

RECORD OF PROCEEDINGS

Minutes of the Parks, Trails & Recreation Commission
City of Cherry Hills Village, Colorado
Thursday, April 8, 2010
at the Village Center

Commission members in attendance: Jane Soderberg, Ann Gallagher, Karen Barsch, Katy Brown and Councilmember Klasina VanderWerf. Employees present: Ryan Berninzoni - Parks Trails and Recreation Administrator, Bill Bauer - Parks Crew Chief and Pamela Broyles - Administrative Assistant.

Absent: William Callison, Jim Fairbairn, Jeff Ferrell

Study Session - 5:30 p.m.

A study session was held by the Parks, Trails and Recreation Commission at 5:30 p.m. to discuss possible improvements at Dahlia Hollow Park and the Open Space Inventory report.

CALL TO ORDER PTRC MEETING

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

APPROVAL OF MARCH 11, 2010 MINUTES

Ms. Katy Brown moved to approve the March 11, 2010 minutes. Ms. Karen Barsch seconded the motion and it passed unanimously.

AUDIENCE PARTICIPATION

There was no audience participation.

PUBLIC INPUT MEETING

PORTABLE RESTROOM AT DAHLIA STREET PARKING LOT

Mr. Berninzoni reported that the public meeting is for the purpose of discussing a possible portable restroom to be placed at the Dahlia Street parking lot. The proposed location of the portable restroom is on the south portion of the lot in the grassy area. If approved by City Council the portable restroom will be enclosed by a cedar fence that is eight feet tall. The portable restroom would be cleaned twice a week from April through October and once a week from November through March. Staff will also patrol the site to clean up any trash and debris and to make sure that the site is kept clean.

The PTR Commission asked Mr. Berninzoni why the City feels there is a need for a portable restroom and why resident Catherine Anderson is in favor of it.

Mr. Berninzoni responded that there are no restroom facilities available within 2 1/2 miles of the High Line Canal and people are using the High Line as a restroom. The City is looking for a solution so they don't have to field complaints and hear or see people using the trail. He stated that Catherine Anderson has witnessed people using her property and areas around her property as a restroom for over 20 years and she supports the proposed portable restroom because there is a need.

Francis Salazar
11 Blackmer Road
Cherry Hills Village

Mr. Salazar reported that several years ago he and his wife donated the property that is a portion of the Dahlia Street parking lot so that there would be access to the bridge over the canal. He stated that at the time there was an agreement with the City that the parking lot would be maintained in a proper manner, traffic would be controlled and there would

be no parking along Dahlia. He stressed that at no time did they contemplate the placement of a porta-potty next to their property in that parking lot. He feels that this is a solution looking for a problem that doesn't exist. He said he has received phone calls from several of his neighbors in opposition of this proposal. Mr. Salazar asserted that there is absolutely no reason for a porta-potty and calling the porta-potty a restroom is ridiculous. He said it is a porta-potty like the kind they use during construction for temporary purposes and not as a permanent structure. His concern is that it will smell and attract flies. He said he assumes that most people have an indoor bathroom with a flushing toilet and are intelligent enough to know to use the bathroom prior to using the High Line Canal. He pointed out that a person can run the entire canal in a 1/2 hour and people should not need to use a restroom in that time. Mr. Salazar emphasized that a porta-potty is the most ill-conceived thing he can think of and he said there was no discussion whatsoever about putting a porta-potty at this location when they made the donation and if there had been they would not have donated the property. He said he has seen many changes in the Village over the years, but none of them as ridiculous as putting a temporary porta-potty and calling it a restroom.

Mr. Salazar read a letter that was written by a neighbor in opposition of the porta-potty who could not be present at the meeting. Mr. Salazar stated that the residents of Blackmer Road are against this idea and he asked if the people that are in favor of this idea realize how many people will use this porta-potty who are not residents of Cherry Hills Village. He said the City is considering putting a structure such as this in the area without caring what the affect is on the area. He asserted that he stands in definite opposition and he will not allow a porta-potty to be built on property that he donated to the City of Cherry Hills Village for a purpose and that purpose was not for a porta-potty.

Braun Salazar
11 Blackmer Road
Cherry Hills Village

Mr. Salazar reported that he is the son of Francis Salazar and he is also in opposition of the porta-potty. He stated that he spends time on the terrace almost daily during the spring and summer and he would hate to be eating his food and smell someone defecating in a porta-potty and have flies in his food from the porta-potty. He stated that his terrace faces Dahlia and he does not want flies or the smell intruding on his meal. Mr. Salazar added that this project will cost money and he believes there are more important things to spend the taxpayer's money on. Mr. Salazar asserted that he is greatly opposed to the porta-potty because of the smell, the flies and the cost and for the people it will attract.

Lisa Swenson
4620 East Oxford Avenue
Cherry Hills Village

Ms. Swenson reported that she is opposed to the portable restroom. She stated that she has been running and walking on the High Line Canal every day for the past 17 years and she cannot imagine why there is a need for this. She said we are all residents of the Village and most people can plan accordingly. Ms. Swenson added that the Community does not need this type of facility at the entrance to a beautiful park. She said she believes the park is the crown jewel of all of the High Line Canal and she can't imagine having a structure like the one being proposed at this beautiful entrance. She said even with the expressed need for a restroom she has not witnessed this behavior and for the most part people plan ahead and the proposed structure is completely unnecessary.

David Stark
4255 South Elm Court
Cherry Hills Village

Mr. Stark reported that he has lived in the Village for 26 years and he has used the High Line Canal 4-5 times per week for the past 10-12 years. He stated that he is in favor of a portable restroom and he believes there is a need for it. He said that he has witnessed people going off into the bushes. He added that these people are often near Mr. Salazar's house and may be in view of other houses. He said having a public restroom is a solution to this problem; otherwise, we are simply going to see men and woman going into the bushes and leaving toilet paper, which doesn't solve the problem either. He said the fact is that people are going to relieve themselves on the High Line. Mr. Stark also pointed out that there are no other public restrooms from Hampden to Quincy and there are no public restrooms from Quincy on to Orchard. He said the first public restroom that you find is in Greenwood Village and we need some type of public restroom along the way. He said that he would be perfectly happy if the structure were more permanent, but there is definitely a need for a restroom. He asked that the Commission vote in favor of this proposal.

Commission Discussion

Ms. Barsch stated that the High Line is being used as a restroom in Blackmer Common around the curve and just east of the Kent property. She stated that there is toilet paper and it is being used as a restroom because not all people run for only 1/2 hour. She pointed out that there are people who are training for long distance running and there are places to stop until you get into the Village. She said she has witnessed people and it is unsightly and bad for the environment. She said she agrees with Catherine Anderson that having the current situation is much worse than having something that we can make as natural as possible with the wood fence around it. She said she has not seen flies and horrible smells coming from the portable restroom located in Greenwood Village and she believes the portable restroom protects that part of the environment in Greenwood Village that Cherry Hills Village doesn't have. She asserted that she does see a need for it.

Ms. Soderberg reported that she sees both sides of the issue. She said she never realized there was a need because like everyone else she believed that people planned accordingly, but she has come to see that there are people who do not and she is shocked and disgusted. She said the issue was brought to the attention of the Commission and that is why the issue is now being addressed. She said she finds it appalling that people are defecating and urinating and leaving toilet paper in plain sight and this proposal could be a solution to that problem. Ms. Soderberg indicated that the portable restroom will be cleaned and the plan is to have it cleaned twice a week to keep it as sanitarily upscale as a porta-potty can be. She said the Commission is not disguising the fact that it is a porta-potty. Ms. Soderberg suggested that since half the Commission is not present this evening she does not want to make a decision on this subject tonight. She suggested holding another discussion at the May meeting when the other Commission members are present. She stated that Catherine Anderson, who lives on the Canal, has strongly supported the idea of a portable restroom because of her view and the whole situation happening on her property.

The Commission agreed to put the portable restroom to a vote at the May meeting when everyone is able to discuss it. The Commission added that the public is still free to call or write with their input.

Ms. Soderberg confirmed that the PTRC is a recommending body and they are not the final decision makers. She explained that the PTRC will make a recommendation to City Council and the public will also have the opportunity to speak at that meeting.

Ms. Brown noted that it is important to mention that the transcripts of this meeting will go in the minutes and everyone's comments will be heard.

LITTLE DRY CREEK RECONNAISSANCE PRESENTATION

Mr. Bob Searns with the Greenway Team and Mr. Bill Newmann with DHM Design Corporation gave a slide presentation on the Little Dry Creek resource investigation findings. Mr. Searns reported that the mission of this project is to protect and enhance the character of the Little Dry Creek Corridor through Cherry Hills Village. Mr. Searns reported that they have examined the different studies and reports and looked at erosion issues and recreation opportunities. Mr. Searns addressed a possible opportunity for students at St. Mary's Academy to become engaged in Little Dry Creek in some kind of way with environmental education and stewardship.

Mr. Searns noted that the entire report can be found on their website at www.greenwayteam.com.

Mr. Searns made the following recommendation:

Establish a community forum with property owners in the area to gather input and talk about the future of the creek and create a white paper that has some actual suggestions that people agree to.

Ms. Soderberg noted that Little Dry Creek is owned by whoever owns the property surrounding it and it is not a public entity. She asked Mr. Searns to explain the Urban Drainage and Flood Control paper analysis that was completed and whether it included a plan for Little Dry Creek.

Mr. Searns responded that Urban Drainage established two master plans. They listed all of the issues in one plan and the recommended improvements in the other plan. Mr. Searns noted that, as he understands it, Urban Drainage does require easements from property owners before they will come in and do any improvements on private property. He said this is a relevant issue because while some owners may be in favor of this, some will prefer to do it themselves. He recommended that one of the first things the Commission should do is engage with Urban Drainage and have discussions with property owners.

Ms. Soderberg asked if any improvements have been made by Urban Drainage from the last report on erosion issues.

Mr. Searns responded that he is not aware of any improvements.

Ms. Soderberg indicated that the Urban Drainage study will be the blueprint for erosion improvement and erosion control and will provide all of the instructions needed to correct the number one issue, which is erosion. Ms. Soderberg asked Councilmember VanderWerf if she is aware of any possible grants for this work.

Councilmember VanderWerf explained that if a private property owner wants to do some bank stabilization they may be able to split the cost 50/50 with Urban Drainage, but again Urban Drainage will want access. She also indicated that there are some great grants to apply for such as the Arapahoe County Open Space Grant and GOCO Grants.

The Commission questioned whether the required easement with Urban Drainage would be for the duration of the work or if it would be permanent.

Mr. Searns responded that the easement would be permanent.

Ms. Brown asked if any part of Little Dry Creek is on City owned property.

Mr. Searns responded yes and the City would be considered one of the property owners.

Ms. Barsch asked what the urgency is on erosion issues.

Mr. Searns responded that he does not believe there is anything urgent, but bank stabilization will need to be dealt with at some point.

Ms. Gallagher suggested that Mr. Berninzoni link the report to the City's website.

ANNEX FENCE DONATION DISCUSSION AND PROPOSAL

Mr. Berninzoni reported that Mr. Gary Nichol of 1 Cherry Lane Drive has provided a proposal for a concrete wall that will be a replica of the wall that is currently near the proposed location as previously requested by the Commission. Mr. Berninzoni stated that staff is recommending that the Commission move forward with a recommendation to City Council based on the agreement that will be established prior to the meeting. He conveyed that the agreement will include a stipulation that the City will in no way be obligated to repair, replace or maintain the fence and there will be no third party beneficiaries. The agreement will include a statement that anyone donating money for this fence will have no rights to compensation or restitution if the City does not fix or repair the fence.

Ms. Barsch asked Mr. Berninzoni if he checked with the City to confirm that the City's insurance will cover the fence if it is damaged by a vehicle.

Mr. Berninzoni responded that it does.

MS. ANN GALLAGHER MOVED TO RECOMMEND THE APPROVAL OF A PERMANENT WALL AT ANNEX PARK SUBJECT TO THE CITY'S AGREEMENT. MS. KAREN BARSCH SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.

SUBCOMMITTEE DISCUSSIONS

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 working with Mr. Berninzoni on the wording as it relates to homeowner associations for the Incentive Program and she will provide a copy for the Commission to review before taking it to the attorney.

Special Events Update - Katy Brown

Ms. Brown reported that the Summer Roundup is moving forward as planned and the committee will start planning for future events this year.

Website and Signage - Katy Brown

Ms. Brown reported that she has a meeting at the City next week to discuss some changes to the website.

Communications/Crier Article - Ann Gallagher

The Summer Roundup flyer was included in the Village Crier.

PARKS, TRAILS AND RECREATION ENHANCEMENT**REPORTS**Arts Committee

The party that expressed interest in the Arts Committee will address the PTRC at the May meeting.

City Council Report

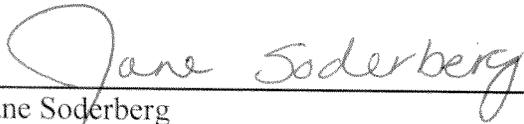
Councilmember VanderWerf reported that City Council heard the Mooney request to vacate a portion of East Union Avenue adjacent to their property located at 4750 South Dahlia. She stated that the Mooney request was greatly reduced from the request that was originally presented at the PTRC. The request only included the small isolated crescent shaped piece and City Council did agree to vacate. The Mooney's will purchase the piece from the City where the money will go into the Open Space Fund.

Ms. Soderberg expressed that it is her hope that the funds will be donated to the Cat Anderson Fund.

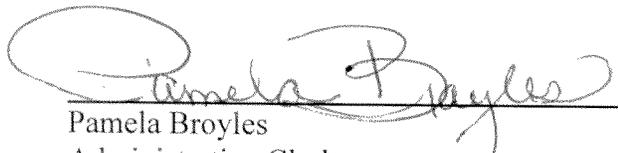
ADJOURNMENT

The meeting adjourned at 7:35 p.m.

The next scheduled PTRC meeting is May 13, 2010



Jane Soderberg
Committee Chairperson


Ryan Berninzone
Parks, Trails and Recreation Administrator
Pamela Broyles
Administrative Clerk