

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 15, 2011 at 6:30 p.m.
At the Village Center

Council held a study session at 6:00 p.m.

Mayor Mike Wozniak called the meeting to order at 6:35 p.m.

ROLL CALL

Mayor Mike Wozniak, Councilors Mark Griffin, Russell Stewart, Alex Brown, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were 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: Councilor Scott Roswell

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Councilor Brown removed Item 4b from the Consent Agenda.

Mayor Pro Tem Stewart removed Item 4d from the Consent Agenda.

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

- a. Approval of Minutes – February 1, 2011
- c. Denver Water Technical Advisory Committee (TAC) Consulting Agreement with Red Oak Consulting

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 4b - Agreements between the City of Cherry Hills Village and Caselle, Inc, Civic Systems, LLC and Dallas Data Systems, Inc for Finance, Court and Building Permit Software

Councilor Brown indicated that he was in favor of new software for the City but wanted additional information as to how staff chose Caselle over other vendors.

Finance Director Karen Proctor explained that the City currently uses American Data Group (ADG). The software is extremely outdated and has many inefficiencies. Staff worked with the City's IT consultant, Technetronic Solutions Inc. to collect information on possible vendors, including recommendations from other cities. Staff compiled five possible vendors and viewed demonstrations of the available software for each. One problem staff found was that many software packages did not include Finance, Community Development, and Municipal Court all together. Staff narrowed the choice of vendors to two, New World and Caselle, and received bid packages from each. Caselle

would provide a full software package for all three departments and bid at approximately \$98,000. New World would provide a software package for Finance and Community Development at a bid of approximately \$196,000, and a separate software package for Court would be necessary for an additional \$100,000. Staff also learned that the New World software was geared toward larger cities, and that it might be cumbersome for a smaller city such as Cherry Hills Village. Staff chose Caselle based on the full package available for all three departments, the reasonable cost, and many good reviews from other cities that use the software.

Councilor Brown asked if historical information from the ADG system would be migrated into the new system.

Ms. Proctor replied that the last five years of information would be migrated into the new system, and that the old system would also be kept for a period of time for access to historical information.

Mayor Wozniak asked if the cost of the new software was included in the 2011 budget.

Ms. Proctor confirmed that \$142,000 was budgeted for new software in 2011.

Councilor Brown asked if the cost of the software included the cost of service and maintenance.

Ms. Proctor confirmed that it was.

Councilor Griffin moved, seconded by Councilor VanderWerf to approve Item 4b.

The motion carried unanimously.

Item 4d - Memorandum of Understanding between the City of Cherry Hills Village and the South Metro Fire Rescue Authority Pertaining to the Planning and Design Process of a New Joint Public Safety Facility

Mayor Pro Tem Stewart indicated that the Memorandum of Understanding (MOU) looked good, but asked for clarification on when the costs would be shared equally with South Metro Fire Rescue (SMFR) and when they would not.

City Attorney Ken Fellman replied that the section of the MOU that was confusing was indicating that the Intergovernmental Agreement (IGA) would state that costs for the design and planning would be shared equally with SMFR, but that the IGA might not be complete before the design and planning began so it was stated in the MOU.

Deputy Chief Jody Sansing clarified that the project was split into two phases: Phase 1 was planning and design and all costs were shared equally. Phase 2 was construction and costs would be determined based on the needs of each entity. He stated that information from the architect on these construction needs was needed in order to complete the IGA, so an architect was needed before the IGA could be completed, thus the cost sharing was addressed in the MOU.

Councilor Brown asked if the City would then enter into a three party agreement with SMFR and the chosen architect of which the City's liability would be 50%.

Mr. Sansing confirmed this was correct.

Councilor Brown asked if SMFR was ready to sign the MOU at their meeting on February 28th.

Mr. Sansing confirmed that they were.

Mr. Fellman stated that Mr. Sansing, the representative and attorney from SMFR, and himself were all on the same page regarding the MOU and IGA. He indicated that Councilor Roswell had also seen and approved the final draft of the MOU.

Councilor LaMair asked when staff planned to conduct final interviews of the architectural firms.

Mr. Sansing replied that staff hoped to begin interviews the following Monday.

Councilor LaMair thanked Mr. Sansing for his work.

Mr. Sansing indicated that he had removed the third bullet point on the first page of the MOU as it was referencing to an old version of the IGA.

Councilor LaMair moved, seconded by Councilor LaMair to approve Item 4d.

The motion carried unanimously.

UNFINISHED BUSINESS

None.

NEW BUSINESS

Resolution 4, Series 2011; Adopting the Denver Regional Natural Hazard Mitigation Plan 2010 Update

Community Development Director Rob Zuccaro presented Resolution 4, Series 2011 to Council. He explained that the 2010 Denver Regional Natural Hazard Mitigation Plan was prepared by the Denver Regional Council of Governments (DRCOG) with the assistance of local governments and other regional stakeholders. The purpose of the Plan is to "identify natural hazards and the people and places at risk at a regional scale and then identify actions and measures to reduce or eliminate long-term risk." The 2010 Plan updates the original Denver Regional Natural Hazard Mitigation Plan approved by FEMA in 2004. FEMA has approved the 2010 Plan and all participating local jurisdictions must now adopt the Plan in order to be eligible to receive Federal natural hazard mitigation funding. The City was represented in the planning effort by Ms. Rose Lynch, who is a resident of the City and expert in the field of hazard and emergency operations planning. Ms. Lynch also assisted the City recently in writing its Emergency Operations Plan.

Ms. Lynch explained that the main purpose of the Resolution was to make it possible for the City to apply for FEMA grants for things such as moving property out of the flood zone, education, reinforcement of creeks, stormwater issues, or a tornado warning system.

Mayor Wozniak thanked Ms. Lynch for all the work she had done on this project.

Councilor LaMair moved, seconded by Councilor Griffin to approve Resolution 4, Series 2011, adopting the Denver Regional Natural Hazard Mitigation Plan 2010 Update.

The motion carried unanimously.

REPORTS

Members of City Council

Councilor Griffin reported that he had found a report of a half-dozen coyote attacks on individuals in Denver. He also indicated that coyotes were present throughout the United States, including Florida. The range for mountain lions was designated as the entire state of Colorado. He reported that his neighbor had another incident with his dog and coyotes. He indicated he would be interested to see the results of the February 24th Coyote Presentation. He stated that coyotes should be regarded and treated as wild varmints.

Mayor Wozniak indicated that Councilor Griffin could suggest modifications to the City's Coyote Management Policy when it was brought before Council after the February 24th presentation.

Councilor Griffin noted that Greenwood Village's coyote management plan was different than that of Cherry Hills Village.

Mayor Wozniak replied that the two plans were the same except that Greenwood Village authorized lethal force against coyotes.

Councilor VanderWerf asked if that policy had eradicated coyotes in Greenwood Village.

Mayor Wozniak replied that it had not, but that it had made some residents happy. He indicated that Animal Control Officer Michelle Edwardson was a great resource for Cherry Hills Village.

Councilor Griffin agreed that Ms. Edwardson had always responded promptly to any coyote incidents.

Councilor LaMair indicated that Ms. Edwardson should be encouraged to attend neighborhood and HOA meetings to address concerns about coyotes before incidents with pets occur.

Councilor LaMair reported that she would attend a High Line Canal Working Group meeting tomorrow. She indicated that a short term project the City should work on was connectivity of the High Line Canal between Cherry Hills Village and Denver. She stated that the City should get Denver involved to apply for GOCO grant funds.

Councilor LaMair also reported that Mr. Zuccaro had been helping her to look into the way retaining walls and burms were defined in the City Code, due to an issue with a property which had built a retaining wall and had re-graded the land to rise to the top of the wall. She indicated that this practice could be very disruptive to neighbors and disrespectful to the idea of setbacks.

Councilor VanderWerf commented that this was another example of one resident's actions precluding neighbors from their ability to enjoy their property.

Mayor Wozniak directed Mr. Zuccaro to work on drafting an ordinance to address the issue.

Mayor Pro Tem Stewart reported that the Buell HOA had been granted funds to repair the Buell Mansion, and that he would be approaching City Manager John Patterson for a letter of support from the City.

Councilor Griffin asked if the Buell Mansion was on the Colorado Historical Register.

Mayor Pro Tem Stewart replied that it was. He also reported that he had received calls from residents regarding coyote issues. He indicated that coyotes would be more active and aggressive this time of year because it was breeding season. He also indicated that there seemed to be an abundance of rabbits that would provide them with a food source. He indicated that the City Council had dealt with this same issue in the 1950s and 1960. He encouraged all the Councilmembers to attend the presentation on February 24th.

Councilor VanderWerf reported on the last Parks, Trail, and Recreation Commission meeting. The PTRC had heard public comments for the Dahlia Hollow Park improvements, both for and against. They had also discussed making the Stanford Avenue habit trail an official trail, and staff, along with PTRC members, would be meeting with the homeowners of the adjacent properties. Upcoming events include an equestrian event on June 11, the summer movie night on Aug 27, and an exotic car show, date to be determined. She also reported that staff would be applying for a planning grant from the Arapahoe County Open Space Program to conduct an inventory and assessment of the Cat Anderson property. Finally, she noted that she would be out of town for the next Council meeting on March 1st.

Councilor Brown had no report.

Mayor's Report

Mayor Wozniak reported that he had attended two Metro Mayor Caucus meetings and RTD had decided to adopt a recommendation for a 0.4% sales tax increase to finish FastTracks on time. He reported that he had participated in a TV show for Greenwood Village's public access channel, along with the mayors of Greenwood Village, Littleton, and Centennial.

He reported that he had a positive meeting with Councilor VanderWerf, Public Works Director Jay Goldie, Ann Polumbus, and Greg Stevenson regarding art in the City. Mr. Stevenson has generously offered to loan large sculptures to the City for display on public property. Ms. Polumbus will head the City's art committee which will create a procedure to screen potential donations or loans, and to accept artwork. Ms. Polumbus and any committee members would make a recommendation on the approval of artwork to Council before it would be officially approved, and City Attorney Fellman would approve any legal documents associated with the donation or loan. Mr. Goldie will identify sites on which to display the art. Mayor Wozniak noted that, in general, the artist or owner of the artwork retains liability for any defacement of the artwork. He thanked Mr. Stevenson for his generosity and Councilor VanderWerf for her involvement.

Councilor VanderWerf clarified that all of Mr. Stevenson's works of art were sculptures.

Mayor Wozniak also reported that Mr. Zuccaro had been researching issues related to the vacation of South Fairfax Street. There was a question of access to a property via South Fairfax Street that some residents had approached the City about. Staff had determined that the access issue would be reviewed if a subdivision application were filed with the City. If the residents wanted a City determination on access prior to an application being filed, they could request that the City Attorney review the issue as long as the residents funded the review.

Mayor Wozniak reported that he had received many calls from residents regarding coyotes, as well as the potential park improvements at Dahlia Hollow Park.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Mr. Goldie indicated that department monthly reports and unaudited financial statements were available in Council packets. He reported that this was the first year that the Arapahoe County Open Space Program was granting funds for planning and maintenance projects. The City had \$18,500 budgeted for a similar project in 2011, and that money could be used as matching funds if the City received the grant. The project would be an analysis of the natural resources on the Cat Anderson property, as well as some tree maintenance to prevent large expenses all at once when the property is officially turned over to the City. The project would also be the first step towards developing a Management Plan for the property, which is required by the Conservation Easement. The project would assess the septic fields on the property, the pond, allow staff to gather information on the water rights of the property, and clear up right-of-way property issues regarding the High Line Canal. The City would hire up to four subcontractors for assistance with the engineering, tree, pond, and septic areas of the project.

Mayor Pro Tem Stewart indicated that the Buell HOA had recently hired contractors for pond work and suggested that Mr. Goldie contact the Chair for referral information.

Councilor LaMair asked how much grant money staff was asking for.

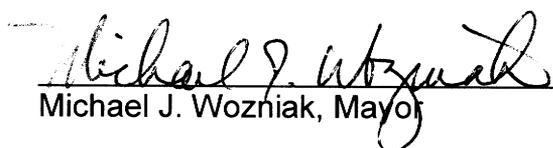
Mr. Goldie replied that staff did not have definite number yet but that it likely would be between \$40,000 and \$60,000. The grant required 10% matching funds from the City.

City Attorney

City Attorney Fellman reported that the House Judicial Committee was working to clean up parts of the medical marijuana statute, including extending the moratorium on new licenses, not requiring confidentiality restrictions on local grow operations, and conducting background checks on applicants. He also noted that he would be out of town for the March 1st meeting and that someone else from his office would attend.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk