

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, August 5, 2008 at 6:30 p.m.
At the Village Center

Mayor Pro-Tem Russell Stewart called the meeting to order at 6:35 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 Manager Eric Ensey, City Attorney Ken Fellman, Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Jay Goldie, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Melissa Formby.

Mayor Mike Wozniak arrived at 6:54 p.m.

AUDIENCE PARTICIPATION PERIOD

No one in the audience wished to speak.

CONSENT AGENDA

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

- Minutes – July 1, 2008
- Minutes – July 15, 2008
- Expenditure of Funds – Replacement of tunnel lights for the High Line Canal underpass at Belleview Avenue
- Resolution 9, Series 2008; a resolution re-appointing Suzy Love to the Board of Adjustment and Appeals
- Resolution 13, Series 2008; a resolution concerning the City's endorsement of the Metro Mayors Caucus' "Promoting Health and Wellness: A Memorandum of Understanding Among Metro Denver's Cities and Counties"

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:

- Cherry Hills Village Investment Policy

Cherry Hills Village Investment Policy

Councilor Griffin informed Council he had spoken to Finance Director Karen Proctor earlier in the day. He mentioned he would like to table the Investment Policy until he has had more time to discuss the policy with Ms. Proctor.

Councilor Griffin moved, seconded by Councilor LaMair, to table the Cherry Hills Village Investment Policy.

The motion passed unanimously.

NEW BUSINESS

Council Bill 15, Series 2008; a bill for an ordinance adding a mandatory gasoline surcharge for violations of Cherry Hills Village traffic regulations (first reading)

Chief of Police John Patterson presented CB 15-08, a bill for an ordinance adding a mandatory gasoline surcharge for violations of Cherry Hills Village traffic regulations on first reading.

Mr. Patterson said the purpose of the fuel surcharge is to off-set the rising cost of fuel. He stated that \$74,000 was budgeted this year for the police, public works, and parks departments, and added that the City is projecting to expend in excess of \$90,000.

Mr. Patterson said the proposed ordinance would place a \$7.50 surcharge on all municipal traffic citations.

Councilor Roswell asked if the surcharge could be added to construction violations as well as traffic citations.

Mr. Patterson said there are several other businesses and jurisdictions around the nation that have assessed the fuel surcharge to traffic citations. He confirmed that the fee could be added to construction violations as well.

Mr. Patterson stated the police department issues approximately 3500 traffic citations a year which would compute to nearly \$26,250 annually. It is projected that fuel costs for 2009 will amount to \$56,000.

Mayor Pro-Tem Stewart asked if \$7.50 is enough to cover fuel costs. He also asked if \$10.00 would be a reasonable amount.

Mr. Patterson stated the surcharge fee could be \$10.00 and added that staff could draft that language if Council desired.

Councilor Griffin clarified that this ordinance could be amended if fuel charges go up in the future.

City Attorney Ken Fellman asked for direction from Council.

Mayor Pro-Tem Stewart asked staff to look into different options for the surcharge fee and bring those options back to Council at the second reading of this ordinance.

Councilor VanderWerf moved, seconded by Councilor Frew, to approve CB 15-08, a bill for an ordinance adding a mandatory gasoline surcharge for violations of Cherry Hills

Village traffic regulations on first reading with some further options brought back on second and final reading.

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 15-08: 6 ayes. 0 nays. The motion carried.

Council Bill 16, Series 2008; a bill for an ordinance authorizing a supplemental appropriation for the 2007 payment to South Suburban Park and Recreation District in fiscal year 2008 (first reading)

Finance Director Karen Proctor presented Council Bill 16-08, a bill for an ordinance authorizing a supplemental appropriation for the 2007 payment to South Suburban Park and Recreation District in fiscal year 2008 on first reading.

Ms. Proctor explained that CB 16-08 authorizes a supplemental appropriation in the amount of \$104,813 from the Parks and Recreation fund for the additional interest due to the South Suburban Park and Recreation District for the 2007 asset payment. The total payment made on August 1, 2008 was in the amount of \$994,135 as stipulated in the court order.

She added that this amount was \$522,683 for the 2007 principal, \$440,457 for the 2007 interest and \$30,995 in additional interest. As shown in Exhibit B, the additional interest owed from December 1, 2007 to August 1, 2008 was \$30,995. She added that \$366,639 was budgeted in 2008 for the 2008 interest payment, though the amount of interest due in 2007 was \$440,457.

In closing, Ms. Proctor said the difference between the 2007 interest due and the amount of interest budgeted in 2008 is \$73,818. The additional interest due of \$30,995 plus the \$73,818 is \$104,813, the amount of the supplemental appropriation.

There was no discussion on the part of Council.

Councilor LaMair moved, seconded by Councilor Griffin, to approve CB 16-08, a bill for an ordinance authorizing a supplemental appropriation for the 2007 payment to South Suburban Park and Recreation District in fiscal year 2008 on first reading.

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 16-08: 6 ayes. 0 nays. The motion carried.

REPORTS

Members of City Council

Councilor Griffin had no report.

Councilor LaMair thanked Council and staff for reading her recommended amendment to the Master Plan. She also said she was happy to see that CB 10-08 passed. She requested Council put together a summary sheet from the report Mr. Buck Hendrickson submitted to Council, with regards to South Suburban. She added how excited she was to see so many applications for the Residential Development Standards (RDS) Committee. Councilor LaMair requested she be able to sit on the RDS Committee alongside Councilors Roswell and VanderWerf.

Mayor Pro-Tem Stewart had no report.

Councilor Roswell expressed his concern with the Cherry Creek School District because of the lack of communication with regard to the modular built at Cherry Hills Village Elementary.

Councilor Roswell added that South Metro Fire is starting to hold their Board Meetings and said he would be attending those meetings with a resident of Cherry Hills Village. He added that he would like Council to start thinking what they would like to do with regard to the Village Center and the possibility of a new building.

Councilor VanderWerf had no report.

Councilor Frew had no report.

Mayor's Report

Mayor Wozniak stated he met with City Attorney Ken Fellman to discuss the Council arrangements between Foster & Graham and Kissinger & Fellman. He said that the City is pleased overall and feels the fees and terms are within budget at this point.

He also said he and Mr. Fellman will attend the Metro Mayors Caucus press conference to discuss the Health and Wellness resolution.

He said he met with two representatives from Cherry Hills Country Club and said they were apologetic for building a bridge without obtaining a permit. He stated they would get a permit in the future.

Mayor Wozniak said he would like a resolution brought forward at the next meeting appointing new members to the Planning and Zoning Commission.

He reminded Council that, when it comes to the public hearing vote for the Master Plan, it is not a vote to change or amend any items, just a yes or no vote to ratify. He said that if Council wants to discuss it further after the public hearing they could set a second meeting.

Mr. Fellman said that if Council is not prepared to ratify the Master Plan on September 2nd, they would make a record of any items Council feels need to be changed. They would then reject the Master Plan and send it back to the Planning and Zoning Commission, as they would be responsible for making any changes. Once the changes had been made they would go back before Council.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Financial Reports

The Financial Reports for June 2008 were included in Council packets. There were no questions from members of the City Council.

Departmental Monthly Reports

Departmental Monthly Reports for June 2008 were included in Council packets. There were no questions from members of the City Council.

Code Enforcement Activities Report

Mr. Patterson informed Council that Mayor Wozniak asked him to prepare an informational packet with regard to Code Enforcement activities.

Mr. Patterson explained that over the course of the past few years, the police department has witnessed an increase in the number of resident complaints with construction site activities. These complaints have resulted in City Council responding to resident concerns by clarifying existing ordinances and enacting new ones, as well as adding a Planning Manager and a Code Enforcement Officer.

He added that the goal of the City's code enforcement program is to gain "voluntary" compliance of existing Village ordinances by contractors and residents. The City has put particular emphasis on education and consistency in our enforcement efforts. A "pro-active" approach to enforcement and education as opposed to a reactive stance is used.

He mentioned that in September 2007, the code enforcement officer was moved to the police department and the City's patrol officers have received training in construction times and site violations. He informed Council that the City's code enforcement officer, Chuck Friend, is a retired Denver Police officer.

Mr. Patterson said that earlier this year Planning Manager Rob Zuccaro and Mr. Friend hosted an educational meeting for contractors at City Hall. The feedback from that meeting was positive, so therefore this type of an event has been incorporated into the City's educational and enforcement efforts. He added that the Community Development Department provides informational brochures to contractors when they apply for building permits; and the City has formalized an issuance of warnings and track violations by individual contractors and sites. He shared with Council that Mr. Friend visits each new construction site in order to introduce himself to the contractors and explain what activities are permissible and what is not acceptable.

Mr. Patterson explained that currently there are 50+ "permitted" construction sites in the Village. There is easily that number of other construction sites within the Village that do not require a permit, including landscape projects and small short term construction sites. He added that Mr. Friend visits each of the construction sites on at least a weekly basis to ensure compliance with building codes. Additionally, Mr. Patterson said that Mr. Friend responds to citizen complaints.

Mr. Patterson shared that enforcement and educational efforts have improved significantly during the past twelve months. The improvement is attributable to: definitive policy direction from City Council; a more consistent approach toward enforcement; a better working relationship between the Police Department and Community Development; clearer and more enforceable ordinances and finally, education efforts directed toward contractors and residents.

Mayor Wozniak asked what the process of a stop-work order is.

Mr. Ensey stated the process would depend on the type of violation. He said that the violation may require the contractor to come in and present a proposal as to how they won't have the same issue come up in the future. He also said the contractors are getting used to these rules. He informed Council that the City will stop work on a project if they are not in compliance, and not allow further work until compliance has been met and inspected. He added that Mr. Friend, Mr. Zuccaro, an officer, or himself, will issue the stop-work orders. He mentioned that a stop work order can lead to a citation if it is a multiple offense.

Mayor Wozniak asked Chief Patterson to update this report on a quarterly basis. He also asked that an enforcement article be included in the next issue of the Village Crier.

Councilor LaMair asked how the City follows up with a complainant.

Mr. Patterson said that Mr. Friend will make contact with the complainant as long as it was not an anonymous complaint.

Councilor Griffin asked if construction requirements and regulations are formally given to new contractors.

Mr. Ensey stated that the Community Development Department informally discusses all of the requirements and regulations with new contractors.

Applications received for the Residential Development Standards Committee

Mr. Ensey stated the Residential Development Standards (RDS) applications were included in Council packets.

Mr. Ensey also informed Council that a modular unit has been delivered to the Cherry Hills Village Elementary school and informed Council that state statutes limits local municipalities review and permitting of structure on school district property. He said that one of the City's options was to bring the issue before the Planning and Zoning Commission for an informal review. However, the school district chose not to appear. He also informed Council that one of the concerns on staff's part was that the modular was placed in the 100 year flood plain.

Councilor Roswell stated he was surprised at the lack of communication from the school district.

Councilor LaMair stated that this was a district decision as opposed to the staff at the elementary school.

City Attorney

Mr. Fellman told the Council that if they have any concerns with how legal services are being delivered to please discuss it with him. He said he feels his firm has a very good working relationship with staff and Council.

He mentioned that Mayor Wozniak and Councilor Roswell have discussed the ongoing issue of the fees that are owed by Ken and Mary Scott for their development. He said they worked out a proposal that involves about a 35% reduction and said the Scotts have agreed to that proposal.

Mr. Roswell explained that this proposal is a reasonable compromise for what has been a difficult issue.

Councilor Stewart asked if these fees cover the City's legal costs.

Mayor Wozniak asked the Council if they were comfortable with the proposal made to the Scotts.

The Council had no objections.

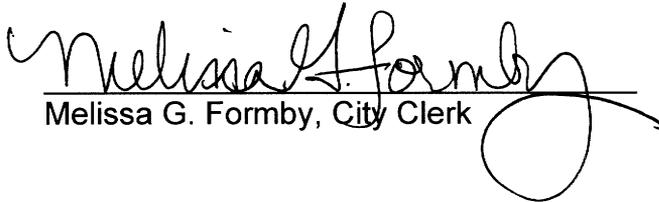
Mayor Wozniak reminded Council to meet with their staff liaisons to begin work on their departmental budgets.

ADJOURNMENT

The Mayor adjourned the meeting at 7:26 p.m.



Russell Stewart, Mayor Pro Tem



Melissa G. Formby, City Clerk