the supervision of a department head appointed by the city manager; and

**WHEREAS**, the Council has previously codified ordinances describing the duties of the chief of police, the public works director, and the community development director; and

**WHEREAS**, the Council now wishes to amend the Code to revise the official duties of the afore-mentioned department heads;

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

**Section 1.** Section 2-30 of the Wheat Ridge Code of Laws concerning the duties of the chief of police is hereby amended by the addition of the following subsection, as follows:

**Sec. 2-30. Duties of chief of police.**

- (16) ORGANIZING AND DIRECTING THE CITY'S CODE ENFORCEMENT PROGRAM TO INCLUDE NUISANCE ABATEMENT, COMPLAINTS, SIGN CONTROL AND BUILDING OCCUPANCY ENFORCEMENT STANDARDS.

**Section 2.** Section 2-31 of the Wheat Ridge Code of Laws concerning the duties of the public works director is hereby amended, as follows:

**Sec. 2-31. Duties of director of public works.**

The director of public works under the immediate supervision of the city manager to perform the following functions:

- (1) COORDINATING UTILITY CONSTRUCTION PROGRAMS IN PUBLIC RIGHTS OF WAY. ~~Planning, organizing, supervising and performing of professional engineering in the design of streets, traffic signals, sidewalks, curb and gutter, drainage systems, bridges, culverts and other city structures and coordination of utility construction programs.~~
- (2) Preparing estimates and contract specifications and provisions for APPLICABLE city-contracted construction work.
- (3) Providing coordination and consultation regarding all proposed construction projects affecting the city.
- ~~(4) Supplying details relating to formation, construction and assessments associated with special public improvement districts.~~
- ~~(4)(5) Reviewing and approving deeds, property descriptions, subdivision plans and preparing specifications for public works improvements in subdivision development including the inspection and acceptance of such work.~~ INSPECTING CONSTRUCTION OF, AND ACCEPTING, NEW PUBLIC RIGHT OF WAY IMPROVEMENTS.
- ~~(6) Maintaining of map files and related records and surveying as required to maintain an accurate inventory of city property.~~
- ~~(7) Performing engineering services for other city departments when requested.~~
- ~~(8) Recommending and approving design, materials and processes proposed in connection with major repairs and new construction.~~
- (5) Preparation of supporting data as required to support highway users tax funds when needed by the city treasurer.
- ~~(10) Preparing traffic-control studies, planning, design and installation.~~
- (6) INSTALLING, REPAIRING AND MAINTAINING MUNICIPAL TRAFFIC SIGNALS AND SIGNS.

- (7)** PLANNING AND REVIEWING OF ANNUAL PURCHASE OF CITY VEHICLES AND MOTORIZED EQUIPMENT.
- (8)** REPAIRING AND maintaining ~~of~~ all city vehicles and other motorized equipment.
- (9)** Planning, organizing and directing the maintenance, repair and cleaning of city streets and rights-of-way and related facilities, including storm drainage, STREET AND PEDESTRIAN LIGHTING, BRIDGES, alleys, SIDEWALKS, gutters, ~~parkways~~ and miscellaneous non-park public property.
- (10)** DIRECTING THE IMPLEMENTATION OF THE CITY'S SNOW AND ICE CONTROL POLICIES AND PROCEDURES
- (11)** Supervising street-lighting ~~programs and~~ installations, REPAIRS AND MAINTENANCE.
- (12)** Making or directing necessary field inspections of all municipal and private construction and repair work and issuing permits for same, as applicable.
- (13)** COORDINATING AND APPROVING SPECIAL EVENT APPLICATIONS AS THEY PERTAIN TO PUBLIC WORKS DEPARTMENT REQUIREMENTS.
- (14)** PROVIDING UNDERGROUND LOCATING SERVICES FOR THE CITY'S STORM SEWER UTILITIES AND ELECTRICAL CONDUITS FOR TRAFFIC SIGNALS.
- (15)** MAINTAINING ACCURATE INPUT/OUTPUT OF PUBLIC WORKS DEPARTMENT RELATED DATA INTO THE CITY'S ASSET MANAGEMENT SYSTEM.
- (16)** SUSTAINING PROFESSIONAL FIRST RESPONDER CAPABILITIES TO EMERGENCY EVENTS INVOLVING THE PUBLIC WORKS DEPARTMENT
- (17)** Preparing, justifying AND MANAGING the budget of the public works department.



**Section 3.** Section 2-32 of the Wheat Ridge Code of Laws concerning the duties of the community development director is hereby amended, as follows:

**Sec. 2-32. - Duties of director of community development.**

The director of community development works under the immediate supervision of the city manager to perform the following functions:

- (1) Providing professional advice and guidance to the city council and planning commission on all matters relating to planning and zoning.
- (2) Providing professional advice and guidance to the board of adjustment.
- (3) Presenting the findings and decisions of the city planning commission to the city council.
- (4) Reviewing and checking of all matters relating to proposed annexations and making recommendations thereto.
- (5) Reviewing and checking subdivision plans in preliminary and final form and assigning addresses in platted and unplatted areas.
- (6) In coordination with the city engineer, reviewing all matters relating to city streets, easements, rights-of-way and changes of street names and preparing information for any required ordinances relating thereto.
- (7) Reviewing all rezoning applications, both in the city and within the city planning area and making recommendations to the city planning commission relating thereto.
- (8) Reviewing and processing all petitions relating to assigned functions.
- (9) Preparing and presenting special commission and task force reports.
- (10) Developing and maintaining the city comprehensive.
- (11) Developing city long-range planning, including land-use planning, physical development of the city and community, and developing and implementing state and federal grant programs relating to assigned functions.
- (12) Maintenance of files and a library as required to support all functions and to provide prompt assistance to both public and private agencies and individuals concerned with physical development of the city and area.

- (13) Inspecting all new construction in the city, including additions to structures.
- (14) Checking the plans for building construction.
- (15) Providing public information on building safety and construction regulations.
- (16) Checking the quality of construction material.
- (17) Determining the qualification of contractors for licenses.
- ~~(18) Organizing and directing the city's code enforcement program to include nuisance abatement, complaints, sign control and building occupancy standards.~~

~~(18)~~(19) Coordinating the submission of federal or state grants.

~~(19)~~(20) PLANNING, ORGANIZING, SUPERVISING AND PERFORMING OF PROFESSIONAL ENGINEERING IN THE DESIGN OF STREETS, TRAFFIC SIGNALS, SIDEWALKS, CURB AND GUTTER, DRAINAGE SYSTEMS, BRIDGES, CULVERTS AND OTHER CITY STRUCTURES AND COORDINATION OF UTILITY CONSTRUCTION PROGRAMS.

~~(20)~~(21) PREPARING ESTIMATES AND CONTRACT SPECIFICATIONS AND PROVISIONS FOR APPLICABLE CITY-CONTRACTED CONSTRUCTION WORK.

(21) PROVIDING COORDINATION AND CONSULTATION REGARDING ALL PROPOSED CONSTRUCTION PROJECTS AFFECTING THE CITY.

(22) SUPPLYING DETAILS RELATING TO FORMATION, CONSTRUCTION AND ASSESSMENTS ASSOCIATED WITH SPECIAL PUBLIC IMPROVEMENT DISTRICTS.

(23) REVIEWING AND APPROVING DEEDS, PROPERTY DESCRIPTIONS, SUBDIVISION PLANS AND PREPARING SPECIFICATIONS FOR PUBLIC WORKS IMPROVEMENTS IN SUBDIVISION DEVELOPMENT.

(24) MAINTAINING OF MAP FILES AND RELATED RECORDS AND SURVEYING AS REQUIRED TO MAINTAIN AN ACCURATE INVENTORY OF CITY PROPERTY.

- (25) PERFORMING ENGINEERING SERVICES FOR OTHER CITY DEPARTMENTS WHEN REQUESTED.
- (26) RECOMMENDING AND APPROVING DESIGN, MATERIALS AND PROCESSES PROPOSED IN CONNECTION WITH MAJOR REPAIRS AND NEW CONSTRUCTION.
- (27) PREPARATION OF SUPPORTING DATA AS REQUIRED TO SUPPORT HIGHWAY USERS TAX FUNDS WHEN NEEDED BY THE CITY.
- (28) PREPARING TRAFFIC-CONTROL STUDIES, PLANNING, DESIGN AND COORDINATE INSTALLATION.
- (29) PREPARING, JUSTIFYING AND MANAGING THE BUDGET OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

**Section 4.** The city manager is authorized to adjust the city's organizational chart, if necessary, to reflect the changes provided for herein.

**Section 5. 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 6. Effective Date.** This Ordinance shall take effect immediately 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 28<sup>th</sup> day of October, 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 November 25, 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 25<sup>th</sup> day of November 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:

Published:  
Wheat Ridge Transcript and [www.ci.wheatridge.co.us](http://www.ci.wheatridge.co.us)