

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 20, 2011 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, and Klasina VanderWerf 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, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: Harriet LaMair

AUDIENCE PARTICIPATION PERIOD

Ms. Cary Leher of 3981 South Dahlia Street addressed Council regarding the Conflict Resolution Month Campaign. She indicated that she had been a resident of Cherry Hills Village for 30 years and a volunteer with the Conflict Resolution Month Campaign for the past seven years. She explained that the campaign had originated in Washington DC where they had begun a Conflict Resolution Day on the third Thursday of October, but that the Colorado campaign had decided it should be for the entire month of October. She indicated that many other South Metro municipalities had already passed a Proclamation declaring October Conflict Resolution Month and encouraged Council to pass one for Cherry Hills Village. She also referred to a section of Mayor Wozniak's Mayoral Musings from the Village Crier two summers ago where he encouraged residents to find non-judicial solutions to conflicts in the City.

Mayor Wozniak thanked Ms. Leher for bringing the issue to Council's attention and noted that he would discuss the issue with Council during the Reports section of the meeting.

CONSENT AGENDA

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

- a. Approval of Minutes – September 6, 2011
- b. Resolution 15, Series 2011; Concerning the Appointment of Mr. Steven Szymanski to the Planning and Zoning Commission

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 10, Series 2011; A Bill for an Ordinance Approving a Supplemental Appropriation of Funds for the Paving of Monroe Street (second and final reading)

Public Works Director Jay Goldie presented Council Bill 10, Series 2011 on second and final reading. He indicated that there had been no changes to the proposed bill since first reading.

Mayor Wozniak asked what the timing of the project would be.

Director Goldie responded that the timing of the project had not been fully determined yet but that the project would start in the next couple weeks if approved by Council.

Councilor Brown asked if the project would disrupt the habits and practices of Church parking along Monroe and if so was the Church aware of the change.

Director Goldie replied that it would disrupt the parking due to the narrowing of the street when the road is paved and confirmed that the Church was aware of the change.

Councilor Brown moved, seconded by Councilor VanderWerf to approve Council Bill 10, Series 2011 for the Supplemental Appropriation of Funds for the Paving of Monroe Street on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 10-2011: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

Recommendation from the Public Art Commission to Accept a Donation of Art to be Placed at the Village Center

Ann Polumbus, Chair of the Public Art Commission (PAC), presented the recommendation of the PAC for City Council to accept the donation of the bronze sculpture "Sundown" by Walt Horton, on loan from Greg Stevinson. She indicated that the PAC recommended placing the sculpture at the corner of Quincy Avenue and Meade Lane, right at the entrance to the Village Center. She noted that the sculpture was 12.5 feet high and would be placed directly at ground level instead of on the base as shown in the picture included in Council packets. She indicated that the mission of the PAC was to enhance public art in the City and that the sculpture would be very visible at the recommended location. In addition, the art will promote education of public art and the PAC was planning to create a program for children involving the sculpture. She commented that the artist had described the piece as representing a historically unrecognized figure who helped to settle the West and could have been in anyone's family tree. She recommended Council accept the generous loan and noted that Mr. Stevinson would incur the costs to place the sculpture, remove the sculpture and would be responsible for any maintenance and/or liability. She indicated that an agreement between the City and the owner should be approved prior to installation and that the PAC would like to organize an unveiling ceremony for the piece once it has been installed.

Mayor Wozniak expressed the Council's sincere appreciation for Mr. Stevinson's generosity. He stated that they were thrilled and humbled.

Mr. Stevinson indicated that much thanks was also due to Ms. Peggy Horton. He stated that he was a fan of outdoor art and hoped that this piece would encourage other outdoor pieces in the City.

Mayor Wozniak asked Director Goldie for staff's feedback on the recommended location for the piece.

Director Goldie indicated that staff had met with Ms. Polumbus and Mr. Stevinson to choose the recommended location and that very little would have to be adjusted to make the location available. He commented that staff recommends installing a generic pad at the location that can be used for future art pieces as well and noted that funds for the pad were available in the 2011 budget.

Councilor Griffin asked how much the piece weighed.

Mr. Stevinson replied that he did not have an exact number but that a crane was used to move the piece. He also noted that the piece was hollow.

Councilor Griffin asked how vulnerable the piece would be to vandalism.

Mr. Stevinson replied that the piece, in addition to being very heavy, would be bolted down. He indicated that the piece was as vandal-proof as possible.

Mayor Pro Tem Stewart asked where the piece was cast.

Mr. Stevinson replied that there were several locations from which the artist cast the bronze and that he was not sure where this particular sculpture had been cast.

Councilor VanderWerf commented that staff had a program which allowed them to digitally place the sculpture at the proposed site and that, while the program did not allow them to display the full size of the sculpture, it did look good in the proposed site.

Mr. Stevinson agreed that the proposed site was an attractive location for the piece.

Mayor Wozniak asked if there were any objections from Council to accepting the "Sundown" sculpture. Hearing none he directed staff to move forward with the loan.

Council Bill 11 Series 2011; A Bill for an Ordinance Amending Sections 4-4-130(b)(1) and 4-4-310(a) to Adjust the City Sales Tax Vendor Fee

City Clerk Laura Smith presented Council Bill 11, Series 2011 on first reading. She explained that the proposed bill would lower the City sales tax vendor fee from 5% to 2.5% and impose a maximum of \$150 to the vendor fee. She noted that the vendor fee is the amount which the vendor may subtract from the sales tax owed if the sales tax is returned by the due date. She gave the example of \$100 sales tax owed minus the current 5% vendor fee would result in a final tax owed of \$95. The proposed bill would increase the final tax owed to \$97.5. She explained that the City's current vendor fee of 5% was high when compared to the other 67 Home Rule Colorado municipalities as reported by the Colorado Department of Revenue and the proposed bill would result in approximately \$15,500 in additional annual revenue. She noted that if Council approved the proposed bill the changes would go into effect March 1, 2012 as regulated by Section 4-4-320 of the Municipal Code. She explained that staff did not anticipate the changes to result in more than one hour per month of additional staff time for the first quarter of implementation.

Mayor Pro Tem Stewart asked if the proposed bill would trigger TABOR.

Assistant City Attorney Nancy Rodgers replied that City Attorney Ken Fellman had not made her aware of any issues.

Councilor VanderWerf noted that the county and state vendor fees had been reduced recently.

Councilor Brown commented that many municipalities were reducing or getting rid of their vendor fees.

Councilor VanderWerf moved, seconded by Councilor Brown to approve on Council Bill 11, Series 2011; A Bill for an Ordinance of the City of Cherry Hills Village Amending Sections 4-4-130(b)(1) and 4-4-310(a) Concerning the City's Sales Tax Vendor Fee to Reduce the Vendor Fee from 5% to 2.5% and to Impose a Cap of \$150 on the Vendor Fee, on first reading, pending approval by the City Attorney.

The following votes were recorded:

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

Vote on the Council Bill 11-2011: 5 ayes. 0 nays. The motion carried.

REPORTS

Members of City Council

Councilor Griffin had no report.

Mayor Pro Tem Stewart reported that the joint service day with Boy Scout troupe #712 and the Parks staff to remove Russian Olive trees from Three Pond Park was a success.

Mayor Wozniak asked about the status of the Kent Place Development at University and Hampden.

Mayor Pro Tem Stewart indicated that the developer's first plans had been rejected by the City and that their second set of plans was now in the review process.

Community Development Director Rob Zuccaro added that the plans were on display at the City of Englewood offices and were open for public comment at this time.

Councilor VanderWerf reported that Dr. and Mrs. Abrams had complimented the Parks staff for the clean up of John Meade Park after the Summer Movie Night. She also reported that the Exotic Car Show tentatively scheduled for October had been cancelled because participation was not as quick as anticipated. She reported that the Parks, Trails and Recreation Commission (PTRC) had discussed their 2012 strategic planning and it included adjustments to John Meade Park when the new joint public safety facility was built. She reported that the Cherry Hills Land Preserve Barn Tour had received a wonderful turn out, with approximately 250 people Saturday night and approximately 300 people for the barn tour on Sunday, many on bicycles. She thanked City staff for their help with the events. She commented that at the last Council meeting Council did not properly recognize the importance of passing the bulk plane and FAR ordinance, as

it had been discussed by many Councils prior but had not been passed. She indicated that it was a difficult issue and was pleased that Council had opted to pass the ordinance with the understanding that it could be amended later.

Councilor Brown indicated that he shared Councilor VanderWerf's sentiments regarding the bulk plane and FAR ordinance and reported that he had begun to draft ordinances that would address some of the issues that Council had identified during discussion of the ordinance.

Mayor's Report

Mayor Wozniak reported that last week he spoke to the South Metro Realtor Group along with four other mayors and mayor pro tem. He indicated that other municipalities were focusing on economic incentives and had seen some positive growth this year.

Councilor Brown mentioned that the Mayor of Englewood had told him that sales tax was up 10% in that city.

Mayor Wozniak agreed that many cities were showing healthy numbers of growth that would hopefully help to balance the decrease in property assessments.

Councilor Griffin reported that he and Councilor Brown had a conversation regarding an article in the Wall Street Journal about a suburb of Baltimore which was encouraging growth with a temporary or permanent forgiveness of the first \$200,000 of assessed values. He indicated that he had spoken to Finance Director Karen Proctor about the idea and acknowledged that it was difficult when faced with a tough budget year.

Mayor Wozniak congratulated Court Clerk Jessica Sager on her completion of her Certified Municipal Clerk certification. He indicated that a proclamation for Conflict Resolution would be positive and asked for any feedback from Council. He reported that he had received a letter from Arapahoe County requesting a contribution for their Youth Overcoming Adversity award program. He reminded Council that the City budgets only a modest amount for such contributions and that the City usually contributes to school programs and the battered women's shelter. He thanked Greg Stevinson for the loan of the sculpture and thanked Director Goldie for the map of potential sites. He asked Director Goldie about the new fence at Dahlia Hollow Park.

Director Goldie explained that the fence had been constructed by the City in conjunction with the homeowner.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

City Manager John Patterson reported that departmental monthly reports and unaudited financial statements were available in Council packets. He also reported that the draft 2012 budget was in Council packets and that there would be a study session to discuss the budget at the October 4th meeting. He reported that staff had received a major event permit application for the 2012 Amateur golf tournament at Cherry Hills Country Club and the application would go to the Planning & Zoning Commission very soon. He reported that the Dahlia Hollow Park project was nearly complete and noted that Parks, Trails and Recreation Administrator Ryan Berninzoni was doing a good job on the project. He reported that the Belleview sidewalk repair project would be completed this

week. He acknowledged resident Tad Willenbrock for the BBQ he had hosted on September 11th for the Police Department and Fire Department.

Mayor Pro Tem Stewart noted that the crime reports for this year were down from the same period last year.

City Manager Patterson thanked the Deputy Chief and Police Department for their work and explained that they had been targeting crime-heavy areas. He also noted that the Code Enforcement Officers had been instrumental working with contractors to prevent theft from construction sites.

Mayor Wozniak commented that he had been on a ride-along with an officer on Sunday morning and that it was a difficult job.

City Attorney

Assistant City Attorney Nancy Rodgers had no report, but stated that City Attorney Fellman would have an answer to the TABOR question at the next meeting.

ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin for the Council to move into Executive Session pursuant to CRS §24-6-402(4)(f) for the purpose of discussing personnel matters and immediately upon completion of the Executive Session to be adjourned.

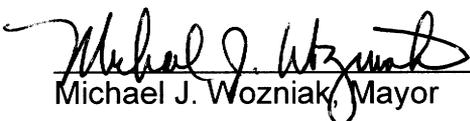
The following votes were recorded:

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

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

The meeting adjourned into Executive Session at 7:13 p.m.

The Executive Session adjourned at 7:55 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk