

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 2, 2008 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:37 p.m.

ROLL CALL

Councilors Harriet LaMair, Klasina VanderWerf, Mark Griffin, Mike Wozniak, 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, Planning Manager Rob Zuccaro, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Melissa Formby.

Absent: Marcia Frew

AUDIENCE PARTICIPATION PERIOD

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

CONSENT AGENDA

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

- Asphalt Trail Overlay, Phase III: Intergovernmental Agreement between the City of Cherry Hills Village and Arapahoe County and Expenditure of Funds
- Meade Park Horse Arena Restoration: Intergovernmental Agreement between the City of Cherry Hills Village and Arapahoe County and Expenditure of Funds

The following votes were recorded:

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

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:

Approval of August 19, 2008 Minutes

Councilor VanderWerf stated Councilor Marcia Frew's name was listed as present and absent. She stated that Ms. Frew's name be removed from the roll call listing.

Councilor VanderWerf moved, seconded by Councilor Roswell, to approve the August 19, 2008 minutes as amended.

The motion passed unanimously.

NEW BUSINESS

City Manager Eric Ensey presented Item 7a, the Cherry Hills Village Master Plan for final certification.

Mr. Ensey told Council that staff was presenting, on behalf of the Planning and Zoning Commission (P&Z), the 2008 Cherry Hills Village Master Plan for final certification.

Mr. Ensey informed Council that on July 8, 2008, the P&Z Commission held a public hearing prior to adopting the Master Plan. He said the Commission ultimately adopted the Plan at their August 26, 2008 meeting. He also said the Master Plan was developed through the P&Z Commission with the assistance of a Citizen's Advisory Committee appointed by the Council as well as Gould Evans Associates and City staff.

Mr. Ensey introduced Mr. David Knopick, the City's consultant from Gould Evans Associates, to provide a brief summary of the Master Plan.

David Knopick –Gould Evans Associates

Mr. Knopick said the Master Plan is an important step for the City of Cherry Hills Village and recognized that this was an effort not only by the consultant, but the Planning and Zoning Commission, Advisory Committee and staff as well.

He said the first public meeting to discuss the master plan process was held on July 29, 2007 and was attended by approximately 175 people. Mr. Knopick added that during the remainder of the public meetings, there was a lot of great input from the community.

Mr. Knopick stated a random survey was sent out and 368 residents in the community responded. The survey results greatly influenced the P&Z Commission when it came to discussions and decisions. He stressed that the Plan did not come from a consultant, rather the P&Z Commission and the community.

Mr. Knopick said there are three major appendixes included in the Master Plan that document the process of the Plan, an existing conditions report, and lastly the totality of the survey results.

He mentioned that the majority of the Plan is based on the vision statement, values, and goals. The vision statement is defined by semi-rural character and strategically addresses issues in a fiscally sound manner.

Mr. Knopick said there are seven goal areas: Land Use/Development, Village Character, Open Space/Parks/Trails/Recreation, Village Center, Transportation, Utilities/Infrastructure and Community Services. He said the seven goal areas include twenty goals within the vision statement and 89 strategies listed within the Plan. He also said the Master Plan does not always make the Council or staff's job easier, but helps clarify direction that can be taken.

City Attorney Ken Fellman informed Council that State Law says the P&Z Commission is empowered with adopting the Master Plan and the Council's role is to accept, agree, or certify the Master Plan. The Council cannot move to amend the Master Plan, but must either reject or accept it. He said that if the Master Plan were rejected, it would be taken back to the P&Z Commission for revisions.

Mayor Wozniak opened the public hearing.

Jim Muhm – 4951 S. Holly St.

Mr. Muhm commended the City Council and said the Master Plan is a credit to them as they have taken on the burden of revising it.

He said his interest in the Master Plan has to do with trails and asked that strategy number two under the Trails heading include the bolded verbiage and read as follows: "Identify and investigate opportunities to fill in gaps in the trail system and to increase connectivity with open space and with Village parks, especially **"along Little Dry Creek north of Woodie Hollow Park"**, the City Center and John Meade Park."

Laura Christman – 18 Cherry Hills Drive

Ms. Christman recommended a change to the last "WHEREAS" clause on Resolution 16, Series 2008. She asked Council to remove the words "as necessary" in strategy number one under Property Development. She said it is important to remove those words as you would not want to preclude any strategy or policy that might bring the goal of the Master Plan forward. She also said, on page 6 under Property Development strategies, strategy number one includes a mandate that she does not believe was Council's desire. She recommended taking out the mandate, removing "without adversely impacting private property rights" and changing the verbiage to "while balancing the impact of private property".

Stephanie Blucher – 82 Glenmoor Place

Ms. Blucher informed Council she was speaking on behalf of the Cherry Hills Land Preserve and said the group is in support of the Master Plan. She said that although not all of their suggestions were included in the Master Plan, the majority of them were included and she and the group were very pleased.

She also said she agreed with Ms. Christman with regard to the mandate and recommended the language be changed to use words such as "suggestions" and "recommendations".

Ms. Blucher mentioned "environmental impact" was discussed during the working sessions, but was not included in the Master Plan document. She suggested putting the following language under Land Use goals and strategies, on page four, strategy number two; "encourage designation of wetland areas and for current utilization of an environmental assessment of any proposed development in a floodplain or a designated wetlands area."

Councilor LaMair asked Ms. Blucher how the strategies listed on page eight under "Identify and preserve land and water areas that are important to natural vegetation and to wildlife habitat" interface with the environmental impact statement she suggested.

Ms. Blucher said the same language would be inserted in this section as well.

Mr. Fellman asked if Ms. Blucher's comment was regarding development or preservation of the wetlands.

Ms. Blucher said the concern is with proposed development.

Kerry Sullivan - Planning and Zoning Commission Chair

Mr. Sullivan said the first thing the P&Z Commission wanted to impress upon the Council and the City was that they spent hours discussing the best way to phrase the document to make sure it was not offensive to anyone. He added they were advised by the City Attorney about the necessary requirements that a Master Plan must have, and they met all of those requirements.

He addressed Mr. Muhm's concern regarding Woodie Hollow Park. He said there were times that Woodie Hollow Park wording was included and some when it was not. Ultimately, they chose not to put too much emphasis on it, as they did not want to show favoritism to one part of the City as opposed to another. Mr. Sullivan also said the P&Z

Commission would be more than happy to revise the language if necessary, but mentioned the Commission used language they felt was proper.

Mr. Sullivan also addressed the mandates referred to by Ms. Christman and Ms. Blucher. He said the language is in the eye of the beholder. He reminded Council the language is not a mandate or a requirement, rather a guide. He told Council that he does not see the verbiage as inappropriate, but a way of addressing the ultimate goal.

Mr. Fellman said the verbiage in Resolution 16, Series 2008 could be read either way and either removed or kept the same. From a legal standpoint the language would not impact the validity or enforceability of the document.

Mr. Fellman pointed out that the Master Plan is not a binding document; it is a guide as to what Council can and should do with the City's binding regulations contained within the Municipal Code. He also reminded the Council that they have to vote yes or no, but they could also approve the Plan and ask the P&Z Commission to look at some of the concerns discussed and come up with minor amendments over the next ninety days or so.

Jeff Welborn – 4901 S. Fairfax

Mr. Welborn thanked Mr. Kerry Sullivan for helping to get things under way and thanked the P&Z Commission for all of their hard work. He also thanked the City Attorney and his office for their assistance throughout the Master Plan process. He said he felt there could be changes to the language that would fit better in the document, but encouraged the Council to approve the Plan as is.

Kevin Iverson – 1170 E. Tufts Ave.

Mr. Iverson stated that as a member of the P&Z Commission, they chose the word "adversely" because they felt it was open enough to interpretation that the code could be written to fit the definition.

Mayor Wozniak closed the public hearing.

Mayor Wozniak thanked the Village staff, P&Z Commission, Mr. Kerry Sullivan, and the Parks, Trails and Recreation Commission for all of their hard work. He said the Master Plan is a very workable and user friendly document and felt the document would help in making decisions. He added that many of the items in the document are things that people already know and feel about the Village, and although many people utilize these things it is nice to see it in print. He also mentioned how wonderful it is to see that all the citizens have come up with something that is workable. He thanked the Master Plan Advisory Committee and said without their efforts the Plan would not be what it is today. He also thanked Mr. Dave Knopick and Gould Evans for their participation and hard work.

Councilor VanderWerf suggested adding "as identified by state statute" to the last "WHEREAS" clause. She also recommended the Plan be approved, but have minor changes reviewed by the P&Z Commission. She asked if the Residential Development Standards Committee would take some of their direction from the Master Plan, and if so, asked if the language should be softer. She recommended Council look at the number of exceptions made to floodplain development.

Mayor Wozniak said that he feels the Council has been very careful with development in the floodplain. He also said he would like to leave the language in the Master Plan a little bit broader.

Councilor Roswell said he agreed that the Master Plan is a contextual document and although it might potentially continue to evolve, it shouldn't prohibit the Council from doing certain things. He likes the document and will support it.

Mayor Pro Tem Stewart mentioned that people should not be too concerned with the language, as it really is a guide as opposed to the law. He added the purpose of this document is to outline the idea of what the Village is. He clarified the Master Plan is not a permanent document, it can be reviewed again in five years or amended at any time if needed. He said he is very pleased with the document and is in support of the Master Plan.

Councilor LaMair expressed her satisfaction with the end result of the Master Plan and thanked the committees who had a hand in bringing it all together. She said she was very pleased to see the amount of detail in the document, as it will benefit other City committees as well as the community. She added the Plan shows that this is a community whose emphasis is on the beauty of the physical surroundings.

Councilor Griffin said there was a tremendous amount of effort put into the Plan. He mentioned that although the document may not be perfect and alterations may need to be made, he is in support of it at this time.

Resolution 16, Series 2008; a resolution concerning the adoption of the Cherry Hills Village Master Plan

Councilor LaMair moved, seconded by Mayor Pro Tem Stewart, to approve Resolution 16, Series 2008, a resolution certifying the Cherry Hills Village Master Plan as adopted by the City's Planning and Zoning Commission with an amendment to the last "WHEREAS" clause to read as follows: Whereas, the City Council finds that the Cherry Hills Village Master Plan is a sound and appropriate guide for the City's growth and development, including all necessary goals, strategies and policies for land use, transportation, education, environment, open space and recreation, utilities and finance as identified by State Statute.

The following votes were recorded:

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

Vote on Resolution 16, Series 2008: 5 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Wozniak said he received a letter from four citizens with regard to the current status of negotiations with South Suburban Parks and Recreation. He also said he met with one of the authors of the letter to discuss his concerns. He told Council he would discuss the status of negotiations at the next meeting during executive session.

He stated there was a fee dispute on some applications from a year or two ago on the Scott property which have now been resolved.

Mayor Wozniak gave Director of Public Works Jay Goldie a letter he received from resident Judy Trumboldt that outlined concerns with some fencing that was supposed to

have been taken care of years ago. He asked Mr. Goldie to look into these items and report back to Council.

He said he attended a national meeting of Mayors, at the request of Mayor Hickenlooper. Mayor Hickenlooper recognized the City's collaboration.

He mentioned to Council that he would like them to meet with the Citizens City Center Committee (CCCC) to re-acquaint themselves with the CCCC report. He asked that a one hour study session be scheduled next month.

He said that Judge Turre shared his concerns with him as to his needs for a more sufficient court room.

He stated he would be taking part in a fitness walk with Mayor Nancy Sharpe this weekend.

He informed the Council and staff that Councilor Frew would most likely be submitting her resignation as she will be leaving the City of Cherry Hills Village to take care of an ill relative.

Mayor Wozniak said he has taken part in the RDS interviews and will bring forward recommendations at the next meeting.

Members of City Council

Councilor VanderWerf asked about the progress of the crosswalk that was budgeted at Saint Mary's.

Parks, Trails, and Recreation Administrator Ryan Berninzoni said they are waiting to see whether the Colorado Department of Transportation (CDOT) will allow a crosswalk at that location. They are also researching the City's eligibility for "Safe Routes to School" grant program provided by CDOT. He said they would keep Council apprised of the information they receive.

Councilor Roswell informed Council that he has spoken to Councilors Griffin and Frew about a conversation he had with Greenwood Village Councilor Presley. He said they have been discussing the possibility of the City and the residents of Glenmoor sharing the cost of traffic signals at the entrance to Glenmoor and Belleview, and Franklin Street and Belleview. He also said he and Councilor Presley share some of the same concerns with regard to the new Parker/South Metro Fire District as it relates to potential future consolidations and said he would continue working with the City of Greenwood Village as they study these issues.

Mayor Pro Tem Stewart said he would be willing to draft the amendment to give Council the authority to make minor plat amendments. He also said he has received both negative and positive comments with regard to the South Suburban Frequently Asked Questions (FAQ's).

Mayor Wozniak said he received two positive comments and one negative regarding the South Suburban FAQ's.

Mr. Ensey informed Mayor Pro Tem Stewart that Deputy City Attorney David Foster is drafting language regarding an amended plat process and would forward it to Mayor Pro Tem Stewart.

Councilor LaMair said she has received many negative comments with regard to the South Suburban issue as a whole. Additionally, she mentioned that discussions were held at the most recent Denver Regional Council of Governments (DRCOG) meeting regarding Referendum O and Initiative 26. She mentioned that DRCOG is holding a Water Supply and Water Quality course and a course on aging.

Councilor Griffin informed Council that he and Finance Director Karen Proctor have been working on the investment policy and said it would be brought forward soon.

Members of City Boards and Commissions

There was no report.

City Manager & Staff

Mr. Ensey asked if anyone on the Council would be interested in hosting the annual Volunteer Recognition party as this would assist with cost. He said he would send a follow up email to the Council with more information.

Mayor Wozniak said he felt it would be a nice gesture since we would be losing P&Z Commissioners this year.

City Attorney

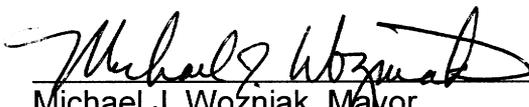
Mr. Fellman said he would not be present at the September 16th meeting and added that Ms. Nancy Cornish will be taking his place. He also said that Ms. Cornish has recently married and is now Ms. Nancy Rogers.

ADJOURNMENT

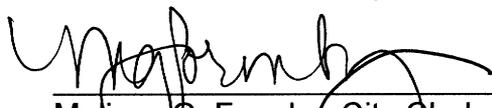
A motion was made by Councilor Stewart, seconded by Councilor VanderWerf to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 8:05 p.m.



Michael J. Wozniak, Mayor



Melissa G. Formby, City Clerk