

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 18, 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 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

Mark Branish, Brady Grooters, Finn McCarthy and Cody Avis of the Cherry Hills under eight Boy's DLC Lacrosse Team led the Council in the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Mr. Chuck Schloss of 801 Radcliffe Ave distributed a letter to Council regarding the Cherry Hills Village Sanitation District's decision to stop oversight of the City's sewer system. He indicated his desire that Council understand the District's decision in depth. He noted that he did not think it was fair for all City residents to have to pay taxes to support the smaller water districts, but understood it was for the greater good. He commented that a building permit for a new home had been issued on concept drawings and indicated that in his professional opinion as an engineer it was a grave mistake to issue permits based on any drawings other than the final drawings. Lastly, he suggested that a traffic circle replace the stop signs at the intersection of Quincy and Colorado as the steepness of the streets at that intersection made stopping and starting up again treacherous in snowy and icy weather.

CONSENT AGENDA

Mayor Tisdale removed Item 5b and 5c from the Consent Agenda.

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

- a. Approval of Minutes – June 4, 2013
- d. Resolution 10, Series 2013; Approving the Acquisition of 115 Meade Lane Consisting of Approximately 2.12 Acres More or Less
- e. Memorandum of Agreement Between the Colorado Department of Labor and Employment, Division of Oil and Public Safety and the City of Cherry Hills Village Concerning Local Jurisdiction Regulation of Conveyances Pursuant to the Elevator and Escalator Certification Act

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Resolution 8, Series 2013; Appointing Members to the Parks, Trails and Recreation Commission

Mayor Tisdale indicated that he had discussed this issue one-on-one with several Council members and suggested that instead of appointing a new Parks, Trails and Recreation Commission (PTRC) member tonight, two Council members be appointed to a search committee to review the two pending applications and any others received over the next month or so.

Councilor Roswell explained that there were some lessons to be learned from the most recent PTRC appointment and that it was important to honor the process, which included notification of the position opening, recruitment, interviews, and recommendations to Council from the search committee. He clarified that this was not a concern regarding the capabilities of the current candidates.

Councilor VanderWerf agreed and noted that Council could take PTRC's strong support of one of the candidates under advisement while still following the process.

Councilor A. Brown and Mayor Pro Tem Stewart also agreed.

Mayor Tisdale appointed Councilors K. Brown and Roswell to the search committee. He directed staff to advertise the open position on CIVC (Crier, Internet, Villager, and Channel 22).

Councilor A. Brown withdrew Resolution 8, Series 2013.

Councilor Roswell indicated that he expected the search committee would be able to bring a recommendation to Council by the first meeting in August.

Resolution 9, Series 2013; Authorizing Termination of Intergovernmental Agreement between the City of Cherry Hills Village and the City of Cherry Hills Village Sanitation District Dated March 16, 2004 Concerning the Provision of Administrative Services

Councilor Roswell asked if the letter distributed by Mr. Schloss affected this resolution.

Director Zuccaro explained that the letter and this resolution dealt with two separate issues.

Councilor Roswell moved, seconded by Councilor A. Brown to approve Resolution 9, Series 2013 2013 authorizing the termination of the current agreement with the City of Cherry Hills Village Sanitation District for the provision of administrative services.

The motion carried unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 10, Series 2013; Amending Chapter 18 of the Municipal Code to Add a New Article XII Concerning Marijuana Cultivation in Residential Structures (first reading)

Director Zuccaro presented Council Bill 10, Series 2013 on first reading. He noted that Council had discussed this issue at a previous study session and at the mini-retreat. He

indicated that this council bill applied to grow operations for both medical and recreational marijuana. He explained that the main components of the proposed ordinance included: cultivation allowed only in a primary residence or accessory structure to the primary residence; cultivation by an occupant of a residence not owned by the occupant would require the written consent of the property owner; cultivation must be in a fully enclosed and secured space; cultivation, processing and the storage and maintenance of all associated materials and equipment limited to 150 square feet of contiguous area; cultivation in an accessory structure must be set back a minimum of 10 feet from any detached single family dwelling; bedrooms (sleeping areas) prohibited from being used for cultivation; high intensity lighting prohibited unless enclosed with a firewall assembly of Type X drywall; chemical processing or extraction prohibited; all applicable building codes must be met and proper ventilation installed; 30 plant limit for each residential structure; exterior impacts, such as odors, noise and light pollution, prohibited.

Mayor Pro Tem Stewart asked if staff planned to produce an instructional brochure for use by the public outlining the proposed regulations.

Mayor Tisdale suggested that staff could address that issue at second reading of the council bill.

Mayor Pro Tem indicated that the regulations in the council bill were not extremely restrictive and that staff had chosen a more moderate level of restriction.

Director Zuccaro confirmed that was correct and that staff had sought to balance safety with grower's constitutional rights.

Councilor VanderWerf stated that the council bill adequately addressed the issue but that she would not be surprised if Council and staff revisited the issue in the future.

Mayor Tisdale agreed that this was the first effort to provide a safety structure to this issue and would not preclude Council revisiting the regulations in the future as situations warranted.

Councilor Roswell moved, seconded by Mayor Pro Tem Stewart to approve Council Bill 10, Series 2013; amending Chapter 18 of the Municipal Code to add a new Article XII concerning marijuana cultivation in residential structures.

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 10-2013: 6 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Tisdale reported that he had attended the final day of shooting for a new independent movie at the Paramount Theater, and that there was a resurgence of the film industry in Colorado. He noted that the South Metro Health Alliance and Arapahoe/Douglas Mental Health Network would be holding a Mental Health Summit July 15th and encouraged Council members to attend and show their support for mental health issues. He commented that the Public Art Commission (PAC) fundraiser would be held this coming Sunday at the Duncan residence and encouraged Council members to attend and show their support. He noted that the July 2nd Council meeting was cancelled and the next regularly scheduled meeting was July 16th. He reported that the City was on schedule to close on the acquisition of 115 Meade Lane, the Alan Hutto Memorial Commons, on July 3rd.

Members of City Council

Councilor K. Brown had no report.

Councilor Griffin had no report.

Mayor Pro Tem Stewart had no report.

Councilor Roswell acknowledged the passing of resident Homer Lee Bruton, who had served on the Board of Adjustment and Appeals for eight years and also played Santa Claus at his neighborhood caroling party. He reported that a stakeholder meeting for the Public Works Facility Review would be held next Tuesday at 4:30 p.m. He indicated that a neighbor had expressed their concern to him about speeding, especially concerning large semi-trucks/trailers along Belleview between University and Clarkson and asked the Police Department to monitor the area.

Councilor VanderWerf noted that the PAC fundraiser was nearly full. She reported that she had attended a fun and exciting meeting of the Quincy Farm Visioning Committee (QFVC) that morning and that the QFVC continued to find the facilitators very valuable.

Councilor A. Brown reported that following the refinancing of Special Improvement District Number 7 Director Proctor would be following up with a council bill to change the assessment schedule to reduce the remaining assessments for residents.

Members of City Boards and Commissions

Parks Trails and Recreation Commission Chair Bill Lucas reported that the PTRC had welcomed new member Joshua DiCarlo. He noted that they were receiving strong and positive participation in preparation for the Exotic Car Show scheduled for September and noted that the PTRC would have yard signs available if any Council members wanted to advertise the event on their property. He reported that the joint meeting between the PTRC and the Planning and Zoning Commission had been very positive and efficient. He indicated that the Summer Movie Night was scheduled for August 24th.

Mayor Tisdale applauded Chair Lucas' leadership and both Commissions for the joint meeting. He suggested that Homeowners Associations around the City might also agree to display signs for the car show at their entrances.

City Manager & Staff

City Manager Patterson reported that the chip seal project was completed and that the City had received two minor complaints. He noted that Chief Tovrea and Director

Zuccaro had met with officials regarding the 2014 golf tournament. He commented that City staff would have a picnic tomorrow. He indicated that Mayor Tisdale and he would attend the Colorado Municipal League annual conference in Vail for the rest of the week. He reported that Director Zuccaro had hosted his annual meeting for contractors that work in the City on Monday, where they were updated on Code and policy changes. He noted that a stakeholder meeting for the Public Works Facility Review would be held next Tuesday at 4:30 p.m. at the Cherry Hills Village Elementary School. He commented that the flying cranes public artwork would be installed this Thursday at East Quincy Avenue and South Happy Canyon Road. He indicated that a new issue of the Village Crier had been issued.

Councilor K. Brown asked if an official event would be held for the new work of art.

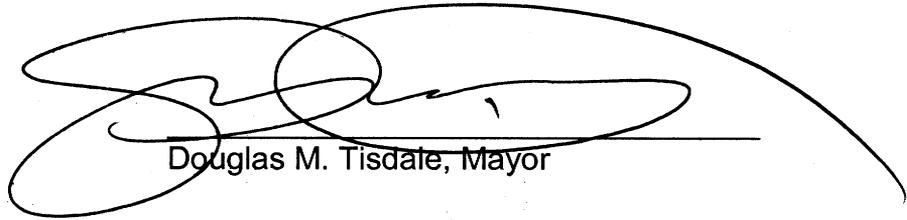
Councilor VanderWerf confirmed there would be a dedication and reception with the artist.

City Attorney

City Attorney Michow reported that she was close to being ready to provide Council with a memo and information regarding the sales and use tax issues discussed at the mini-retreat.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Douglas M. Tisdale, Mayor

A handwritten signature in black ink, appearing to read 'Laura Smith' in a cursive script.

Laura Smith, City Clerk