



## CITY OF ARVADA

### SUMMARY OF MINUTES OF THE MEETING OF THE ARVADA CITY COUNCIL HELD JANUARY 12, 2009

#### AGENDA REVIEW SESSION – 5:30 p.m.

1. Call to Order by Mayor Bob Frie.
2. City Council Reports
3. Study Session
  - A. Training on wireless in City Hall

Jule Johlgren, Project Administrator and Jakki Erosky, Service Desk Manager, reviewed the procedures for accessing the wireless network at city hall with council.

- B. Spring Clean-up

Mark Bowman, Streets Superintendent, reviewed five options for the 2009 Spring Clean Up. It was the consensus of council to proceed with option number one, the full spring clean up.

4. City Manager Report

- I. **CITY COUNCIL MEETING: CALL TO ORDER:** Mayor Frie called the meeting to order at 6:30 p.m.

- II. **MOMENT OF REFLECTION AND PLEDGE OF ALLEGIANCE**

- III. **ROLL CALL OF MEMBERS:**

Those Present: Mayor Bob Frie, Mayor Pro Tem Lorraine Anderson, Councilmember Don Allard, Councilmember Aaron Azari, Councilmember Bob Dyer, Councilmember Mark McGoff, Councilmember Marc Williams

Also present were: Craig Kocian, City Manager; Bill Ray, Deputy City Manager; Chris Daly, City Attorney; Mike Elms, Community Development; Jim Root, Director of Public Works; Clark Johnson, City Manager's Office; and Kristen Rush, Deputy City Clerk.

- IV. **APPROVAL OF MINUTES OF THE JANUARY 5, 2009 CITY COUNCIL MEETING**

The minutes stand approved as submitted.

V. PETITIONS, RECOGNITIONS AND COMMUNICATIONS

- A. Recognition of Campbell Elementary School and Pomona High School for CDE Growth Model Performance – presented by Councilmember Dyer

City Council recognized Campbell Elementary School and Pomona High School for their academic achievement. Principal Dan Cohan from Pomona High and Principal Rebecca Chao and 6<sup>th</sup> grade teacher Marta Strom from Campbell Elementary were present to accept the recognitions.

- B. Recognition of All-State Choir Students – presented by Councilmember Williams

The Colorado All-State Choir selection committee auditioned almost 1700 juniors and seniors from across the state to form the Men's, Women's and Mixed Choirs. The following Arvada students were among those selected and will perform two concerts on February 3, 2009, at 2:00 pm. and 7:30 p.m. in Colorado State University's Lincoln Center.

Arvada West  
Andy Douglas  
Bobby Guard  
Brian Lloyd  
Kevin O'Brien

Pomona  
Patrick May  
David Miller  
Sarai Peterson

Ralston Valley  
Taylor Call  
Hannah Oaks  
Emily Palmer  
Mackenzie Talley

- C. Presentation of Certificate of Appointment for Mark McGoff to the Governor's Council on Physical Fitness – Presented by Stacy Fowler, Commissioner of the Governor's Council on Physical Fitness

Governor Bill Ritter has recently appointed Councilmember Mark McGoff to the Governor's Council on Physical Fitness. Stacy Fowler, President of the Board of Directors, was present to present the Certificate of Appointment to Mark McGoff.

- D. Proclamation for Arvada Business Appreciation Week – presented by Councilmember Azari

Steve Camins, Arvada Economic Development Association President and Aaron Edwards, Chairman of the Arvada Chamber of Commerce, was present to accept the proclamation on behalf of the Arvada Business Community.

VI. PUBLIC COMMENT ON ISSUES NOT SCHEDULED ON AGENDA

- A. Eldon Laidig, Arvada, reminded City Council and the public of the 20<sup>th</sup> Annual Poetry Gathering this week. He introduced two of the poets attending the gathering this week and they both recited poetry.

VII. NEW BUSINESS

A. Consent Agenda

1. R09-003 A Resolution Authorizing a Recordkeeping Agreement Between the City of Arvada Retirement Plan Board of Trustees and Great-West Retirement Services
2. R09-004 A Resolution Accepting an Emergency Access Easement from Arvada Automotive Specialities, LLC for Lot 3, Indiana Marketplace Minor Subdivision
3. R09-005 A Resolution Approving a Proposed 2009 Operating Plan and Budget of the Indiana Marketplace Business Improvement District
4. R09-006 A Resolution Authorizing a Purchase Order to National Hirschfeld in the Amount of \$69,120.00 for the 2009 Printing of The Arvada Report
5. R09-007 A Resolution Rescinding Resolution No. R09-001 and Re-Accepting Annexation Petition, Making Certain Partial Findings of Fact, and Setting a Public Hearing for March 2, 2009, at 7:00 P.M., Concerning D. Long, 5945 Ward Rd.

Mayor Pro Tem Anderson moved that R09-003, A Resolution Authorizing a Recordkeeping Agreement Between the City of Arvada Retirement Plan Board of Trustees and Great-West Retirement Services; R09-004, A Resolution Accepting an Emergency Access Easement from Arvada Automotive Specialities, LLC for Lot 3, Indiana Marketplace Minor Subdivision; R09-005, A Resolution Approving a Proposed 2009 Operating Plan and Budget of the Indiana Marketplace Business Improvement District; R09-006, A Resolution Authorizing a Purchase Order to National Hirschfeld in the Amount of \$69,120.00 for the 2009 Printing of The Arvada Report; R09-007, A Resolution Rescinding Resolution No. R09-001 and Re-Accepting Annexation Petition, Making Certain Partial Findings of Fact, and Setting a Public Hearing for March 2, 2009, at 7:00 P.M., Concerning D. Long, 5945 Ward Rd., be approved.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

B. Ordinances (First Reading)

1. CB09-003 An Ordinance Amending Section 86-72, "Composition; Compensation; Term" of Division 2. "Board of Trustees" of Chapter 86, "Retirement" of the Arvada City Code to Reduce the Number of Trustees and to Replace Certain Appointees With a Council Appointed Citizen Trustee (Public Hearing to be set for February 2, 2009 at 7:00 p.m.)

2. CB09-004 An Ordinance Authorizing an Intergovernmental Agreement Between the City of Arvada and Hometown Metropolitan District Nos. 1-4 (Public Hearing to be set for February 2, 2009 at 7:00 p.m.)
3. CB09-005 An Ordinance Annexing Certain Land Into the City of Arvada, Colorado, D. Long, 5945 Ward Road (Public Hearing to be set for March 2, 2009 at 7:00 p.m.)
4. CB09-006 An Ordinance Rezoning Certain Land Within the City of Arvada, D. Long, from Jefferson County A-2 (Agricultural) to City of Arvada PUD-BP (Planned Unit Development-Business, Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 5945 Ward Road (Public Hearing to be set for March 2, 2009 at 7:00 p.m.)

Councilmember Williams moved that CB09-003, An Ordinance Amending Section 86-72, "Composition; Compensation; Term" of Division 2. "Board of Trustees" of Chapter 86, "Retirement" of the Arvada City Code to Reduce the Number of Trustees and to Replace Certain Appointees With a Council Appointed Citizen Trustee; CB09-004, An Ordinance Authorizing an Intergovernmental Agreement Between the City of Arvada and Hometown Metropolitan District Nos. 1-4 be approved on first reading, ordered published in full and a Public Hearing date be set for February 2, 2009 at 7:00 p.m.; and CB09-005, An Ordinance Annexing Certain Land Into the City of Arvada, Colorado, D. Long, 5945 Ward Road and CB09-006, An Ordinance Rezoning Certain Land Within the City of Arvada, D. Long, from Jefferson County A-2 (Agricultural) to City of Arvada PUD-BP (Planned Unit Development-Business, Professional), and Amending the Official Zoning Maps of the City of Arvada, Colorado, 5945 Ward Road be approved on first reading and a Public Hearing date be set for March 2, 2009 at 7:00 p.m.

The following votes were cast on the Motion:

Those voting Yes: Frie, Anderson, Allard, Azari, Dyer, McGoff, Williams  
The Motion was approved.

VIII. UNFINISHED BUSINESS (Continued from December 15, 2008)

A. PUBLIC HEARINGS – 7:00 p.m.

1. CB08-055 An Ordinance Rezoning Certain Land Within the City of Arvada, Stocke-Walter Neighborhood, from R-I (One and Two-Family Residential) District, and R-SL (Residential-Small Lot, Low Density) District, to PUD-R (Planned Unit Development-Residential), 2.5 du/ac, and from R-I, to R-M (Residential-Multi-Family) (Ordinance No. 4152)
2. Stocke-Walter Neighborhood Preliminary Development Plan

Mayor Frie opened the public hearing on CB08-055 and the Stocke-Walter Neighborhood Preliminary Development Plan.

Mike Elms stated that the posting log and mailing affidavit are in order. Mayor Frie made them a part of the official record.

Carol Ibanez, Senior Planner, reviewed this project with City Council.

Those speaking in favor: Jane Schnabel, Steering Committee  
Heidi Nesladek, Arvada Resident  
Steve Nesladek, Arvada Resident  
Greg Thomason Arvada Resident  
Peg Christon, Arvada Resident  
Geoff Bruce, Arvada Resident  
Carol Zinanti, Arvada Resident  
Harriet Hall, Arvada Resident  
Dan Redford, Arvada Resident

Those speaking opposed: John Stephens, Arvada Resident  
Greg Rogers, Arvada Resident  
Kevin Hoehner, Arvada Resident  
Georgina Robbins, Arvada Property Owner  
Al Nazari, Arvada Property Owner  
Tim Bullock, Attorney Representing John Stephens  
Kelly Bailey, Arvada Property Owner, Arvada Resident

Mayor Frie closed the public comment portion of the public hearing.

City Council has requested that the following verbatim be included on this item:

Partial Verbatim of January 12, 2009 City Council meeting  
Stocke-Walter Neighborhood Rezoning

Allard: Mr. Mayor, I'd like to make a motion to do the rezoning just on the historical district. Can staff help me out with the wording on that description? In other words, do what the staff originally recommended 55 years ago, or whenever it was.

Sampson: If that turns out to be the desire of Council, then the rezoning ordinance includes a legal description in it now. Staff can work to ensure that it's amended to reflect essentially the historic district. I think what that would amount to is the current legal description followed by an exclusion of certain designated lots. I'm not sure without looking at it. But, it can be easily accomplished by staff in terms of an amendment that would be republished.

Frie: You would need a postponement?

Sampson: No, I don't believe so. I think if the intent of Council is such, and it's clear that that's what the desire of Council is to do, then staff will simply ensure that an amended ordinance would be published that has a legal description carrying out that desire.

Frie: OK. Do you want to make the motion Don Allard?

Allard: What I'd like to do is make a motion. I have this green map. Is that what I want to do?

Elms: That's the historic district, yes.

Allard: And that's what I'm wanting. Just by way of comments, I'm really divided on this. I don't like the idea of flag lots. I do think that some of these lots, if you were to build a large, as Mr. Dyer pointed out, a large house, or even another house back behind. In my opinion that's not desirable as far as a development is concerned. I don't have any problem with those kinds of lots as long as they're developed on a piece of property that's vacant and is part of an original development plan or subdivision. But on this particular case what I favor is simply doing the zoning as presented by staff for the historic district (set/that?) boundaries, whatever they are. So I'd like to move that CB08-055, An Ordinance Rezoning Certain Land Within the City of Arvada, Stocke-Walter Neighborhood, from R-1 (One and Two-Family Residential) District, and R-SL (Residential-Small Lot, Low Density) District, to PUD-R (Planned Unit Development-Residential), 2.5 du/ac, and from R-1 to R-M (Residential-Multi-Family) be approved on final reading numbered 4152, and ordered published by title only.

Elms: Mr. Allard, that would be published in full because we'll have to amend the ordinance.

Allard: OK. What add . . . what language do I want to put in there?

Elms: To just be published in full with the ordinance amended.

Allard: And you will change that legal description as to the parcel of land we are talking about.

Elms: That's correct.

Allard: That's my motion, Mr. Mayor. The motion is based on the findings of fact adopted by the Planning Commission.

Frie: Lorraine Anderson.

Anderson: I will be supporting the motion. I think this is a fair compromise and it does take those non-historical buildings out of the historical area, so I will be supporting the motion.

Frie: Mark McGoff.

McGoff: Yes, I, too, will support that motion, although I can see much merit in rezoning the larger area as originally considered. I think it's just important that we maintain the historic nature of the area. I believe that it would be a detriment to the city to continue the current zoning that allows a structure that would be out of character with the neighborhood of this historic district and for those reasons I will be supporting the motion.

Frie: Aaron Azari.

Azari: Just to be clear from staff: Mr. Allard's motion, what is the effect of flag lots and duplexes?

Elms: That would be addressed in the preliminary development plan that follows. Duplexes wouldn't be allowed if we rezone it. And the flag lot issue is in the preliminary development plan. So when we get to that, we would approve the PDP for the historic district boundaries only, that includes the prohibition on the flag lots.

Azari: OK. My personal preference in all of this would have been for the neighborhood to have worked this out with a HOA, although I understand that most of the neighborhood doesn't want an HOA. But,

some sort of an agreement among the neighbors with respect to what Mr. Dyer had mentioned, which was architectural development standards that would have left intact some of the flexibility within the area. However, based on the testimony that I've heard and just the time that it's taken for these parties to come to some kind of an agreement – and apparently can't – I guess my choice is either do nothing and perhaps have this area develop in ways that nobody wants to see; or do something and leave open the option down the road that if something, some historical event occurs or some other circumstance transpires, that there could be another appeal to another city council down the road with a different set of facts, and perhaps even a different set of owners. My preference would be to support the motion at this time. Thank you.

Elms: The one thing I want to clarify just to make sure – we're rezoning the historic district, the PUD-R, and then on the north side there's some right of way that we suggested be rezoned from R-I to R-M just to be consistent with the area next to it. It's just right of way that we want to clarify.

Frie: That it is being rezoned to what?

Elms: R-M.

Frie: OK.

Elms: I saw one person say that no, they didn't want to do that, just leave it like it is, only do the historic district. So I . . . .

Frie: Let's resolve that before we act. There's a couple other people who want to speak. Bob Dyer hasn't spoken.

Dyer: I'll support the motion, and just to be clear the only thing that I'm talking about is basically the 19 lots that were added. The stuff on the north side of Ralston Road, I don't have a problem with. And I assume Mr. Allard didn't mean to take out the stuff on the north side that's in the right of way. But I guess we'll let him clarify it.

Allard: That's correct.

Dyer: The only thing I would want everyone here tonight to keep in mind – I know there might be some hard feelings among all of you; it may be feelings of distrust – but please understand that this does not resolve everything in any way. And when I said 6,000 square feet, let me be clear, that would be a ranch style home – not a two-story. You could have a 12,000 square foot house in your neighborhood. I don't think anybody really wants that. So, please, try to find a way of working together to come to an understanding of what you really want as a vision for your neighborhood as it continues to develop. Because if you don't think that sort of thing can happen, just wander around the Cherry Creek area sometime and take a look at everything that's been torn down and rebuilt with some incredible places. But I don't want to see that sort of thing in that area. And so, it really comes back to all of you now. I think that we'll probably pass this, but it doesn't solve the ultimate problem, which will come down the road – not this year, probably not in the next three or four years, but it will come to you and so please be thinking about it and try to work together again.

Frie: Marc Williams.

Williams: Thank you, your honor. I guess I've got a lot of frustration with tonight in terms of, we see these petitions for and against and frankly I don't think any of them have any credibility with me at this

point because I'm not sure exactly what the question was asked on the petition in terms of what they're for or what they're against. I don't like the concept that big brother is here in the form of government to tell a neighborhood what it should do or how it should characterize itself and move forward. But because of the inability of the neighborhood to come up with a cohesive plan for itself, you've left us no choice but to make that decision for you. I'm convinced by the arguments of Mr. Azari and Mr. Dyer that compel me to support this. And I share both of their concerns that this doesn't really solve all the problems and you people really do need to work together to try to preserve this very special corner of Arvada. And I would urge you to do that. Thank you.

Frie: Lorraine Anderson.

Anderson: I'd like for Mr. Elms to point out what his issue is, please.

Elms: OK. Why don't we use this map that's on the Power Point. If you see the two sites that say "Proposed R-M" on the north side, we're just cleaning up the map. Because the right of way is zoned R-I in that area; what it's adjacent to is R-M; and we're just trying to clean that up because we've rezoned usually the right of way to whatever the adjacent property is. And that's the only purpose. It's not any private property, it's all public right of way we're talking about.

Anderson: That's the clarification I needed.

Frie: Don Allard, did you have something else?

Allard: Mr. Mayor, I wanted to add to my comments. One reason I had a hard time with this is because I am very sensitive to private property rights and very sensitive to, as Mr. Williams pointed out, the government coming in and telling you what to do. Nonetheless, the question was asked, the matter is before us, and I would like to remind everybody we've heard some comments about tonight's bridge. That cost you \$10, \$11 or \$12 million of city money in addition to the federal funds totaling about \$35 million. We improved Ralston Road, did a lot of landscaping. We've improved Olde Town with millions of dollars, and if we're going to preserve the historic area, then I think this is the best way to at least try to preserve it. So that's where I'm coming from on the matter. I wish I hadn't been asked this question and I'm sorry it went on for three years. But, nonetheless, I have this thing before me and I have to make a decision. And that's my comments on the matter.

Frie: Well, I haven't spoken on this issue – on the motion. Rather than have this be decided by the first person to make a motion, I think I wanted to plumb the depths of whether there's any support for approving the entire area that's proposed. So I'm going to move to amend the motion to add . . . to make the ordinance refer to the entire amount that was proposed by the staff and is in the proposed council bill. So my motion is to make it the entire area that's in the proposed ordinance – to add, not to add to the historic district.

Anderson: I'd like to speak to the motion.

Frie: Sure. Mrs. Anderson.

Anderson: I will not be supporting this. This has been a neighborhood fight and it's been neighbor against neighbor and "I want mine" and "you can't have yours" and "I want mine to be just so". I have not appreciated it. I'm familiar with the neighborhood. I happen to believe quite strongly that the neighborhood has evolved because of the uniqueness of the site and the uniqueness of the zoning. There's

places there - there's houses that were used as businesses, there's houses that were used - transferred from one business to a different kind of business. From a veterinary shop to a printing shop. It is a very unique neighborhood. But I think it's unique because of the existing zoning; because of the development that's taken place. And so I'm not going to vote to rezone the whole area. I have heard that people wanted to preserve the historical nature and I can tell you I have list a of all the properties on every street and which ones are historical, which ones add to the district, and which ones do not. And so, I felt the compromise was good because it seemed to protect those who had their historic buildings and allowed the others - however, I would like some design guidelines for people to redevelop their property so that it would be compatible - but I don't know that we could ever come to any conclusion about that. And I'm not about to impose design guidelines on anybody, particularly given the circumstances of this rezoning. It's not been a pleasant thing. I have had people go after my property to down-zone it in the past. I have had a hostile city council down-zone my property, or try to down-zone my property, and I don't like it. So I'm not going to vote for the whole district to be down-zoned. I think there are great opportunities for redevelopment. I also think there needs to be a little code enforcement in that neighborhood.

Frie: OK. Vote no if you want to limit it to the historic district. Vote yes if you want to make it the original description that's in the proposed ordinance. <VOTE TAKEN HERE> Bob Frie voted yes, everybody else voted no. The motion before us is for the rezoning of just the historic district and including the right of way area as outlined by Mr. Elms. Everybody has voted. I voted no, everybody else voted yes. The motion carries 6 to 1. And CB08-055 is adopted as amended. We still have the preliminary development plan. Don Allard.

Allard: I move that the Stocke-Walter Neighborhood Preliminary Development Plan, how do you want me to refer to that, that part of the Stocke-Walter Neighborhood designated as historical?

Elms: Designated as the historic district.

Allard: . . . the Preliminary Development Plan be approved. The motion is based on the findings of fact adopted by the Planning Commission. Is that all I need to do?

Frie: OK, the motion is to approve the PDP.

Anderson: But it only pertains to the historical areas.

Elms: Yes, he clarified that. It's only the historic district boundaries.

Frie: Please cast your ballots. <VOTE TAKEN HERE> Everybody present has voted yes and that motion is approved unanimously. OK. We're done with that. Thank you for being here. Thank you for coming out on a very cold night. What's happened is it is just the historic district is rezoned. We're concluded with our agenda except for just a couple of items. Are there any reports from any city council member?

End of verbatim.

IX. CITY COUNCIL REPORTS - none


X. CITY MANAGER REPORTS - none

XI. CITY ATTORNEY REPORTS - none

XII. PUBLIC COMMENT LONGER THAN THREE MINUTES

Heidi Nesladek, Arvada Resident, addressed council regarding a house, 6901 Grandview Avenue, in her neighborhood.

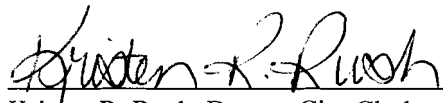
XIII. ADJOURNMENT at 9:40 p.m.



---

Robert G. Frie, Mayor

SEAL:



---

Kristen R. Rush, Deputy City Clerk

