

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, November 13, 2007 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:36 p.m.

ROLL CALL

Councilmembers Bonnie Blum, Harriet LaMair, Scott Roswell, Russell Stewart, and Klasina VanderWerf were present on silent roll call. Also present were City Manager Eric Ensey, City Attorney Debra Kalish, Police Chief John Patterson, Sergeant Jody Sansing, Public Works Director Jay Goldie, Parks, Open Space & Recreation Administrator Paul Burkholder, Parks Crew Chief Ryan Berninzoni, and Deputy City Clerk Sarah Henderson.

ANNOUNCEMENT

Mayor Wozniak informed the Council that Lieutenant Pat Whitman would be retiring in January after 27 years of service with the Cherry Hills Village Police Department. He then introduced Sergeant Jody Sansing, who was promoted to the position of Lieutenant. Mayor Wozniak commended Sergeant Sansing and stated the promotion would become effective in January of 2008.

AUDIENCE PARTICIPATION PERIOD

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

CONSENT AGENDA

Councilmember Blum moved, seconded by Councilmember VanderWerf, to approve the following item on the Consent Agenda:

4c - Agreement with Cherry Hills Country Club concerning the installation of a traffic signal at University Boulevard and Cherry Hills Park Drive

Vote on the Consent Agenda: 5 ayes. 0 nays. The motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

The following items were removed from the Consent Agenda:

4a - Approval of Minutes – October 16, 2007

Councilmember Stewart mentioned that page five of the October 16th minutes says "Councilmember Stewart stated that history shows the permit is not needed." He requested the minutes be amended to say, "Councilmember Stewart stated that history may suggest that change is not necessary regarding the permitting process."

Councilmember LaMair moved, seconded by Councilmember Blum to approve the October 16, 2007 minutes as amended.

Vote on the October 16, 2007 minutes as amended: 5 ayes. 0 nays.

4b - Contract for Services with Western States Surveying Inc. (for potential trail connections)

4b(i) - Survey of E. Mansfield Avenue right-of-way

4(b)ii - Survey of S. Clarkson Street right-of-way

Councilmember VanderWerf requested more information regarding the trail along Mansfield.

Parks, Trails and Recreation Administrator Paul Burkholder clarified that the survey is for the purpose of determining what properties are owned by the City from Dahlia and west of the Highline Canal.

Councilmember VanderWerf inquired about the stance of the Denver Water Board with regards to having a bridge over the Highline Canal near East Mansfield Avenue.

Mr. Burkholder stated he thought the Denver Water Board would be interested in having a bridge at that location, especially due to the erosion in the area.

Mr. Burkholder used the City trail map to illustrate the area being discussed. A discussion ensued regarding both proposed surveys. Mayor Wozniak noted that this survey is a first step to determine property ownership, which will help to determine if a feasibility study is warranted.

Councilmember LaMair moved, seconded by Councilmember VanderWerf to approve the Contract for Services with Western States Surveying Inc.

Vote on the Contract for Services with Western States Surveying Inc. 5 ayes. 0 nays. The motion carried.

Resolution 9, Series 2007: A resolution amending the City's Recreation Reimbursement Program to allow the reimbursement of programs, activities, classes or events conducted by any non-profit youth recreation association within the seven-county Denver metropolitan area

City Manager Eric Ensey presented R 09-07, A Resolution amending the City's Recreation Reimbursement Program to allow the reimbursement of programs, activities, classes or events conducted by any non-profit youth recreation association within the seven-county Denver metropolitan area.

Councilmember Stewart inquired if a list would be prepared to reflect which non-profit entities have been approved by the City and if this list would be posted on our website.

Mr. Ensey stated a list would be compiled as different organizations were submitted.

A discussion ensued regarding how to determine if a group is a non-profit and what the boundaries should be regarding determining if a group is a non-profit.

Mayor Wozniak suggested that the City require the non-profit entities to provide their 501(c)3 certificates, which would prevent any confusion for Staff on determining which entities qualify for this program.

Councilmember LaMair moved, seconded by Councilmember Roswell, to approve R 09-07, A Resolution amending the City's Recreation Reimbursement Program to allow the reimbursement of programs, activities, classes or events conducted by any non-profit youth recreation association within the seven-county Denver metropolitan area.

Vote on Resolution 09-07. 5 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Wozniak shared information he read in an article regarding managing coyotes. He informed the Council and staff that he and Councilmember Stewart met with Judge Turre with respect to construction violations. Mayor Wozniak also said that he and City Manager Eric Ensey will attend the Arapahoe County Mayor's and Manager's this week and will report back with any information at the next Council meeting.

Mayor Wozniak added that the National League of Cities meeting would be held on November 17th in New Orleans. He requested that any member of Council who is interested in attending let him know.

Mayor Wozniak informed the Council that he and Councilors Stewart and VanderWerf have completed one of three City Attorney interviews. He added that once the interviews are complete they will discuss the candidates and make a recommendation to the rest of the Council.

Mayor Wozniak asked City Manager Eric Ensey to update Council with the next steps of the Master Plan. He added that the Master Plan Open House held on November 7th was a success.

Mayor Wozniak mentioned that he and a few other Councilmembers would be attending the L'Esprit de Noel holiday home tour. He also added that the Boards and Commissions reception facilitated by Councilmember Stewart was a great event and was appreciated by all who attended.

Lastly, Mayor Wozniak commended Chief of Police John Patterson and the Police Department. He stated he is very pleased with the crime statistics in Cherry Hills Village.

Members of City Council

Councilmember VanderWerf included a report from the South Platte Working Group. The South Platte Working Group was responsible for the Legacy Grant proposal to GoCo. The sense coming from GoCo is that the proposal would be funded to some degree and some of the staff from the group will be doing presentations to various City Councils around the Denver metro area.

Councilmember VanderWerf also stated that the history of the land preserve is going to be printed in early 2008 and it should be available for purchase in the spring.

Councilmember VanderWerf requested a discussion regarding Little Dry Creek during the Parks, Trails and Recreation Commission study session this evening. She also requested discussing budgeting issues that the Council will be facing next year, especially in regards to the Master Plan.

Mayor Wozniak stated the budget is an important issue to discuss. He added that the budget study session in August of 2008 will be a difficult one.

Councilmember Stewart informed the Council that the final briefs in the South Suburban case will be on November 23rd. He added that the District Court will not have an evidentiary hearing because the Court of Appeals said they could not.

Councilmember Blum had no report.

Councilmember LaMair had no report.

Councilmember Roswell mentioned there had been quite a bit of community discussion on the St. Clair property. He suggested it be discussed during the Study Session.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Mr. Ensey said the staff and departmental reports and unaudited financial statements were all included in the Council packets and to forward any questions to him or Director of Finance and Administration Karen Proctor.

Mr. Ensey inquired as to whether the Council is interested in modifying the City Code with regards to the parking of commercial vehicles on residential lots. He added that this section of Code can be amended. He said that currently the Code doesn't expressly prohibit this type of parking on residential lots.

Mr. Ensey added that five people were issued citations on Veteran's Day for construction time violations.

Councilmember LaMair suggested the size of the vehicle be defined so as not to exclude smaller size commercial vehicles.

Mr. Ensey stated there have been some complaints and concerns from HOA Boards and residents regarding this issue primarily in Cherry Hills.

Mayor Wozniak suggested the situation be handled through communication.

Mr. Ensey provided a memo drafted by Gould Evans to the Council with respect to the future steps of the Master Plan. Residents are able to submit their open-house feedback until November 16th and Gould Evans will compile the feedback by November 21st. Mr. Ensey confirmed that the Planning and Zoning Commission is reviewing the white papers. He added that the draft plan is being worked on and there should be a meeting with the Planning and Zoning Commission as well as the Master Plan Advisory Committee in December and January. Mr. Ensey stated the plan approval and adoption is still on schedule for March.

Mayor Wozniak is concerned that the end of the Master Plan process will be a little pressed for time. He said that Councilors Blum, Tisdale and VanderWerf and his term will expire prior to the approval and adoption of the Master Plan. He requested the schedule work backward from their term expiration to make sure everything can be fit in and voted on before new Councilmembers come on board. He asked Mr. Ensey to find the exact date of their term expiration.

Mayor Wozniak inquired as to the participation from the community for the Master Plan process. He wondered whether or not the process has been inclusive enough. Councilmember Blum stated there was not much more the City could have done. There was advertising in the Village Crier, The Villager, the website as well as mass emails sent out to residents. She added that there will always be a segment of people not interested in becoming involved. Councilmember Blum said she is concerned about the age of people participating.

Mr. Ensey informed Councilmember Blum that notices were put in the schools as well.

Councilmember LaMair mentioned that she is concerned with the content of the white papers. She commented that the spectrum of options at the Master Plan open house presented were bothersome to her.

Mr. Ensey said the hard copies of white papers will be delivered to Council tomorrow.

Financial Reports

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

Departmental Monthly Reports

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

City Attorney

There was no report.

EXECUTIVE SESSION

Councilmember LaMair moved, seconded by Councilmember Roswell, to hold an executive session to determine positions relative to matters that are subject to negotiations, develop strategies for negotiations, and instruct negotiators with regard to the Sie litigation pursuant to the provisions of CRS 24-6-402(4)(e) and will then adjourn to study session.

The following votes were recorded:

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

Vote on the Executive Session. 5 ayes. 0 nays. The motion carried.

Council adjourned to an Executive Session at 7:32 p.m.

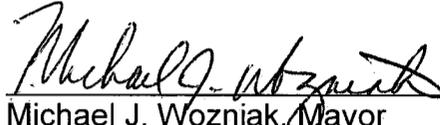
The Executive Session adjourned at 7:36 p.m.

Council adjourned to the Study Session at 7:37 p.m.

The Study Session ended at 9:03

ADJOURNMENT

The regular meeting of the City Council adjourned at 9:03 p.m.



Michael J. Wozniak, Mayor



Melissa Formby, City Clerk