

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 16, 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 meeting to order at 6:30 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, 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

Ms. Reagan Digby, second grader at Cherry Hills Elementary School, led the Council in the pledge of allegiance.

PROCLAMATION 2, SERIES 2012

Mayor Tisdale noted that the Council had passed a similar proclamation in 2011, and that Council had decided to move forward with a 2012 proclamation at the August 7, 2012 meeting. He welcomed special guest Senator Linda Newell.

Senator Linda Newell spoke to Council regarding Conflict Resolution Month. She congratulated Council on the progress of the joint public safety facility. She explained that she brought Conflict Resolution Month to Colorado in 2009. She noted that other states had Conflict Resolution Day but that she sought to make Colorado the most civil state in the union. She explained that designating an entire month allowed the organization to visit with local governments, schools, and other organizations. She noted that conflict resolution saved money, and that recently Jefferson County had saved over \$2 million by using mediation to avoid litigation. She was proud to announce that every city and town in Senate District 26 had passed a conflict resolution month proclamation. She gave posters to Council to hang in the Village Center.

Councilor LaMair moved, seconded by Councilor Griffin to approve Proclamation 2, Series 2012; a proclamation of the City Council of the City of Cherry Hills Village designating the month of October 2012 as Conflict Resolution Month.

AUDIENCE PARTICIPATION PERIOD

Christine Stirling, Branch Manager of the Chase Bank at 3435 S University Blvd, introduced herself to Council and indicated that she would be excited to volunteer with the City and become involved in the community.

Mayor Tisdale thanked Ms. Stirling for introducing herself.

CONSENT AGENDA

Councilor LaMair moved, seconded by Councilor Griffin to approve the following items on the Consent Agenda:

- a. Approval of Minutes – October 2, 2012

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Recommendation from the Public Art Commission on Placing Public Art in the City

Public Art Commission (PAC) Chair Ann Polumbus thanked Council for their support and enthusiasm for the PAC's work. She indicated that the purpose of the PAC's presentation tonight was to establish a line of trust between the PAC and City Council by asking the Council's permission to move forward with two pieces of public art. She gave a summary of the PAC's accomplishments during the year, stating that it has been an active year, including the City's first piece of public art, Sundown, in front of the Village Center; pro-bono creation of a PAC logo; first summer event attended by 75 people; raising \$4,000 at the Barn Party auction; and launched a call for entry through the online CaFE program. She reported that the PAC had received 23 applications through CaFE and that the Commissioners had independently and unanimously selected the two artists presented in the staff memo.

Commissioner Doug Smooke explained that the PAC had reviewed representative samples of each artist's work and that each one would create a unique, site-specific piece to be displayed in the Village. He noted that the PAC had not yet chosen locations and would explore the options identified by staff with the artists once the PAC received approval from Council. He gave a brief background on the artists, Anthony Heinz May and Reven Swanson.

Mayor Tisdale indicated that the PAC was an independent commission with its own budget.

Councilor Roswell stated that he appreciated the Commissioners reporting to the Council.

Councilor VanderWerf noted that she was the liaison for the PAC and indicated that she was proud that the PAC could raise funds which would allow the PAC to make future purchases without City funds.

Councilor Brown indicated that he appreciated the PAC's hard work. He noted that public art could be controversial and that publicizing the PAC's ideas for new art and locations could help to mitigate any issues.

Commissioner Smooke replied that there were many options throughout the City and that the PAC would work with Director Goldie and the artists to choose appropriate sites.

Councilor Griffin thanked the PAC for their work and asked if they planned to gather input from the communities neighboring the selected sites prior to installing artwork.

Commissioner Smooke replied that the PAC had not discussed that issue.

Councilor LaMair thanked the PAC for their work and indicated that she would be worried about community backlash if no input was sought prior to installation of the artwork.

Commissioner Smooke noted that public art was designed to inspire conversation.

Councilor LaMair asked if the PAC had an optimum number of pieces they would like to see in the City, and a maximum length of time pieces would stay.

Chair Polumbus noted that it was not their intention to “fill” the City with public art.

Commissioner Smooke replied that the PAC would like to have a minimum of 15 public art pieces throughout the City. He noted that there was no maximum time for a piece to stay in the City, but that the PAC was mindful that the longer a piece remained outdoors the more maintenance issues it may have.

Chair Polumbus added that a piece could be removed if it were very controversial.

Mayor Tisdale indicated that the purpose of public art is to amuse, amaze and arouse. He thanked the PAC for their work.

REPORTS

Councilor LaMair left the meeting.

Mayor's Report

Mayor Tisdale reported that he had a productive meeting with Jim Lochhead of Denver Water and would be meeting with him again in November, principally regarding water rates. He noted that City staff had been assured that Denver Water maintenance crews would give the City advance notice of any projects in the City so that the City could notify residents in a timely manner.

Mayor Tisdale noted that the next regularly scheduled Council meeting was November 6th, which was Election night, and asked if the Council would be opposed to cancelling the November 6th meeting. Hearing no opposition, he directed staff to cancel the meeting. The next meeting would be November 20th.

Members of City Council

Councilor Griffin had no report.

Mayor Pro Tem Stewart noted that the City had received seven responses to the city attorney request for proposals (RFP). He asked if other Council members would like to assist with interviews.

Councilor Roswell and Councilor VanderWerf volunteered to assist with the selection process.

Mayor Tisdale noted that he would participate in the process as well. He indicated that if more than two members of Council wished to be in an interview the City would post notice as required by state law. He clarified that the City was following its best practices in re-evaluating this appointed position every five years.

Councilor Roswell asked about the status of the city engineer RFP.

City Manager Patterson replied that six proposals had been received and that staff would interview finalists on November 8th.

Mayor Pro Tem Stewart indicated that the agenda placed continuation of the study session and the executive session after adjournment and asked if that was procedurally accurate.

Mayor Tisdale noted that Council would be sure to follow the appropriate procedure.

Councilor VanderWerf reported that the Cherry Hills Land Preserve would host the annual Young at Art event for Cherry Hills Elementary fourth and fifth grade students tomorrow evening at Glenmoor Country Club and encouraged Council to attend.

Councilor Brown explained an issue with Special Improvement Bond #7 that required the City to create a reserve fund before proceeding with refinancing. He indicated that the Council Bill would be brought back for second reading once the issues had been resolved.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

City Manager Patterson noted that department monthly reports and unaudited financial statements were included in Council packets and staff was available for any questions.

Councilor Roswell asked about a section of the Community Development Department Monthly Report that was no longer included.

Director Zuccaro replied that staff had removed it to save paper but that it could be added again. He also noted that staff sent a weekly email with lists of permits under review and permits issued and that Councilor Roswell could be added to the email list.

Coyote Management Status Report

City Manger Patterson reported that based on the discussion at the previous Council meeting, staff was seeking direction from Council on how to proceed with the City's evaluation of the Coyote Management Plan. He explained that many residents were frustrated with coyotes in the City. He indicated that staff did not recommend the formation of a citizens committee to review the coyote management plan; rather, he recommended that staff revisit the Coyote Management Plan, utilizing free resources available to them from other municipalities and government agencies, and make recommended changes to the plan to allow staff to deal more effectively and proactively with problem coyotes.

Councilor Griffin indicated that the incident map included in the staff report was very informative.

Councilor VanderWerf suggested that the map may look very different if every coyote incident were reported.

Mayor Tisdale reiterated the City's message to residents "If you see something, say something." He noted that the City had unprecedented and beneficial cooperation from neighboring municipalities, and that City Manager Patterson had recently met with Greenwood Village City Manager Sanderson to discuss the coyote issue.

Councilor Brown agreed that staff should address the issue rather than a citizen committee as this was a very emotional issue. He noted that the coyote issue was not geographically limited to the City but was region-wide. He asked that staff report to Council on a regular basis with updated information on practical and reasonable actions.

Councilor VanderWerf also agreed that staff should address the issue. She noted that the City had brought in professionals to address resident concerns at the Village Club meeting last year, but that the same misunderstandings persisted among residents.

Councilor Roswell indicated that residents were not pleased by the City's position and that it would be helpful to have community participation on this issue. He noted that the authority for any policy changes would remain with the City. He commented that the issues examined by former committees such as the CCCC and RDSC had also been contentious but that the City had benefitted greatly by having citizens examine the issues. He indicated that there was no other issue about which citizens were so passionate and that the coyote issue warranted consideration by a citizen committee. He noted that a citizen committee would help residents to learn about the issues the City faced when dealing with coyotes and help to develop citizen buy-in for the City's management plan.

Mayor Tisdale indicated that dealing with this issue was the Council's job and responsibility, and that Council should demonstrate leadership rather than passing it onto a citizen committee.

Councilor Roswell stated that formation of a citizen committee would be inclusive rather than passing the responsibility.

Mayor Tisdale agreed that public input was important to the process but that the question was about the form it should take. He indicated that staff had the capacity and resources to address the coyote issue and that the City Manager, Animal Control Officer and Police Chief would work together and recommend policy changes to Council.

Councilor Griffin noted that this was a charged issue with a lot of polarity and hostility. He indicated that the Council needed input but that they were the elected officials. He commented that cool heads were needed to weigh facts and information. He indicated he was not sure about a citizen committee.

Councilor Roswell stated that Council could endeavor to appoint cool heads to a citizen committee.

Mayor Pro Tem Stewart indicated his agreement with Councilor Roswell. He noted that a citizen committee could research the issue with help from experts and make recommendations to staff and Council.

Mayor Tisdale indicated that citizen involvement was always worthwhile but that there were differing views as to the form it should take related to the coyote issue. He directed staff to bring this issue back for further discussion at a later meeting.

2013 City Council Meeting Dates

Mayor Tisdale indicated that staff had included the 2013 Council meeting dates in Council packets. He noted that the first meeting in January was on January 1st, a holiday, and asked Council if they would like to reschedule or cancel the meeting.

Council decided to reschedule the meeting for January 2nd.

City Facebook Page

City Clerk Smith reported that the rules on Facebook had changed, and the City could no longer prevent public comments on City posts. She noted that there had been some disagreement among Council when staff presented the City Facebook page in April of 2011, and asked for Council's direction in light of this recent change in Facebook policy.

Mayor Pro Tem Stewart indicated that the liability was too great and that the City's website was sufficient for relaying information to the public. He suggested that the City Facebook page be discontinued.

Councilors Roswell, Brown and VanderWerf agreed.

Councilor VanderWerf indicated that people often had fewer barriers in a digital format than in person.

Mayor Tisdale noted that there had not been any problems with inappropriate posting on the page and that the City Facebook page provided an additional method of communicating with citizens. He indicated that the City Facebook page had 90 likes and many more viewers.

Councilor Roswell indicated that the City's other forms of communicating with citizens were sufficient.

Councilor Griffin suggested that the Facebook page could remain for the time being and could be shut down if at any point it became a liability.

City Attorney Fellman noted that most local governments allowed comments on their Facebook page, and while their policies for appropriate posts varied, the Facebook community often self-policed their page. He indicated that he was aware of minimal problems with Facebook posts on local government pages.

Mayor Tisdale agreed with Councilor Griffin that the Facebook page could be shut down if and when it became a liability. He noted that shutting it down prior to any issues could send the wrong message to citizens.

Councilor Brown indicated that the public should be directed to the website in order to avoid conflicting information.

City Attorney Fellman noted that staff's posts on Facebook used links to direct the public to the City's website.

Councilor Griffin indicated that he would support maintaining the Facebook page as long as it was closely monitored by staff and any issues were addressed immediately.

Councilor VanderWerf agreed.

Councilor Roswell respectfully disagreed.

Mayor Tisdale directed staff to maintain the City Facebook page and to closely monitor it for any issues.

PTRC and P&Z Vacancies

Mayor Tisdale noted that staff reports regarding the vacancies on the Parks, Trails and Recreation Commission (PTRC) and the Planning and Zoning Commission (P&Z).

Councilor Roswell noted that District 6 was over-represented on PTRC.

Mayor Tisdale commented that staff had two applications for PTRC.

Director Zuccaro indicated that staff had received no applications for P&Z for the past two months.

City Attorney

No report.

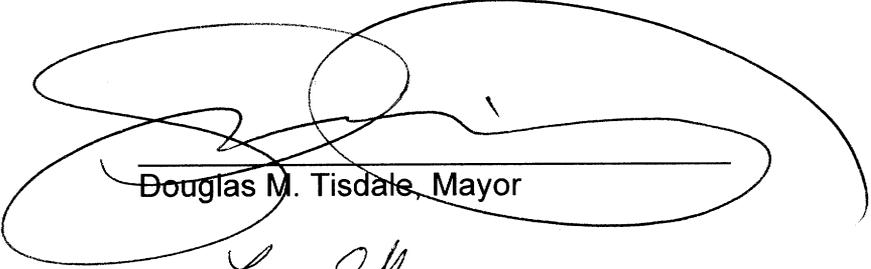
ADJOURNMENT

The regular meeting ended at 7:48 p.m.

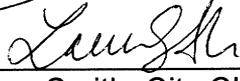
The City Council continued the study session on the 2013 Proposed Budget. The study session ended at 7:52 p.m.

Mayor Pro Tem Stewart, seconded by Councilor Griffin moved to proceed into Executive Session pursuant to C.R.S. Sec. 24-6-402(4)(a) and (e) for purposes of discussing the possible purchase, acquisition, lease, transfer, or sale of a real property interest; and for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, and further upon completion of the Executive Session to be adjourned.

The executive session adjourned at 8:00 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk