

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 21, 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, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were City Manager John Patterson, City Attorney Ken Fellman, Assistant City Attorney Nancy Rodgers, City Engineer Troy Carmann, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Public Works Director and Deputy City Manager Jay Goldie, Deputy Chief Jody Sansing, Commander Pat Weathers, Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and City Clerk Laura Smith.

Absent: none

AUDIENCE PARTICIPATION PERIOD

Tracy James of 4949 S. Albion St. addressed Council regarding the High Line Canal. She thanked Council for their devotion to the City. She explained that the City's Master Plan emphasizes the importance of the High Line Canal and encouraged Council to form a stronger partnership with Denver Water to care for the High Line Canal and to educate residents on preserving the Canal.

Mayor Wozniak thanked Ms. James for her comments and assured Ms. James that the Council has always treated the Canal as a jewel of the City. He indicated that the City worked diligently with the Denver Water Board and that it was not always the easiest partnership to have. He stated that Council took Ms. James' comments very seriously and appreciated her coming to Council to express them.

CONSENT AGENDA

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

Mayor Wozniak noted that Councilor Roswell needed to recuse himself from Item 4b.

Mayor Pro Tem Stewart amended his motion, seconded by Councilor VanderWerf to approve all Consent Agenda items except 4b:

- a. Approval of Minutes – February 7, 2012
- c. Resolution 8, Series 2012; Providing for the Cancellation of the April 3, 2012 Election
- d. Agreement for Professional Services with Colorado Code Consulting
- e. Contract for Construction Services with Adolfson and Peterson
Construction for the Joint Public Safety Facility
- f. Amendment to South Metro IGA

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to approve Item 4b.

The motion carried 5 to 0.

UNFINISHED BUSINESS

Council Bill 1, Series 2012; Amending Section 16-11-40 Concerning Area and Dimensional Requirements for the O-1, Open Space, Parks and Recreation District (Public Hearing; second and final reading)

Community Development Director Rob Zuccaro presented Council Bill 1, Series 2012 on second and final reading. He noted that there had been no changes to the proposed bill since first reading. He stated that Council meeting minutes from past meetings that included discussions on zoning for wireless communication facilities were included as exhibits to the staff memo as requested by Council during first reading.

Mayor Wozniak thanked Director Zuccaro for the addition of the meeting minutes.

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

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 1, Series 2012; a bill for an ordinance amending Section 16-11-40 of the Municipal Code concerning the area and dimensional standards for the O-1, Open Space, Parks and Recreation Area District, as outlined in Exhibit A to the February 21, 2012 staff memorandum, on second reading.

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 1-2012: 6 ayes. 0 nays. The motion carried.

Council Bill 2, Series 2012; Amending Section 16-17-60(F) Concerning Procedures for Development for Dredging Ponds and Lakes Located within the Floodplain (Public Hearing; second and final reading)

Director Zuccaro presented Council Bill 2, Series 2012 on second and final reading. He noted that there had been no changes to the proposed bill since first reading.

Mayor Wozniak asked Mayor Pro Tem Stewart if he was comfortable with the language in the proposed bill.

Mayor Pro Tem Stewart indicated that he was comfortable with the language and that he believed the proposed bill would be effective in encouraging residents to dredge ponds and lakes.

Mayor Wozniak expressed concern with the section of the proposed bill requiring that the applicant provide documentation satisfactory to the City that evidences that the dredging activities are consistent with all the requirements of Colorado water law. He asked what an example of satisfactory documentation would be.

Director Zuccaro explained that a statement from an engineer that stated how the proposed dredging would or would not affect the surface area of the pond or lake would be satisfactory. If the project would affect the surface area then it would become a floodplain matter.

Mayor Wozniak expressed concern that engineers will not want to sign off affirming any project is in full compliance with all Colorado water law. He indicated that this requirement would likely result in applicants needing to hire a water lawyer.

Councilor Brown indicated that he had expressed similar concerns during first reading of the proposed bill. He agreed that the wording seemed to require that staff evaluate Colorado water law and require applicants to hire a water lawyer. He noted that these requirements were onerous and did not make the process simpler as was the intent of the original bill.

Councilor LaMair asked if the concern with water law was only the surface area, as opposed to an increase in depth created by the dredging.

City Engineer Troy Carmann replied that over time sediment moves into the water, so dredging the ponds and lakes returns them to their original capacity. He indicated that the language in the proposed bill is all-encompassing and gives the most flexible parameters to applicants.

Councilor LaMair asked if the proposed bill would apply to ponds and lakes of any size.

City Engineer Carmann replied that it would apply to any situation where the applicant was removing material from below the water line.

Director Zuccaro added that Council had recently passed an ordinance regarding bank stabilization.

Councilor Roswell noted that if staff was not comfortable with any document submitted by an applicant they can require a full floodplain review process. He stated that the intent of the proposed bill was to encourage dredging and he was willing to pass the proposed bill as presented to see if that goal would be reached.

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

Mayor Wozniak suggested that the requirement regarding Colorado water law could be removed from the language of the proposed bill.

Councilor Roswell indicated that he would be amenable to modifying the language.

Councilor Brown asked how water law would apply to dredging of a pond or lake.

Mayor Wozniak replied that it had to do with the surface water and ground water. He noted that water law is complex and suggested that the language should require documentation satisfactory to the City but remove the language referencing water law.

Councilor Roswell agreed that language should end with the City.

Councilor LaMair indicated that she was not comfortable with the proposed language.

Mayor Wozniak stated that no engineer will sign a document indicating that the proposed project is consistent with all the requirements of Colorado water law.

Councilor Brown commented that the property owner would have to be the one to affirm the statement.

Councilor Roswell noted that the City staff, attorney and engineer would determine if the documentation provided by an applicant is satisfactory.

Mayor Pro Tem Stewart suggested that "consistent" could be changed to "not inconsistent" in order to allow more flexibility to the applicant.

Councilor Roswell moved, seconded by Councilor Brown to approve Council Bill 2, Series 2012; a bill for an ordinance amending Section 16-17-60(f) of the Municipal Code concerning dredging ponds and lakes in the floodplain, as outlined in Exhibit A to the February staff memorandum, with subsection (5) amended to read "The applicant shall provide documentation satisfactory to the City that the dredging activities are not inconsistent with Colorado law", on second 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 2-2012: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS

Request by George G. and Marijane S. Hutchison of 4444 South University Boulevard for a Floodplain Development Permit to Renovate a Well Pump House in the Special Flood Hazard Area (Public Hearing)

Director Zuccaro explained that the request included raising the foundation of the well pump house and the surrounding grades, replacing the materials to match the design of the existing residence, and adding a covered porch. The application included a floodplain analysis from the applicants' engineer and the required authorization from the US Corps of Engineers. Review criteria for floodplain development permits are provided in Section 16-17-60 of the municipal code, and staff's findings could be found in Table 1 of the staff memo. Director Zuccaro indicated that staff found all criteria to be met and recommended approval of the application. He noted that the Planning & Zoning Commission (P&Z) had voted unanimously to recommended approval of the application with the condition that after the work was completed the applicants' engineer provide a statement that the construction was done in accordance with the plans and would result in no rise to the base flood elevations.

Councilor VanderWerf asked if relocating the well pump house outside of the floodplain would result in more disturbance to the floodplain than the proposed renovations.

Director Zuccaro replied that part of the application process required the applicant to explore alternatives to developing in the floodplain, and that the applicants had provided arguments that there would be burdensome technical engineering issues associated with relocating the structure.

Mayor Wozniak opened the public hearing and asked the applicants and applicants' engineer to address the Council.

Alan Bronson of WBC Engineering explained that relocating the structure would require disturbing much of the surrounding area and ground below to remove the associated underground cistern. He indicated that it was more cost effective and less damaging to renovate the structure rather than relocate it.

George Hutchison of 4444 S. University Blvd. discussed his plans to improve the section of his property as pasture.

Hearing no further comments, Mayor Wozniak closed the public hearing.

Mayor Pro Tem Stewart indicated that the application was a sound proposal and would improve the conditions of the site.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve the request by George G. and Marijane S. Hutchison of 4444 S. University Boulevard for a floodplain development permit to renovate a well pump house within the special flood hazard area. Such recommendation is based on the findings outlined in the February 21, 2012 staff memorandum and the following condition: The applicant's engineer shall provide a statement after the work is completed that the construction was done in accordance with the plans and hydraulic study provided in the application materials and will result in no rise to the base flood elevations.

The motion carried unanimously.

Request by Cherry Hills Country Club for a Mayor Event Permit to Host the 2012 United States Amateur Golf Championship on August 13th through the 19th, 2012 (Public Hearing)

Director Zuccaro explained that Cherry Hills Country Club (CHCC) would be the host course for the 2012 US Amateur Golf Championship. He reviewed the site map for the event and indicated that estimates for total attendance ranged between 2,000 and 2,500 per day. This attendance estimate was nearly ten times less than that for the 2005 US Women's Open. He noted that three support sites would provide parking – Kent Denver School, St. Mary's Academy, and Mountain View property which was outside City limits. Shuttle service would be provided from all support sites and signs would be posted to avoid any additional pedestrian or vehicle traffic in the City. A temporary driving range fence was proposed in the location of the existing fence on the west side of University Blvd, north of the Cherry Hills Park Drive traffic signal. The current driving range fence was 40 ft and the proposed fence was 90 ft. CHCC had also submitted a request to permanently extend the fence to 60 ft. This request was being reviewed as a separate application. A television compound was proposed at the Johnson Property, the three vacant 1-acre residential lots at the northwest corner of University Blvd. and Quincy Ave.). The proposed setbacks for the equipment and facilities was 100 ft. from the north property line, where the closest neighbors to the property were, 50 ft. from the southwest property line, the next closest neighbors, 25 ft. from the east, and no setback from the west that borders CHCC. Director Zuccaro referred Council to the site map included with the staff memo that showed how the equipment and facilities were proposed to fit into the designated area. He noted that the equipment would include electric generators that would run both day and night during the event. At 25 ft. from the equipment the noise level would be 62 decibels. At 100 ft from the equipment it would be 44 decibels. The City's noise ordinance allows up to 65 decibels at a neighboring property boundary between 7am and 9pm, and up to 50 decibels at all other times.

Director Zuccaro indicated that staff recommended approval of the request and that P&Z had voted unanimously to recommend approval of the request.

Councilor VanderWerf noted that the 2005 event had generated revenue for the City and asked if the US Amateur event would generate revenue.

Director Zuccaro replied that the City tax on ticket sales applied only to professional events, and so was not applicable to this amateur event.

Councilor VanderWerf stated that pedestrian traffic had been an issue of concern during the 2005 event, and asked how pedestrians walking from St. Mary's Academy to CHCC would be handled during this event.

Director Zuccaro replied that the applicants did not anticipate many pedestrians due to the signage and shuttle system.

Councilor VanderWerf suggested that it would be a good idea to send letters to the neighboring residents.

Director Zuccaro indicated that letters had been sent and that he had spoken to several property owners in person.

Councilor VanderWerf asked Commander Weathers if CHCC would need additional night security.

Commander Weathers replied that if any were needed they would be hired by CHCC through a private security company.

Councilor LaMair asked for the status of CHCC's application to permanently increase the height of the driving range fence.

Director Zuccaro replied that the application would be reviewed at a public hearing by P&Z next week, and that all adjacent property owners had been noticed and a public notice sign was posted on the property.

Councilor LaMair asked how the applicant planned to return the Johnson property back to its original condition after the event ended.

Director Zuccaro replied that the site would be reseeded as necessary after the event to return it to its original condition.

Mayor Wozniak asked the applicant to address the Council.

Mr. Chris Manley, treasurer of CHCC, thanked the Council for their time and indicated that CHCC was excited for the opportunity to host a world class event. He noted that the US Amateur began in 1895 and was the country's oldest golf tournament. He indicated that they expected the number of public spectators to go up as the number of players was reduced through the course of the week. He stated that he appreciated the support of the Johnson family for use of their property for the television compound. He noted that the impact on the property would be lower for this tournament than the 2005 tournament, and that they would ensure that the property was restored to its original condition after the tournament. He indicated that little to no pedestrian traffic was expected because there would be no public access at the 18th hole as there had been at the 2005 event.

Councilor Brown indicated that the event seemed manageable. He asked if he was correct in understanding that there were more parking spaces at Kent Denver School than would be used by the event.

Mr. Manley confirmed that was correct.

Mayor Pro Tem Stewart asked for information about tickets to the event.

Mr. Manley explained that tickets were available online and at King Soopers, and would cost \$70 for the entire week or \$17.50 for a single day. He noted that CHCC wanted this to be a family friendly event and thus was attempting to keep ticket costs at a reasonable price.

Mayor Pro Tem Stewart asked if CHCC would limit the number of tickets.

Mr. Manly replied that there was no plan to limit the number of tickets as spectator numbers were not anticipated to near CHCC's capacity. He noted that it would be an intimate event and that spectators would be permitted to walk the fairways and interact with the competitors.

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

Councilor Roswell commented that it was a wonderful event, well-organized, and would be positive for the community.

Mayor Pro Tem Stewart indicated that the request was well presented.

Mayor Wozniak noted that it was wonderful to have a world class event in the City.

Councilor Roswell added that CHCC had always been a good neighbor to the City.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve the request by Cherry Hills Country Club for a Major Event Permit to host the 2012 United States Amateur Golf Championship as proposed. Such recommendation is based on the findings outlined in the February 21, 2012 staff memorandum.

The motion carried unanimously.

Request by the City of Cherry Hills Village for a Minor Subdivision of Lot 1, Block 1, Cherry Hills Village Center to Create an Approximately 2.38 Net Acre Parcel for the Development of a New Joint City Police and South Metro Fire Rescue Authority Station (Public Hearing)

Director Zuccaro explained that the proposal was to subdivide an approximately 2.38 acre parcel of land from the current Village Center property to facilitate the joint ownership of the new property. The development parcel was designated as Lot 1A on the proposed plat and would also include half of the Meade Lane right of way vacated by Council at the last meeting on February 7th. He noted that Municipal Code Section 17-3-340 outlines the plat and application requirements, and that staff findings were included in the staff memo. He indicated that both staff and P&Z recommended approval of the proposal.

Councilor VanderWerf asked for the size of the lot containing the current fire station.

Director Zuccaro replied that the current fire station was on a 0.7 acre parcel.

Councilor LaMair asked what would happen to the fire station building once the new facility was complete.

Director Zuccaro replied that the City and the Fire District had not yet discussed what the old station will be used for, but the Public Works Department could potentially expand into the station.

Mayor Wozniak indicated that Council could discuss the use in the future.

Councilor Brown added that the 2012 Budget included funding for a study of that parcel and how best to use it after the new facility was built. He noted that the property could be added to the Village Center parcel.

Director Zuccaro confirmed that the lots could be consolidated in the future.

Mayor Pro Tem Stewart asked if the electrical lines near the new facility would be buried.

Director Zuccaro replied that the utility lines would be relocated for the site development, but there was no required action for the lines overhead for this plat.

Councilor Roswell indicated that the request was only for a minor subdivision.

Mayor Wozniak opened the public hearing. Hearing none the public hearing was closed.

Councilor LaMair moved, seconded by Councilor Griffin to approve the minor subdivision of Lot 1, Block 1, Cherry Hills Village Center to create an approximately 2.38 acre parcel to be used for the development of a new joint City Police and South Metro Fire Rescue Authority station based on the findings outlined in the February 21, 2012 staff memorandum.

The motion carried unanimously.

Request by the City of Cherry Hills Village for a Floodplain Development Permit to Make Site Improvements in the Special Flood Hazard Area at 2450 E. Quincy Avenue Related to the Construction of a New Joint City Police and South Metro Fire Rescue Authority Station (Public Hearing)

Director Zuccaro explained that while the proposed joint public safety facility building itself would be located outside of the floodplain boundary and would be elevated above the base flood elevations, other portions of the site within the floodplain would be developed with site grading, sidewalks, landscaping, fencing, detention ponds, driveways and parking. The City and South Metro hired an engineering consultant to review the application and both staff and the engineer found that the proposed improvements would not affect the current floodplain elevations and model. Municipal Code 16-17-60 outlines the requirements for a floodplain development permit and staff findings were presented in the staff memo. P&Z and staff recommended approval of the request with the condition that after the work was completed, the City shall obtain documentation from a registered professional engineer demonstrating that the construction was done in accordance with the plans and would result in no rise to the base flood elevations.

Councilor VanderWerf asked how the stormwater drainage system would appear visually.

Director Zuccaro replied that all the stormwater will travel to the south into the retention ponds, then will be carried by the culvert across Meade Lane into the wetlands behind the Village Center.

City Engineer Carmann added that the two retention ponds will be dry ponds for the majority of the time. The ponds would be constructed to have water drain from them over a 72 hour period.

Councilor VanderWerf asked how deep the ponds would be.

City Engineer Carmann replied that they would be less than three feet deep.

Mayor Wozniak added that after the grass grew on the site the ponds would not be obvious.

Director Zuccaro noted that the proposal included a landscape plan mitigate the visual effect of the ponds.

Councilor LaMair expressed concern that the ponds be maintained to make sure they do not grow a lot of weeds or collect trash and become unsightly. She also asked about the impervious surfaces that were planned for the new building.

Director Zuccaro replied that there would be a large area of impervious surface due to the parking at the new facility and because the footprint of the building had to be larger in order to have a one story building that would have a lower profile than a multi-story building. He noted that staff had researched pervious concrete and pavement for the parking lot but that the material was very expensive and thus had not been included in the construction plan.

Mayor Wozniak noted that the proposal took into consideration the parking lot and other impervious surfaces.

Mayor Wozniak opened the public hearing. Hearing none, the public hearing was closed.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve the floodplain development permit to make site improvements in the Special Flood Hazard Area at 2450 E. Quincy Avenue related to the construction of a new joint City Police and South Metro Fire Rescue Authority station. Such recommendation is based on the findings outlined in the February 21, 2012 staff memorandum and the following condition: After the work is completed, the City shall obtain documentation from a registered professional engineer demonstrating that the construction was done in accordance with the plans and hydraulic study provided in the application and will result in no rise to the base flood elevations.

The motion carried unanimously.

Agreement Between the City of Cherry Hills Village and Suzanne S. and David R. Duval Pertaining to the Construction of a Joint Public Safety Facility

Director Zuccaro noted that Deputy Chief Jody Sansing was unable to attend the Council meeting and explained that the proposed agreement discussed a variety of approaches for the City both during and after construction to ensure that the joint public safety facility project would be of minimal impact to the quality of life currently recognized by the Duvals, who owned the neighboring property. Key points of the agreement included that the City and South Metro would construct and maintain a

landscape buffer and construct a boundary fence between the new facility site and the Duval's property; and the City would relocate the existing southern driveway on the Duval property. He noted that the agreement had been signed by the Duvals.

Councilor Roswell asked if South Metro should be a party to the agreement as well.

Director Zuccaro explained that while South Metro would help the City pay for the initial installation of the landscaping, the City would provide landscape maintenance without support from South Metro.

City Attorney Fellman added that the fence and landscaping would be entirely on the Duval property so would not be on the land co-owned by the City and South Metro. He added that the Duvals had agreed to grant the City an access easement so that the City could access the property in order to maintain the landscaping.

Councilor Griffin asked if the expenses that would be incurred by the City resulting from this agreement were quantified.

Director Zuccaro replied that the detailed cost estimate from Adolfson & Peterson Construction included the expenses from this agreement.

Mayor Wozniak indicated that the agreement was a good solution to earlier concerns.

Mayor Pro Tem Stewart commended the negotiators of the agreement for the successful outcome.

Councilor VanderWerf moved, seconded by Councilor Brown to approve the agreement between the City of Cherry Hills Village and Suzanne S. and David R. Duval pertaining to the construction of a joint public safety facility.

The motion carried unanimously.

Donation Policy

City Clerk Laura Smith presented the Donation Policy to Council, explaining that the proposed policy was written by Mayor Pro Tem Stewart with input from Councilor Brown and City Attorney Fellman. The policy stated that the City would not ordinarily consider any requests for contributions.

Councilor LaMair indicated she was very comfortable with the policy.

Councilor Brown stated that the policy reflected the consensus of Council.

Councilor VanderWerf commented that the policy was very well written, but she indicated that she disagreed with the policy and would be sorry that the City would not consider the many worthy requests for charitable contributions.

Mayor Wozniak agreed with Councilor VanderWerf that the policy would essentially prevent the granting of any funds for support. He noted that the City received many requests for wonderful charities.

Mayor Pro Tem Stewart indicated that the policy did allow Council to consider requests in extraordinary circumstances, and added that future Councils could change the policy as needed.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair to approve the Donation Policy for the City of Cherry Hills Village.

The motion carried 5 to 1.

REPORTS

Members of City Council

Councilor Griffin reported that there had been several robberies in his neighborhood recently and he commended and thanked the Police Department staff for their quick responses and diligent investigation.

Councilor LaMair indicated that she would like staff to research authorizing entrepreneur business by City youth.

Mayor Pro Tem Stewart noted that he would have to recuse himself from the discussion regarding the buffer amendment for Zone District R-3A that would take place at the next meeting.

Councilor Roswell stated that he had questions for Deputy Chief Sansing regarding the contract with Adolfsen & Peterson that had been approved tonight but would contact him separately. He reported that he intended to attend the South Metro meeting on Monday to show his support for the agreement.

Mayor Wozniak and Mayor Pro Tem Stewart indicated that they would attempt to attend as well.

Councilor VanderWerf reported that the Public Art Commission was looking into using an online entry submission website to post call for artwork submissions that would save staff time. She also reported that the artist of the sculpture on the Cat Anderson property, Robert Mangold, was being featured in a show at the Arvada Center, and that the piece in the City appeared to be from the artist's tetrahedral hydrosphere period.

Councilor Brown reported that he was working with City Attorney Fellman and Director Zuccaro on neighborhood review of building permits process and that a meeting was scheduled for Friday February 24th with the City's Home Owners' Associations to receive input.

Mayor's Report

Mayor Wozniak thanked Deputy Chief Sansing for testifying at the State Capital about the City's photo red light system and supporting the safety of the City's citizens. He asked Deputy Chief Sansing to give a brief report to Council on the hearing.

Deputy Chief Sansing reported that the bill to ban photo red light systems had failed 5 to 2.

Mayor Wozniak noted that the contract with Adolfsen & Peterson for the new facility had passed on the consent agenda and that he would speak with Deputy Chief Sansing separately about some questions.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

City Manager John Patterson reported that he was planning a workplace behavior training for all staff in mid March. He stated that the Public Works Department had received an award from the Asphalt and Pavement Association for their preventative maintenance program. He noted that a party was being held on Friday from 5:30 – 7:30 pm at Jane Soderberg's house to recognize all the residents who volunteered their time on the City's Boards and Commissions. He reported that staff was progressing on filling the vacant HR Analyst position, and thanked Councilor Roswell for his assistance. He stated that the CDOT (Colorado Department of Transportation) construction project at University and Hampden should be completed by Thursday or Friday of this week.

Mayor Wozniak asked about the status of the water main breaks on Dahlia.

City Manager Patterson noted that there had been three breaks in the last month.

Public Works Director Jay Goldie explained that staff had stopped issuing non-emergency permits to Denver Water. He added that he would have a meeting this week with Denver Water to discuss replacing the line to prevent continued breaks.

Mayor Wozniak thanked Director Goldie for replacing the signs in City parks.

Vacation Rentals Report

Director Zuccaro presented a report on short-term vacation rentals. He explained that at a recent Council meeting there was discussion about single-family residences being rented out as short-term vacation rentals and the possible impacts to the surrounding neighborhood from this activity. He indicated that staff was seeking direction from Council and that there were three options: no action, allow short-term rentals but regulate them, or prohibit them.

Mayor Wozniak indicated that he appreciated the report, especially the examples from other communities. He noted that the Council would have to balance the safety and nuisance issues that short-term rentals might cause versus too much regulation.

Councilor Griffin asked if staff could quantify the size of the issue.

Mayor Wozniak replied that Council could get a point of view from police reports but since short-term rentals were not regulated it would be difficult to get solid numbers.

Deputy Chief Sansing noted that the Police Department could look at parking and noise complains but would have no way of determining if the property were being rented or if the owners were just having a party or wedding.

Mayor Wozniak commented that any ordinance regulating short-term rentals would be difficult to enforce.

Councilor Griffin noted that in some cases it made sense to allow residents to operate their homes as short-term rentals, such as during the US Women's Open.

Councilor Roswell expressed his concern about the issue in his neighborhood. He stated that the City was intended for single family residences and that short-term rentals were contrary to the character of the community. He indicated that he did not want to over regulate personal property rights but that it was a problem in his area. He noted that the ordinance from Sedona, AZ defined short-term rental as less than 30 days.

Councilor LaMair noted that many people enjoyed home exchanges for travel and vacations and that she was not supportive of limiting that practice.

Mayor Pro Tem Stewart agreed with Councilor LaMair and gave the example of the Democratic National Convention (DNC), when a short-term rental in the metro area was in high demand. He noted that it would be difficult to make residents aware of any regulation that Council approved and that Council would likely not be aware of any short-term rentals until they caused issues with neighbors or the Police Department.

Councilor Roswell added that he had not been aware of the rental in his neighborhood for a long time.

Mayor Wozniak asked how Councilor Roswell would feel about a year-long rental.

Councilor Roswell replied that the renters would take ownership of the property during a rental period of that length and so long-term rentals were not an issue.

Councilor Brown suggested that short-term rentals of less than 30 days be allowed but limited to 2 or 3 per year. That way they would not be prohibited completely but the primary purpose of the residence would remain in concert with the character of the City.

Councilor Roswell agreed that any regulation would be difficult to police, but noted that the problem situations would be policed anyway. He agreed with Councilor Brown that a few short-term rentals per year, for occasions such as the DNC or Women's Open, created a different situation than a property that was constantly being rented out on a short-term basis.

Mayor Pro Tem Stewart indicated in that case the property was being treated more like a hotel than a single family residence.

Mayor Wozniak noted that a regulatory ordinance would provide staff with guidance when dealing with these situations and was worth considering.

Councilor LaMair suggested that the Police Department could address any nuisance or legal issues associated with short-term rentals and that a regulatory ordinance was not necessarily needed.

Councilor Roswell stated that policy would require residents to police their neighborhoods, which they might not be comfortable doing.

Mayor Wozniak indicated that Council should provide direction for staff to proceed.

Councilor Rowell stated that the issue merited consideration.

Councilor Brown agreed.

Mayor Wozniak directed staff to bring the issue back to Council at the next meeting for further consideration.

Construction Time-Frame Report

Director Zuccaro presented a report to Council on construction time-frames in response to a complaint about an on-going construction project that had been active since November of 2008 and was scheduled to be completed in the summer of 2012, with a

total construction time-frame of approximately three and a half years. Council had asked staff to conduct further research on what other communities do to mitigate long construction time-frames and present recommendations on any additional requirements or programs the City could undertake to mitigate these long-term projects. He explained that in both Boulder and Douglas County, larger homes over 20,000 square feet in size take between two and four years to complete. Among the communities contacted, only Greenwood Village had a regulation limiting construction time-frames. In Greenwood Village, the exterior of a home must be completed within one year, but there is no time limit for interior work. Even with the one-year limit in place, Greenwood Village reported that in most cases an extension was granted to the limitation on exterior work due to weather or material delivery delays. Compared to the four communities contacted, Cherry Hills Village has the most stringent standards for expiration of permits, with the initial permit lasting 18 months from the issuance date and the possibility of two four-month extensions, after which a new permit must be issued. The extension fees and the fees for a new permit serve as an incentive to complete the project in a timely manner. For larger projects the builders usually know that they will not meet the time limits and budget for the extensions. For many other projects there is a concerted effort to meeting the time limits and avoid the extension fees when feasible. He explained that it was staff's opinion that the current fee incentives resulted in expedited construction projects when it was feasible for the builders to do so. Staff did not believe that additional fees or greater extension fees would have a significant impact on construction time-frames for most projects. Penalty or incentive fees assessed on the most expensive per-square-foot construction in Cherry Hills Village, which take the longest to build, would need to be extremely high to have an impact and could negatively impact the ability to build other relatively modest homes. Staff believed that there could be some benefit in requiring that applicants submit detailed construction schedules with their permits. This information could also be furnished to neighbors as part of the neighborhood review process recommended by the City's Residential Development Standards Committee (RDSC). Staff had been working with Councilor Brown on the development of this ordinance and intended to present a draft of the ordinance to Council at its next meeting on March 6th. Councilor Brown and staff would be meeting with HOA representatives on Friday to receive input on the neighborhood meetings.

Councilor LaMair suggested that the additional fees for extensions could be raised in order to increase the incentive to builders of large homes to complete the projects in a more timely manner.

Director Zuccaro replied that it would be difficult to raise the fees to be significant enough to those builders without adversely affecting more modest sized projects.

Councilor LaMair suggested that a mitigation plan could be required when builders apply for the second permit after the 26 month mark following both four month extensions.

Councilor Brown indicated that there were two periods of construction that were particularly bothersome to neighbors – the initial period of construction involving heavy equipment, and the finishing work involving many vehicles entering and exiting the site. He suggested that the City find a way to mitigate the impact of the vehicles, especially the parking situation.

Mayor Wozniak indicated that parking was addressed in the construction staging plan that was required as a part of the initial permit application paperwork.

Director Zuccaro confirmed that was correct, and added that all construction related vehicles were required to be parked on private property and could not be parked in the street.

Councilor Roswell indicated that it was not an issue of fine amounts, but rather an issue of preserving the community character. He suggested that the requirement for projects extending beyond the 26 month mark should be more drastic, such as requiring a public hearing.

Mayor Wozniak noted that the average construction time-frame for projects from 2008 to 2012 requiring a certificate of occupancy was 20 months, as shown in the staff memo. He added that if the three longest projects were removed, the average dropped to just 14 months. He indicated that he liked Greenwood Village's model of requiring that exterior construction be complete in a shorter time-frame than interior construction. He suggested that if a public hearing was required after 26 month mark that it be in front of City Council and that the owner be required to attend.

Mayor Pro Tem Stewart indicated that the construction staging plan required with the original permit application could include a required construction time-frame schedule which could trigger a public hearing if the planned time-frame is too long.

Mayor Wozniak questioned Council's ability to take action if a homeowner were to appear for a public hearing at the 26 month mark and tell Council that the project would take only another month to complete.

Councilor Brown replied that the purpose of the hearing would be to make the homeowner aware of any neighbors' concerns and facilitate a discussion.

Mayor Pro Tem Stewart indicated that no mitigation occurred on the property on Quincy because no one raised the issue of a long time-frame until recently.

Councilor LaMair suggested that projects with long time-frames should be required to plan above and beyond normal requirements and respond to staff ideas for mitigation.

Mayor Wozniak indicated he was in favor of requiring a public hearing at the 26 month mark, and estimated that these hearings would likely be necessary only once or twice a year.

Councilor Roswell expressed his approval of strengthening the City's ordinance related to construction time-frames.

Councilor LaMair agreed that the public hearing could be valuable, and noted that knowledge of a long construction time-frame might give neighbors the opportunity to consider moving.

Councilor Griffin commented that the days of mega mansions may be slowing due to the housing market and economy. He noted that the projects that had lasted the longest had begun in 2005 and 2006, before the recession began. He indicated that he agreed with the other Councilmembers' thoughts.

Mayor Wozniak stated that Council had to decide on the right time for the public hearing, whether it would be after 18 months, 22 months, or 26 months.

Councilor Roswell noted that the average time-frame was 20 months.

Mayor Wozniak directed staff to bring the issue back to Council at the next meeting for further discussion.

City Attorney

City Attorney Fellman reported that there was new legislature proposed at the State that would impact municipal courts by expanding the advisement requirements for defendants which would require more staff time and would potentially result in fewer defendants accepting plea offers and more requesting records be sealed. The Colorado Municipal League viewed this as an unfunded mandate and was preparing to oppose the legislation. He noted that if the bill progressed he would arrange a meeting with Judge Turre to discuss necessary changes to municipal court policy.

Mayor Wozniak suggested that CML also request that the maximum fine be raised.

ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor VanderWerf that Council proceed into Executive Session for the purpose of discussing the possible acquisition of a real property interest as authorized by C.R.S. § 24-6-402(4)(a) and for the purpose of receiving legal advice and for instructing negotiators as authorized by C.R.S. § 24-6-402(4)(b) and (e), and further that upon completion of the Executive Session be immediately adjourned.

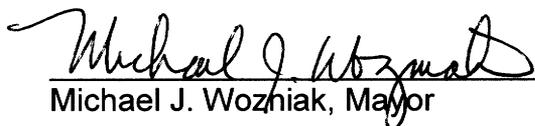
The following votes were recorded:

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

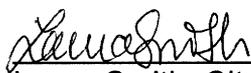
Vote on Executive Session: 6 ayes. 0 nays. The motion carried.

The meeting moved into Executive Session at 8:56 p.m.

The meeting adjourned at 9:30 p.m.



Michael J. Wozniak, Mayor



Laura Smith, City Clerk