

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 7, 2012 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 John Patterson, City Attorney Ken Fellman, Finance Director Karen Proctor, Public Works Director and Deputy City Manager Jay Goldie, Deputy Chief Jody Sansing, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Councilor Harriet LaMair arrived at 6:32 p.m.

Absent: none

AUDIENCE PARTICIPATION PERIOD

None

PRESENTATION BY GREG MORRISON, MORRISON AND ASSOCIATES

Greg Morrison of the Morrison Group presented his background to City Council. He explained that he was working with City Manager John Patterson on the Police Chief recruitment process. He explained that the City had completed a national search for applicants but was focusing on local and regional candidates. He had reviewed the 88 applications with City Manager Patterson and they had vetted the pool to 20 candidates. They would further reduce the pool to six candidates who would be invited to interviews. Interviews would be held Friday, March 9th at the City and would consist of several interview panels including City Council members, staff, residents, South Metro Fire Rescue staff, and other police chiefs. Feedback from the interview panels would be given to City Manager Patterson for evaluation and he would select the top candidate. The Morrison Group would then assist with any background checks and investigations.

Mayor Pro Tem Stewart asked what criteria they would use to evaluate candidates.

Mr. Morrison replied that a Bachelor's degree was required and a Master's was preferred. 10 years of command level experience was required. They were looking for candidates whose career had a natural progression through the police department ranks, had a wide background in public safety fields, and who has experience with supervising at least 20 staff and managing a budget comparable with that of the City.

Mayor Wozniak asked if six interviewees was a sufficient number.

Mr. Morrison replied that six was the maximum for the process to be completed in one day in order to incorporate 45 minutes per interview, training of the assessors, lunch, and time to debrief City Manager Patterson. He added that it was difficult to get commitments from other police chiefs and interviewers for more than one day. He noted that six interviewees was a common number.

CONSENT AGENDA

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

- a. Approval of Minutes – January 17, 2012
- b. Resolution 5, Series 2012; To Appoint Election Judges for the April 3, 2012 Regular Municipal Election
- c. Resolution 6, Series 2012; To Appoint Jeff Welborn to the Parks, Trails and Recreation Commission
- d. Change Order #4 Thoutt Brothers Concrete and Expenditure of Funds for the 2012 Concrete Replacement Program (2011 Contract Extension)

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 3, Series 2012; Vacation of Meade Lane Right-of-Way (Public Hearing; second and final reading)

Public Works Director Jay Goldie presented Council Bill 3, Series 2012 on second and final reading. He indicated that there was one minor change to Exhibit B of the proposed bill which had been adjusted to ensure continuity between new and existing utility easements. He added that public notice and posting of the public hearing had been completed in accordance with City Code.

Mayor Wozniak opened the public hearing. Hearing no comments, the public hearing was closed.

Councilor Brown moved, seconded by Councilor Griffin to approve Council Bill 3, Series 2012; the vacation of a portion of Meade Lane as depicted in Exhibit A of the Bill, and repeal Section 2(B) and 3 that requires the new section of Meade Lane to be constructed.

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 3-2012: 6 ayes. 0 nays. The motion carried.

Resolution 2, Series 2012; Approving a Ballot Issue to Amend the City Charter to Provide that All City Parks Shall Be Maintained in Perpetuity for Public Use

City Clerk Laura Smith presented Resolution 2, Series 2012. She explained that the proposed resolution had been amended by Mayor Pro Tem Stewart and City Attorney Fellman based on discussion at the January 17, 2012 meeting.

Mayor Wozniak asked Mayor Pro Tem Stewart to explain the amendments to Council.

Mayor Pro Tem Stewart indicated that the word "encumbered" had been replaced by "pledged" and that he and City Attorney Fellman believed that this solved the issues discussed at the previous meeting.

Councilor LaMair thanked Mayor Pro Tem Stewart for his work on the proposed resolution.

Mayor Pro Tem Stewart, seconded by Councilor VanderWerf moved to approve Resolution 2, Series 2012; a resolution of the City Council approving a ballot issue and a ballot question to be submitted to the voters at the municipal election held April 3, 2012 to amend the City Charter to provide that all City parks shall be maintained in perpetuity for public use except in the event of a vote of the electorate.

The motion carried 5 to 1.

Resolution 3, Series 2012; Approving a Ballot Issue to Amend the City Charter to Enhance the Efficiency of the Emergency Ordinance Procedure

City Clerk Smith presented Resolution 3, Series 2012. She indicated that the proposed resolution had been amended based on discussion at the January 17, 2012 meeting. She presented two versions of the resolution to Council. She explained that both versions had added language that voids any emergency ordinance after 90 days unless Council goes through normal ordinance procedure including a second reading, public hearing, and publication. She added that version B contained additional language that prohibits emergency ordinances from granting special privilege, levying taxes, or fixing rates changed by city-owned utilities. She noted that staff had included many other restrictions used in other municipalities which were included in the staff memo for Council's consideration.

Councilor Brown indicated that he approved of the 90 day restriction and also approved of the additional language in version B that narrowed the scope of emergency ordinances.

Councilor VanderWerf agreed and indicated that the restrictions in version B would make voters more comfortable with the proposal.

Councilor LaMair and Councilor Griffin agreed.

Councilor LaMair noted that the City would have to provide some kind of education to residents in the Crier or Villager regarding this issue.

City Attorney Fellman noted that the City could not spend public funds to advocate an issue. He suggested that Council avoid publishing any opinion in the Village Crier.

Mayor Wozniak asked how municipalities produced the blue books for elections without using City funds.

City Attorney Fellman explained that the City Clerk decides what language to include in the blue books and that the language should be as neutral as possible. He indicated that he could assist with drafting or reviewing any language explaining the issues.

Mayor Wozniak noted that the City had a well educated citizenry and that they would likely not need to much education on the issues.

Councilor LaMair expressed concern over a Council member writing the article or publication.

Mayor Pro Tem Stewart suggested that it be written by someone not on Council. He asked City Attorney Fellman if there was a clear definition of "special privilege".

City Attorney Fellman replied that there is no clear definition and that there is a built-in ambiguity. He indicated that granting a license to use town property would be considered a special privilege.

Councilor Brown noted that for anything to not be considered a special privilege it would have to apply to a class.

Mayor Wozniak agreed that it would have to have general applicability.

City Attorney Fellman indicated that another example of a special privilege would be rezoning to permit use of a liquor license. He clarified that zoning is general use while rezoning can be considered a special privilege.

Mayor Pro Tem Stewart indicated that Council might need to grant a special privilege related to the upcoming golf tournament at Cherry Hills Country Club and suggested that this restriction may not be appropriate.

Councilor LaMair agreed that a situation requiring an emergency ordinance might deal with a special privilege.

Councilor Brown indicated that version B of the proposed resolution had read well.

Mayor Pro Tem Stewart commented that it was very rare that the City would need to use the emergency ordinance provision.

Mayor Wozniak agreed and added that he was comfortable with the 90 day review in version A and did not see the need for the additional restrictions in version B.

City Attorney Fellman noted that the wording prohibiting levying of taxes through emergency ordinances was not valid due to TABOR.

Councilor Roswell moved, seconded by Mayor Pro Tem Stewart to approve version A of Resolution 3, Series 2012; a resolution of the City Council approving a ballot issue and a ballot question to be submitted to the voters at the municipal election held April 3, 2012 to amend the City Charter to enhance the efficiency of the emergency ordinance procedure.

Motion carried unanimously.

Resolution 4, Series 2012; Approving a Ballot Issue to Amend the City Charter to Change Election Day to the Tuesday Following the First Monday in November

City Clerk Smith explained that Resolution 4, Series 2012 had been approved by Council at the January 17, 2012 meeting. She asked for clarification from Council on whether approval of Resolutions 2, 3, and 4, Series 2012 signifies that the City would have an election on April 3, 2012 regardless of whether the election could otherwise be cancelled due to not more than one candidate per position, or if the Council would like to place these issues on the ballot only if there is more than one candidate per position.

Mayor Wozniak asked for clarification on the timeline leading up to the election.

City Clerk Smith explained that nomination petitions were due on February 24th and that the election could be cancelled Monday, March 5th. In order for the election to be cancelled March 5th Council had to pass a resolution to cancel the election. She explained that Council could pass a resolution at the February 21st meeting that would cancel the election on March 5th if there were no more than one candidate per position.

Mayor Wozniak directed staff to prepare the resolution for the February 21st meeting and noted that Council would decide then whether the City would have an election if there were not more than one candidate per position.

NEW BUSINESS

None

REPORTS

Members of City Council

Mayor Wozniak noted that the Republican Caucus was tonight and asked that any non-immediate reports be held until the next meeting.

Councilor Griffin reported that there had been a very nice article in the Villager Newspaper about the Public Works Department's safety record.

Councilor LaMair reported that Council may need an executive session soon to discuss a grant for GOCO funds from the High Line Canal Working Group which would include City projects. She noted that the grant applications would require significant work from City staff.

Mayor Wozniak asked Councilor LaMair to work with City Attorney Fellman to ensure that an executive session was appropriate.

Councilor VanderWerf reported that she had received a call from a resident on Greenbriar Drive who had been approached by a representative of Goldsmith regarding drainage issues related to development in Denver. She explained that the property owner was very nervous about the drainage issues and asked if there was anything the City could do to help provide the resident with technical advice. She noted that it was a private property issue and the City could not assist very much beyond advising the resident to refer to an attorney.

Mayor Wozniak noted that he was always cautious about contributing staff time to issues between neighbors but that staff could take a quick look at the issue to see if the City has any interest. He asked Director Goldie to address the issue.

Mayor's Report

No report

Members of City Boards and Commissions

No reports

City Manager & Staff

No reports

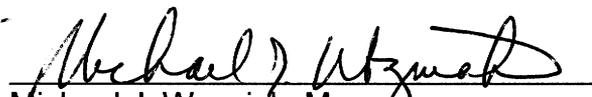
City Attorney

City Attorney Fellman reported that he was working with staff to schedule employee workplace behavior training. He also noted that he would be late to the February 21st meeting and indicated that he would have an assistant city attorney attend the beginning of the meeting if required.

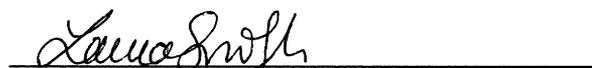
Mayor Wozniak noted that Council would hold an executive session after the meeting on February 21st if one was necessary.

ADJOURNMENT

The meeting adjourned at 7:09 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk