

**RECORD OF PROCEEDINGS**

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, December 12, 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, Scott Roswell, Russell Stewart, and Klasina VanderWerf were present on silent roll call. Also present were Interim City Manager Eric Ensey, City Attorney Thad Renaud, and City Clerk Karen Losier.

**EXECUTIVE SESSION**

Councilmember VanderWerf moved, seconded by Councilmember Blum, to hold an executive session for discussion with the City Attorney for the purposes of receiving legal advice on specific legal questions pursuant to CRS §24-6-402(4)(b), concerning the pending Denver First Church of the Nazarene litigation.

The following votes were recorded:

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

The motion passed unanimously.

Council adjourned to Executive Session at 6:02 p.m.

Councilmember Doug Tisdale arrived at 6:02 p.m.

Councilmember Harriett LaMair arrived at 6:03 p.m.

The Executive Session adjourned at 6:31 p.m.

Mayor Mike Wozniak called the regular meeting to order at 6:35 p.m.

**ROLL CALL**

Councilmembers Bonnie Blum, Harriet LaMair, 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, Police Chief John Patterson, Public Works Director Jay Goldie, Crew Chief Ralph Mason, and City Clerk Karen Losier.

**AUDIENCE PARTICIPATION PERIOD**

Christie Koets and Ellie Lee, seniors at St. Mary's Academy and representatives of the Cherry Creek School District Youth/Adult Summit, described Youth/Adult Summit benefits to City Council. Ms. Koets and Ms. Lee requested that Council donate \$1500.00 to the program for the 2007 program, which would be a gold level sponsorship. Mayor Wozniak stated that Council would review the request and a decision would be made at the January 16, 2007 City Council agenda.

**CONSENT AGENDA**

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

**Consent Agenda**

- Approval of November 14, 2006 Minutes
- Approval of November 21, 2006 Minutes
- Expenditure of Funds for 2006 – Irrigation Water Taps
- Expenditure of Funds for 2007 – Traffic Analysis Concerning Surrounding Development Projects
- Amendment to the City of Cherry Hills Village Tuition Reimbursement Policy
- Resolution 22, Series 2006 – A Resolution Adopting the Cherry Hills Village Emergency Operations Plan
- Approval of Contract for Services for 2007 – American Arbor Care

The motion passed unanimously.

Finance Director Karen Proctor arrived at 6:44 p.m.

**ITEMS REMOVED FROM CONSENT AGENDA****Approval of Gift Fund Brochure**

Councilmember VanderWerf questioned what the process would be if someone wanted to donate money specifically towards the purchase of a bridge. Mr. Goldie clarified that they could donate and the money would be held until the City installed the next bridge. Councilmember VanderWerf suggested that Staff develop procedural guidelines for people interested in donating land to the City. Mayor Wozniak suggested that the Parks, Trails, and Recreation Commission (“PTR”) be a starting point for the process.

Discussion was held regarding the online brochure not being visually appealing when compared with the previous printed brochure. Councilmember LaMair stated that the PTR wanted to maintain the brochure on the City’s website so that it could be quickly and easily updated.

Discussion was also held regarding requested donation amounts being so low that the program would not serve as an effective fund-raising tool. Mayor Wozniak suggested that the gift amounts be raised to cover more than just the initial cost of the donated item, so that the fund may grow.

Mayor Wozniak suggested changing the wording to state that the City will decide the appropriate locations for donated items. City Council agreed that the section on bridges should be removed as it implies that residents can make a donation for a bridge to be built in a location of their choice, even though a bridge may not be needed.

City Council also agreed that the brochure should have less specific wording and instead should state that the City would accept donations and consider requests on how it is used.

Mr. Goldie responded that Staff and PTR would review Council's comments and revise the brochure for Council's review.

**ORDINANCES, RESOLUTIONS AND PLATS****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 (second reading)**

Ms. Proctor presented the Proposed 2007 Budget and highlighted various changes that were made to it since first reading.

Councilmember Tisdale moved, seconded by Councilmember VanderWerf, 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 (second reading).

The following votes were recorded:

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

The motion passed unanimously.

**Council Bill 06, Series 2006; A Bill for an Ordinance Authorizing Appropriations for Fiscal Year 2007 (second reading)**

Councilmember Tisdale moved, seconded by Councilmember LaMair, to approve Council Bill 06, Series 2006, A Bill for an Ordinance Authorizing Appropriations for Fiscal Year 2007 (second reading).

The following votes were recorded:

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

The motion passed unanimously.

**NEW BUSINESS**

**Public Trail Vacation and Dedication – a request by Salisbury Investment Holdings LLC (represented by Paul Rady); 3 & 4 Mockingbird Lane and 1305 E. Quincy Avenue. Formal petition by the applicant to vacate a portion of public trail right-of-way and dedicate a new portion of public trail right-of-way.**

Mr. Goldie and Mr. Ensey reiterated that this dedication must be approved in ordinance form and will be heard on first reading at the January 16, 2007 City Council meeting. Mr. Goldie clarified that the public hearing will be at the second hearing.

Councilmember LaMair pointed out that, if the City is engaged in a trade of a trail vacation in exchange for part of a resident-owned trail, the City should not vacate the City-owned portion until the resident has vacated their portion.

Council Bill 8, Series 2006 – A bill for an ordinance amending Chapter 2 of the Municipal Code concerning administration and personnel, by adopting a new article concerning a code of ethics for all City officials and employees (first reading).

Mr. Ensey presented the proposed Council Bill and stated that it was written for Council by Councilmember Stewart. Mr. Ensey stated that second reading is scheduled for the January 16, 2007 City Council meeting and, if approved, it would be published in The Village and would take effect ten days after that.

Councilmember Stewart stated the City has never adopted an Ethics Code. He explained that this amendment to our code would supersede Amendment 41 which was just adopted statewide at the November 7, 2006 General Election. Councilmember Stewart stated that this Council Bill was modeled after the ordinance that the State of Tennessee's municipal league put together.

Discussion took place regarding whether a home rule municipality's code of ethics was required to be more restrictive than Amendment 41. Mayor Wozniak pointed out that the City's ordinance will be more restrictive than Amendment 41. Councilmember Tisdale also pointed out a formatting inconsistency to be changed in the document.

Councilmember Stewart moved, seconded by Councilmember Tisdale, to approve Council Bill 8, Series 2006 – A bill for an ordinance amending Chapter 2 of the Municipal Code concerning administration and personnel, by adopting a new article concerning a code of ethics for all City officials and employees, as amended (first reading).

The following votes were recorded:

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

The motion passed unanimously.

Council Bill 9, Series 2006 – A bill for an ordinance authorizing a supplemental appropriation for fiscal year 2006 (first reading)

Ms. Proctor presented the Council Bill. She described the Bill, which would authorize a supplemental appropriation for the 2006 interest payment to South Suburban Parks and Recreation District.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve Council Bill 9, Series 2006 – A bill for an ordinance authorizing a supplemental appropriation for fiscal year 2006 (first reading).

The following votes were recorded:

Russell Stewart	yes
Klasina VanderWerf	yes

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

The motion passed unanimously.

## **REPORTS**

### **Mayor's Report**

Mayor Wozniak stated that several residents had expressed disappointment that Council had not taken stronger action against Regional Transportation District ("RTD") Route 46. He asked Staff to conduct research in order to request RTD to review the route in February. He also asked that meeting announcements be posted in the Village Crier.

He offered an update on the Metro Mayors group, which will be meeting with legislators on December 13, 2006.

Mayor Wozniak urged Council and Staff to get back on track with the Master Plan. He recommended that Council provide specific guidance to the Boards, Commissions, and Citizen's City Center Committee ("CCCC"). Discussion was held regarding the timeframe of when the consultant would be in place.

He thanked each councilmember individually for their hard work in service to the City. He also thanked Mr. Renaud, Mr. Ensey, Chief Patterson, and Mr. Goldie for their contributions to the City.

### **City Councilmember Reports**

Councilmember VanderWerf reported that the Village Crier advisory committee has discussed preliminary advertising pricing changes for the newsletter. Councilmember VanderWerf stated that the current pricing allows residents to advertise for free and non-residents to advertise for \$30.00 per issue for a 40-word advertisement. The proposed pricing would be \$40.00 per issue for non-residents with a discount for an annual advertising commitment, and advertising would be half price for residents. Martha Welborn, editor for the Crier, described the proposed pricing structure in detail. The pricing structure was agreed to by Council. Councilmember VanderWerf mentioned that the Land Preserve had sent out a fundraising letter and was asking for donations.

Councilmember Stewart mentioned that the CCCC would be meeting at 4pm on December 13, 2007. He also stated that he had heard positive feedback regarding Parks, Trails, and Recreation Administrator Paul Burkholder and work that he had done. Councilmember Stewart stated that he would be working with Mr. Ensey regarding traffic issues that they plan to bring to CDOT's attention.

Councilmember Blum suggested that Council look more closely at which groups receive City donations. Discussion took place regarding how Council selects groups to which the City will donate funds. Council agreed that the recipients of City funds must have a direct positive impact on the City. It was suggested that a policy be created that states that the City will consider requests for funding that benefit the citizens of Cherry Hills Village.

Councilmember Tisdale thanked everyone who was present at the Cherry Hills Farm Homeowner's Association meeting. He gave a brief update on CDOT and who the new governor may appoint to head CDOT.

Councilmember LaMair thanked Mr. Ensey and Mr. Goldie for the presence at the East Cherry Hills Water District meeting regarding consolidating with Denver Water. She provided an update on the Dahlia Street traffic calming in which the City may be working together with Denver. She stated that PTR is meeting on December 14, 2006 in order to generate ideas on the Master Plan. She gave an update on Volunteer Park, over which her constituents are concerned about how the City will use the open space. She stated that she, Mr. Goldie and Mr. Burkholder will be meeting with residents to discuss their concerns.

Councilmember Roswell inquired whether Council would be addressing the construction noise issue at the January 16, 2007 City Council meeting. Councilmember Stewart confirmed that it would be on the agenda. Councilmember Roswell also asked if the Overpass/Underpass topic would be addressed at the January 16, 2007 City Council meeting. Mr. Goldie confirmed that it is planned for the agenda.

Councilmember Blum stated that the Board of Adjustment & Appeals ("BOA") is requesting a meeting with Council in order to exchange advice. It was agreed that the BOA would be asked to prepare a presentation for Council and the two entities could meet in a short study session.

Council thanked Staff for the holiday party.

#### **City Boardmember and Commissioner Reports**

Kevin Iverson of the Planning & Zoning Commission ("P & Z") stated the commission felt that it could not do much until the consultant is on board. Mayor Wozniak responded that P & Z should be starting the process and making recommendations to Council. Council suggested that P & Z review the Master Plan Flowchart and Vision Statement, both of which are posted on the City's website.

#### **City Manager & Staff Reports**

Mr. Ensey stated that the next City Council meeting is scheduled for January 16, 2007 at 6:30 p.m. He stated that the joint study session with the BOA may be scheduled for 6:00 p.m. prior to the regular meeting.

#### **Financial Reports**

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

#### **City Attorney Report**

There was none.

#### **EXECUTIVE SESSION**

Councilmember Tisdale moved, seconded by Councilmember Roswell, to hold an executive session for the purpose of:

- (1) Developing strategy and instructing negotiators pursuant to CRS §24-6-402(4)(e) concerning Davis Partnership Architects,

- (2) Discussion of specific legal questions with the City Attorney for the purposes of receiving legal advice on specific legal questions pursuant to CRS §24-6-402(4)(b) concerning the pending South Suburban litigation, and
- (3) Develop strategy and instruct negotiators pursuant to CRS §24-6-402(4)(e) concerning the Sie Litigation

The following votes were recorded:

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

The motion passed unanimously.

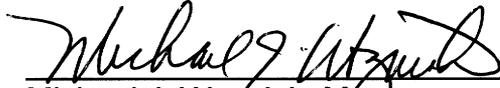
A motion was made by Councilmember Tisdale, seconded by Councilmember Stewart, to conclude the regular City Council meeting upon conclusion of the Executive Session.

The motion passed unanimously.

Council adjourned to Executive Session at 8:10 p.m.

#### **ADJOURNMENT**

The Executive Session and regular City Council meeting adjourned at 8:43 p.m.

  
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Michael J. Wozniak, Mayor

  
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Karen C. Losier, CMC, City Clerk