

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

Mayor Doug Scott called the meeting to order at 6:32 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Fred Boutin, John Love, and Cathy Pomeroy were present on silent roll call. Also present were Community Development Director Eric Ensey, Finance Director Karen Proctor, Police Chief John Patterson, Interim Public Works Director Jay Goldie, Crew Chief Ralph Mason, City Attorney Thad Renaud, and City Clerk Jennifer Pettinger.

Councilmember Mike Wozniak arrived at 6:34 p.m.

Councilmember Doug Tisdale was absent.

PRESENTATIONS

Police Chief John Patterson presented Lieutenant Patricia Whitman who was recently promoted to the rank of lieutenant. Lt. Whitman thanked the City for the opportunity to serve.

Councilmember Mike Wozniak arrived at 6:34 p.m.

AUDIENCE PARTICIPATION PERIOD

Kevin Iverson, 1170 E. Tufts Ave., thanked the City Council for their service. Mr. Iverson spoke to City Council about his comments and observations in regard to the Village Center project. Mr. Iverson encouraged Council to spend some money to find out what kind of Village Center the residents would like.

Glenn Decker, 6179 E. Princeton Circle, stated he was in attendance again to express his serious concerns regarding the communications tower. Mr. Decker also updated Council regarding a neighborhood meeting. He thanked Mayor Scott and Mr. Ensey for attending the neighborhood meeting. Mr. Decker gave Council aerial photos of Denver's current setback requirements for placement of the tower. He noted that if the proposed ordinance is passed those setbacks would be waived. Mr. Decker stated that there was a meeting this afternoon with other affected neighborhoods.

Debra Hruza, 5990 Happy Canyon Drive, asked Council for a statement on the proposed tower. Ms. Hruza asked Council for more involvement in opposing the tower.

Mayor Scott gave an update on the participation Council has taken in opposing the tower. Mayor Scott stated that he would give Ms. Hruza a copy of the letter that was sent to the City and County of Denver. Mayor Scott asked that the letter also be posted on the City's website.

Jeff Welborn, 4901 S. Fairfax St., requested Council form a citizen's committee, to assist counsel in answering the City's brief, in regard to the South Suburban litigation.

Discussion was held concerning Mr. Welborn's suggestion. City Attorney Thad Renaud asked Mr. Welborn to send any comments he has regarding the litigation to him.

PUBLIC HEARING

Request for Subdivision Lot of 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, into Two 1-acre Lots(Continued from February 7, 2006 – Public Hearing closed)

Eric Ensey presented the request for Subdivision Lot of 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, into Two 1-acre Lots. Mr. Ensey stated that the continuance was requested by the applicant.

Councilmember Love asked if the City Attorney has reviewed the staff report.

City Attorney Thad Renaud stated that he had reviewed the report. Mr. Renaud stated his review found that the property appears to be without restriction. Mr. Renaud also stated that the notation on the deed appears to be incorrect.

Councilmember Wozniak asked if there appeared to be more access points in this cul-de-sac than others in the neighborhood. Mr. Ensey stated that the cul-de-sac has more access points. Mr. Ensey stated that he believes the applicant has remedied the access points by allowing one access easement for the two properties.

Mayor Scott noted that Councilmember Blum is not participating in the discussion due to the fact that she was absent from the public hearing.

Brian Levin, 5 Cherry Hills Farm Ct., stated he was under the assumption that if new evidence was presented the public hearing would be reopened.

City Attorney Thad Renaud stated that it is Council's discretion whether or not to reopen the public hearing. Mr. Renaud stated that Council would not be required to reopen the public hearing due to the fact they specifically asked the applicant to provide information to them.

Discussion was held. Council was in agreement to proceed.

Councilmember Love moved, seconded by Councilmember Pomeroy, to approve the request by Mark and Dianne Weisberg for approval of the Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, minor subdivision plat to allow for the subdivision of one 2-acre lot into two 1-acre lots. The application meets the requirements outlined for approval of minor subdivision applications in Chapter 17 of the City Code, all applicable zoning requirements outlined in Chapter 16 of the City Code, and the Village's Master Plan, as demonstrated in the staff memorandum dated February 7, 2006, the testimony provided by the applicant at the February 7, 2006 City Council meeting, and the recommendation of the Planning and Zoning Commission. The approval of this application incorporates the staff finding contained in, and is subject to the condition outlined in the "Staff Recommendation" section of the February 7, 2006 staff memorandum and subject to the follow conditions;

1. Prior to recording of this minor subdivision plat with the County, the plat document must include any additional easements required by the sanitation district, to provide sanitary sewer services to the subject site. In order to verify this, the applicant must submit the information necessary for the sanitation district to determine whether any additional easements are necessary, and either (1) provide a letter from the district stating that no additional easements are required or (2) demonstrate that such easements have been provided to the district by way of depicting such easements on the plat and dedicating the same to public use.
2. Prior to recording of this minor subdivision plat with the County, that applicant shall record a covenant with the County requiring one shared access by both lots to Cherry Hills Farm Court. Additionally, the minor subdivision plat must document the shared access easement and refer to the recorded covenant.

The following votes were recorded:

The motion passed with a vote of 4 yes and 1 abstained.

CONSENT AGENDA

Councilmember Blum moved, seconded by Councilmember Love, to approve the following items on the Consent Agenda:

- Approval of March 7, 2006 Minutes
- Approval of Contract for Consulting Service (City Manager)
- Approval of Cherry Hills Ranches Subdivision Final Plat
- Request for the Purchase of Two Additional Mowers
- Approval of a Floodplain Development Maintenance Agreement (16 Random Road)

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 6 c was removed from the Consent Agenda.

- Request for Increase in Monthly Pay Rate for Prosecuting Attorney Suzanne Rogers

Request for Increase in Monthly Pay Rate for Prosecuting Attorney Suzanne Rogers

Councilmember Wozniak asked if Judge Turre was satisfied with the service that Ms. Rogers' provides and if staff felt the request was reasonable. Finance Director Karen Proctor stated that she did not ask Judge Turre directly, but related that she has never received any negative feedback in regard to Ms. Rogers' performance. Ms. Proctor stated that she believed the increase is fair and reasonable based upon other cities practices.

Councilmember Pomeroy moved, seconded by Councilmember Love, to approve the request for increase in monthly pay rate for Prosecuting Attorney Suzanne Rogers.

The motion passed unanimously.

ORDINANCES, RESOLUTIONS AND PLATS

R04-06, A Resolution Concerning the Village Center Project

Councilmember John Love presented R04-06, A Resolution Concerning the Village Center Project.

Discussion was held.

City Attorney Thad Renaud suggested the paragraph prior to section 3 be revised to read: "The CCCC may make architect and contractor recommendations to Council and may oversee any initial design work, with the prior consent of the Council, and shall provide input concerning same."

Discussion was held concerning current Village Center Project contracts.

Discussion was held concerning the demolition of 125 Meade Lane. Council was in agreement, except for Councilmember Boutin, that the property needs to be demolished because of safety factors and its nonconformance.

Discussion was held concerning the CCCC.

Councilmember Love moved, seconded by Councilmember Pomeroy, to approve R04-06, A Resolution Concerning the Village Center Project with amendments as suggested by the City Attorney (to amend the paragraph prior to section 3 be revised to read: "The CCCC may make architect and contractor recommendations to Council and may

oversee any initial design work, with the prior consent of the Council, and shall provide input concerning same.”).

Councilmember Blum moved to remove Section 1. There was no second. Motion died.

The motion passed unanimously.

REPORTS

Mayor’s Report

Mayor Scott gave an update on the City Manager search. Mayor Scott stated he expects to have a recommendation for the next city council on a potential search consultant firm.

Members of City Council

Councilmember Boutin stated that he met with 30 residents from the Mansfield Heights neighborhood to discuss redevelopment. He stated that he related to them that Council would be discussing the FAR (Floor Area Ratio) again in May.

Councilmember Wozniak stated that he has received several inquiries regarding the Master Plan Consultant selection process. Councilmember Wozniak reiterated that the committee will make a recommendation to Council.

Community Development Director Eric Ensey reported that the Master Plan Consultant interviews will be held on March 27, 2006 at 10:00 a.m. and 11:00 a.m. at the Village Center.

Councilmember Blum also gave an report on the Master Plan Consultant selection process.

Councilmember Love reflected on his term in office.

Mayor Scott thanked Councilmember Love for his service.

Councilmember Pomeroy reflected on her term and thanked everyone.

Mayor Scott thanked Councilmember Pomeroy for her service.

Councilmember Blum also thanked Councilmembers Love and Pomeroy for their service.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Departmental Monthly Reports

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

Update on Proposed 200-foot Emergency Response Tower for the City and County of Denver Located at the Denver Water Hillcrest Facility (NW of the intersection of E. Quincy Avenue and Happy Canyon Road)

Community Development Director Eric Ensey gave an update on Proposed 200-foot Emergency Response Tower for the City and County of Denver located at the Denver Water Hillcrest Facility (NW of the intersection of E. Quincy Avenue and Happy Canyon Road).

Councilmember Boutin asked if a legal analysis has been done. City Attorney Thad Renaud stated other than political pressure there does not appear to be any recourse that can be taken to stop the placement of the tower.

Discussion was held concerning the tower.

Mayor Scott asked that his letter be placed on the website. Mr. Ensey noted that the newspaper articles provided in the Council packets did not copy correctly. Mr. Ensey noted that he would recopy for Council.

Parks, Trails and Recreation Commission – Recreation Events

A report on the Parks, Trails and Recreation Commission – Recreation Events was included in Council packets.

Discussion was held concerning the report.

Mayor Scott asked that information regarding outsourcing the events be provided for the next council meeting.

Traffic Calming Policy – Final Version

A report on the Traffic Calming Policy – Final Version was included in Council packets.

Discussion was held concerning the report.

Mayor Scott wished all the candidates well and thanked Martha Welborn for her work on the Village Crier.

City Attorney

Councilmember Wozniak moved, seconded by Councilmember Blum, to hold an executive session for the purpose of discussion of specific legal questions with the City Attorney for the purposes of receiving legal advice pursuant to C.R.S. section 24-6-402(4)(b) concerning the pending Lochmiller litigation.

The following votes were recorded:

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

The motion passed unanimously.

Council adjourned to an Executive Session at 8:02 p.m.

The Executive Session adjourned at 8:38 p.m.

Waiver of Conflict

Councilmember Wozniak moved, seconded by Councilmember Love to approve the waiver of conflict that was presented to Council by Mr. Kevin Paul's firm and is in the Council Packet.

Westboro Baptist Church Protestors

Police Chief John Patterson advised Council a group from the Westboro Baptist Church in Topeka, Kansas is planning protests in Denver area this weekend. Chief Patterson stated that three local area churches, Denver First Church of the Nazarene, Colorado Community Church and First Plymouth Church, are to be targeted.

Registered Sex Offenders

Police Chief John Patterson reported that there are currently no registered sex offenders living in the City of Cherry Hills Village.

ADJOURNMENT

There being no further business Mayor Scott adjourned the meeting at 8:42 p.m.

Douglas C. Scott, Mayor

Jennifer Pettinger, CMC, City Clerk