

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 5, 2013 at 6:30 p.m.
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Russell Stewart, Alex Brown, Klasina VanderWerf, and Katy Brown were present on roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, 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, Street Superintendent Ralph Mason, Animal Control Officer John Newhouse, and City Clerk Laura Smith.

Absent: Councilors Mark Griffin and Scott Roswell

PLEDGE OF ALLEGIANCE

Members of the Cherry Hills Village Elementary Cub Scout Pack 55 led the Council in the pledge of allegiance. Present were Tigers Alan Eiseman, Noah Ritz, and Brady Kaelberer; Wolves Cooper Bellas and Joe Miller; Bears CJ Kaelberer and Cole Seawell; and Webelos Grayson Bellas, Harry Crouch, and Ethan Ritz.

AUDIENCE PARTICIPATION PERIOD

David Jackson of the South Metro Fire Rescue (SMFR) Board of Directors indicated he appreciated the attendance of Council members at the Board meeting last week. He expressed his pleasure and appreciation for the City's part in the successful completion of the joint public safety facility. He indicated he was proud that SMFR could deliver world-class service to the world-class community of Cherry Hills Village. He noted that SMFR was internationally accredited, one of 154 accredited fire departments out of 35,000 in the country. He reported that 2012 had been eventful for SMFR, not only because of the joint facility but because of a significant reduction in revenues. He stated that despite this challenge SMFR had continued to provide full service to its residents and had paid off all its debt.

Steve Barlow of 4000 S. Colorado Blvd. indicated his opposition to the portable restroom at Three Pond Park. He indicated that the restroom was unattractive, undesirable, and attracted non-residents to the City. He noted that there was no issue if people planned their runs, and that people would use the restroom along other parts of the trail regardless of the presence of this restroom. He stated that no one wanted the restroom near their residence. He suggested that a permanent restroom might be a solution. He presented documents summarizing meeting minutes and correspondence regarding the portable restroom to Council.

CONSENT AGENDA

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

- a. Approval of Minutes – January 15, 2013

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 2, Series 2013; A Bill for an Ordinance Amending Chapter 7 of the Municipal Code Concerning Nuisance Dogs (second and final reading)

Chief Tovrea presented Council Bill 2, Series 2013 on second and final reading. She noted that City Attorney Michow had clarified the definition of 1000 feet, but that there were no other changes since first reading.

Councilor K. Brown indicated that barking dogs were also regulated in the noise ordinance in Section 10-9-20 of the Code.

Mayor Tisdale directed staff to review Section 10-9-20 as a separate issue.

Mayor Pro Tem Stewart moved, seconded by Councilor K. Brown to approve Council Bill 2, Series 2013; A Bill for an Ordinance of the City of Cherry Hills Village amending Chapter 7 of the Municipal Code concerning nuisance dogs.

The following votes were recorded:

Katy Brown	yes
Russell Stewart	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on the Council Bill 2-2013: 4 ayes. 0 nays. The motion carried.

Council Bill 3, Series 2013; A Bill for an Ordinance Authorizing a Supplemental Appropriation to Pay Additional Principal on the Special Improvement District Number Seven Bonds (second and final reading)

Director Proctor presented Council Bill 3, Series 2013 on second and final reading. She noted there had been no changes since first reading on January 15th.

Councilor A. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 3, Series 2013; A Bill for an Ordinance of the City of Cherry Hills Village authorizing a supplemental appropriation to pay additional principal on the special improvement district number seven bonds.

The following votes were recorded:

Russell Stewart	yes
Klasina VanderWerf	yes
Alex Brown	yes
Katy Brown	yes

Vote on the Council Bill 3-2013: 4 ayes. 0 nays. The motion carried.

NEW BUSINESS**City Manager Employment Agreement**

Mayor Tisdale indicated that Council consideration of the City Manager Employment Agreement would be moved to a future meeting due to some minor adjustments that needed to be made.

Recommendation from the Public Art Commission on Reven Swanson Art

Director Proctor explained that Council had approved installation of two pieces of art at the October 16, 2012 meeting. The piece by Anthony Heinz May was already installed at Three Pond Park. The Public Art Commission (PAC) was returning to Council because the artwork proposed by artist Reven Swanson had changed and a location had been determined. The PAC was seeking approval from Council to place artwork by Ms. Swanson at the intersection of Quincy and Happy Canyon.

PAC Commissioner Doug Smooke introduced Ms. Swanson. He noted that she had been creating artwork in Colorado for 25 years and that her work could be seen in many locations throughout the state.

Ms. Swanson explained that in planning the artwork for the installation she had considered the presence of both pedestrian and drive-by traffic and the natural setting. She had determined that the artwork should be playful and whimsical. She had decided on three pairs of colorful cranes mounted on ten foot tall poles. She explained that the cranes would move in the wind. She commented that cranes were beautiful creatures that were celebrated in folk lore, and had been one of the first species to be placed on the Endangered Species List. She noted that the whooping crane remained critically endangered. She stated that while cranes mate for life, they occasionally separate for unknown reasons and find new mates. She indicated that this piece of art would be a unique and signature piece. She noted that the colors of the cranes would add an inherent energy, playfulness and motion to the piece. She explained her special process of firing and coating her art.

Councilor K. Brown asked if the PAC would do any public outreach in relation to the installation.

Commissioner Smooke replied they would not.

Councilor VanderWerf noted that the PAC had consulted with a member of the equestrian community who had indicated the site was not near a popular horse trail and so they did not have concerns with the kinetic sculpture.

Mayor Tisdale confirmed that the costs of the artwork would be recovered if the art was sold.

Commissioner Smooke confirmed that was correct and noted that the art was on loan to the City but could be sold at any time.

Mayor Tisdale expressed his approval that the selected location was an entryway into the City, and that the equestrian community had been consulted. He asked if the \$6,250 for the cost of supplies and installation would come from funds already allocated to the PAC for the 2013 budget.

Director Proctor confirmed that was correct.

Mayor Pro Tem Stewart asked how the artwork would be installed.

Ms. Swanson presented a diagram and explained that she would construct a foundation pier and slip pole, and that the pole would be secured at the base. She noted that there would be no unsightly pad and mulch would be installed all around the pole. She added that in the rare event of damage to the pole the pole could be removed, repaired and reassembled. She explained that she would need to complete a soil assessment and that she would work closely with Deputy City Manager and Public Works Director Jay Goldie on the installation.

Councilor A. Brown asked what the estimated weight of the piece would be.

Ms. Swanson replied that each pole was about 300 pounds and that the upper portion was 50-60 pounds. She noted that she designed for the moment of overturn.

Councilor A. Brown indicated that he was excited for the artwork and approved of the selected location.

Councilor VanderWerf noted that Ms. Swanson had worked with the artist who had created the piece of art that was located on the Cat Anderson property.

Mayor Tisdale asked for a motion to approve the Cherry Hills Village Public Art Commission proceeding with the arrangement with Reven Swanson relative to the installation of three cranes at a cost of \$6,250, of which cost would be recovered in the event the art is sold, the placement of which will be for a minimum of one year, and the location of which will be at Happy Canyon and Quincy, pursuant to the foundation proposal to secure the art.

Councilor VanderWerf so moved, seconded by Councilor A. Brown.

The motion carried unanimously.

REPORTS

Mayor's Report

Mayor Tisdale reported that last Friday Colonel Dan Dant, commander of the Air Force's 460th Space Wing based at Buckley Air Force Base, hosted Mayor Tisdale and other members of the Metro Mayor's Caucus in order to provide a briefing on the mission of Buckley Air Force Base. He noted that he would be returning to Council with further discussion because the Air Force Base pursuant to the continuing resolution passed by Congress related to the fiscal cliff provides for authority for the basis to enter into public-public/public-private partnerships and they would like to speak with municipalities about opportunities for creating some synergistic relationships.

He also reported that last Wednesday City officials and staff had met with Representative Diana DeGette and her District Director at the Joint Public Safety Facility. He noted that this was the first meeting with Representative DeGette in the ten years that the City has been included in her district. He noted that it had been a very productive meeting and that Representative DeGette had indicated she would like to meet face-to-face at least annually. Mayor Tisdale indicated that the City would continue to develop its good relationship with Representative DeGette.

Mayor Tisdale reported that the mayors of Centennial, Cherry Hills Village, Englewood, Greenwood Village and Littleton had established a monthly Mayor's Lunch. He indicated that he had received complaints from residents of speeding along Colorado Blvd. near

Three Pond Park and suggested increased patrol in that area. He noted for the record that the City had received 2 complaints and numerous complements for the new portable restroom at Three Pond Park. He indicated that he would personally respond to the complainants to make sure they were aware that the restroom was temporary and that a review would be conducted by the Parks, Trails and Recreation Commission (PTRC) after 6 months.

Members of City Council

Councilor A. Brown presented his idea for annual department presentations. He indicated that he had discussed this with City Manager Patterson and that the City Manager had some experience with this in other organizations. He explained that the first presentation would be structured by the City Manger and Department Director and would present information to Council, and the second would discuss Department operations and goals. He indicated that he imagined these presentations to take place during the second and third quarter of the year. He noted that he believed these presentations would help to strengthen staff-Council relations and help Council to be better informed about City operations.

Councilor VanderWerf had no report.

Mayor Pro Tem Stewart thanked Director Proctor for the 2012 Recreation Reimbursement Report.

Councilor K. Brown suggested that staff take a broader look at all the noise ordinances throughout the Code to ensure that they did not conflict with one another. She added that the next PTRC meeting had been moved to February 13th and would begin at 5pm with the first meeting of the Quincy Farm Visioning Committee, followed by the PTRC meeting at 6:30pm.

Members of City Boards and Commissions

There were no reports.

Councilor A. Brown noted that PTRC Chair Bill Lucas had hoped to attend the Council meeting but had been unable to.

City Manager & Staff

City Manager Patterson noted that staff would try to have all the departmental reports before the spring mini-retreat in late May or early June. He reported that Deputy City Manager and Director Goldie and Administrator Berninzoni had met with Denver Water regarding the High Line Canal tree irrigation project and that they were moving forward with a possible pilot program. He reported that Chief Tovrea had begun an enhanced school security program, where officers made at least one appearance every day in each school. He reported that the City's off-site files had been moved back to the Village Center, and that the Police Department files would be moved to the new facility once the records room was organized. He reported that the City had received 30 applications for the Special Projects Coordinator and would be interviewing 7 applicants in the next few days.

Councilor A. Brown asked what renovations were being done at the Station 38 building.

City Manager Patterson replied that all work was interior and included painting, clean up, and installation of lockers. He noted that no walls were being removed.

Councilor A. Brown requested a summary of the work be given to Councilor Roswell so that he could respond to inquiries from residents.

City Attorney

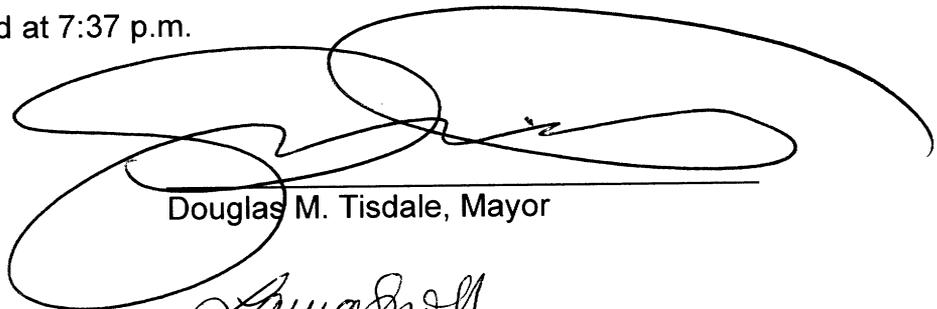
City Attorney Michow thanked Council for the opportunity to represent Cherry Hills Village. She indicated that she had hit the ground running and had met with staff and was working on several pending issues. She noted that she would welcome one-on-one meetings with the Council members, and also that she and her firm would be happy to provide training.

She reported that there were several pending bills that would affect the City if passed. These related to an increase in municipal court fines, payment for open records requests, construction contracting, purchasing policies, and government immunity. She indicated that she would keep Council advised of updates.

Mayor Tisdale noted that first reading of the marijuana possession ordinance would come before Council at the February 19th meeting. He commented that the City's ordinance would not be the same as Greenwood Village's ordinance which prohibited possession on public property such as streets and sidewalks. He also noted that he had discussed the issue of governmental immunity related to recreational marijuana with Representative DeGette.

ADJOURNMENT

The meeting adjourned at 7:37 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk