

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 20, 2009 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, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Melissa Formby.

Absent: None

AUDIENCE PARTICIPATION PERIOD

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

CONSENT AGENDA

Councilor LaMair moved, seconded by Mayor Pro Tem Stewart, to approve the following items on the Consent Agenda:

- b) Expenditure of Funds – Purchase of Two Police Department Patrol Vehicles
- c) Expenditure of Funds – Cherry Creek School District Youth Adult Summit

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:

Item 4d - Contract for Services and Expenditure of Funds – 2008 Agreement for Dispatch Services with Arapahoe County

Mayor Pro Tem Stewart asked why, in paragraph 10, regarding the Comprehensive General Liability Insurance and Workers Compensation policy, it states the City agrees to cover City employees but it does not mention Arapahoe County employees.

Mr. Fellman said he would check with the Assistant County Attorney and said he does not believe the coverage would be for county employees. He stated he reads the language to mean there would be interaction between the City and County employees in the provision of services of the agreement.

Mayor Pro Tem Stewart asked whose policy would cover a workers compensation claim.

Mr. Fellman stated both parties would cover a workers compensation claim for employees. He said CIRSA reviewed this policy and this is the way most of these policies are covered.

Councilor Roswell asked why the City has to contractually agree to cover an employee for two years following the contract date.

Mayor Wozniak said workers compensation should only play a part with City employees.

Mr. Fellman said the City is not covering County employees for workers compensation, only City employees.

Mayor Wozniak stated the City has to be careful to not bind future Councils into spending money.

Mayor Pro Tem Stewart moved, seconded by Councilor Brown, to approve the Contract for Services and Expenditure of Funds – 2008 Agreement for Dispatch Services with Arapahoe County.

The motion passed unanimously.

Item 4a - Approval of January 6, 2009 Minutes

City attorney Ken Fellman said the minutes, regarding the discussion about the Transfer of Municipal Wastewater Collection System, should indicate the action taken. He requested the minutes state the following: "Direction was given to staff to work with Mr. Tim Flynn as well as contact the Cherry Hills Village Sanitation District to pursue the next steps."

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell, to table the January 6, 2009 minutes to the next regularly scheduled meeting.

The motion passed unanimously.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

Preliminary Petition for Trail and Right-of-way Vacation (4750 S. Dahlia Street)

Director of Public Works, Jay Goldie informed the Council that applicants, Mr. and Mrs. Mooney, are requesting that two trails located on their property at 4750 South Dahlia Street be moved. Trail #5247 runs north and south near the east boundary of the property. Mr. and Mrs. Mooney are requesting that this trail be vacated from its present location and re-dedicated on the east property line approximately 15 feet to the east. Trail #4750 runs along the northeast portion of the property. Mr. and Mrs. Mooney are requesting that this trail be relocated to the Union Avenue right-of-way, which runs along this section of the property. Mr. and Mrs. Mooney are also requesting that Union Avenue be vacated in a separate request.

Mr. Goldie explained, in accordance with the provisions of Section 11-5-40(2), that staff was presenting to the Council a preliminary petition to vacate and re-dedicate trails #5247 and #4750. The Code requires that Council review the request and determine whether there is sufficient merit to justify the preparation of a formal petition for vacation. Mr. Goldie noted that the vacation of a right-of-way is a legislative and discretionary decision by the Council. Should the Council decide the preliminary petition lacks sufficient merit to justify further consideration, then that decision shall constitute a legislative finding that the requested vacation is not in the public interest and the petition shall be rejected.

Mr. Goldie added the Council could decide the preliminary petition does possess sufficient merit to justify further consideration, which would allow the applicant to submit for review of a formal petition to vacate. A decision by the Council authorizing a formal petition does not constitute a finding or imply that a vacation will be approved. He said it must be noted in a separate request that the Mooney's are also asking the City to vacate and sell two portions of Union Avenue that border their land to the north.

Mr. Goldie said staff recommended allowing the property owners to move forward with this request, and to forward their request to the Parks, Trails and Recreation Commission and the Planning and Zoning Commission for further review. Additionally, staff recommended the applicant reimburse the City for the loss of the trail easement on their property if approved by Council on final reading.

Mr. Goldie stated staff does not believe the request to move these two trail segments would have a negative effect on the public's use of these amenities. There is a small strip of land to the east of trail #5247 that is land locked due to the construction of a fence on the current trail alignment. By allowing the land owners to move this trail segment, they will be able to utilize a larger portion of their property. Trail #4750 would be relocated from an easement on 4750 South Dahlia Street to the Union right-of-way currently owned by the City. This portion of the relocation would result in a net loss of trail easement because the City already owns the Union Avenue right-of-way.

Mr. Goldie informed the Council that staff feels the two issues should be dealt with separately and not as a single request.

Mayor Wozniak asked if the request is to move the trail that goes north/south to the property line.

Mr. Goldie said that is correct and added there is 15 feet land locked between the trail and the property line.

Mayor Wozniak asked if this affects the bridge going over the "cattail" area.

Mr. Goldie stated that it would not.

Mayor Wozniak asked Mr. Goldie to explain more about the vacation of Union Avenue and why the two pieces of this property were not previously vacated.

Mr. Goldie said he did not have an answer to that question, but would look into it.

Councilor VanderWerf said Union Avenue was vacated to the East in order to appease the neighbors so the trail could be created. She added that, at the time, one of the things being looked at was two entrances to the bridge, one going the Union Avenue route, which was ultimately taken off the table.

Mayor Wozniak asked how much of the Union Avenue right-of-way the City owns.

Mr. Goldie said the City owns 100% of the Union right-of-way.

Steve and Gail Mooney– 802 E Stanford Ave.

John Woodward- 2 Inverness Drive, Suite 200, Englewood, CO

Mr. Mooney informed the Council that he and his wife chose to purchase this property because of its unique nature, the size, the views, and the quietness of the area. They have plans to build a home on this property to include a separate garage and guest house; as well as a barn somewhere on the second parcel. He said they do not have plans to subdivide and intend to use the property as a horse property.

Mr. Mooney presented and explained various diagrams to the Council. He stated their first request is to relocate the walking path because they discovered it is inside the limits of their property; he added that the previous owner, Merle Chambers, gave the City ownership of the easement for that path. Mr. Mooney said they would like to move the path 15 feet to the east and would pay the associated costs to do so. He said they would have to build, or move, one of the fences that create the boundary with the homeowners to the east.

Mr. Mooney said they have spoken with their neighbors, Mr. and Mrs. Crapo and they don't have any issues with the request. He added they have not been able to speak to their other neighbors, Mr. and Mrs. Tamblyn, but intend to do so.

Mr. Woodward stated the idea is to push the trail up to the edge of the Union Avenue parcel and then back to the bridge.

Mr. Mooney shared more diagrams of the two parcels in more detail; he said the trail is land-locked between their property and the High Line Canal. He mentioned the current trail is not being maintained or utilized.

Mr. Woodward showed various photos of what the property currently looks like, boundaries of the High Line Canal right-of-way, the neighboring properties, the fifty-foot right-of-way, and the current property lines; as well as the current trail and the proposed site of the trail.

Mr. Mooney said there is a severe slope on the Union Avenue right-of-way from the Canal to the property line.

Mr. Woodward stated there is a considerable buffer on the Mooney's side of the canal.

Mr. Mooney said that if the proposal was approved, his neighbor Mr. Crapo requested to keep the gate and Mr. Mooney said they agreed to that.

Mr. Woodward said the total estimated value to the City is \$203,966.91 and added the total is based on the purchase price per square foot.

Councilor Griffin asked if there is a sand wash on the property.

Mr. Mooney said it is a drainage way with cattails.

Mayor Wozniak asked what the plans are for the maintenance of those parcels.

Mr. Goldie said there is no maintenance done on the part of staff.

Mayor Wozniak asked how the City gets access to this parcel.

Mr. Goldie said they have never done anything to the portion of right-of-way adjacent to the Canal, but they utilize the trail when they need to maintain the other portion of right-of-way adjacent to the trail.

Councilor LaMair asked how many other parcels of land the City cannot currently access.

Mr. Goldie said he would have to look into that but he believed this is the only current one.

Mr. Woodward pointed out that the parcel could be subdivided in the future, even though Mr. and Mrs. Mooney have no intention to do so.

Mr. Mooney stated they have considered the repercussions of subdividing and whether it would allow them to have another lot, and found that is not the case. It does not change the 2 ½ acre dividend.

Mr. Woodward stated the proposal would take the applicant's acreage from 18.7 acres to almost 19 acres if both parcels were incorporated.

Mayor Wozniak outlined the options before Council with regard to the proposal, and stated he would like to break up the two proposals into separate discussions.

- City Council could deny the preliminary request and not allow the petitioners to move forward with the vacation process.
- City Council could approve the preliminary petition and have the petitioners begin the formal petition process as outlined in the code. In this case the Planning and Zoning Commission and Parks, Trails and Recreation Commission would then hear the formal petition and make a recommendation to City Council.
- City Council could deny a portion of the application, approve a portion of the application, and send it to the appropriate commissions for their review and recommendations.

(i) Trail #5247 and #4750 (Vacation and Re-dedication) Discussion

Councilor VanderWerf stated this trail was 25 years in the making. She said she was surprised the Crapo's agreed to this proposal because this trail was dedicated and planned with a great deal of forethought. She said she thought people were asking for more of a buffer; which is why the trail is well contained within that property and why there is a City right-of-way. She said there were property owners who were very concerned about visibility from the trail. She said the most desirable area of open space on this parcel, from a public interest point of view, is the area between the trail and the gulch. She expressed her concerns with the possibility of the parcel east of the gulch ever being subdivided.

Mayor Wozniak stated he is concerned with the Mooney's obligation to maintain the other side of the trail. He said the access to get to the other side, in order to maintain it, is somewhat problematic. The trail is not highly utilized by the public and added he is concerned with why the 15-foot buffer is still there. He said a public hearing during a Parks, Trails, and Recreation Commission (PTRC) or Planning and Zoning (P&Z) Commission meeting would give more people an opportunity to give their feedback.

Councilor Brown said the placement of this trail was heavily negotiated and added this decision was based on the consensus of the community. He said he appreciates the arguments on both sides, but wonders if this is the highest priority staff should be dedicating their time toward. He stated he is concerned with re-opening community dialogue on this trail.

Councilor LaMair stated she feels this portion of the Mooney's request does have sufficient merit to move forward and go on to the PTRC and P&Z.

Mayor Pro Tem Stewart said he also believed the proposal has merit to go before the PTRC and P&Z. He said this is an important piece of the trail system and should be maintained.

Councilor Roswell echoed Mayor Pro Tem Stewart's comments.

Mayor Pro Tem moved, seconded by Councilor Roswell to send the preliminary petition to the Parks, Trails and Recreation and Planning and Zoning Commission, to relocate a portion of trail #5247 along the eastern boundary of 4750 South Dahlia Street, and trail #4750 along the north boundary of the same property as described in the memorandum provided by staff dated January 20, 2009.

Vote on Trail #5247 and #4750 (Vacation and Re-dedication): 4 ayes. 2 nays (Councilors VanderWerf and Brown voted no). The motion carried.

Portion of E. Union Avenue R.O.W. Discussion

Mayor Pro Tem Stewart said that anyone seeking to vacate a road must make a compelling showing of need. He added that he is not persuaded that this proposal as presented will be able to carry that burden.

Councilor Brown asked what the affect would be if a trail was placed on top of a street.

Mr. Goldie stated this right-of-way could never be used as a road because portions of it have already been vacated.

Mayor Wozniak said the City has traditionally been skeptical about moving a right-of-way, but added that in this case he feels a little differently because the community and citizens could benefit from the money.

Councilor Brown said there are two parcels/pieces of ground being discussed and stated the two pieces don't need to be treated as one.

Mayor Wozniak said the utilization of the PTRC and P&Z is for them to review these proposals and bring recommendations to the Council.

Councilor LaMair said she is interested in discussing the subject but wonders whether it would be more valuable to the citizens and community to have the money or if there is some other protection on that property that the Mooney's would be open to which would be more valuable than just a dollar amount.

Mr. Mooney said the original application was divided into three issues: the trail, and the two pieces of Union. He said they would be happy to amend the request if Council desired them to do so.

Mayor Pro Tem Stewart said he does not see any harm in having the PTRC looking at the proposal and what their desires are.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell to send the preliminary petition for further action to the Parks, Trails and Recreation and Planning and Zoning Commission, the applicant's petition to vacate a portion of the Union Avenue borders of 4750 South Dahlia Street, as articulated in the staff memorandum dated January 20, 2009, Item 7a(ii).

Vote on the portion of E. Union Avenue right-of-way: All ayes. No Nays. The motion carried.

Council Bill 1, Series 2009; a bill for an ordinance amending Section 11-2-90 of the Municipal Code concerning Permit Fees for work in the Right-of-way

Mr. Goldie stated the purpose of Council Bill 1, Series 2009 is to increase the fees the City charges for anyone who is working within the City's rights-of-way. These fees have not been changed since 2004.

Mr. Goldie explained the City's streets are one of its most expensive investments and stressed the importance of ensuring that the primary purpose of these public rights-of-way is protected and maintained in a safe manner.

Each year the City issues over 100 permits to private individuals and utility companies to cut into the streets for any number of reasons; including utility repairs and driveway enhancements. In addition, there are also a number of street cuts made without proper permits. Each time a street is cut into for utility work or other purpose, the integrity and longevity of the surface is compromised.

Mr. Goldie said the current fee of \$125.00 for paved surfaces and \$390.00 on gravel surfaces is insufficient to offset the damage caused by these street cuts; as well as the cost for the City to administer the permits and inspect the actual work. The reason the cost is higher on gravel roads is because extra maintenance is required to return these surfaces to normal. This extra work is performed while the quarterly maintenance of these roads is being carried out.

Mr. Goldie said the current fee schedule only appears in the Construction and Excavation Standards policy that has been adopted by the City and does not appear in the Code Book. Staff recommended raising these fees; as well as adding the fees to the Municipal Code.

Mr. Goldie shared with the Council what other communities around the state are charging for street cut permits.

Staff recommended the following minimum permit fees for work within the City rights-of-way:

The minimum permit fee for asphalt paved streets	\$480.00
The minimum permit fee for gravel streets	\$838.00
The minimum permit fee for city trails	\$480.00
Rights-of-way occupancy fee (not cutting in ROW)	\$300.00

Mr. Goldie stated the recommendations are for the minimum fees. Major installations are looked at on a case by case basis and charged a higher fee as outlined in the Construction and Excavation Standards adopted by the City. Staff also recommended changing the verbiage in Sec. 11-2-90 (a), to include future repair costs as one of the factors included in determining these fees related to City rights-of-way.

Before a public right-of-way permit is issued, the applicant shall pay to the City a permit fee, which shall be determined in accordance with the fee schedule contained herein. Permit fees shall be reasonably related to the costs incurred by the City in providing services relating to the granting or administration of permits pursuant to this Article and future repair and maintenance costs related to an applicant's work in the City's rights-of-way. These costs include, but are not limited to the costs of issuing rights-of-way permits, verifying rights-of-way occupation, mapping rights-of-way occupation, inspecting work and administering this Article and future repair and maintenance of City owned rights-of-way related to a applicant's work.

Councilor Roswell asked who the primary consumer is for these permit fees.

Mr. Goldie said that prior to the City's contract being renegotiated with Xcel Energy, it was primarily the residents. He added it is now approximately half residents and half utility companies.

Councilor VanderWerf asked if setting up an escrow account for this type of fee has been considered.

Mr. Goldie said each person has to submit a bond which allows the City to go back for repairs if needed. He said the City does not currently utilize an escrow as there is not enough staff resources to do this.

Councilor Griffin asked what types of utilities are considered.

Mr. Goldie said the permit would cover sewer, water, and power.

Mayor Pro Tem Stewart asked if the proposed amount is sufficient.

Mr. Goldie said he feels the amount is sufficient compared to surrounding communities. He said that if the amount were any higher, the City would need to look at hiring a full or part-time employee who would dedicate their time only to conducting inspections and administering right-of-way permits. He added that the person would have to be well trained in the area.

Mayor Wozniak asked if the City of Greenwood Village conducts their own inspections.

Mr. Goldie said they have numerous inspectors trained in this area.

Councilor Griffin said it seems like there should be a graduated fee depending on the scope of work.

Mr. Goldie said that was considered, but due to lack of staff, each street cut cannot be inspected and that is why a blanket fee was being proposed.

Councilor VanderWerf asked if this gives the City an opportunity for recourse if necessary.

Mr. Goldie said if the property owner pulled a permit, there would be recourse.

Mayor Wozniak stated he is in favor of doing this, but added that he is bothered by increasing fees in a declining economy. He discussed re-considering the fee structure to round up to an even number. He asked Mr. Goldie for clarification about the occupancy fee.

Mr. Goldie said the occupancy fee covers occupation of the street for purposes such as cranes, bucket trucks or other construction activities where no street cut is taking place. He mentioned the occupancy fee would not be charged on top of the proposed increase as it is a separate fee.

Councilor Griffin said he is troubled by increasing fees for individual homeowners for smaller projects. He recommended looking at a more conservative fee structure to allow individual homeowners to perform smaller projects.

Mr. Fellman stated that Councilor Griffin's suggestion is possible, but he added that if the end result would be a utility company paying more for a street cut than a homeowner would pay for a street cut of the same size, then the fee could be subject to a successful legal challenge. He mentioned that state law requires that permit fees be reasonably related to the costs incurred by the City as a result of the action being taken by the permit holder. If the City had sufficient staff to monitor and inspect the size of the cuts being performed then a difference in fees could be implemented related to the size of the street cut; he stated he would not want to see the City adopt a differential in the fees based upon who was doing the work as opposed to what work was being done.

Councilor Brown asked if a diagram is submitted by the permit holder indicating the work being done.

Mr. Goldie said a diagram is required for more complex projects as opposed to a simple street cut.

Mayor Wozniak asked how the size of a cut is measured.

Mr. Goldie said it is measured from the street cut to the edge of the right-of-way.

Mayor Wozniak said he would support that sort of proposal. He mentioned his concern is for the dirt roads and trails.

Councilor Brown asked for the distinction between a minor and major excavation.

Mr. Goldie said a major excavation is 100 lineal feet or greater.

Mayor Wozniak clarified that in most cases, the minimal fee is more commonly utilized. He stated a lot of research had been done and encouraged the Council to go with Mr. Goldie's recommendation.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to accept on first reading, Council Bill 1, Series 2009; an ordinance to amend Section 11-2-90 of the Cherry Hills Village Municipal Code concerning the fees for working within the City rights-of-way as outlined in the staff memorandum dated January 20, 2009.

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 Council Bill 01-09: All ayes. No Nays. The motion carried.

REPORTS

Open Space Fund Discussion (Councilor LaMair)

Councilor LaMair stated the donation given by resident Catherine Anderson was very generous and feels Ms. Anderson's gift should serve as impetus for the Village to establish a matching grant program for open space acquisition. She said the purpose is to provide incentives for citizens, organizations, neighborhoods, and other groups to work toward the preservation of open spaces. She stressed the importance of sending a strong message to property owners that the Council and Mayor are committed to working with land owners to reduce the development of open lands. She discussed the need for a structured process to bring forward ideas with regard to open space purchases and consideration. By establishing and putting some money in a designated "Cat Anderson Open Space" Fund, the City then shows their commitment to open space.

Councilor LaMair recommended the Council transfer \$2 million in start up funds out of the General Fund Balance of \$9.8 million, leaving a general fund balance of \$7.8 million. Additionally, she mentioned the idea of setting aside a certain amount of revenues or dedicating a certain fee that can go into this designated fund each year. She added this fund would also accept and solicit private donations.

Councilor LaMair suggested Council send the idea to the PTRC for their feedback so they can discuss proposing evaluation measures and establishing guidelines for prioritizations, application, eligibility, and review procedures. She mentioned the procedures would be recommended and completed by the PTRC by the summer of 2009 and the City could begin receiving its first applications in the fall of 2009.

Councilor LaMair outlined the three current funds used for open space; the Open Space Fund is used for funds received through the Arapahoe County Open Space tax, the Conservation Trust Fund is used for holding lottery funds, state allocations, for acquiring, development and maintenance of park and open space properties, and the Land Donation Fund derives revenue from sub dividers of land in the village although these funds may only be used to improve and maintain open space, parks, trails, and other recreational amenities.

Mayor Wozniak asked Director of Finance, Karen Proctor, what the fund balance is for the Open Space Fund.

Councilor LaMair added she felt it was best to discuss this between Council members before inviting residents for discussion.

Councilor Brown asked if the accounts being discussed are currently viewed as strictly reserved for open space purchased.

Councilor LaMair said she took the numbers from the budget and referenced that the conservation trust funds are used for holding lottery funds.

Mayor Wozniak said there is a little bit of flexibility between the three funds but mentioned the importance of Council's role in deciding how funds are spent.

Mr. Ensey said the Open Space Fund has \$417,738.00. He also said the budget numbers don't show the actual amount of spent monies from 2008.

Councilor LaMair asked what the uses for these funds are generally used for and what the limitations are.

Mr. Goldie said the three funds are set up as place holders for when money comes in. All three funds can be used for maintenance, upkeep, and purchasing of property if it can be used for parks, trails, or recreation. PTRC has asked these funds be used less for maintenance needs so the funds can grow; therefore not much has been paid out of these funds in the last few years.

Mayor Wozniak said the key is that the funds are not earmarked separately; they can be co-mingled for a project and utilized at Council's discretion for anything regarding parks, trails, recreation or open space. He added that if the City wanted to raise 2 million dollars, or raise taxes for residents, it would have to go to a vote. In this case, if they are going to take \$2 million from the General Fund and earmark it, then he sees it as taking money that has already been taken from residents for general uses and only use it for earmarked purposes. He said Councilor LaMair's point is that the issue has already been discussed with residents during the Master Plan. He said, however, that after he and Mayor Pro Tem Stewart met with residents regarding South Suburban issues, he was surprised to hear from those residents that open space is not their number one priority. He asked the Council if they feel comfortable earmarking funds for the purpose of open space only. He said he feels more comfortable dedicating a revenue resource as opposed to going to the citizens.

Councilor Brown said this is one of those areas where if there is no money clearly available, it never gets funded. He said if something attractive came along and the City needed to utilize the fund balance then that conversation would be held but he would be reluctant to move that kind of money without an immediate purchase opportunity. He stated his interest is to see the City set aside money every year to an open space acquisition account; getting into the routine of putting money away for this purpose is a good practice.

Mayor Wozniak said he believes the City has the flexibility to move monies if necessary from the general fund.

Councilor LaMair said she is aware the money is out there, but wondered if the general public knows it is there. She said she was hoping that Ms. Anderson's donation would be the trigger for more action like hers throughout the City. The way to get others to follow is to show that the City is willing to donate as well.

Mayor Wozniak said one of the things that would need to be studied would be the amount of money the Council is comfortable with.

Mayor Pro Tem Stewart stated everyone likes open space and wants more of it, but they don't want to pay taxes for it. He said it could be sold as a package if it were in conjunction with lowering the mill levy or the South Suburban litigation. He said he would be in favor of going to the voters for an amount that large. He stated he liked the idea of the City matching funds. He added he would have to be more convinced to make a transfer of funds during these financial times.

Councilor LaMair said the Master Plan survey indicated that residents would like the village to encourage open space protections, which is why it was structured this way. She said she understands the hesitation to transfer the money, but also encouraged the Council to consider all of the other things that are on the table. She asked if the City wants to put themselves in a position that requires them to go to the voters every time they want to make a large expenditure.

Councilor VanderWerf said another thought would be to take the current three funds and say that each year an amount would be dedicated to open space only. The commitment it demonstrates is a strong one. She said residents have asked for many years why the City hasn't done this already.

Councilor LaMair asked staff to look at the existing funds and how they would play into this proposal.

Mayor Wozniak asked staff to research feasible amounts for the proposal.

Councilor Roswell said he is uncomfortable with the potential earmark of funds for a project that may not exist today. He applauds the idea of an open space fund and would hope that some of the citizens would follow in Ms. Anderson's footsteps. He said he liked the idea, but does not see the money coming from the general fund.

Mayor Wozniak asked what Councilor Roswell's reaction would be to earmark certain percentages of future revenues to add to the three current Open Space Funds.

Councilor Roswell said they would have to be baby steps because he would want to see the reaction from residents. He added he is remiss and hesitant to do anything during these hard financial times.

Councilor LaMair said she has been talking about open space funds for approximately seven years and has found that it seems like money talks. She said the Cherry Hills Land Preserve feels the City needs to be an active financial partner. She asked for staff to look further into it and possibly hold a public hearing at a later date.

Mayor Wozniak said he is comfortable with staff researching funding possibilities.

Councilor Griffin said he felt that everyone wants open space at some point. He said he would be comfortable with a small revenue dedication to the fund, but it would have to be reflective of the economy's current state.

Mayor Wozniak stated he would not be opposed to starting smaller and taking baby steps. He asked staff to analyze the issue, but does not want to have a public hearing until they can discuss the matter further with the staff.

Village Center Work Program (Councilor Brown)

Councilor Brown informed the Council his document begins with the assumption that the basic foundation given to the Council by the Citizens City Center Committee (CCCC) is the point of departure. It is enough of a concrete recommendation to pursue further and gather additional information. He said the document is not complete, but it conveys an understanding of what works in the concept from the CCCC recommendation and what areas require additional study and review.

Councilor Brown explained that the time table contains three separate, but simultaneous tasks; first is the retention of an expert to do work to help guide the City with cost and technical information with regard to land development; the second program is a communications program which would begin early in the process while assembling a Request for Proposal (RFP), the City would utilize all means of communication with the residents which would create a multifaceted communications program; third is a financial plan analysis which would begin later in the process, but would allow for more conversation about the cost of each phase.

Councilor Brown said it is important to recognize that the City should spend most of the year studying, researching and collecting information. He said the purpose of his document was to discuss the point of departure, the initial research, the timeline, and the three activities to occur throughout the year.

Councilor Roswell commended Councilor Brown's work and research.

Mayor Wozniak stated one of the things the City could do earlier would be to schedule a study session with one of the City's municipal bond representatives so they can provide the City with market details. He said he thought the South Metro Fire Department was further along with their part of the project.

Councilor Roswell said he sent an email to the Fire Chief and added his conversations with South Metro in the past have shown they are very receptive to moving forward quickly. He mentioned they are very comfortable and eager to work with the City on the Village Center project.

Mayor Wozniak asked if one specific consultant is being considered or if it is a large group.

Councilor Brown said he is not sure who will be retained for the Village Center project and believes a lot of research will need to be done when selecting a consultant. He said that maybe a team is best. He said the City should begin meeting with South Metro from early on and also said he would be more than happy to have finance people come in to discuss the economy. He added there are a lot of things to be considered and they are not all easy tasks.

Mayor Wozniak asked for Council's thoughts.

Mr. Fellman clarified that preparation of an RFP will be done by staff and would take a great deal of time. He recommended appointing a committee compiled of staff and council representatives to discuss the details of the RFP so staff can then begin working on the actual RFP. He recommended meeting outside of regular council meetings and corresponding through email and to then bring a draft RFP back by the second meeting of the February.

Mayor Pro Tem Stewart said he would be willing to work with staff.

Mayor Wozniak asked that Mayor Pro Tem Stewart and Councilor Brown meet with staff to discuss the preparation of an RFP.

Councilor LaMair said she felt it would be best to select a certain number of firms and then go to them with the RFP, as opposed to putting out an RFP that may result in hundreds of interested parties.

Mayor Wozniak said the City will need to be prudent and careful with who is selected.

Councilor LaMair said that if a firm or group is hired, the communication is not as good as it is when only one person is going to be dealt with. She also said someone with an architectural background should be considered as opposed to only a consultant background.

Members of City Council

Councilor Griffin recognized Mr. Fellman for his appointment to the Lutheran Medical Center Board of Directors. He stressed the importance of keeping a watchful eye on the cities monies. He also commended Ms. Proctor and staff for their successful and diligent work while reviewing the unaudited financial statements.

Councilor LaMair said she would be attending the DRCOG meeting on Wednesday and invited Councilor Brown to attend. She also said the Mansfield Trail public hearing held by PTRC was well attended and she said it seemed people were leaning toward having an on street trail. She said she would keep the Council apprised of future discussions.

Mayor Pro Tem Stewart said the next South Suburban brief is due next week.

Councilor Roswell said the Residential Development Standards Committee (RDSC) has begun to work on their list of priorities. He said they have accomplished a great deal and mentioned they would present the Council with their thoughts and ideas once they pair them down a bit. He also said he would be working with Mr. Ensey on year end evaluations.

Councilor VanderWerf said the Cherry Hills Village Land Preserve will be holding a wine and cheese reception on March 4th. She added the keynote speaker would be discussing land preservation, as well as opportunities and strategies in uncertain economic times. She also mentioned signs were posted regarding the Goldsmith Fence. The signs stated the fence would be removed and a lot of residents were in an uproar because of it.

Councilor Brown stated he has received coyote complaints in the Glenmoor area and mentioned there was a Division of Wildlife employee working along the Dahlia Street Bridge informing citizens about coyotes. He also said the Glenmoor Home Owners Association meeting would be held on January 29th and asked for staff representation.

Mayor's Report

Mayor Wozniak said he was able to tour the new facility for the City of Glendale. He asked the architect involved in the Glendale project to give the Council a brief presentation on the process of the Glendale building and said he would be here on February 3rd.

Mayor Wozniak informed the Council that Governor Bill Ritter met with President Obama's team and said the State would receive a block grant but it would not be allocated to local governments rather the State itself. He said the grant would be earmarked for transportation, education, technology, etc. He said many local governments are submitting lists to the State with "ready-to-go" projects, although Cherry Hills Village is not one of them. He added the allocations will ultimately be determined by the Governors team.

Mr. Fellman said the bottom line is there is not a bill that has been written or introduced yet with regard to a stimulus package. He said the Governor is speculating on what is likely to happen, but nothing could be said for sure at this time.

Mayor Wozniak said the City received another letter from Curt Lochmiller regarding snow removal on the trail behind his house. He mentioned Mr. Fellman sent a response letter to Mr. Lochmiller on behalf of the City.

Mayor Wozniak stated he is on the host committee for, and would be attending, an annual event for the Anti-Defamations League on February 21st. He invited Mr. Fellman to attend. He let the Council know that he will be late for the February 21st meeting due to this event.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Financial Reports

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

Departmental Monthly Reports

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

Goldsmith Fence Issue Update

Mr. Ensey informed the Council that the Goldsmith Metropolitan District started placing signs on the fence in the Charlou area. The signs stated the fence would be removed beginning January 26th; which resulted in a lot of very concerned people. He stated he and Councilor VanderWerf attended the Charlou HOA meeting and discussion was held during that meeting. Since that time he and staff have done further research. He stated he found a variance from 1987 by the Board of Adjustment and Appeals allowing for construction of a new 8' fence by the Charlou HOA. He said the documentation indicated that the fence was on the Cherry Hills Village side of the municipal boundary. The Charlou HOA is preparing to survey the fence and the property lines. He has heard from and attempted communication with Charlou residents. He stated the Goldsmith Metropolitan District planned on tearing the fence down next week and staff has asked them to put a hold on the removal of the fence.

Arapahoe County Open Space Grant Applications

No discussion was held.

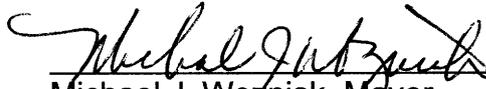
City Attorney

There was no report.

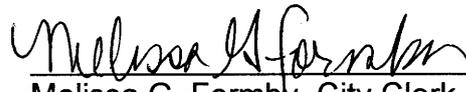
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ADJOURNMENT

A motion was made by Mayor Pro Tem Stewart, seconded by Councilor LaMair to adjourn the meeting at 9:26 p.m. The motion passed unanimously.



Michael J. Wozniak, Mayor



Melissa G. Formby, City Clerk