

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, May 21, 2013 at 6:30 p.m.  
At the Village Center

The City Council held a study session regarding regulation of marijuana cultivation in residential structures at 6:07 p.m.

Mayor Doug Tisdale called the 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 Katy Brown were present on silent 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, and City Clerk Laura Smith.

Absent: none

**PLEDGE OF ALLEGIANCE**

Lori McDermott, Jennifer Niederhauser, Beverly Karns, Mary Kawula, and Lisa Huttner, Gifted and Talented students from Cherry Hills Village Elementary, led the City Council in the pledge of allegiance.

**AUDIENCE PARTICIPATION PERIOD**

Public Art Commission (PAC) Chair Ann Polumbus commented she had been proud to read about the Alan Hutto Memorial Commons in the Villager Newspaper. She reported that artist Duke Beardsley, a Village resident, would be donating a work of art for display at the Joint Public Safety Facility. She reminded the Council that the PAC fundraiser at the Duncan residence would be held June 23<sup>rd</sup>, and noted that it would be a wonderful opportunity for residents, Village leaders, and artists to interact. She noted that the PAC had been formed by resolution and asked that Council consider passing an ordinance in order to establish the PAC as a permanent part of the Municipal Code.

Mayor Tisdale congratulated Chair Polumbus on the PAC's hard work and great progress and noted that the PAC was a special part of the Village. He asked when the cranes would be installed and dedicated at Quincy and Happy Canyon.

Chair Polumbus replied that installation was planned for June.

**CONSENT AGENDA**

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

- a. Approval of Minutes – May 7, 2013
- b. Resolution 5, Series 2013; Appointing Members to the Parks, Trails and Recreation Commission
- c. Intergovernmental Agreement with Urban Drainage and Flood Control District for the Design of Stabilization Improvements on Little Dry Creek at the Tufts Foot Bridge

The motion carried unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

None

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**Public Hearing – Kent Denver School Expanded Use Permit Request for Athletic Field Modifications**

Director Zuccaro presented the request by Kent Denver School for an expanded use permit for modifications to their athletic field between Monroe Street and their main entry, south of Quincy Avenue. He explained that the proposed changes included construction of a new synthetic turf athletic field and running track, relocation of an existing baseball diamond, and removal of existing bleachers. He noted that there was no proposed lighting, bleachers or permanent outfield fence for the relocated baseball diamond. He indicated that the proposed changes increased the impervious surface of the area and therefore required a drainage plan. He stated that the proposal had been reviewed by the Planning and Zoning Commission (P&Z) and they had recommended approval conditional on the applicant addressing the City Engineer's comments on the drainage report. A revised report had been subsequently reviewed and approved by the City Engineer. Staff had received two letters from residents, one in support of the proposal and one expressing concern over the possible relocation of the bleachers, which was no longer part of the proposal. Staff recommended approval of the request.

Councilor K. Brown asked if the existing synthetic field would remain.

Director Zuccaro confirmed that it would.

Mayor Pro Tem Stewart asked if the relocated baseball diamond would have dugouts.

Director Zuccaro replied that no dugouts would be added to the relocated field.

Mayor Pro Tem Stewart asked if staff still required paper copies of plans instead of digital copies.

Director Zuccaro replied that staff required a 24" by 36" set of plans on mylar in order to record the document with Arapahoe County.

Councilor Griffin asked if Kent Denver would host events at the proposed new track and if so where the crowds would be located if there were no bleachers.

Director Zuccaro replied that the proposed track was intended for practice and was not large enough to host a track meet.

Councilor Griffin noted that the proposed track would be visible from Quincy and asked if residents would be permitted to use the track.

Jerry Walker, representative of Kent Denver School, explained that the school had a long standing close relationship with the City and had always opened its campus to

residents. He indicated that residents would be able to use the track when it was not in use by the school. He noted that the school used synthetic turf because it resulted in fewer student injuries and did not require watering. He explained that the proposed track had only six lanes and was intended primarily for practice. He indicated that two teams could use it at the same time but that it was not big enough for a larger track meet. He noted that currently Kent Denver students were bused to Englewood for track practice and that this would allow students to practice at Kent Denver. He explained that the bleachers that would be demolished were old and not in a good location. He noted that the baseball field to be relocated was the junior varsity field and did not attract large crowds. He explained that the entire field would be synthetic turf and a portable pitcher's mound and temporary outfield fence would be installed for the two month spring season, allowing the field to be used as additional field sport practice space in the fall. He noted that while the varsity baseball field had true dugouts, the junior varsity field simply had a fenced-in area for the teams.

Mayor Pro Tem Stewart asked if the existing junior varsity field had bleachers.

Mr. Walker replied they did not.

Mayor Tisdale noted that the bleachers visible on the site plan would be demolished and not replaced. He asked how much impervious surface would be added.

Mr. Walker replied that about two thirds of an acre of impervious surface would be added, and noted that the synthetic turf was permeable.

Mayor Tisdale clarified that the final drainage report addressed all issues identified by P&Z and the City Engineer and that the final report had been accepted by the City Engineer.

Mr. Walker confirmed that was correct. He noted that the piles of dirt now on the school property was not from construction but rather the school had an opportunity to purchase dirt for the proposed project in anticipation of Council's approval. He noted that with Council's approval the school would begin construction next week and expected the project to take most of the summer to complete.

Mayor Tisdale noted the presence of Head of School Todd Horn.

Mayor Tisdale opened the public hearing at 7:06 p.m.

Mary Scott, 4501 S. Monroe, asked if there would be a fence around the track.

Mr. Walker replied there would not.

Ms. Scott expressed concern about the traffic on Quincy and Monroe. She explained that since she had moved to the City, Kent Denver had constructed an art building, a new dining hall, and now proposed a new sports field. She noted that Kent Denver stated these new facilities were not intended to increase enrollment, however traffic was a continuous problem during morning drop-off and afternoon pick-up times.

Mr. Walker replied that the only permanent fencing would be backstop and dugout fencing on the proposed baseball field. He stated that the school had no plans at all to increase enrollment and that the school had maintained the same enrollment within two or three percent over the past decade. He explained that the improvements served the existing population of students. He indicated that traffic is a concern for the 15-20 minutes around 8:00 a.m. for student drop-off, and that the school had hired a police officer from the City to assist with traffic control at the campus entrance at the school's

expense. He noted that pick-up traffic was less concentrated because it was spread out due to after school activities. He stated that the increase in traffic on Quincy over the past decade was not due to Kent Denver.

Mayor Tisdale clarified that Kent Denver did not intend the proposed changes to create events that would bring more traffic to the school, but rather provide for current students and in fact reduce traffic as the track would allow students to stay on-site for practices instead of having to travel to Englewood. He asked the City Engineer for clarification on the drainage report.

Daniel Owen, Assistant City Engineer, indicated that the City Engineer's office had requested clarification for a few items on the initial drainage report and had reviewed and approved the final report.

Mayor Tisdale closed the public hearing at 7:15 p.m.

Councilor Griffin moved, seconded by Councilor K. Brown to approve the request by Kent Denver School for an Expanded Use Permit to allow modifications to the School's athletic fields as proposed.

The motion carried unanimously.

Council Bill 9, Series 2013; Amending Provisions of the Municipal Code to Increase the Maximum Fine for Municipal Ordinance Violations to the Amount Authorized by Section 13-10-113, C.R.S., as Amended (first reading)

Director Proctor presented Council Bill 9, Series 2013 on first reading. She explained that the bill would amend the code to increase the maximum fine the municipal court may impose from \$1,000 to \$2,650 with an annual adjustment based on the consumer price index. She indicated that this would bring the municipal code into agreement with the recently amended state statutes regarding municipal court fines.

Mayor Tisdale noted that the change in state statutes was the result of Greenwood Village Mayor Rakowsky and his proposal which they had brought to the Colorado Municipal League and then to the State Legislature.

Councilor A. Brown asked why the annual increase was based on the consumer price index instead of a simple percentage.

Mayor Tisdale replied that the annual increase was set by state statute.

Councilor Roswell suggested that "and try" be removed from the second Whereas clause and that "in its discretion" be added to the sixth Whereas clause in the bill.

City Attorney Michow indicated that she was comfortable with those changes.

Mayor Tisdale asked City Attorney Michow if staff was confident they had found all the references in the Code that had to be amended to make this change.

City Attorney Michow replied that she had reviewed the entire Code twice. She added that the bill amended all of the sections of the Code that referred to the maximum fine to refer back to Section 1-4-20 of the Code instead of specifying the amount. Therefore if the maximum amount needed to be changed in the future only Section 1-4-20 would have to be amended.

Councilor Griffin asked if anyone had ever received the maximum fine from the court.

Director Proctor replied that no one had received the maximum fine that she was aware of.

Mayor Tisdale indicated that the purpose of the amendment was to allow judges to feel more empowered to increase fine amounts when appropriate. He noted that judges were sometimes reluctant to impose the maximum fine even when it was appropriate so an increase gave them more discretion.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 9, Series 2013 on first reading, amending provisions of the Municipal Code which would increase the maximum fine for municipal ordinance violations.

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 9-2013: 6 ayes. 0 nays. The motion carried.

## **REPORTS**

### **Mayor's Report**

Mayor Tisdale announced publicly that Council had approved in executive session at the last meeting the contract to purchase 115 Meade Lane, consisting of approximately two and a half acres south of the Joint Public Safety Facility and across Meade Lane from the Village Center, for \$100,000. The site would be known as the Alan Hutto Memorial Commons. He explained that Alan Hutto was a student at Cherry Hills Elementary School who had unfortunately passed away some years ago, and noted that the Cherry Hills Elementary School bus entrance was named the Alan Hutto Circle. He thanked Council for their hard work and good judgment in approving the acquisition and establishment of the Alan Hutto Memorial Commons. He anticipated the dedication of the commons to be around August 1<sup>st</sup> if the closing proceeded as planned on July 3<sup>rd</sup>.

Mayor Tisdale reported that Governor Hickenlooper had made the first recorded official state visit by a sitting governor to Cherry Hills Village at the Joint Public Safety Facility on Monday May 13<sup>th</sup> in order to sign two bills into law. He noted that Councilors Alex Brown, Katy Brown and Klasina VanderWerf had attended, and thanked Chief Tovrea for all her help, effort and energy in preparing for the event.

Mayor Tisdale reported that the winners of the Mayor's Competition for student produced videos of the High Line Canal had been announced. The grand prize winning team was a group of juniors from St. Mary's Academy, the high school winning team was a group of seniors from St. Mary's Academy, and the middle school winning team was a group of eighth graders from West Middle School. There were also four teams that had received honorable mentions. Mayor Tisdale indicated that he would like Council to view the grand prize video at the June 1<sup>st</sup> Council Retreat. He thanked Councilor VanderWerf and Villager Newspaper reporter Jan Wondra for sitting on the judging panel. He noted that after post-production work the videos would be displayed on the City's public access channel. He added that the High Line Canal Working Group would view the videos at their next meeting.

Mayor Tisdale reported that Debbie Welles was concerned with clear cutting of trees along the High Line Canal. He added that he had heard from runners along the Canal who had suggested that that buttons to run the flashing lights for the crossing at Quincy be moved back from the crossing so that runners could push the button while running and be assured that the lights would be flashing by the time they got to the crossing.

### **Members of City Council**

Councilor A. Brown indicated that he had been very pleased that the bills signed by the Governor last Monday had been bi-partisan efforts. He reported that Councilor Roswell, Deputy City Manager/Director Goldie and he had interviewed firms for the public works facility analysis and expected to bring a proposal to Council at the next meeting. He suggested that the firm could present an outline of their proposal for community involvement and engagement to Council prior to Council approving the contract for services.

Councilor VanderWerf reported that the Quincy Farm Visioning Committee had its first meeting with their new facilitators and it had been a productive meeting. She thanked the committee that had chosen the firm.

Councilor Roswell indicated that he expected the public works facility analysis to be a very open and transparent process with heavy public input. He noted that this might be a repetition of the process for the Village Center Conceptual Plan several years ago, but believed the redundancy was necessary and appropriate. He added that he would be meeting with Councilor A. Brown and Deputy City Manager/Director Goldie after tonight's Council meeting to discuss the firms.

Mayor Pro Tem Stewart indicated that residents had been very complementary about the Spring Clean Up and Shred Day and thanked staff for all their work. He also thanked staff for including the Boy Scouts in the event.

Councilor Griffin thanked Administrator Berninzoni and his staff for the success of the Tree Program. He reported that he was in contact with Chief Tovrea regarding an increased use of motorized vehicles on bridal paths.

Councilor K. Brown noted that construction had begun at Colorado and Hampden but was not too inconvenient yet. She reported that Parks, Trails and Recreation (PTRC) Commissioner Fairbairn had resigned so Council would have to appoint a replacement to complete his term.

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

PTRC Commissioner Colleen Dougherty reported that PTRC would hold a joint meeting with P&Z to discuss the review process for recreation facilities on June 11<sup>th</sup>.

Mayor Tisdale noted that the open position resulting from Commissioner Fairbairn's resignation had been posted on the City website. He noted that the PTRC was the only board or commission which required geographic representation from its members, besides the City Council. He noted that Commissioner Fairbairn was from District 1 and his resignation left that District without representation on the PTRC.

Councilor Roswell added that District 4 also lacked representation.

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Commissioner Dougherty indicated that the PTRC requested Jeff Welborn be appointed to fulfill the remaining year of Commissioner Fairbairn's term.

Mayor Tisdale noted that Mr. Welborn had indicated his willingness to do so.

Councilor Roswell asked if Mr. Welborn was no longer on the PTRC.

Councilor K. Brown replied that Mr. Welborn had been on the PTRC fulfilling Bill Callison's term after he resigned and that term had ended. She noted that Council had approved appointment of Joshua DiCarlo to a new term with Resolution 5, Series 2013 as part of the consent agenda.

Councilor Roswell indicated that not reappointing a willing member of a board or commission was irregular.

Mayor Tisdale replied that this was a special case because this commission required geographic diversity.

Councilor K. Brown added that Mr. Welborn was from District 5 which was already represented on PTRC by Commissioner Dougherty, and Mr. DiCarlo was from District 3 which was not represented. She concurred with PTRC's request to have Mr. Welborn fulfill Commissioner Fairbairn's term. She indicated that he was invaluable to the PTRC and a critical asset to the work they were doing. She added that District 6 was over-represented with three commissioners, but that two of those terms would end next year.

Mayor Tisdale noted that there would be a total of three terms ending next year.

Councilor Roswell applauded Mr. Welborn and his service.

Councilor A. Brown noted Mr. Welborn's expertise and encouraged that the Council strongly consider appointing Mr. Welborn to fulfill Commissioner Fairbairn's term. He also noted his pleasure that District 3 was now represented on the PTRC with the appointment of Commissioner DiCarlo.

Commissioner Dougherty reported that the PTRC was preparing for several special events through the rest of the year. The second annual Exotic Car Show would be September 15<sup>th</sup>. The entry fee for exotic cars was increased to \$35 this year and the PTRC was working with staff to promote the event early this year in order to secure reservations well before the event date. The summer movie night would be August 24<sup>th</sup> and might be in 3D, and the holiday tree lighting would be December 13<sup>th</sup>.

Councilor Griffin asked if there was a limit of cars per person and if motorcycles would be acceptable at the exotic car show.

Commissioner Dougherty replied that there was currently no limit and that motorcycles would be accepted. She noted that there had been 50 cars last year and this year they were hoping for 70.

### **City Manager & Staff**

City Manager Patterson noted that the department monthly reports and unaudited financial statements were included in Council packets. He indicated that the City Council Retreat would be held Saturday June 1<sup>st</sup> from 7:30 a.m. to noon at the Joint Public Safety Facility.

Mayor Tisdale indicated that the City Manager, Deputy City Manager, and City Attorney would be present and asked Council to notify him of any other staff members they wished to attend the retreat.

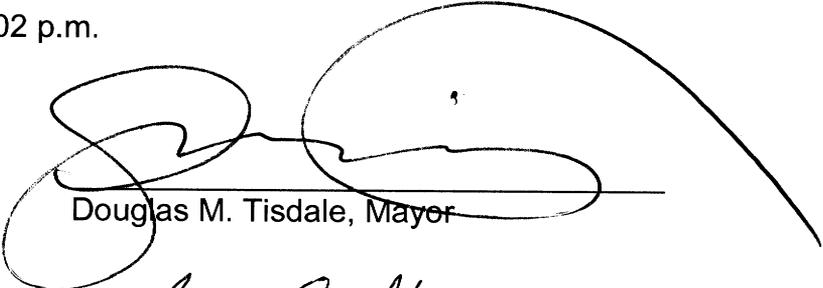
City Manager Patterson reported that Chief Tovrea had completed the University of Denver Daniels College of Business Leadership Program. He noted that staff had received 150 pounds of drugs for the Drug Take Back event, and that the Tree Program and Spring Clean Up had been a success. He indicated that residential building activities were picking up in the City, and that CDOT and Denver Water had begun road projects at the University and Belleview intersection and the Colorado and Hampden intersection. He reported that the City had received \$91,000 in motor vehicle use tax last month which was significantly more than the projected revenue of \$60,000 per month. He indicated that Deputy City Manager/Director Goldie was making slow but steady progress with Denver Water on a pilot irrigation program for the High Line Canal.

#### **City Attorney**

City Attorney Michow reported that she was working with staff on several issues including the Board of Adjustment and Appeals, building permit fees, marijuana, sales tax, and the Joint Public Safety Facility.

#### **ADJOURNMENT**

The meeting adjourned at 8:02 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk