

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 16, 2007 at 6:00 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:02 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, Police Chief John Patterson, Public Works Director Jay Goldie, and City Clerk Karen Losier.

EXECUTIVE SESSION

Councilmember Tisdale 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
Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes
Klasina VanderWerf	yes

The motion passed unanimously.

Council adjourned to Executive Session at 6:03 p.m.

The Executive Session adjourned at 6:30 p.m.

Mayor Wozniak called the regular meeting to order at 6:32 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.

AUDIENCE PARTICIPATION PERIOD

Jim Muhm, 4951 S. Holly Street, questioned what has been done regarding City efforts to assist residents with hazardous waste disposal since he introduced the subject to City Council in June 2006. Mr. Goldie responded that \$10,000 has been appropriated for hazardous waste disposal for 2007, including \$5000 to assist residents with curbside pickup and \$5000 for a Spring Cleanup event. Councilmember Tisdale mentioned that

the Cerebral Palsy organization accepts donated laptops and cell phones that would otherwise be disposed.

Rose Lynch, 4262 S. Hudson Parkway, asked City Council to make special provisions to plow cul-de-sacs in a more timely manner for special needs residents. She inquired whether the City could establish a special needs registry to facilitate such services. Mayor Wozniak mentioned that Council would be reviewing the snow plowing policy and would consider creating a special needs registry.

No other members of the audience wished to speak.

UNFINISHED BUSINESS

Floodplain Development Permit – To allow for the installation of a pond and road for the property located at 4501 S. Monroe Lane (Mary Scott property).

Mr. Ensey explained that staff is still reviewing public testimony and gathering additional information regarding this item and requested a continuance to February 6, 2007.

Ned Giles, 4555 S. Downing Street, stated on behalf of the applicant that they have no objection to the continuance.

Councilmember Tisdale moved, seconded by Councilmember Blum, to continue the item to February 6, 2007.

The motion passed unanimously.

Mayor Wozniak stated that Council had received several letters from the public regarding the Scott property, which Council would take into consideration. He reminded members of the audience that the public hearing would not be taking place until February 6, 2007 and asked that any audience members making public hearing testimony please wait until that time, if possible. Mayor Wozniak invited members of the public to speak if they had any minor questions or comments on the continuance.

Alix Corboy, 2905 Cherryridge Road, stated that she was not in favor of the continuance. She asserted that the issues have not changed and does not want the item to be delayed any longer.

Fred Abrams, 105 Meade Lane, stated that he is downstream from the property and requested that an environmental impact statement be completed.

Mary Scott, owner of the property in question, stated that her title company is suing her for breach of her title insurance policy. She said that they want to require her to appeal the October 5, 2006 trial court judgment which restricts her ability to provide access along S. Monroe Lane. She stated that they have given her a deadline of February 2, 2007 or she will lose her insurance coverage. Ms. Scott reiterated that she had previously withdrawn her subdivision plat application and, at this time, only wants a pond which she can use for irrigation.

Jason Matherly, 10 Random Road, stated that he feels the subdivision application will resurface and requested that Council keep that in mind when making their decision.

No other members of the audience wished to speak.

CONSENT AGENDA

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

- December 12, 2006 Minutes
- Contract for Services – Service Master Clean (Janitorial Services)
- Expenditure of Funds – Purchase of a Backhoe
- Approval of City of Cherry Hills Village Parks and Trails Map and Expenditure of Funds for Printing of the Maps

The motion passed unanimously.

UNFINISHED BUSINESS

Council Bill 07, Series 2006 – 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” (second and final reading; public hearing)

Mr. Ensey presented Council Bill 07-06 on final reading. He stated that Exhibit A is the proposed bill as approved on first reading on November 21, 2006. He pointed out that Exhibit B includes the same proposed changes as Exhibit A, with the addition of the removal of height limitations in gated communities that are subject to Homeowners' Association (“HOA”) covenants. He also stated that the Planning & Zoning Commission had reviewed this information and recommended Exhibit A.

Councilmember Blum expressed concern that HOAs would request a list of exceptions. Mr. Renaud responded that City Council would have control over whether or not to comply.

Mayor Wozniak opened the public hearing at 7:10 p.m.

Heather Weckbaugh, present on behalf of John and Anna Sie of 21 Sandy Lake Road, asked for clarification on some of the language in the proposed ordinance. Ms. Weckbaugh also questioned whether residents could have more than one gate along the property line. Mr. Renaud responded that residents could maintain any number of gates as long as they do not exceed the height limitation. Ms. Weckbaugh also questioned the use of the phrase “dominant height” in the proposed ordinance, and stated that it was confusing.

No other members of the audience wished to speak.

Mayor Wozniak closed the public hearing at 7:19 p.m.

Discussion was held regarding the additional section in Exhibit B concerning gate requirements for gated communities.

Councilmember VanderWerf suggested that the issue also be brought up during the Master Planning process. Councilmembers LaMair and Roswell also expressed concern over the approval of the Exhibit B option prior to beginning the Master Plan process.

RECORD OF PROCEEDINGS

Councilmember Stewart suggested that, if the Exhibit B option was adopted, it should be reworded 1830 so that it is clear that the municipal code is not superseding more conservative private HOA covenants.

Further discussion was held regarding the two proposed versions of the council bill. It was agreed that the ordinance should be amended to correct a typographical error and to remove the word "dominant" from Section 16-16-40(4).

Councilmember Tisdale moved, seconded by Councilmember Roswell, to approve the version of Council Bill 07-06 as written in Exhibit A, 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 Second Reading, as amended.

The following votes were recorded:

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

The motion passed unanimously.

Discussion was held regarding whether Council wanted to consider adopting the Exhibit B version of the ordinance. It was agreed that Council was not prepared to consider the Exhibit B option until the Master Plan process was underway.

Council Bill 08, 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 (second and final reading)

Mr. Ensey presented Council Bill 08-06 and specified that it remains in the same form as first reading since there had been no requested changes.

Councilmember Stewart moved, seconded by Councilmember Roswell, to approve Council Bill 08-06, 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 (second and final 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.

RECORD OF PROCEEDINGS**Council Bill 09, Series 2006 – A bill for an ordinance authorizing a supplemental appropriation for fiscal year 2006 (second and final reading)**

Ms. Proctor presented Council Bill 09-06 and specified that it remains in the same form as first reading since there had been no requested changes.

Councilmember Tisdale moved, seconded by Councilmember VanderWerf, to approve Council Bill 09-06, A Bill for an Ordinance authorizing a supplemental appropriation for fiscal year 2006 (second and final 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.

Youth/Adult Summit

A brief discussion was held regarding the program and whether or not Council wished to contribute money to the Summit in 2007.

Councilmember Tisdale moved, seconded by Councilmember VanderWerf, to contribute to the 2007 Cherry Creek School District Youth/Adult Summit in the amount of \$1500.00.

The motion passed unanimously.

NEW BUSINESS**Council Bill 01, Series 2007 – A bill for an ordinance amending Chapter 7 of the Cherry Hills Village Municipal Code, concerning Health, Sanitation & Animals, by amending Section 7-1-30(4), concerning Noise (First Reading)**

Mr. Ensey presented Council Bill 01-07. Councilmember Tisdale questioned whether the code would be enforceable if it did not specify a decibel level requirement for bells and chimes. Mr. Renaud responded that it would be constitutionally enforceable.

Mayor Wozniak inquired whether the City's decibel limitations were more restrictive than the state statutes regarding noise in residential areas. Mr. Renaud responded that, in his recollection, the City's noise limitations were lower than those in state statutes.

Mayor Wozniak questioned why Zone Districts C-1 and C-2 allow 70 decibels. Mr. Ensey responded that this probably exists as a result of the increased noise level due to additional traffic and pedestrian activity in those areas.

Councilmember Blum pointed out that Country Club parties would likely be in violation of the ordinance. Mayor Wozniak responded that residents may make a noise complaint, and anyone who is found to be in violation of the code will be subsequently ticketed.

RECORD OF PROCEEDINGS

Discussion was held regarding ancillary construction noise, such as that from radios. It was agreed that wording be amended to address limitations of ancillary noise over and above construction noise.

Council agreed that subsection (4) should be amended by deleting Section A and the heading for section B, correcting 50 dB(A) so that it is aligned properly with "All Other Times" in the table, and directed staff to refer to applicable state statutes and use consistency in references to noise measurement location.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve Council Bill 01-07, A Bill for an Ordinance amending Chapter 7 of the Cherry Hills Village Municipal Code, concerning Health, Sanitation & Animals, by amending Section 7-1-30(4), concerning Noise (First Reading), as amended.

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.

Resolution 1, Series 2007 – A resolution designating the public place for posting notices of regular and special meetings

There were no questions regarding the proposed resolution.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve Resolution 1, Series 2007, A resolution designating the public place for posting notices of regular and special meetings.

The motion passed unanimously.

Presentation and Discussion of University Boulevard Crossing Study prepared by Muller Engineering

Mr. Goldie clarified that Parks, Trails, and Recreation Commission members had not yet received a copy of the study, although the staff report stated that they had.

Mr. Goldie introduced Mr. Mike Dungan of Muller Engineering, who presented the study. Mr. Dungan recommended the Pedestrian Bridge option, which was estimated to cost much less than the Union Underpass option.

Councilmember Blum inquired whether the Pedestrian Bridge could be used for horses and Mr. Dungan responded that the City would probably not want to use it as a horse crossing. Discussion was held regarding whether the pedestrian crosswalk buttons would remain in place.

Mr. Dungan stated that the Quincy underpass option is no longer being explored due to engineering and floodplain obstacles making it cost ineffective.

Extensive discussion took place on whether or not a Pedestrian Bridge would be ADA compliant. Mr. Dungan pointed out that the City would not be eligible for any federal funding if the bridge were not ADA-accessible. Councilmember Stewart inquired whether an elevator had been considered in place of the long ramps and Mr. Dungan responded that they had not considered it due to the enclosed space.

Mayor Wozniak pointed out that the cost of the Union Avenue Underpass would realistically end up costing more than four million dollars. Mayor Wozniak asked Mr. Dungan to bring an estimate of the cost for completing the study to the February 6, 2007 City Council meeting.

Mayor's Report

Mayor Wozniak mentioned that he had attended the Mayors and New Legislators Caucus and received an offer from Anne McGihon to address Council regarding legislative initiatives. He stated that he had attended the Metro Mayors Caucus Retreat at which Mayor Hickenlooper asked him to pass out Martin Luther King Foundation donation envelopes, which he handed out. Mayor Wozniak mentioned that Mayor Hickenlooper had thanked the City for their tree contribution and asked the City to raise its tree population to 17% of the City's land area. He also stated that Mayor Hickenlooper had asked metro area municipalities to become more walking friendly and the he will bring further information to a future meeting.

Mayor Wozniak asked for a volunteer from Council to assist with department head reviews and salaries.

Mayor Wozniak asked staff to research the benefits of membership in the National League of Cities, which will be discussed at the next Council meeting.

Mayor Wozniak also stated that he is meeting with St. Mary's regarding the crosswalk and he will be attending the Arapahoe County Mayors Managers and meeting on January 19, 2007.

Mayor Wozniak mentioned that the Master Plan consultant interviewees had been narrowed down to three.

Members of City Council

Councilmember VanderWerf inquired whether the City would be willing to allocate one City grant to the South Suburban Park Foundation. The Foundation would write the grant and the City would request it. Mayor Wozniak requested that it be added to the February 6, 2007 agenda for further discussion.

Councilmember Blum stated that the Master Plan meeting had gone well and would be interviewing three consulting firms on January 23, 2007. She also requested that staff conduct research to find out how other municipalities maintain special needs registries.

Councilmember LaMair stated that the Parks, Trail, & Recreation Commission continues to work hard.

Councilmember Roswell volunteered to help with staff reviews. He mentioned that he had received strong accolades from his constituents regarding the Public Works department's snowplowing efforts. He also stated that the CCCC will be meeting again later in the month of January.

Members of City Boards and Commissions

There were no reports.

City Manager & StaffDepartmental Monthly Reports

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

Update on Denver Water Rate Increases

Mr. Ensey highlighted the changes between 2006 and 2007 water rates. Mr. Ensey explained that the 2007 cost per gallon will increase as the number of gallons used increases. Mayor Wozniak mentioned that he and Mr. Ensey are both members of the Technical Advisory Committee and he welcomed any other members of Council to join the committee as well.

Introduction of Jennifer Rosely, Code Enforcement/Construction Compliance Officer

Mr. Ensey introduced Ms. Rosely and offered a brief description of her background. The members of City Council welcomed her.

Discussion on City Logo

Mr. Ensey stated that it does not appear that the City ever established an official logo, although various cherry emblems have been used over the years. Discussion was held regarding the emblem that is displayed on the trail signs, which is triangular in shape with cherries and a path. It was suggested that the logo was created in similar fashion to the South Suburban logo, at the time that the City was part of the South Suburban Parks and Recreation District. Mayor Wozniak directed staff to research the subject and bring back logo designs to Council for further review.

Update on Dahlia Street Traffic Calming Project

Mr. Goldie stated that he had met with the CCCC last week and Councilmember LaMair had helped the group to come to a consensus. Mr. Goldie stated that he would possibly have a proposal at the February 20, 2007 City Council meeting.

Snow Removal Policy

Mayor Wozniak thanked Mr. Goldie and the Public Works department for their plowing efforts during the recent snowstorms. Mr. Goldie stated that the department needs a four-wheel drive backhoe in order to clear snow from City trails. Mr. Goldie presented the policy that is currently in place. Brief discussion was held on the impact of a special needs registry on snow removal. Mr. Goldie also stated that the Public Works department is continuing to plow areas in which residual snow exists.

Discussion took place on how to better communicate information to the public. Mr. Goldie stated that there is a snow hotline for residents that he plans to use and publicize in the future.

RECORD OF PROCEEDINGS**City Attorney**

There was no report.

EXECUTIVE SESSION

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

1. Discussion with the City Attorney for the purposes of receiving legal advice on specific legal questions, pursuant to CRS §24-6-402(4)(b), and development of strategy and instruction for negotiators, pursuant to CRS §24-6-402(4)(e), concerning a City trail easement;
2. 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 City owned land; and
3. Adjourning the regular City Council meeting upon conclusion of the Executive Session.

The following votes were recorded:

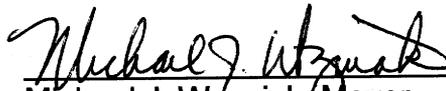
Klasina VanderWerf	yes
Scott Roswell	yes
Harriet LaMair	yes
Doug Tisdale	yes
Bonnie Blum	yes
Russell Stewart	yes

The motion passed unanimously.

Council adjourned to Executive Session at 9:28 p.m.

ADJOURNMENT

The Executive Session and regular City Council meeting adjourned at 10:06 p.m.


 Michael J. Wozniak, Mayor


 Karen C. Losier, CMC, City Clerk