

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 6, 2009 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:31 p.m.

ROLL CALL

Mayor Mike Wozniak, Councilors Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were City Manager Eric Ensey, City Attorney Ken Fellman, Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Jay Goldie, Parks and Trails Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: none

AUDIENCE PARTICIPATION PERIOD

Linda Averch
6201 Charrington Dr.
Cherry Hills Village, CO 80113

Ms. Averch asked Council to review the current zoning laws of residential properties concerning satellite dishes. She expressed her concern over the ten large satellite dishes on her neighbor's property, many of which are over three feet wide. She indicated that she has been in conversation with Planning Manager Rob Zuccaro and City Attorney Ken Fellman regarding this issue. She also submitted for Council's review photographs that she had taken of the satellite dishes on her neighbor's property dated August 18, 2009. She indicated to Council that at the time the photos were taken there were eight dishes and that there have since been two more added, one in the last ten days. She thanked the Council for their time and expressed her hope that the issue be resolved in a timely manner.

Mayor Wozniak thanked Ms. Averch for bringing this to the Council's attention and asked Mr. Fellman to address the issue.

Mr. Fellman indicated that staff has been in contact with Ms. Averch and has been aware of this issue for several weeks. He indicated that Mr. Zuccarro is looking into the issue and that there is no current regulations in the City's zoning code that limits the number or size of satellite dishes. He indicated that the federal laws preempt any City code regulating satellite dishes under two meters in diameter, but that the satellite dishes shown in Ms. Averch's photographs are much larger. He indicated that although this is not a common issue in communities due to the limiting size of houses and lots, he has checked with communities that have comparable lot sizes to the City. He found that the communities that regulate satellite dishes do so by limiting the number of dishes to two or three, and that if a resident wants to install additional dishes, the request is treated as a conditional use and the resident must go through an application process. He indicated that staff is planning to propose an amendment to the code to provide some regulation of satellite dishes in the City, and that they would first introduce the amendment to the Planning & Zoning Commission for their recommendations, and then bring it before Council, unless Council decided on a different scenario.

Mayor Wozniak thanked Mr. Fellman for being on top of the issue and stated that the Council would welcome a review of the proposed ordinance after review by the Planning & Zoning Commission.

Mr. Fellman noted that any residents wanting to contest the proposed ordinance would have the opportunity to do so at the public meeting held during the second reading of the ordinance.

Councilor Griffin inquired as to the possible purpose for eight to ten satellite dishes.

Ms. Averch indicated that she had spoken to her neighbor about the purpose of the satellite dishes and that she had been told that they were for the purpose of receiving multi-language television channels from Europe for their children.

Mayor Wozniak thanked Ms. Averch.

CONSENT AGENDA

Mr. Fellman indicated that an amended section of the September 1st, 2009 minutes were on the dias.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin, to remove Item 4a from the Consent Agenda and to approve the following items on the Consent Agenda:

- b. Approval of Minutes – September 15, 2009
- c. Amendment No. 3 to Intergovernmental Agreement – DRCOG Elevator and Escalator Safety Inspection Program.

The motion carried unanimously.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to approve the minutes of September 1st as amended by Mr. Fellman:

- a. Approval of Minutes – September 1, 2009

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

REPORTS

Members of City Council

Councilor Brown stated that the first phase of the Village Center Master Plan is complete. This phase involved community outreach, information gathering, and collecting inventory data regarding the entire site. The City held six focus groups and

one community meeting. The focus groups were attended better than expected except for one. The community meeting was well attended considering the weather and other factors. Norris Design and SEH will now develop three to five design concepts detailing location of facilities and access, among other issues. The next workgroup meeting is Monday, October 12th. Norris Design and SEH will present their design concepts to the community for the purpose of receiving input and feedback from the public on October 21st from 6:30 p.m. to 8:00 p.m. at Cherry Hills Village Elementary School. Staff is notifying all attendants of the focus groups and community meeting of the October 21st meeting. Norris Design and SEH will then present a final report to Council. Diana Rael from Norris Design and SEH will attend the October 20th, 2009 Council Meeting to give Council an update on the project and to present what will be presented to the public on October 21st.

Councilor VanderWerf stated that she, Councilors LaMair and VanderWerf along with Parks and Trails Administrator Ryan Berninzoni attended the first Arapahoe County Open Space Master Plan meeting, and that it was well attended by Cherry Hills Village residents and went well. She indicated that they spent the meeting working on a vision statement. Arapahoe County is hosting several public meetings, and the next one will be held November 19th, 2009 at Byers High School in Byers, Colorado. She requested that staff send a blast email with details of the public meeting.

Councilor Roswell stated that he was unable to attend the last meeting of the Residential Standards Development Committee (RSDC), but noted that Council received an advanced copy of RSDC's Report to the Council, which will be presented at the October 20th Council meeting. He encouraged Council members to review the document before the October 20th meeting.

Mayor Pro Tem Steward indicated he appreciated the advanced copy of the RSDC report, and that he regretted not being able to attend the Arapahoe County meeting and would like to review the meeting with Mr. Berninzoni.

Councilor LaMair had nothing to report.

Councilor Griffin had nothing to report.

Mayor's Report

Mayor Wozniak stated that although the 2009 budget will not be addressed during the Study Session, he wanted to acknowledge Finance Director Karen Proctor's work to balance the budget. He discussed the cuts to the current budget, which had been highlighted in a recent article of the Village Crier, including several public works projects, volunteer receptions, holiday parties, the Youth-Adult Summit, and donations to the Women's Shelter. He stated that the City is still over budget for 2009, and that Ms. Proctor has been very conservative in her projections for the 2009 budget including revenues from car sales and property taxes. He stated that they are attempting to not affect Police or City services for the 2009 budget. He stated that there will be a number of things in the 2010 budget that do affect health and safety, but that the budget might be tighter for 2010 as property taxes are reassessed.

Mayor Wozniak also indicated that he has a work conflict on November 17th and requested that Council look at their calendars to see if the November 17th Council meeting might be moved so that he could attend.

Members of City Boards and Commissions

There were no reports.

City Manager & StaffUnaudited Financial Statements (August 2009)

City Manager Eric Ensey indicated that the budget will be discussed during the Study Session.

City Attorney

Mr. Ken Fellman asked Council to recall the notice of claim the City receive a little over a year ago concerning the case of Mr. Bierenkoven who was in a bicycle accident at a construction site on Dahlia. He indicated that the claim was not resolved during the statute of limitations, and that a lawsuit has been filed against the City and its contractor. He indicated that CIRSA is aware of this issue and has been retained to review this claim. He indicated that once CIRSA reviews this claim he will have a conference call with them and then will arrange for an Executive Session at a future Council meeting to present his analysis of the issue.

Mr. Fellman also discussed an ongoing case in which the City is not a party. The case is between Mary Scott and Chicago Title regarding an easement on South Monroe. The Scott lawsuit asked to dispose Mr. Ensey for information about the City's approval process for conservation easements on Monday, October 5th 2009. He indicated that Mr. Ensey may be subpoenaed for the trial.

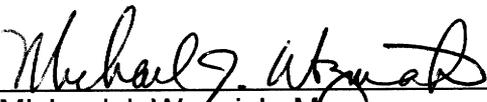
ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to adjourn the meeting and to proceed to a study session for the purpose of discussing the proposed 2010 Fiscal Year Budget.

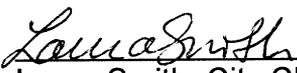
The motion passed unanimously.

Council adjourned to a Study Session at 6:53 p.m.

The meeting adjourned at 7:55 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk