

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 19, 2011 at 6:30 p.m.
At the Village Center

The City Council held a Study Session at 6:00 p.m.

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 City Manager and Police Chief John Patterson, Assistant 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, and City Clerk Laura Smith.

Absent: none

AUDIENCE PARTICIPATION PERIOD

Mr. AJ Coffman, Chair of the East Cherry Hills Water District, addressed the Council regarding the attorney fees that the District owes the City. He explained that the District owes the City approximately \$24,000, and while the District does have \$26,000 in the bank, they currently had urgent bills to cover such as liability insurance. He requested that Council wait for payment until the District receives the \$100,000 loan it had requested from the Denver Water Board.

Mayor Wozniak indicated that he was not comfortable making the District's financial obligation contingent on the Denver Water Board granting a loan. He stated that he would discuss the issue with the City Attorney and staff and would get back to Mr. Coffman.

Councilor LaMair asked if it would be reasonable for the City to ask the District to pay a portion of the fees owed now and the remainder later.

Mr. Coffman replied that the District could pay \$2,500 - \$3,000 now. He also reported that three homeowners in the neighborhood near 1 Cherry Lane Drive had expressed an interest in paying the balance for the wall along Hampden Avenue.

Ms. JM Fay expressed her concern regarding the use of her local Arapahoe County Library District (ALD) library by non-residents of the library district. She explained that non-residents are charged a \$100 annual fee for an ALD library card, which is much less than what residents of the district pay in taxes. She has approached the ALD Board and the Director of her local library on this issue and has not received a favorable response. She indicated she was taking her issue to many city councils in the area and asked for Council's support in restricting use by non-residents of ALD libraries.

Mayor Wozniak thanked Ms. Fay for bringing the issue to Council's attention and admitted that he did not know much about the issue. He requested that staff research the issue and advised Ms. Fay that staff would be in contact with her.

Ms. Ann Polumbus, 4001 S. Dexter St., asked if Council had any questions about the proposed Public Art Commission that she could answer to help Council come to a decision about the formation of the Commission. She stated that at the moment public

art in the City would mean outdoor sculptures since there was not an appropriate space for indoor art. She noted that the Cat Anderson property and the Kent Denver School property already have outdoor art sculptures. She explained that the City currently has a unique opportunity to be loaned a large bronze sculpture of a pioneer woman with a plow by artist Walt Horton. Ms. Polumbus met with Mayor Wozniak, Councilor VanderWerf, Public Works Director Jay Goldie, and Mr. Greg Stevenson, a friend of the Horton family. Mr. Stevenson had presented a very generous offer to the City, to loan the sculpture and to pay for the cost of placing it in the location chosen by Council as well as the cost of removing it once it was sold. She indicated that the sculpture was not controversial and had many elements that could initiate educational discussions. She commented that many of Mr. Horton's sculptures were on public display and that there had never been trouble with vandalism or theft except for one incident with spray paint that was easily cleaned off.

Mayor Wozniak added that Mr. Stevenson had offered to insure the sculpture so that the City would not hold any liability for it. He emphasized that Mr. Stevenson was making the City an extremely generous offer. He indicated that he believed Council saw the benefit of a public art group that would review all the options associated with a particular piece of art and bring the final decision to City Council, but was still deciding the best basis for the group, be it a stand-alone commission, a sub-committee, or an ad hoc committee.

Councilor Griffin asked if Ms. Polumbus would be interested in serving on the commission or committee.

Mayor Wozniak explained that Ms. Polumbus had already volunteered. He asked Ms. Polumbus to wait until Council addressed the Public Art Commission on the agenda.

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 5, 2011
- b. Contract for Services with A-1 Chipseal Company Inc. and Expenditure of Funds for the 2011 Chipseal Program
- c. Addendum to the Rates and Fees Technical Advisory Committee (TAC) Intergovernmental Agreement (IGA)
- d. Resolution 5, Series 2011; Reappointment of Suzie Love and Jamie Seitz to the Board of Adjustment and Appeals

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Establishment of the Public Art Commission

Public Works Director Jay Goldie presented three options to Council. First was to form a subcommittee under the Parks, Trails and Recreation Commission (PTRC). This subcommittee could be formed by PTRC members or by residents not on the PTRC. The subcommittee could report to the PTRC who would then report to City Council, or the subcommittee could report directly to City Council. Second, an ad hoc committee

could be formed, like the Citizen's City Center Committee or Residential Development Standards Committee. This committee could meet as needed for each art piece, or have regular meetings. It could collect feedback from the community on the best form for a public art committee or commission and make a recommendation to Council. Third, a stand alone commission could be formed, which would make recommendations directly to City Council regarding public art and which would have a perpetual existence.

Councilor Brown indicated that the art community would likely take a commission more seriously than a subcommittee or ad hoc committee. Having a commission would show the City's long-term interest in public art.

Councilor VanderWerf agreed with Councilor Brown and discouraged forming a subcommittee under PTRC. She explained that it had already been tried to a limited extent and had not been a natural fit. She indicated that she would support an ad hoc committee as a starting point if it was established with the intention of making it a more formal commission in the future.

Councilor Roswell indicated his opposition to the establishment of a public art commission. He commented that it was difficult for the City to find volunteers for the boards and commissions already established, and he believed a public art commission would be no different. He suggested a subcommittee under the PTRC or an ad hoc committee to test how the community feels about public art.

Councilor LaMair indicated that she believed the public art group would have plenty to do as a full-time committee or commission. In addition to the process for new art pieces, the group would have tasks associated with the oversight of existing art pieces, as well as education and public outreach. She suggested that 3-5 commission members meet as needed.

Mayor Pro Tem Stewart indicated that an ad hoc committee would be more flexible, and would allow the City to benefit from a different group of residents and their unique expertise every time the committee was needed. He expressed concern that a set group of commission members would be difficult to keep energized if they did not have reasons to meet regularly.

Councilor LaMair suggested that advisors could be added to a set commission if and when it was deemed appropriate to facilitate certain projects. She agreed with Councilor VanderWerf that an ad hoc committee might work if it was established with the intention of making it a more formal commission in the future.

Councilor Griffin indicated that a dedicated group, be it ad hoc or a commission, would be valuable to solicit support for public art from residents.

Mayor Wozniak indicated he was persuaded by Councilor Brown and Councilor VanderWerf that PTRC was not the right place for this group and that a more permanent commission would show that the City is more serious about public art. He noted that it was important to have a commission of people who were knowledgeable and interested about public art who could ensure that any opportunities fit within the City's sense of decorum. He predicted that there would be many more residents interested in serving on a public art commission than, for example, on the Board of Adjustment and Appeals because it was an interesting and fun topic.

Councilor Griffin asked for information on the type of infrastructure and foundation needed for the Horton sculpture as well as how long it would be loaned to the City.

Ms. Polumbus replied that the sculpture would likely stay in the City until it was sold.

Mayor Wozniak added that Mr. Stevenson had offered to pay for all the costs of installing the piece, including the pedestal. He commented that there would be some work for the Public Works department such as forming a walking path to the sculpture.

Mr. Goldie noted that the pedestal would be concrete and could be done in-house. He commented that the pedestal would be useful for other pieces in the future.

Mayor Wozniak indicated that Council should move forward quickly on this issue to avoid lost opportunities.

Councilor Roswell indicated that he was persuaded that the group should not be a sub-committee of PTRC, but was still not persuaded that it should rise to the level of a stand alone, perpetual commission until the City was able to determine its viability.

Mayor Pro Tem Stewart indicated he was in favor of starting with an ad hoc committee that would recommend to Council whether it should be made into a permanent commission.

Councilor Brown indicated he did not like the idea of an ad hoc committee and preferred a permanent commission. He noted that a permanent commission could be appointed by Resolution and that Council could repeal it if necessary.

Councilor Griffin indicated he would endorse a public art commission with 3 to 5 members and suggested that the City advertise the new commission and the City's interest in accepting public art pieces in The Crier and The Villager Newspaper. He also suggested that the commission could oversee public art inside the new joint public safety facility.

Mayor Wozniak agreed that the commission could oversee public art both inside and outside the new facility.

Councilor LaMair added that another reason to have the commission separate from the PTRC was that not all the City's public art would be located in parks and on trails. Some might be in parking lots, for example.

Mayor Wozniak directed staff to format a Resolution for a standing Public Art Commission with 3 to 5 members that will report directly to the City Council.

Council Bill 2, Series 2011; Authorizing a Supplemental Appropriation for Architectural and Design Services Related to the Planning and Design of the Proposed New Joint Public Safety Facility (final reading)

Deputy Chief Jody Sansing presented Council Bill 2, Series 2011 for second and final reading. The proposed bill would approve a supplemental appropriation of a maximum expenditure of \$165,761.00 for architectural and design services for the proposed joint public safety facility. Mr. Sansing stated there had been no changes since first reading.

Councilor Roswell moved, seconded by Councilor Brown to approve second reading of Council Bill 02 Series 2011, a Bill for an Ordinance of the City of Cherry Hills Village, Authorizing a Supplemental Appropriation for architectural and design services in the amount of \$144,140.00, plus a 15% contingency, for a total maximum expenditure of \$165,761.00, which represents approximately ½ of the total cost of phase one and phase two of the proposed Joint Safety Facility between the City of Cherry Hills Village and the South Metro Fire Authority.

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 Council Bill 02-2011: 6 ayes. 0 nays. The motion carried.

Elected Officials Email Policy

City Clerk Laura Smith presented the Elected Official Email Policy for Council's consideration. She explained that the intent of the email policy was to manage elected officials emails as City records in accordance with the Colorado Open Records Act and Open Meetings Law as well as the City's records retention schedule. Staff had first presented the policy at the April 5, 2011 meeting, where staff had received direction from Council. Based on that direction, staff was presenting an amended policy at tonight's meeting. The amended policy proposes that all emails sent to or from an elected official's email account be automatically archived. Archived emails will then be managed according to the City's retention policy by the City Clerk. Original emails in the elected officials' email accounts may be saved or deleted as the elected official finds most useful.

Mayor Pro Tem Stewart indicated that he approved of the updated policy.

Mayor Wozniak indicated that the section of the policy outlining permitted email communications was unclear, and that he did not believe that communications between more than three Council members should be prohibited. He asked if this could be clarified.

Assistant City Attorney Nancy Rodgers agreed that a more appropriate word would be "deliberation", and that simple communications or dissemination of information did not constitute a public meeting and was not prohibited.

Mayor Wozniak directed staff to amend the policy to reflect this clarification and to bring back the policy to the next Council meeting.

Social Media/Networking Sites Policy for City Sites

Ms. Smith presented the Social Media/Networking Sites Policy for City Sites for Council's consideration. She explained that currently the City's only social media site was a Facebook page, and that at the previous Council meeting there had been some disagreement over the value of having a Facebook page. Therefore the first issue for Council to decide was whether to maintain the City's Facebook page. Staff had spoken to several clerks who manage city Facebook pages and had included a pro/con list in the staff memo. Ms. Smith indicated that the most important reason to maintain the City Facebook page in staff's opinion was that it reaches a different kind of audience than other types of communication. The second issue before staff was how the City should manage posts on the page. Ms. Smith noted that the City Attorneys had some concerns and an attorney-client privileged memo was included in Council packets. She explained that staff was presenting three versions of the policy for Council's consideration. Version A(1) was most restrictive of the types of outside comments that would be allowed on the City's Facebook page; Version A(2) was less restrictive; and Version B prohibited outside comments.

Councilor LaMair indicated that she supported maintaining the City Facebook page and adopting Version B of the policy, which did not allow outside posts. She noted that City Council and staff did not have time to deal with controversial posts, and that while Council and staff could to some extent control an angry letter, they could not control an angry post. She agreed that Facebook reached a different audience than other forms of communication, and added that the policy could be changed in the future.

Councilors Brown, Roswell, Stewart, and VanderWerf agreed.

Councilor VanderWerf expressed concern that people posting on Facebook might lose impulse control, and that it was more difficult for a staff member to respond to an issue posted on Facebook than other forms of communication.

Mayor Wozniak commented that he had discussed city Facebook pages with other Mayors at the last Metro Mayors Caucus, and towns such as Erie and Nederland had explained that they received many more public comments via Facebook than by people coming to public meetings.

Councilor Griffin indicated he was supportive of maintaining the City's Facebook page, but cautioned that if it got out of hand, the City should discontinue it.

Mayor Wozniak directed staff to maintain the City Facebook page and implement Version B of the policy.

NEW BUSINESS

None

REPORTS

Members of City Council

Councilor Brown commended staff on the work done on the drainage ditch at Three Pond Park. He noted that the work would improve water flow and the wetland habitat.

Councilor VanderWerf indicated that, although the City might see decreases in tax revenue based on the property tax assessment from the County, there were four or five new homes being built in her neighborhood, so building permit fees may help with the City's revenue.

Councilor Roswell reported that a resident had contacted him with concerns about horse manure on paved public trails.

Mayor Pro Tem Stewart reported that Cherry Hills Village Elementary was worried about the parking situation should the City close Meade Lane during construction of the new joint public safety facility.

Councilor Roswell replied that closing Meade Lane was not part of the current construction plan.

Mayor Wozniak reported that neighbors of the proposed lot had expressed concern that their property would be depreciated due to the new facility. They had offered to purchase the property. Neighbors of 90 Meade Lane had also offered to purchase that property, with the possibility of not building on it for a time.

Mayor Pro Tem Stewart reported that Urban Drainage was paying for bank stabilization projects in Greenwood Village and asked if there were any similar projects in the City.

Mr. Goldie replied that the City's projects were different in that they were not approved as part of a subdivision and thus Urban Drainage would only pay for half of the cost of the projects.

Mayor Wozniak reported that the PGA tournament would be held at Cherry Hills Country Club in September 2014. It would be limited to 27,000 people per day and would feature the 70 best players in the world.

Councilor LaMair asked what the City's role was in the case of the tree cutting along the High Line Canal that Councilor VanderWerf's editorial in the Crier addressed.

Mayor Wozniak replied that it was a criminal situation and that he was working with Chief Patterson and the Denver Water Board.

Councilor LaMair reported that she would miss the next meeting.

Councilor Griffin had no report.

Mayor Wozniak reported that Jean Arthur had passed away and acknowledged that she had been a guardian of the trails in the City and would be missed.

Mayor's Report

Mayor Wozniak reported that he had received a notification that Arapahoe County Community Block Service Grants would be reduced by 45% this year due to lack of federal funds. He recognized that there were many elderly people who depended on County services.

He also reported that he had received a letter from Urban Flood and Drainage recommending that the City have an emergency plan for flood management.

He also reported that County Commissioner Nancy Sharp had passed on an updated development plan for Kent Place at University and Hampden. He noted that Ms. Sharp was aware that the planned shopping center would affect the City and expressed his appreciation for the notice. He indicated that Mayor Pro Tem Stewart was involved in the public meetings.

Councilor Griffin commented that the additional street light on Hampden for the shopping center might cause traffic problems.

Mayor Pro Tem Stewart indicated that the street light and the traffic issues had been a topic of discussion for years.

Mayor Wozniak agreed that it was a short distance for street lights along a state highway. He asked staff to find out when the next public meeting would be.

Community Development Director Rob Zuccaro stated that he had spoken to City of Englewood staff earlier that day and was told there would be no more public meetings. The developer could choose to hold more meetings, but they were not required to.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

City Manager John Patterson reported that the monthly departmental reports and unaudited financial statements were included in Council's packets, and that department directors were available for any questions. He reported that the City's latest motor vehicle tax was significantly larger than normal, and that building permits were also up slightly so that the City was currently in a good revenue position. He reported that Spring Clean Up was April 23rd to May 1st and that the City would not accept electronics or paint this year. Dumpsters would be located in the Village Center complex and Public Works staff would be monitoring the dumpsters both during the week and on the weekends, except for Easter Sunday. Community Shred Day would be April 23rd from 9 am to 1 pm.

Mayor Wozniak directed staff to call Meade Lane residents to advise them of Spring Clean Up and avoid the issues from last year.

Mr. Patterson also reported that Mr. Zuccaro would have a busy Planning and Zoning Commission meeting on April 26th.

Councilor LaMair asked if the Spring Clean Up and Shred Day were being advertised on the City's message board.

Mr. Goldie confirmed that it was.

PTRC Reappointments and Vacancy

Parks, Trails and Recreation Administrator Ryan Berninzoni reported that terms were up in May for four members of the PTRC. Three members wished to be reappointed, and one seat will be vacant. Mr. Berninzoni requested that City Council conduct interviews for the vacancy.

Councilor LaMair asked how many applications staff had received.

Mr. Berninzoni replied that staff had received two applications for the vacancy and was expecting another.

Mayor Wozniak asked for volunteers to conduct interviews for the PTRC vacancy.

Councilors LaMair, Roswell, and VanderWerf volunteered.

Mayor Wozniak appointed Councilors LaMair and VanderWerf to conduct interviews. He also asked for volunteers to conduct interviews for the BOAA vacancy.

Councilors Brown and Griffin volunteered.

Mayor Wozniak indicated he would like to conduct interviews for the BOAA vacancy and appointed Councilor Brown to conduct them as well.

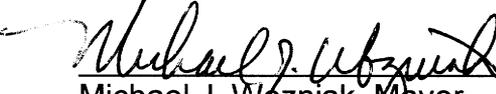
City Attorney

Ms. Rodgers stated that she and City Attorney Ken Fellman had no report, but asked if the Mayor or Council would like any advisement on the issue with the East Cherry Hills Water District.

Mayor Wozniak replied that he would discuss the issue with Mr. Fellman at a later time.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk