

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, December 9, 2008 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:34 p.m.

ROLL CALL

Councilors Alex Brown, 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, and Parks, Trails & Recreation Administrator Ryan Berninzoni.

Absent: None

AUDIENCE PARTICIPATION PERIOD

Mayor Wozniak reminded everyone the Southmoor Vista Non-Conforming Lots issue that is on the agenda is for discussion only, no action would be taken.

Chris Evan – 5700 S. Happy Canyon Dr.

Mr. Evan said that everyone in the Southmoor Vista subdivision should have to abide by the same standards and added that he and his family would not have purchased their home had they known it was possible to build such a large home right next door.

Jeff Loehr – 4020 S. Ivanhoe Lane

Mr. Loehr spoke in favor of amending the current code to allow development on the undersized lots without the current limitation on square footage.

Karen Robinson – 5850 S. Happy Canyon Dr.

Ms. Robinson spoke in favor of amending the current code to allow development on the undersized lots without the current limitation on square footage.

Becky Gutrich – 5952 E. Princeton Ave.

Ms. Gutrich spoke in favor of amending the current code to allow development on the undersized lots without the current limitation on square footage.

Dan Gutrich – 5952 E. Princeton Ave.

Mr. Gutrich also spoke in favor of amending the current code and said it would be outdated to restrict homes to 3,000 square feet.

Mark Vranish – 5901 S. Happy Canyon Dr.

Mr. Vranish spoke in favor of amending the current code to allow development on the undersized lots without the current limitation on square footage.

Bay Aspinall – 4401 S. Vine Way

Ms. Aspinall said the new footing at Meade Arena is dangerous and unfinished. She asked who decided to contract with Surefoot to do the renovations. She added the footing needs to have a bonding agent to make it safer and added a warning sign needs to be placed at the arena.

PRESENTATION

Parks, Trails, and Recreation Administrator Ryan Berninzoni informed the Council that in November of 2008 the Parks, Trails, and Recreation Commission (PTRC) voted unanimously to move forward with changing the current land donation fee from 7.5% to 10%. The PTRC asked staff to conduct research in regards to the lot subdivision increase. Deputy City Attorney David Foster was involved with the PTRC to address any legal issues and concerns associated with this topic. The PTRC came to a consensus on several reasons to support the decisions to move forward with the proposed changes to include the following:

- Increasing the lot subdivision requirement from 7.5% to 10% would preserve more open space.
- If a petitioner wished to make their donation partly in cash, increasing the donation from 7.5% to 10% will provide more cash in the Open Space Fund for land purchases.
- Securing more open spaces reduces density as development continues.
- Additional donated land provides more opportunity to expand the City's trails system.

Mr. Berninzoni stated staff researched the requirements of other communities with regard to land donations. He said that based on the research and the current land donation requirements of various communities, the PTRC and staff recommend increasing the lot subdivision donation fee from 7.5% - 10%.

Mr. Berninzoni introduced PTRC members, Theresa Gilpatrick, Chair, Jane Soderberg, Co-Chair, and Heidi Schmidt-Hammell, member. A presentation was given discussing the proposal to increase the current land donation fee.

Mayor Wozniak asked how municipalities negotiate their donation fees when there is not a set percentage. He said the ramifications need to be considered when discussing any increase.

Mr. Berninzoni said there are a number of reasons why some municipalities do not have any set percentages concerning land donations. He stated that some negotiate a development fee because they would rather have money in a separate account to purchase land that they want rather than acquire land they don't want.

Councilor VanderWerf said that one difference might be because the City is land-locked.

Mayor Wozniak said the issue should be placed on a future agenda so the Council may have more time to think about it.

Ms. Soderberg said that 61% of people who completed the Master Plan survey supported an increase to donations for open space.

Mayor Wozniak asked if the PTRC feels the same way about smaller subdivisions as they do about large ones.

Ms. Soderberg said they were advised to not discriminate between sizes of subdivisions.

Mayor Wozniak said it becomes more difficult when you begin requiring 10% of the land for someone who has a smaller portion of land being subdivided. He asked if the PTRC recommends anything different to the cash in lieu option.

Ms. Soderberg said the committee does not recommend any changes to the cash in lieu donation.

Mayor Wozniak said a cash donation is at the City's discretion.

Councilor LaMair asked if the PTRC would be open to adding language to allow for more flexibility.

Ms. Soderberg said that the PTRC tries to work with property owners to achieve the goals that are in the best interest of the City and the property owner.

Councilor LaMair said she thought most people would rather donate cash in lieu of land. She thanked the PTRC for their hard work on this issue and said the idea has a lot of merit.

Councilor Roswell said there is a provision in Section 17-3-30 about the valuation of the land in part dedication. He said that a 7.5% land dedication is going to differ from a 7.5% cash in lieu donation.

Mayor Wozniak said the verbiage can be changed any way the Council would like.

Councilor Roswell said he does not fully understand the way the code is currently written. He applauded the idea and wanted Council to continue to study the issue.

Councilor Brown requested confirmation that the legal guidance was for a single standard applicable to all subdivisions.

Mr. Gilpatrick said that is correct.

Mayor Wozniak said that with smaller subdivisions the issues are different and he would like the Council to obtain legal guidance on this issue.

City Attorney Ken Fellman said he would touch base with David Foster and clarify some of the issues being discussed.

Mayor Pro Tem Stewart asked Mr. Fellman to also clarify the decision about the specific acreage subdividing that is done before the land dedication is taken into account.

Mayor Wozniak stated he would like a legal opinion as to the Council's discretion. He also asked for the item to be placed on a future agenda.

Mr. Fellman said he would get more information to the Council prior to the next meeting.

Councilor Griffin asked if the PTRC discussed current economic conditions and the impact this movement might have on land transactions in the City.

Ms. Gilpatrick said economic conditions were not discussed.

Mayor Wozniak thanked the PTRC for their work on this issue.

CONSENT AGENDA

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

- Approval of Minutes – October 21, 2008
- Expenditure of Funds and Contract for Services – Nelson Pipeline Constructors (Fairfax Water Line)
- Resolution 24, Series 2008; Appointment of a member to the Board of Adjustment and Appeals
- Resolution 25, Series 2008; Amending the City's Tuition Reimbursement Policy
- Resolution 26, Series 2008; Adopting a Proposed Paid Time Off, Short Term Disability and Extended Sick Leave Program

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Alex Brown	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 Minutes – November 18, 2008

Councilor VanderWerf said that she was listed as the council liaison to the DRCOG Board and it should have been listed as Councilor Brown.

Councilor Brown moved, seconded by Councilor LaMair, to approve the November 18, 2008 minutes as amended.

The motion passed unanimously.

Water Service Agreement (Total Service – Improvement); between the City and County of Denver Board of Water Commissioners, East Cherry Hills Water Dist. and the City of Cherry Hills Village

Councilor LaMair acknowledged the work of the East Cherry Hills Water District and Mr. A.J. Coffman, board chair. She spoke on behalf of her neighborhood and pointed out that the current Denver Water contract imposes a 7.1% interest rate, which has been an issue with a number of the neighbors in the area. She said the interest rate could be modified by refinancing under the proposed agreement with Denver Water.

Mayor Wozniak thanked Tim Flynn of Collins Cockrell & Cole, for his memorandum regarding this issue. He stated the agreement appeared positive and reasonable.

Councilor Roswell said the City does not currently have an interest in the transaction unless the district dissolves and asked why the City would even be involved in this agreement.

Mr. Fellman said that while future Council's are not bound to accept the assignment, the district will be dissolved and that allows this Council to understand the terms and what the conditions would be when the City takes over this responsibility. This Council is being asked whether they agree with these terms when the dissolution takes place.

Councilor Roswell clarified that essentially the Council is accepting these terms as of today where a future council may disagree with these terms.

Mr. Fellman said that is true, but is the reason the agreement is conditional.

Mayor Wozniak said the Council has no obligation to perform under this contract until the Council decides to accept the agreement in writing. He added that if a future Council did not agree with these terms, they would not have to accept the agreement.

Tim Flynn – Collins Cockrell & Cole

Mr. Flynn explained the reason the City is being asked to sign the contract is so they are aware of what is going on and the basic terms of the agreement. The agreement does bind Denver Water to accept the agreement, but it does not obligate the City to do so. It allows the City to renegotiate the contract at a later date if needed.

Mayor Wozniak said the benefit of this agreement is for the East Cherry Hills area to get under the Denver Water umbrella.

Councilor LaMair asked if there is anything in the contract that is specific to the High Line Canal.

Mr. Flynn said there is nothing specific to the High Line Canal.

Councilor LaMair moved, seconded by Councilor VanderWerf, to approve the Water Service Agreement between the City and County of Denver Board of Water Commissioners, East Cherry Hills Water District and the City of Cherry Hills Village.

The motion passed unanimously.

A.J. Coffman – East Cherry Hills Water District Chairman

Mr. Coffman said this project has been underway for quite some time and thanked the Council for their assistance with this matter.

UNFINISHED BUSINESS

Proposed 2009 Budget

- (i) 2009 Proposed Budget for the City of Cherry Hills Village
- (ii) Council Bill 19, Series 2008; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for the Fiscal Year 2008
- (iii) Council Bill 20, Series 2008; A Bill for an Ordinance Authorizing Appropriations for Fiscal Year 2009

Director of Finance and Administration Karen Proctor presented the 2009 Proposed Budget for the City of Cherry Hills Village. Ms. Proctor stated the City Council held a budget study session at the October 7th, 2008 City Council meeting and a public hearing on October 21st, 2008. The following changes have been incorporated into the budget since the Public Hearing on October 21st, 2008:

1. Revenue, Account Number 01-310-3111 Current Property Taxes
This account was decreased by \$1,900 due to receipt of final property tax assessment.
2. Capital Improvements, Account Number 01-441-3111 Curb and Gutter
This account was decreased by \$10,994 to balance the budget.
3. Capital Improvements, Account Number 01-441-3103 Equipment-Public Works
This account was increased by \$9,000 due to an increase in the price of the Motor Grader.
4. Arapahoe County Open Space Fund, Account Number 14-450-9092 Park Improvements
This account was increased by \$15,000 to supplement any work or research needed for the "Little Dry Creek" study.
5. Parks and Recreation Fund 30, Account Number 30-432-3032 Water
This account was increased by \$15,000 for the East Cherry Hills Village District.

There was no discussion by the Council.

Mayor Pro Tem Stewart moved, seconded by Councilor VanderWerf, to approve Council Bill 19, Series 2008; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for the Fiscal Year 2008.

The following votes were recorded:

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

Vote on CB 19-08: 6 ayes. 0 nays. The motion carried.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin, to approve Council Bill 20, Series 2008; A Bill for an Ordinance Authorizing Appropriations for Fiscal Year 2009.

The following votes were recorded:

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

Vote on CB 20-08: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS**Council Bill 22, Series 2008; Amending Chapter 17 of the Municipal Code, concerning subdivisions, by adding review procedures for Minor Amendments to Subdivision Plats**

Planning Manager Robert Zuccaro presented Council Bill 22, Series 2008. He said the proposal is to create a procedure with the City's subdivision regulations for minor amendments to subdivision plats.

He said the subdivision regulations currently have procedures for subdivision into more than two lots.

There are no procedures for amendments that do not alter lot lines, such as amendments to plat notes, private easements or the correction of an omission or error on a plat.

Currently, if someone were to apply for any of these amendment types, they would need to follow the full subdivision process, including sketch plat, preliminary plat, and final plat review before going to the Planning and Zoning Commission and City Council.

The minor amendment procedures that are being proposed are intended to provide a more efficient and simplified process that includes provisions for public notice and comment, but not the extensive three step review procedure of a full plat.

He said the Planning and Zoning Commission has reviewed the minor amendment procedures and recommended approval as proposed.

Councilor Roswell asked about the research results for what other jurisdictions are doing.

Mr. Zuccaro said that information was not included in the packet, but that staff did look at similar processes of other municipalities. He said the majority of the municipalities they looked at had more simplified regulations than the City.

Mayor Wozniak said he is anxious to simplify the code where necessary. He stated he is concerned with determining what is and isn't a minor amendment.

Mayor Pro Tem Stewart asked why the "private covenants or easements" language was included in the language.

Mr. Zuccaro said the intent of the language was that any note or condition written on a plat would be subject to the provisions, and that the intent was not to include private covenants.

Mayor Pro Tem Stewart said he would like the City Council to have the authority to review the procedures for minor amendments without changing the whole plat. He added the point is to make it easier for the Council to make these changes. Mr. Stewart also said that having a public hearing before the Planning and Zoning Commission does not make the process any easier. Mr. Stewart said he would like to discuss the matter further with Mr. Fellman.

Mayor Wozniak said he would like an opinion about plat changes and public hearings from David Foster. Mayor Wozniak entertained a motion to table Council Bill 22, Series 2008.

Mayor Pro Tem Stewart recommended giving the City Manager the authority to say that a plat needs to be changed.

Mr. Fellman clarified that if the item is tabled, he and Mr. Zuccaro, Mr. Ensey and Mr. Foster would meet with Mayor Pro Tem Stewart to review the item.

Mayor Wozniak said they may not want to table the item, rather take no action, since it may change drastically.

Mr. Fellman said the Council has two options:

1. Table the item, make modifications and then bring it back for action to be taken.
2. Create a new version all together and then send it back to the P&Z Commission for their input.

After advisement by Mr. Fellman and discussion on the part of the Council, no action was taken on the part of Council.

Mayor Wozniak asked that the Southmoor Vista discussion be held prior to Council and staff reports.

Discussion on Southmoor Vista Subdivision Nonconforming Lots

Mr. Zuccaro informed the Council that it was recently brought to staff's attention that a significant number of the lots in the Southmoor Vista Subdivision appear to be nonconforming in lot size. Southmoor Vista Subdivision was subdivided in 1962 under the jurisdiction of Arapahoe County and later annexed into the Village in 1967.

At the time of annexation the subdivision was zoned R-4, ½-Acre Residential District. Any lot in the subdivision that is not at least 80% of the minimum lot area for the zone district, which is .4 acres or 17,424 gross square feet, is subject to the non-conforming lot restriction of Article 14 of the Zoning Ordinance, which limits development on these undersized lots to 3,000 sq. ft. It is important to remember that the net lot size is the area of the lot that is contained within the actual lot boundary; the gross lot size includes the area of adjacent road right-of-way to the centerline of the road or to 30 feet, whichever is less.

Of the 148 residential lots in the subdivision, approximately 20 of those lots, or about 14%, are less than the required minimum lot area of .4 acres, and would be subject to the 3,000 sq. ft. restriction.

Because staff is not certain that the intent at the time of annexation was to create this relatively large number of nonconforming lots within the subdivision, staff is seeking Council direction on how to proceed when building permits are submitted on these undersized lots.

Most lots within the subdivision are between .3 and .4 acres in size, but each lot has varying degrees of adjacent street right-of-way that can be added to the gross lot area. In some instances, there are adjacent lots with identical net lot areas, but one of the lots is a corner lot and able to include two rights-of-way into the gross area calculation. In these instances, the interior lot would be limited to 3,000 sq. ft., but the adjacent corner

lot would only be restricted by the setback and height regulations of the underlying zone district.

Staff proposes two options for Council to consider:

1. Direct staff to implement the code as currently written. This would result in a development restriction of 3,000 sq. ft. on any lots within the subdivision that don't meet the minimum lot area.
2. Direct staff to draft a code amendment that would allow development on the undersized lots without the current limitation on square footage. In essence, this would allow for the undersized lots to have the same development rights as the conforming lots.

Mayor Wozniak asked if finished basements are included in the square footage.

Mr. Zuccaro said basements are not included.

Mayor Wozniak asked how the 3,000 sq. ft. number was determined.

Mr. Zuccaro said he did not know how that number came about.

Mayor Wozniak asked if there was a minimum for non-conforming lots when R3-A was created.

Mr. Ensey said the correct lot size was taken into account at that time.

Mayor Wozniak said he would like to see the chronology of time of creating the zone districts and when the Council adopted the 3,000 sq. ft. limit.

Mr. Ensey stated Ordinance 2, Series 1970 was the first reference in the code relating to this issue. He said staff would look into the issue further.

Councilor Griffin asked if this is an issue the Residential Development Standards Committee (RDSC) could look at.

Mayor Wozniak said that the RDSC could look at the issue, but expressed concern about the time it will take for the RDSC to look at the issue and report back to Council.

Councilor Roswell said the RDSC is looking at all zoning issues and it may be difficult to add more global issues.

Mayor Wozniak stated he is always concerned when there is a zone district with this large amount of nonconformities. He asked if there are problems with nonconformities in the remaining R-4 lots.

Mr. Ensey said it is possible there is an issue with more than just the Southmoor Vista area and that staff is looking into that possibility.

Mayor Pro Tem Stewart asked what the average size home is.

Mr. Zuccaro thought there were permits issued recently in the 4,000-5,000 square foot range.

Mayor Wozniak said he heard, during public comment, that there are some non-conforming lots that the City has issued permits to that are in excess of 3,000 sq. ft.

Mr. Zuccaro said he is aware of one property that is non-conforming that was issued a permit, but there is not a survey on it currently.

Mayor Wozniak stated he understands the pros and cons of the situation and appreciates the timing issue, but added that further clarification is needed as to how many lots are non-conforming.

Councilor LaMair said the issue needs to be addressed carefully.

Mayor Wozniak asked if there are square footage limitations in other zone districts.

Mr. Ensey stated the only square footage limitations relate to structure constructed on nonconforming lots and that there are a dozen or so nonconforming lots scattered throughout the Village, in addition to the one identified in Southmoor Vista.

Councilor VanderWerf mentioned that the character of the neighborhood should be considered.

Mayor Pro Tem Stewart suggested research be done before further discussion takes place.

Mayor Wozniak said action needs to be taken quickly in order to help staff with the issue.

Councilor LaMair asked how the nonconforming issues get communicated with the property owners.

Mr. Fellman said all of the legal documents are included when purchasing the home; this would include limitations and exclusions. There is no affirmative duty on the City's part to make specific notice to a purchaser of a property.

Councilor LaMair asked if this nonconforming lot information is provided to new home buyers when they purchase in this area.

Mayor Wozniak stated homeowners are aware of the City's laws and regulations. Additionally, citizens are deemed to know what is in the city code.

Mr. Ensey said that staff would be able to get an approximate number of nonconforming lots, but said they won't be able to obtain an exact number without surveys of all individual lots in the Village.

Mayor Wozniak said the Council would need to think more about the subject, and bring it back at a future meeting.

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.

Action Minutes

Mr. Ensey explained that staff is interested in preparing action minutes as opposed to summary minutes. He discussed the differences and asked the Council to be prepared to discuss this option at the next council meeting.

Mayor Wozniak said it seems like most municipalities are preparing action minutes, but added that there have been numerous times when Council has gone back to a previous set of minutes.

Councilor Griffin stated having more detailed minutes has been very helpful to him and felt it would be best to continue with summary minutes.

Councilor Roswell said the summary minutes are a method of communication between the Council and the citizens.

Mayor Wozniak mentioned that action minutes would be appropriate if the meetings were televised.

Councilor Brown stated he does not object to action minutes, but felt it was best to make research as easy as possible for people.

Councilor VanderWerf said it can be burdensome for a person to listen to a tape and mentioned there are times when a recording may not be available.

Councilor LaMair asked if the meeting recordings could be available online.

Mayor Wozniak said it would be a good idea to have a live webcast.

Mr. Ensey said that the meeting recordings can currently be uploaded to the website and added that staff would look into the possibility of doing so.

Mayor Wozniak said the Council's consensus was to continue with summary minutes.

Mayor Pro Tem Stewart mentioned the current meeting minutes are very valuable.

2009 City Council Meeting Dates

City Manager Eric Ensey informed the Council of the 2009 City Council meeting dates.

Update: University Crossing at Bridle Path Lane

Mr. Berninzoni informed the Council the PTRC listed a pedestrian crosswalk at Bridle Path Lane and University Boulevard as a priority for the 2008 budget year. Staff contracted with PBS&J to assist in determining if a pedestrian and/ or school crossing traffic signal was warranted. PBS&J determined that a pedestrian and/ or school crossing traffic signal is not presently warranted at the intersection of University Boulevard and Bridle Path Lane due to insufficient pedestrian activity that was observed. In PBS&J's opinion, a mid-block crossing might be more dangerous than the current route students take to the bus stop.

Mr. Berninzoni mentioned that staff also looked into the possibility of finding a source to help fund the costs associated with any of the construction. Staff researched the "Safe Routes to Colorado" grant, but in order to qualify for grant funding a study must show and prove that students from the surrounding schools would use the new crossing to get directly from home to school and/ or directly from school to home. He added the study determined that a vast majority of students that would use the crosswalk would be using it to access the public transportation bus stop to get to and from home from surrounding Cities, rather than using it to walk directly to and from their homes within the City.

Mr. Berninzoni stated after reviewing the submitted signal study and determining that most students use the current route to ride the bus home; and therefore there is no merit in applying for the grant.

Mr. Berninzoni reminded the Council of an original study performed by Muller Engineering which noted that a pedestrian signal might be a good alternative to an underpass or overpass that was proposed at University and Quincy. The original study suggested that further study was needed, but no formal study had been performed by Muller Engineering.

He introduced Jim Hansen of PBS&J and said Mr. Hansen performed the survey.

Mayor Wozniak asked Mr. Hansen to explain the process of the survey and how he determined his results.

Jim Hansen – PBS&J

Mr. Hansen said data was collected in November 2008 and included 24-hour volume counts, vehicle gap in the northbound and southbound traffic streams at the bridle path, and videotaping of pedestrian activity along University Boulevard. Pedestrian counts were obtained from the videos and additional observations were made of other pedestrian activity in the area.

Mr. Hansen stated that based on the results of the analysis, a pedestrian/school crossing traffic signal is not presently warranted at the intersection of University Boulevard and the bridle path. Although there is heavy vehicle traffic along University Boulevard, insufficient pedestrian activity was observed to warrant a traffic signal. He added the City may consider conducting a survey of the area to determine if a traffic signal would be beneficial at this location; the survey could be distributed through students at the school or the surrounding residences, asking them if they would use the crossing if a signal was installed.

In closing, Mr. Hansen said an alternative would be to investigate the possibility of installing a crosswalk with flashing beacons at the location, not going as far as installing a signal but still allowing for a safer crossing.

Councilor Griffin said the bridle path runs behind his home and mentioned there are a lot of horses on the path. He added that it would be difficult to take a horse across University Boulevard.

Councilor VanderWerf reminded the Council that the original purpose of establishing a crossing at the University location was to connect the trail systems of the east and west sides of the Village. She stressed the importance of being creative and making improvements to the trail system.

Councilor LaMair asked how much was originally budgeted for the underpass.

Mayor Wozniak said the funds were not budgeted; rather the estimate given at the time was approximately \$4.7 million.

Councilor LaMair mentioned it may be difficult to obtain outside funding without a high volume of traffic in the area.

Mayor Wozniak said he felt that if an underpass were built properly, it would be utilized by foot, bicycle, and equestrian traffic.

Councilor Roswell stated the underpass proposal did not take place that long ago and said he remembered the City talking to the Colorado Department of Transportation (CDOT) about federal grants to assist with funding. He asked if there are any current grants available.

Director of Public Works Jay Goldie said the grant that would be given for this type of project would be a "Safe Routes to School" Grant which is administered through CDOT from the Federal Highway Administration. He mentioned that the study performed by PBS&J showed that a pedestrian crossing in this area would not be eligible for this grant.

Mayor Wozniak said there are positive benefits to having a tunnel, but said it is difficult obtaining funds for a project of that magnitude.

Councilor Griffin asked why a tunnel would be built in a floodplain when it could be built on the bridle path.

Mayor Wozniak said Muller Engineering found, during their study, that Quincy Avenue and University Boulevard was best suited for a tunnel.

Councilor Griffin said there is a tunnel off of Belleview Avenue.

Mayor Wozniak said the tunnel off of Belleview Avenue was done between the City, the City of Greenwood Village so it was cheaper to construct. He said he respects the study that was done and understands the traffic signal is not warranted. He asked the Council to reconsider the possibility of an underpass, to help connect the trail system.

REPORTS

Mayor's Report

Mayor Wozniak congratulated Chief of Police John Patterson and the City's Police Department for becoming an accredited police department.

Mayor Wozniak attended a Mayor's meeting at the Governor's mansion and was told there would not be any state monies available to local governments in 2009. He explained it would make it difficult to receive infrastructure funds.

Mayor Wozniak said he and Mayor Pro Tem Stewart attended the most recent Arapahoe County Metro Mayors and Managers breakfast meeting.

Mayor Wozniak thanked Mayor Pro Tem Stewart for hosting the South Suburban Parks and Recreation open house. He said there were approximately 75 people present for the meeting and felt the communication was open and honest.

Mayor Wozniak stated he and Councilor Griffin met with representatives from the Denver Police Foundation. The Denver Police Foundation is doing a wonderful job and he has asked Councilor Griffin to take the reigns on beginning a Cherry Hills Village Police Foundation to assist with upgrades to computer systems, cameras in patrol vehicles, etc. He added this would be a 501(c)3 as donations would be tax deductible.

Mayor Wozniak met with Steve Mooney, the owner of the land previously owned by resident Merle Chambers, and his attorney to discuss some easement issues with the property.

Mayor Wozniak thanked everyone for attending the holiday party.

Mayor Wozniak thanked the Parks, Trails and Recreation Commission for planning the Tree Lighting Party. He said there were approximately 100 people present and many children having a wonderful time.

Mayor Wozniak said he received word from the City of Denver that they would not be assisting with funds to do a traffic study concerning the development of the Belleview Station development project. He would continue to discuss this issue with the Council and the City of Greenwood Village.

Members of City Council

Councilor Griffin felt the meeting with the Denver Police Foundation was well received and contained a lot of open dialogue. He said he has had a couple of conversations with Ms. Proctor regarding finances; he said he feels motor vehicle use tax, building permits, and property tax receipts need to be watched carefully.

Councilor LaMair said she attended the most recent Denver Regional Council of Governments meeting and said they discussed the controversy of toll roads. She also attended a Residential Development Standards Committee meeting and said they have a long list of items to tackle, but feels they may have a difficult time deciding what to tackle first.

Councilor LaMair also spoke about the possibility of receiving funds through The Trust for Public Lands as the organization may offer some unique opportunities. She received two phone calls about how well the meeting regarding South Suburban went.

Lastly, Councilor LaMair said she has received many disgruntled phone calls and emails with regard to the footing of Meade Arena. She stated she felt something needs to be done to assist with the situation. Mayor Wozniak said he feels the Council should stay away from the subject of the Meade Arena footing and let the PTRC and staff handle the situation.

Mayor Wozniak asked staff to put the subject of Open Space funding on the next agenda.

Mayor Pro Tem Stewart thanked Mr. Ensey and staff for the time and effort put into the holiday party.

Councilor Roswell stated a discussion needs to be had about the concerns of the Village Center. He said there are many large items regarding the traffic study, village center, open space, etc. that should be discussed in the near future.

Councilor VanderWerf stated the Tree Lighting party was wonderful and she enjoyed it very much. She mentioned that because she was appointed to the PTRC, an alternate needs to be selected. Councilor LaMair offered to be the alternate liaison to the PTRC.

Councilor Brown said he was interested in following up on the subject of the Village Center. Mayor Wozniak asked Councilor Brown to help lead the discussion of the Village Center subject.

Mayor Wozniak said resident Jim Rubin has asked him how he can improve the channel on his land. He asked staff to follow up with Mr. Rubin to discuss what process he needs to follow.

Draft Letter to the Arapahoe County Commissioners from the South Platte Working Group

Councilor VanderWerf said the South Platte Working group is drafting a letter that will require signatures from each council member as the City of Cherry Hills representatives. She added the letter seeks assistance from the Arapahoe County Commissioners to establish a marketing plan to better inform the citizens of the County what they are getting in return for their tax dollars.

Members of City Boards and Commissions

There were no reports.

City Attorney

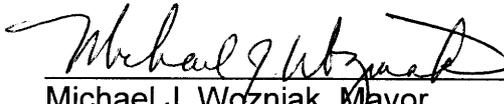
There was no report.

ADJOURNMENT

A motion was made by Mayor Pro Tem Stewart, seconded by Councilor LaMair to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 9:48 p.m.



Michael J. Wozniak, Mayor



Melissa G. Formby, City Clerk