

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, August 19, 2008 at 6:30 p.m.  
At the Village Center

Mayor Pro-Tem Stewart called the meeting to order at 6:02 p.m.

**ROLL CALL**

Councilors Harriet LaMair, Klasina VanderWerf, 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, Planning Manager Rob Zuccaro, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Melissa Formby.

Absent: Mike Wozniak  
Mark Griffin  
Marcia Frew

**AUDIENCE PARTICIPATION PERIOD**

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

**CONSENT AGENDA**

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

- Minutes – August 5, 2008
- Expenditure of Funds – High Line Canal tree pruning

The following votes were recorded:

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

Vote on the Consent Agenda: 4 ayes. 0 nays. The motion carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

The following items were removed from the Consent Agenda:

Resolution 14, Series 2008; a resolution appointing certain members to the Planning and Zoning Commission.

Councilor LaMair pulled Resolution 14, Series 2008 in order to insert the names of the applicants to be appointed as members of the Planning and Zoning Commission.

She informed Council the interview committee chose to appoint Ms. Laura Christman, Jacque McIntyre, and Ms. Stephanie Blucher. Councilor LaMair commended all the applicants that applied for the vacancies and added that all the applicants were very highly qualified.

Councilor LaMair moved, seconded by Councilor Roswell, to approve Resolution 14, Series 2008 appointing Laura Christman, Jacque McIntyre, and Stephanie Blucher for terms expiring in 2011 as members of the Cherry Hills Village Planning and Zoning Commission.

The motion passed unanimously.

Resolution 15, Series 2008; a resolution appointing a member to the Parks, Trails and Recreation Commission.

Councilor VanderWerf pulled Resolution 15, Series 2008 in order to insert the name of the applicant to be appointed as a member of the Parks, Trails and Recreation Commission.

Councilor VanderWerf informed Council the interview committee chose to appoint Ms. Nancy McGrath. Councilor VanderWerf thanked all those who applied to be on the PTRC.

Councilor VanderWerf moved, seconded by Councilor LaMair, to approve Resolution 15, Series 2008 appointing Nancy McGrath as a member of the Cherry Hills Village Parks, Trails and Recreation Commission on an at-large basis.

The motion passed unanimously.

### **UNFINISHED BUSINESS**

Council Bill 15, Series 2008; a bill for an ordinance adding a mandatory gasoline surcharge for violations of Cherry Hills Village Municipal Code regulations on final 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 Municipal Code regulations on final reading.

Mr. Patterson informed Council that the proposed bill is being brought forward on second and final reading. He said the bill has been changed, per Council's request, to reflect a \$10.00 surcharge on all Municipal Code violations. He added that this surcharge will bring in approximately an additional \$36,000 to \$37,000 per year to cover the increase in fuel costs.

Councilor Roswell expressed his appreciation to Mr. Patterson and City Attorney Ken Fellman for making changes to the type of violations the surcharge could be added to.

Councilor Roswell moved, seconded by Councilor LaMair, to approve CB 15-08, a bill for an ordinance adding a mandatory gasoline surcharge for violations of Cherry Hills Village Municipal Code regulations on second and final reading.

The following votes were recorded:

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

Vote on CB 15-08: 4 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 on final reading.

Finance Director Karen Proctor presented 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 final reading.

Ms. Proctor informed Council there have been no changes to the proposed bill since first reading of this Council Bill.

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

The following votes were recorded:

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

Vote on CB 16-08: 4 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

Council Bill 17, Series 2008, a bill for an ordinance for the vacation of a trail easement on first reading.

Parks, Trails and Recreation Administrator, Ryan Berninzoni, presented CB 17-08, a bill for an ordinance for the vacation of a trail easement on first reading.

Mr. Berninzoni informed the Council that residents, John and Anna Sie, are requesting that the City allow them to vacate a two foot portion of the bridle path that runs to the south of their property at 21 Sandy Lake Road. He mentioned this request also includes the dedication of an additional two feet of bridle path on the most westerly portion of their property on this same bridle path, trail #3930. He added the vacation/dedication will give the trail a consistent eighteen-foot width across the entire length of the Sie's property.

Mr. Berninzoni gave a history of the application process which began in 2005.

Mr. Berninzoni explained staff believes there is merit in granting the Sies this request. By making the trail a consistent width, it makes maintenance easier and allows for proper installation of the fence the Sies propose to install adjacent to the new trail alignment. A number of drainage easements; as well as slope issues currently prevent this installation.

Mr. Berninzoni stated the City Attorney has reviewed the proposal. Additionally, staff would recommend the Sies be required to reconstruct and vegetate the trail after the installation of their new fence, as outlined in the Agreement and Easement for a Non-Motorized Public Trail.

In conclusion, Mr. Berninzoni told the Council that staff will prepare a formal resolution accepting the new agreement and trail easement and will bring it forward to the next regularly scheduled Council meeting.

Councilor LaMair asked if the Parks, Trails, and Recreation Commission (PTRC) had a chance to review the request.

City Attorney Ken Fellman stated the PTRC and the Planning and Zoning Commission reviewed and approved the request.

Councilor VanderWerf asked what fund the money owed from the Sies would go into.

Mr. Fellman stated it would go into the Land Donation Fund.

Councilor VanderWerf asked when the request was originally submitted and why there was such a long delay.

Mr. Fellman stated he could only speak to the delay over the last few months and said it was to obtain a corrected appraisal.

Councilor Roswell inquired as to the Sie's request to build a new fence.

Mr. Ensey said that if a new fence was built, all required maintenance would be the responsibility of the Sies.

Jim Soran – Attorney with Montgomery Little Soran and Murray, P.C.

Mr. Soran stated the Sie property has gone through an extensive amount of work over the years. He said they went through one consolidation and then a replat where they changed the boundary lines of the property. He also mentioned that some of the delays were due to getting the consolidation and replat processed and ultimately this is what held up the final request that is now being brought forward.

Mr. Soran informed the Council the agreement provides that if there are any disruptions to the trail due to placement of a new fence, the Sies will then be responsible for grading that trail. He added they will continue with the same fence design that is currently on the trail.

Mayor Pro Tem Stewart asked what the time line is to complete the project.

Mr. Soran said they would like to get it done as soon as possible.

Mayor Pro Tem Stewart added that he lives across the street from this area and feels it is a good idea.

Councilor LaMair moved, seconded by Councilor VanderWerf, to approve CB 17-08, a bill for the vacation of a trail easement #3930 at 21 Sandy Lake Road on first reading.

The following votes were recorded:

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

Vote on CB 17-08: 4 ayes. 0 nays. The motion carried.

Councilor LaMair moved, seconded by Councilor Roswell, to approve CB 17-08, an agreement and easement for a non-motorized public trail dedicating a two-foot portion of trail #3930 at 21 Sandy Lake Road on first reading.

The following votes were recorded:

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

Vote on CB 17-08: 4 ayes. 0 nays. The motion carried.

## **REPORTS**

### **Members of City Council**

Councilor VanderWerf had no report.

Councilor Roswell had no report.

Councilor LaMair stated the water district in her neighborhood was planning on coming to this meeting to seek approval for their agreement with Denver Water and the City. She said the water district has been advised to hire an attorney to work with on this issue. She said it would be coming before Council for their approval in the next few weeks.

Mayor Pro-Tem Stewart had no report.

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

There were no reports.

### **City Manager & Staff**

There were no reports.

### **Financial Reports**

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

### **Departmental Monthly Reports**

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

### **Goff Trail Easement Discussion**

Mr. Ensey stated Council approved the Crescent Gardens subdivision about one year ago in which the City received a sixteen-foot wide trail easement that doesn't currently go anywhere. He said the PTRC is looking for Council's approval to begin discussion with Mr. Goff as to whether he would be interested in giving up some sort of trail easement on his property. He said that at one point Mr. Goff had some concerns and the PTRC would like to address the situation with him again.

Councilor LaMair said it is important to pursue this discussion. She asked if there is anything the City could offer as an incentive, other than maintaining the fence.

Mr. Ensey said he would look into the possibility of incentives. He said there were some neighbors to the west of the Crescent Gardens property who were concerned with the easement. He also mentioned that at the time, Mr. Goff might have been receiving some pressure from his neighbors which resulted in his backing down from the easement.

Councilor Roswell asked if the City has approached the neighbors to the south and west of the Crescent Gardens property to see if they are interested in an easement.

Mr. Ensey said that the property owner to the west expressed concerns about the trail proposed with the Crescent Gardens subdivision.

Councilor LaMair asked Councilor VanderWerf how far the trail would go if the City could obtain this piece of land.

Councilor VanderWerf stated it would extend to Humboldt, and then become an on-street trail.

Councilor LaMair asked if the City has other linkages up to Clarkson Street.

Councilor VanderWerf said they are missing some linkages on the other side of Quincy.

Councilor LaMair stated that getting the trail over to Humboldt would allow school children to use the trail. She also said that point should be made to Mr. Goff as it would be a gift to the community.

Mr. Ensey stated it would provide an useful loop for residents in that area.

Councilor LaMair recommended staff highlight all the benefits to the easement when drafting a letter to Mr. Goff.

Mayor Pro Tem Stewart told Mr. Ensey the Council feels comfortable with staff drafting a letter and having a discussion with Mr. Goff. He asked that Mr. Ensey have Councilor LaMair and/or Councilor VanderWerf review the letter prior to sending it.

Councilor LaMair asked about the pruning of the High Line Canal and the large amount of it being done.

Mr. Berninzoni explained Denver Water has been removing or topping rotten or dead trees along the High Line Canal.

Mr. Ensey said staff is trying to improve the City's working relationship with a new staff member at Denver Water to ensure proper treatment of the canal.

### **City Attorney**

Mr. Fellman had no report.

**ADJOURNMENT**

A motion was made by Councilor VanderWerf, seconded by Councilor Roswell to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 7:08 p.m.



Russell Stewart, Mayor Pro Tem



Melissa G. Formby, City Clerk