

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 2, 2012 at 6:30 p.m.
At the Village Center

The City Council held a Study Session on the 2013 Proposed Budget at 6:00 p.m.

Mayor Doug Tisdale called the regular meeting to order at 6:35 p.m.

ROLL CALL

Mayor Doug Tisdale, 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, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni and City Clerk Laura Smith.

Absent: none

PLEDGE OF ALLEGIANCE

Mayor Tisdale indicated that Councilor Roswell had suggested having a school student lead the Council in the pledge of allegiance and that this was a stroke of genius. He introduced David Lawrence Jr., a fourth grader at Cherry Hills Village Elementary School.

Mr. Lawrence led the Council in the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Linda V. G. Kelley, 4 Village Road, explained to Council that her dogs had been attacked by coyotes in 2010. She indicated that she saw coyotes all the time in her neighborhood, and that hazing did not keep them away. She stated that she did not have the answer to this issue, but she called on Council to have a studied focus and make sensible decisions to help residents feel safe.

Chris Wright, 19 Random Road, explained that his dogs had been attacked by coyotes three times in the past year. He noted that he and his wife had a home in Montana where they lived closely with wildlife. He indicated that there were perhaps 1 or 0.5 coyotes per square mile there, and there were many more per square mile in Cherry Hills Village.

Janice Nickoloff, 5564 E. Mansfield, explained that she was a dog walker and pet sitter in business for 12 years and had about 300 clients in Cherry Hills Village. She indicated that last year she had lost 19 clients to coyote attacks and that she saw coyotes every day in the City. She asked Council to do something to control the coyote population. She stated the coyotes were becoming increasingly aggressive.

Larry Grace, 3 Cherry Hills Farm Court, explained that he had lived in the City for 40 years in three different residences, and had always felt that he and his pets were safe until a few years ago. He stated that his dog had been killed by coyotes 10 days ago. He demanded action from Council to ensure that people and pets were safe. He noted that aggressive coyotes should not be part of the City's rural experience.

Chris Yaros, 19 Cherry Hills Farm Drive, explained that she has lived in the City since the early 1980s. She noted that there used to be a lot of foxes in her neighborhood, but they had been hunted and chased out by coyotes. She explained that her dog had been killed by coyotes two years ago. She expressed concern for the safety of children waiting at bus stops in the morning as coyotes were becoming more aggressive. She noted that she did not allow her grandchildren to be outside without an adult.

Joel McIntire, 14 Sandy Lake Road, explained that her dog was killed by coyotes in September in her back yard behind a 6 foot fence. She noted that the coyotes were not afraid of people and that they were out of control. She expressed concern for children walking outside. She noted that Paige Elway's dog was killed by a coyote jumping over a fence as well.

Mayor Tisdale reported that he had discussed the coyote issue with the Mayors of Greenwood Village, Englewood, Aurora and Littleton at a recent Metro Mayors breakfast. He indicated that he and the City Manager had the full cooperation of neighboring jurisdictions who would share information and resources.

City Manager Patterson explained that the City's Coyote Management Plan was adopted in January of 2011. Staff was in the process of evaluating the plan. He encouraged residents to report any coyote issues as soon as possible after they occurred.

Mayor Tisdale introduced Animal Control Officer John Newhouse. He indicated that this was very much a front burner topic but that the City had to follow a process in evaluating and making any necessary changes to the Coyote Management Plan. He emphasized residents to report any incidents to help staff gain a better understanding of the situation. He noted that the Police staff was more than happy to respond to any calls directly and personally in order to explore options for any particular circumstance. He passed out business cards and asked residents to call him with any issues as well.

Councilor LaMair agreed that coyotes were an issue, but that it was a complex issue and not easily solved. She suggested that Council appoint a citizen committee to examine the issue and make recommendations. She noted that the City would have to get a permit from the Department of Wildlife in order to use lethal force on the coyotes because they were considered wildlife.

Councilor Griffin indicated that the City had examined the issue from many different angles. He noted that the City had held several public meetings over the years involving Department of Wildlife staff. He agreed that the City's policy should be re-evaluated. He emphasized that residents should report coyote incidents as soon as possible.

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 18, 2012

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 12, Series 2012; Regarding the Issuance of a Special Assessment Revenue Refunding Note for Special Improvement District No. 7 and Approving Various Documents in Connection with the Note

Mayor Tisdale indicated that Council Bill 12, Series 2012 was pulled from the agenda to allow staff time to confer with Arapahoe County regarding bond authority calculations.

NEW BUSINESS

Council Bill 13, Series 2012; Concerning the Sale of Agricultural Products in the R-1, R-2, and R-3 Zone Districts

Mayor Tisdale indicated that Council Bill 13, Series 2012 was pulled from the agenda in light of the Planning & Zoning Commission's vigorous and unanimous denial of a recommendation of the council bill, staff's confirmation of the denial, and after conferring with Mayor Pro Tem Stewart.

Resolution 19, Series 2012; The Establishment of the PTRC Quincy Farm Visioning Committee and the Assignment of Duties and Responsibilities

Deputy City Manager Goldie presented Resolution 19, Series 2012 for Council's consideration. He explained that the proposed bill had been formed in consultation with Mayor Tisdale, Councilor LaMair, and Parks, Trails and Recreation Commission (PTRC) Chair Brown. The proposed bill would establish a committee under the PTRC to oversee the formation of a Master Plan for the Quincy Farm property prior to the City taking over management of the property. The committee would consist of City Council members, PTRC members, and community members.

Councilor LaMair asked PTRC Chair Brown if she believed there were at least three members of the PTRC who would be willing to do double duty in service to the community by serving on both the PTRC and the proposed committee.

Chair Brown replied that she believed there would be a lot of enthusiasm to serve on the proposed committee from current members of the PTRC, but asked that Council continue to solicit applications for the vacancy on the PTRC.

Councilor VanderWerf asked if requiring at least two members of the PTRC to serve on the proposed committee would be more reasonable instead of three as was currently stated in the resolution.

Chair Brown agreed that two PTRC members would be more practical.

Councilor Roswell indicated that the term "understaffed" in the seventh Whereas clause of the proposed resolution was inappropriate for the intent of the resolution. He also requested a report at the next meeting on the PTRC vacancy.

Mayor Tisdale suggested that phrase should be removed so that the clause read "Whereas, PTRC would benefit from an even broader participation of persons in making such recommendations to Council".

Councilor Roswell agreed on the amended language. He noted a typo in paragraph #3 of the resolution.

Councilor VanderWerf suggested that members from the Cherry Hills Village Land Preserve (CHVLP) be included in the proposed committee. She noted that the CHVLP

would hold the Quincy Farm conservation easement in the future, that the CHVLP was an active participant in shaping the conservation easement and had already given a lot of thought to its potential, and the CHVLP could be an active participant in fund raising.

Councilor Roswell indicated that while members of the CHVLP could participate as members of the community or serve as a liaison, he did not think that an individual organization should be singled out in the formation of the committee.

Mayor Tisdale indicated that Council could depend upon the good judgment of PTRC in choosing the members of the committee.

Chair Brown added that two of the current PTRC members were also CHVLP members so there would likely be CHVLP representation on the proposed committee without any mandate.

Councilor LaMair suggested that one member of the proposed committee be permitted to live outside of the City.

Mayor Pro Tem Stewart indicated that it would be more appropriate to involve non-residents as consultants rather than members of the committee.

Mayor Tisdale noted that consultation was covered in paragraph 5 of the resolution.

Councilor LaMair indicated that non residents serving in a consulting role would be sufficient.

Councilor Griffin noted another typo in paragraph #3.

Councilor Roswell moved, seconded by Councilor LaMair to approve Resolution 19, Series 2012 as amended.

The motion carried unanimously.

Mayor Tisdale thanked Chair Brown for the outstanding work she had done with the Exotic Car Show.

Chair Brown passed the credit to City staff.

Resolution 20, Series 2012; Making Findings and Declaring Council's Intent Regarding Special Improvement District No. 7

Mayor Tisdale indicated that Resolution 20, Series 2012 was pulled from the agenda for the same reasons as Council Bill 12, Series 2012.

REPORTS

Mayor's Report

Mayor Tisdale reported that Cherry Hills Village was rated the number one suburb by Coldwell Banker as reported online by the Wall Street Journal. He noted that the article was available through the city website and his website. He thanked the staff for making the City a wonderful place to live and thanked the Village Crier for providing information for the article.

Mayor Tisdale reported that he had attended the Congressional Candidate Forum as the DRCOG representative at Adams 12; the Metro Area County Commissioners

meeting as the Metro Mayors Caucus representative to discuss a joint policy statement to submit to the legislature; the Forum of the US Conference of Mayors at the Denver Art Museum; a Metro-wide Forum on Homelessness in the region with HUD District 8 director Rich Garcia; and the Denver Ballet Guild Annual Luncheon held at the Rady Barn in Cherry Hills Village.

Mayor Tisdale reiterated that the Exotic Car Show had been fantastic. He noted that tomorrow was National Walk to School Day and he would be present at Cherry Hills Village Elementary School. He indicated that he would be meeting with Jim Lochhead of Denver Water on October 9th and Metro Mayors Caucus tomorrow. He noted that the metro area would have significant traffic closures and delays tomorrow due to the presidential debate at the University of Denver.

Members of City Council

Councilor Brown reported that the Exotic Car Show had been very well-done and that he appreciated all the effort that went into it. He noted that the event would likely get bigger and better over the years. He suggested that it would be very impactful to have a staff member at Denver Water to represent non-Denver resident consumers and bring those issues to the Board. He indicated that a voice within the organization would help with the long term relationship between Denver Water and non-Denver consumers. He asked about the procedure for filling the City Council District 6 vacancy.

Mayor Tisdale indicated that the initial interviews would be conducted by Mayor Pro Tem Stewart, City Manager Patterson, and himself, and that they would make recommendations to Council before the final appointment. He noted that all applications would be circulated to the entire Council for review. He added that any applicants that were not appointed may be inclined to fill vacancies on the City's other commissions.

Councilor Brown indicated that, depending upon the number, he would like the opportunity to interview the applicants.

Councilor VanderWerf noted that she would like the opportunity to review the finalists before an appointment was made.

Councilor LaMair advocated that everyone on Council have the opportunity to be involved in the process, and that the proper time should be taken to make an informed decision. She noted that the Council often dealt with complex and controversial issues and she believed they all benefitted from each other's thoughts and opinions, and would benefit from them in this case as well.

Councilor VanderWerf noted that, if Councilor LaMair were not stepping down, the 2014 election would bring three new members to Council due to term limits. But because of this opportunity to appoint someone mid-term, the District 6 appointee would bring the benefit of two years of experience to the new Council to help maintain continuity.

Councilor Roswell noted that in the case of Councilor VanderWerf and Councilor Brown's appointments there had not been a lot of time to consider candidates, but that Councilor LaMair's willingness to stay on Council allowed more time and consideration to be given to this appointment. He indicated that the screening process was acceptable but that they would appreciate reviewing all the applications.

Councilor LaMair emphasized that anyone on Council who wanted to interview candidates should have the opportunity to do so.

Mayor Tisdale and Councilor Roswell agreed.

Councilor VanderWerf asked Councilor Brown if the Denver Water Board Charter prevent non-Denver residents from serving on the Board.

Mayor Tisdale replied that there was a residency requirement but that he was working with Greenwood Village Mayor Ron Rakowsky to present to the Colorado Municipal League Policy Committee legislation to require broader representation.

Councilor VanderWerf indicated that such a change was worth advocating, and noted that she had no report.

Councilor Roswell reported that his neighborhood Oktoberfest had been a success. He noted that he had discussed increased traffic and speed of semi trucks on Belleview with Chief Tovrea. He asked for an updated on the St. Clair property.

Mayor Tisdale indicated that PTRC Commissioner and former Mayor Welborn had met with one of the property owners who did not wish to grant a trail easement to the City but had assured Commissioner Welborn that he did not intend to do anything with the section of his property being used as a trail.

Mayor Tisdale reported that he had attended the initial steering committee meeting for the Belleview Avenue Corridor to discuss the area of Belleview ½ mile to either side of I-25. He indicated that there would be many Open Houses regarding this issue in the future.

Councilor Roswell asked about the effect of that intersection on other areas of Cherry Hills Village.

Mayor Tisdale noted that he had brought up to the committee the issue of unintended consequences on Quincy. He added that he had discussed a joint weigh station project for Belleview with Greenwood Village Mayor Rakowsky.

Chief Tovrea noted that the Police Department was certainly willing to run such an operation but warned that it would likely result in paying overtime to officers. She reported that the Police Department had concentrated efforts on Belleview recently in response to Councilor Roswell's concerns and had issued nine citations, three warnings, one DUI, and contacted two suspended drivers.

Mayor Pro Tem Stewart thanked staff for their work on the budget. He indicated that there was no easy solution to the coyote issue and that a citizen committee may be fruitful.

Councilor LaMair indicated that most residents were not educated on DOW rules and regulations regarding coyotes and that more education and involvement was needed to have residents understand the options available to the City.

Councilor VanderWerf noted that some short-term reactions could exacerbate the problem.

Mayor Tisdale indicated that the City would analyze the issue to find new options to explore and implement.

Councilor Griffin noted that it was Council's job to balance the coyote issue, but that it becomes very personal when it is your pet or a neighbor's pet. He recalled the public meeting in 2011 at the Village Club that had become quite volatile. He thanked Chair

Brown, Administrator Berninzoni, and Assistant Broyles for the fabulous job with the Exotic Car Show. He noted that the event enhanced the City's sense of community.

Members of City Boards and Commissions

Chair Brown reported that based on Commissioner Welborn's discussions with residents the PTRC had unanimously agreed to pursue no further action on the St. Clair property issue unless directed otherwise by Council.

Councilor Roswell noted that one of the properties in question was for sale that that when it was purchased the new owner could be approached.

Councilor LaMair indicated that she had suggested that the residents apply for funds from the Cat Anderson Fund to buy the trail.

Councilor Roswell noted that the City could not force the issue.

Councilor LaMair agreed that the community would need to be proactive.

Chair Brown clarified that PTRC would not recommend the Council move forward with any purchase of the trail.

Mayor Tisdale noted that users of the trail could take an alternate route if needed.

City Manager & Staff

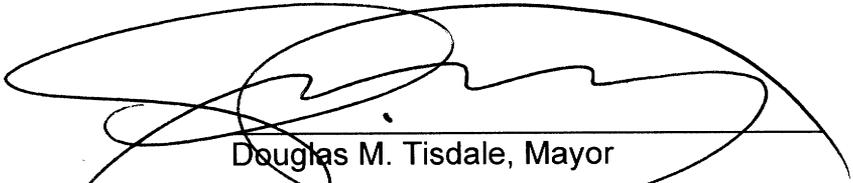
Mayor Tisdale requested that in the interest of time staff reports be held until the next Council meeting on October 16, 2012.

City Attorney

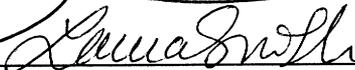
City Attorney Fellman had no report.

ADJOURNMENT

The meeting adjourned at 8:00 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk