

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, June 17, 2008 at 6:30 p.m.  
At the Village Center

Mayor Pro Tem Russell Stewart called the meeting to order at 6:32 p.m.

**ROLL CALL**

Councilors Harriet LaMair, Klasina VanderWerf, Marcia Frew, Mark Griffin, Scott Roswell, and Russell Stewart were present on silent roll call. Also present were City Attorney Ken Fellman, Deputy City Attorney David Foster, Police Chief John Patterson, Public Works Director Jay Goldie, Planning Manager Rob Zuccaro, and City Clerk Melissa Formby.

Absent: Michael Wozniak

**AUDIENCE PARTICIPATION PERIOD**

Jim Muhm – 4951 S. Holly St.

Mr. Muhm gave his "State of the Trails Report" for the year. He stated the maintenance of the trails is doing well this year; tree trimming will be accomplished very soon; trail cleanliness remains very good; trail enhancements could use more attention. He urged City Council to commit to a trail easement in the Little Dry Creek area. He added that the maintenance of the streets has been very good and there has been quite an improvement in this area.

Joan Riordon - 5601 Southmoor Lane

Ms. Riordon expressed her concern with the amount of monies owed to South Suburban for the City's exclusion from the district. She stated she researched the history of the South Suburban exclusion and there were two items missing from the information; the range of property values and the City's initial cost. She added she feels the information available to residents at the time of the exclusion was lacking.

Mike McNamara – 4021 S. Clermont St.

Mr. McNamara stated there is a lot of uncertainty with regard to the South Suburban exclusion today verses the vote in 2002. He said he feels information has not been readily available to residents over the past few years. He questioned whether the City is following the right course of action, as he feels the current path is not the way to go. He added there needs to be an open dialogue with the residents of the Village.

Brian Searles - 5623 Southmoor Circle

Mr. Searles stated the facts with regard to the South Suburban exclusion have changed since 2002. He added that the demographics have changed since 2002 and now Villagers should be polled to see how they feel about the South Suburban issue. He urged City Council to present all the facts to the residents and bring it back to a vote of the people.

Katy Miller - 4030 S. Clermont St.

Ms. Miller stated she and her family have used the South Suburban facilities for years. Her concern at the time of the exclusion vote was not a financial one and voted in opposition because she uses the facilities. She is now researching the information on the South Suburban exclusion finances and stated there is a lack of information available to residents. She added that this Council has a responsibility to let the citizens of the Village know what the worst case scenario of the situation is and how is the issue

going to be dealt with. She urged the Council to consider other options and make them available to the residents of the Village.

### **CONSENT AGENDA**

Councilor LaMair moved, seconded by Councilor VanderWerf, to approve the following items on the Consent Agenda:

- a. Settlement Agreement and Release
- b. Resolution 12, Series 2008; a resolution establishing the budget calendar for the 2009 budgeting process

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	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:

#### Approval of June 3 , 2008 Minutes

Councilor LaMair asked that the following items be changed:

- Page four; paragraph six be changed to say "Councilor LaMair asked if Catherine Anderson's property could be used for relocation of the poles" and page four, paragraph seven should read "Mr. Goldie stated Denver Water has an easement over the Anderson property for the Canal at this location."
- On page sixteen under Councilor LaMair's reports, the name mentioned should be Mr. Fredrickson rather than Mr. Hendrickson.

Councilor Roswell asked that the following item be changed:

- Page twelve, paragraph seven, line two should state "he is more inclined to delete the last changes" and page fifteen, first paragraph, second sentence should say "As a result they had discussed putting together a task force to deal with these types of issues and looking at previous research concerning impacts to Cherry Hills Village and neighboring communities and other similarly situated communities across the nation."

Councilor LaMair moved, seconded by Councilor Roswell, to approve the June 3, 2008 minutes as amended.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on the June 3, 2008 meeting minutes: 6 ayes. 0 nays. The motion carried.

### **UNFINISHED BUSINESS**

Items 6c and 6d were moved to the beginning of unfinished business.

**Council Bill 11, Series 2008; a bill for an ordinance of the City of Cherry Hills Village amending Chapter 18 of the Cherry Hills Village Municipal Code, concerning building regulations, by amending sections 18-1-20(6), concerning project completion for permits under the 2006 International Building Code, by amending Section 18-2-20(5), concerning project completion for permits under the 2006 International Residential Code; and by amending Section 18-10-60, concerning construction times.**

Mr. Zuccaro stated staff is presenting Council Bill 11, Series 2008 for consideration on second and final reading. He said the bill amends Section 18-10-60 concerning construction times and added that the council approved the bill on first reading at the June 3, 2008 meeting with amendments. Mr. Zuccaro said the amendments included the removal of the following provisions: extending the building permit expiration periods and work performed by a homeowner without the assistance of a contractor.

He added that currently construction is allowed on Saturdays from 8am to 4pm and interior construction in a fully enclosed area is allowed on Sundays and holidays between 8 am and 4 pm, 7am to 6pm all other days.

Mr. Zuccaro said the proposed amendment to Section 18-10-60 would not allow any construction activity on Sundays and federal holidays and would limit Saturday construction to interior work only in fully enclosed areas between 8am and 4pm.

Mayor Pro Tem Stewart opened the public comment.

#### K.C. Jones - 3 Winwood Drive

Mr. Jones stated he has been a resident of Cherry Hills Village for three years and is a contractor in the Village as well. He stated he has paid over one million dollars in permit fees over the years and takes a lot of pride in building homes. He said he realizes the impact that construction has on neighbors, and as a result, strives to keep the streets clean and the noise down. He mentioned that he has had one ticket for a construction related violation and has always kept his work in the allotted time frame. He also said that they would lose two months of construction time and in turn the projects would take longer if the ordinance was passed. He informed Council that the contractors would have to raise their costs if they passed the ordinance. He urged City Council to keep the ordinance as it is.

#### Caroline Bliss-Kandel - 1700 E Stanford Ave

Ms. Bliss-Kandel spoke in favor of the proposed ordinance. She commended the Council on the limits that have been set forth and the improvements that have been made by Council with regard to the construction practices.

#### Jamie Seitz – 4100 S Clermont St.

Mr. Seitz stated he is a resident of the Village and expressed his opposition to the proposed ordinance. He added that although construction practices can be an inconvenience to neighbors, they are temporary inconveniences.

#### Linda Behr – 4645 S Lafayette St

Ms. Behr informed Council she has been a resident of the Village for 23 years and cares very much about the lifestyle of the Village. She stated she is very concerned about what is going on in the community. She added that there is a very small

percentage of people in the Village who continue to complain over and over again relating to construction and somehow those people have an impact on the Council. She also said the residents are not being informed as to the types of items on the agenda. Ms. Behr requested the proposed ordinance be tabled until the residents of Cherry Hills Village can be more informed of the issue. She added the Code Enforcement officer needs to be paying more attention to other issues within the City.

Jacque McIntyre – 4730 S Lafayette St.

Ms. McIntyre stated that although the City needs to inform residents of what is going on, it is the resident's responsibility to stay informed. She added she is in favor of the proposed ordinance.

Kevin Iverson – 1170 E. Tufts Ave.

Mr. Iverson stated he believes there are language problems in Council Bills 10 and 11. He said he understands the intent of the proposed ordinances, but said it would appear that a resident cannot plant flowers or do their own gardening on a Saturday. He added that there is no harm in having someone come by and do some minor work on a Saturday. He recommended defining the term "large project landscaping."

Mark Boulding – 1415 E. Tufts Ave.

Mr. Boulding thanked Councilors Roswell, LaMair and Mayor Wozniak for bringing this issue to light. He spoke to the effect of the proposal and said there is a larger policy issue at hand. He said he feels the issue is what has been happening to the Old Cherry Hills area as there have been far too many large homes built. He also stated the purpose of the policy should be to preserve what is left of the Old Cherry Hills area. He urged Council to approve the proposed ordinance.

Preston Hastings – 6330 Old Orchard Lane, Sedalia, CO

Mr. Hastings informed the Council that he has worked in the Cherry Hills area for the last fifteen years. He stated his biggest concern is that his employees rely on the overtime they obtain through Saturday construction and this ordinance affects his employees' paychecks. He said he feels the proposed ordinance limits the number of people who will live and work in Cherry Hills Village. He also added that some building projects are two year projects and they are going to have two to four months added on to that time frame if the ordinance is passed.

Rick Watkins – 15 Vista Road

Mr. Watkins stated his opposition to the proposed ordinance. He stated this is a bad policy for the residents of Cherry Hills Village. He also said the proposed ordinance is detrimental to the workers in the area, as well as the homeowners, due to the fact that construction projects will last longer and increase the cost of the work done in the community.

Barbara Braucht - 4755 S Lafayette

Ms. Braucht stated the growth in the Village needs to stop. She said the issue at hand is how different the Village will become if the growth continues. She added the construction projects have caused her neighborhood to be loud and disruptive. She feels the construction is not temporary as it has been going on for ten years in her neighborhood alone. She stated her support for and urged the Council to vote in favor of the proposed ordinance.

Richard Tanner – 5000 S. Fulton St, Greenwood Village, CO

Mr. Tanner stated he is a builder in the area. He said he is in opposition of the proposed ordinance and added that many of his clients are in opposition as well.

Jackie Hallenbeck – 25 South Lane, 4574 South Lafayette St

Ms. Hallenbeck said she is opposed to the proposed ordinance and stated the proposed ordinance is not going to prevent construction, but rather prolong it. She said she owns two homes and is preparing to purchase another in the Village and the ordinance greatly impacts her as it will take longer to construct the new home and it will cost a lot more.

The Public Comment was closed.

Councilor LaMair asked for clarification on the definition of "construction activity."

Mr. Zuccaro stated the definition includes site preparation, landscaping, building, construction, paving, fencing, planting or any other kind of improvement or modification of any real property.

He said the existing definition requires the aforementioned activities to have a permit to be considered as a construction activity.

City Attorney Ken Fellman stated Council should be aware that on first reading staff included a specific exclusion for small projects done by homeowners and therefore would not be subject to the restrictions. He mentioned the language was pulled by Council on first reading but added the language could be put back in. Mr. Fellman recommended putting the language back in when Council Bill 10 comes up on the agenda.

Councilor LaMair stated Council's intent is not to limit construction activities such as the painting of a fence, planting flowers, etc. She also clarified that the ordinance would allow interior construction, but not exterior work. She said the broader issue at hand is as a community and as a Council is balancing these issues. It is the Council's purpose to balance these items.

Councilor Griffin stated there are other communities that have similar restrictions. He added that as Council members, they hear from a lot of single voices with regard to the noise, the diesel trucks, etc. He said he understands the need to continue working, but also believes in the quality of life. He added that Council needs to come to a fair conclusion that is good for everyone.

Councilor Roswell stated this is not the first construction issue Council has discussed and added the issue has a lot to do with traffic, noise, children, etc.

Councilor VanderWerf stated this ordinance would not be considered if there were less construction going on because people might not feel so overwhelmed. She added that she had a large landscaping project that was delayed due to weather and even as the homeowner of the project, she wished it wasn't happening on the weekend. She said she is sympathetic to large projects needing to submit a staging plan and is also sympathetic to the workers and their families. She mentioned she would accept tabling the issue to discuss it further.

Councilor Frew stated she is sympathetic to the homeowner, but also sees the validity of completing the project. She added that maybe the Residential Development Standards (RDS) Committee could make recommendations on these sorts of issues.

Mayor Pro Tem Stewart stated the RDS Committee could deal with these sorts of things. He added that everyone had good points to offer and suggested the RDS Committee look at this issue.

Councilor LaMair stated that Cherry Hills Village is a divided community. She said that Council needs to find out what they can do that is legally appropriate. She said she is in favor of looking at regulations for different areas of the City and added there were good issues raised by those during public comment.

Councilor Griffin wondered if there might be a compromise by the builders to mitigate their activities that would, in turn, please the homeowners.

Councilor Stewart agreed with Councilor Griffin and added that it is easy for covenant controlled communities because the City sets the minimum standards and the covenants can be more restrictive than the City's regulations.

Councilor Roswell stated that as he read the letters of opposition submitted to Council and listened to his neighbors who were in favor of it, he was surprised by the fact that there were just as many people in support of it as there were against it. He also said there was a lot of information made available to the public. Mr. Roswell concluded by saying the point of having the RDS Committee is to address issues such as this one, and though he thought it would be an easy fix to appease some concerns he thinks it may be better suited for the RDS Committee.

Councilor Frew moved, seconded by Councilor Griffin to table CB 11-08, a bill for an ordinance of the City of Cherry Hills Village amending Chapter 18 of the Cherry Hills Village Municipal Code, concerning building regulations, by amending sections 18-1-20(6), concerning project completion for permits under the 2006 International Building Code, by amending Section 18-2-20(5), concerning project completion for permits under the 2006 International Residential Code; and by amending Section 18-10-60, concerning construction times.

Mr. Fellman recommended Council direct staff to include this issue as an assignment to the RDS Committee.

Councilor Frew moved, seconded by Councilor Griffin to table Council Bill 11-08.

Scott Roswell	yes
Harriet LaMair	no
Mark Griffin	yes

Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	no

Vote on CB 11-08: 4 ayes. 2 nays. The motion carried.

**Council Bill 10, Series 2008; a bill for an ordinance amending Municipal Code Section 18-10-20, concerning construction practices definitions; and Section 18-10-30, concerning administration of construction practices**

Rob Zuccaro presented CB 10-08, a bill for an ordinance amending Section 18-10-20, concerning construction practices definitions; and Section 18-10-30, concerning administration of construction practices definitions; and Section 18-10-30, concerning administration of construction practices on second and final reading.

Mr. Zuccaro stated the proposed bill amends Section 18-10-20 and 18-10-30 of the Municipal Code concerning the definition of construction activity and the requirements for the administration of construction staging plans.

He also said the Council approved the bill on first reading at the June 3, 2008 meeting without amendments. He mentioned that staff was asked to review the last statement in the construction activity definition dealing with permits for electrical, plumbing and mechanical work only, which allowed issuance of these permits without review of a construction staging plan.

Mr. Zuccaro said that because of the scope of work typically seen for these types of stand-alone permits, staff recommends that these types of permits continue to be issued without review of construction staging plans.

Mr. Zuccaro stated that staff does recommend that the statement be removed from the definition of construction staging and a provision be added to the administration section of the code. He added that these amendments have been added to the bill presented for second reading.

Mr. Zuccaro added that in light of the CB 11-08 discussion, the change in definition of construction activity would make it very broad to include landscaping, planning, etc. and therefore these activities would be subject to the current construction hours.

Mr. Zuccaro said the current code states "construction work" as opposed to "construction activity" and that the distinction could be made.

Mayor Pro Tem Stewart asked if there are other sections of the code where the definition might have an effect with regard to construction activity.

Mr. Zuccaro stated he is not aware of any other areas in the code this might affect. He said that the intent of this amendment was to change the administration of construction activity so that any activity, whether it required a staging plan or not, would be subject to the construction staging standards.

Mayor Pro Tem Stewart said he was in favor of the proposal but admitted he hadn't thought through the consequences.

Councilor VanderWerf asked if a project would be subject to this proposal if it did not need to be staged.

Mr. Zuccaro stated the intent is to determine if the project is a large scale project, such as pouring a driveway or a sidewalk or anything that might have an impact on the construction staging standards.

Councilor Frew stated it seems to be a very grey area and she asked for clarification.

Mr. Fellman stated there is an unintended consequence present. He explained that if this amendment is approved, which would include landscaping and the definition of construction activities that staff considers as construction, the Council will have prohibited the homeowner from, for instance, planting flowers outside on a Sunday. He recommended Council and staff take more time to look at this issue and the language due to the unintended consequences that have come from it.

Councilor LaMair stated it is not the best process of public policy to change definitions. She asked Mr. Fellman if changing definitions is a common way of getting done what you are trying to do.

Mr. Fellman stated it is appropriate to refine definitions in order to clarify what the ordinance applies to and he added it is fairly common.

Councilor LaMair asked how you make sure you are not taking action that results in unintended consequences.

Mr. Fellman stated they can do a word search to see if the definition change would affect the code anywhere else.

Councilor Roswell observed that many people were here to share their thoughts, but did not hear anyone speak with regard to large project landscaping.

Councilor Stewart stated he has heard from residents that are concerned with, and would like more control over, the large landscape projects as the large projects cause more problems than homeowner construction. He said the issue needs to be addressed more directly.

Mr. Fellman stated that staff will take this back for more research and come up with better alternatives.

Councilor Roswell moved, seconded by Councilor LaMair, to continue CB 10-08, with instruction to staff to make revisions to the current council bill along the theme of requiring that large non-homeowner landscaping projects meet construction staging standards and to bring it forward to Council at the July 1<sup>st</sup> Council meeting.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on CB 10-08: 6 ayes. 0 nays. The motion carried.

**Council Bill 8, Series 2008; a bill for an ordinance amending Municipal Code Section 2-8-20, concerning members; appointment, and Section 2-8-30, concerning terms of office; organization, of the Parks, Trails and Recreation Commission on first reading**

Director of Public Works Jay Goldie presented CB 08-08 on second and final reading. Mr. Goldie stated Council approved this council bill on first reading at the June 3<sup>rd</sup>, 2008 meeting and added there have been no changes made to the bill since first reading. He informed Council the proposed bill amends two sections of Chapter 2 of the Municipal Code as it relates to the Parks, Trails and Recreation Commission. First, the bill amends Section 2-8-20, concerning members and appointment, by removing the City Council member from participating with the Parks, Trails and Recreation Commission and appointing a resident to the Commission on an "at-large" basis. Therefore, the Commission will remain at a total of seven (7) members with the Council member that was previously assigned to sit on the Commission attending meetings only in a liaison capacity.

Mr. Goldie said the proposed bill also amends Section 2-8-30 of the Municipal Code, concerning terms of office and organization. The proposed modifications here address removal of the reference to "district" members, as the proposed bill includes an at-large representative, and the other appointments are not necessarily on a district basis. He also said the reference to the Council appointee is removed.

Councilor Frew told the Council that the PTRC is in favor of this proposal and are excited about it. She added the Commission is in need of extra help and she too is in favor of the proposal.

Councilor Frew moved, seconded by Councilor LaMair, to approve the proposed Council Bill 08, Series 2008, a bill for an ordinance of the City of Cherry Hills Village amending Chapter 2 of the Cherry Hills Village Municipal Code, concerning Administration and Personnel, by amending Section 2-8-20, concerning members; appointment, and Section 2-8-30, concerning terms of office; organization, of the Parks, Trails and Recreation Commission, on second and final reading.

Councilor VanderWerf recommended asking those people who have already applied if they are interested in serving since they have already been interviewed.

Councilor Stewart stated that would be a good idea.

Councilor LaMair stated that because Councilors Frew and VanderWerf already interviewed interested parties, she is comfortable with them appointing someone.

Councilor Stewart said the members that have already been interviewed don't need to be interviewed again but they cannot be appointed without opening the application process again.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

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

**Council Bill 9, Series 2008; A bill for an ordinance of the City of Cherry Hills Village amending Chapter 7 of the Cherry Hills Village Municipal Code, concerning health, sanitation and animals, by amending section 7-1-30(5) concerning lighting nuisance**

Planning Manager Rob Zuccaro presented CB 09-08. He said staff is presenting Council Bill 09, Series 2008 for consideration on second and final reading.

Mr. Zuccaro said the Council approved the bill on first reading at the June 3, 2008 Council meeting. He said the bill amends Section 7-1-30(5) of the Municipal Code concerning lighting nuisance and is intended to clarify and eliminate redundancy in the current language. He added that no changes have been made to the bill since first reading.

Councilor Roswell moved, seconded by Councilor LaMair to approve CB 09-08, a bill for an ordinance of the City of Cherry Hills Village amending Chapter 7 of the Cherry Hills Village Municipal Code, concerning health, sanitation and animals, by amending section 7-1-30(5) concerning lighting nuisance.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on CB 09-08: 6 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

#### **Council Bill 12, Series 2008; a bill for an ordinance authorizing a supplemental appropriation for the Settlement Agreement and Release with Davis Partnership Architects**

City Attorney Ken Fellman presented Council Bill 12, Series 2008, a bill for an ordinance authorizing a supplemental appropriation for the Settlement Agreement and Release with Davis Partnership Architects on first reading. Mr. Fellman stated the Council has previously approved the agreement on the Consent Agenda and this item simply allows the appropriation.

Councilor Roswell moved, seconded by Councilor Griffin, to approve CB 12-08, a bill for an ordinance of the City of Cherry Hills Village authorizing a supplemental appropriation for the Settlement Agreement and Release with Davis Partnership Architects for the fiscal year 2008 in the amount of \$170,000 on first reading.

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on CB 12-08: 6 ayes. 0 nays. The motion carried.

#### **Council Bill 13, Series 2008; a bill for an ordinance amending Chapter 18 of the Municipal Code, concerning Building Regulations, by amending Section 18-2-10(22), concerning amendments to the fire sprinkler system requirements of the 2006 International Residential Code**

Rob Zuccaro presented Council Bill 13, Series 2008, a bill for an ordinance amending Chapter 18 of the Municipal Code, concerning Building Regulations, by amending Section 18-2-10(22), concerning amendments to the fire sprinkler system requirements of the 2006 International Residential Code.

Mr. Zuccaro stated staff is presenting Council Bill 13, Series 2008 for consideration on first reading. He said the bill amends Section 18-2-10(22) of the Municipal Code pertaining to fire sprinkler requirements for residential construction. The code currently requires that all new one and two-family homes, and additions to homes greater than 50% of the original floor area, have fire sprinkler systems.

He also said that Council Bill 13 proposes an exception to the sprinklering requirements when minimum fire hydrant flow and location requirements are met. These

requirements are outlined in the Appendices B and C of the 2006 International Fire Code.

Mr. Zuccaro mentioned that when the City adopted the sprinklering requirement earlier this year it was intended that this exception would be allowed. He also said that because it wasn't clearly defined in the code, there has been some confusion in reviewing new permits. In closing, Mr. Zuccaro said that in order to clarify the intended policy, staff is proposing that the exception be codified with the building regulations in the Municipal Code.

Rob Geislinger – Fire Marshall for Parker South Metro Fire Rescue Authority

Mr. Geislinger stated the Parker South Metro Fire Rescue Authority is in support of this council bill. He said this proposal was the intent of the original adoption so areas with larger homes that had substandard infrastructure could be addressed. He added the council bill is in accordance with what they wanted to see done.

Councilor Stewart asked if this is for residential homes and how large the home needs to be.

Mr. Zuccaro stated this council bill would apply to any new home regardless of the size or any additions over fifty percent of the original size.

Councilor Griffin asked what the required flow of the fire hydrant is.

Mr. Geislinger stated a 3,600 square foot home would require about 1,000 gallon per minute. He said that a home with up to a 10,000 square fee may require 2,500 gallons per minute.

Councilor Griffin asked how much one of these sprinkler systems cost.

Mr. Geislinger said the cost is dependant upon the material used.

Councilor LaMair asked if a sprinkler would be required in an old space if there were more than a fifty percent addition. She added that would be very costly if that were the case.

Mr. Geislinger stated a sprinkler would have to be placed in the old space as well and it would have to be retro-fitted. He said that if the water supply is substandard it will bring the ISO rating up when the goal is to have the lowest number possible. He also said that if there were a large area that had a substandard water supply it could have an adverse affect on the insurance rates.

Councilor LaMair asked if this is done for all residential properties in the Parker South Metro Fire District.

Mr. Geislinger confirmed it is for Cherry Hills Village residents only.

Councilor Stewart stated the Buell Subdivision has added fire hydrants. He asked if that is part of the change in the code.

Mr. Geislinger stated that adding a fire hydrant is a change in the code and said it is a cheaper way to meet the protection requirements.

Councilor LaMair moved, seconded by Councilor VanderWerf, to approve CB 13-08, a bill for an ordinance amending Chapter 18 of the Municipal Code, concerning Building Regulations, by amending Section 18-2-10(22), concerning amendments to the fire

sprinkler system requirements of the 2006 International Residential Code on first reading.

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on CB 13-08: 6 ayes. 0 nays. The motion carried.

## **REPORTS**

### **Members of City Council**

Councilor Frew had no report.

Councilor VanderWerf stated June 21<sup>st</sup> is the Quincy Farm Conservation Easement celebration from 2-5p.m. She informed Council that she, Eric Ensey, and Ryan Berninzoni attended the Arapahoe County Open Space Awards program and the City was recognized for their two grants and were given two gifts as well.

Councilor Roswell had no report.

Councilor LaMair thanked Deputy City Attorney, David Foster for attending this evening to update Council on the Master Plan process. She added that she has listened to the residents' concerns with regard to the South Suburban issue and believes Council should sit down to discuss how to proceed with the issue. She also recommended making some advisements to the Residential Development Standards Committee to look at "green" building and receive feedback from the commission.

Mr. Zuccaro stated that under the duties section of the assignments the language could be amended to read as follows "the analysis should at a minimum consider the following; setbacks, heights, floor area, sustainable construction practices to consider energy and water efficiency and natural resource use, open space coverage on lots, accessory structures..."

Councilor LaMair stated this is the appropriate time for the commission to look at these issues.

Mr. Fellman stated the current language is broad enough to include the recommended language and the Council can just simply instruct the commission to look at "green" issues.

Councilor Griffin informed Council that he has asked Mr. Goldie and Chief Patterson to look at the dangerous intersection at Cherryridge Road and to possibly work with the HOA there to find a solution. He mentioned the intersection seems to be worse when the school zone lights are not flashing.

Councilor Stewart said the free outdoor movie night was a great success and looks forward to doing it again. He mentioned the South Suburban briefs are on the website and admitted there is a lot of confusion with regard to the issue. He said he is open to an open forum to discuss the issue with residents. He stated that citizens need to be more informed.

Councilor VanderWerf recommended a letter be mailed to each household explaining the progress and status of South Suburban as well as remind residents of the opportunity to utilize the recreation reimbursement program.

Councilor LaMair stated she has heard people saying they want Council to present them with the big picture with regard to South Suburban so they can make properly informed decisions. She said the issue needs to be stated in a clearer way to the public, something along the lines of a one page fact sheet.

Mr. Fellman recommended putting together a Frequently Asked Questions sheet as to the details of South Suburban and have it posted on the City's website.

### **Members of City Boards and Commissions**

There were no reports.

### **City Manager & Staff**

#### 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 Clerk Melissa Formby informed Council that during the free outdoor movie night she received nine voter registrations, seven of which were first time voters.

#### Promotion of Ryan Berninzoni as Parks, Trails and Recreation Administrator

Mr. Goldie stated Mr. Berninzoni has been promoted to the position of Parks, Trails and Recreation Administrator. He added that Ryan is a great addition to the team and is a wonderful asset to the City.

Councilor LaMair stated that Mr. Berninzoni has done a wonderful job and that things have gone very smoothly since he became involved in the Parks division as well as the PTRC.

#### Council Liaison to the Residential Development Standards Committee

Mr. Zuccaro stated that staff is recommending consideration be given as to who would like to sit on the RDS Committee.

Councilors VanderWerf and Roswell volunteered and Mayor Pro Tem Stewart assigned those councilors to the position of RDS Council Liaisons.

#### Application for the Residential Development Standards Committee

Mr. Zuccaro presented Council with a new application for the RDS Commission and asked if there were any objections to the application.

Councilor Roswell recommended there be language added to the application as to the applicant's professional experience with regard to the duties of the commission.

Councilor Frew asked what the process is to appoint members to the commission.

Councilor Roswell stated appointments are generally done through interviews.

Councilor LaMair stated the application is a little short and recommended the applicant submit a resume as well.

Mr. Zuccaro mentioned the closing period will be July 3<sup>rd</sup>.

Councilor LaMair stated the information should be placed in the next issue of the Villager.

Councilor Stewart recommended extending the application deadline through the fourth of July holiday and place the application in the Villager.

Mr. Zuccaro stated an article would be placed in the Villager, the application would be put on the website and sent out through an email blast. He also said the application deadline would be set for July 15<sup>th</sup>.

#### Master Plan Public Hearing Date – Planning and Zoning Commission

Mr. Zuccaro informed the Council the Master Plan Public Hearing to gather public comment on the Master Plan will be held on Tuesday, July 8<sup>th</sup> at the Kent Denver School at 6 p.m., and said that if additional time is needed there will also be room reserved on July 10<sup>th</sup>. The public notice will be in the Villager on July 19<sup>th</sup> and a draft version of the Master Plan will be available on the website, at the Village Center, email blast, etc.

Councilor LaMair asked how the public hearing will be structured.

Mr. Zuccaro stated the Consultant from Gould Evans will do a presentation and then public comment will be opened. He said there is no set way to run the hearing, but added the chairman of the Commission will run the public hearing.

#### Arapahoe County Open Space Program – City Grants Received and Shareback Funds

Mr. Goldie informed the Council that the City has received two grants from Arapahoe County; one in the amount of \$27,900.00 which will be used to restore the horse arena at John Meade Park and the arena at Woodie Hollow Park at a later date. The second grant is for the third and final phase for redoing the asphalt trails, the City received \$42,900 for that cost and the City will put in \$45,000.

He also mentioned the City will receive \$133,784 in share back taxes from Arapahoe County Open Space.

#### Update on Kent Place Development (Northwest Corner of University and Hampden)

Mr. Zuccaro stated the City of Englewood is considering an amendment to the Planned Unit Development (PUD) for the proposed redevelopment of the old Denver Seminary site located at the northwest corner of University Boulevard and Hampden Avenue. He said a public hearing has already been held to discuss the amendment, and a second hearing was held on June 16, 2008.

Mr. Zuccaro informed Council of the following proposed amendments:

- Increase in the retail/office space from 53,000 to 75,000 square feet, with office space limited to 27,000 square feet.
- Reduction of residential density from 350 units to 300 units.
- Establishment of building envelopes where development may occur rather than specific building footprints.
- Replacement of row house style residences with cluster/patio home style residences.
- Addition of single-unit residential as a permitted use.
- Addition of hotel as a permitted use, with a limitation of 150 rooms and condition that it must be a "boutique" type hotel integrated with the other commercial buildings. A stand-alone hotel is not allowed.

Mr. Zuccaro explained the traffic analysis for the project was updated to reflect the proposed amendments. However, no changes are proposed to the signalization of the Hampden/University intersection or to the access points or lane configurations already approved for the project. He also said that based on discussions with the City of Englewood staff, the Level of Service (LOS) and functioning of the University/Hampden intersection will not be significantly altered by the proposed amendments.

Councilor Stewart asked if Mr. Zuccaro attended the public hearing.

Mr. Zuccaro stated he did not attend, but was told by City of Englewood staff that they anticipated it would be approved.

Councilor VanderWerf stated this project has not moved very quickly.

Mr. Zuccaro stated they have the permits they need to begin the first phase of the work and they could break ground at anytime.

Councilor Griffin asked if they have had any funding issues due to lack of residential unit sales.

Mr. Zuccaro stated he has not heard anything about budget issues.

Councilor Griffin asked if the City has any say in the process of this development.

Councilor Stewart stated it is out of the City's jurisdiction.

Councilor LaMair stated the Council could correspond with the Denver's and Englewood's City Councils directly.

### **City Attorney**

#### South Suburban Filing of Notice of Appeal

Mr. Fellman informed the Council a motion has been filed as well as a request for a stay of execution. He told the Council they will be advised as to any progress.

Mr. Fellman also stated the Intergovernmental Agreement (IGA) with the City of Denver for the Democratic National Convention (DNC) and police presence has been agreed upon, although it appears there may be an issue with reimbursable overtime for our

officers. He mentioned the Cherry Hills Village police officers will assist with the DNC regardless of the outcome of the IGA. He said the IGA will come before Council at the July 1<sup>st</sup> meeting for approval.

Role of the Planning and Zoning Commission and City Council in Approving the Master Plan

Deputy City Attorney, David Foster stated he, staff, and the Planning and Zoning Commission have been working very hard on the Master Plan during this process. He said the Commission has put in hundreds of hours of their time and have done a great job. He provided Council with a memo in regard to a timing issue that the City's term limits have created. He added that in respect to the fact that some members will be off the Commission in September and City Council cannot do much more than approve or reject the plan, they thought it would be helpful to have a joint study session with the Commission shortly after the public hearing on July 8<sup>th</sup>. He added that he does not believe it will require two nights of public hearing and encouraged the Councilmembers to attend the public hearing.

Councilor Stewart suggested having the study session following the July 15<sup>th</sup> Council meeting.

Mr. Foster stated there is flexibility with regard to the date and added they could meet in late July as well.

Mr. Zuccaro said that staff would obtain Council's available dates for the month of July and said the date for the study session would be forwarded to Council.

Mr. Foster discussed the outline of the public hearing, stating it is an opportunity for residents to offer suggestions and ideas. He said the process will include a 3-5 minute time limit for public comment. He added it will not be much of a dialogue, but if there are clarifying questions, the consultant will be present to answer those.

Councilor LaMair asked what the process of the state legislature is behind the Commission being able to approve the Master Plan.

Mr. Foster stated that historically Planning and Zoning Commissions generally serve as an advisory board to the Councils. He added that Council's job is to take their information and legislate from that information.

Mr. Fellman said the Commission generally provides their best recommendations for land use in the community and offers those suggestions to Council. He said he does not know why they have the ability to approve the Master Plan and he added that the Council's role is to factor in all the political issues at hand and having the Commission approve the plan could mean that land use issues are considered without the influence of political issues.

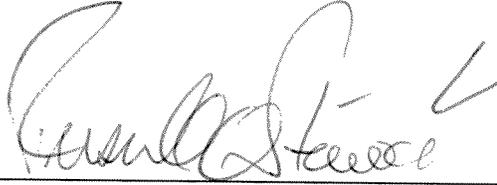
Councilor LaMair suggested that as much information as is available go out to the public prior to the public hearing and adoption of the Master Plan.

**ADJOURNMENT**

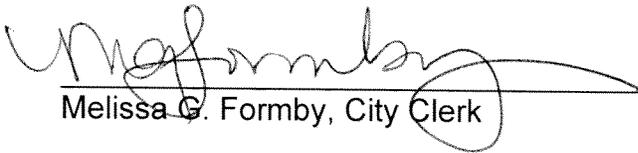
A motion was made by Councilor LaMair, seconded by Roswell to adjourn the meeting at 9:40 p.m.

The motion passed unanimously.

The meeting adjourned at 9:40 p.m.



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Russell Stewart, Mayor Pro Tem



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Melissa G. Formby, City Clerk