

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, January 16, 2018 at 6:30 p.m.  
At the Village Center

Mayor Laura Christman called the meeting to order at 6:31 p.m.

### **ROLL CALL**

Mayor Laura Christman, Councilors Randy Weil, Earl Hoellen, Al Blum, Mike Gallagher, Dan Sheldon, and Katy Brown were present on roll call. Also present were City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Finance Director Karen Proctor, Police Chief Michelle Tovrea and City Clerk Laura Smith.

Absent: none

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

David Wyman, 8 Tamarc Lane, explained that landscape vehicles had been parking on his street and had resulted in his trash and recycling not being picked up. He noted that landscape vehicles were not prohibited by the City Code from parking on the street like construction vehicles were, and he requested that the Code be amended to include landscape vehicles under the parking restrictions. He noted that he did not propose to regulate regular landscape work, but rather those that operated like construction projects. He added that the R-1 zone district in particular had ample room for parking on the property.

Doug Tisdale, 4662 S. Elizabeth Court, presented an update as RTD District 8 Director. He noted that he had been elected Chairman of the Board. He indicated that RTD operated over a 2,400 square mile area, served 3 million people, had 2,000 employees, and managed a \$750,000,000 budget, much of which came from sales tax. He explained that the Southeast rail extension was on time, on budget and scheduled to open within a year; the A Line was 98% on time, had received its waiver from the Federal Railroad Administration and was waiting for the waiver from the state Public Utilities Commission; and the North line had been delayed due to construction issues and was expected to open in late 2019. He noted that hundreds of students and domestic employees used public transportation to get to and from the City each day. He indicated that RTD strived to provide safe, clean, affordable, accessible and cost effective service.

### **CONSENT AGENDA**

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

- a. Approval of Minutes – December 13, 2017

The motion passed unanimously.

## **ITEMS REMOVED FROM CONSENT AGENDA**

None

## **UNFINISHED BUSINESS**

None

## **NEW BUSINESS**

### **Resolution 1, Series 2018; Designating the Public Place for Posting Notices of Regular and Special Meetings**

City Clerk Smith presented Resolution 1, Series 2018 for Council's consideration. She explained that state statute required that the public place or places for posting notice of public meetings be designated annually at the local public body's first regular meeting of each calendar year. Because the City was planning to demolish the Village Center and move City administrative operations to the old fire station at 120 Meade Lane in March of 2018, staff investigated various ways to handle the change in posting location. Methods used by other municipalities have included not specifying an address but rather just the title of the building, passing a second resolution once the posting location was moved, posting notices on the city website only, or including the change in location within the resolution. Staff believed that the proposed resolution was the optimal way for the City to handle this issue, as it both indicated exact locations for postings and did not require a second resolution be passed. Resolution 1, Series 2018 indicated that notice would be posted at the Village Center until administrative offices were relocated on or about March 1, 2018, upon which event notices would be posted at 120 Meade Lane. Notice of relocation would be prominently published on the City's website. Should the construction timeline be pushed back significantly from the current timeline, staff would coordinate with City Attorney Michow to ensure that any necessary resolution was brought to Council for consideration.

Mayor Pro Tem Hoellen asked about signage for the temporary building and the poster board on Quincy Avenue.

City Clerk Smith replied that staff would install signage to direct visitors to the old fire station during construction. She clarified that posting notice on the notice board at the designated location was the City's only legal obligation, and that the posters and website postings were additional ways of communicating with residents, but not required.

Councilor Weil asked about transitioning to the new City Hall after construction was complete.

City Clerk Smith replied that staff would prepare a resolution similar to this one that designating the old fire station as the public place for posting notices for part of the year, and the new City Hall for the remainder of the year.

Councilor Blum asked if Council meetings would be held in the Joint Public Safety Facility during construction of the new City Hall.

City Clerk Smith confirmed that was correct.

Councilor Blum moved, seconded by Councilor Sheldon to approve Resolution 1, Series 2018; a resolution of the City Council designating the public place for posting notices of regular and special meetings.

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The motion passed unanimously.

### Public Hearing – Review of 90% Construction Drawings for the New City Hall and Authorize City Staff to Place the Project Out for Competitive Bidding (Public Hearing)

City Manager Thorsen presented the 90% construction drawings for the new City Hall. He reviewed the location compared to the current building, the increase in parking spaces, the layout and floor plan, and architectural renderings. He presented the budget for the three capital projects: City Hall, Public Works, and John Meade Park. He noted that while costs for the individual projects had changed, the total for the three projects was still within the budget of \$11.8 million in Certificates of Participation (COPs). He added that in addition to the COP funds the City had received or expected to receive grants and rebates that would offset some project expenditures. He explained that if Council approved, staff would place the City Hall project out for competitive bid and expected to bring back a contract for Council's consideration at the March 6, 2018 meeting. If approved, staff would move into the old fire station and construction would begin. Construction on the new City Hall was expected to take about a year. City Council, Board and Commission meetings and Municipal Court would take place at the Joint Public Safety Facility during construction. Construction of the new Public Works facility at 2101 West Quincy Avenue in Sheridan was ongoing and was expected to be complete by spring 2018. Redevelopment of John Meade Park and Alan Hutto Memorial Commons would begin in spring 2019 and was anticipated to take a year to complete.

Councilor Brown suggested that the redistribution of funds between the three projects be referred to as "charge the share" rather than "transfer" funds. She asked if staff was confident that the new cost estimate for the Park redevelopment would be accurate for another year when construction began on that project.

City Manager Thorsen confirmed that staff was confident in the new cost estimate, and noted that the original cost estimate for the Park had been reduced after removal of costs for the parking lot, defining details of the playground, and eliminating concrete mow strips along the crushed gravel trails. He added that staff expected to receive grants for the Park project. He stated that the Park redevelopment design was at 50% completion and would be at 90% shortly. He explained that the plans would come to Council first, then to the Parks, Trails and Recreation Commission (PTRC), the Planning and Zoning Commission (P&Z), and finally back to Council for final review and approval to bid the project.

Councilor Sheldon noted that landscaping contractors would typically hold pricing for three to six months, so the City could bid the project early to lock in a good price.

Katie Anderson and Matt Bartels from Bennett, Wagner and Grody Architects presented more detailed designs to Council.

Councilor Sheldon suggested adding a shorter route from the Council Chambers to the restrooms.

Council discussed wood for the interior of the building and decided on a combination of beetle kill pine and a dark wood. They discussed covering on the front counter windows and chose frosted glass. Council provided input to the architects on carpet color.

Mayor Christman opened the public hearing at 8:04 p.m. Hearing no comments the public hearing was closed at 8:05 p.m.

Councilor Sheldon moved, seconded by Councilor Brown to accept the 90% construction drawings as shown and authorize City staff to place the City Hall project out for competitive bidding upon 100% completion of construction drawings and specifications.

The motion passed unanimously.

Resolution 2, Series 2018; Ratifying the License Agreement Signed by the City Manager Between the Denver Board of Water Commissioners and the City of Cherry Hills Village for the Installation of a Potable Water Line

Deputy City Manager/Director Goldie presented Resolution 2, Series 2018 for Council's consideration. He explained that on December 19, 2017, City Manager Jim Thorsen signed the License Agreement with Denver Water allowing the City to install a new sanitary sewer line within a Denver Water easement for service to the Public Works facility at 2101 West Quincy Avenue. The License Agreement was time sensitive due to ongoing construction and the City Council's ratification tonight was to memorialize the acceptance of this Agreement.

City Clerk Smith explained that staff had mistakenly written the resolution for a water line instead of a sewer line and would make the necessary changes.

Councilor Brown moved, seconded by Councilor Weil to approve Resolution 2, Series 2018, ratifying the license agreement signed by the City Manager between the Denver Board of Water Commissioners and the City of Cherry Hills Village for the installation of a sanitary sewer line for the property located at 2101 West Quincy Avenue, Sheridan, Colorado.

The motion passed unanimously.

Resolution 3, Series 2018; Initiating the Process to Vacate the Bridle Path Easement Between Lots 3 and 4, Olson Subdivision

Deputy City Manager/Director Goldie presented Resolution 3, Series 2018 for Council's consideration. He explained that staff had been working with the property owners of the four lots located within the Olson Subdivision to solve a number of issues regarding drainage, encroachments and bridle paths. The proposed agreement between the City, lot owners, their respective engineers and attorneys would meet the needs of all four lots regarding drainage and the City's desire to have a more connected trail system. Resolution 3, Series 2018 would allow staff to begin the process of vacating a bridle path easement. The plan included the dedication of a new bridle path easement that would complete a link between an existing bridle path and Belleview Avenue.

Council expressed concern about approving the vacation without having the language for the dedication of the new trail easement.

Deputy City Manager/Director Goldie explained that Resolution 3, Series 2018 was simply to initiate the process, and did not approve the vacation. He indicated that the dedication language would be presented along with the vacation to PTRC, P&Z and to Council when staff returned in February.

Councilor Brown asked if staff was confident that the chosen solution would fix the problem.

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Deputy City Manager/Director Goldie replied that they were and noted that both the owners' engineers and the City's engineer had reviewed the new drainage. He added that the new drainage was completed and had no impact on the trails.

Councilor Sheldon asked if this process would impact the City's discussions regarding trail easements in other areas of the City.

City Attorney Michow replied that this process traded one trail easement for another and would improve trail connectivity. She noted that Resolution 3, Series 2018 did not obligate Council to approve the vacation.

Councilor Brown moved, seconded by Councilor Blum to approve Resolution 3, Series 2018; initiating the process to vacate the bridle easement between lots 3 and 4 of the Olson subdivision.

The motion passed unanimously.

### Resolution 4, Series 2018: Accepting an Anonymous Donation from a Resident on Behalf of the Cherry Hills Village Police Department

Chief Tovrea presented Resolution 4, Series 2018 for Council's consideration. She explained that the Police Department had received an unanticipated and generous donation from an anonymous resident in the amount of \$10,000. The resident specified that the donation was to be used for the Police Department needs. The City Charter, Section 13.7, titled *Bequests, Gifts and Donations*, authorized the City Council to receive bequests, gifts and donations of all kinds of property for public, charitable or other purposes and to do all things and acts necessary to carry out the purposes of such bequests, gifts and donations. The Police Department desired to utilize the proceeds of the donation to purchase equipment or for training needs.

Mayor Christman asked if the donors would be opposed to acknowledgement of the anonymous donation in the Village Crier.

Chief Tovrea replied that had not been discussed but that her impression was that the residents would prefer no acknowledgement.

Councilor Sheldon asked if the donors were involved in any Police Department cases.

Chief Tovrea replied that the donors were not under any investigations and the Police Department had no obligation to the donors. The donors were not asking for anything in return for the donation.

Councilor Gallagher moved, seconded by Councilor Weil to approve Resolution 4, Series 2018; A resolution of the City Council of the City of Cherry Hills Village accepting an anonymous donation from a resident on behalf of the Cherry Hills Police Department.

The motion passed unanimously.

### 2018 November Election

City Clerk Smith explained that the City would hold its regular municipal election as a coordinated election with Arapahoe County on Tuesday November 6, 2018. She reviewed the election timeline and stated that the positions on the ballot would be Mayor, District 2 Councilor, District 4 Councilor, and District 6 Councilor. She noted that Mayor Christman, Mayor Pro Tem Hoellen, Councilor Gallagher and Councilor Brown

were not term limited and all were eligible to run for another term in this election. She asked for direction from Council on any other possible ballot measures that Council might want staff to research in preparation for the November 2018 election.

Council had no ballot measures to discuss.

## **REPORTS**

### **Mayor's Report**

Mayor Christman had no report.

### **Members of City Council**

Councilor Weil had no report.

Councilor Gallagher had no report.

Mayor Pro Tem Hoellen had no report.

Councilor Brown had no report.

Councilor Sheldon had no report.

Councilor Blum reported that staff was receiving no response from CDOT regarding the proposed traffic light at Glenmoor.

City Manager Thorsen noted that CDOT has had the report for six weeks and that he would follow up with them.

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

None

### **City Manager & Staff**

City Manager Thorsen reported that construction of the new Public Works facility at 2101 West Quincy Avenue in Sheridan was on schedule.

### **City Attorney**

City Attorney Michow reported that she had not heard back regarding the High Line Canal underpass at Hampden and would follow up with the Denver City Attorney's office.

## **EXECUTIVE SESSION AND ADJOURNMENT**

Mayor Pro Tem Hoellen moved, seconded by Councilor Brown to go into Executive Session pursuant to CRS 24-6-402(4)(b) for purposes of receiving legal advice and pursuant to CRS 24-6-402(4)(e) for purposes of determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding Maven Properties v. Cherry Hills Village; and pursuant to CRS 24-6-402(4)(b) for purposes of receiving legal advice regarding Stuart Kritzer and Janet Kritzer v. City of Cherry Hills Village and Qwest Corporation lawsuit; and adjourn immediately thereafter.

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The following votes were recorded:

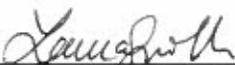
Weil	yes
Gallagher	yes
Hoellen	yes
Brown	yes
Sheldon	yes
Blum	yes

Vote on the Executive Session: 6 ayes. 0 nays. The motion carried.

The Executive Session began at 8:35 p.m.

The meeting adjourned at 9:35 p.m.

  
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Laura Christman, Mayor

  
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Laura Smith, City Clerk