

# STUDY SESSION NOTES

## CITY OF WHEAT RIDGE, COLORADO

7500 W. 29<sup>th</sup> Ave.  
Wheat Ridge CO

August 6, 2012

6:30 p.m.

Mayor Pro Tem Stites called the meeting to order at 6:30 p.m.

Present: Davis Reinhart; William "Bud" Starker; Joyce Jay; Kristi Davis; Mike Stites; Tracy Langworthy; Joe DeMott; Janelle Shaver, City Clerk; Larry Schulz, Treasurer; Gerald Dahl, City Attorney; City Manager, Patrick Goff; Administrative Services Director, Heather Geyer; Tim Paranto, Public Works Director; staff and interested citizens.

Absent: Jerry DiTullio, George Pond

### PUBLIC COMMENT ON AGENDA ITEMS

Ted Heyd, a consultant for Live Well Wheat Ridge, thanked the City for continued support for things that involve physical activity. He praised the benefits of connectivity that will result from the Kipling Trail.

Tommy Cauchi, a Wheat Ridge resident who rides his bicycle daily, spoke in support of the 10' wide bike path on Kipling.

Greg Seebart spoke in support of the Kipling Trail as a catalyst for economic development that will be attractive to a younger population.

### APPROVAL OF AGENDA

#### 1. Elected Officials' Report(s)

##### **Davis Reinhart**

- Will be meeting with RTD Thursday. The 32 route has been completely restored and the old 28 route has been rerouted.
- Conversations continue about a Boys' Club in Wheat Ridge – with some feeling it should be at the WR Middle School. Independent of this issue the

Commissioners are looking for a new location for the Wheat Ridge Library. Should there be an effort to build up the campus around the middle school to include the Boys' Club and the Library? Davis met with the R-1 superintendent and it appears the school district is reluctant to support use of the school for a Boys' or Girls' Club. He asked for Council's continued support on the Boys'/Girls' Club near 38<sup>th</sup> Avenue. While there is some doubt about having all 3 things in the same location, the Boys Club will need recreation space. The Martensen school issue also has yet to be resolved.

- The Jefferson Economic Council is having a half- day retreat next Friday. Steve Art will be going, but Davis won't be available. If any Council member would like to attend they are welcome.

**Joe DeMott** noted that the WR Business District is celebrating its 10<sup>th</sup> anniversary. He asked for a proclamation and short reception prior to the September 10 meeting at 6:30 -- possibly inviting past board members and some of the grantees. Patrick said he already has it on the schedule.

**Joyce Jay** per a DRCOG meeting, our application for federal grant money for Wadsworth is still on the docket.

#### **Cultural Commission Report -- Diane Robb, Chair**

- 1) The Cultural Commission Action Plan will be revised after the September meeting.
- 2) The Public Art Action Plan is being updated with the help of Barbara Neal, a public art consultant.
- 3) Meet the Artist Series is on hold at this time. The response from artists was not sufficient. That program will be revisited and re-evaluated in the near future.
- 4) Wheat Ridge Reads is exciting. The publicity has been good. Book discussions with the author are scheduled for September 15<sup>th</sup> and 20<sup>th</sup>.
- 5) Performances in the Park had its last performance of the season last Wednesday. Morning performances were for children; evening performances for families. Average evening attendance was 225. Full report to follow.
- 6) Sculpture Donation -- The Arts Council of Wheat ridge is donating a bronze sculpture of a mother fox and two kits. The Site Selection Committee met July 31, reviewed the sculpture and recommends that the sculpture be installed in front of City Hall in conjunction with some the new landscaping that is planned there. Following the approval process by the Cultural Commission and City Council, installation is tentatively planned for late October or early November. (The Public Art Management Plan given to Council.)

## 2. Staff Report(s)

### a) 38<sup>th</sup> Ave. Update & Grand Opening Event Report

Britta Fisher of WR2020 gave an update on the progress on 38<sup>th</sup> Avenue. The Grand Opening will be Saturday, September 22. About 40 people have been working on the marketing process. There is a brand and a brand logo. Details are secret and will be unveiled at the Grand Opening event. Council will be informed of the ribbon cutting.

Jerry Nealon of the Leadership Committee thinks the pedestrian and bicycle activity and the impromptu events along 38th are all awesome. Marketing and events will continue.

Sarah Showalter, Planner, passed around a memo with details about the Grand Opening Event. There is a sub-committee of the Leadership Committee that's been meeting regularly to plan this event. Three things will require Council approval.

- 1) A beer garden in the City parking lot next to Right Coast Pizza from 1–6 PM
- 2) The closure of High Court north of 38<sup>th</sup>. Arrangements have been made with WR Cyclery for customer access to their business until 5 PM. After that the street will be completely closed, the beer garden will be moved to the street next to the green in front of the school and at 6:30 a movie will be shown on the green.
- 3) Approval to display promotional banners in city rights-of way along the street.

Most of the funding for this will come from the marketing budget that WR2020 and the Leadership committee have been using. Supplementary funding will come from vendor fees, sponsorship and some in-kind hours from City staff. Volunteers will also help monitor the beer gardens. Vendor outreach is just now starting.

The afternoon will focus on local hand crafts, repurposed items and local restaurants.

### b) City Audit 101 Heather Geyer

Heather Geyer spoke briefly about the 2011 audit process – the Comprehensive Annual Financial Report (CAFR) and the staff's Management Discussion Analysis (MDA) that followed. She recommended that Council read the accompanying CML article about audits as it explains the nuts and bolts of the process. She recommended Council spend some time reading the MDA because that will show how things have changed between what was budgeted and what actually happened. Council will also notice some recommendations from the auditors and staff has addressed those internal control issues. The type of audit the City had this year is because we received over \$500,000 worth of federal money last year.

### c) Code Amendment regarding review for Public Schools – Sarah Showalter and Jerry Dahl

The City's zoning code currently requires a Special Use Permit (SUP) for all public and charter schools in certain districts. The State has adopted new legislation for the siting

and construction of public and charter schools, so now our Code is in conflict with state law.

The proposed ordinance will change the code to:

- Bring our zoning regulations into conformance with state law,
- Retain a way to review the impacts of a school on the surrounding neighborhood,
- Retain the requirement for an administrative Site Plan review process (i.e. submitting a site plan, landscape and drainage plans, and traffic impact studies, etc. for staff review),
- Eliminate neighborhood meetings, public input and public hearings,
- Still require SUP's for private schools, colleges and universities.

d) Public Improvement Escrow Agreements -- Tim Paranto and Jerry Dahl

Last fall the City Council eliminated the requirement for public improvement escrows for some building permits. Residential escrows that aren't used for 10 years get reimbursed to the property owner. However, unused escrows for commercial and industrial properties must be retained indefinitely. The City currently owns 15 such escrows for commercial and industrial properties – where public improvement will be far, far into the future. The amount of money involved is \$124,172.20, and includes projects that range from 2 years ago to 15 years ago. Staff proposes closing those accounts and moving the money to the new Public Improvement Fund so it can be used for small sidewalk and curb/gutter projects now. The owners of the properties in question would be contacted and asked if they'd mind releasing their escrow money.

There was some sentiment for and considerable discussion about the idea that if money was taken from property owners for a specific purpose and now the City has no intention of using that money for that purpose, that the money should be returned to the property owners rather than putting it in a public works pot for unknown future projects. A possible remedy would be to guarantee that if those properties require infrastructure work in the future that the City would be responsible for the cost of those projects.

Mrs. Langworthy proposed a consensus to bring back a list of the properties in question with more information and some alternatives. There was agreement on this.

e) Right-of-Way Permit Insurance Requirements -- Tim Paranto and Jerry Dahl

City Code allows for temporary use of City right-of way by permit. Most of these are temporary permits, but some are long term, such as fences, walls, landscape features, irrigations systems, etc. Code only allows for a permit to last 5 years and that certificates of insurance are provided to the City yearly. To provide a "less restrictive

environment" staff proposes changing the Code to allow long term use of City property without a yearly submittal of insurance and indemnification of the City. Long term permits would still be revocable as required by charter.

There was no objection to proceeding with this change.

### **3. Kipling Multi-use Trail -- Tim Paranto**

The trail is to run on the east side of Kipling from 32<sup>nd</sup> Avenue to 44<sup>th</sup> Avenue. It will be designed with a 10' sidewalk, a 2' utility easement and another 10' of landscaping in most places. The Discovery Park trail will become part of the trail. Project costs include pedestrian lighting and a new pedestrian bridge for the trail crossing of Clear Creek. The estimated cost is \$3,178,000. The City share will be \$705,000 (possibly less) and includes the soft match of City staff time for in-house design, securing all utility clearances, environmental approvals and right-of-way acquisitions, and all the inspection work. \$75,000 of our Open Space funds will also be used to help make up the City share. Federal money will pay up to \$2,473,000, and CDOT will perform the contract oversight for state and federal regulations. The City will design and administer the construction. The proposed timeline is to design in 2012 and build in 2013.

Most of the discussion focused on whether the City wants to take people's property for a 10 foot sidewalk. It was pointed out that if we want \$2.4 million in federal money we have to follow federal standards which require the trail to be a 10 feet wide, multi-modal trail that allows for bicycle traffic. Mr. Paranto explained that any minor deviation or alteration of the standard at any location for any reason will wipe out the whole grant. If we do less than 10 feet anywhere we lose the grant. Mr. Paranto also explained that it is important to hire engineers that are familiar with federal reimbursement standards. If there are property owners that refuse reasonable compensation the consultant will get us through the process of condemning people's property.

Reasons cited in favor of the project included pedestrian safety, aesthetics and getting Crown Hill Park connected to the Greenbelt and 44<sup>th</sup> Avenue.

Mike Stites asked for consensus to move the project forward. A sufficient number of Councilmembers agreed and Mr. Paranto said they would have it at the next meeting.

### **4. Industrial Zoning Code Amendments**

Right now we have one industrial zone category – Light-Industrial (I). Modifying this zone into a combined Industrial-Employment (I-E) zone would provide more flexibility, thereby promoting employment uses that create quality jobs and attract new employers to the City. Staff proposes code changes that would do the following:

- 1) Change the Permitted Use table to
  - Include some contemporary uses such as renewable energy production, recycling centers and flex space.
  - Convert some special uses into permitted uses, including contractor's storage yards, body art establishments, and printing and engraving services.
  - Remove redundant and outdated uses such as carting services and motor regrinding shops.
  - Add PV panels and wind turbines.
  
- 2) Change the Development Standards to:
  - Reduce landscaping requirements from 20% to 15%.
  - Reduce minimum front setbacks from 50 feet to 10 feet.
  - Reduce minimum side yard setbacks where adjacent to public streets from 30 feet to 10 feet, and
  - Reduce minimum rear yard setback where adjacent to public streets from 15 feet to 10 feet.
  - Increase side and rear setbacks, with landscape buffer, where adjacent to residential uses to 15 feet from 5 feet.
  - Remove "automatically increased" setbacks for special uses and instead require greater setbacks "as needed" through the Special Use Permit review.
  - Clarify the screening requirements for outdoor storage
  
- 3) Changes to Rezoning Process  
Allow an applicant to request to be rezoned directly to I-E, rather than being required to complete a planned development and be rezoned to PID.

Planning Commission already saw this in July. The plan is to take the final ordinance to the Planning Commission in early fall and Council in late fall.

#### **Announcements:**

Patrick asked if Council wanted to support the resolution endorsing the School District's two tax issues that will be on the ballot in November. No decision was made.

Patrick also reminded Council of the Town Hall meeting on Oct 29<sup>th</sup> and asked them to be thinking about what they want to present.

The meeting adjourned at 8:45 p.m.

  
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Janelle Shaver, City Clerk