

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 17, 2006 at 6:00 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:01 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Russell Stewart, Doug Tisdale, and Klasina VanderWerf were present on silent roll call. Also present were Interim City Manager Eric Ensey, City Attorney Thad Renaud, Finance Director Karen Proctor, Lieutenant Pat Whitman, Public Works Director Jay Goldie, and City Clerk Kerri Losier.

STUDY SESSION

Councilmember Tisdale 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 6:02 p.m.

Councilmember LaMair arrived at 6:14 p.m.

Councilmember Tisdale moved, seconded by Councilmember VanderWerf, to adjourn.

The motion passed unanimously.

The Study Session adjourned at 6:28 p.m.

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

ROLL CALL

Councilmembers Bonnie Blum, Harriet LaMair, Russell Stewart, Doug Tisdale, and Klasina VanderWerf were present on silent roll call. Also present were Interim City Manager Eric Ensey, City Attorney Thad Renaud, Finance Director Karen Proctor, Lieutenant Pat Whitman, Public Works Director Jay Goldie, and City Clerk Kerri Losier.

AUDIENCE PARTICIPATION PERIOD

Pat Boulding, 1415 East Tufts Avenue, distributed a handout that she had brought regarding the proposed construction practices ordinance. She thanked City Council for their attention to this matter. She expressed concern for portable toilets being placed only ten feet from the property line. She stated that portable toilets that are currently about ten feet from the property line are so close to the right-of-way that passersby are using them as public bathrooms. She requested that the proposed amendments include a requirement that portable toilets and toilet doors be in the least visible spot when on a construction site. She also discussed parking, noise, pollution, and traffic safety concerns that she has with the proposed ordinance.

She stated that at one point, there were 23 trucks at one construction site, causing clouds of smoke, heavy construction traffic, and loitering workers. She requested that Council adopt a policy to stagger the issuance of building permits for construction in.

close proximity. She asked for more strict requirements than those in the proposed code.

Mark Boulding, 1415 East Tufts Avenue, spoke in support of his wife's comments. He encouraged Council to consider amendments to change the setback requirements, to stagger the permit approval process, and proportionality of size limitation and setback requirements.

In response to the Boulding's statements regarding noise, Council and staff confirmed that the City has acquired a decibel level reader and the code enforcement officer will be using it to ensure that noise ordinance requirements are being met.

PUBLIC HEARINGS

Council Bill 05, Series 2006; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for the Fiscal Year 2007 (First reading)

Council Bill 06, Series 2006; A Bill for an Ordinance Authorizing Appropriations for Fiscal Year 2007 (First Reading)

Ms. Proctor presented both council bills. Mayor Wozniak stated that City Council had conducted study sessions in order to discuss the proposed budget and he verified that there were no additional questions from Council.

Mayor Wozniak opened the public hearing at 6:54 p.m.

No one wished to speak.

Mayor Wozniak closed the public hearing at 6:55 p.m.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve Council Bill 05, Series 2006, A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for the Fiscal Year 2007 on First Reading and Council Bill 06, Series 2006; A Bill for an Ordinance Authorizing Appropriations for Fiscal Year 2007 on First Reading.

The following votes were recorded:

Harriett LaMair	yes
Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes
Klasina VanderWerf	yes

The motion passed unanimously.

CONSENT AGENDA

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

- a. Approval of October 3, 2006 Minutes
- b. Approval of a Drainage Easement; Cherry Dale Subdivision

- c. Approval of a Revised Traffic Control Officer Agreement between the City of Cherry Hills Village, Cherry Hills Village Elementary School Parent Community Organization and Kent Denver School
- d. Approval of an Agreement for Services – Avant for IT Cabling
- e. Approval of a Licensing Agreement Regarding Denver Regional Aerial Photography Project (DRCOG)
- f. Resolution 19, Series 2006 – A Resolution of the City Council Concerning the Appointment of Members to the Parks, Trails and Recreation Commission

The following votes were recorded:

Harriet LaMair	yes
Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes
Klasina VanderWerf	yes

The motion passed unanimously.

ORDINANCES, RESOLUTIONS AND PLATS

CB 04-06, 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 (Final Reading)

Mr. Ensey presented CB 04-06, 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.

Mr. Ensey highlighted proposed changes that were made since the October 3, 2006 City Council meeting, including some minor wording changes. Repair requirements for damage to roadways caused by construction vehicles were also included. Mr. Ensey stated that tree mitigation was an item that was not included in this ordinance, as staff recommends that it be included in the zoning ordinance rather than the construction ordinance, if Council wants it formally addressed.

Discussion took place regarding whether a 20-foot setback for portable toilets was unreasonable for smaller lots, and it was decided that the setback would remain 10 feet. Discussion was held regarding staging plans and staggering permits for sites within close proximity. Mayor Wozniak directed Council to further study how to attempt to deal with the issue of staging permits. Mayor Wozniak reiterated that, regarding subjects such as staging, any ordinance passed is prospective and would only affect future permits and would not affect permits that had already been issued.

Mayor Wozniak questioned what the appeal procedure would be and Mr. Renaud responded that applicants could go before the Board of Adjustment and Appeals.

Councilmember Tisdale moved, seconded by Councilmember Stewart, to approve Council Bill 04, Series 2006, 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 Final Reading.

The following votes were recorded:

Doug Tisdale	yes
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Bonnie Blum	yes
Russell Stewart	yes
Klasina VanderWerf	yes
Harriett LaMair	yes

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Wozniak mentioned that the City Council Retreat had been held October 16, 2006 and he thanked Council and staff for their time. He also thanked Councilmember VanderWerf and Mr. Ensey for their work on the flow chart and timelines for the Master Plan. Mayor Wozniak also thanked Councilmember VanderWerf for hosting the volunteer party.

Mayor Wozniak stated that Ann Gallagher had been appointed to the Parks, Trails, and Recreation Commission and that he had notified her of her appointment.

Mayor Wozniak mentioned that any of the councilmembers could volunteer to be a representative on the Denver Water Suburban Rate Payers Committee if so inclined.

He stated that he and Mr. Ensey would be attending the Arapahoe County Metro Mayors meeting on October 20, 2006.

Members of City Council

Councilmember LaMair mentioned that Mr. Goldie had prepared some possible traffic calming measures for the residents of Dahlia Street. She stated that the residents had been asked to look over the options and provide a uniform response to the City. She also commended Theresa Gilpatrick on her work with the Parks, Trails, and Recreation Commission. She stated that the commission is moving forward with several projects.

Councilmember Tisdale inquired about dead trees on the Highline Canal. Mr. Goldie stated that staff plans only to remove those that pose a hazard to trail users and he estimated that the cost of removal would be approximately \$20,000. Mr. Goldie stated that Denver Water would do some trimming as well, but it is not their top priority. Mr. Goldie also clarified that the City would take care of tree maintenance that affects the trail, regardless of tree location. Councilmember Tisdale asked for an idea of when the project would be completed and Mr. Goldie estimated it would be done before Thanksgiving. Councilmember Tisdale also mentioned that he would be attending a DRCOG meeting on October 18, 2006.

Councilmember Blum thanked Mr. Ensey for his work on the Master Plan RFQ and stated that she hoped they would move quickly on the process.

Councilmember Stewart congratulated Mr. Ensey, Mr. Goldie, and Parks, Open Space, and Recreation Administrator Paul Burkholder for their work with the Buell Mansion Owners Association. He asked Mr. Ensey to offer an update on the Citizen's City Center Committee and Mr. Ensey responded that David Cooper and Richard Diecidue would be coming by the Village Center to look at documents. Mayor Wozniak encouraged the committee to move swiftly.

Councilmember VanderWerf stated that she had volunteered for Colorado Municipal League's Municipal Issues and Trends Committee and had attended a meeting. She

also mentioned that she had received minutes from the Preserving the Platte group and hopes to continue to be the Council liaison to the committee.

Mayor Wozniak also reminded Mr. Ensey that he wants to have a traffic study update on the agenda within the next 60 days.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

There were no reports.

Departmental Monthly Reports

Departmental Monthly Reports were included in Council packets. Councilmember Stewart asked if there were any updates from the engineers regarding the underpass/overpass on University. Mr. Goldie responded that the City has three options, an overpass at Quincy, an underpass at Quincy, or an overpass at St. Mary's Academy. He stated that the engineers will be calling to schedule a meeting next week.

City Attorney

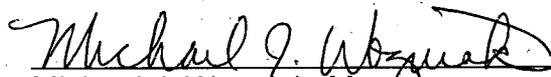
There was none.

ADJOURNMENT

A motion was made by Councilmember Tisdale, seconded by Councilmember Blum, to adjourn the meeting at 7:32 p.m.

The motion passed unanimously.

The meeting adjourned at 7:32 p.m.



Michael J. Wozniak, Mayor



Karen C. Losier, CMC, City Clerk