

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 18, 2006 at 6:30 p.m.
At the Village Center

STUDY SESSION

Council began a Study Session at 6:00 p.m. concerning quasi-judicial decisions and ex parte communications. Mayor Wozniak, Councilmembers Bonnie Blum, Harriet LaMair, Scott Roswell, Russell Stewart, and Doug Tisdale were present. Also present were Police Chief John Patterson, Interim City Manager Eric Ensey, and City Attorney Thad Renaud.

The Study Session ended at 6:25 p.m.

CALL TO ORDER

Mayor Mike Wozniak called the meeting to order at 6:30 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Harriet LaMair, Scott Roswell, Russell Stewart, and Doug Tisdale were present on silent roll call. Also present were Police Chief John Patterson, Crew Chief Ralph Mason, Interim City Manager Eric Ensey, City Attorney Thad Renaud, and City Clerk Jennifer Pettinger.

AUDIENCE PARTICIPATION PERIOD

Donna Senn, 7138 S. Ulster St., spoke to City Council about the Cherry Creek High School After Prom being held on May 20th. Ms. Senn requested a donation from the City.

Discussion was held concerning the after prom.

Danielle Heller, 26 Cherry Lane Dr., spoke to Council about the benefits of living in Cherry Hills Village especially in regard to owning horses. Ms. Heller encouraged City Council to approve the equestrian equipment purchase.

Suzie Halle, 5310 Sanford Circle, suggested the City purchase some dressage arena cones at the cost of \$219.00.

Dave Schrier, 4265 S. Bellaire Circle, commented on the amount of use the horse arena receives. Mr. Schrier suggested placing rules in regard to the equipment use.

Danielle Heller, announced they are organizing a Cherry Hills Village equestrian group.

Discussion was held in regard to the horse arena equipment.

Mayor Wozniak suggested, if the equipment is approved, the equestrian group assist the City in writing rules for the equipment use.

Tom Hoffman, 3921 S. Dahlia St., stated Boy Scout Troop #712 is observing tonight's proceedings. Mr. Hoffman encouraged City Council to approve the Dahlia Street improvements.

Craig Lathan, 3910 S. Dahlia St., also encouraged City Council to approve the Dahlia Street improvements.

PRESENTATIONS

Police Chief John Patterson presented Officer Paul Shattuck the Police Commendation Award for his actions on March 28, 2006.

Mayor Wozniak commended Officer Shattuck for his bravery.

PUBLIC HEARING

Cherry Hills Park 1 5th Amendment Minor Subdivision of one 5-acre lot into two 2 ½ acre lots (2 Cherry Hills Park Drive)

Interim City Manager Eric Ensey presented the request to allow the minor subdivision of one 5-acre lot into two 2½-acre lots for Cherry Hills Park I, 5th Amendment (2 Cherry Hills Park Drive).

Councilmember Tisdale asked for an explanation relative to the consolidation and now the unconsolidation of the lots. Mr. Ensey stated that he understood the consolidation was originally done for tax purposes and the current subdivision is for resale purposes.

Gary Paulson, Koelbel & Co., stated he is a representative of the Visser's. Mr. Paulson stated that Koelbel & Co. was the original subdivider of the property.

Mayor Wozniak opened the public hearing at 6:52 p.m.

No one wished to speak.

Mayor Wozniak closed the public hearing at 6:52 p.m.

Mayor Wozniak thanked Staff for the matrix that was included in the staff report.

Councilmember Tisdale moved, seconded by Councilmember Stewart, to approve the request submitted by Barney and Carolyn Visser for approval of the proposed Cherry Hills Park 15th Amendment Minor Subdivision Plat allowing for the subdivision of one 5-acre consolidated lot into two 2-½ acre lots (2 Cherry Hills Park Drive) pursuant to the evidence presented and the findings made. Specifically noting that based upon the evidence presented before this body.

The application meets the requirements as outlined for approval of minor subdivision applications in Chapter 17 of the City Code and the finding and representation that the applicable zoning requirements outlined in Chapter 16 of the City Code, and the Master Plan is not in conflict with the presentation; all as demonstrated in the staff memorandum dated April 18, 2006, together with the comments of staff and the testimony as presented by the applicant's representative as presented at this hearing on April 18, 2006. Also noting that the application is found to be based on competent and sufficient evidence and incorporates the staff findings contained in the April 18, 2006 staff memorandum to which reference is here made.

The motion passed unanimously.

CONSENT AGENDA

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

- Approval of April 10, 2006 Minutes
- Contract Amendment – Colorado Code Consulting (Building Permit Plan Review and Inspections)
- Award Contract for Crack Seal Contract – A-1 Chipseal

- Award Contract for Concrete Replacement Contract – Stockholm Development & Construction

The motion passed unanimously.

Interim City Manager Eric Ensey stated that Mr. Jim Fairbairn requested consent agenda item #7g be tabled until the May 2, 2006 meeting.

ITEMS REMOVED FROM CONSENT AGENDA

Items 7e, 7f, 7g, and 7h were removed from the Consent Agenda.

- Trail Vacation/Dedication (John and Anna Sie, 21 Sandy Lake Road) – Request for Waiver of Appraisal
- Expenditure of Gift Fund Donations – Equestrian Equipment at John Meade Park
- Revocable Encroachment License (Jim Fairbairn, 151 Summit Boulevard) – To Allow Encroachment of a Fence and Shed within the Public Right-of-way
- Expenditure of Funds – Dahlia Street Improvements

Revocable Encroachment License (Jim Fairbairn, 151 Summit Boulevard) – To Allow Encroachment of a Fence and Shed within the Public Right-of-way

Councilmember Tisdale moved, seconded by Councilmember Stewart, to table consent agenda item #7g Revocable Encroachment License (Jim Fairbairn, 151 Summit Boulevard) – To Allow Encroachment of a Fence and Shed within the Public Right-of-way to the May 2, 2006 City Council meeting.

The motion passed unanimously.

Trail Vacation/Dedication (John and Anna Sie, 21 Sandy Lake Road) – Request for Waiver of Appraisal

Acting Public Works Director Jay Goldie presented the request for waiver of the appraisal for the Trail Vacation/Dedication for John and Anna Sie, 21 Sandy Lake Road.

Discussion was held concerning the waiver.

Councilmember Stewart moved, seconded by Councilmember LaMair, to waive the appraisal as condition for the Sie's (John and Anna Sie, 21 Sandy Lake Road Trail Vacation/Dedication) proceeding to Planning and Zoning Commission with the understanding the Planning & Zoning Commission will make a recommendation on the application including whether they believe an appraisal is necessary. If the application is approved then the City Council can determine whether or not to require an appraisal.

The motion passed unanimously.

Expenditure of Gift Fund Donations – Equestrian Equipment at John Meade Park

Acting Public Works Director Jay Goldie presented the request for expenditure of Gift Fund Donations for equestrian equipment at John Meade Park.

Discussion was held.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve the expenditure of funds from account # 01-225-1, the Gift Fund Donation Escrow Account in the amount of \$3,432.00 for the medium size package of jumps, gates, walls etc. from Jumpvc and an additional expenditure of \$219.00 relative to the cones identified by the acting Director of Public Works based on information provided to him by the equestrian group.

The motion passed unanimously.

Expenditure of Funds – Dahlia Street Improvements

Acting Public Works Director Jay Goldie presented the request for expenditure of funds for Dahlia Street Improvements.

Discussion was held concerning the Dahlia Street improvements.

Councilmember Roswell suggested involving residents in the brainstorming and development phase.

Councilmember Tisdale moved, to approve the expenditure of funds in the initial amount of \$3,510 for a projected total cost estimate of \$79,155.00 for purposes of traffic calming study, design and implementation on S. Dahlia Street between E. Oxford and E. Mansfield Avenue consistent with the presentation and discussion with the Acting Director of Public Works. Such funding to be achieved by utilizing the budgeted funding for the equipment wash system for the City to be brought in compliant with the Phase II Storm Water regulations; with the understanding that such funding may be required at a future time based upon future construction but is not anticipated for this fiscal year.

Councilmember Roswell suggested a friendly amendment to include citizens of that neighborhood be invited to speak to the engineers when the engineers consult with the City.

Councilmember Tisdale agreed to the amendment.

Councilmember LaMair seconded the motion

The motion passed unanimously.

NEW BUSINESS

Master Plan Update

Interim City Attorney Eric Ensey gave City Council an update on the Master Plan. Mr. Ensey stated that as a result of the interviews, the Committee believes that the actual scope of the work needed to bring our current Master Plan to a level that would make the document a useful policy tool for the community would be approximately double the original budgeted amount, or approximately \$100,000.

Councilmember Blum shared her concerns with the current scope of work.

Discussion was held.

Councilmember Stewart stated that he would rather have an RFQ issued.

Councilmember LaMair suggested expanding the committee to include two general citizens to reflect broader thinking.

Councilmember Tisdale suggested that a revised RFQ be presented to Council for approval.

Mayor Wozniak suggested asking the committee members to give Council an update at the May 2nd meeting. Mayor Wozniak asked for background material and Master Plan's from other cities to be available for Councilmembers to review.

REPORTS

Mayor's Report

Mayor Wozniak reported on the Study Session he and Councilmembers Stewart and Tisdale attended last night at the City of Greenwood Village. Mayor Wozniak stated he will be working with Greenwood Village Mayor Sharpe on border issues.

Mayor Wozniak stated a subdivision is being planned for the Mountain View Golf Course and is project to house over 2000 residential units. Mayor Wozniak asked Staff to obtain more information on the subdivision that is to be located in the City & County of Denver.

Mayor Wozniak congratulated Karen Losier on obtaining her Certified Municipal Clerk certification.

Mayor Wozniak expressed his concern with the City's IT equipment. He suggested the City update their network.

City Manager Search

Mayor Wozniak gave an update on the City Manager search. Mayor Wozniak stated Finance Director Karen Proctor is contacting Mountain States Employers Council to assist in the search.

Councilmember Tisdale suggested using Colorado Municipal League (CML).

Discussion was held concerning the search.

Mayor Wozniak stated his concerns at waiting to fill the Public Works Director position until a City Manager is selected. Discussion was held.

City Council Liaison Assignments

Mayor Wozniak noted Councilmember Bonnie Blum will be retained for the Board of Adjustment liaison and Councilmember Roswell will be the alternate. Councilmember Roswell offered to remain on the Board of Adjustment until the appointments are made next month.

Councilmember LaMair offered to be the liaison to the Crier Committee.

Members of City Council

Councilmember Stewart spoke to Council about the Cherry Creek School District start time changes for next year and the traffic concerns he has with multiple schools starting at the same time. Discussion was held.

Councilmember LaMair offered to meet with Police Chief Patterson and Todd Horn of Kent Denver regarding adjustment of their start times.

Councilmember Blum asked for an update regarding the Denver Seminary Project. Interim City Manager Eric Ensey stated that he would provide an update at the next meeting.

Councilmember Blum stated the sign warning motorists to turn into Cherry Hills Farm is being blocked by trees. She requested the sign be unblocked and requested additional traffic enforcement along Belleview.

Councilmember Blum asked the status of the Citizens City Center Committee (CCCC) appointments. Discussion was held concerning board and commission appointments.

Councilmember Tisdale stated that he will be attending a Denver Regional Council of Governments (DRCOG) meeting tomorrow night.

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.

Wireless Telecommunications Ordinance Update

Interim City Manager Eric Ensey requested Council's direction on who should have the authority to review and approve wireless communications facilities. Discussion was held. Council was in agreement to give the authority to City Council for review and approval.

Update on Applications Received for Membership on the City's Boards and Commissions

Interim City Manager Eric Ensey gave an update on the applications for the City's boards and commissions that have been received to date. Discussion was held.

Mayor Wozniak stated Council will schedule interviews for Wednesday and Thursday from 4:00-7:00 p.m. next week.

Interim City Manager Eric Ensey stated that Staff is developing an application for the CCCC. Mr. Ensey stated that information regarding the CCCC will be circulated shortly.

Councilmember Tisdale asked the status of current staff vacancies. Interim City Manager Eric Ensey gave Council an update on the current vacancies.

Interim City Manager Eric Ensey gave Council a report on the applications received for the District 5 Councilmember vacancy.

Councilmember LaMair stated her concerns with establishing the CCCC prior to the master plan implementation. Discussion was held.

City and County of Denver's Proposed 200-foot Emergency Response Telecommunications Tower on the Denver Water Hillcrest Facility – Upcoming Meeting Schedule

Interim City Manager Eric Ensey advised Council there will be a meeting regarding the proposed tower to be held at Bethany Lutheran Church on May 18, 2006 at 7:00 p.m.

Notice Requirements for Development Applications

Interim City Manager Eric Ensey asked Council's direction whether they would like staff to evaluate the requirements for development applications. Mayor Wozniak asked Staff to create a matrix reflecting the notice requirements regarding the development applications.

Community Fair

Acting Public Works Director Jay Goldie gave Council a report on the proposed Community Fair. Discussion was held.

Council was in agreement to help with the event and to discuss any additional donation of funds at the May 2nd meeting when supplementary information regarding cost is available.

City Attorney

Councilmember Tisdale moved, seconded by Councilmember Blum, to convene in executive session for the purpose of: (1) receiving legal advice pursuant to C.R.S. §24-6-402 (4)(b) concerning pending litigation matters with the City of Cherry Hills Village; and (2) developing strategy for negotiations and instructing negotiators pursuant to C.R.S. §24-6-402(4)(e) with regard to the Davis Partnership Architects contract.

The following votes were recorded:

Harriet LaMair	yes
Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes
Scott Roswell	yes

The motion passed unanimously.

Council adjourned to an Executive Session at 8:45 p.m.

The Executive Session adjourned at 9:30 p.m.

ADJOURNMENT

A motion was made by Councilmember Blum, seconded by Councilmember LaMair to adjourn the meeting at 9:30 p.m.

The motion passed unanimously.

The meeting adjourned at 9:30 p.m.

Michael J. Wozniak, Mayor

Jennifer Pettinger, CMC, City Clerk