

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, March 20, 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, Community Development Director Rob Zuccaro, 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.

Absent: Harriet LaMair

AUDIENCE PARTICIPATION PERIOD

Doug Tisdale of 4662 S Elizabeth Court expressed his appreciation to Mayor Wozniak for his six years as Mayor as well as his time on Council, the Board of Adjustment and Appeals, and the Planning & Zoning Commission. He stated that Mayor Wozniak would be missed.

Mayor Wozniak thanked Mr. Tisdale.

Kelly Pickett of 3 Carriage Brook Road asked Council to consider an amendment to the City Code in order to allow residents to sell home-made vegetables from their residence. She suggested that the amendment could be worded to allow sale of items produced in the City, such as vegetables or quilts. She indicated that she appreciated the non-commercial character of the City but that the suggested amendment would improve the sense of community and promote the founding characteristics of the City as a residential and farming district.

Mayor Wozniak thanked Ms. Pickett for her comments and indicated that she should work with a staff member to bring something before Council for consideration.

City Manager John Patterson introduced the City's new Human Resources Analyst Kathryn Barlow. He explained that she was coming to the City after three and a half years in HR in the Cordillera community. She has a Professional Human Resources certification, is from the Gross Pointe area of Michigan and went to school at Miami University in Ohio.

Mayor Wozniak welcomed Human Resource Analyst Barlow.

CONSENT AGENDA

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

- a. Approval of Minutes – March 6, 2012
- b. Change Order #1 – A-1 Chipseal and Expenditure of Funds for the 2012 Chipseal Program

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 7, Series 2012; A Bill for an Ordinance Authorizing a Supplemental Appropriation for Additional Litigation Expenses in Fiscal Year 2012 (first reading)

City Attorney Ken Fellman presented Council Bill 7, Series 2012 on first reading. He explained that the proposed bill would specifically appropriate City funds to resolve pending matters discussed in a recent Executive Session. He noted that the majority of the expenditure would be reimbursed by the City's insurance carrier.

Mayor Wozniak asked when the City would receive reimbursement.

Finance Director Karen Proctor responded that the City had already received the reimbursement.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve Council Bill 7, Series 2012; A Bill for an Ordinance of the City of Cherry Hills Village Authorizing a Supplemental Appropriation for Additional Litigation Expenses in Fiscal Year 2012 on first 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 7-2012: 5 ayes. 0 nays. The motion carried.

REPORTS

Members of City Council

Councilor Griffin had no report.

Mayor Pro Tem Stewart had no report.

Councilor Roswell indicated that he had no report beyond the discussion on vacation rentals.

Councilor VanderWerf reported that the Parks, Trails and Recreation Commission (PTRC) was conducting a park-by-park review of the City to identify parks' strengths and neighborhood needs.

Mayor Wozniak asked if this information would be summarized in a report that Council could view.

Councilor VanderWerf replied that she believed PTRC members would make a report to Council. She added that there was discussion on whether to treat the High Line Canal as a park for the review. She suggested that the City could provide new home applicants with a list of developers, square footage, and construction time-frames in order to put some pressure on developers to complete projects in a timely fashion. She noted that she would be out of town for the April 9th meeting.

Councilor Brown had no report.

Mayor's Report

Mayor Wozniak commented on the increase in building revenue in February 2012 as compared to February 2011.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

City Manager John Patterson reported that after tomorrow all employees would have attended the Workplace Behavior training. He indicated that the groundbreaking ceremony for the new joint public safety facility would be Thursday, March 22 at 4:30. He noted that departmental monthly reports and unaudited financial statements were available in Council packets.

Vacation Rentals

Community Development Director Rob Zuccaro indicated that the report in Council packets regarding vacation rentals did not contain any new information since the last discussion, and that he was seeking direction from Council on this issue. He noted that two comment letters from residents in Councilor Roswell's neighborhood were on the dais for Council's consideration, as well as the ad from Craigslist identifying a home in that neighborhood as a short-term vacation rental.

Mayor Wozniak asked Councilor Roswell to address the Council.

Councilor Roswell explained that he had first been made aware of the issue with a home in his neighborhood from a resident and had subsequently found the ad for the home on Craigslist. He noted that the expectation for the City was that of single family residences, and that operating a home as a vacation rental for short term stays, events, and parties was against the character of the neighborhood. He noted that he was an advocate of property rights but that this use of a home, when the owner was not occupying it, was more similar to running a business than maintaining a single family residence and should not be allowed. He suggested that Council have a discussion to decide if measures could be taken to prevent this issue from continuing using the City's current Code, and further if Council would like to consider amending the Code to address vacation rentals in general.

Director Zuccaro noted that he and City Attorney Fellman had determined that the City's current Code had no provision allowing the City to make a distinction between a week long or year long rental.

City Attorney Fellman added that it could be argued that advertising a rental property and then operating a rental property elevated the use of the home to a business which would be an inappropriate use that could be regulated under the City's current Code. He emphasized that the ad alone was not cause for a citation. He indicated that an amendment to the Code to put further restrictions on short-term rentals could be drafted for Council's consideration.

Mayor Wozniak directed staff to address the issue in Councilor Roswell's neighborhood using provisions in the current Code. He asked Council to provide direction to staff for an amendment to the Code to address vacation rentals in general.

Councilors Brown and Griffin agreed that vacation rentals should be regulated.

Mayor Pro Tem Stewart indicated that he supported defining short-term rentals as less than 30 days and limiting short-term rentals to two or three per year. He noted that this would allow residents to take advantage of special events such as the Denver National Convention.

Councilor VanderWerf agreed that the regulation should allow for a few exceptions.

Mayor Wozniak asked how staff would keep track of the number of short-term rentals.

Councilor Roswell replied that like many things in the Code a regulation on vacation rentals would be difficult to police but would provide regulations for staff to rely upon when problem situations arose.

Councilor Griffin noted that the Code was very effective in dealing with abandoned home issues and that a regulation to deal with vacation rental issues would be similarly helpful to residents and staff.

Mayor Wozniak asked if residents from Councilor Roswell's neighborhood would like to speak.

Doug Sawyer indicated that he lived next door to Councilor Roswell and echoed Councilor Roswell's comments that vacation rentals in general may not cause issues, but that the situation they were currently faced with posed a safety issue due to the transient nature of the property residents. He asked that something be done quickly to resolve this particular situation.

Mayor Wozniak thanked Mr. Sawyer for his comments. He asked Councilor Roswell what his preference would be on amending the Code.

Councilor Roswell indicated that he was not adverse to short-term rentals with definition as long as the character of the neighborhood was not compromised. He stated that he would support prohibiting rentals shorter than 30 days with two or three exceptions per year.

Councilor Brown agreed with Councilor Roswell. He added that an additional restriction of not more than one rental of less than 30 days per month would further help to avoid the problem of routine frequency of rentals.

Mayor Wozniak asked if the City would require that homeowners apply for a permit in order to allow short-term rental of their home.

Councilor Brown replied that he did not see a need for a permit, but that a fine for violating the regulations would be appropriate. He noted that the City would rely on community reporting to enforce the regulations.

Councilor VanderWerf suggested that the definition of short-term rental be longer than 30 days.

Mayor Pro Tem Stewart agreed that the definition could be as long as six months and that the regulation could restrict the number of short-term rentals to only one per year.

Community Development Director Rob Zuccaro thanked Council for their direction and indicated that he would bring the issue to the Planning & Zoning Commission to formulate a recommended Code amendment for Council's consideration.

City Attorney

City Attorney Fellman reported that Kissinger & Fellman had taken over prosecution services for the City's Municipal Court. He noted that he would be out of town next week but that assistant city attorneys would be available should any issues arise.

ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin that Council proceed into Executive Session for the purpose of discussing personnel matters as authorized by C.R.S. § 24-6-402(4)(f), and further that upon completion of the Executive Session be immediately adjourned.

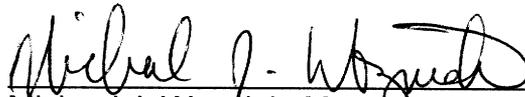
The following votes were recorded:

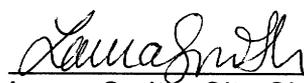
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes
Mark Griffin	yes

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

The meeting moved into Executive Session at 7:05 p.m.

The meeting adjourned at 7:29 p.m.


 Michael J. Wozniak, Mayor


 Laura Smith, City Clerk