

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 19, 2006 at 5:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 5:55 p.m.

ROLL CALL

Councilmembers Harriet LaMair, Scott Roswell and Russell Stewart were present on silent roll call. Also present were Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Jay Goldie, Interim City Manager Eric Ensey, City Attorney Thad Renaud, City Clerk Jennifer Pettinger and Deputy City Clerk Kerri Losier.

Councilmembers Doug Tisdale and Klasina VanderWerf were absent.

STUDY SESSION

Councilmember LaMair moved, seconded by Councilmember Stewart, to adjourn to a study session to discuss the proposed 2007 Budget.

The motion passed unanimously.

Council adjourned to a study session at 5:57 p.m.

Councilmember Bonnie Blum arrived at 6:22 p.m.

The Study Session adjourned at 6:27 p.m.

Mayor Wozniak re-called the meeting to order at 6:31 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Harriet LaMair, Scott Roswell and Russell Stewart were present on silent roll call. Also present were Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Jay Goldie, Interim City Manager Eric Ensey, City Attorney Thad Renaud, City Clerk Jennifer Pettinger and Deputy City Clerk Kerri Losier.

Mayor Wozniak noted that tonight's meeting would be City Clerk Jennifer Pettinger's last meeting as she is accepting a position with the City of Lone Tree. Mayor Wozniak thanked Ms. Pettinger for her service to the city.

AUDIENCE PARTICIPATION PERIOD

Pat Boulding, 1415 E. Tufts Avenue, thanked Council for quickly addressing her concerns. Ms. Boulding spoke in favor of the proposed ordinance regarding construction practices. She asked that stringent parking restrictions apply to .9 acre lots as well as those of one acre or more. She mentioned the issue of unreasonable construction noise and asked that it be addressed. She also asked that landscaping issues for scrape-off construction sites be considered as well. She asked City Council to consider staggering the issuance of building permits so that several construction sites are not clustered together.

Caroline Bliss-Kandel, 1700 East Stanford Avenue, also spoke in favor of the proposed ordinance regarding construction practices.

PUBLIC HEARING**Floodplain Development Permit for 4501 S. Monroe Lane (Mary Scott) to allow for the installation of a pond and road – Applicant request for continuance**

Mr. Ensey presented the request by the applicant, Mary Scott, for a vacation of the public hearing in regard to the Floodplain Development Permit and floodplain boundary line adjustment for 4501 S. Monroe Lane to allow for the installation of a pond and road until the proposed preliminary subdivision plat can be heard at the same time. The applicant would present both the floodplain development permit and the preliminary plat concurrently. Mayor Wozniak expressed concern about one hearing already being closed and the other one being open to the public.

Councilmember Stewart moved, seconded by Councilmember Blum, to vacate the floodplain development permit public hearing, with the understanding that the applicant is responsible for all notice requirements described in the City Code for any future public hearings related to the floodplain development permit as well as the subdivision platting process. The vacation of the public hearing does not constitute the withdrawal of the application.

The motion passed unanimously.

CONSENT AGENDA

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

- Approval of August 29, 2006 Minutes
- Approval of September 5, 2006 Minutes
- Approval of a Subdivision Improvement Agreement for the Layton Lane Subdivision (northeast corner of the intersection of S. Clarkson Street and E. Layton Avenue)
- Appointment of Kerri Losier as City Clerk
- Expenditure of Funds for Street Striping

The motion passed unanimously.

Mayor Wozniak welcomed Kerri Losier as the new City Clerk.

ITEMS REMOVED FROM CONSENT AGENDA

The following items were removed from the Consent Agenda:

- Proposed Job Description for a Code Enforcement Officer Position
- Expenditure of Funds for the University Boulevard Underpass/Overpass Feasibility Study

Proposed Job Description for a Code Enforcement Officer Position

Mr. Ensey presented the proposed job description for a code enforcement officer position. Mr. Ensey recapped the responsibilities of the proposed job. He reiterated staff's recommendation that the City have a half-time Animal Control Officer and a full-time Code Enforcement Officer. It was clarified that the new position would fall under Community Development rather than Police. Mr. Ensey also stated that the new position would not require a new vehicle as an existing City vehicle will be used for this position.

Councilmember Roswell questioned whether there could be research done to see whether this position could be synergized with South Metro Fire Department. It was agreed that the job will move forward regardless.

Councilmember Roswell moved, seconded by Councilmember Stewart, to approve the proposed job description for a code enforcement officer position with the caveat that the City has discussions with South Metro Fire to determine whether or not there are synergies between the two organizations for sharing this position.

The motion passed unanimously.

Expenditure of Funds for the University Boulevard Underpass/Overpass Feasibility Study

Jay Goldie presented the request for expenditure of Funds for the University Boulevard Underpass/Overpass Feasibility Study. Mr. Goldie stated that staff will conduct a cost analysis and evaluate three different options regarding the location of the bridge. Councilmember Roswell questioned whether we could borrow any information from Greenwood Village regarding their recent underpass project. Mr. Goldie confirmed that the City has received the information. Discussion took place regarding potential locations.

Mr. Roswell inquired why the project was estimated to take fifteen weeks. Mike Dungan, Muller Engineering (City Engineer), explained how he came to that estimate, based on projected manpower that will be required.

Mayor Wozniak asked Mr. Dungan which option he felt was most likely. Mr. Dungan stated that a bridge at the intersection of Quincy and University will be the best option for both financial and safety reasons.

Discussion ensued regarding whether the bridge would be accessible for bicyclists, equestrians, or persons with disabilities. Mr. Dungan said that the addition of elevators at both ends of the bridge is a possibility. Mr. Dungan also stated that the location may determine whether an overpass or underpass is the better solution.

Councilmember Roswell moved, seconded by Councilmember LaMair, to approve the Request for Expenditure of Funds for the University Boulevard Underpass/Overpass Feasibility Study.

The motion passed unanimously.

NEW BUSINESS

R13-06. A Resolution of the City Council Supporting Open Space

Mr. Ensey presented R13-06, A Resolution of the City Council Supporting Open Space. Mr. Renaud briefly outlined the language changes that were requested at the last Council meeting and were included in the proposed resolution. Councilmember LaMair stated that she felt it was an important document to have on file.

Councilmember LaMair moved, seconded by Councilmember Stewart, to approve R13-06, A Resolution of the City Council Supporting Open Space.

The motion passed unanimously.

R16-06, A Resolution opposing Amendment 38

Mr. Ensey presented R16-06, A Resolution Opposing Amendment 38. Councilmember Roswell questioned why the City was considering passing a resolution on this subject. Mayor Wozniak responded that the City takes positions on subjects that directly affect municipal government's authority to conduct its business. He stated that Amendment 38 in many ways adversely affects the City's ability to do business. Mayor Wozniak reiterated that the City will consider whether or not to take a stance on similar issues on a case by case basis.

Councilmember Stewart expressed concern about the City taking a position on citizen-initiated petitions. Discussion took place regarding the proposed resolution.

Councilmember Blum moved, seconded by Councilmember Roswell to approve R16-06, A Resolution opposing Amendment 38.

The motion passed unanimously.

CB04-06, A Bill for an Ordinance amending the City of Cherry Hills Village Municipal Code by Repealing and Reenacting Article X, Concerning Construction Practices, of Chapter 18, concerning Building Regulations (First Reading)

Mr. Ensey presented CB04-06, A Bill for an Ordinance amending the City of Cherry Hills Village Municipal Code by Repealing and Reenacting Article X, Concerning Construction Practices, of Chapter 18, concerning Building Regulations (First Reading). He stated that there were no public hearing requirements for this ordinance.

Councilmember Blum inquired whether the parking requirements would apply to areas such as Buell and Glenmoor. Mr. Renaud confirmed that it would, and that covenants and City code would both need to be followed, whichever was more restrictive.

Councilmember Blum also inquired whether this is applicable to City paving. Mr. Ensey confirmed that it would not apply to City right-of-way work. Councilmember LaMair asked whether it would be an appropriate time to address additional impervious surfaces and drainage from them. Mr. Ensey responded that the City is required by law to implement water quality management standards, which he suspected would be contained in a separate section of the Code in the future.

Mayor Wozniak questioned the types of construction activities that would trigger a staging plan, especially landscaping. Mr. Renaud and Mr. Ensey stated that you do not need a permit for minor improvements such as painting or landscaping.

Discussion took place regarding portable toilets located on construction sites. Mr. Ensey stated that the code simply requires bathroom facilities to be provided, but it does not specify quantity or that they be gender specific. Mr. Renaud pointed out that portable toilet facilities are usually not gender specific.

Mayor Wozniak inquired whether everyone was in agreement with the requirement mandating a construction setback of 20 feet from any property line for portable toilets. Discussion ensued and it was agreed that wording should be added to enforce the code unless otherwise approved. Mr. Ensey confirmed that all items must be included on the staging plan.

It was agreed that the definition of the term vehicle tracking control be included, since some of the Councilmembers were not familiar with the term.

Discussion took place regarding parking requirements for one or more acre lots. Council collectively agreed to leave the wording as is regarding these lots. It was also agreed that, if a resident wanted a variance to the code, they should make a request to the Board of Adjustment.

Mayor Wozniak inquired about the location of fill dirt. Mr. Renaud suggested including standards for fill dirt in the bill. It was agreed by Council that some wording be added to this effect.

Mayor Wozniak inquired about who would be responsible if there was a violation. Mr. Ensey confirmed that the owner, contractor, or subcontractor could all be liable for a construction site. It was agreed that the owner be noticed on any code violations, regardless of who was cited.

Discussion of decibel levels took place. Mr. Ensey confirmed that the City does not possess a decibel reader, although the Code does reference specific decibel level maximums as being unreasonable.

Mayor Wozniak inquired whether there was any reference to landscape mitigation in the proposed bill. Several Councilmembers expressed concern over protecting existing trees in the City. It was agreed that the proposed ordinance was not an appropriate place to address landscape mitigation.

Discussion also took place regarding whether building permits should be staggered so that there is not an undue number of construction sites within close proximity to one another. Councilmember Blum suggested that staging plans may have different requirements if there are multiple sites close to one another.

Mayor Wozniak suggested approving the bill on first reading subject to the discussed amendments and bring it back redlined on second reading.

Councilmember Stewart moved, seconded by Councilmember Roswell to approve CB04-06, A Bill for an Ordinance amending the City of Cherry Hills Village Municipal Code by Repealing and Reenacting Article X, Concerning Construction Practices, of Chapter 18, concerning Building Regulations on First Reading, subject to discussed amendments.

The following votes were recorded:

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

The motion passed unanimously.

REPORTS

Members of City Council

Councilmember Stewart mentioned that he plans to bring forth the subject of a proposed gate ordinance in the future. He stated that he has drafted some language and has already provided it to Mr. Renaud and Mr. Ensey and will address it at a future City Council meeting.

Councilmember Blum thanked Mr. Ensey for his work on the draft Request for Qualifications regarding the Master Plan. She gave a brief update about the Master

Plan Committee, which is currently in the process of collecting and reviewing comments.

Councilmember LaMair mentioned that she is impressed with the commitment and dedication of commissioners of the Parks, Trails, and Recreation Commission. She felt that the Commission would welcome any specific assignments that the Council wanted to give them. Mayor Wozniak mentioned that it may be helpful for them to assist in the master plan process.

Councilmember Roswell said that he will not be able to attend the first Citizen's City Center Committee meeting scheduled for Wednesday, September 20, 2006.

Mayor's Report

Mayor Wozniak reported that the Council is currently in the process of scheduling a second interview with a candidate for the City Manager position.

City Manager & Staff

Departmental Monthly Reports

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

Mr. Ensey reminded Councilmembers that Sam Mamet of Colorado Municipal League will be in attendance at the next City Council meeting scheduled for October 3, 2006.

City Attorney

There was none.

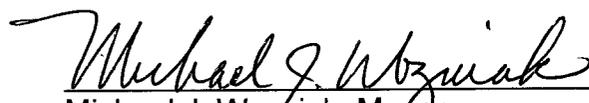
Discussion was held on whether or not to continue the study session following the City Council meeting. It was agreed that a study session would follow the October 3, 2006 Council meeting in order to discuss the proposed 2007 budget. Mr. Ensey reminded the Council that the public hearing regarding the proposed 2007 budget is scheduled for October 17, 2006.

ADJOURNMENT

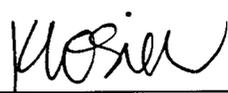
A motion was made by Councilmember Stewart seconded by Councilmember Roswell to adjourn the meeting at 8:15 p.m.

The motion passed unanimously.

The meeting adjourned at 8:15 p.m.



Michael J. Wozniak, Mayor



Kerri C. Losier, CMC, City Clerk