Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Monday, March 1, 2010 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Mike Wozniak, Councilors Mark Griffin, Russell Stewart, Scott Roswell, and Harriet LaMair were present on silent roll call. Also present were Interim City Manager and Police Chief John Patterson, Community Development Director Rob Zuccaro, Public Works Director Jay Goldie, Parks, Trails & Recreation Administrator Ryan Berninzoni, City Attorney Nancy Rodgers and City Clerk Laura Smith.

Absent: Councilors Alex Brown and Klasina Vanderwerf

PROMOTION OF JODY SANSING TO DEPUTY CHIEF OF POLICE

Postponed until the March 15, 2010 meeting.

AUDIENCE PARTICIPATION PERIOD

Geoff Landry
5130 Nassau Circle West
Cherry Hills Village CO 80113

Mr. Landry presented the Cherry Hills Village Land Preserve's position on the proposed Village Center improvements and open space. He stated that the Land Preserve believes consensus for a new Village Center would be best achieved if it is presented in concert with a larger plan to acquire open space to enhance and preserve the natural environment, rural character and quality of life of the community. The members of the Land Preserve support the efforts of the Council and Mayor to take a proactive approach to the Village Center facility improvements and suggest these efforts not be looked at as a singular project but rather as part of a larger vision of acquiring valuable parcels of land and open space for connectivity, community and government facilities and parks, further enhancing and protecting the village quality of life and its unique character. Furthermore, they advocate for Council to initiate a comprehensive Village Center and Open Space priority plan. He stated that the Master Plan and Blue Ribbon Panel along with documented surveys, and public testimony have established overwhelming support by residents to preserve open space and open space protection should be a priority for the Village's elected officials. They do not want the planned improvements to the Village Center to take precedence over the community's desired and stated priorities of open space acquisition. He stated that prioritization of Village reserve and general fund should include long term financial planning for strategic open space acquisition to capitalize on opportunistic purchases currently identified in the community to maximize open space and connectivity.

Mayor Wozniak thanked Mr. Landry for his comments and for reminding Council of the importance of open space and that the Village Center improvements should be done in concert with the acquisition of open space.

CONSENT AGENDA

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

a. Approval of Minutes – February 16, 2009
b. Englewood Vehicle Maintenance Service Agreement
c. Resolution 6, Series 2010; Concerning the Appointment of Mr. Peter Savoie to the Planning and Zoning Commission
d. Resolution 7, Series 2010; Appointing a Canvass Board for the April 6, 2010 Regular Municipal Election
e. Expenditure of Funds and Contract for Services with Davey Tree and Lawn Care Experts for the Yearly Spraying and Fertilizing of City Trees

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 6, Series 2010; A Bill for an Ordinance Authorizing a Supplemental Appropriation for the Purchase of a Mower for Fiscal Year 2 (*first reading*)

Public Works Director Jay Goldie presented Council Bill 6, Series 2010 on first reading. Mr. Goldie explained that Council Bills 6, 7, and 8, Series 2010 were all the same issue regarding purchases made in 2009. The first was the purchase of a mower that the City traded in a tractor to purchase. The purchase price after the trade-in was $3,000, which was the amount recorded for the purchase. The second was the finance of a new grader, the total amount of which was not recorded because it was financed over three years. The third was the pass through of grant funds to the South Suburban Park Foundation for maintenance of the Big Dry Creek trail. The auditors have made Ms. Proctor aware that these purchases should have been supplemental appropriations. The proposed council bills and their supplemental appropriations would not change the bottom line of the budget, but would adjust how expenditures and revenues are shown.

Mayor Wozniak indicated his confusion about the changes and his disappointment that these mistakes in accounting were made.

Councilor Roswell asked why this issue had not come up in previous years as he was sure this was not the first time the City was trading in old equipment for new equipment. He asked if something was being done differently than in years past.

John Cutler, of John Cutler & Associates, replied that the confusion stemmed from the two different bases of accounting between the private sector and the government sector. Government accounting primarily deals with inflows and outflows. He stated that in the case of the lease, the total amount of the lease is an inflow (even if it is financed over multiple years) and the cost of the equipment is the outflow. He stated that Cherry Hills Village is not the only municipality that his auditing firm has found this issue with. He stated that he would guess that in the past any leases or trade-ins did not put the City over budget and so a supplemental appropriation was not necessary. He stated that if Council made these changes to the budget now, they would avoid a footnote on the audit report stating that the City was in violation of state statutes.

Councilor Griffin indicated he would like Councilor Brown's input on these issues.

Mayor Wozniak indicated that he didn't want to prevent these bills moving forward and that Councilor Brown's input would be appreciated on second reading of the bills.

Chief Patterson commented that when the Police Department leased a motorcycle three years ago, it was not an issue because the City was under budget.

Councilor LaMair asked for clarification on the Big Dry Creek issue.

Mr. Goldie replied that the City had received the grant in 2008 from Arapahoe County Open Space, but spent it in 2009.

Mr. Cutler explained that the revenue from the grant doesn't enter the balance sheet until it is spent, and since the funds were spent in 2009, they had to be accounted for in the 2009 budget.

Mayor Wozniak emphasized that the City would have to make sure to account for these types of issues properly in the future. He reminded Council that these were all on first reading and that they would have another opportunity to clarify issues with staff at the second reading at the next meeting.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair to approve Council Bill 6, Series 2010 a bill for an ordinance of the City of Cherry Hills Village authorizing a supplemental appropriation for the purchase of a mower for fiscal year 2009, on first reading.

The following votes were recorded:

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

Vote on Council Bill 6-2010: 4 ayes. 0 nays. The motion carried.

Council Bill 7, Series 2010; A Bill for an Ordinance Authorizing a Supplemental Appropriation for the Purchase of a Grader for Fiscal Year 2009 (*first reading*)

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair to approve Council Bill 7, Series 2010 a bill for an ordinance of the City of Cherry Hills Village authorizing a supplemental appropriation for the purchase of a grader for fiscal year 2009, on first reading.

The following votes were recorded:

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

Vote on Council Bill 7-2010: 4 ayes. 0 nays. The motion carried.

Council Bill 8, Series 2010; A Bill for an Ordinance Authorizing a Supplemental Appropriation for the Expenditure of Funds for the Dry Creek Trail Improvements for Fiscal Year 2009 (*first reading*)

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve Council Bill 8, Series 2010 a bill for an ordinance of the City of Cherry Hills Village authorizing a supplemental appropriation for the expenditure of funds for the Dry Creek Trail improvements for fiscal year 2009, on first reading.

The following votes were recorded:

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

Vote on Council Bill 8-2010: 4 ayes. 0 nays. The motion carried.

REPORTS

Members of City Council

Councilor Griffin had no report.

Councilor LaMair reported that she continues to get calls about the gas pipeline work along Quincy. She indicated that there has been some damage to the road at Dahlia and Quincy and asked staff if there was a remediation plan for the north side of Quincy.

Mr. Goldie replied that the work should be done in the next two weeks. He stated that the City had a $50,000 bond from Xcel and that he was sure that with this amount the City would be able to repair any damage done to roads and personal property during the course of the pipeline work if Xcel did not do the repairs themselves. He stated that Xcel would be remediating the entire north bank of Quincy from the City Center to Colorado with grass in late March or early April. They will also be responsible for repairing driveways on Southmoor.

Mayor Pro Tem Stewart asked for an update on the construction of play equipment at Dahlia Hollow park.

Mayor Wozniak indicated that he had also gotten several calls about this issue.

Mr. Goldie replied that the Parks, Trails and Recreation Commission (PTRC) would be holding public meetings for the neighborhood at their next meeting to get input about putting in some play structures such as a swing set at Dahlia Hollow. He stated they were at the very beginning of the process.

Councilor Roswell reported that he had met with Chief Qualman of South Metro Fire Rescue (SMFR) on a Memorandum of Understanding (MOU). SMFR is looking closely at how property taxes and assessment will affect their revenues. Councilor Roswell will be working with the SMFR District and Council towards presenting a proposed MOU at SMFR's April board meeting.

Councilor Roswell also reported that he had met with the principal of Colorado Academy who is doing parent education on teen suicide. He asked if one of the City's officers could attend.

Councilor Griffin reported that he and Ms. Proctor would be meeting with the Arapahoe County Treasurer to review tax assessment.

Mayor's Report

Mayor Wozniak reported that he had received a letter from the Community Asset Project and the Cherry Creek School District asking for a contribution for a Family Wellness Summit. The organization is a 501(c)(3) that works to minimize risk factors for teens, and in light of the Council's discussions on suicide he thought this organization was relevant. Last year the Council supported a Youth-Adult Summit. He stated that the City had not appropriated any funds for supporting non-profits this year, but that Council could choose to do so if they wanted. He stated that Council needed to be very judicious about how it spends the City's money so he was bringing the issue up for discussion.

Councilor Griffin suggested that Council could have staff look at all the programs that dealt with risk factors and determine the most effective way to spend money, but he indicated that he felt very strongly that Council should support something.

Councilor LaMair stated that she had recently read an editorial discussing how Denver City Council members gave money from the City's slush fund to each of their favorite non-profits, and how some of the organizations had been very controversial. She stated that teen suicide and minimizing risk factors were very important topics and each councilmember could contribute individually, but that Council should be very careful about selecting a non-profit to contribute the City's funds to.

Mayor Wozniak replied that Councilor LaMair's point was well taken. He stated that Council should only spend money in a way that will benefit everyone in the Village. The Council has been very careful in the past about what organizations it donates to and will continue to be careful. He stated that most other cities had drastically cut down on contributions to 501(c)(3)s but that each city budgets something modest. However, other cities perhaps had an easier choice because some organizations were within their city. He directed Council to let the City Clerk know if they wanted to add any discussion about this issue onto the next agenda. He stated that he would like Council to vote on any donation.

Mayor Wozniak also reported that the annual Colfax Marathon was coming up and asked Interim City Manager John Patterson to see if any city employees would like to run the marathon. He reminded Council that the next Council meeting would be on March 15th, and the one following that on April 6th.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Update on DRCOG grant application

Community Development Director Rob Zuccaro presented an update on the Denver Regional Council of Governments (DRCOG) grant application and on the Residential Development Standards Committee (RDSC). He stated that the City's grant application had been for just over $19,000 and had included three separate requests: the daylight plane study, one of the recommendations from the RDSC; an undeveloped land mapping project; and a GIS data conversion and inventory program. He stated that DRCOG had informed staff that $5,000 was available for the three projects. The total cost for the GIS conversion project is included in the 2010 Public Works budget. The mapping project would cost $1,500, $1,000 of which has already been budgeted. The daylight plane study has not been budgeted and is estimated to cost $18,500. DRCOG proposed that $500 of the $5,000 grant be applied to the mapping project, and the

remaining $4,500 be used to partially fund the other two projects. Mr. Zuccaro asked for direction from Council on how to use the remaining $4,500 from the DRCOG grant. If the $4500 were applied to the GIS project, the remaining $18,758 would come from the Public Works budget. If the $4,500 were applied to the daylight plane study, the remaining $14,000 would need a supplemental appropriation. Staff could also open up a Request for Proposals (RFP) for the daylight plane study and potentially reduce the cost of the project.

Mayor Wozniak asked if Council agreed to apply $500 to fund the mapping project.

Council agreed to apply $500 to fund the mapping project.

Councilor Roswell stated that there had been a lot of time and effort and community involvement has been put into the RDSC project and he thought the RDSC was a ripe issue and should not be set aside. He suggested that staff put out an RFP for the daylight plane study and the remaining $4500 of grant funds be applied to that project.

Councilor LaMair agreed that the $4,500 should be used for RDSC.

Mayor Wozniak directed staff to put out an RFP for the daylight plane study and apply the remaining $4,500 of grant funds to that project.

Mr. Zuccaro also asked for direction from Council on the next steps for exploring the recommendations in the RDSC report.

Mayor Wozniak indicated that he didn't believe Council needed any more study sessions, but that Council needs to proceed with the RDSC recommendations. He indicated that Council needed the results of the daylight plane study before they begin drafting any bills. He indicated his concern that many houses would violate any new standards. He asked what the timeline on the daylight plane study would be.

Mr. Zuccaro replied that it would take approximately three months.

Councilor LaMair asked if the daylight plane study would be specific to zone district.

Mr. Zuccaro confirmed that it would be specific to zone district and to neighborhoods within zone district.

Councilor LaMair asked if there were some recommendations from the RDSC that the Planning & Zoning Commission (P&Z) could begin work on right away.

Mr. Zuccaro replied that the RDSC's first four recommendations, which were the Floor Area Ratio standards, the daylight plane standards, the building height standards, and the limitation on grade standards, were the most interrelated. However, their recommendations for green building standards and natural surroundings standards stood alone.

Mayor Wozniak directed staff to move forward with P&Z on the last two recommendations. He also suggested that when Council was ready to address the first four recommendations that they have another public hearing.

City Attorney

City Attorney Nancy Rogers had no report.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

Michael J. Wozniak, Mayor

Laura Smith, City Clerk