

**RECORD OF PROCEEDINGS**

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

**REGULAR MEETING**

Mayor Mike Wozniak called the meeting to order at 6:30 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 Interim City Manager and Police Chief John Patterson, City Attorney Ken Fellman, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Public Works Director Jay Goldie, Deputy Chief Jody Sansing, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: none

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

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

- a. Approval of Minutes – March 15, 2010

The motion carried unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**ORGANIZATIONAL MEETING OF THE NEW CITY COUNCIL****OATH OF OFFICE**

Municipal Judge James E. Turre administered the Oath of Office to Councilmembers Russell Stewart, Scott Roswell, Harriet Crittenden LaMair, and Mayor Mike Wozniak.

Mayor Mike Wozniak called the meeting to order at 6:40 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 Interim City Manager and Police Chief John Patterson, City Attorney Ken Fellman, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Public Works Director Jay Goldie, Deputy Chief Jody Sansing, Parks, Trails &

Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: none

### **APPOINTMENT OF MAYOR PRO TEM**

Councilor Roswell moved, seconded by Councilor LaMair, to appoint Councilor Stewart as Mayor Pro Tem for the next two years.

The motion carried unanimously.

### **AUDIENCE PARTICIPATION PERIOD**

None

### **CONSENT AGENDA**

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

- a. Appointment of City Clerk, City Treasurer and City Attorney
- b. Appointment of Municipal Court Judge
- c. Contract for Services with Quality Pipe Services and Expenditure of Funds for the 2010 Sewer Line Manhole Rehabilitation
- d. Contract for Services with SAK Construction and Expenditure of Funds for CIPP repairs to the City Owned Sewer Lines
- e. Street Striping Contract with Highway Technologies, Inc and Expenditure of Funds for the 2010 Street Striping Project

The motion carried unanimously.

### **ITEMS REMOVED FROM CONSENT AGENDA**

None

### **NEW BUSINESS**

#### **Conditional Use Permit Request for Wireless Communications Facility Located at Kent Denver School, 4000 E. Quincy Avenue (Public Hearing)**

Community Development Director Rob Zuccaro presented the request for a Conditional Use Permit by NewPath Networks, LLC to locate a wireless communication facility at Kent Denver School. NewPath Networks is currently operating nine nodes in the City, with a tenth node under construction. These nodes were all located in public rights-of-way and had been approved by the City Council through a right-of-way agreement with NewPath Networks. Because the facility that NewPath Networks would like to construct at Kent Denver School was on private property, it required a Conditional Use Permit. The proposal included installing an antenna on a Qwest-owned utility pole adjacent to Monroe Lane and a City trail. It also included installing an above ground power pedestal and a below ground equipment vault at the base of the pole. The applicant also requested a variance to the setback requirement for the facility. The accessory setback for the property was 25 feet, necessitating a variance of 24 feet for the proposed antennas and a variance of 3 feet for the power pedestal and below-ground equipment vault. City Council is authorized to approve variances as part of Conditional Use Permits. At their February 23<sup>rd</sup> 2010 meeting, the Planning and Zoning Commission

(P&Z) voted unanimously to recommend approval of the request for a setback variance and for the Conditional Use Permit with three conditions. First, that the antennas be relocated on the utility pole so that they did not encroach onto the adjacent residential property. Second, that the ground mounted equipment and power pedestal be moved to the east side of the trail, and setback at least two feet from the trail; and that any above ground equipment be screened with landscaping. Third, that a modified License Agreement between NewPath and Kent Denver be provided allowing for the placement of ground equipment on Kent's property. These conditions had been met. Mr. Zuccaro stated that this project was consistent with the City's Master Plan in that it improves the City's wireless communications coverage while considering potential impacts on property owners, views and community character. Staff provided a detailed analysis and findings of the code requirements in the staff report.

Mayor Wozniak commended Mr. Zuccaro for the extensive and thorough staff report. He indicated that staff's outlining of the code requirements and explanation of staff findings was very helpful to Council.

Councilor LaMair asked if staff had contacted neighbors of Kent Denver School regarding the public hearing.

Mr. Zuccaro confirmed that the applicant had been required to send letters via certified mail to all the neighbors of Kent Denver School and also to post signs giving notice of the hearing on the property.

Mayor Wozniak noted that Council had received two public comments by email, one from Walton Stinson in favor of the issue, and one from Susie Halle expressing her concern with the impact of the cell tower on the view corridor.

Councilor LaMair asked staff if the issue had been brought up in previous hearings and if different locations for the cell tower had been discussed.

Mr. Zuccaro indicated that there had been some discussion about moving the cell tower to the north near the Kent Denver School maintenance facility, but that it had been determined that doing so would reduce the coverage of the cell tower, specifically to Glenmoor Country Club.

Mayor Pro Tem Stewart asked if there had been any discussion at the P&Z about whether the setback requirement should apply to this particular case.

Mr. Zuccaro stated that he didn't recall any discussion of the applicability of the setback variance during the P&Z meeting, but that staff's analysis was consistent with other facilities in the network and that this facility would be co-located on an existing utility pole.

Mayor Pro Tem Stewart indicated that he would possibly bring the issue back to Council to discuss amending the City Code to remove the required setback for wireless facilities.

Mayor Wozniak invited the applicant to address Council.

Mark Morris, representative of NewPath, stated that the facility sites were specifically chosen to maximize wireless coverage. He stated that if the proposed facility were moved to the north, as had been suggested, then it would interfere with other established facilities. This would not only limit the coverage to the south, specifically Glenmoor Country Club, but would also degrade the signal from both facilities for other areas. He indicated that facilities were typically  $\frac{1}{4}$  to  $\frac{1}{8}$  mile apart to provide optimal

coverage. He also stated that NewPath had met the three conditions that P&Z had agreed upon.

Councilor LaMair asked if the proposed facility would improve cell phone coverage.

Mr. Morris replied that it should result in a significant improvement, including building penetration so that residents would be able to use their cell phones inside their homes.

Mayor Wozniak asked how many cell towers were currently operational in the City.

Dave Waterman of Base Communications, the contractor installing the nodes, stated that all nodes in the City were active except two. Node #2 at Dahlia and Belleview was active on Verizon Wireless only, not At&T; and node #22 was not yet active. All other nodes were active for Verizon and AT&T.

Mayor Wozniak asked if this would be the last public hearing on NewPath facilities.

Mr. Morris replied that it was the last one planned as of now, but that they would be continually updating their coverage and service in the City so the issue might come before Council again in the future.

Mayor Wozniak opened the public hearing.

Jerry Walker, representing Kent Denver School, stated that he was present in support of the proposed facility. He stated that the biggest concern of Kent and its neighbors had been the impact of the proposed facility on the trail and view corridor, but that an agreement that the equipment would be removed within 60 days if the power lines in the area were buried had satisfied much of the concern. He stated that Kent was happy to do its part to improve cell service in the City by allowing the proposed facility on its property.

Mayor Wozniak thanked Mr. Walker for his comments and asked if anyone else wanted to speak. Hearing none the public hearing was closed.

Councilor Roswell indicated that he appreciated Kent Denver's comments, and that their cooperation was allowing NewPath to place their antenna on an existing tower. He stated that he was in support of approving the request.

Councilor LaMair indicated that she agreed. She indicated that the agreement that the facility would be removed if the power lines were ever buried was a good compromise. She stated that the poor cell service in the City was a safety issue as well as an issue of convenience and she supported the request. She also thanked Kent Denver for being a good neighbor.

City Attorney Fellman directed Council to vote on the variance first and the Conditional Use Permit second.

Councilor LaMair moved, seconded by Mayor Pro Tem Stewart to approve the request by NewPath Networks LLC, for a variance allowing encroachments into the 25-foot accessory structure setback for the R-1, 2 1/2-Acre Residential District, based on the findings outlined in staff's memorandum dated April 6, 2010.

The following votes were recorded:

Mark Griffin	yes
Harriet LaMair	yes

Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on the request for variance: 6 ayes. 0 nays. The motion carried.

Councilor LaMair moved, seconded by Mayor Pro Tem Stewart to approve the request by NewPath Networks, LLC for a Conditional Use Permit to locate a wireless communication facility at Kent Denver School based on the findings outlined in staff's memorandum dated April 6, 2010.

The following votes were recorded:

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

Vote on the request for Conditional Use Permit: 6 ayes. 0 nays. The motion carried.

Formal Petition for Vacation – To Vacate a Portion of East Union Avenue adjacent to the Property Located at 4750 South Dahlia Street (Public Hearing)

Public Works Director Jay Goldie presented the formal petition for vacation. He indicated that the applicants had originally sought for vacation of two sections of Union Avenue as well as moving easements of two trails. He stated that both P&Z and PTRC (the Parks, Trails and Recreation Commission) had recommended denial of the original Union Avenue vacation requests, as well as the request to move the two trail easements. The modified request before Council tonight was for only one portion of Union Avenue, and it was unclear to staff if the P&Z and PTRC would still recommend denial of the modified request. Because the modified request was for a reduced area, it was not brought back to either Commission. Mr. Goldie also indicated that the proposed ordinance had been amended at the request of the applicant to remove paragraph 1, subsection b, regarding utility easements, since there were no utility easements on the area. He also indicated that he had received two emails from residents in support of the vacation.

Mayor Wozniak indicated that the applicants were asking the City to vacate a piece of land of approximately 0.1 acres, landlocked between the Mooney's property and the High Line Canal. He indicated that Council had received the emails sent to Mr. Goldie from residents Jim Sorin, representing the Tamblyn family, and Jeff Welborn in support of the modified request for vacation.. He invited the applicants to address Council.

John Woodward, attorney for the Mooneys, addressed Council. He indicated that he had first addressed Council on this issue in November of 2008, and since then had learned a lot about the history of the City and had communicated with the Mooneys neighbors on their request. He stated that many of the neighbors had written letters of support in addition to those that Council received, including the Lyons, the Crapos, and Ms. Merga, who was present with her attorney. He stated that the piece of land his clients were requesting be vacated was landlocked by their property and the High Line Canal, and that parts of Union Ave to the east and west along the canal were already vacated. He stated that there was no public access to the site, and that the City had no budget to maintain the site and no plans to maintain it. He stated that it was a very

steeply sloped piece of land left in its natural state. He stated that should anyone challenge the City to maintain it, they would have to go through private property to do so. He stated that it was of no current public use or benefit, whereas the fair market value that the Mooneys were offering for the site could be used to improve the City for the public benefit.

Mayor Wozniak asked if the addition of the 0.1 acre parcel would increase the number of sub-dividable lots available on the Mooneys property.

Mr. Woodward replied that the Mooneys' current acreage allowed for 7.7 sub-dividable lots. With the addition of the parcel of issue, it would allow for 7.8 sub-dividable lots. Therefore it would not increase the number of sub-dividable lots.

Councilor LaMair asked what effect the addition of this parcel would have on amount of dedicated land required for a subdivision of property.

Mr. Woodward replied that he would need a calculator to determine the amount of land for dedication but that he had the understanding that the City ordinance allowed for property owners to either dedicate land, pay-in-kind, or a combination thereof for a subdivision of property.

Councilor VanderWerf asked if the addition of the 0.1 acre parcel would change the setback of the property.

Mr. Zuccaro replied that the High Line Canal right-of-way could not be counted towards the gross acreage of the property, unlike road rights-of-way, and so it would not count towards calculating the setback of the property.

Mayor Wozniak asked how the City maintained the site and if it was insured as City property.

Mr. Goldie replied that it was maintained in its natural state including spraying for weeds. He indicated that staff only sprayed when the High Line Canal was dry, and further that they could access the site via the High Line Canal and would not have to go through any private property. He confirmed that it was covered under City insurance.

Mr. Goldie indicated that the calculations showed that the land dedication would be a little over an acre.

Mayor Wozniak clarified that the addition of the 0.1 acre parcel would not change the number of dividable lots.

Mr. Goldie confirmed that was correct.

Councilor LaMair asked if the determination of the number of lots was done before the dedication of land.

Mr. Goldie confirmed that was correct.

Councilor LaMair indicated that one public benefit of the site was that it served as a buffer for the High Line Canal and provided for an open and natural setting for people walking along the High Line Canal. She indicated that if the City vacated the site, the worse case scenario would be heavy landscaping on the site which would disrupt the rural feel of the High Line Canal, and that keeping the site as City property protected residents from this worse case scenario.

Mr. Woodward responded that private property abuts the High Line Canal everywhere but this section of Union Avenue, and that it was a very small area of buffer.

Councilor Brown asked if the graphic of the property and the canal included the canal right-of-way.

Mr. Goldie confirmed that it did, and that the canal meandered through the 100-foot wide right-of-way.

Mayor Wozniak opened the public hearing.

Edward Connors of 4 Cantitoe Lane stated that he had lived in the City for 41 years and was the Chair of the P&Z. He stated that it seemed the issue of vacating a portion of Union Avenue had come up every 10 years. He stated that the Mooney's request for vacation was reasonable except if the City planned at some point to extend Union Avenue, which he had been assured by previous City Managers would never be the case. He asked Council to settle the issue and vacate the property. He stated that the Mooneys had moved into the neighborhood with a lot of good will.

Tom Napp, representing Lynn Merage at 4800 Fairfax Avenue, stated that Ms. Merage supported the Mooneys current application for vacation, but reserved her right to object to any future vacation requests. He also stated that Ms. Merage requested that the public notice sign posted at the front of her driveway be taken down or moved as soon as possible.

Mayor Wozniak thanked Mr. Connors and Mr. Napp for their comments and asked if anyone else wanted to speak. Hearing none the public hearing was closed.

Mayor Wozniak commented that Mr. Welborn's letter had brought attention to the bank stabilization issue on the High Line Canal across from the property begin discussed. He indicated that should the City decide to vacate the property, the funds from the vacation could be used for bank stabilization.

Councilor LaMair asked if P&Z and PTRC had voted separately on the request for vacation of portions of Union Avenue versus the request for vacation of portions of trails.

Mr. Goldie confirmed that they had.

Councilor Roswell asked if other Councilmembers knew something of the history of requests for vacation of this property.

Councilor Brown replied that when he was Chair of P&Z they had reviewed a different portion of Union Avenue, but did not recall ever reviewing the portion up for discussion.

Mayor Wozniak agreed. He indicated that if the City ever did want to expand Union Avenue, they would have to impose eminent domain, which would obviously not be popular with residents.

Councilor Roswell asked why the City still owned this small, isolated parcel.

Mayor Wozniak responded that the City did not like to give up public land. He commented that the parcel gave little benefit to the City currently, and would not affect the number of sub-dividable lots or setback of the property, but that any payment from its vacation could be put into the Cat Anderson Fund and used for open space projects that would benefit the City.

Councilor LaMair expressed her concern over vacating this parcel if there were others that had not been vacated. She asked if this was the only remaining parcel of Union Avenue in this area not yet vacated by the City.

Mr. Goldie replied that to the best of staff's knowledge this parcel and one other were the only parcels not vacated.

Mayor Pro Tem Stewart indicated that Union Avenue would never be built though. He indicated that he was perplexed as to why the parcel was an issue with the current property owners when it had not been with the previous property owners. He indicated that regardless of the reason, the Council still had to adhere to the statute and determine if vacation of the parcel served the public interest. He indicated that payment from the vacation should not be the swaying argument since the City could get lots of funds by vacating many other sites. He indicated that payment was not a compelling argument that vacating was in the public interest. He indicated that in contrast, a dedication of land or easements would be in the public interest.

Councilor VanderWerf agreed that making the argument for serving the public interest was difficult when based only on payment. She indicated that Council needed another argument for the public interest.

Councilor LaMair indicated that if the payment from vacation went into the Cat Anderson Fund, then the City would have the funds to purchase open space and that would make the argument for public interest stronger. The funds would provide future opportunities for the community and would help the City meet potential obligations.

Mayor Wozniak commented that the property was not currently useable for the public interest, that it was not developable, that he didn't like the idea of the City owning small isolated parcels of land, that the City doesn't really maintain the parcel, and that transferring the funds into the Cat Anderson Fund would help prepare the City for the possibility of using the Fund for its original intention. He commented that the City will never build up Union Avenue.

Councilor Brown indicated that whether the City vacates the property or not, the use of the property won't change. He indicated that when public land was sold it was gone, and that it was hard to know how this vacation would play out in the future.

Councilor VanderWerf asked if the City could ask for something other than payment, such as a land dedication, in exchange for vacating the parcel.

Mayor Wozniak replied that they could not, that Council was limited to the statute.

Councilor LaMair asked if Council should table the issue.

Mayor Wozniak directed Council to vote.

Council Bill 9-2010; A Bill for an Ordinance Vacating the City's Interest, if Any, in a Portion of Right-of-Way for Union Avenue (first reading, tabled from December 8, 2009)

Councilor Roswell moved, seconded by Mayor Pro Tem Stewart to approve the formal petition to vacate a portion of East Union Avenue adjacent to the property located at 4750 South Dahlia Street.

The following votes were recorded:

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

Vote on the petition to vacate: 6 ayes. 0 nays. The motion carried.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 9, Series 2010, an ordinance for the vacation of certain portions of East Union Avenue that abut the property known as 4750 South Dahlia Street and find that the vacation is in the best interest of the public as required by City Code Article V, Section 11-5-50(f)(1). The description of this parcel of East Union Avenue right-of-way is outlined and depicted in Exhibit A of Council Bill 21, Series 2009. In return, the City will be compensated based on the fair market value of the property. Additionally, all conditions outlined in the ordinance must be met prior to the final reading of said ordinance.

The following votes were recorded:

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

Vote on the Council Bill 9-2010: 6 ayes. 0 nays. The motion carried.

Council Bill 10-2010; A Bill for an Ordinance Amending Chapter 16 of the Municipal Code, Concerning Zoning, by Amending Section 16-16-50 Concerning Exterior Lighting (first reading)

Mr. Zuccaro presented Council Bill 10, Series 2010 on first reading. The proposal was for a comprehensive update to the City's lighting standards proposed by the Planning & Zoning Commission (P&Z). The proposed bill repealed the existing Exterior Lighting standards under Municipal Code Section 16-16-50 and established updated standards that were intended to be consistent with the Master Plan strategy regarding outdoor lighting, which seeks to encourage outdoor lighting that is designed to preserve a "dark sky" while providing adequate safety. The P&Z Rules of Procedure, adopted in 2008, provide for an annual review of the City's Master Plan in May of each year, and the P&Z completed their first annual review in May 2009. The P&Z identified several strategies for immediate research and implementation, including a review of the City's lighting standards, and directed staff to provide a report analyzing the City's current lighting standards in relation to the Master Plan strategy of preserving a "dark sky." Based on staff's review, which included examples of lighting ordinances from other municipalities around the state and country, the P&Z directed staff to work on possible revisions to the Exterior Lighting standards under Section 16-16-50. The P&Z decided not to pursue any changes to the lighting nuisance or parking lot lighting standards. After extensive review including review of lighting ordinances of other municipalities, the P&Z developed a draft Exterior Lighting ordinance for recommendation to the City Council. Based on literature from the International Dark-Sky Association (IDA), there are several documented benefits to limiting light pollution and preserving a "dark sky," including possible safety, health, energy conservation and wildlife benefits. In addition, low light pollution is consistent with the Master Plan vision of having a "semi-rural character." The proposed ordinance requires that new residences or remodels with 50% or more new square

footage have fully shielded fixtures on exterior lights, and limits each bulb to 1800 lumens, or approximately 100 watts. The proposed ordinance does not limit the number of lights, and provides for other exceptions including landscape and architectural accent lighting, recreational use lighting, motion detected security lighting, holiday lights, and parking area lighting. At the February 23<sup>rd</sup> 2010 meeting, staff presented several concerns about the proposed ordinance to the P&Z. First, staff was concerned about the fairness of implementing the lighting regulations on a limited number of residences, while the majority of residences would be grandfathered in and would not need to meet the new regulations. Based on permit activity from the last several years, the City could expect about 20 new residences or remodels with 50% or more new square footage each year. After 10 years of implementing the new regulations, approximately 200 of the City's 2,300 residences would be in compliance. After considering staff's concerns, the P&Z voted unanimously to continue to recommend approval of the ordinance to City Council. The P&Z noted that, although the proposed lighting regulations were limited in how many properties it would reach over time, it was important to have improved standards consistent with the Master Plan. Staff is recommending approval of the proposed bill.

Mayor Pro Tem Stewart asked how the new regulations would apply to tennis courts.

Mr. Zuccaro replied that there was an exception in the proposed ordinance for recreational use lighting.

Mayor Wozniak indicated that the City seemed pretty dark as it was and questioned if there was a real problem with light pollution that the proposed bill would be addressing.

Councilor Roswell asked if the Home Owners Associations (HOAs) had their own lighting regulations. He indicated that the City seemed very dark already and that he hadn't heard of anyone having issues with light pollution.

Mayor Pro Tem Stewart indicated that he was aware of the issue at Kent Denver, where neighbors had been concerned about light pollution from their new cafeteria. He indicated that Kent Denver had examples of their old lighting and new lighting and that it was quite different. He indicated that lighting on the cafeteria would be downcast and that it appeared very safe and functional, while allowing residents to see the moon.

Councilor Brown stated that the issue of light pollution was more of an accumulated issue rather than an individual issue. He stated that the IDA's literature showed that proper lighting could be more functional than improper lighting.

Mayor Pro Tem Stewart indicated that the current lighting ordinance should not be entirely deleted so that those residences that were grandfathered into the new ordinance would still have rules to follow regarding lighting.

City Attorney Fellman indicated that some of the language in the current ordinance reappears in the new ordinance.

Mayor Pro Tem Stewart indicated that the "cast visible shadow" restriction in the current ordinance was a helpful test for code enforcement.

Mr. Zuccaro indicated that he had looked around the City one night with Code Enforcement Officer Chuck Friend in 2008 to look at light violations and stated that based on the "shadow test" the majority of residences were in violation of the current statute. He stated that the "cast visible shadow" portion of the statute was too difficult for the City's officers to enforce and this is why he had not included it in the proposed bill.

Mayor Wozniak asked why the proposed bill included an exemption for parking lots.

Mr. Zuccaro replied that lighting for parking lots was addressed in a separate section in the Code.

Councilor VanderWerf commented that it would be good for Council to pass this ordinance as it would be the City's position on lighting moving forward, even if there was not a large light pollution problem currently in the City. She stated that the IDA readings had been wonderful and commented on the benefits that proper lighting could have for both wildlife and the community. She commented that proper lighting could increase safety as it would stop misplaced and too bright lights.

Councilor LaMair indicated that she was pleased that P&Z had taken the initiative to address an issue in the Master Plan. She recommended that Council pass the proposed bill and also provide information to the public regarding proper lighting including articles in the Crier and Villager. She indicated that she has found when walking through the City at night that the lights that shine down are more helpful than those that shine out.

Mayor Wozniak asked how the proposed bill would affect motion detection security systems.

Mr. Zuccaro replied that the proposed bill would allow for unshielded spotlights activated by a motion sensor with a maximum output approximately equivalent to a 150 watt incandescent bulb, and would require that the light must go off within 5 minutes after the detected motion ceases.

Mayor Wozniak asked for input from Deputy Chief Jody Sansing.

Deputy Chief Sansing commented that the City has always been dark, that it was darker than most cities, and that the City's police officers were used to working in dark conditions at night. He indicated that the proposed bill would not pose any safety issues for the Police Department.

City Attorney Fellman suggested that the Council move to approve the bill on first reading, and that he would work with Mr. Zuccaro to amend the proposed bill to include language from the current statute and return the amended bill for second reading.

Mayor Wozniak directed staff to check if any of the City's HOAs had additional lighting restrictions.

Councilor VanderWerf moved, seconded by Councilor LaMair to approve Council Bill 10, Series 2010; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 16 of the Municipal Code, Concerning Zoning, by Amending Section 16-16-50 Concerning Exterior Lighting on first reading.

The following votes were recorded:

Klasina VanderWerf	yes
Alex Brown	yes
Mark Griffin	yes
Harriet LaMair	yes
Russell Stewart	yes
Scott Roswell	no

Vote on the Council Bill 9-2010: 5 ayes. 1 nays. The motion carried.

**UNFINISHED BUSINESS**

None

**REPORTS****Members of City Council**

Councilor Brown reported that he had met with an RTD Board Member and had invited him to attend a future City Council meeting.

Mayor Wozniak commented that he received a lot of information related to RTD, but that many residents in the City did not feel the need for an expanded public transportation system in the City.

Councilor VanderWerf reported that PTRC would be meeting on April 8<sup>th</sup> 2010 and would receive a report from Bob Searns and Bill Neuman regarding the Little Dry Creek reconnaissance.

Councilor Roswell reported that he would be attending the South Metro Fire Rescue (SMFR) Board meeting on April 12<sup>th</sup> 2010, and was continuing to work on an MOU between SMFR and the City.

Mayor Pro Tem Stewart had no report.

Councilor LaMair had no report.

Councilor Griffin reported that he had been contacted by a resident who had offered to donate sports facilities, including a baseball diamond, basketball court and soccer field, to the City if the City had an appropriate piece of land. He also reported that Finance Director Karen Proctor and Interim City Manager John Patterson would be meeting again with the Arapahoe County Assessor Corbin Sakdol.

**Mayor's Report**

Mayor Wozniak reported that Council would hold an executive session at its next regular meeting on April 20<sup>th</sup> 2010. He commented on a letter thanking the Council for participating in the Arapahoe County Early Childhood Council roundtable. He reported that he had received several invitations inviting him to participate or support various organizations, and he was considering if it would be in the City's best interest to participate. He asked Mayor Pro Tem Stewart if allowing an organization or individuals to pay for his ticket to an event was allowed under the City's ethic code.

**Members of City Boards and Commissions****Parks, Trails and Recreation Commission report on summary sheet and equestrian event**

PTRC Chair Jane Soderberg reported on the PTRC's first quarter activities and accomplishments. She stated that PTRC had three committees; one dealing with trail enhancement issues, another dealing with special events, and a third dealing with open space inventory. She also presented the PTRC's summary sheet with a record of all the work the Commission has done which will be kept updated, and reviewed PTRC's current issues. She also reported that the 2013 Arapahoe Share Back Tax money would

be up for a vote for park grants, and that the City might consider getting funds for the new City Center from this fund.

Councilor VanderWerf indicated that Arapahoe County Open Space may bring a continuation of the tax to the voters in 2013.

### **City Manager & Staff**

Interim City Manager Patterson congratulated Mr. Zuccaro on the birth of his new son. He reported that he and Ms. Proctor would be meeting with the Arapahoe County Assessor. He reported that he had met with the Greenwood Village financial director and that they were anticipating a 10% decrease in residential assessed values in 2011. He indicated that staff was in the process of researching upgraded technology for the Finance, Community Development, Public Works, and Municipal Court Departments. He reported that Technetronic Solutions maintained the City's current technology systems and that their level of customer service had been unacceptable recently. He reported that the City's recreation reimbursement program had become a headache for staff because of the many exceptions that had been granted in the past. He indicated that staff would be doing public education on the program and begin strictly adhering to the guidelines in 2011. He stated that he would like to meet with each of the Councilmembers individually to discuss their goals for the City and their expectations of him. He reported that Human Resource Analyst Kerri Losier had updated the City's Employee Handbook. He complimented Mr. Goldie on his work with Xcel energy and the projects they had been doing around the City.

Mr. Goldie reported that he would be attending the Arapahoe County High Line Canal working group along with Parks, Trails and Recreation Administrator Ryan Berninzoni, Councilor LaMair and Councilor VanderWerf. He also commented that after consulting the City Code he had determined that Council Bill 9, Series 2010 would require a public hearing on second reading with a 20 day posting period, so the second reading would be at the first meeting in May.

### **City Attorney**

City Attorney Fellman reported that after reviewing the Code of Ethics he had determined that the invitations and tickets that the Mayor had received to various events were acceptable.

### **Municipal court matter related to fines for construction violations**

City Attorney Ken Fellman reported that the City Prosecutor had brought to his attention an issue with Section 18-10-70 of the Municipal Code, regarding construction violations. He stated that construction violations had escalating fines per subsection (f) but that there was no indication of the length of time over which the violations could accumulate. Judge Turre suggested that the Code be amended to include a time period, and the City's code enforcement officers suggested a three year timeframe. This is the same timeframe used for misdemeanor criminal violations and it was thought that construction violations should not be more restrictive.

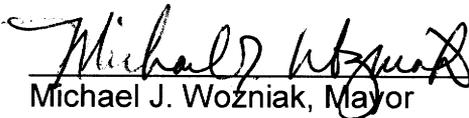
City Attorney Fellman reported that the Colorado Municipal League would be hosting a local government telecommunications conference next week. He also reported that the Colorado Municipal League's Annual Conference was at the end of June and that he would be on a panel discussion on excluding from a special district. He also thanked Council for reappointing him as City Attorney.

Mayor Wozniak added that he would be attending a trial along with former City Manager Eric Ensey, Mr. Zuccaro, and others.

Councilor Griffin commented that this was another reason why the Mayor should be compensated for his time and work with the City.

**ADJOURNMENT**

The meeting adjourned at 8:48 p.m.

  
Michael J. Wozniak, Mayor

  
Laura Smith, City Clerk