

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, May 15, 2007 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, 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, Police Chief John Patterson, Public Works Director Jay Goldie, Parks, Open Space & Recreation Administrator Paul Burkholder, Crew Chief Ralph Mason, and City Clerk Karen Losier.

AUDIENCE PARTICIPATION PERIOD

There was no one from the audience who wished to speak.

PRESENTATIONS**South Platte Working Group – Introduction and Update**

Bob Toll, Arapahoe County Open Space Program, gave a brief background of the South Platte Working Group and stated that the group uses two main pots of money, including money from a shareback fund and the Arapahoe County Open Space Program. He stated that the Arapahoe County Commissioners had convened the South Platte Working Group about a year ago to look at ways of preserving open space along the South Platte River corridor. Mr. Toll mentioned that there are fifteen entities that are represented within the group. He stated that the group had received approximately three million dollars from Arapahoe County, along with contributions from several other entities as well.

Justin Spring, Trust for Public Land (“TPL”), presented a map that highlighted the project study area. He stated that the South Platte Working Group has requested seven million dollars of the 60 million dollars donated each year by Great Outdoors Colorado (“GOCO”), and the total number of requests received by GOCO exceeds 200 million dollars.

Councilmember LaMair asked who was currently managing South Platte recreational activities and Mr. Spring responded that it depended on the location, and the corresponding municipality or recreational district is currently managing recreation and would continue to do so.

Councilmember VanderWerf pointed out that GOCO requires a match of funding. She asked if it would count as the municipal match if the City was putting money towards a trail design, and Mr. Spring confirmed that it would.

Councilmember LaMair asked Mr. Spring to clarify TPL’s role in regard to open space. Mr. Spring responded that TPL was mainly involved in the acquisition negotiation process. Councilmember VanderWerf added that TPL also assists GOCO with grant writing.

Mayor Wozniak noted that Centennial was not currently represented within the group and offered to contact Mayor Randy Pye of Centennial to encourage their participation.

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Mr. Toll stated that the group should have a decision on their first project, a proposed acquisition, around the beginning of July.

Parks, Trails and Recreation Commission – Discussion on City Logo

Theresa Gilpatrick and Jane Soderberg, commissioners for the Parks, Trails, & Recreation Commission (“PTR”), offered an update on the establishment of an official City logo. Ms. Gilpatrick mentioned that there were approximately a dozen different emblems that are currently being used on City signs, bollards, vehicles, and uniforms. Ms. Gilpatrick asserted that an official City logo would help to unify City systems. She asked for guidance from the Council and offered to bring back examples in June.

Mayor Wozniak said that the Council would like to see PTR’s recommendations in June. He also inquired about the status of the hanging entrance signs that had been approved a few months ago. Mr. Goldie responded that the signs were ready and that the Public Works department is waiting for the brackets so that the signs can be displayed. Mayor Wozniak asked that PTR coordinate with Mr. Goldie regarding putting the forthcoming logo on the signs.

Ms. Gilpatrick and Ms. Soderberg also stated that PTR will be coming back to the Council with some recommendations, including placing a sign on Quincy Avenue that displays City meeting and event information, adding a part-time recreation staff member, posting an event calendar on the City website, and creating applications and forms to be used when citizens hold an event in the City. Ms. Soderberg mentioned several recreational ideas that will be proposed, including an organized race, an outdoor ice rink at John Meade Park, an Earth Day event, and outdoor summer movie showings. Mayor Wozniak asked that the formal recommendations be included on the next City Council agenda.

CONSENT AGENDA

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

- 2007 Street Improvement Project:
 - Chip Seal Contract for Services with A-1 Chip Seal
 - Crack Seal Contract for Services with A-1 Chip Seal

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

The following item was removed from the Consent Agenda:

Approval of May 1, 2007 Minutes

Councilmembers VanderWerf and Tisdale requested that the word “citizens” replace the words “P&Z members” in paragraph four on page five of the draft minutes.

Councilmember Tisdale moved, seconded by Councilmember LaMair, to approve the May 1, 2007 minutes as amended.

The motion passed unanimously.

ORDINANCES, RESOLUTIONS AND PLATS

Council Bill 05, Series 2007 – A bill for an ordinance amending various sections of Chapter 16 concerning conditional uses, adding new sections concerning conditional uses in the O-1 and C-1 zone districts and concerning television antennas, and repealing and re-enacting the section concerning comprehensive regulations for wireless communication facilities (Second Reading, Public Hearing)

Mayor Wozniak pointed out that the attorney retained by the City to assist with this item, Mr. Ken Fellman, Kissinger & Fellman P.C., would not be present due to illness. Mr. Ensey presented Council Bill 05-07 on second reading. He outlined the proposed changes to the bill, including new sections 16 and 17 that modify the way height is measured in the C-1 and C-2 zone districts, modifications to the way height is measured in Sections 16-16-130(16) and 16-16-130(17), and modifications in Section 16-16-140 relating to the way height of television antennae is measured.

Councilmember VanderWerf asked for the rationale of requiring no structure to be less than one story in height. Mr. Ensey stated that this was a previous provision in the code and was probably in place to avoid allowing basement-only structures.

Mayor Wozniak opened the public hearing at 6:38 p.m.

Rick Sullivan, Cingular Wireless/AT&T, requested that the Council consider changing Section 16-16-130(e)(3) so that the area of the facilities on any pole may not exceed twenty four square feet, rather than eight square feet which is currently proposed. Several councilmembers asked for clarification, and Mr. Sullivan illustrated for the Council a sketch depicting a pole with three eight-foot antennae, totaling twenty four square feet.

Tisdale questioned whether Mr. Sullivan had made Mr. Fellman aware of his request, and Mr. Sullivan said he had not since this was new information to him.

Mayor Wozniak suggested that the Council look more closely at Section 16-16-130(e) and get Mr. Fellman's comments. He also suggested that the draft be reworked so that the City Manager has the discretion to administratively approve a request that falls under 16-16-130(e) or refer such request to the Council. Discussion was held regarding whether or not to make the modifications. Councilmember Stewart asked if the Council was under a time constraint to take some kind of action, and Mayor Wozniak responded that there was no such constraint.

Councilmember Tisdale suggested that the Council table the bill to allow the City's legal counsel time to reword Section 16-16-130(e). He also pointed out that there was a typographical error on Section 16-16-130(e)(5) in which "condition" should be replaced with "conditional."

Mr. Sullivan pointed out that rights-of-way are sometimes from curb to curb and other times the rights-of-way extend beyond the curb. He expressed concern regarding where equipment could be placed so that it complies with the code's right-of-way and setback requirements.

Mayor Wozniak closed the public hearing at 7:22 p.m.

Councilmember LaMair expressed concern that placement of facilities in the right-of-way would block the use of the right-of-way.

Councilmember Tisdale moved, seconded by Councilmember Blum, to table Council Bill 05-07 until such time that staff could confer with legal counsel, AT&T and any other interested parties regarding redrafting Section 16-16-130(e), and that the bill be brought back to the Council at the June 5, 2007 City Council meeting.

The motion passed unanimously.

Council Bill 06, Series 2007 – A bill for an ordinance amending Chapter 11 of the Cherry Hills Village Municipal Code, concerning Streets, Sidewalks & Public Property; by amending Section 11-5-50, concerning procedures for vacation of public rights-of-way (Second Reading)

Mr. Ensey presented Council Bill 06-07 on second reading. He pointed out that there were two versions of the proposed ordinance, Exhibits A and B, and that Exhibit B had been revised to include modifications suggested by Councilmember Stewart in his role as legal liaison to the City. Mr. Ensey stated that staff was recommending approval of the bill as presented in revised Exhibit B.

Councilmember Stewart pointed out that Section 11-5-50(b) was missing the sentence, "Petitioner shall give notice of the public meeting," which should appear at the end of the paragraph, as it does at the end of Section 11-5-50(a). Councilmember Stewart noted that the Exhibit A version of the process would require three different public meeting notices posted at the property. He stated that he had proposed modifications that would only require the petitioner to give notice of the public meetings held before PTR and the Planning & Zoning Commission ("P&Z"). Councilmember Stewart also noted that the Exhibit B version notice requirements had all been changed to not less than twenty days for consistency purposes.

Councilmember LaMair stated that she had concerns with the public posting process regarding vacations of trails because they affect so many people. Mayor Wozniak pointed out that the application process is already drawn out and, although he would like to be sure that proper notice is given, he suggested that the process be compressed as much as possible. Councilmember LaMair suggested that wording be included to the effect of, "at the discretion of majority vote, PTR may require that public notice be posted." Councilmember Tisdale asserted that this sort of discretion should really belong to the elected body rather than the boards and commissions. Additional discussion was held about the noticing process.

Councilmember Stewart suggested that, in light of the large number of modifications, the item be tabled until Council can review a clean copy of the proposed bill.

Councilmember Tisdale moved, seconded by Councilmember LaMair, to table Council Bill 06-07.

The motion passed unanimously.

Resolution 02, Series 2007 – A resolution concerning appointment of Ann Kerr to the Planning and Zoning Commission

Mayor Wozniak stated that Ms. Kerr was a qualified candidate for the open commission seat and had attended the Master Plan Kickoff Meeting.

Councilmember LaMair agreed that Ms. Kerr was a good candidate for the open seat. She pointed out that Ms. Kerr may have to recuse herself from some proceedings if a conflict of interest arises due to her employment as a realtor.

Councilmember LaMair moved, seconded by Councilmember Tisdale, to approve Resolution 02-07.

The motion passed unanimously.

REPORTS

Members of City Council

Councilmember VanderWerf mentioned that there could be an adjustment to the Regional Transportation District ("RTD") Bus Route 46 which runs along Happy Canyon Road. Mr. Ensey stated that the Council would be notified by RTD following RTD's August meeting. Mayor Wozniak said that RTD had offered to meet with residents in June to discuss their proposed route changes. He suggested that staff find out if there is enough public interest to merit holding such a meeting. Mayor Wozniak thanked Councilmember VanderWerf for helping to orchestrate the South Platte Working Group presentation.

Councilmember Stewart questioned the condition of the trail being used for the Dolphin Dash in light of recent rain. Mr. Ensey replied that the trail should be okay barring solid rain over the next few days.

Councilmember Tisdale stated that he was surprised that PTR was proposing some ideas directly to the Council rather than working with staff. He suggested that ideas like the addition of a staff member, an event calendar, and various forms be brought to staff and then it would be staff's role to present them to the Council. Mayor Wozniak pointed out that the commission was recently formed and was probably still getting comfortable with their role. He stated that he liked it that PTR had presented a report to the Council. Councilmember LaMair said that she had encouraged PTR to present some ideas to the Council. Councilmember Blum stated that she liked the idea of an event calendar.

Councilmember LaMair asked for clarification on whether PTR should include the discussed proposals in their list of recommendations, and Mayor Wozniak responded that requests for additional staffing should come through staff, but that PTR should continue to make planning recommendations.

Councilmember LaMair reported that she had walked the St. Clair property with Pat Boulding and Susie Woodard, who had asked the City to purchase the land so that it could be used for open space. Councilmember LaMair stated that, since the City is unable to purchase the land, some residents are looking for private funding in order to purchase the property, and that they are also working with the Cherry Hills Land Preserve. She mentioned that the St. Clair estate had offered PTR a donation of some iron silhouettes. Mr. Ensey clarified that PTR would be formally recommending acceptance of the donation, and that the Council would be the entity to formally accept the donation.

Councilmember LaMair stated that she had offered to work with PTR to come up with a system prioritization plan and she said she would get back to the Council when she had more information.

Councilmember Stewart mentioned that the Citizen's City Center Committee was scheduled to meet May 16, 2007.

Mayor's Report

Mayor Wozniak reported that the Master Plan Kickoff Meeting went well and that good ground rules were set. He stated that he was pleased that it is an inclusive process and happy with the direction in which the Master Plan is going, but that it would be a challenging process due to the number of people involved. Mr. Ensey said the next meeting will take place June 11 and 12.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Departmental Monthly Reports

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

Selection of Sergeant John Reynolds as Police Officer of the Year by the Colorado Law Enforcement Officer's Association

Chief Patterson said that Sgt. Reynolds was unable to attend due to a death in his family. He said Sgt. Reynolds had been a part of the police department for many years and had received the award due to his rescue efforts of a Denver Water employee who had lost his life in a water main break accident in October of 2006.

Councilmember Blum noted that the Chief had distributed copies of a letter from the Cherry Creek School District and that the letter mentioned that the school district was making a financial contribution of \$5000 to the police department. Councilmember Blum asked if the money was being put towards the extra duty program in which the police officers directed traffic for the school. Chief Patterson responded that he would look into it and let the Council know.

City Attorney

There was no report.

EXECUTIVE SESSION

Councilmember Tisdale moved, seconded by Councilmember Stewart, to:

- Convene to 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 purpose of receiving legal advice pursuant to the provision of C.R.S. § 24-6-402(4)(b), and to
- Adjourn the regular City Council meeting following the conclusion of the Executive Session.

The following votes were recorded:

Harriet LaMair	yes
Doug Tisdale	yes
Bonnie Blum	yes

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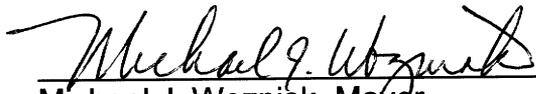
Russell Stewart	yes
Klasina VanderWerf	yes

The motion passed unanimously.

Council adjourned to Executive Session at 8:04 p.m.

ADJOURNMENT

The Executive Session and regular City Council meeting adjourned at 8:24 p.m.



Michael J. Wozniak, Mayor



Karen C. Losier, CMC, City Clerk