

**RECORD OF PROCEEDINGS**

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, May 7, 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 Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were Deputy City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, 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, and City Clerk Laura Smith.

Absent: none

**PLEDGE OF ALLEGIANCE**

Noah Hicks, Reed Haymons and Brady Duval of the Cherry Hills Elementary School Junior Great Books group led the Council in the pledge of allegiance.

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

Mayor Tisdale requested that Item 5b 2012 Audited Financial Statements be removed from the Consent Agenda.

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

- a. Approval of Minutes – April 16, 2013
- c. Approval of Contract for Services with C and L Water Solutions
- d. Contract for Services with Mundus Bishop Design Inc.
- e. Paving IGA with Denver Water
- f. Restated and Amended Rates and Fees Technical Advisory Committee Intergovernmental Agreement
- g. Consultant Agreement with the Technical Advisory Committee Participants and Geitner Environmental Management Group LLC

The motion carried unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

Mayor Tisdale asked the City Auditor to affirm that the audit presented to Council truly and accurately reflected the state of the City's financial condition as of the date indicated.

John Cutler of Cutler and Associates, 600 Seventeenth Street, confirmed it did.

Councilor A. Brown asked if the audit reviewed internal procedures and controls.

Mr. Cutler replied that it did and that the auditors had not found anything concerning.

Mayor Tisdale thanked Mr. Cutler for attending the meeting and for his work on the audit.

Councilor A. Brown moved, seconded by Councilor Griffin to approve the 2012 Audited Financial Statements.

The motion carried unanimously.

### **UNFINISHED BUSINESS**

#### **Council Bill 6, Series 2013; Amending Section 6-3-110 of the Municipal Code Concerning Security Guard License Renewals (second and final reading)**

City Clerk Smith presented Council Bill 6, Series 2013 on second and final reading. She indicated that the bill had been approved on first reading at the April 16, 2013 meeting and that there had been no changes since first reading. She explained that the bill would provide staff with the flexibility to simplify the City's procedure for security guard license renewals, reducing the renewal form from seven pages to one page. She noted that applicants would be required to notify staff of any changes in their information and that the Chief of Police retained the ability to deny applications if they were not in compliance.

Mayor Tisdale noted a typo in the council bill.

Councilor Roswell moved, seconded by Mayor Pro Tem Stewart to approve Council Bill 6, Series 2013;; Amending Section 6-3-110 of the Municipal Code regarding security guard license renewals on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 6-2013: 6 ayes. 0 nays. The motion carried.

#### **Council Bill 7, Series 2013; Approving a Supplemental Appropriation of Funds for the Repair and Replacement of Certain Asphalt Streets for Fiscal Year 2013 (second and final reading)**

Deputy City Manager/Director Goldie presented Council Bill 7, Series 2013 on second and final reading. He noted that no changes had been made since first reading. He explained that the City had agreements with homeowners on Winwood Drive and with Denver Water to assure that the City would receive reimbursement of the funds, and indicated that the bill served to account for the pass-through funds.

Councilor Roswell moved, seconded by Councilor VanderWerf to approve Council Bill 6, Series 2013 on second and final reading for the supplemental appropriation of \$95,782.00 to repair Birch Street and Dahlia Street due to water line repair projects and

to pave Winwood Drive. As agreed these funds will be reimbursed to the City once these projects are complete.

The following votes were recorded:

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

Vote on the Council Bill 6-2013: 6 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

#### **Council Bill 8, Series 2013; Amending Section 16-1-20 Concerning Interpretation of Minimum Zoning Requirements (first reading)**

Director Zuccaro presented Council Bill 8, Series 2013 on first reading. He explained that it was not the City's policy to interpret or enforce private covenants or restrictions, and the proposed bill would clarify a potential ambiguity in the Code to reflect that policy.

Councilor A. Brown asked if this bill was in response to a recent event.

Director Zuccaro replied that the current language was brought to staff's attention through an appeal application.

Councilor A. Brown asked why the bill proposed to delete "rules, regulations" from the Code.

City Attorney Michow explained that the deletion was intended to clarify that under Colorado law only another ordinance could supersede the Code.

Councilor A. Brown agreed that the City should steer clear of all private covenants and restrictions, and suggested changing the proposed language from "interpret" to "consider" in order to distance staff even further from private regulations.

Mayor Pro Tem suggested that "beneficiary" be added to the end of the paragraph.

Councilor A. Brown asked staff for an example of a situation to which the City would be a party or beneficiary.

Director Zuccaro replied that the City could be a beneficiary of a plat note or easement.

Mayor Tisdale asked Director Zuccaro and City Attorney Michow to make adjustments to the bill for second reading based on tonight's discussion.

Councilor A. Brown moved, seconded by Councilor Griffin to approve Council Bill 8, Series 2013 on first reading, amending Section 16-1-20 of the Municipal Code concerning the interpretation of minimum zoning standards.

The following votes were recorded:

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

Vote on the Council Bill 8-2013: 6 ayes. 0 nays. The motion carried.

## **REPORTS**

### **Mayor's Report**

Mayor Tisdale acknowledged the passing of two significant individuals, Paul Ryan, Director of Regional Affairs for the City and County of Denver, and Barry Fey, Village resident and musical legend. He thanked the Police Department for their exceptional service in working with the Fey family. He reported that Governor Hickenlooper would sign two bills in the Community Room of the Joint Public Safety Facility on Monday May 13<sup>th</sup>. He thanked Representative Kagan for choosing the City as the site for the bill signing. He noted that this would mark the first official state appearance of a governor in the City. He reported that his attendance at the Educator's and Elected Officials Marine Corps Workshop had been a wonderful experience and noted that he had been joined by several other mayors.

### **Members of City Council**

Councilor K. Brown had no report but noted that the Council's discussion at the next meeting of building regulations related to Amendment 64 was timely in light of the recent grow operation fire.

Councilor Griffin noted that a report from the Arapahoe County Assessor's office showed a decrease in foreclosures from 2008 to 2012. He indicated that Denver Water's increased fees for the summer were capricious, arbitrary and confiscatory and suggested that the Technical Advisory Committee should address them. He asked staff if the additional school zone sign that would be installed on University north of Quincy would have flashing lights.

Chief Tovrea replied that she was not certain and would find out.

Mayor Pro Tem Stewart indicated that the construction at University and Belleview had not negatively affected traffic too much.

Councilor Roswell had no report.

Councilor VanderWerf reminded Council that the Public Art Commission fundraiser was scheduled for June 23<sup>rd</sup> and noted that an artist was working on a proposal for a piece of art to be placed in the space above a bench in the new facility.

Councilor A. Brown reported that he had been discussing the possibility of installing flashing lights activated by motion detectors at the Quincy crossing of the High Line Canal. He explained that staff would present the proposal to the Parks, Trails and Recreation Commission first and then bring that body's recommendation to Council.

### **Members of City Boards and Commissions**

There were no reports.

**City Manager & Staff**

Mayor Tisdale noted that City Manager Patterson was out sick.

Deputy City Manager/Director Goldie noted that the City Manager had included an update on Council priorities in Council packets. He asked Council to notify staff of whom they would like to attend the June 1<sup>st</sup> mini-retreat.

Mayor Tisdale asked Council to advise him of their preferences and then he would communicate with City Manager Patterson.

Deputy City Manager/Director Goldie indicated that he had also been pleasantly surprised that the construction at University and Belleview had not been more disruptive, but noted that this was the Denver Water project and that the CDOT project would be next month and would likely be more disruptive. He added that CDOT construction at Colorado and Hampden would begin soon and would be limited to a couple of weeks. He noted that staff was working closely with CDOT and its contractors to ensure that residents were notified and that signs were installed to discourage nonresidential traffic on the smaller streets. He indicated that a formal detour was not planned but that staff was prepared to establish one if necessary. He added that press releases would be added to the City website as they became available.

Mayor Tisdale asked how CDOT would handle the increased church traffic at Colorado and Hampden on Sundays.

Deputy City Manager/Director Goldie replied that the contractor was aware of Sunday traffic issues and would work with the Police Department to mitigate congestion.

Councilor Griffin noted that the appearance of the medians along University Boulevard were declining and asked if staff could communicate with CDOT to maintain them.

Deputy City Manager/Director Goldie replied that he would communicate with CDOT. He added that he was also in contact with the Greenwood Village Public Works Director regarding the medians along Belleview and that they were discussing the creation of a joint account for funds that would be used to maintain the medians.

Councilor K. Brown asked about the work at Colorado and Hampden.

Deputy City Manager/Director Goldie replied that survey crews had already begun work and construction would begin next Monday. He explained that staff had not been able to persuade CDOT to make any pedestrian changes, and noted that there was no right-of-way left to work with on the southeast side of Colorado in order to be aligned with the Denver section of the state highway.

Councilor Roswell asked how long the construction was expected to last.

Deputy City Manager/Director Goldie replied that it was a three month project, with a few weeks of full lane closures. He added that the current Denver Water project at University and Belleview was a one month project, and that the CDOT project at that intersection was expected to be a two month project. He noted that school would be out in three weeks so that would help to mitigate some of the traffic issues.

Councilor K. Brown asked if the Dahlia Street paving would occur at the same time as the CDOT projects.

Deputy City Manager/Director Goldie replied that staff would make sure not to overlap the projects. He indicated that the Dahlia Street paving would be later in the summer but that a date had not yet been set.

Director Proctor presented the annual report of the Finance and Administration Departments to Council. She noted the mission statement of each department and explained that Finance, Court, City Clerk, and Human Resources were included in these departments, with one staff member for each division. For each division she explained functions/responsibilities, presented statistics, acknowledged accomplishments, and indicated projects/goals.

Councilor Roswell asked how long the City had contracted with the current auditor.

Director Proctor replied that it had been about five years and that it was time to do another Request for Proposals. She concluded with a list of other roles and responsibilities of her staff and the professional development that they had or were in the process of accomplishing. She noted that she had just completed her Masters.

Mayor Tisdale indicated that the audit had been very well handled and accomplished in a very timely manner when compared to other government organizations. He noted that Director Proctor's goal of a sales tax audit would be even more important in view of the Marketplace Fairness Act. He congratulated Director Proctor on her MBA and noted that Cherry Hills was one of the few cities that had maintained its tuition reimbursement program throughout the recession. He noted his appreciation of the department staff's professional development endeavors. He acknowledged Human Resource Analyst Barlow's trial by fire when she began her position.

Councilor Griffin added that Director Proctor had graduated with a 4.0 average in her MBA program.

Council and staff applauded Director Proctor's accomplishment.

Councilor A. Brown agreed with Mayor Tisdale that the City's audit was very timely and added that the monthly financial reports given to Council by Director Proctor were most helpful and also not a common occurrence at other organizations. In relation to the Marketplace Fairness Act he asked staff about the City's sales tax Code regarding deliveries.

Director Proctor replied that was an issue she had been discussing with former City Attorney Fellman and indicated that she would begin discussions with City Attorney Michow.

### **City Attorney**

City Attorney Michow confirmed her work with staff regarding building regulations related to Amendment 64 and noted that this issue would be brought before Council at a study session at the next meeting. She noted that the State Legislature was still finishing their marijuana legislation and that one of the bills would allow municipalities to prohibit compressed gas in residential marijuana grow operations. She indicated that the state bill to increase the limit of municipal court fines had passed and that staff would present a council bill at the next meeting to increase the limit in the Code accordingly.

**ADJOURNMENT**

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin that Council proceed into Executive Session first for the purpose of receiving legal advice from the City Attorney and the City's outside legal counsel in connection with pending litigation in the Sansing, Edwardson and Rogers matter pursuant to CRS § 24-6-402(4)(b) and further for the purpose of discussing the acquisition of real property and determining positions relative to matters that may be subject to negotiations and instructing negotiators pursuant to C.R.S. § 24-6-402(4)(a) and (e) and immediately upon completion of the Executive Session that the Council be adjourned.

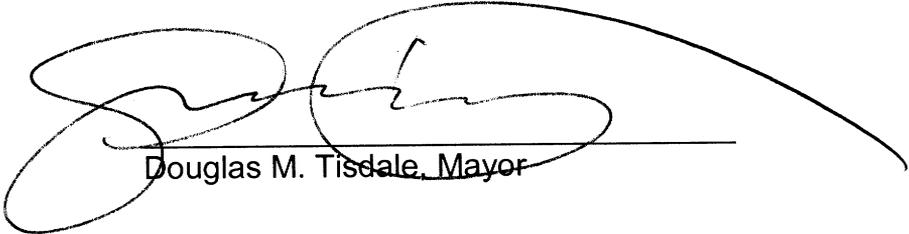
The following votes were recorded:

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

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

The meeting ended at 7:45 p.m.

The executive session ended and the meeting was adjourned at 8:22 p.m.



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Douglas M. Tisdale, Mayor



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Laura Smith, City Clerk