

RECORD OF PROCEEDINGS

Minutes of the Parks, Trails & Recreation Commission
City of Cherry Hills Village, Colorado
Thursday, January 14, 2010
at the Village Center

Commission members in attendance: Jane Soderberg, Ann Gallagher, William Callison, Jim Fairbairn, Jeff Ferrell, Karen Barsch and Councilmember Harriet LaMair.
Employees present: Ryan Berninzoni - Parks Trails and Recreation Administrator, Jay Goldie - Director of Public Works and Pamela Broyles - Administrative Assistant.

Absent: Katy Brown

CALL TO ORDER

Ms. Jane Soderberg called the meeting to order at 6:30 p.m.

APPROVAL OF NOVEMBER 12, 2009 MINUTES

Ms. Karen Barsch moved to approve the November 12, 2009 minutes. Mr. Jeff Ferrell Seconded the motion and it passed unanimously.

APPROVAL OF DECEMBER 10, 2009 MINUTES

Ms. Ann Gallagher moved to approve the December 10, 2009 minutes. Mr. Jim Fairbairn Seconded the motion and it passed unanimously.

AUDIENCE PARTICIPATION

No audience participation

BELLEVIEW UNDERPASS PUBLIC INPUT MEETING

Mr. Berninzoni addressed Commission members and provided a brief history of the proposed Belleview Underpass. The City began the initial phase of planning for the possible development of a pedestrian/equestrian underpass under Belleview Avenue in September 2004. Staff is presently working with Greenwood Village staff on a possible 2010 Arapahoe County grant application that could be used to fund a majority of the project. With approval from the City Council of Cherry Hills Village and Greenwood Village the underpass and trail connection project could move forward in 2010. Moving forward would include, but not be limited to, an Arapahoe County grant application that is due by February 5, 2010, and a possible Inner Governmental Agreement (IGA) between Cherry Hills Village and Greenwood Village. The IGA could constitute some sort of responsibility as to what the maintenance costs would be. Included in the meeting packet is a bid from Icon Engineering for the cost of the total design inside and out and potential pre and post construction costs.

PUBLIC COMMENTS

Denise Donaldson
1920 East Chenango Court
Cherry Hills Village

Ms. Donaldson reported that her family enjoys using the High Line Canal and recognizes that the High Line Canal trail is difficult to get to, but she does have the following concerns about the proposed underpass. Her home sits right on the trail and she has witnessed strangers approach her children while they are playing in the yard. She has a dog that is friendly and several people bring their dogs off leash into her yard to play. She has witnessed her dog scare horses on the trail and she is concerned that she could be sued if someone gets hurt. She is also concerned that people will not clean up after their

dogs and horses and she does not want it to be her responsibility. Ms. Donaldson believes the trail would be a wonderful addition and it does provide connection to the High Line Canal, but she is concerned about how many additional people, horses and dogs it will attract. Ms. Donaldson presented photos that show there is no buffer between her home and the trail. She suggested that the City could plant trees to provide a buffer so animals can't come into her yard and her dog can't scare the horses. She believes a fence would be too expensive to consider with the size of her property. She is afraid that she could lose value in her property with the new trail.

Kathy Polhemus
1965 E Chenango Court
Cherry Hills Village

Ms. Polhemus stated that her situation is more broad based in that her property does sit back from the proposed trail. She noted that Woodie Hollow Park has become an off-leash dog park and she is fearful of dogs. She stated that she has lived in the neighborhood for 20 years and she has walked the trails most days at different times of the day. One of the consequences of having an off leash law in place is that people now use the trails and parks to take their dogs off leash because the cops drive by the roads and keep the law under control. She stated that she is the animal control person in her neighborhood and some of her neighbors are not happy that she started this roll, but off leash dogs have become a real problem and now the City is proposing an egress from another part of town into this area. She said a lot of this activity happens after 3:30 p.m. and on weekends and she has to go through Arapahoe County dispatch when she calls. Long term she believes this will create an increased pressure on this area and in the 20 years she has lived here she has never seen an animal control person or a policeman walking, riding a bike, or riding a horse through this area. She said she knows the City has only one animal control officer and she is spread very thin. Her family has had 3 dog bites that required medical attention in the past making this a safety issue. She noted that not all dogs are nice and not all owners are nice. Another issue of concern is that they have the only bushes that are adjacent to the park and the dogs that are off leash immediately come over and use these bushes for waste. Ms. Polhemus stated that unless the City has in their budget someone to maintain this property and to police this property there are going to be serious problems for an underpass that mostly benefits Greenwood Village.

Ms. Soderberg stated that she was not aware of the dog problem in this area and asked if animal control has been called.

Ms. Polhemus said that she has talked to the Animal Control Officer several times, but it is hard to always call because she can't identify these people and they are not going to stand and wait for an officer. She said she also talked with Ryan Berninzoni and Jay Goldie about her concern with not being able to put up a fence. She was told the fence issue is a zoning problem, but said if you are going to build the underpass then you need to provide protection because there will be more dog traffic and when the word gets out that it is not being enforced more people will find it.

Doug Robinson
11 Huntwick Lane
Cherry Hills Village

Mr. Robinson questioned where on the other side of Belleview the trail will connect and will it connect to the High Line Canal.

Mr. Goldie responded that the City is currently working with Greenwood Village on the design, but as soon as the trail goes through the underpass, Greenwood Village will build

a trail to Race Street, which would connect to the High Line Canal. Race Street is the first street west on Belleview.

Ms. Gallagher asked Mr. Goldie to clarify where the people will end up when they come through the tunnel.

Mr. Goldie responded that they will be on the trail.

Mr. Robinson asked if it is the intent to keep all of the trails with the exception of the section under Belleview Avenue unpaved as they are today.

Mr. Goldie responded that the trails will be unpaved.

Mr. Robinson clarified that the purpose then is that the underpass could provide access to the greater trail system and you would not have to go across Belleview Avenue to get to it. He continued to state that his opinion as a homeowner is that his house actually backs up to that bridle path so there may be increased traffic, which could perhaps be a negative, but the positive is that his children who use the trail and who many times go to the recreation center to work out are having to cross Belleview Avenue and trying to be careful that they cross Belleview Avenue with their lives. He believes that from a safety factor and the ability to gain access to the High Line Canal makes the underpass very much a positive for his children who can go underneath Belleview Avenue. After talking to his neighbors, many of whom are older, he feels it is a fairly mixed issue. Some of the older folks tend to not be riding bikes and are not as interested in using the trail, but are more concerned about people potentially coming into the neighborhood, while those with children are, in general, more supportive of the opportunity to be connected to the broader trail system.

Carl Polhemus
1965 E Chenango Court
Cherry Hills Village

Mr. Polhemus noted that since there is a push button at the light at Belleview Avenue anyone wanting to cross the road can push the button and get a walk signal, so what this underpass is going to do is simply allow them to go under Belleview Avenue.

Mr. Goldie mentioned that there is no connection from this walk signal to the proposed trail in Greenwood Village.

Mr. Polhemus continued that as his wife Kathy mentioned they have no way to prevent animals or people from coming on to their property. He added that they are prohibited from putting a fence up because of the floodplain so there is nothing they can do to secure their property. He said that although it has been an issue in the past it has not been a huge issue because it is a dead end, but the underpass would invite other people. He asserted that again there is no enforcement and the enforcement issue is critical because if the word gets out that there is no enforcement it will be an attractive situation for people to bring their dogs. He noted that to the best of his knowledge there is no dog park south of Belleview in Greenwood Village. He believes it is important that something be done to assure them that they can build a fence to secure their property or that there be sufficient funds for enforcement. He asserted that the City created the leash law, but if they can't enforce the law why have it. He said he understands there are budget constraints, but if budget constraints prohibit the City from enforcing the law why are they going to exasperate the problem. He said he personally would appreciate some sort of commitment so they can secure their property and keep this area as it was intended to be, dogs on a leash and people being able to ride their horses without dogs running up to them.

Mr. Callison asked Mr. Polhemus that for the sake of discussion, if enforcement of the leash law is increased and the Police write some citations would he be supportive or non-supportive of the project.

Mr. Polhemus responded that if the law were effectively enforced he would be much more supportive. He said he would need to give it some more thought because there is also the issue of securing their property.

Ms. Polhemus responded that assuming more enforcement would be lovely, but budgets get cut. She added that they would rather not have to put a fence up because they enjoy the view, but she wants the fallback position that if the underpass moves forward they have the option to secure their property with a fence.

Ms. Donaldson reported that she supports the trail and her issue is not the fence because she is out of the floodplain, but a fence would be cost prohibitive.

Ms. Soderberg asked Mr. Goldie to address the fence issue.

Mr. Goldie responded that FEMA is currently completing a floodplain map revision and with the new floodplain map all properties would be eligible to put a fence on their property line. The fence would need to remain 50% open so a split rail or wrought iron fence would work. New floodplain maps will be available once the new revisions are approved.

Councilmember LaMair noted that City Council recently approved a project with respect to future regulations. She stated that City Council would be willing to look at this issue very seriously.

Mr. Polhemus reported that he talked with Urban Drainage and Flood Control on this issue and to the best of their knowledge there were no proposals standing and nothing had been presented to them. He said he has never been notified that anything has changed and the ability to add a fence would solve one of the problems by allowing them to secure their property, but it doesn't change the fact that there is a dog leash law.

COMMISSION DISCUSSION

Mr. Fairbairn reported that he is against the underpass and he does not see the benefit for Cherry Hills Village residents. He sees it as getting under Belleview Avenue to Race Street, but not getting all the way to the High Line Canal. He feels it will bring a bunch of people in and he does not see that as a benefit for Cherry Hills Village.

Mr. Callison reported that he approves of trail connectivity and he is not sure that there would be a lot more people. He questioned whether there are studies as to what the attraction is on this, but he believes not crossing Belleview Avenue at a surface level is a significant advantage and if there is trail improvement on the other side there is a net plus in this proposal. He said his reaction to enforcement is that enforcement needs to be there irrespective of the underpass and they need to keep the heat on the people who enforce the area.

Ms. Barsch reported that she sees connectivity as a positive especially if you can get kids out on the trails riding bikes and make it easier for people to get to the Goodson Recreation Center. She said the High Line Canal is one of the most positive aspects of Cherry Hills Village and yet trails down by Woodie Hollow Park get very little use. She believes the project will increase trail use for kids and adults both and she thinks that is a positive.

Mr. Fairbairn stated that he has talked to several neighbors along Little Dry Creek and they are concerned about safety with people coming in and being approached by strangers. He said his general feel is that most neighbors are against the underpass.

Mr. Robinson responded that he lives in the area and after talking with his neighbors the feeling is mixed.

Ms. Gallagher reported that she goes back and forth because the information is not complete. She said the cost was not previously understood and there are other issues that people have brought up. She cautioned that if the dog issue goes hand and hand with the underpass then the Commission needs to look at the whole picture and be careful not to create other issues. She understands the time constraint with the grant application deadline, but questions whether the Commission should rush ahead for the sake of that. She is concerned about rushing into something with so many loose ends.

Mr. Ferrell reported that there were two big issues presented tonight, the dogs and the issue of building a fence. Given those comments he is reluctant to move forward at this time until perhaps the Commission can address these issues.

Ms. Soderberg informed Commission members that the motion for tonight would be to consider a recommendation to City Council on the grant including funding the project and Phase I which would be the design.

Ms. Soderberg reported that after being on the PTRC for many years and having been involved in the master plan that was finalized last year she believes that the Belleview Avenue Underpass addresses several issues. The underpass would provide safe crossings and increase connectivity and the opportunity for regional trail connection. She added that the Commission also needs to consider the privacy and safety of residents so there are issues here. She said the fence issue is being addressed, but the Commission needs to address the dog issue. She pointed out that because the trail is a dead end it might make the situation more ideal for a dog park because there are not many places in the Village where you can go to a dead end and no one is around. She said addressing this specific issue is very important, but with that being said she is personally in favor of moving ahead with the underpass for connectivity and the safe crossing of Belleview Avenue. Based on the safety of the public and addressing the goals of the master plan she would vote in favor of the project, but added that this is her personal opinion. She informed the Commission that they need to take a vote on this issue and determine whether they want to move forward with a recommendation to City Council to move forward with the Belleview Underpass.

Ms. Barsch asked if the City does not get the grant would this project be placed on hold.

Mr. Berninzoni responded that the City has set aside money for this project in 2010.

Mr. Goldie responded that should City Council choose to move forward without the grant money the funds have already been budgeted for in 2010, but the City would miss out on the grant money.

MS. JANE SODERBERG MOVED THAT THE PARKS, TRAILS AND RECREATION COMMISSION (PTRC) MAKE A RECOMMENDATION TO CITY COUNCIL IN FAVOR OF PROCEEDING WITH THE DEVELOPMENT OF THE BELLEVIEW UNDERPASS TO INCLUDE THE IGA, FINANCING AND ALL ISSUES THAT ACCOMPANY THIS PLAN. MR. BILL CALLISON SECONDED THE MOTION.

Ann Gallagher	aye
Bill Callison	aye
Jane Soderberg	aye
Jim Fairbairn	nay
Jeff Ferrell	nay
Karen Barsch	aye

THE MOTION PASSED WITH A VOTE OF FOUR AYES AND TWO NAYS.

SUBCOMMITTEE DISCUSSIONS

a. SUMMARY SHEET REVIEW

Trail Enhancement Update - Jeff Ferrell and Jim Fairbairn

There was nothing to report on this subject

Incentive Program Update - Ann Gallagher

Ms. Gallagher reported that she is waiting to hear back on whether HOA's can be excluded from the incentive program. She also mentioned that the Belleview Underpass project enforces this issue and the expense involved with providing protection. She said she is for trail connectivity, but what does the Commission say when people come to them with requests and the funds are not available.

During discussion on the Summary Sheet Review Councilmember LaMair asked staff if this meeting was the first opportunity for public comment on the Belleview Underpass issue.

Mr. Goldie responded that the City held input hearings in years prior and the reason the City did not move forward with the project earlier was because Greenwood Village wouldn't fund it.

Councilmember LaMair asked if the neighbors were notified about the meetings.

Mr. Goldie responded that the neighbors were notified.

Councilmember LaMair suggested that the PTRC might consider having another public hearing if neighbors are stating that they never knew the underpass was going to happen.

Mr. Goldie responded that he has record of previous notifications and the reason the project is moving forward at this pace is because of the grant application deadline.

Councilmember LaMair responded that the City can always return the grant money if the project does not go through. She suggested that the PTRC address the citizen's issues at their next meeting and notify people that the Commission is working on these issues.

Mr. Callison expressed that he does not have a handle on the dog issue. He referred to Mr. Robinson's comment during the public meeting that he walks in this area all the time and has not witnessed a problem with dogs off leash. Mr. Callison stated that he also walks this area frequently and has never perceived an issue with dogs running freely in the area. He asked if there is a way to conduct some type of observation study to make sure there is a significant issue.

Mr. Goldie responded that based on staff meetings this area has the same frequency of dogs off leash, with no more intensity, than anywhere else in the City.

Mr. Goldie suggested that the City could approach the fence issue by including a new fence as part of the grant.

The Commission was in favor of adding the fence to the grant and Ms. Soderberg asked if the previous motion needed to be amended to reflect the new fence. Mr. Goldie stated that he will approach City Council on adding a split rail fence to the grant.

Special Events Update - Jane Soderberg

Ms. Soderberg reported that she and staff had a very successful meeting with Lucinda Greene, the City's equestrian liaison, and Ms. Greene has agreed to help with the equestrian event that is being planned for June 2010. Ms. Greene has already contacted horse clubs in the area and she is working on a contact list. The equestrian event will include a point-to-point ride that will end at John Meade Park where there will be kid's activities, refreshments and horse demos. The special events group will meet again on February 3rd to finalize some of the plans.

Website and Signage - Katy Brown

There was nothing to report on this subject.

Communications/Crier Article - Ann Gallagher

There was nothing to report on this subject.

General Updates

Ms. Barsch reported that she is coordinating a meeting with the person that runs the open space in Boulder. She invited members of the Commission to join her in a joint meeting to discuss funding sources for open space.

b. PARKS, TRAILS AND RECREATION ENHANCEMENT

There was nothing to report on this subject.

REPORTS

Fence Donation at Annex Park

Mr. Berninzoni reported that staff was recently contacted by Mr. Torvel Keller who is a business partner of the homeowner at 1 Cherry Lane Drive. Mr. Keller approached staff with the idea of donating an 8 foot tall cedar fence that would be double sided and would include a sound barrier. The proposed location of the fence is at Annex Park, which is off of Cherry Lane Drive and parallel to Hampden Avenue. Mr. Berninzoni presented photos of what the proposed fence would look like.

Mr. Ferrell asked Mr. Keller why he wants to add a fence at this location.

Mr. Keller responded that at this location there is a tremendous amount of noise that comes off of Hampden and he believes that a fence would significantly cut down the noise and also benefit other houses on the street. He added that the fence would make Annex Park more safe and attractive.

Mr. Ferrell asked if there is a visual aesthetic component from this property looking in that direction.

Mr. Keller responded that the fence would help block the view of the traffic going east, but traffic could still be seen going west.

Councilmember LaMair agreed that the park isn't used very much and even though a berm and trees have been added there is still a safety concern. She stated that she does have concerns with the long term maintenance of the fence and the City being responsible for maintaining a wood fence.

Mr. Goldie responded that the City would agree to maintain and repair the fence as long as the budget allowed, but would not agree to maintain the fence in perpetuity.

Councilmember LaMair voiced concern that the fence could eventually get knocked down and become unsightly and could become unattractive to the whole neighborhood. For that reason she stated the quality of the fence itself is in question in terms of longevity.

Ms. Barsch asked if the City would have insurance on the fence.

Mr. Goldie responded that if someone ran into the fence and did not have insurance, the City's insurance would cover the cost of repairing or replacing the fence, but would not cover long term maintenance of the fence.

Mr. Ferrell asked if the fence would be treated with some kind of preservative, or would it be rough cedar.

Mr. Keller responded that the fence comes naturally preserved and then is typically treated every 4 years.

Mr. Vann with A+ Fencing reported that treating the wood is more for aesthetics than preserving the wood because the main part of the fence will deteriorate prematurely versus the rest of the fence. He added that since the location of the fence in this area will be higher and along a berm, the fence will last upwards of 15-20 years, but there is not a lot that can be done in reference to preserving the actual wood. He said treating the wood will keep the fence from turning grey especially along Hampden where the plows will be throwing snow.

Ms. Gallagher commented that if the fence could be built on the berm it may last longer, although building it closer to the road may block most of the sound.

Mr. Fairbairn asked what the span of the posts would be.

Mr. Vann responded that the span would be 8 feet. The proposed construction of the actual fence would be 8 foot posts with 4 x 6 posts versus 4 x 4 posts for added durability and using heavier posts will also help with rotting. He added that since it is proposed to build a double sided fence it will encompass 8 rails evenly spaced, 4 on each side, leaving a void between the two sides for sound material to be placed inside. The construction of this fence will offer great wind resistance as well. He added that galvanized nails will be used to prevent bleeding and prevent marks from appearing on the fence. Galvanized nails also have a glue coating on them that will lock the wood in place.

Ms. Barsch asked if the City currently maintains other fences in the City.

Mr. Goldie responded that the City only maintains split rail fences and the Homeowners Associations maintain their own fences.

Councilmember LaMair asked if neighbors in the area are aware of the proposed fence.

Mr. Keller responded that they will contact the neighbors and make them aware of the project, but they expect that the neighbors will probably be in approval of the fence.

Ms. Soderberg confirmed that this meeting is the first step in this process and she appreciates the expertise on the fencing issue. She asked what the duration of the fence they are proposing is in terms of years.

Mr. Vann responded that typically with the 4 x 6 posts it will get at least 15 years if not 20 years of life and even with the fence being close to Hampden the City will still get a long lifetime out of it.

Ms. Soderberg summed up the items that need to be addressed:

- Cost Estimate- what the owner is willing to spend to meet the City's standards.
- Notify neighbors and schedule a public meeting.
- Determine who would be responsible for the cost to maintain or replace the fence.

Ms. Soderberg suggested that the Commission address these concerns and any other concerns at the February 11, 2010 PTRC meeting.

City Council Report

There was nothing to report on this subject.

New Business

Ms. Soderberg reported that the Little Dry Creek study began today.

Mr. Berninzoni informed Commission members that he will keep them apprised of the status and he will invite Mr. Bob Searns to address the Commission at a future meeting to provide an update.

Ms. Soderberg sadly announced the passing of Mr. Jim Muhm.

The Commission would like to do something to honor Mr. Muhm for all of the work he has done for the City over the years. The Commission discussed perhaps donating a bench or tree or naming a trail after him.

Ms. Soderberg addressed the Commission regarding the opportunity to use the Land Preserve's Wildlife Habitat report by paying half of the \$200.00 that the Land Preserve paid for the report.

Councilmember LaMair said the report is not as detailed as the Land Preserve would have liked, but the report does contain interesting information on endangered species.

Ms. Soderberg reported that the final presentation on the proposed Village Center will be presented at the City Council meeting.

Councilmember LaMair stated that concerns have been made about the lot on Meade Lane because the consultant's plan is not clear on how the land will be used. There is concern that the lot will be used long term for the Public Works department or as a staging area during construction.

Mr. Goldie responded that information for the use of that lot was purposely left out of the plans so the City could look at opportunities for the land including the possible sale of that property, which is why it was never brought into John Meade Park proper.

Councilmember LaMair commented that one option being considered is to keep the lot as park space in the short term without spending a lot of money on it and in the long term consider selling the property when the economy is better.

Councilmember LaMair asked the PTRC to consider the amount of impervious surface that is being considered in the plan. She mentioned that there is a lot of parking and hard surface that she believes is not necessary and is a negative for the whole park.

Ms. Gallagher asked if what is being submitted to Council is a presentation or if Council is voting on the plan.

Councilmember LaMair responded that City Council will vote to approve the recommendations.

Ms. Soderberg agreed that the plan does not offer enough natural surface and grass.

Councilmember LaMair brought up the concept of ice skating on the pond and if the water in the pond was more shallow it would freeze more quickly.

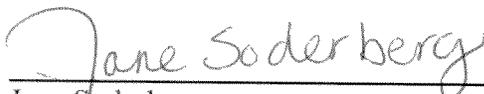
Mr. Fairbairn cautioned that the more shallow the pond is it can freeze solid and kill all of the fish.

Mr. Goldie cautioned that all of the ice skating rinks in the metro area have some form of Freon on them and although ice skating is a great idea they are very difficult to maintain.

ADJOURNMENT

The meeting adjourned at 7:37 p.m.

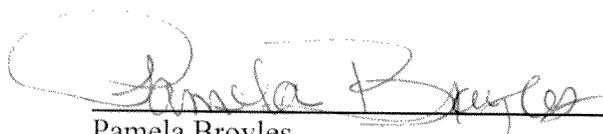
The next scheduled PTRC meeting is February 11, 2010



Jane Soderberg
Committee Chairperson



Ryan Berninzoni
Parks, Trails and Recreation Administrator



Pamela Broyles
Administrative Clerk