

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Wednesday, April 4, 2007 at 6:00 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:03 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, Finance Director Karen Proctor, Public Works Director Jay Goldie, Sergeant John Reynolds, and City Clerk Karen Losier.

AUDIENCE PARTICIPATION PERIOD

Mr. Chuck Schloss, 801 East Radcliffe Avenue, presented two photographs depicting an exposed sewer line near Quincy and Little Dry Creek. He stated that he does not think the sewer line is maintained by his sanitation district, Cherry Hills Village Sanitation District ("CHVSD"). He requested that Council conduct an investigation to determine ownership of the pipe, and to issue a permit to CHVSD for emergency repair if the pipe belongs to that district. He requested that Council work to get the issue taken care of in the event that it is determined the pipe is owned by another entity. Mr. Goldie stated that he would investigate. (Note: This subject is also addressed under the "Reports" section of these minutes.)

Mr. Schloss also noted that the creek bank between Quincy Avenue and Woodie Hollow Park is steep and needs remediation before the bank collapses. He expressed concern that someone could get hurt and asked for something to be done as quickly as possible. Mr. Schloss suggested that Council see if Urban Drainage and Flood Control District could assist with remediation. Mayor Wozniak said that the City would take a look at it.

Lindsey Zimmerman, Director of Communications of the Kempe Foundation, presented drawings of "The Kempe Villa of Dreams" home at 1013 East Belleview Avenue, which is being built for the foundation free of charge. She stated that all proceeds from the home will be donated to Kempe programs, which benefit abused and neglected children. She stated that the home is being built green and environmentally friendly. She said that Council will be invited to the groundbreaking ceremony and that completion is expected by the 2007 holiday season. Ms. Zimmerman stated that the project website is www.kempevillaofdreams.org.

Councilmember Tisdale arrived at 6:10 p.m.

Donna Senn, representative of Cherry Creek High School After Prom, described various activities that will take place at the event, which will be May 20, 2007. She stated that \$10,000 in contributions has already been donated toward the event and formally requested that Council sponsor the event again this year.

CONSENT AGENDA

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

- Approval of Minutes – March 20, 2007
- Expenditure of Funds – Cherry Creek High School After Prom
- Settlement Agreement and Mutual Release with Holly Mutual Water Company, et. al.

The motion passed unanimously.

ORDINANCES, RESOLUTIONS AND PLATS

Council Bill 03, Series 2007 – A bill for an ordinance adopting a new Chapter 19 of the Municipal Code to provide a comprehensive storm water management program for the purposes of reducing the discharge of pollutants to and from the municipal storm sewer system, protecting water quality and satisfying the appropriate water quality requirements of the Colorado Water Quality Control Act (Final Reading)

Mr. Goldie presented Council Bill 03-07. He stated that there was no new information and the Council Bill was being presented exactly as it was at first reading. There were no questions from Council.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve Council Bill 03-07 on Final 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

Appointment of Members to the Master Plan Advisory Committee

Mayor Wozniak deferred this topic to a later meeting since there is uncertainty regarding whether some potential candidates will be able to serve.

REPORTS

Members of City Council

Councilmember Roswell stated that the Citizen's City Center Committee tentatively plans to attend the May 1, 2007 City Council meeting in order to provide an update on the committee's progress.

Councilmember Stewart mentioned that, together with Mr. Ensey and Mr. Goldie, he had met with Colorado Department of Transportation and that the meeting had gone well. He said he had found out that University Boulevard at Cherry Hills Country Club was fourteenth on their list for a stop light.

Mayor's Report

There was no report.

Members of City Boards and Commissions

There were no reports.

City Staff

There were no reports.

City Manager & City Attorney

Mr. Ensey mentioned that Section 16-17-60(d) of the Municipal Code addresses the issue of an exposed sewer pipe brought up during the Audience Participation by Mr. Chuck Schloss. Mr. Renaud added that the Municipal Code allows Council the discretion to make a motion to take action on the subject. Further discussion was held regarding determining ownership of the sewer line before further action was taken.

Councilmember Tisdale moved, seconded by Councilmember VanderWerf, to authorize Mr. Ensey, as the Interim City Manager, to conduct an investigation to determine location, ownership, condition, rehabilitation and remediation of the exposed sewer line and, in the event that it is determined that the obligation belongs to the City, that the Interim City Manager may be authorized with a full waiver of all conditions contained in Section 16-17-60(e) of the Municipal Code, and to take interim measures to preserve the public health, safety, and welfare, and to report back to Council at the next regularly scheduled meeting regarding what action may be needed.

EXECUTIVE SESSION

Councilmember Tisdale moved, seconded by Councilmember Blum, to:

- Hold an executive session for the purpose of discussing specific legal questions with the City Attorney for the purpose 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, and
- Hold an executive session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest pursuant to the provisions of C.R.S. § 24-6-402(4)(a); to discuss and provide direction for negotiators pursuant to the provisions of C.R.S. § 24-6-402(4)(e); and to discuss specific legal questions with the City Attorney for the purposes of receiving legal advise pursuant to the provision of C.R.S. § 24-6-402(4)(b), and
- Adjourn the regular City Council meeting following the conclusion of the Executive Session.

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 6:34 p.m.

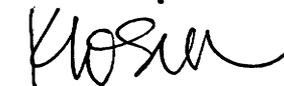
Councilmember LaMair arrived at 6:41 p.m.

ADJOURNMENT

The Executive Session and regular City Council meeting adjourned at 7:01 p.m.



Michael J. Wozniak, Mayor



Karen C. Losier, CMC, City Clerk