

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, March 18, 2008 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:32 p.m.

ROLL CALL

Councilors Bonnie Blum, Harriet LaMair, Mike Wozniak, Scott Roswell, Russell Stewart, Doug Tisdale, and Klasina VanderWerf were present on silent roll call. Also present were City Manager Eric Ensey, City Attorney Ken Fellman, Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Jay Goldie, Interim Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Melissa Formby.

AUDIENCE PARTICIPATION PERIOD**John Love – 8 Lynn Road**

Mr. Love wished Councilors Tisdale and Blum well as they leave the office of Councilmembers. He thanked them for their time and very hard work.

Patricia Boulding – 1415 E. Tufts Ave.

Ms. Boulding shared with the Council that she and some of her neighbors are very unhappy with the construction currently happening in their area. She stated the construction that happens during the spring season causes dirt, dust, mud traffic, and uninhabitable noise. They have requested Council take immediate action on the requested items submitted to Council.

Mayor Wozniak reassured Ms. Boulding that Council does take these issues seriously and that they will continue to look at the construction issues..

Mark Boulding – 1415 E. Tufts Ave.

Mr. Boulding said they recognize all the things Council has done. He said he and his neighbors would like more thought, review and consideration of what can and should happen when discussing new construction and the future of the village.

CONSENT AGENDA

Councilor Blum moved, seconded by Mayor Pro-tem Tisdale, to approve the following items on the Consent Agenda:

- 4a. Minutes – February 19, 2008 (tabled from March 4, 2008)
- 4c. Proclamation 1, Series 2008; a proclamation for Arbor Day

The following votes were recorded:

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

Vote on the Consent Agenda: 6 ayes. 0 nays. The motion carried.

ITEMS REMOVED FROM CONSENT AGENDA

The following items were removed from the Consent Agenda:

- 4b. Minutes – March 4, 2008

Approval of March 4, 2008 Minutes

Councilor VanderWerf requested the following changes be made to the minutes:

- Page five – the amount for the conservation easement should be \$204,636.32 as opposed to \$294,636.32.
- Page 11, paragraph three should state that if the City is considering adding a sidewalk in the future, the sidewalk should be set back from the street so the snow from the plow does not become an issue.

Councilor Stewart requested the following change to page four of the minutes:

- Rather than referring to “Councilor Stewart’s homeowners association”, it should be referred to as the Buell Mansion Homeowners Association.

Councilor LaMair requested the following change be made to page 11 of the minutes.

- Strike the comment with regard to looking at Highlands Ranch as an example for clearing sidewalks.

Councilor Roswell requested the following change be made to page 10 of the minutes:

- Change the verbiage regarding the City shoveling residents’ sidewalks to read as follows: “Councilor Roswell said he was troubled that the neighbors were concerned for pedestrian safety, but yet don’t want to shovel these sidewalks, which places the pedestrians back into the street”.

Mayor Pro-tem Tisdale moved, seconded by Councilor Blum, to approve the March 4, 2008 minutes as amended.

The motion passed unanimously.

Council Bill 3, Series 2008; a bill for an ordinance authorizing a supplemental appropriation for fiscal year 2008 for the costs associated with the Anderson Conservation Easement on final reading

Director of Finance and Administration Karen Proctor presented CB 03-08. Ms. Proctor reminded Council that staff was asked to look at the option of dividing the cost of \$204,636.32 among multiple funds whose revenues may be used for Open Space. Ms. Proctor shared with Council that staff has researched the possibility of dividing the expense among three different funds; the Conservation Trust Fund, the Land Donation Fund, and the Arapahoe County Open Space Fund.

She added that based on staff’s analysis of the information and numbers researched, staff would continue to recommend that the \$204,636.32 for the expenses related to the Catherine Anderson property be appropriated from the Arapahoe County Open Space Fund. Ms. Proctor stated several reasons for this recommendation; the expenditure would be easier to track if paid out of one fund, the money will be replenished more quickly in this fund, thus allowing greater flexibility among all three funds and all three funds can be used for the same type of expenditures.

Councilor Roswell asked for clarification on how the percent of expenditures was determined in dividing the amount among the three funds.. He inquired as to why the funds would be replenished quicker in the Open Space Fund.

Ms. Proctor stated the money would be replenished faster because the City receives approximately double the revenue in the Arapahoe County Open Space Fund as compared to the other two funds.

Councilor LaMair asked if the Conservation Trust fund is the only fund that can be used for acquisition of Open Space and also inquired as to whether the other two funds are to be used to improve and maintain parks.

City Manager Eric Ensey said the two other funds could also be used for acquisition as well.

Mayor Wozniak asked why it is easier to track for bookkeeping purposes.

Karen Proctor said it is easier to track expenditures in one fund because each year there are reports generated for these funds that are given to Arapahoe County.

Mayor Wozniak asked if there is any reason why it would look better to have a smaller balance in one fund than the other and asked if one fund should be depleted first.

Director of Public Works, Jay Goldie confirmed that the balance of the funds would not have any effect on future grants.

Councilor LaMair moved, seconded by Councilor Blum, to approve CB 03-08, a bill for an ordinance authorizing a supplemental appropriation from the Arapahoe County Open Space Fund for fiscal year 2008 for the costs associated with the Anderson Conservation Easement on final reading.

The following votes were recorded:

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

Vote on CB 03-08: 6 ayes. 0 nays. The motion carried.

Resolution 6, Series 2008; a resolution supporting the grant application to Great Outdoors Colorado for the installation of new lights in the High Line Canal trail tunnel at Belleview Avenue

Interim Parks, Trails and Recreation Administrator Ryan Berninzoni presented Resolution 6, Series 2008. Mr. Berninzoni informed Council the City has applied for a mini grant from Great Outdoors Colorado (GOCO). He said the purpose of this grant is to update and enhance the lighting system at the High Line Trail as it passes under Belleview Avenue. Mr. Berninzoni added this is the first of two GOCO grants for 2008; the second grant is for a shelter at Woodie Hollow Park.

Mr. Berninzoni explained to Council the total cost of the project is \$25,443 with the City making a 30 percent cash match of \$9,946. He added these funds are budgeted in the Arapahoe County Open Space Fund 14 under trail improvements.

Councilor VanderWerf asked how often the High Line Canal trail tunnel gets inspected.

Mr. Berninzoni told Council there are no set dates that the tunnel is inspected, rather staff checks the tunnel for adequacy and determines at that time whether an inspection is needed.

Councilor VanderWerf recommended staff consider all aspects of maintenance as opposed to just new lights. She also asked who has responsibility of the tunnel.

Mr. Goldie stated the City has taken over the maintenance of the tunnel and because it was originally maintained by South Suburban.

Councilor VanderWerf recommended an engineer look at the tunnel to see if it is holding up okay.

Mr. Goldie mentioned that the Colorado Department of Transportation (CDOT) inspects the tunnel every year.

Mayor Pro-tem Tisdale moved, seconded by Councilor VanderWerf, to approve Resolution 6, Series 2008, a resolution supporting the grant application to Great Outdoors Colorado for the installation of new lights in the High Line Canal trail tunnel at Belleview Avenue.

The following votes were recorded:

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

Vote on Resolution 06-08: 6 ayes. 0 nays. The motion carried.

Resolution 7, Series 2008; a resolution canceling the April 8, 2008 regular municipal election in accordance with Section 2-1-50 of the Cherry Hills Village municipal code

Mr. Ensey explained to Council that Resolution 7, Series 2008 cancels the Tuesday, April 8, 2008 Cherry Hills Village Municipal Election and appoints the Mayor and City Council Members for Districts 1, 3 and 5.

He informed Council that no affidavits for write in candidacy had been received by the City Clerk by the Tuesday, March 18th deadline. Therefore the 2008 Cherry Hills Village Municipal Election can be canceled as there would be only one candidate for the positions of City Council Members and Mayor. He added that Section 2-1-50 of the Municipal Code only allows the cancelation of said election at the close of business the nineteenth day before the municipal election, which would be Thursday, March 20, 2008 at 4:00 p.m. He mentioned the resolution would not go into effect until Thursday, March 20, 2008 at 4:01 p.m.

He informed Council that petitions were submitted from Mr. Michael Wozniak for the position of Mayor, Mr. Mark Griffin for Councilmember District 1, Ms. Marcia Frew for Councilmember District 3, and Ms. Klasina VanderWerf for Councilmember District 5.

There was no discussion on the part of Council.

Councilor VanderWerf recused herself from the vote to cancel the April 8, 2008 regular municipal election.

Councilor Blum moved, seconded by Councilor LaMair, to approve Resolution 7, Series 2008, a resolution canceling the April 8, 2008 regular municipal election in accordance with Section 2-1-50 of the Cherry Hills Village municipal code.

The following votes were recorded:

| | |
|--------------------|-------------------|
| Scott Roswell | yes |
| Harriet LaMair | yes |
| Doug Tisdale | yes |
| Bonnie Blum | yes |
| Russell Stewart | yes |
| Klasina VanderWerf | recused from vote |

Vote on Resolution 07-08: 5 ayes. 1 Recuse. The motion carried.

REPORTS

Mayor's Report

Mayor Wozniak invited Councilors Blum and Tisdale to the April 1st Council meeting in order to wish them farewell and swear in the new Councilmembers.

Mayor Wozniak stated he and City Attorney Ken Fellman sit on the Metro Mayors caucus and they have been asked to do research in regards to health and wellness.

Mayor Wozniak mentioned that DRCOG requires the City's representative to hold a Councilmember or Mayor position in order to sit on the DRCOG Board.

Members of City Council

Councilor Roswell stated there are some concerns regarding the burying of power lines in Old Cherry Hills. He added he is going to meet with City Manager Eric Ensey to discuss the requirements in regards to the power lines. He also mentioned there is concern on the part of his neighbors due to quite a bit of construction going on in his neighborhood. He stressed the importance of communication between the neighbors and the builders.

Mayor Wozniak recommended Councilor Roswell hold a neighborhood meeting to discuss construction issues, concerns and actions that have been taken by the City.

Councilor Roswell agreed with Mayor Wozniak and said he would plan a neighborhood meeting.

Councilor LaMair stated she missed the most recent Parks, Trails and Recreation (PTR) Commission meeting and asked Mr. Ensey to update Council on that meeting. She also stated that Council should entertain Ms. Boulding's comments in regards to new

construction. She added that residents' interests need to be protected and there is always more that Council can do.

Mayor Pro-tem Tisdale shared with Council that he owes his decision to run for Council to his late wife, Mrs. Patricia Tisdale.

Councilor Blum expressed her privilege to have known Mrs. Tisdale and added that she chose to sit on Council because of Mayor Pro-tem Tisdale.

Councilor Blum informed Council that she has requested a meeting with the Glenmoor HOA in regards to moving forward with the stoplight.

Councilor Blum thanked Animal Control Officer Michelle Edwardson for supplying such a wealth of coyote information at the March 4th study session.

Councilor Stewart recommended a brief "cheat sheet" be put together for those residents with concerns in regards to new construction.

Mayor Wozniak suggested the new construction information be added to cable channel 22.

Councilor VanderWerf recommended the City require staging plans for landscape work being done. She also added the Cherry Hills Land Preserve History Event will be held on April 12th from 3pm – 6pm at the Kent Denver Arts Center.

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.

City Council Retreat Dates

Mr. Ensey informed Council that he and the Mayor are working on scheduling an upcoming retreat for the City Council to discuss various issues. He also told Council that he and the Mayor are working with Mr. Peter Kenney of Civic Results to conduct a training session with City Council and staff. Mr. Ensey stated he would let Council know when these dates have been finalized.

Mr. Ensey asked Council to provide him with available dates for the City Council retreat.

City Council Email Accounts

Mr. Ensey informed Council that they are able to use city email addresses for the use of communication regarding City issues. He let Council know there would be information distributed for the process of utilizing City email. He also expressed the importance of using these email addresses for City business only as all correspondence and work done on City computers is subject to public record.

Master Plan Update

Mr. Ensey mentioned to Council the Master Plan survey went out last week and the estimated time frame to receive the results of the survey is April 21st. He added the PTR commission did review the master plan and provided him with comments which will be brought back to the Planning and Zoning Commission. He said a schedule is being created as to items that need to be done. He mentioned that only one survey was done because there was not enough time to get two surveys out.

City Attorney

Mr. Fellman stated he is working on the sidewalk/snow clearing issue but does not have an answer yet. He mentioned he only received a handful of ordinance examples from the Colorado Municipal League and the examples he has received are showing a 24 to 48 hour snow clearing period.

Mr. Fellman said that the Metro Mayors will, from time to time, release "memoranda of understanding" and the latest memoranda is on health and wellness. The group has been asked to research wellness projects and they are trying to find some things that can be brought to the community in order to promote health and wellness.

EXECUTIVE SESSION

Mayor Pro-tem Tisdale moved, seconded by Councilor Blum, to go into Executive Session for the purpose of discussing negotiating strategy and instructing negotiators and receiving legal advice concerning the Davis Partnership mediation as authorized by CRS §24-6-402(4)(b)&(e) and following the conclusion of that executive session, this Council meeting of March 18, 2008 be formally adjourned.

The following votes were recorded:

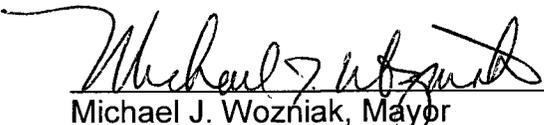
| | |
|--------------------|-----|
| Scott Roswell | yes |
| Harriet LaMair | yes |
| Doug Tisdale | yes |
| Bonnie Blum | yes |
| Russell Stewart | yes |
| Klasina VanderWerf | yes |

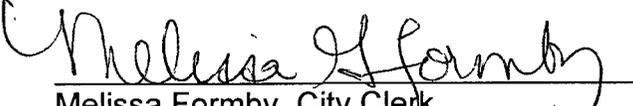
The motion passed unanimously.

Council adjourned to an Executive Session at 7:39 p.m.

The Executive Session adjourned at 8:16 p.m.

The meeting adjourned at 8:16 p.m.


Michael J. Wozniak, Mayor


Melissa Formby, City Clerk