

RECORD OF PROCEEDINGS

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

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

ROLL CALL

Councilmembers Bonnie Blum, Scott Roswell, 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, Police Chief John Patterson, Public Works Director Jay Goldie, and City Clerk Karen Losier.

PRESENTATIONS

Chief Patterson presented Medals of Valor to Sergeant John Reynolds, Officers Jason McGurren, Brian Rauzi and Greg Gillett for their actions concerning the evening of October 12, 2006, when a Denver Water employee died during a work-related accident. Officer Callahan also received a Medal of Valor but was not able to be present at the meeting. Chief Patterson also presented Letters of Recognition to Denver Water employees Patrick Puckett, Steve Ilic, Troy Wedel, and Daniel Waters for their service during the incident.

AUDIENCE PARTICIPATION PERIOD

Steve Hritz, 3550 South Gilpin, spoke regarding his desire to purchase the property at Lafayette and Hampden. He inquired whether the City would have any interest in selling the property so that he could place a small two-story office building on the site. Mr. Renaud confirmed that it is a one-acre lot. Mr. Ensey stated that the land was probably zoned as commercial in the City of Englewood. Mayor Wozniak said that Council and Staff would take a look at his request and would get back to him.

Glenn Decker, 6179 E. Princeton Circle, spoke in protest of Regional Transportation District ("RTD") Bus Route 46 which travels on Happy Canyon Road. Mr. Decker expressed concerns regarding the harmful effects related to diesel, noise, safety, and negative impacts on the City's traffic calming efforts. Mr. Decker clarified that he was speaking on his own behalf, and not the behalf of the Southmoor Vista HOA. Mr. Decker stated that RTD has ignored requests for information on how this bus route came to pass. Mr. Decker also clarified that he found out about the bus route when neighbors began to notice bus stops going up on Happy Canyon. Mr. Decker asked City Council to assist residents in stopping Route 46 on Happy Canyon Road.

Deborah Hruza, 5990 Happy Canyon Drive in Southmoor Vista, stated that she is a Southmoor Vista HOA boardmember. Ms. Hruza said that the HOA is against the new bus route because of safety issues and concerns regarding the street itself. She asked Council to approve the draft resolution and to follow up with an action plan to remedy the problem.

Jerry Kashinski, 6199 E. Princeton Circle, stated that he had provided photos to Councilmembers VanderWerf and Roswell which help illustrate the residents' concerns. Mr. Kashinski reiterated that RTD is disregarding the posted weight limit of 7000 lbs. He also asserted that the bus stops have been placed on private property. Thirdly, he reiterated the danger of the bus stop locations due to the lack of sidewalks and crosswalks. He asked City Council to work towards stopping the bus route.

Joni Toenjes, 4021 S. Ivanhoe Lane, expressed opposition to the bus route because of concerns regarding safety, noise, and air pollution. She reiterated that Happy Canyon Road is not a good choice for the bus route.

Kurt Robinson, 5701 S. Happy Canyon Drive, also expressed concern regarding safety, traffic, and the buses' proximity to the bike lane.

Pete Langdorf, 6258 E. Princeton Avenue, stated that people are already driving unsafely while cutting through Princeton Avenue and buses will only further the problem. He also said that the buses will cause traffic to back up as well as additional traffic in Southmoor Vista. He urged Council to make efforts to stop the bus route.

Diane Reeder, 4901 Nassau Circle West, referenced letters that other residents have submitted regarding opposition to the bus route. She also voiced concerns regarding noise, air pollution, safety, additional traffic, the weight of the buses, and the proximity of buses to the bike lane.

Mayor Wozniak invited representatives from RTD to speak. Tony McCaulay, Assistant General Manager for Customer Services for RTD, introduced RTD board members Bill Elfenbein and Bill McMullen. He also introduced Jeff Becker, Senior Manager of Service Development, and Jesse Carter, Senior Planner for the Southeast Metro district. Mayor Wozniak stated that the City seemingly did not receive adequate notice of the bus route and he questioned RTD's notification process. Jeff Becker said that notice is normally given on the buses, in the paper, in various facilities, and emails to agencies that had expressed interest.

Mayor Wozniak inquired about whether RTD conducted studies regarding safety concerns. Mr. Becker replied that Happy Canyon is typical of the type of street that RTD selects for bus routes and that there is no weight restriction for RTD buses since the RTD charter grants RTD the authority to run its buses on any public street. Regarding the proximity to bike lanes, Mr. Becker commented that it is typical for buses to be routed next to bike lanes, schools, etc.

Mayor Wozniak inquired how residents could go about requesting a change in the bus route. Mr. Becker stated that RTD makes changes several times per year and that RTD would wait six to nine months for travel patterns to become consistent to see if changes need to be made. When asked by Mayor Wozniak whether studies were conducted regarding prospective ridership, Mr. Becker referenced the Southeast Corridor Service Plan document which included Route 46 ridership estimates of 1000 per day.

Mayor Wozniak inquired what portion of the ridership was estimated to be for Thomas Jefferson High School and Jesse Carter responded that it was not very much. He stated that Belleview Station was estimated to have 4700 boarding events per day, but only has 59 parking spaces so most of the boarding events are due to resident walk-ons or bus switches.

Councilmember VanderWerf inquired why RTD was not starting with a minimal number of buses since ridership is currently nonexistent. Mr. Carter said that typically RTD does start with a minimal number of buses, but they are using a small bus so they doubled the frequency in order to make capacity for the peak period. Councilmember VanderWerf also inquired why it takes six months to evaluate the route. Mr. Carter stated that ridership takes time to develop.

Councilmember VanderWerf asked Mr. Carter to be more specific about the steps that would be necessary to change a bus route. He stated that Mr. Decker's letter was very

detailed and because it had gone to a board member, the process had already been started. He also confirmed that, although the bus route has been in place since November 19, 2006, the first rider did not board until today.

Mayor Wozniak reiterated the lack of notice and how the City's traffic calming efforts will be affected by the new bus route. Mr. Carter stated that this is RTD's largest service change since 1978 and that RTD did make efforts to communicate the upcoming changes to the public via the newspaper and 14 public hearings in 2005. Mr. Carter stated that the Service Plan could be found at www.RTD-Denver.com.

Councilmember VanderWerf inquired whether other agencies had voiced similar concerns, and he responded that this is the first City Council that has requested explanation.

Bill Elfenbein stated that RTD has service changes three times per year in an effort to adjust to the community's needs. Mr. Elfenbein stated that he had ridden on Route 46 November 20, 2006 and he was the only rider, so he is aware of the ridership issue. As a bicyclist, he stated that the Happy Canyon bike lane is still a little better than most he rides on. He asserted that having bus service on Happy Canyon is an amenity to residents. He stated that RTD cannot just stop a service immediately since people in other jurisdictions rely on it.

Councilmember Stewart inquired when RTD public meetings are scheduled and if agendas are posted on RTD's website. Mr. Carter responded that public meeting agendas are always posted on the website and that there is not one currently scheduled for proposed service changes. Mr. Carter stated that the May service change process will start in January.

Councilmember Blum asked how common it is to have bus stops without a sidewalk present in urban areas. Mr. Elfenbein responded that there are approximately 10,600 bus stops in the metro area and there are a number that exist without a sidewalk present.

Councilmember Tisdale questioned whether or not articulated buses have been in use on Route 46. Mr. Carter stated that it is Route 65 that uses articulated buses and one may have traveled down Happy Canyon on its way to the garage.

RTD Board member Bill McMullen, whose RTD district is to the east, stated that RTD has a very safe record and a thorough hiring process. He has heard no other complaints on this route.

Councilmember Stewart again reiterated the City's request to lower the number of buses on the route. Mr. Carter explained that the frequency of buses is partly due to the route's proximity to the Denver Tech Center. Councilmember Stewart inquired whether other routes were considered and Mr. Carter stated that they did not want to duplicate bus service, as there are already routes in place on Monaco which was the only other logical alternative.

Councilmember Tisdale asked for clarification on the type of bus being used on Route 46. Mr. Carter offered to bring one of the buses down for inspection and Council agreed to the offer.

Mayor Wozniak thanked all the speakers for their input. He stated that Council would like to see some cutback in service and would like to be involved in future RTD actions.

CONSENT AGENDA

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

- 5a. Approval of October 17, 2006 Minutes
- 5c. Resolution 20, Series 2006 – A Resolution of the City Council Concerning the Appointment of a New Member to the Planning and Zoning Commission

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

The following items were removed from the Consent Agenda:

- 5b. Agreement for Services – FRII for Telephone System
- 5d. Expenditure of Funds – Jefferson/Hampden Avenue Sidewalk (from Downing Street to Gilpin Street) Feasibility Study
- 5e. Amendment to the City of Cherry Hills Village Personnel Program Policy Guidelines as it relates to the implementation of a “step” system for the Police Department
- 5f. Amendment to the City of Cherry Hills Village Tuition Reimbursement Policy
- 5g. Resolution 21, Series 2006; A Resolution concerning the proposed RTD Bus Route 46 along Happy Canyon Road

5b. Agreement for Services – FRII for Telephone System

Councilmember Roswell questioned whether Staff had contacted South Metro Fire Department (“SMFD”) to see if the City and SMFD could integrate internet/telephony services. Mr. Ensey responded that contact had been made and it was found not to be advantageous to the City in terms of cost and administration. Mr. Ensey also clarified that the agreement would include both telephone and internet services.

Councilmember Tisdale moved, seconded by Councilmember Stewart, to approve the FRII Telephone System Agreement for Services.

The motion passed unanimously.

5d. Expenditure of Funds – Jefferson/Hampden Avenue Sidewalk (from Downing Street to Gilpin Street) Feasibility Study

Councilmember VanderWerf questioned whether the wording in the first sentence was referring to a sidewalk varying in width and Mr. Goldie clarified that it did. Councilmember Tisdale suggested that the City notify affected neighborhoods and Mr. Goldie said that Staff would do so.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve the Expenditure of Funds for the Jefferson/Hampden Avenue Sidewalk (from Downing Street to Gilpin Street) Feasibility Study.

The motion passed unanimously.

5e. Amendment to the City of Cherry Hills Village Personnel Program Policy Guidelines as it relates to the implementation of a "step" system for the Police Department

Councilmember Tisdale questioned why the City was considering reverting back to a step system. He pointed out that from the Mountain States Employers' Council report, municipalities were divided about half and half between pay for performance and step systems. Chief Patterson clarified that Staff is not requesting that the City change from pay for performance, but tie pay for performance to a step system. He stated that the City is losing officers to other jurisdictions due to the City's current compensation plan.

Councilmember Stewart questioned the impact on the proposed 2007 budget and the Chief stated that there would be no impact since incoming officers will be hired at a lower pay rate. Ms. Proctor stated that she would have to do a five year forecast to predict longterm effects. Chief Patterson confirmed that the system will still be merit based.

Councilmember Tisdale moved, seconded by Councilmember Roswell, to approve an Amendment to the City of Cherry Hills Village Personnel Program Policy Guidelines as it relates to the implementation of a "step" system for the Police Department.

The motion passed unanimously.

5f. Amendment to the City of Cherry Hills Village Tuition Reimbursement Policy

Councilmember Stewart asked how many employees are currently enrolled and Ms. Proctor stated that there are approximately 7-10 employees. Councilmember Stewart questioned why the policy does not require employment with the City for at least one year before starting a course, rather than by course completion. Ms. Proctor explained that the proposed policy is in line with comparable municipalities in the area.

Councilmember Tisdale questioned whether the City would want to require employees to be employed for one year prior to course completion and remain employed with the City for a year after course completion before being eligible for the program. Mr. Renaud suggested that the policy address how employees who are currently enrolled in the program will be treated. Further discussion took place.

Councilmember Stewart moved, seconded by Councilmember Tisdale, to table the Amendment to the City of Cherry Hills Village Tuition Reimbursement Policy until the December 12, 2006 City Council meeting.

The motion passed unanimously.

5g. Resolution 21, Series 2006; A Resolution concerning the proposed RTD Bus Route 46 along Happy Canyon Road

Mr. Ensey presented the proposed resolution. There was further discussion regarding the effects of the bus route on the City and existing traffic calming measures.

Councilmember Roswell questioned why the City needed a resolution since the City has already received a response from RTD. Councilmember VanderWerf asked the representatives from RTD if having a resolution in place would help the City achieves its goal. Mr. Elfenbein responded that RTD would respond regardless. Mayor Wozniak added that a resolution is important because it provides documentation that Council has reviewed all available information and established a position on the subject.

Councilmember Stewart moved, seconded by Councilmember Roswell, to approve Resolution 21, Series 2006; A Resolution concerning the proposed RTD Bus Route 46 along Happy Canyon Road.

The motion passed unanimously.

ORDINANCES, RESOLUTIONS AND PLATS

CB 07-06, A Bill for an Ordinance amending Chapter 16 of the Cherry Hills Village Municipal Code, concerning zoning, by amending Sections 16-1-10, concerning definitions, and Section 16-16-40, concerning "Fences and Walls" (First Reading)

Mr. Ensey presented Council Bill 07-06 on first reading. He stated that the proposed ordinance contains definitions for "fence," "column," and "gate," which are not in the current code. The proposed ordinance also allows, in certain circumstances, gates to exceed the height of the remainder of the fence up to no more than a total of 10 feet in height. Mr. Ensey also stated that the proposed ordinance includes an allowance for columns and associated lighting to exceed the maximum height of a fence by no more than two feet. Mr. Ensey reminded Council that the second reading would need to be at the January 16, 2007 Council meeting, as the Council Bill requires notice in The Villager as well as a public hearing.

Councilmember Blum questioned whether the definition for a wall was included in the definition of a fence; Mr. Ensey confirmed that it was. Mayor Wozniak asked how this ordinance would impact current non-conforming uses; Mr. Renaud responded that a current non-conforming use could now be a legal use under the proposed ordinance. Further discussion was held regarding the proposed ordinance.

Councilmember Tisdale moved, seconded by Councilmember VanderWerf, to approve CB 07-06, A Bill for an Ordinance amending Chapter 16 of the Cherry Hills Village Municipal Code, concerning zoning, by amending Sections 16-1-10, concerning definitions, and Section 16-16-40, concerning "Fences and Walls" on First Reading.

The following votes were recorded:

Scott Roswell	yes
Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes
Klasina VanderWerf	yes

The motion passed unanimously.

NEW BUSINESS

Proposed Cherry Hills Village Emergency Operations Plan

Mayor Wozniak first commended City resident Rose Lynch for her volunteer assistance in helping to put the plan together. Chief Patterson outlined the proposed plan and thanked Ms. Lynch for her help with it. Councilmember Tisdale suggested that Mayor Pro-Tem also be listed as personnel on page 16, since they are granted the authority to activate the Emergency Operations Center. He also pointed out that the word "Spotter's" should be spelled "Spotters" on page 18.

Councilmember VanderWerf questioned why health epidemic situations were not covered. Chief Patterson clarified that it would be an addendum to this document.

Councilmember VanderWerf also pointed out that on page 2, it should specify that there are five technological hazards since five hazards are listed.

Councilmember Blum moved, seconded by Councilmember Tisdale, to approve the proposed Cherry Hills Village Emergency Operations Plan, as amended.

The motion passed unanimously.

Cherry Hills Village Entry Signs

Mr. Goldie described the proposed signs, which will be wood with painted metal posts. Council agreed that they would like the signs to resemble the old badge-shaped signs of which a few are still in existence. Based on Council's discussion, Mayor Wozniak directed Staff to proceed with including the signs in the 2007 budget.

REPORTS

Mayor

Mayor Wozniak mentioned that Mayor Hickenlooper had asked the City to increase the tree budget 20-25% and Mayor Wozniak had agreed to try to do that, which would increase the budget by about five thousand dollars.

Mayor Wozniak mentioned that he had attended the Metro Mayor's press conference where an energy efficiency building resolution had been adopted that the City could use in conjunction with the new Village Center.

He also mentioned that the general perception by various agencies is that Cherry Hills Village is not always a participant in the metro-Denver community. Discussion was held regarding the City making an effort to be more of a civic partner to the community.

Members of City Council

Councilmember VanderWerf provided an update from the Parks, Trails & Recreation Commission ("PTR"). The PTR will be looking at placing conservation easements on Blackmer and Three Pond Parks and a group of citizen attorneys will donate time to conduct the legal work. PTR is conducting a trail inventory and looking at trail connectivity and expansion. PTR is also looking at putting up uniform signage and they have redeveloped the gift brochure which will eventually go on the City's website. The Commission is also looking at planning a special events week which would highlight activities such as bike rides and nature walks. Mayor Wozniak requested that Mr. Ensey obtain a copy of the gift program that PTR will be recommending.

Councilmember Stewart mentioned that one of the advantages of working with other agencies is the effects on traffic calming. He also stated that the Village Center review is coming along and Mr. Ensey clarified that the next CCCC meeting will probably be December 5, 2006.

Councilmember Blum inquired whether the City will be working with CDOT on Belleview median maintenance and Mr. Renaud responded that Staff has been presented with an agreement but it is still under review.

Councilmember Tisdale asked about the tree trimming being done on the Highline Canal. Mr. Goldie stated that the trees are being trimmed and the project will be done by Monday, November 27, 2006. Councilmember Tisdale also stated that he was running for DRCOG's Executive Committee.

Councilmember Roswell suggested that there be a review of the construction noise issue in December or January, as well as potential changes to the existing ordinance regarding measurement and enforcement the noise ordinance. Councilmember Roswell inquired whether the underpass/overpass study will actually be completed by the end of December. Mr. Goldie responded that the report is expected to be complete in January.

Councilmember Stewart noted that he will be out of town for the December 12, 2006 Council meeting. The Mayor stated that he will be coming back from Wyoming December 12, 2006 but expects to be present at the Council meeting, barring delay. It was discussed that four Councilmembers will need to be present at the meeting in order to adopt the 2007 budget.

Members of City Boards and Commissions

Kevin Iverson of the Planning & Zoning Commission mentioned that the Commission is scheduled to meet November 28, 2006 and will be discussing Wireless Communication. The Commission will also discuss the Master Plan process and invited Council's input on the process.

City Manager & Staff

Financial Reports

The Financial Reports were included in Council packets. There were no questions from members of the City Council.

Departmental Monthly Reports

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

Revised City of Englewood Development Application – Denver Seminary Planned Unit Development

Mr. Ensey presented the application and discussed some of its amendments. The revised application reflects decreases in residential density, decreases in retail square footage, and a revised parking ratio. Councilmember Roswell questioned if communication with Englewood had improved and Mr. Ensey verified that it had. Councilmember Stewart inquired what was happening with the southbound left turn lane on University. Mr. Ensey stated that, because an additional turn lane would require significant road modifications, CDOT had denied the developer's proposal. CDOT is reviewing whether or not to increase the queue length and time in the existing turn lane.

Update of Traffic Engineering Study concerning development projects outside the City

Mr. Ensey stated that he will bring cost estimates to the December 12, 2006 Council meeting for consideration.

Revised Mission Statement, Goals and Objectives

Mr. Ensey stated that he will be posting the new document on the website and in the City's policies and procedures. Councilmember Roswell mentioned that he had some

comments and Mayor Wozniak directed him to speak with Mr. Ensey separately and for Mr. Ensey to take the comments under advisement.

City Attorney

There was no report.

EXECUTIVE SESSION

Councilmember Tisdale moved, seconded by Councilmember Blum, to hold consecutive executive sessions for the purpose of:

(1) Discussing a matter concerning specific legal questions with the City Attorney for the purposes of receiving legal advice pursuant to CRS §24-6-402(4)(b), concerning pending litigation; and

(2) Asking specific legal questions of the City Attorney for the purposes of receiving legal advice pursuant to CRS §24-6-402(4)(b) with regard to state statutes concerning governmental officials.

The following votes were recorded:

Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes
Klasina VanderWerf	yes
Scott Roswell	yes

The motion passed unanimously.

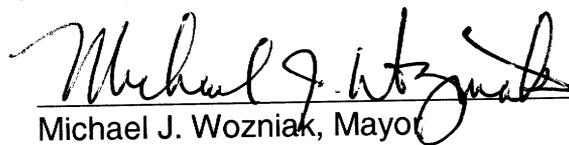
Council adjourned to an Executive Session at 8:54 p.m.

ADJOURNMENT

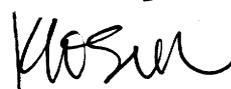
A motion was made by Councilmember Stewart, seconded by Councilmember Tisdale, to adjourn the executive session and Council meeting.

The motion passed unanimously.

The meeting adjourned at 10:22 p.m.



Michael J. Wozniak, Mayor



Karen C. Losier, CMC, City Clerk