

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 21, 2006 at 6:30 p.m.
At the Village Center

Mayor Doug Scott called the meeting to order at 6:30 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Fred Boutin, John Love, Cathy Pomeroy, Doug Tisdale and Mike Wozniak were present on silent roll call. Also present were Finance Director Karen Proctor, Police Sergeant John Bayman, Public Works Crew Chief Ralph Mason, Community Development Director Eric Ensey, City Manager Cheryl Kuechenmeister, City Attorney Thad Renaud, and City Clerk Jennifer Pettinger.

AUDIENCE PARTICIPATION PERIOD

Debbie Welles, 4950 Sanford Circle West, spoke to Council about her concerns regarding the selection of a master plan consultant. Ms. Welles gave Council suggestions on selecting a consultant and implementing the master plan process.

Amy Kuhlke, 1501 E. Stanford Ave., presented Council with an information packet which included some of the Village's history in regard to fencing regulations. Ms. Kuhlke stated that she does not believe it is necessary to allow an 8' fence for the Denver Water property. Ms. Kuhlke also stated she feels there is not a problem with fencing in the Village.

Dean Peterson, 3720 E. Quincy Avenue, explained the reasons for his 6' wooden fence, including the fact that his home was broken into and his dogs were taunted. Mr. Peterson encouraged Council to protect the safety and welfare of families. Mr. Peterson questioned how the grandfathering clause would be managed in 20 years.

Joe Sloan, Denver Water, stated that Denver Water supports allowing an 8' fence for utilities. Mr. Sloan showed the revised site plan for the pump station and photos of existing fences around Denver Water pump stations in the Denver area.

Discussion was held concerning the Denver Water pump station proposed fence.

Mr. Sloan gave Council an update on the proposed communications tower at the Hillcrest Water Treatment Plant.

Mark Van Loucks, 1515 E. Tufts Ave., stated he was a candidate for Council. Mr. Van Loucks commended Council for their long hours. He stated that he feels the proposed ordinance is a bad idea and violates private property rights. Mr. Van Loucks stated that he feels this is a perceived problem that doesn't exist. Mr. Van Loucks requested that Council vote no on the ordinance.

David Cooper, 6386 E. Tufts Ave., stated he was a member of the Blue Ribbon Panel (BRP). Mr. Cooper stated there appears to be confusion over the BRP suggestions. He also stated that the BRP never recommended the fence ordinance. Mr. Cooper requested the ordinance be tabled until the Master Plan is in place.

Sandy Riese, 1501 E. Quincy Ave., explained to Council his fence configuration. He also expressed his concerns at being able to build fencing that can contain horses. Mr. Riese stated he has had two prowlers on his property in the last year. He articulated his concerns regarding safety in regard to his property. Mr. Riese provided copies of the Arapahoe County Daily 1999 Traffic Counts to Council. Mr. Riese also stated his concerns with sexual offenders and how far they should be allowed to live near an elementary school.

Martin Greer, 4213 S. Colorado Blvd., thanked Mr. Riese for providing the traffic counts. Mr. Greer noted in 1999 according to the traffic counts, 9,310 vehicles traveled down Colorado Blvd. Mr. Greer expressed his concerns regarding safety. Mr. Greer recommended that Council vote no on the ordinance and if not make an exception for residences along Colorado, Clarkson and Quincy. Mr. Greer encouraged Council to get serious about the non-resident traffic in the Village and eliminate commuter traffic within the Village.

Maureen Williams, 4702 S. Clarkson St., stated her concerns regarding the Grace Lutheran Church property. Ms. Williams expressed her concerns with the limitations in regard to courtyards. Ms. Williams also stated that she believes the courtyards are established by walls not fences. Ms. Williams gave Council pictures of existing courtyards and portcullis in the Village. Ms. Williams also gave the following suggestions to amending the ordinance:

- Section 16-1-10 Definitions

Section 1.

The definition of yard shall include the word wall.

- Section 16-16-40

(4) Definitions.

(3) Courtyard Wall (not the word fence)

(e)(1)(b) Courtyard walls up to 100% solid shall be permitted in the front yard provided that fences do not exceed six' (6) in height, if they are attached to the house, with any portcullis or other decorative item not to exceed ten' (10) and height encroaches into the minimum front yard area required by applicable zone districts regulations for those properties that front onto S. Clarkson Street.

PUBLIC HEARING

Approval of an Ordinance Amending Section 16-16-10 of the Municipal Code Concerning Definitions and by Repealing and Re-enacting Section 16-16-40 Concerning Fences (Final Reading - continued from November 15, 2005)

Community Development Director Eric Ensey presented CB 11-05, a Bill for an Ordinance Amending Section 16-16-10 of the Municipal Code Concerning Definitions and by Repealing and Re-enacting Section 16-16-40 Concerning Fences on final reading. Mr. Ensey noted that the public hearing was closed at the November 15, 2005 meeting.

Discussion was held regarding the grandfather clause.

Discussion was held regarding traffic counts.

Councilmember Blum gave a brief history of the fence ordinance.

Discussion was held regarding the ordinance.

Councilmember Tisdale suggested amending the proposed ordinance to include only the amendment to utility fencing with the following changes: Delete the 3rd-7th "Whereas Clauses". Strike Section 1. Renumber Section 2 of the bill as Section 1 and amended it to read "*That Section 16-16-40 of the City of Cherry Hills Village Municipal Code is hereby amended by the addition of a new section (7)*". Strike Section 2 on the remainder of pages 2, 3, 4, 5, 6, 7, and on page 8, except for paragraph (9) which would be renumbered as "*(7) Fences may be constructed for utility stations as permitted in this Chapter providing such fences do not exceed eight feet (8') in height and are not more than fifty percent (50%) solid.*" Section 3 would be renumbered as Section 2. Section 4 would be stricken. Section 5 would be renumbered as Section 3.

Councilmember Tisdale stated that he believes the amendment is responsive to the public's health, safety and welfare.

Discussion was held concerning utility fencing and Denver Water's current permit.

City Attorney Thad Renaud gave Council the status of the fence permit submitted by Denver Water.

Joe Sloan, Denver Water, submitted to the Clerk, photos of proposed fence around the Denver Water pump station.

Discussion was held concerning the ordinance.

Councilmember Tisdale moved, seconded by Councilmember Boutin, to table CB 11-05 to the March 7th City Council meeting directing Staff to redraft the ordinance adding a new Section 7 to existing code now shown as Section 9.

Discussion was held.

City Attorney Thad Renaud explained the Board of Appeal & Adjustments appeal process.

Discussion was held.

Joe Sloan, Denver Water, stated that Denver Water is withdrawing their existing permit.

Councilmember Tisdale, with the approval of Councilmember Boutin, withdrew his motion.

Councilmember Tisdale moved, seconded by Councilmember Love, to approve CB11-05, a Bill for an Ordinance Amending Section 16-16-10 of the Municipal Code Concerning Definitions and by Repealing and Re-enacting Section 16-16-40 Concerning Fences on Final Reading with the following changes: Delete the 3rd-7th "Whereas Clauses". Strike Section 1. Renumber Section 2 of the bill as Section 1 and amended it to read "*That Section 16-16-40 of the City of Cherry Hills Village Municipal Code is hereby amended by the addition of a new section (7)*". Strike Section 2 on the remainder of pages 2, 3, 4, 5, 6, 7, and on page 8, except for paragraph (9) which would be renumbered as "*(7) Fences may be constructed for utility stations as permitted in this Chapter providing such fences do not exceed eight feet (8') in height and are not more than fifty percent (50%) solid.*" Section 3 would be renumbered as Section 2. Section 4 would be stricken. Section 5 would be renumbered as Section 3.

The following votes were recorded:

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

The motion passed unanimously.

CONSENT AGENDA

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

- Approval of an Intergovernmental Agreement with Arapahoe County to Provide Mail Ballot Election Services for the April 4, 2006

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 5a was removed from the Consent Agenda.

- Approval of February 7, 2006 Minutes

Approval of February 7, 2006 Minutes

Councilmember Love noted a typographical error on page 4 of the minutes.

Councilmember Love noted a grammatical error on page 4 of the minutes.

Councilmember Tisdale moved, seconded by Councilmember Love, to approve the February 7, 2006 minutes as amended.

The motion passed with a vote of 5 yes and 1 abstained.

APPOINTMENT OF INTERIM CITY MANAGER

City Manager Cheryl Kuechenmeister presented the request for appointment of Eric Ensey as the Interim City Manager.

Discussion was held.

Councilmember Tisdale moved, seconded by Councilmember Blum, the appointment of Eric Ensey as Interim City Manager effective as of March 1, 2006, including a 10% positive salary adjustment during tenure in that capacity.

Discussion was held.

Councilmember Tisdale amended his motion, with the consent of Councilmember Blum, for the appointment of Eric Ensey as Interim City Manager effective as of April 1, 2006 with a 10% positive salary adjustment to be effective as of March 1, 2006.

Motion passed unanimously.

REPORTS

Mayor's Report

Mayor Scott reminded Council that the Blue Ribbon Panel's proposal was presented as an entire package of recommendations.

Members of City Council

Councilmember Wozniak stated that he has received some phone calls regarding citizen's requests to have input into the Master Plan RFPs (Request for Proposal).

Councilmember Tisdale thanked The Villager for publishing both letters in the February 16th issue regarding the Village Center project.

Councilmember Pomeroy also thanked The Villager.

Councilmember Blum stated she is still concerned about the larger homes overwhelming the smaller homes with fences and berms. Councilmember Blum thanked Staff for their effort. Councilmember Blum asked for clarification regarding the Recreation Reimbursement Program.

City Manager Cheryl Kuechenmeister and City Clerk Jennifer Pettinger explained the Recreation Reimbursement Program.

Councilmember Love stated that he believes we need a new Village Center, but is not happy with the cost. Councilmember Love suggested Council convene a committee of two council members, the architect, City Manager and someone who lives on Meade Lane to oversee the design.

Discussion was held.

Councilmember Boutin suggested tabling the discussion until the new City Council is seated.

Mayor Scott suggested contacting Davis Architects and obtaining a cost to obtain the final drawings. Mayor Scott said he believed the information is needed to be able to price the building and make a decision.

Discussion was held.

Council was in agreement to place the Village Center on the March 7th agenda to be discussed further.

Councilmember Love stated that Phil Seawalt has offered his services gratis to be the project manager for the Village Center project.

Discussion was held.

Members of City Boards and Commissions

An e-mail regarding the Parks, Trails and Recreation Commission – Recreation Events from Scott Higgins was included in the Council packets. Mayor Scott stated that Scott Higgins was invited to tonight's meeting to discuss the request.

Councilmember Tisdale suggested that Staff contact Scott Higgins to obtain the cost associated with each activity. Council was in agreement.

City Manager & Staff

Departmental Monthly Reports

Departmental Monthly Reports were included in Council packets. There were no questions from members of the City Council.

Councilmember Boutin asked the status of the Dahlia Street Traffic Calming project. City Manager Cheryl Kuechenmeister stated that Staff is preparing proposals to bring forward a funding request to Council for the improvements.

City Attorney

Councilmember Wozniak moved, seconded by Councilmember Pomeroy, to hold an executive session for the purpose of discussing negotiation strategy and instructing negotiators as authorized by C.R.S. § 24-6-402(4)(e).

The following votes were recorded:

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

The motion passed unanimously.

Council adjourned to an Executive Session at 9:08 p.m.

The Executive Session adjourned at 9:16 p.m.

Douglas C. Scott, Mayor

Jennifer Pettinger, CMC, City Clerk