

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 15, 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, 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, and City Clerk Laura Smith.

Absent: none

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

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

- a. Approval of Minutes – June 1, 2010
- b. Concrete Change Order – Sidewalk Addition

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 18, Series 2010; A Bill for an Ordinance Amending Chapter 16 of the Municipal Code for the Purpose of Adopting Comprehensive Regulations Concerning Satellite Dish Antennas (final reading and Public Hearing)

Community Development Director Rob Zuccaro presented Council Bill 18, Series 2010 on final reading and for public hearing. He indicated that notice of the public hearing had been published in the May 27th issue of the Villager Newspaper as well as posted on the notice board in front of the Village Center and on the Village website. He stated that a summary of HOA standards had been added to the staff memo and that most HOAs regulate the visibility of large satellite dishes, but none strictly regulate the number or size of dishes. He indicated that staff had received several letters of support of the proposed bill and had included them in staff's memo to Council. He stated that revisions to the proposed bill had been made in consultation with Councilor Brown and City Attorney Fellman, and that the last two "whereas" clauses had been deleted. He recommended that if Council moved to approve the bill, that the motion include removal of these two clauses.

Mayor Wozniak opened the public hearing.

Ms. Linda Averch of 6201 Cherrington Drive addressed Council. Ms. Averch stated that she was a neighbor of 4950 El Camino Drive and had photos from November 2009 when she had first brought this issue before Council. She stated that at that time the property in question had 11 satellite dishes, and now in May 2010 there are 17 satellite dishes. She stated that although she was disappointed that the existing satellite dishes would be grandfathered, she encouraged Council to adopt the proposed ordinance. She thanked them for their time and service.

Mark Derbyshire of 4950 El Camino Drive addressed Council. He stated that the Federal Communications Commission (FCC) had passed the Telecommunications Act in 1996, which prevented the regulation of satellite dishes of one meter diameter or less. He stated that the proposed ordinance was largely in compliance with Federal regulations, although one part of the current Code was out of compliance – the five foot limit on antenna height was not in compliance with OTARD (Over The Air Reception Devices), which did not allow limits on height. He stated that he had discussed this issue with Mr. Zuccaro, who had indicated that this issue would be better taken up at a later time. He discussed OTARD's regulations on satellite dishes and the difference in reception between smaller and larger dishes. He stated that the FCC protects amateur services use of satellite dishes and antennas. He stated that he had researched the satellite dish zoning regulations of 20 neighboring cities and had found that five have no restriction, nine have a restriction on height and/or screening, two restrict size, and four restrict number. He stated that the proposed bill was more restrictive than 80% of these cities. He stated that the uses of satellite dishes and antenna included amateur services, internet, radio, and TV. He stated that Dish Network and Direct TV operate on a high power and frequency and so smaller dishes could be used to pick up their signal. However, he stated that use for more specialized TV programs, including international, religious, home school, fine arts, and sports programs, the power and frequency are significantly lower and so larger satellites are needed to pick up the signals. He stated that many small satellites could be used instead of one large satellite. He stated that his wife was from Switzerland and that he had spent time abroad, and that they wanted their children to be exposed to international programs and fine arts. He stated he had no plans at this time to use his satellites for amateur services. He stated that his property currently has 15 satellite dishes and two antennas. He stated that 12 were OTARD compliant or could become compliant with minimal modifications. He stated that many of his dishes were motorized. He said that he had tried to have the smallest possible dish to get the programs he wanted and had even designed a special three meter dish. He stated that the current dishes would allow all of his family's known future needs to be met. He stated that he has been working with the City since 1999 and had requested moving their front yard in 2005 in order to provide more screening to their satellite dishes, but their application was denied. He stated that they had paid more for building permits than for the cost of labor and installation for all of their dishes. He stated that they had tried to minimize the visual impact from the streets and reduce the size and number of dishes as much as possible. He stated that all the wall-mounted dishes were at the minimum height for mechanical clearance. He stated that they had added foliage to screen the dishes. He stated that they were aware of the conveniences in the City and that they liked the architectural and landscape diversity of the area they were in. He stated that other homes in the area had solar collectors or large multi-colored garages. He stated that the FCC had strong controls over local restrictions, and that neither the City nor HOA could restrict dishes that were one meter or less in diameter. He stated that if a dish was used for amateur services then the FCC controls were unclear.

Mayor Wozniak asked for any other comments. Hearing none the public hearing was closed.

Mayor Wozniak asked if the proposed bill would be prospective.

Mr. Zuccaro confirmed that it would.

Mayor Wozniak asked if staff had surveyed the City for the number of satellite dishes over one meter in diameter.

Mr. Zuccaro indicated that staff had not conducted a formal survey, but that the Code Enforcement Officers had noticed several properties with single large satellite dishes.

Mayor Wozniak asked staff for a best estimate.

Mr. Zuccaro indicated that he did not have a good estimate but that if he had to hazard a guess it would be about ten properties with large satellite dishes in the City.

Councilor Griffin asked for a definition of amateur services.

Mr. Zuccaro indicated that amateur services were not regulated by the proposed ordinance.

City Attorney Fellman indicated that there was a Federal definition of amateur services, but that an example might be a Ham radio.

Councilor Griffin asked if there was a way to determine if a satellite dishes were being used for personal or commercial uses.

Mr. Zuccaro replied that he was not aware of a method to determine that distinction visually.

City Attorney Fellman replied that staff would have to ask the homeowner, and that if there were grounds to suspect that a resident was conducting a business without proper authority, the City would involve the court.

Mayor Wozniak expressed his concern that there was not a sufficient problem to warrant passage of an ordinance. He indicated that since the proposed ordinance would be prospective, it would not affect the Derbyshire property, which was the only property that the City had ever had any complaints or issues with. He indicated, however, that the City sought to maintain its semi-rural character, that large satellite dishes may not be appropriate for smaller lots, and that the Planning and Zoning Commission recommended that Council approve the ordinance.

Councilor Roswell indicated that he was opposed to the proposed bill. He indicated that many areas in the City were regulated by HOAs. He stated that this issue was only with one property and was not a general issue throughout the City, therefore it should not be legislated against by Council.

City Attorney Fellman clarified that, while the proposed ordinance was not retroactive, it would affect the Derbyshire property in that any new satellite dishes would be regulated. He also clarified that the proposed ordinance does not prohibit satellite dishes as the homeowner may apply for a conditional use permit.

Councilor LaMair indicated that it was important not only to respond to current issues but also to look into the future of the City. She stated that it was the Council's job to balance the interests of an individual with those of their neighbors. The proposed bill was trying to look into the future and balance those interests.

Councilor VanderWerf indicated that she was sensitive to the possibility of over-regulation, but she agreed with Councilor LaMair that the proposed bill was looking forward. She indicated that residents often favored ordinances that showed them the parameters of an issue.

Councilor Brown indicated that he agreed that Council needed to balance the interests of individuals and the community. He indicated that he did not think the proposed ordinance was overly restrictive when considering ordinances of other communities and the concerns of City residents. He indicated that resident would still have the potential to install more dishes by applying for a conditional use, so the limits in the proposed bill are not hard limits. He indicated that on the question of community aesthetics the proposed bill encouraged roof-mounted dishes because ground-mounted dishes were considered accessory structures. He indicated that dishes on the ground were easier to screen and questioned whether the City should try to encourage ground-mounted instead of roof-mounted. He also suggested that ground-mounted dishes be required to be placed close to the primary structure of a residence unless it poses an issue with the signal.

Mayor Pro Tem Stewart indicated he agreed that it was a reasonable regulation, and that the proposed bill was looking into the future as Councilor VanderWerf had noted. He indicated that satellite dishes had been an issue about 20 years ago and that the proposed ordinance might not affect many people, but it was a valuable regulation and identified Federal rules and regulations for residents as well. He indicated that he was in favor of the proposed ordinance.

Mayor Wozniak asked if Councilor Brown wanted to suggest an amendment or modification to the proposed ordinance to address his concerns.

Councilor Brown indicated that if he was the only one that had those concerns then he didn't want to suggest any modification.

Councilor VanderWerf indicated that she was in favor of Councilor Brown's suggested modifications.

Councilor Brown indicated that the modifications would be for page two of the proposed bill, and would change the maximum number of wall- or roof-mounted dishes from three to one, and to remove the requirement that ground-mounted dishes be counted as accessory structures.

Mayor Wozniak indicated that if Council did want to modify the language of the ordinance then he would prefer to send it back to staff and the City Attorney for revision and bring it back to the next meeting.

Councilor LaMair indicated that the benefit to neighbors of roof- or ground-mounted dishes might be better assessed on an individual basis. She suggested that staff might need to intervene in determining the best location of the dishes, and that the neighbors might be consulted as well.

Councilor Griffin indicated that individual subdivisions have their own regulations, but his subdivision did not have regulations and deferred to the City Code. They relied on the City Code for regulations such as those in the proposed bill.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair to approve Council Bill 18, Series 2010; a bill for an ordinance of the City of Cherry Hills Village, concerning zoning, by (1) amending Sections 16-5-10, 16-12-10 and 16-13-10 concerning Permitted Uses in the various zone districts; 16-5-20, 16-6-20, 16-7-20, 16-8-20, 16-9-

20, 16-10-20, and 16-12-20 concerning Conditional Uses in the various zone districts; and 16-8-20 concerning requirements and conditions for specific Conditional Uses; and (2) the addition of Section 16-16-150 concerning satellite dish antennas, all for the purpose of adopting comprehensive regulations concerning satellite dish antennas, on second reading with the deletion of the last two whereas clauses in the draft Exhibit A attached to the staff memorandum dated June 15, 2010.

The following votes were recorded:

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

Vote on the Council Bill 18-2010: 5 ayes. 1 nays. The motion carried.

NEW BUSINESS

Council Bill 19-2010; A Bill for an Ordinance Amending Chapter 16 of the Municipal Code by Amending Section 16-17-60, Concerning Procedure for Development Relating to Dredging Ponds within the Floodplain (first reading)

Mr. Zuccaro presented Council Bill 19, Series 2010 on first reading. He indicated that the proposed bill sought to create an administrative review procedure for dredging ponds that are located in the regulated floodplain. The intent of this procedure would provide the same level of technical review as the current procedure but would seek to streamline the review process. The proposed bill would allow the City Manager to refer applications to the City Council for review. He stated that the Planning & Zoning Commission recommended the proposed bill. He indicated that he had discussed some revisions to the bill with City Attorney Fellman regarding the requirement for applicants to have a public meeting vs. a public hearing when applications went before Council for review due to an appeal or referral from the City Manager. He explained that a public meeting required no public notice and was not quasi-judicial as a public hearing would be.

City Attorney Fellman explained that although a public meeting would be less burdensome on the applicants, it would put the City in a difficult position if the application were to be denied and the applicants were to appeal the Council's decision. With a public meeting the Council's debate of the application would not be on administrative record and a court could overturn the Council's decision. With a public hearing, the quasi-judicial process would require a district court appellate to uphold the Council's decision unless there was no evidence upon which the Council made their decision.

Mayor Wozniak commented that the underlying goal of the proposed bill was to make the process easier for residents.

Mayor Pro Tem Stewart indicated that the process would be much easier for residents if staff approves the application. The process only becomes more complicated if the application comes before Council.

City Attorney Fellman indicated that if the application poses significant concerns to the community, or is a political issue, then the City Manager can refer it to City Council.

Also, if staff denies the application, the applicant would have the option to appeal to City Council.

Councilor Roswell indicated that they wanted to encourage pond dredging and that most were not contentious. He indicated that he supported the change to public hearing instead of public meeting.

Councilor Brown asked if an application denied by staff would go to the Board of Adjustment and Appeals (BOAA) first or if it would come directly to Council.

City Attorney Fellman indicated that the application would go to BOAA first. He indicated that if the City Manager deferred an application to Council then it would come directly to Council.

Councilor Brown asked for clarification on the term "reasonable discretion" in section 16-17-60(e)(6) of the proposed bill. He indicated that the phrase could be open to different interpretations

City Attorney Fellman indicated that the word "reasonable" had been added and that any challenge by an applicant would have to determine the definition.

Councilor LaMair asked who would determine the "ineffective flow area".

Mr. Zuccaro responded that the City Engineer would make that determination.

City Engineer Troy Carmen explained that he would use the IFA standard hydrology analysis from the Arapahoe County Stormwater Manual and that the flow area would be reviewed during the permit review process.

Councilor LaMair moved, seconded by Councilor Griffin to approve Council Bill 19, Series 2010; a bill for an ordinance amending Chapter 16 of the Municipal Code, concerning Zoning, by amending Section 16-17-60, concerning procedures for development relating to dredging ponds located within the floodplain, on first reading.

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 Council Bill 19-2010: 6 ayes. 0 nays. The motion carried.

Dahlia Street Parking Lot Portable Restroom

Parks, Trails and Recreation Administrator Ryan Berninzoni presented the Parks, Trails and Recreation Commission's (PTRC) recommendation to install a portable restroom at the south portion of the Dahlia Street parking lot. He explained that currently there were no facilities along the High Line Canal in Cherry Hills Village, and people using the trail were using the canal and adjacent trail as a restroom. He stated that toilet paper has been found as well as bottles of urine. City Parks staff has also witnessed users hiding behind trees or shrubs to use the bathroom. Staff has discussed this issue with PTRC and is recommending installation of a portable restroom. It would be an ADA compliant restroom, surrounded on all sides by an eight-foot tall cedar fence with a 3 ½ to 4 foot

space to enter the restroom. Maintenance would be done twice a week from April to October and once a week from November to March. The installation and maintenance would cost approximately \$3,970. The fence and gravel road area would cost an additional \$200 - \$300.

Mayor Wozniak asked what the insurance and liability requirements would be for the portable restroom.

Mr. Berninzoni replied that staff had not looked into insurance coverage yet.

Councilor LaMair asked for a comparison of price for construction of a permanent restroom.

Public Works Director Jay Goldie replied that the portable restroom was covered in the budget for this year but that they would definitely be looking into installing a permanent restroom in the future, possibly with an Arapahoe County Open Space grant. He explained that the cost for a permanent restroom ranged from \$50,000 for a pit toilet to \$250,000 for a flush toilet.

Councilor Griffin expressed his concern that the portable restroom would be vulnerable to vandalism.

Mr. Goldie explained that measures would be taken so that the portable restroom could not be tipped over.

Councilor Roswell asked how staff decided on the recommended location.

Mr. Berninzoni replied that it was the first location that PTRC considered. He indicated that Three Pond Park had also been considered and was still a possibility, but that Dahlia had been determined to be the most used area and thus the area with the most immediate need for a portable restroom.

Councilor Brown indicated that it did not seem that there was a lot of High Line Canal users who entered and exited at the Dahlia Street parking lot and asked if staff had done a census of the usage in that area.

Mr. Berninzoni indicated that staff had not conducted a formal census but that it was the most used portion of the High Line Canal in the City.

Councilor VanderWerf indicated that there was an area running club that met at that location to run on Saturday mornings.

Councilor Brown questioned if trail users would leave the trail to use a portable restroom if it were not on the trail.

Councilor LaMair asked about the possibility of locating the portable restroom right on the High Line Canal.

Mr. Berninzoni replied that was Denver Water property, and that locating the portable restroom there would be plausible but difficult.

Mayor Wozniak asked for any public comments on the issue.

Clair Gallagher of 4440 S. Clarkson Street stated that she was in favor of a portable restroom at the Dahlia parking lot. She stated that she was a runner and a resident and had collected statistics on traffic flow in the Dahlia Street parking lot. She surveyed the

parking lot six times in the past week and noted a minimum of 5 cars and a maximum of 10 in the parking lot. She stated that runners will go to the restroom when they have to go, and that installing a portable restroom will help keep the area sanitary. She emphasized that the number of cars in the parking lot was not indicative of the number of people who used that portion of the trail, and that there was not a restroom for the entire span of the High Line Canal through the City.

Ann Gallagher of 4440 S. Clarkson Street stated that this was a high use area, and that the City also had an obligation to be good citizens of the greater community and to have the service of a portable restroom. She stated that the City also owed it to the canal to keep it sanitary.

Gerald Dodd of 2 Tenaya Lane stated that he was speaking on behalf of himself, Jeffrey Bennis of 3 Tenaya Lane and Tim Keating of 1 Tenaya Lane in opposition of the portable restroom. He stated that Dahlia Street was not the proper place for the portable restroom and that it would be an eyesore that would bring down the desirability of the adjacent properties. He stated that it would encourage after-hours loitering and that the maintenance vehicles would further congest an already high-use area.

David Stark of 4255 S. Elm Court stated that he had been a resident for 27 years and was in favor of the portable restroom. He stated that he was a runner and ran along the High Line Canal four to five times a week. He stated that the Dahlia Street area got a lot of foot and bicycle traffic. He stated that there was a need for a restroom in that area and that the next closest restroom was on Orchard in Greenwood Village. He stated that there was no restroom between Orchard and Eisenhower Park. He stated that runners would relieve themselves somewhere, and that a portable restroom was appropriate for this area so that runners could use it rather than the bushes. He also stated that there was much more foot traffic passing along the trail through that point than cars parked in the parking lot would allude to.

Karen Barsch of 3777 S. Albion Street stated that she was a marathon runner and while long-distance runners tried to plan for bathrooms they could not always plan, and that Cherry Hills Village is an 8 mile gap along the High Line Canal with no restroom facility. She stated that when she led marathon training groups they ran 14 miles into and back out of Cherry Hills Village. She stated that the other group of people that would really benefit from a portable restroom would be parents with kids on bikes. She stated that the High Line Canal began in Waterton Canyon, and that there was a restroom every 1.5 to 5 miles until Cherry Hills Village. She said she polled Cherry Hills Village runners early in the morning along the trail for three months and got an overwhelmingly positive response. She said that PTRC had three concerns – the smell, flies, and the parking. She stated that the first two would be solved with regular maintenance, and Cherry Hills Village police would monitor the parking situation. She stated she was in favor of the portable restroom.

Jane Soderberg, Chair of PTRC, stated that the portable restroom could be temporary and that PTRC and City Council could review the use and location in six months.

Mayor Wozniak commented that Council had received letters from Richard and Rebecca Benes of 12 Blackmer Road, who were opposed; E. Marc Pinto and Margot M. Pinto of 8 Blackmer Road, who were opposed; Jeffrey Bennis of 3 Tenaya Lane, who was opposed; Rob Kleiner, who was in favor; and Judy Change and Kelly Kim of 2 Blackmer Road, who were opposed.

Councilor VanderWerf indicated that a portable restroom had been an issue many years ago when she was on PTRC. She indicated that the City did need to provide public restrooms and Dahlia Street would be a good location. She stated that the area there,

especially the parking, was an issue for Council to look at. She suggested that the project and cost of a permanent restroom would be appropriate to bring to the High Line Canal Working Group and possibly receive a grant to complete. She indicated that the portable restroom was a good temporary measure.

Councilor Brown indicated that a portable restroom was not in line with the character and nature of the City's parks and open spaces. He stated that these areas were for temporary use and a portable restroom would increase the use of an already heavily impacted area. He also indicated that he was not convinced that users of the trail would take the detour off the trail to use the portable restroom. He indicated that he biked long distances and planned for bathroom breaks. He indicated that young children will have to go to the bathroom whenever they need to and not necessarily near a portable restroom. He indicated that there is no perfect place for a portable restroom. He also indicated his concern that a portable restroom would become a vandalism magnet and the walls surrounding it would be vulnerable to graffiti.

Councilor Roswell indicated that he was persuaded that this was an issue and that the City should provide a restroom somewhere along the High Line Canal, but he was not persuaded that this was the ideal location. He wondered how other municipalities determined where to locate restrooms.

Mayor Wozniak agreed that the City needed a restroom but indicated he was concerned about the location and suggested that there are other places along the High Line that would be appropriate to place a portable restroom that would not be in anyone's backyard as the Dahlia Street location would be.

Mayor Pro Tem Stewart indicated that the City was part of the High Line Canal trail system, and that he was persuaded that this was an issue and understood the concerns of the residents. He indicated that a portable restroom would be a good test of the usage, affects on traffic in the area, and other impacts. He indicated that he was persuaded by the unanimous recommendation from PTRC and by many of the public comments in favor of the location.

Councilor LaMair indicated that she respected the work that PTRC had put into this recommendation and agreed that it was an issue. However, she indicated that she was not comfortable with the location. She suggested that the Cat Anderson property might be a more appropriate location, and that staff could research other areas.

Councilor Griffin indicated that he was persuaded there was a need for a portable restroom. He indicated that he appreciated the time that PTRC had spent on this issue. He indicated that if Council decided to approve the installation, that he would want the Police Department to monitor the site regularly. He indicated that he was concerned about the location and sensitive to the homeowners in the area. He suggested that Council table the issue and direct staff to look at other locations.

Mayor Wozniak directed staff to research other locations for the portable restroom.

Councilor VanderWerf moved, seconded by Mayor Pro Tem Stewart, to approve the contract for services to install a portable restroom and the expenditure of \$3974 as well as approval of the proposed enclosure, the restroom site, and the work to be performed.

The following votes were recorded:

Russell Stewart	yes
Scott Roswell	no
Klasina VanderWerf	yes

Alex Brown	no
Mark Griffin	yes
Harriet LaMair	no
Mike Wozniak	no

Vote on the Portable Restroom: 3 ayes. 4 nays. The motion failed.

REPORTS

Mayor's Report

Mayor Wozniak reported that the City had received shareback funds from the Arapahoe County Open Space sales and use tax. He indicated that PTRC would be asked for a recommendation of where best to apply the funds. He also reported that he had received serious complaints from residents regarding the City's Spring Cleanup on Meade Lane. He indicated that the dumpsters were overflowing and that traffic of trucks had increased as well as vagabonds. Residents had complained that the City maintained the lot as a storage site and that use of the site for its Spring Cleanup encouraged parking in the street. Mayor Wozniak indicated that he had discussed these concerns with Interim City Manager John Patterson and asked that the City have a better plan for next year's Spring Cleanup event.

Members of City Council

Councilor Griffin had no report

Councilor LaMair reported that she had attended the High Line Canal Working Group meeting last week along with Councilor VanderWerf and Mr. Goldie. She indicated that they had shown an aerial view of the High Line with the sites of interest chosen by municipalities highlighted. She commented that Greenwood Village had seven or eight sites identified. She also asked staff for a short update on the progress of RDSC recommendations and the intern's work on these projects. Finally she indicated that she was very pleased to see the City moving forward with the installation of sidewalks on Dahlia Street.

Mayor Pro Tem Stewart had no report.

Councilor Roswell had no report.

Councilor VanderWerf reported that there would not be a PTRC meeting in June or July. She also requested that the City give a response to the donation of art from Cat Anderson.

Mayor Wozniak indicated he would prefer to wait until the City had an official procedure for reviewing pieces of artwork before accepting any.

PTRC Chair Jane Soderberg suggested that Councilor VanderWerf tell Ms. Anderson that the donation has been submitted to PTRC.

Councilor Brown indicated that he was also pleased to see the City moving forward with the Dahlia Street improvements. He also reported that he was very pleased with the public notification by Chief Patterson and staff in response to coyote incidents in his neighborhood. He indicated that the postcards they sent out with important information were very timely and appreciated.

City Manager & Staff

Mr. Patterson reported that departmental monthly reports were included in Council packets. He also reported that he would be attending a Medical Marijuana planning session at the Arapahoe County Sherriff's office with City Attorney Fellman. Finally he reported that the City's police officers would be helping other municipalities on Sunday for a Westborough Baptist Church demonstration.

Investment Advisor Status Update

Finance Director Karen Proctor reported that the City had posted a Request for Proposals for an Investment Advisor in April 2010, and had received four responses. Councilor Griffin and Ms. Proctor interviewed two of the companies, Cutwater Asset Management and Davidson Fixed Income Management. Councilor Brown was currently reviewing the companies' information, and Ms. Proctor was soliciting feedback from other financial directors who have worked with these companies in the past. She indicated that staff would bring a recommendation to Council in the near future.

Board of Adjustment and Appeals Applicants

Mr. Zuccaro reported that staff had received two applications for the Board of Adjustment and Appeals position, and asked for two Councilmembers to assist in reviewing applications and interviewing the applicants.

Councilors Roswell and Brown volunteered.

Members of City Boards and Commissions

Jane Soderberg presented an updated summary of the PTRC's activities:

- Trail enhancement committee
- Special events
 - Summer Roundup cancelled due to weather
 - Movie night August 21st
- Presentation at the Arapahoe County Open Space priority meeting
- Public hearing on the Dahlia Street portable restroom
- 2010 budget items
- Urban Drainage report on Little Dry Creek
- Belleview underpass – the City's grant proposal was retracted when Greenwood Village retracted theirs.
- City website – updates to the PTR and PTRC pages
- Updated Summary Sheet

Mayor Wozniak asked why the June and July PTRC meetings were cancelled.

Ms. Soderberg replied that they did not have a full agenda.

City Attorney

City Attorney Fellman reported that he would be joining Mr. Patterson at the Medical Marijuana presentation. He reported that they were waiting for the plaintiffs in the Bierenkoven case to sign the release in order to close the case. He reported that City Attorney Nancy Rodgers was still pursuing T-Mobile regarding coverage in the City and would continue to do so. He commented that if any of the Councilmembers found something in a council bill that they had questions about, that they should feel free to contact staff and himself before the Council meeting so that their questions could be answered and the bill potentially amended prior to the meeting, as Councilor Brown had

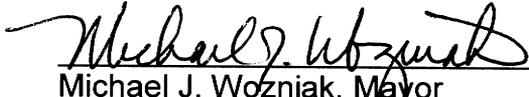
done with Council Bill 19, Series 2010. Finally he reported that he would be at the CML annual conference next week and would be giving a talk on municipalities separating from special districts.

Mayor Wozniak asked if any of the Council members would be unable to attend the next scheduled meeting on July 6th since it was so close to Independence Day.

Councilors Brown and VanderWerf indicated they would be unable to attend.

ADJOURNMENT

The meeting adjourned at 8:10 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk