

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, July 17, 2007 at 6:30 p.m.
At the Village Center

Mayor Pro Tem Tisdale called the meeting to order at 6:33 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Harriet LaMair, Scott Roswell, 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, Trails & Recreation Administrator Paul Burkholder, Crew Chief Ralph Mason, City Clerk Karen Losier, and Deputy City Clerk Sarah Henderson.

AUDIENCE PARTICIPATION PERIOD

There was no one from the audience who wished to speak on any subject other than the Dahlia Street Traffic Calming agenda item. Mayor Pro Tem Tisdale asked that public comment regarding Dahlia Street be deferred until the subject was discussed later in the meeting.

PRESENTATION

Mayor Pro Tem Tisdale presented Jacques Machol with a plaque commending his years of service on the Planning & Zoning Commission as a commissioner from 2001 to 2007 and as commission chairman from 2006 to 2007. Mayor Pro Tem Tisdale noted that Mr. Machol is now serving on the Master Plan Advisory Committee.

CONSENT AGENDA

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

- Approval of Minutes – June 19, 2007
- Expenditure of Funds – Sponsorship for the 2007 Arapahoe County Fair
- Expenditure of Funds – LaserFiche imaging system
- Expenditure of Funds – Highline Canal tree pruning
- Agreement to provide red light camera system

The motion passed unanimously.

UNFINISHED BUSINESS**Dahlia Street Traffic Calming (tabled from the June 5, 2007 meeting)**

Mr. Goldie outlined a history of meetings that have taken place in order to obtain input from residents regarding how to address traffic problems on Dahlia Street. Mr. Goldie said that staff had sat down with the traffic engineers from American Civil Constructors and taken all previous input into consideration. He stated that they concluded pedestrian safety and speed must be addressed separately. He mentioned that the islands and bump-outs have been reduced in number and are about half of the previously proposed width. He stated that staff recommends moving forward with the current proposal, which would phase in bump-outs, islands, and sidewalks at a cost of

\$119,435. Mr. Goldie stated that the maximum cost to be expended in 2007 should not exceed \$94,635.

Councilmember LaMair asked how irrigation would be put into place. Mr. Goldie responded that new islands and bump-outs would be sleeved with a plastic or PVC sleeve during the construction phase.

Mayor Pro Tem Tisdale questioned whether the current proposal is the result of the many discussions that have taken place, and Mr. Goldie confirmed that it is.

Councilmember Blum questioned whether the price could go up due to the staging process, but Mr. Goldie affirmed that any variation would be minimal because the 2008 tap fees have been set. Councilmember LaMair asked if the tap was the same one used for Dahlia Hollow and Mr. Goldie confirmed that it was, and that the industry standard for watering trees is the first four or five years.

Councilmember LaMair noted that the new proposal would not have as many impediments, and she pointed out that some residents have concerns that the lower number of impediments will not be enough to slow traffic. Mr. Goldie added that additional impediments can be added at a future time, if deemed necessary.

Mayor Pro Tem Tisdale opened the public comment period at 6:55 p.m.

Henry Beckwitt, 4770 E. Princeton Avenue, suggested that the City implement an inexpensive simulation of the proposed modifications for two or three weeks before making a decision on whether to construct permanent impediments.

Bill Fishman, 4205 S. Dahlia Street, asked if staff had spoken to Bill Kroski of American Traffic Systems regarding installation of a camera. Chief Patterson responded that he had, but that the option was not cost effective. Mr. Fishman asked if a City representative had contacted the garbage companies to verify that they could still pick up waste on Dahlia Street. Mr. Fishman stated that he thinks that the proposal is a bad idea, especially because it is already so difficult to get up Dahlia Street when the conditions are icy.

Brad Whittlesey, 4700 E. Princeton Avenue, asked if traffic count results were available and Mr. Goldie responded that they were and had been distributed at the beginning of the meeting. He questioned who would be responsible for shoveling walkways; Councilmember LaMair replied that homeowners would remain responsible for shoveling walkways, as they would be in any area of the City. He stated that he is against the proposal, although he added that the current proposal is an improvement over past proposals. He stated that he liked the idea of constructing an inexpensive model first.

Alex Brown, 4285 S. Forest Court, stated that he was in support of the plan, and he asserted that physical barriers are a good way to let drivers know that they are in a residential community. He pointed out that the plan has gotten less aggressive, and may not help with slowing speeds. He recommended adding a mid-way island and a couple more sets of bump-outs.

Robert Robinson, 4001 S. Dahlia Street, agreed that the plan has been diminished considerably and he feels it will no longer deter drivers from speeding. He stated that he thinks it is imperative to slow traffic down on Dahlia Street.

Kyle Ferrell, 3955 S. Cherry Street, stated that she was concerned about people cutting through Mansfield Heights in order to avoid Dahlia Street. She added that she does not want unintended consequences to arise.

Fred Boutin, 4120 S. Bellaire Street, expressed gratitude to Councilmember LaMair and staff for their dedication to this project. He stated that something needs to be done. He said that he believes the plan is much improved over previous proposals, but he added that he has concerns with the islands being at Mansfield and Oxford rather than towards the middle of the block.

Tom Hoffman, 3921 S. Dahlia Street, stated that his main concern is pedestrian safety. He asked if the partial sidewalk on the other side of Oxford would be continued. Mr. Goldie replied that it is planned eventually, but would not be included in this project. Mr. Hoffman stated that he likes the islands being at Oxford and Mansfield because it marks the entrance to the residential area. He said that he is in favor of additional bump-outs because they will keep traffic farther from pedestrians. He added that trees in the islands would slow drivers down as well.

Lori Hoffman, 3921 S. Dahlia Street, expressed concern that the plan is watered down; she stated that drivers need to be slowed down.

Beth Robinson, 4001 S. Dahlia Street, agreed that the plan may be watered down too much. She suggested that, if the islands were farther from the stop signs, it might help to further slow traffic down.

Shannon Ponder, 4070 S. Dexter Street, stated that she is concerned with cut-through traffic on her street as a result of traffic calming on Dahlia Street. She said that she is in favor of getting a speed bump back on Oxford Avenue. Ms. Ponder stated that it appeared to her that no one very qualified has blessed the project and a lot of guesswork was taking place. She stated that she has concerns about garbage trucks getting through. Councilmember LaMair responded that the 2001 traffic study has addressed questions that have been raised. Mr. Goldie added that traffic engineers have offered the best proposal based on available information for the particular area.

Diana Capoot, 4081 S. Dahlia Street, pointed out that parking will not be allowed within twenty-five feet of islands, which will create a need for unattractive signs to be posted in front of homes if the islands are located in the middle of the block.

Mayor Pro Tem Tisdale closed the public comment period at 7:35 p.m.

Councilmember VanderWerf said that she thinks the addition of a sidewalk is important for pedestrian safety. Councilmember Blum agreed and said the Council has reviewed the issue, including traffic studies, carefully.

Councilmember Roswell also agreed and questioned why no island was being proposed in the middle of the block. Mr. Goldie reiterated that additions could always be added later if needed. Councilmember Roswell said he was concerned that the proposed plan would not be assertive enough. Councilmembers LaMair and Roswell both stated that they felt islands would be more of an impediment than bump-outs.

Councilmember Blum addressed the question of whether or not to construct a model of the proposed modifications. She stated that the project is important, and they have looked at it closely. Councilmember Roswell agreed that it has been discussed for years and has been budgeted.

Councilmember VanderWerf said that she did not suspect that a significant amount of traffic would divert to Mansfield Heights.

Mr. Goldie stated that the CDOT traffic counts had been made available just prior to the meeting and had not yet been reviewed by staff. Mayor Pro Tem Tisdale pointed out that field modifications may be necessary as the project moves forward.

Mr. Goldie said he has no concern with garbage trucks since Waste Management representatives have said they only require the road to be ten feet in width. Mr. Goldie added that there are currently garbage truck routes on City streets that are only seventeen feet in width, with cars parked on the streets as well.

Mayor Pro Tem Tisdale asked Mr. Goldie for his opinion on the suggestion of putting in temporary simulations on a trial basis. Mr. Goldie responded that he thinks people will respond very differently to a raised sidewalk than they would to a temporary barrier. He added that he knows traffic calming concepts have worked in other municipalities, and he believes they will work on Dahlia Street as well.

Councilmember LaMair said that she thinks it is a good idea to construct an inexpensive model, but that the City has come too far on this particular project. She stated that she would like to see the City consider the simulation concept on future projects. Councilmember Blum agreed that it would be a good idea in certain situations.

Councilmember Blum asked what the timeframe would be for the project and Mr. Goldie responded that it would begin around August or September. Councilmember Blum inquired how staff would be monitoring traffic in the meantime. Mr. Goldie responded that traffic counts will be conducted again once school is in session, either by CDOT or a subcontractor.

Councilmember LaMair asked if the irrigation system would be sleeved at the same time as the concrete work, and Mr. Goldie said that it would. He added that limited plantings would be put in during the fall that should be able to survive the winter.

Councilmember LaMair moved, seconded by Councilmember Roswell, to approve the proposed Dahlia Street traffic calming project as presented by staff, with the understanding that field located islands and bump-outs in the middle of the street are to be considered in consultation with the neighbors of those particular locations, and that the maximum total cost to be expended in 2007 is not to exceed \$94,635.

The motion passed unanimously.

Resolution 04, Series 2007 – A resolution identifying the boundaries of John Meade Park (tabled from the June 19, 2007 meeting)

Mr. Ensey presented Resolution 04, Series 2007, including exhibits that demonstrate the boundaries of John Meade Park. There were no questions from the Council.

Councilmember VanderWerf moved, seconded by Councilmember Blum, to approve Resolution 04-07.

The motion passed unanimously.

Council Bill 08, Series 2007 – A bill for an ordinance repealing and re-enacting Chapter 8 of the Municipal Code, concerning vehicles and traffic, to adopt by reference the 2003 Edition of the Model Traffic Code for Colorado Municipalities, with certain amendments, and to repeal all ordinances in conflict therewith and provide penalties for violation thereof (Final Reading, Public Hearing)

Chief Patterson presented Council Bill 08, Series 2007 on second reading. He stated that minor modifications had been made since first reading. He stated that staff recommends approval of the proposed council bill.

Mayor Pro Tem Tisdale opened the public hearing at 7:59 p.m.
No one from the audience wished to speak.
Mayor Pro Tem Tisdale closed the public hearing at 7:59 p.m.

There were no questions from the Council.

Councilmember Roswell moved, seconded by Councilmember VanderWerf, to approve Council Bill 08, Series 2007, as such ordinance has been amended at Section 8-1-60 to include the penalty provision at Section 1717 of the 2003 Edition of the Model Traffic Code for Colorado Municipalities, on second and final reading.

The following votes were recorded:

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| Scott Roswell | yes |
| Harriet LaMair | yes |
| Doug Tisdale | yes |
| Bonnie Blum | yes |
| Klasina VanderWerf | yes |

The motion passed unanimously.

NEW BUSINESS

Resolution 05, Series 2007 – A resolution adopting fees for stormwater permit applications

Mr. Goldie presented Resolution 05, Series 2007. He explained that Resolution 03, Series 2007, which enacted Stormwater Management Regulations, did not include a fee schedule. He stated that staff was recommending a fee schedule that was created based on research conducted among other comparable municipalities. Mr. Goldie offered a brief explanation of the proposed fee schedule and the permitting process.

Councilmember LaMair asked about potential impacts on the Highline Canal. Mr. Goldie stated that the Highline Canal does not qualify as a restrictive waterway.

Discussion was held regarding the increased demand for impervious surfaces and subsequent drainage issues. Councilmember LaMair mentioned that she would like staff to see what other municipalities are doing.

Councilmember Blum moved, seconded by Councilmember LaMair, to approve Resolution 05-07.

The motion passed unanimously.

REPORTS

Mayor Pro Tem's Report

Mayor Pro Tem Tisdale reported that he had attended Denver Regional Council of Governments ("DRCOG") meetings regarding redistribution of Urban Growth Boundary/Areas ("UGB/A"). He said that he had expressed that the City had no strenuous objection to a reduction in its UGB/A, but would like to have some form of compensation or consideration in lieu of it. He stated that another meeting was scheduled tomorrow night to further discuss UGB/A. Mr. Ensey confirmed that the City would also be meeting with DRCOG tomorrow in order to confirm that no negative impacts would result from such a reduction.

Mayor Wozniak arrived at 8:08 p.m. He did not present a report.

Members of City Council

Councilmember VanderWerf said that the South Platte Working Group had submitted their concept paperwork for a Great Outdoors Colorado ("GOCO") Legacy Grant and had been told that the concept had made the cut. She stated that they will be submitting a formal Legacy Grant proposal to GOCO soon.

Councilmember VanderWerf reminded the Council that she had expressed interest at the June 19, 2007 City Council meeting in the establishment of an Open Space Purchase Fund. She said it would need to be determined how funds would be replenished, and she said she would try to bring some ideas back in August.

Councilmember VanderWerf also said that she had attended the July 11, 2007 Master Plan meeting, and that the City's Master Plan consultant, Dave Knopick, had received excellent feedback from those present.

Councilmember Blum mentioned that she had missed the July 11, 2007 Master Plan meeting due to illness. She mentioned that the next Master Plan meeting would be the public meeting.

Councilmember LaMair reported that she was also present for the July 11, 2007 Master Plan meeting and was pleased with Mr. Knopick's sense of understanding of the community. She said that she had attended the Parks, Trails, & Recreation Commission ("PTR") meeting, and PTR would be presenting their recreation plan soon. She said that neither Mr. Knopick nor the Master Plan Committee had met with PTR yet.

Councilmember LaMair mentioned that some Mansfield Heights residents had contacted her with concerns about residences being converted from one-story to two-story homes, and whether there was a conflict with the City's zoning. She also stated that she would not be in attendance at the August 7, 2007 City Council meeting.

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 City Council.

History of City-operated sanitary sewer systems

Mr. Ensey stated that staff would like to suggest scheduling an executive session in the near future on this subject, due to the fact that some of the information would be attorney-client privileged.

Discussion on possible recreation reimbursement policy change to allow residents to donate their reimbursement to an open space account

Mr. Ensey briefly outlined the concept, and he stated that the City could model their policy on the one recently adopted by Greenwood Village, if desired by the Council. The Council agreed that it was a good idea and staff was directed to proceed.

Proposed City Logo for Parks, Trails & Recreation Division

Brief discussion was held regarding the proposed logo. It was agreed that existing property be used until it required replacement, and the new logo would be used on replacement items.

Councilmember VanderWerf moved, seconded by Councilmember Blum, to approve the proposed logo.

The motion passed unanimously.

City Attorney

There was no report.

EXECUTIVE SESSION

Councilmember LaMair moved, seconded by Councilmember VanderWerf, to:

- Convene to Executive Session for the purpose of discussion of providing direction for negotiators pursuant to the provisions of C.R.S. § 24-6-402(4)(e); and for discussion of 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) concerning the Xcel Energy franchise renewal, and to
- Adjourn the regular City Council meeting following the conclusion of the Executive Session.

The following votes were recorded:

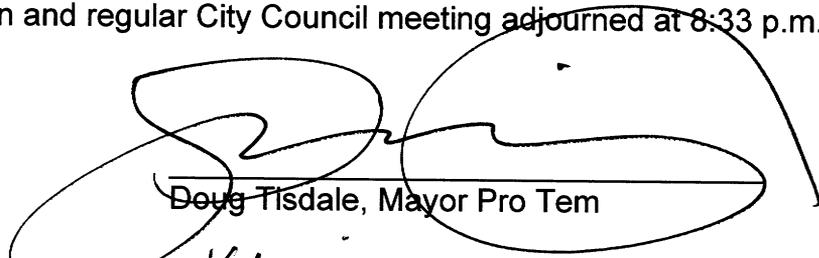
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|--------------------|-----|
| Harriet LaMair | yes |
| Doug Tisdale | yes |
| Bonnie Blum | yes |
| Klasina VanderWerf | yes |
| Scott Roswell | yes |

The motion passed unanimously.

Council adjourned to Executive Session at 8:24 p.m.

ADJOURNMENT

The Executive Session and regular City Council meeting adjourned at 8:33 p.m.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and curves, positioned above a horizontal line.

Doug Tisdale, Mayor Pro Tem

A handwritten signature in black ink, appearing to read 'K. Losier', positioned above a horizontal line.

Karen C. Losier, CMC, City Clerk