

RECORD OF PROCEEDINGS

Minutes of the Parks & Trails Commission
City of Cherry Hills Village, Colorado
May 10, 2007
at the Village Center

Call to Order

Ms. Theresa Gilpatrick called the meeting to order at 6:59 p.m.

Roll Call of Members

The following Commissioners were present: Ann Gallagher, Jane Soderberg, Theresa Gilpatrick, Bill Callison, Phyllis Hayutin and Heidi Schmidt Hammell.

The following City staff members were present: Paul Burkholder - Parks & Trails Administrator and Jessica Sager - Administrative Clerk.

Approval of Minutes

Ms. Heidi Schmidt Hammell moved to approve the April 12, 2007 minutes and Ms. Phyllis Hayutin seconded the motion. The motion passed unanimously.

Audience Participation

Pat Boulding
1415 East Tufts Avenue
Cherry Hills Village, CO 80113

Ms. Boulding stated she was appearing on behalf of the Woodard, Kaufman, Katz, Morris, McIntyre, Kulke, Griffin, Carter, Braucht and Kandel families with regards to preserving the property at 4525 South Lafayette Street. She said the property belonged to the late Mayor St. Clair and several families have met to discuss ways of preserving the estate. She fears the property will be subdivided and several large houses will be constructed on the land. She said the St. Clair family is not inheriting the land and a family member has asked the families to try and preserve it, as it is currently under a bank trustee that will liquidate the estate. She stated the families would like to at least acquire the northern portion of the property and asked for the commission's advice.

Ms. Jane Soderberg asked if Ms. Boulding knew what the bank's timeline was.

Ms. Boulding believes the property would be liquidated within 2 months.

Ms. Soderberg asked if an appraisal has been done for the property.

Ms. Boulding answered the appraisal was currently being done.

Ms. Theresa Gilpatrick explained that in order to subdivide a property the applicant has to pay 7.5 % of the value in land, cash or both. She stated the commission would be able to negotiate with the applicant, at that point, and keep as much land as possible. She said the Interim City Manager is looking into who owns the trail next to the property.

Mr. Bill Callison asked if anyone has contact the attorney in charge of the estate because the attorney should know once the appraisal is complete.

Ms. Boulding replied they have not spoken to the attorney, but they have looked up the parcel on the Arapahoe County's website and the information there is at odds with what is on file at the City. She asked the commission members if they had any other ideas.

Ms. Soderberg answered the families have spoken to the Land Preserve, City Council and now Parks, Trails and Recreation so it sounds like they have spoken to everyone.

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Ms. Gilpatrick stated the commission would see what they could do and would keep Ms. Boulding posted.

Kirk Carter
1200 17th Street, Suite 610
Denver, CO 80202

Mr. Kirk Carter stated he represented the family residing at 14 Cherry Hills Park Drive. He expressed their concerns regarding the Mandarich Trail relocation. He stated the lot is currently up for sale and the family is concerned the relocation would negatively impact the value of their property. They are also concerned the construction of the trail during peak selling season would also impair their ability to sell the land.

Ms. Gilpatrick asked if there was a specific reason the homeowners believed the relocation would affect their ability to sell their house.

Mr. Carter stated the homeowners have hired a broker to sell the lot and the general consensus is the relocation will not help the value of the lot and if the construction begins during the summer it may negatively impact a showing.

Jerry Peterson
3 Lynn Road
Cherry Hills Village, CO 80113

Mr. Jerry Peterson stated he has lived in Cherry Hills Village for 14 years and is strongly opposed to the relocation. He is concerned about the value of his home and also believes the trail is an invasion to his privacy. He said the trail would come within 65 feet of his residence and within 90 feet of his living space; where there was previously 180 feet before. He believes the relocation request should be denied because the current homeowner bought the property with the trail in its current location. He stated the entire application was handled poorly and the procedural process was not followed because some of the neighbors were never notified.

Ms. Heidi Schmidt Hammell asked Mr. Peterson for clarification on where the trail was located with regards to his property.

Mr. Peterson emphasized the current homeowner bought the property with the bridal path in the middle and the value of the lots would rise significantly if the lots are combined when his would decrease with the relocation of the trail.

Adopt-a-Street and Trail Programs

Laura Christman
18 Cherry Lane Drive
Cherry Hills Village, CO 80113

Ms. Laura Christman stated a few of the residents have spoken to Eric Ensey and Paul Burkholder and suggested significant changes to the adopt-a-street and trail programs. She stated the existing program requires the residents to adopt a trail and clean it up; which has been unsuccessful. She believes it is important to have the community invested in the trails and open spaces within the City. Ms. Christman stated Suze Halle drafted some generic by-laws and presented them to Mr. Ensey and Mr. Burkholder. One of the by-laws would require one person to be a resident of Cherry Hills Village and would allow people to create their own program for maintaining the trail, but everything would have to be approved through Mr. Burkholder. She stated there would not be any liability for the City. The by-laws would have a notice provision to get feedback from the residents that actually use the trail and they would be noticed much earlier than the current process.

Ms. Gilpatrick asked if there were similar programs at other cities.

Ms. Christman replied the program is unique and no other cities have a similar program.

Mandarich Trail Vacation and Dedication

Mr. Burkholder stated the applicant is returning after notifying the affected neighbors and placing two public hearing signs in the City after a request from the commission.

Lisa Haggerty
Bond General Contractors, Inc
7400 E. Crestline Circle, Suite 220
Greenwood Village, CO 80111

Ms. Lisa Haggerty said she was appearing on behalf of David and Bonnie Mandarich.

Mr. Callison asked if the Mandarichs were present.

Ms. Haggerty answered they were not in attendance. She said they have noticed the homeowners at 14 Cherry Hills Park, 3 Lynn Road and 24 Lynn Road. She stated they had not heard from the homeowners previously and this was the first time they expressed their objections. She said the proposed trail is a straighter trail instead of the winding trail that exists now.

Mr. Callison inquired as to why the Mandarichs were not in appearance.

Ms. Haggerty replied they were currently out of town.

Ms. Soderberg asked for clarification on why the trail was moved in the first place.

Ms. Haggerty answered the previous owner of lot 14 sold lot 13 and moved the trail to separate the properties.

Ms. Soderberg commented she found it interesting that everyone affected by the trail has their house on the market.

Mr. Peterson replied he has his house on the market, but it has nothing to do with the relocation of the trail.

Mr. Bill Wallace, the real estate agent for Mr. Peterson, stated there will be a need for them to disclose the existence of a bridal path on the property to prospective buyers and it could de-value the property, as the relocation of the trail puts it significantly closer to the house than its current location.

Ms. Phyllis Hayutin inquired as to how many people use the trail.

Mr. Peterson answered a sufficient amount of families use it to walk dogs, bike and ride horses.

Mr. Callison asked if the affect is on Mr. Peterson's lifestyle or property value.

Mr. Peterson answered the affect was on his lifestyle, but property value is also important. He said his privacy is the primary reason and even though his house is on the market, he may decide not to sell.

Ms. Soderberg asked if there are parameters that discuss how many times a trail can be moved.

Mr. Burkholder stated he did not write the recommendation, but Jay Goldie did not see a negative impact for the City.

Ms. Soderberg commented she does not see a benefit in relocating the trail.

Mr. Callison stated he views it as a net nothing to the City, a net negative to the neighbors and a net plus for the Mandarichs.

Mr. Callison moved to deny the trail relocation and Ms. Soderberg seconded the motion and it passed unanimously.

Segelke Minor Subdivision

Mr. Burkholder presented the application from Wesley and Martha Segelke to subdivide their 4.7 acre lot into two lots and is requesting 7.5% cash in lieu for the subdivision.

Wes Segelke
4480 South University Boulevard
Cherry Hills Village, CO 80113

Mr. Segelke stated he and his wife have been long term residents of Cherry Hills Village and they would like to divide their lot into two R-1 lots.

Bill Howard
Plan West Incorporated
6130 Greenwood Plaza Boulevard, Suite 110
Greenwood Village, CO 80111

Mr. Bill Howard explained the Segelkes would like to subdivide 5 acres into 2, 2.5 acre lots. They are requesting to provide cash in lieu to be used by the City for repairs and things of that nature.

Mr. Callison asked if there was a zoning issue in subdividing the lot.

Mr. Howard answered the Segelkes have asked for a waiver and the State Department condemned a portion of the land. He reiterated their request would be the commission recommend City Council accept the cash in lieu so they can continue with their application.

Ms. Soderberg commented the preference is to get land over cash.

Mr. Howard stated in this case the City already has land near the lot, so their preference would be cash in lieu.

Ms. Gilpatrick asked what percent of the overall land the floodplain represents.

Mr. Howard answered the floodplain is a fairly small percentage.

Ms. Schmidt Hammell asked for clarification on why the Segelkes are asking to subdivide the property.

Mr. Segelke answered it would give him the option of building a second small replacement home.

Ms. Ann Gallagher asked where access to the back lot would be.

Mr. Howard replied current access is off University Boulevard and it would not change.

Ms. Hayutin stated she does not like to give up land, but does not see value in this case because the City already has land near the lot.

Ms. Gilpatrick asked if the Segelkes would consider donating land to the City in the floodplain to provide more of a buffer.

Mr. Howard questioned if the lots would be in compliance if they made that dedication.

Mr. Burkholder answered the dedication does not come off the subdivided lots.

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Mr. Howard showed the commission the floodplain area on the map and replied he is not sure there is an advantage to the City.

Ms. Hayutin asked if they would be opposed to dedicating a portion of the floodplain area.

Mr. Segelke replied that he likes the trail in the current location and is concerned if the area ever opened up then it would be in close proximity to his living space.

Mr. Howard stated the acreage of floodplain is bigger than the dedication.

Ms. Hayutin questioned what the cash in lieu goes toward.

Mr. Burkholder replied the money goes into open space.

Diane Heffron
2555 Cherryridge Road
Cherry Hills Village, CO 80113

Ms. Heffron stated her house is currently on the market and she is not sure what to disclose to prospective buyers. She is concerned with how close the second house would be to her backyard and how it would affect the sale of her property.

Mr. Callison recommended she bring her concerns to City Council or the Planning and Zoning Commission when the application to subdivide goes before them.

Ms. Gilpatrick moved to recommend approval to the Planning and Zoning Commission and City Council the request by Mr. and Mrs. Segelke to donate cash in lieu for the 7.5% subdivision of the Segelke Minor Subdivision. The following votes were recorded:

Ann Gallagher – yes
Bill Callison – yes
Jane Soderberg – no
Theresa Gilpatrick – yes
Heidi Schmidt Hammell – yes
Phyllis Hayutin – yes

The motion passed with a 5/1 vote

Special Events Permitting Process

Ms. Soderberg stated the special events subcommittee reviewed the permitting application process and revised the permit application. She said the committee also made a recommendation to hire a Special Events Coordinator to help schedule and run the 4 major events the commission would like to sponsor.

Ms. Gilpatrick informed the commission members about a company called Eclectic Events, which helps with the Dolphin Dash. She stated the coordinator could work with Eclectic Events and it would be a great way to run the events. She said the coordinator could also help with the permit process.

Ms. Gallagher asked how much was in the budget and if the City could afford to hire a coordinator.

Ms. Soderberg replied that Mr. Burkholder would have to put together a salary survey to determine what the coordinator's salary would be.

Mr. Callison said the commission should go forward with the application and in hiring the part-time coordinator.

Ms. Gilpatrick stated the part-time person could provide consistency and continuity.

Ms. Schmidt Hammell asked for clarification of the sign requirements outlined in special events staff memo.

Ms. Soderberg replied the City would post a sign that lists upcoming events and the subcommittee would submit a sign prototype for the commission's review. She believes the residents are unaware of what is going on in the City and this would help get the word out.

Ms. Gilpatrick moved to recommend to City Council the approval of the City of Cherry Hills Village Special Events Application and City of Cherry Hills Village Request for Special Event Fee Waiver as presented. Ms. Gallagher seconded the motion and it passed unanimously.

Mr. Burkholder asked if the commission wanted to modify the list at all before it went to City Council and if the commission wanted to be on the agenda or if they wanted to speak during the public participation.

Ms. Soderberg replied they should take the list as it is and asked Mr. Burkholder to put them on the agenda.

Parks, Trails and Recreation and Open Space Park Priorities List

Mr. Burkholder stated City Council has asked the commission to create a list of items, ranked in importance, they would like to pursue in the future.

Ms. Soderberg suggested the commission put together a subcommittee to construct the list.

Mr. Callison said he is not sure how a subcommittee could put the entire list together.

Ms. Schmidt Hammell asked if there was a timeline to provide the list to City Council.

Mr. Burkholder replied the commission needs to provide the list to the City Council as soon as possible.

The commission members discussed some of the different priorities they had. It was decided they would have a working session on June 21st to construct the list and they would not have a meeting in July. They also discussed the possibility of having an executive session to determine open space acquisitions and Mr. Burkholder would work with Mr. Ensey on setting up a timeline for the executive session.

St. Clair Silhouette Donations

Mr. Burkholder stated Mr. Charlie St. Clair, the heir to 4525 South Lafayette, has offered to donate several silhouettes to the Village for public display and Mayor Wozniak has asked the commission to consider if there is an appropriate location for these items to be displayed.

Mr. Callison questioned who designed the silhouettes.

Mr. Burkholder replied that Mr. St. Clair was going to have them appraised.

Ms. Gallagher asked if Mr. St. Clair wanted to have the silhouettes donated in memory of anyone.

Mr. Burkholder answered he has not made that request.

Ms. Schmidt Hammell stated she likes the idea, but questioned where the commission could draw the line.

Ms. Gilpatrick stated there is not a current policy in place.

Mr. Callison commented he thinks it is a good idea.

Ms. Soderberg asked if the donation had any strings attached.

Mr. Burkholder said the commission would have to write a letter formally accepting the silhouettes.

Ms. Hayutin reiterated the commission would have to put a policy in place, as accepting the silhouettes could set precedence.

Ms. Gallagher questioned where the commission would place the silhouettes and asked if Mr. St. Clair could donate land instead.

Ms. Soderberg replied the proceeds of the sale of the estate are going towards a charity. She asked if the City would have any liability issues.

Ms. Schmidt Hammell asked about the size of the silhouettes.

Mr. Burkholder answered the administrative clerk, Jessica Sager, took the pictures that were provided in the packets and deferred any questions in size to her.

Ms. Jessica Sager described the size of all the different silhouettes.

Ms. Gallagher asked if Mr. St. Clair could donate land so the silhouettes could remain on the property.

Mr. Callison made a motion to accept the donation of all the silhouettes. He asked if Mr. St. Clair was looking for a location to place the silhouettes or if he just wanted to find out if the City would be willing to accept them.

Mr. Burkholder answered that Mr. St. Clair is going to get them appraised, but just wants to know if the City would like them and asked if the commission had any conditions to accepting the silhouettes.

Ms. Gilpatrick made another motion to accept Mr. St. Clair's offer to donate the silhouettes to the City. Mr. Callison seconded the motion and the following votes were recorded:

Ann Gallagher – yes
Bill Callison – yes
Jane Soderberg – yes
Theresa Gilpatrick – yes
Heidi Schmidt Hammell – no
Phyllis Hayutin – no

The motion passed with a 4/2 vote.

Subcommittee Discussions

High Line Canal improvements

Mr. Burkholder said the crusher fine has been replaced and the section to the north has been graded and is in pretty good shape.

Ms. Schmidt Hammell said she has heard the High Line Canal is in pretty good shape by people who use the trail on a consistent basis and doesn't believe it is in dire straits.

Park Benches

Ms. Gallagher said she met with Ms. Hayutin and they devised some specific guidelines for replacing the park benches.

The commission discussed the different possibilities for park benches with respect to style, size, material and color.

Ms. Gilpatrick suggested Ms. Gallagher and Ms. Hayutin incorporate the commission's ideas into the guidelines they presented and bring it to the next meeting in June.

Long Term Budgeting and System Planning

Mr. Callison had nothing to report on this subject.

Reports

Volunteer Park Update

Mr. Burkholder stated the park is due to be completed by May 23rd.

Ms. Soderberg asked if there is going to be an announcement when the park is open.

Mr. Burkholder stated the neighbors did not want any publicity.

Mr. Callison asked if the Mayor would dedicate the park.

Ms. Schmidt Hammell gave the commission an overview on the neighbor's thoughts during the Volunteer Park neighborhood meeting.

Little Dry Creek Master Plan

Nothing was reported on this subject.

Trail Dedication – Mr. Michael Leede (Quincy and Franklin)

Mr. Burkholder explained the Planning and Zoning Commission's recommendation for the trail dedication and that City Council approved the recommendation that the Parks, Trails and Recreation Commission approved.

Ms. Gilpatrick suggested someone visit with Mr. Goff to find out if he would still be willing to put in the trail.

Ms. Soderberg commented that the new process of notifying all affected neighbors seems to be working.

Community Fair

Mr. Burkholder said the community fair is moving forward, but there are some insurance questions and the City may have to deny some of the events Mr. Higgins has planned.

City Council

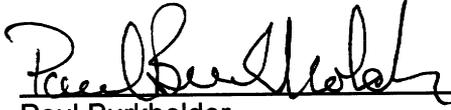
Nothing was reported on this subject.

Adjournment

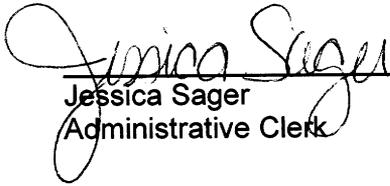
The meeting was adjourned at 9:16 p.m.



Theresa Gilpatrick
Committee Chair



Paul Burkholder
PTR Administrator



Jessica Sager
Administrative Clerk