

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 20, 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, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were Interim City Manager and Police Chief John Patterson, City Attorney Nancy Rodgers, 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: Alex Brown

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

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

- a. Approval of Minutes – April 6, 2010
- b. 2009 Audited Financial Statements

The motion carried unanimously.

Mayor Wozniak commended the City's auditors and staff for the management discussion portion of the 2009 Audit, which he indicated was very illustrative and positive.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

Council Bill 11-2010; A Bill for an Ordinance Authorizing a Supplemental Appropriation for the Installation of a Fuel Management System and New Roof on the Public Works Building (first reading)

Public Works Director Jay Goldie presented Council Bill 11, Series 2010 to Council on first reading. He explained that staff was presenting the proposed bill in order to ensure that the City's finances were properly documented. He indicated that the replacement of the City's Fuel Management System had been an emergency expenditure because the City is required to track all of its fuel to make sure there are no releases into the environment. The Public Works roof was approved in 2009 and installed in 2010 but

was not appropriated for in either the 2009 or 2010 budget. Mr. Goldie indicated that he expected that Public Works would not be over budget even with these additional expenditures by the end of 2010, but that staff was bringing these items to Council to ensure that the documentation was done properly.

Mayor Wozniak asked why staff had included both the Fuel Management System and the Public Works roof in one bill instead of two bills.

Mr. Goldie replied that they both involve the same account and so if the two were to be separated both bills would repeat the same numbers. Also, combining them into one bill would allow staff to track both as one change.

Councilor Roswell moved, seconded by Mayor Pro Tem Stewart to approve on first reading Council Bill 11, Series 2010, for the supplemental appropriation of \$27,500.00 for the installation of a new roof on the Public Works building as well as the purchase of the new fuel management system for the City's vehicles.

The following votes were recorded:

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

Vote on the Council Bill 11-2010: 5 ayes. 0 nays. The motion carried.

Council Bill 12-2010; A Bill for an Ordinance Authorizing a Supplemental Appropriation for the Installation of Asphalt on Franklin Street as a Result of the Waterline Project (first reading)

Mr. Goldie presented Council Bill 12, Series 2010 to Council on first reading. He explained that the funds were a pass-through from Denver Water to the City to manage the paving of the southbound lane of South Franklin Street, and that the proposed bill would ensure that the City stays compliant with all applicable government accounting standards. He indicated that the City would apply chipseal to the other half of the street in a couple years and this would restore the street to a consistent surface for its entire length.

Councilor Griffin asked if the road would be rotomilled.

Mr. Goldie confirmed that the road would be rotomilled and indicated that a two inch lift would be used.

Councilor Roswell asked if the differences in the surfaces of the two sides of the road would be noticeable to drivers.

Mr. Goldie replied that there would be no noticeable difference in height and that the difference would be more aesthetic.

Councilor Roswell asked if it would make more sense financially to do the chipseal this year rather than wait for 2 to 3 years.

Mr. Goldie replied that it would not.

Councilor Roswell asked how this project would affect the life of the road.

Mr. Goldie replied that while having the entire road as one pavement life was ideal, paving the southbound lane that had patch on it now was better than leaving just the patch. He indicated that the current plan was the best use of the City's money at that time. He indicated that eventually the road would be back to a single pavement life.

Mayor Wozniak asked if staff had an agreement with Denver Water in writing.

Mr. Goldie replied that the email from Denver Water included in Council packets served as Denver Water's agreement.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 12, Series 2010 on first reading for the supplemental appropriation of \$50,371.00 to pave the southbound lane of South Franklin Street and, as agreed, these funds will be reimbursed to the City by the Denver Water Board once the project is complete.

The following votes were recorded:

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

Vote on the Council Bill 12-2010: 5 ayes. 0 nays. The motion carried.

#### Jim Muhm Dedication

Parks, Trails and Recreation Administrator Ryan Berninzoni presented the Parks, Trails and Recreation Commission's (PTRC) recommendation to Council to dedicate a Tulip tree and boulder with a 3"x 6" bronze plaque in memory of former resident James R. Muhm. The dedication would be in recognition of Mr. Muhm's service to the Community and the Parks Commission. If approved the dedication would be placed along the Highline Canal in Blackmer Common.

Councilor Roswell complemented the dedication.

Mayor Wozniak indicated that he approved of the inscription on the plaque.

Councilor VanderWerf moved, seconded by Councilor LaMair to approve the dedication of a boulder, bronze plaque and Tulip tree in memory of former resident Mr. Jim Muhm and further approve the expenditure of funds in the amount of \$540.00 for this dedication.

The motion passed unanimously.

## REPORTS

### **Members of City Council**

Councilor VanderWerf reported that Little Dry Creek Recognizance has been completed and a report was presented to the PTRC. She commented that it was interesting to hear about the resources and opportunities in that area. She indicated that PTRC was mainly interested in erosion control. She also reported that the PTRC had held a public hearing on the installation of a portable restroom on Dahlia Street. She indicated that it was well-attended and that there had been heated arguments on both sides.

Councilor Roswell reported that he had attended the South Metro Fire Rescue (SMFR) board meeting and had been a representative of the Council during a discussion about the Memorandum of Understanding between SMFR and the City. He indicated that the SMFR Board had approved the MOU, and that he would bring it to Council at the next meeting. He also reported that he and Councilor VanderWerf would be reviewing the RFPs for the Bulk Plane Study along with Community Development Director Rob Zuccaro and members of the Resident Development Standards Committee on Monday.

Mr. Zuccaro indicated that staff had received four RFP's and that all would be interviewed.

Mayor Pro Tem Stewart had no report, but asked staff why the last two Planning & Zoning Commission meetings had been cancelled.

Mr. Zuccaro replied that one meeting had been cancelled because of a lack of issues, and the second had been cancelled because he had been on paternity leave and there had not been any urgent issues.

Councilor LaMair reported that she would be hosting an informative event at her home for the Trust for Public Lands. She also reported that she had received several calls from residents about the portable restroom on Dahlia. She also thanked the Police Department staff for their help with some loose dogs on her property.

Councilor Griffin reported that he, Finance Director Karen Proctor and Interim City Manager John Patterson had met again with Arapahoe County Assessor Corbin Sakdol. He indicated that Ms. Proctor would give Council a full report.

Mayor Wozniak indicated that he appreciated Councilor Griffin and staff's extra time spent on this issue.

### **Mayor's Report**

Mayor Wozniak reported that the Police Department's statistics on DUI arrests were up significantly. He indicated that he appreciated the Police Department's service to the City.

He also reported that he had received a letter from Urban Drainage regarding flood plane plans and flood insurance coverage. He directed staff to address the letter.

### **Members of City Boards and Commissions**

There were no reports.

### **City Manager & Staff**

Interim City Manager Patterson reported that staff would be bringing the appointment of two PTRC members to Council in May. He stated that the incumbents in both positions would like to continue in their positions.

He also reported that staff would like to add a Study Session to the May 4<sup>th</sup> meeting to present information on Proposition 101, Amendment 60 and Amendment 61 to Council. He indicated that if any of these were passed in November they would have a profound impact on local governments.

Mr. Patterson also reported that there would be an Executive Session at the May 4<sup>th</sup> meeting to discuss issues related to the new Village Center.

He also reported that the Westboro Baptist Church would be in the Denver area on Friday and Saturday. He indicated that the group would be protesting some high schools and Jewish synagogues, and would be at the Comedy Works in Greenwood Village to protest comedian Lewis Black. He stated that Cherry Hills Village police would be working with Greenwood Village police to ensure control of the situation.

Ms. Proctor reported that she, Chief Patterson, and Councilor Griffin had met with the Arapahoe County Assessor, Corbin Sakdol, last week and she presented a graph to Council that showed the range of home sales vs. assessed values from January 2007 to January 2010. Although home sales do have an effect on assessed values, they are not the same thing. She stated that Arapahoe County was currently preparing the assessed values that would be applied to all of 2009 and the first half of 2010, and would contact Ms. Proctor with these numbers in August. She indicated that Mr. Sakdol was predicting a 10-15% decrease in assessed values which would affect the City's revenues in 2012. Ms. Proctor indicated that she would be preparing multiple budgets to present to Council based on various scenarios.

#### Bellevue Underpass Update

Mr. Berninzoni reported that Greenwood Village has rescinded their portion of the Bellevue Underpass grant request to Arapahoe County Open Space. He reported that Greenwood Village Parks, Trails and Recreation Director Debbie Belcik had informed staff that many residents of Greenwood Village had not been happy with the idea of moving forward with the proposed underpass project and that after careful consideration Greenwood Village City Council had decided to rescind the grant request. Arapahoe County contacted staff and recommended that it would be in the best interest of Cherry Hills Village to also rescind their grant request as it was unlikely the project would be funded with only one city.

Councilor Roswell indicated that he had talked with Greenwood Village City Councilmember Jerry Presley and had been told that many residents were concerned about increased access along Race Street and potential traffic increases from Cherry Hills Village.

Councilor LaMair indicated that she had heard concerns from Greenwood Village about an increase in dog traffic coming from Cherry Hills Village.

Councilor Roswell commented that he had also heard that a lack of support from Cherry Hills Village for a light at Franklin that Greenwood Village had wanted to install may have created some issues. He stated that he had indicated to Councilor Presley that he would be receptive to discussing the entire length of Bellevue with Greenwood Village and CDOT.

Mayor Wozniak indicated that the City has had many issues with Greenwood Village regarding the medians along Bellevue, and although there hasn't been as much communication on the mayoral level over the last six months, a positive working relationship between the cities is important.

Councilor Roswell indicated that he had offered to speak on behalf of the Cherry Hills Village Council at a Greenwood Village City Council meeting. He stated that he viewed the light on Franklin as a separate issue from the underpass project. He stated that safe access to the trail was important to all the City's residents.

Councilor VanderWerf indicated that the issue on Race Street was a traffic issue rather than a trail issue due to the poor visibility turning from Race onto Belleview. She also indicated that rescinding this grant proposal was probably a big deal for Greenwood Village as well because it was one of the priority projects for the South Platte Working Group and so they would lose opportunity for matching funds if they rescind the application.

Councilor LaMair questioned what other grants Greenwood Village has in the Arapahoe County Open Space grant cycle. She directed staff to ask Arapahoe County if the City could submit a different application and offered to help if needed.

Mayor Wozniak indicated that Councilmembers from the two cities used to meet before council meetings to socialize and that perhaps they should begin that again.

Councilor Roswell indicated that he did not think there was any issue between the two Councils, but that the issue was between the neighbors of the two cities.

Councilor LaMair asked staff if the members of PTRC were aware that the grant had been rescinded.

Mr. Berninzoni indicated that he would advise the PTRC tomorrow.

#### **City Attorney**

City Attorney Nancy Rodgers indicated that City Attorney Ken Fellman would bring a proposed bill to amend the Municipal Code regarding construction violations at the next meeting.

#### **EXECUTIVE SESSION AND ADJOURNMENT**

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell to proceed into Executive Session for the purpose of discussing the purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest as authorized by C.R.S. § 24-6-402(4)(a); and for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators as authorized by C.R.S. § 24-6-402(4)(e), regarding open space within the Village, and upon conclusion of the Executive Session to immediately adjourn.

The following votes were recorded:

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

Vote on Executive Session and adjournment: 5 ayes. 0 nays. The motion carried.

The meeting adjourned into Executive Session at 7:05 p.m.

The meeting adjourned at 7:50 p.m.

  
 Michael J. Wozniak, Mayor

  
 Laura Smith, City Clerk