

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 7, 2006 at 6:30 p.m.
At the Village Center

Mayor Doug Scott called the meeting to order at 6:33 p.m.

ROLL CALL

Councilmembers Fred Boutin, John Love, Cathy Pomeroy, Doug Tisdale and Mike Wozniak were present on silent roll call. Also present were Community Development Director Eric Ensey, Parks & Trails Administrator Jay Goldie, Public Works Crew Chief Ralph Mason, Police Chief John Patterson, City Manager Cheryl Kuechenmeister, City Attorney Thad Renaud, and City Clerk Jennifer Pettinger.

Councilmember Bonnie Blum was absent.

AUDIENCE PARTICIPATION PERIOD

Alix Corboy, 2905 Cherryridge Road, requested Council post meeting information on the Cherry Hills Village Elementary School sign. Ms. Corboy stated that in reviewing the last couple of years City Council minutes she could find no approval of the Village Center project. Ms. Corboy expressed her concerns regarding the Village Center project.

Mayor Scott explained the process regarding the Village Center project.

Tripp Kerr, 4700 E. Oxford Avenue, suggested that Council refrain from hiring a City Manager until after the April election.

Glenn Decker, 6179 E. Princeton Circle, expressed his concerns over a proposed communications tower on the Denver Water property at Happy Canyon and Quincy. Mr. Decker stated he felt there were more suitable locations for the tower. Mr. Decker urged City Council to convey his concerns to the City and County of Denver.

Brian Good, Director of Operations for Denver Water, stated he was available to answer any questions in regard to their recent fence permit. Mr. Good said the fence would be placed at their pump station. Mr. Good explained the process Denver Water has taken in regard to informing residents. Discussion was held regarding the fence.

Mr. Good answered questions in regard to the proposed communications tower. Community Development Director Eric Ensey gave Mr. Good a copy of Mr. Decker's letter.

Kevin Kearney, 14 Lynn Road, also encouraged Council to wait until the April elections to appoint a City Manager. Mr. Kearney requested that non council residents be on the appointment committee.

Jim Muhm, 4951 S. Holly St., stated his concerns regarding the proposed Council Bill 01-06, establishing the Parks, Trails and Recreation Commission. Mr. Muhm encouraged Council to appoint members at large. Mr. Muhm expressed his concern with the prior Parks and Trail Committee inability to enlist members from throughout the City. Mr. Muhm also expressed his concerned about how members would be appointed and encouraged Council to appoint citizens who would have a zeal, vision and drive for the parks and trails in the City.

Discussion was held concerning the appointment.

Joan Iseman, 4949 S. El Camino Drive, stated she was delighted with the establishment of a Parks, Trails and Recreation Commission. Ms. Iseman also stated her concerns in the prior Parks and Trails Committee inability to achieve a geographic distribution.

Buck Frederickson, 80 Meade Lane, stated that the last City Manager search did include citizen volunteers. Mr. Frederickson asked the City Attorney for an update in regard to the South Suburban exclusion appeal.

City Attorney Thad Renaud gave an update and explanation of the City's opening brief that was filed on January 31, 2006.

Jerry Kashinski, 6199 E. Princeton Circle, stated his displeasure at the Denver Police Protection Association letter regarding the proposed communications tower. Mr. Kashinski noted that he believes there are 16 alternative sites. Mr. Kashinski urged Council to assist the City and County of Denver in obtaining another suitable location.

Debbie Welles, 4950 Sanford Circle West, asked how she can make constructive suggestions regarding the arrangement of the Council agendas. Ms. Welles asked what the format would be for the upcoming City Council meeting regarding the Village Center.

Mayor Scott explained the meeting format. Mayor Scott encouraged citizens to contact him and members of Council with any suggestions.

PUBLIC HEARING

Approval of a Request for Subdivision of Lot 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, into two 1-acre Lots

Community Development Director Eric Ensey presented the request for approval of Subdivision of Lot 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, into two 1-acre Lots.

Mike Pharo, representing the applicant, stated that the owner is working with Mr. Alpert on an agreement that would blend the two driveways together. Mr. Pharo also stated that the property is not a part of Cherry Hills Farm Homeowners Association. Mr. Pharo explained the legal relationship the owner and the property has with Mr. Alpert.

Discussion was held concerning the application.

City Attorney Thad Renaud gave City Council a copy of the special warranty deed for 6 Cherry Hills Farm Court.

Councilmember Doug Tisdale stated his concerns that the warranty deed states that the subject property is included in the Cherry Hills Farm Metropolitan District and is subject to the covenants as noted on the deed.

Mark Weisberg, 100 S. University Blvd., stated he was the owner of the property. Mr. Weisberg stated that the lot was originally owned by Lee Alpert and that the lot has never been annexed into the HOA (Homeowners Association).

Discussion was held.

Councilmember Tisdale asked about the projected impact on the drainage.

Mr. Pharo stated that the engineers concurred that the addition of the two lots will have no impact on the drainage.

Councilmember Wozniak asked Mr. Pharo to explain the driveway configuration. Mr. Pharo explained the driveway configuration.

Mayor Scott opened the public hearing at 8:02 p.m.

Brian Levin, 5 Cherry Hills Farm Court, stated his concerns with the public hearing process. Mr. Levin stated that he feels the subdivision will adversely affect adjacent property owners. Mr. Levin gave Council maps of the neighborhood and explained his concerns on the density on the cul-de-sac.

Discussion was held.

Chris Zobolas, 17 Cherry Hills Farm Drive, explained that he had purchased his lot in 2004 and had verified that the adjacent lot was platted as a two-acre parcel. Mr. Zobolas stated that he had not received notification about tonight's meeting. Mr. Zobolas expressed that he feels there is a drainage problem in the area.

Dave Lawrence, 6 Cherry Hills Farm Court, stated that he lives just east of the subject property. He expressed his concerns about the drainage problems and that if the lot is graded it will exacerbate the problem. Mr. Lawrence stated that there has been a

change in logistics and aesthetics from 1982 until today. Mr. Lawrence also stated that there are no other cul-de-sacs in the area with a flag lot as significant as what is proposed.

Mayor Scott closed the public hearing at 8:30 p.m.

Discussion was held regarding the application.

Councilmember Tisdale moved, seconded by Councilmember Boutin, to hold an executive session for the purpose receiving legal advice as authorized by C.R.S. section 24-6-402(4)(b).

The following votes were recorded:

John Love	yes
Mike Wozniak	no
Fred Boutin	yes
Cathy Pomeroy	no
Doug Tisdale	yes

The motion passed with a vote of 3 yes and 2 no.

Council adjourned to an Executive Session at 8:55 p.m.

The Executive Session adjourned at 9:06 p.m.

Marc Weisberg, applicant, requested the public hearing be continued to a date certain of March 21, 2006.

Councilmember Tisdale moved, seconded by Councilmember Pomeroy, to table the request by the applicant for the subdivision of Lot 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, into two 1-acre Lots to a date certain of March 21, 2006.

The motion passed unanimously.

CONSENT AGENDA

Councilmember Wozniak moved, seconded by Councilmember Tisdale, to approve the following items on the Consent Agenda:

- Approval of January 17, 2006 Minutes
- Purchase of Police Motorcycle
- Purchase of an Asphalt Paver with a Tack Applicator
- Purchase of a Parks and Trails Pick-up
- R3-06, Appointing Election Judges for the April 4, 2006 Regular Municipal Election

- Appointment of Members to Canvass Board for the April 4, 2006 Regular Municipal Election

The motion passed unanimously.

ORDINANCES, RESOLUTIONS AND PLATS

CB01-06, A Bill for an Ordinance Establishing the Parks, Trails and Recreation Commission (Final Reading)

Councilmember Mike Wozniak presented CB01-06, A Bill for an Ordinance Establishing the Parks, Trails and Recreation Commission on Final Reading.

Discussion was held.

Council was in agreement to revise Sec. 2-8-10, item #2 be revised to read "To evaluate and make recommendations concerning the acquisition of additional *trails*, trail connections, *pocket parks*, *wild life refuge areas*, *protected view area*, *open space parks and recreational parks*;"

Discussion was held.

City Attorney Thad Renaud suggested revising Sec. 2-8-20 last line to read "by the City Council ("City Council appointee"); *provided, however that if the Council is not reasonably able to appoint one member from each Council district the Council may appoint one or more members of the commission on an at-large basis.* Each member shall have one vote.

Discussion was held.

Councilmember Tisdale moved, seconded by Councilmember Pomeroy, to approve CB01-06, A Bill for an Ordinance Establishing the Parks, Trails and Recreation Commission on Final Reading with amendments as recited by the city attorney and include revising language in Sec.2-8-10(2).

The following votes were recorded:

John Love	yes
Mike Wozniak	yes
Fred Boutin	yes
Cathy Pomeroy	yes
Doug Tisdale	yes

The motion passed unanimously.

Council directed Staff to draft rules and procedures for the Parks, Trails and Recreation Commission.

City Manager Cheryl Kuechenmeister stated that appointments to the board will be made in May with the other board appointments. Councilmember Tisdale suggested placing the district information on the application.

Scott Higgins, 70 Meade Lane, suggested to Council form a separate committee for recreation.

REPORTS

Mayor's Report

Mayor Scott stated that he had met with two citizens who were interested in running for office. Mayor Scott also stated he had met with Chips Barry from Denver Water.

Members of City Council

Councilmember Boutin asked for an update on the Scott property application.

Community Development Director Eric Ensey gave an update on the application process.

Councilmember Boutin asked what the process will be to review the Master Plan RFP's (Request for Proposal). Mr. Ensey stated that the authority to review is given to the Planning and Zoning Commission through state statues. Mr. Ensey said that the Planning & Zoning Commission will present a recommendation to the City Council.

Councilmember Wozniak gave a report on current litigation.

Councilmember Wozniak stated his displeasure at not being able to attend the proposed February 16th meeting on the Village Center Project and requested there not be a vote taken at that meeting.

Councilmember Pomeroy also requested that the meeting be scheduled to accommodate everyone's attendance.

Discussion was held regarding the Village Center Project meeting.

Councilmember Tisdale addressed the continuing interest regarding the City Attorney selection.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Report on Proposed 200-Foot Emergency Response Tower for the City and County of Denver Located at the Denver Water Hillcrest Facility

City Manager Cheryl Kuechenmeister gave a report on the Proposed 200-Foot Emergency Response Tower for the City and County of Denver Located at the Denver Water Hillcrest Facility.

Councilmember Tisdale moved, seconded by Councilmember Boutin to request a letter be sent to the City and County of Denver expressing grave concerns and serious issues regarding the placement of a tower that is as high as a 20 story building and represents a significant intrusion into an area (so far as we are aware) that alternative sites appear to be reasonably and relatively available. Authorizing the City Manager and Mayor to contact appropriate counterparts at the City and County of Denver to follow up on those expressions of concern and to report back to City Council relative to what response is received.

The motion passed unanimously.

Pandemic Influenza Planning Process

A report on the Pandemic Influenza Planning Process was included in Council packets. There were no questions from members of the City Council.

City Manager Search Process

A report on the City Manager Search Process was included in Council packets. City Manager Cheryl Kuechenmeister stated that she has contacted several search firms hopes to have a proposal before Council at the February 21st meeting.

Discussion was held.

City Manager Cheryl Kuechenmeister requested an executive session at the end of the meeting in regard to a personnel matters.

Fence Code

The revised Fence Code Ordinance was included in Council packets. The final reading of the proposed ordinance will be on the next February 21, 2005 Council Agenda.

Councilmember Pomeroy presented City Council with information regarding research she had done on fencing in the City.

Discussion was held.

Councilmember Tisdale requested Staff draft a chart that breaks out the options.

City Attorney

Councilmember Tisdale moved, seconded by Councilmember Love, to hold an executive session for the purpose discussing personnel matters, negotiation strategy, instructing negotiators and receiving legal advice concerning the Lochmiller litigation as authorized by C.R.S. section 24-6-402(4)((b)(e)&(f)) following the conclusion of the Study Session.

The following votes were recorded:

Mike Wozniak	yes
Fred Boutin	yes
Cathy Pomeroy	yes
Doug Tisdale	yes
John Love	yes

The motion passed unanimously.

STUDY SESSION

Council adjourned to a study session at 9:56 p.m. to discuss the Proposed Traffic Calming Policy and the discussion Concerning Completion and Expiration of Building Permits and Construction Hours.

The Study Session ended at 11:01 p.m.

EXECUTIVE SESSION

Council adjourned to an Executive Session at 11:01 p.m.

The Executive Session adjourned at 11:46 p.m.

Douglas C. Scott, Mayor

Jennifer Pettinger, CMC, City Clerk