

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, February 20, 2018 at 6:30 p.m.  
At the Village Center

Mayor Laura Christman called the meeting to order at 6:30 p.m.

### **ROLL CALL**

Mayor Laura Christman, Councilors Randy Weil, Earl Hoellen, 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, Parks and Recreation Coordinator Emily Black and City Clerk Laura Smith.

Absent: Councilor Al Blum

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

None

### **CONSENT AGENDA**

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

- a. Approval of Minutes – February 6, 2018

The motion passed unanimously.

### **ITEMS REMOVED FROM CONSENT AGENDA**

None

### **NEW BUSINESS**

#### **Agreement for Professional Services with Kimley-Horn and Associates, Inc.**

Deputy City Manager/Director Goldie presented the agreement with Kimley-Horn and Associates for Council's consideration. He explained that the City published a request for proposals for engineering department services in December 2017. The City received nine proposals and interviewed four firms, including Kimley-Horn and the City's current engineer, ICON Engineering. Kimley-Horn demonstrated that they had the background and expertise to provide high quality engineering department services for the City. The proposed agreement with Kimley-Horn marked a change in City engineering firms. The City has used ICON Engineering's services since 2009. The City has consistently maintained a positive relationship with the team at ICON, however after interviewing several highly qualified firms, including ICON, staff has decided to move forward with a different candidate for the City Engineer position. Staff felt that Kimley-Horn offered a breadth of engineering services that fit the needs of Cherry Hills Village. The City has been working with Kimley-Horn on traffic related consulting for several years. Curtis Rowe of Kimley-Horn has been serving as the Traffic Engineer for the City

in regards to the current Kent Denver Expanded Use project. Staff would review the current fee schedule for actual engineering review costs and bring updates to Section 18-1-20 of the Municipal Code to Council for consideration as necessary.

Council asked about the rate difference between the current city engineering firm and the proposed firm.

Deputy City Manager/Director Goldie replied that the rates were comparable, but the proposed firm had a broader range of rates that they could charge based on which partners at the firm performed the work. Therefore staff would review the rates after a month of working with the new firm to determine if the rates that the City charged applicants needed to be adjusted. Any proposed adjustment would come to Council as the fees were in the City Code and changes would need to be made via ordinance. In addition, the City would ask the new firm to perform more reviews and inspections related to stormwater than the current firm had conducted. Currently the City staff performed much of the stormwater management, but staff believed that having the city engineering firm conduct this management and pass along those costs to the applicants would be a more effective process.

Mayor Christman indicated that she had several legal questions related to the agreement that she would like to work out with the City Attorney.

Mayor Pro Tem Hoellen moved, seconded by Councilor Brown to approve the Agreement for Professional Services with Kimley-Horn and Associates to provide the City with building department services as proposed in Exhibit A to the February 20, 2018 staff memorandum, and subject to additional changes that will be discussed with the City Attorney and Kimley-Horn.

The motion passed unanimously.

Council Bill 1, Series 2018; Amending the Budget for Fiscal Year 2017 by Creating a Certificate of Participation Fund and Appropriating Funds Therein (first reading)

Director Proctor presented Council Bill 1, Series 2018 on first reading. She explained that in February of 2017 staff created a new COP Project Fund in order to provide greater clarity of spending of the COP proceeds for the new Public Works Facility, the new City Center and the improvements to John Meade Park. The City was required by Article, IX, Section 9.9, of the Charter to create a special fund by Ordinance to account for monies to be held or used for special purposes. As discovered during the annual financial audit, this had not yet been done. To create the COP Project Fund, \$2,822,679 of expense was moved from the Capital Fund and \$7,550,000 of expense was moved from the Parks and Recreation Fund to the COP Project Fund. In addition, the bond proceeds in the amount of \$12,850,000 were transferred to the COP Project Fund. Overall, the 2017 budget revenues and expenditures were unchanged. The proposed council bill was simply to move the funds budgeted for the COP proceeds and expenditures into their own fund.

Councilor Brown moved, seconded by Councilor Weil to approve Council Bill 1, Series 2018; a bill for an ordinance amending the budget for fiscal year 2017 by creating a certificate of participation (COP) project fund and appropriating funds therein on first reading.

The following votes were recorded:

Weil	yes
Gallagher	yes

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Hoellen	yes
Brown	yes
Sheldon	yes

Vote on the Council Bill 1-2018: 5 ayes. 0 nays. The motion carried.

### Council Bill 2, Series 2018; Authorizing a Supplemental Appropriation for Design and Construction of Traffic Improvements at Colorado Boulevard and Quincy Avenue (first reading)

City Manager Thorsen presented Council Bill 2, Series 2018 on first reading. He explained that the proposed bill would approve a supplemental appropriation of \$750,000 for the design and construction of a roundabout at Colorado Boulevard and Quincy Avenue. He noted that the current Level of Service (LOS) at the intersection was a D in the AM peak hour and an F in the PM peak hour. In addition to improving the LOS in this area of the City, staff desired to eliminate the need for a traffic control officer at the Kent Denver entrance in the mornings. City staff and the City's traffic engineering consultant, Kimley-Horn, have worked directly with Kent Denver and their traffic engineer from Matrix Design Group to look at a variety of options to improve traffic at these locations and eliminate the traffic control officer. After much review, City staff and the City's traffic engineer believe the best option to resolve the peak hour LOS deficiencies is to realign Kent Denver driveway to Colorado Blvd and install a roundabout at the intersection. Based upon the traffic study provided by Matrix Design Group, the LOS at the new roundabout would be a B for both AM and PM peak hours. The preliminary design includes the roundabout being shifted southerly in order to avoid having to acquire any right-of-way from the properties on the north side of Quincy Avenue. It would require the need for approximately 25,000 square feet of land from Kent Denver. At this time, Kent Denver has been conditioned to dedicate the land with the approval of their Expanded Use Permit. The design of the roundabout would include splitter islands to increase crossing safety for pedestrians and cyclists. City Manager Thorsen displayed models of traffic movement through the roundabout.

Council questioned the movement of traffic in the roundabout model and the speed of vehicles within the roundabout.

Curtis Rowe from Kimley-Horn explained that the model was based on Kent Denver's traffic study for the highest 15 minutes of peak AM traffic in 2038. He stated that he was confident that the roundabout would operate as modeled by creating a steady traffic flow for drivers in all directions with a slight backup for east bound Quincy Avenue traffic. He noted that while the roundabout would not have a separate speed limit from Quincy Avenue or Colorado Boulevard, advisory speed plaques would be posted in conjunction with the Police Department that would identify the suggested speed in the roundabout at 15 miles per hour.

City Manager Thorsen indicated that if approved, staff intended to begin construction immediately after school finished in June and to have construction completed before school began again in August. He noted that Council suggested holding a public input meeting on City traffic issues, including the proposed roundabout, at the April 3, 2018 City Council meeting.

Council asked about the details of construction and the cost estimate.

Mr. Rowe replied that the plan was to maintain some portion of the intersection open throughout construction, and that there was 20 feet of right-of-way on the north side of the intersection that could be utilized for temporary roadway. He noted that the cost estimate was conservative and included utilities, grading, drainage and curb work. He

indicated that staff was aware of some of the utilities but would not be aware of all of them until a survey was completed. He explained that curb work would be done on the center circle and splitter islands, but the other road edges would be restored to their current condition in order to maintain the semi-rural character of the City. He noted that irrigation would be installed in the center island and it would be landscaped with low growing plant matter, but that a portion of the outer edge of the center island would be hardscaped to make it transversable by trucks.

City Manager Thorsen indicated that the design with the splitter islands would allow pedestrians and cyclists to cross one lane of traffic at a time, or cyclists could use the roundabout as a vehicle. He added that the trail along Quincy Avenue would curve to the south, cross the splitter island, and curve up again.

Council asked about funding for the project.

City Manager Thorsen directed Council to staff's long range financial forecast in the staff memorandum. He explained that the funds would be transferred from the General Fund to the Capital Fund, and then paid from the Capital Fund. He noted that staff was confident that funding of this project would not impact funding for other projects, such as the new Public Works Facility, new City Hall, redesign of John Meade Park, new traffic signal at Glenmoor and Belleview Avenue, and the High Line Canal underpass at Hampden Avenue, which were all in the current budget.

Mayor Pro Tem Hoellen suggested that an appropriate portion of the funds for the roundabout come from the Parks and Trails Fund instead of the General Fund.

City Manager Thorsen agreed.

Councilor Brown indicated that this would be a big change for the City and that the decision required public input. She stated that Council's approval of the supplemental appropriation was an approval for funding, but not necessarily approval for construction.

City Manager Thorsen confirmed that was correct and noted that after the public input meeting on April 3<sup>rd</sup>, staff would put the project out to bid and Council would have final approval on awarding the contract for construction. He noted that as the City's new engineer, Kimley-Horn would complete the design under their current contract with the City.

Councilor Weil moved, seconded by Mayor Pro Tem Hoellen to approve Council Bill 2, Series 2018 on first reading; Authorizing a Supplemental Appropriation in the Capital Fund for Fiscal Year 2018 for Design and Construction of Traffic Improvements at Colorado Boulevard and Quincy Avenue in the amount of \$750,000 and authorizing the transfer of these funds from the General Fund reserves into the Capital Fund.

The following votes were recorded:

Gallagher	yes
Hoellen	yes
Brown	yes
Sheldon	yes
Weil	yes

Vote on the Council Bill 2-2018: 5 ayes. 0 nays. The motion carried.

**UNFINISHED BUSINESS**

**Request by Kent Denver School for Expanded Use for a New Upper School (continued from February 6, 2018)**

City Attorney Michow indicated that Councilors Weil and Sheldon were not present at the February 6, 2018 public hearing on this matter, but that it was her understanding that they had both listened to the entire audio recording of the public hearing and had reviewed the packet, public comments, and minutes. She asked if there was any objection from the applicant or from Council to Councilors Weil and Sheldon considering the application tonight.

Councilors Weil and Sheldon confirmed that they had listened to the audio recording and reviewed all the materials related to the February 6<sup>th</sup> public hearing, and indicated they could consider the application fairly.

Jerry Walker, representing Kent Denver, indicated that the applicant had no objections.

There were no objections from Council.

City Manager Thorsen explained that staff had worked closely with Kent Denver to work out the issues identified at the February 6<sup>th</sup> public hearing, and had come to an agreement that was mutually satisfactory to both parties. He presented an amended development agreement to Council and noted the changes to Exhibit D. He explained that Kent Denver would convey the right-of-way on the south side of Quincy Avenue to the City that was used for the trail; Kent Denver would convey the portion of land necessary for the roundabout, but this land would revert back to Kent Denver in the event that the City did not construction the roundabout within eight years; Kent Denver would realign their entry road to the roundabout and would be released from the obligation of having a traffic control officer; construction drawings for the realignment would be reviewed for effects on drainage and the Quincy trail; and if the City decided not to install the roundabout, Kent Denver would maintain its current entry road and would continue to provide a traffic control officer.

Councilor Sheldon asked why the agreement used a Bargain and Sale instead of a Special Warranty Deed.

Mayor Christman replied that a Bargain and Sale was standard in the industry for nonprofit organizations.

Councilor Sheldon asked about the suggestion from February 6<sup>th</sup> regarding a right-turn only entrance at Kent Denver's current entry, in addition to the realignment and roundabout.

City Manager Thorsen replied that staff was open to further discussions of that possibility with Kent Denver, but that in order to keep this agreement simple it had not been included.

Mayor Christman asked about the trail on the south side of Quincy Avenue.

City Manager Thorsen explained that the land was owned by Kent Denver, but the City had installed the trail and continued to maintain it.

Mayor Christman asked that a reference to Special Warranty Deed be removed and language regarding a traffic control officer be clarified in the agreement.

Councilor Sheldon asked about the comment from February 6<sup>th</sup> regarding formalization of Kent Denver's open campus.

City Manager Thorsen replied that staff did not believe there was a nexus between that issue and this agreement.

Councilor Brown noted an access gate on the plans for the new Upper School and asked about the parking numbers.

City Manager Thorsen noted that the Code did not mandate that required parking be open to the public. He added that if those spaces were removed from the number of parking spaces proposed the reduction would be at 23% which was still within Council's discretion to approve.

Mayor Pro Tem Hoellen indicated that the requirement that parking be public should be addressed during the Code Modernization.

Mr. Walker explained that the current agreement had been a lot of work and that he agreed with City Manager Thorsen's assessment that both parties were equally satisfied and dissatisfied. He stated that Kent Denver was very comfortable with the agreement as written. He confirmed that the gate was for security purposes and was closed during school hours. He indicated that Kent Denver had no plans to change their policy of an open campus but reserved the right to do so in the future for security and student safety. He confirmed that the City maintained the trail and fence on Quincy Avenue. He noted that Kent Denver was not expressing an opinion on the positive or negative aspects of the roundabout and indicated that was an issue for the public, Council, and engineers to discuss and discern. He clarified that Kent Denver was simply providing the ability for the City to construct the roundabout. He indicated that some of Kent Denver's concerns about pedestrian and cyclist safety with the roundabout had been addressed. He noted that Kent Denver was interested in further discussion about a right turn only lane into the current entry in addition to the realignment and roundabout as it might help alleviate backup in the east bound Quincy Avenue traffic. He added that discussion would be critical in designing the realignment of the school's driveway.

Councilor Brown moved, seconded by Mayor Pro Tem Hoellen to approve the Kent Denver School Development Agreement and Expanded Use Permit and to construct an approximately 28,000 square-foot new Upper School building to City Council based on the findings set forth in the supplemental February 20, 2018 staff report and subject to the conditions of approval as outlined in the revised development agreement.

The motion passed unanimously.

Council Bill 3, Series 2018; Vacating the Bridle Path Easement Between Lots 3 and 4 of the Olson Subdivision (first reading)

Deputy City Manager/Director Goldie presented Council Bill 3, Series 2018 on first reading. He explained that at the January 16, 2018 City Council meeting City Council approved Resolution 3, Series 2018 which gave City staff the authority to move forward with the process of vacating the bridle easement between lots 3 and 4 of the Olson Subdivision. Staff had been working with the property owners of the four lots located within the Olson Subdivision to solve a number of issues with regard to drainage, encroachments and bridle paths, due to the construction of a new home on lot 2. Staff had been aware of a number of issues regarding this subdivision through conversations with property owners over the past few years, none of which could be dealt with prior to a formal application for construction. The issues came to the forefront because of the need for drainage plan approvals for the construction of the new home on lot 2. At the

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same time, the approved drainage needed to be sized for and designed to accommodate drainage from lots 1 and 4, which are currently undeveloped. The plan included the realignment of the bridle paths to make a more sensible connection for the City's trail system and leaves in place historic drainage that is necessary for the home on lot 3. This included the vacation of the 16' bridle path easement between lots 3 and 4 and the grant of a new 16' bridle path easement on the east boundary of lot 4 that completes a link between the existing bridle path to the north of lot 2 and 3 south to Belleview Avenue. The new easement along the east side of lot 4 would create a continuous north-south trail connection to Belleview Avenue. The documents for the dedication would be presented formally to City Council in conjunction with the second reading of the Council Bill scheduled for March 20, 2018. The vacation and dedication were treated as two separate issues and completed by two separate processes. At second reading of the Council Bill, Council could condition the formal vacation on the dedication of the new bridle trail. After approval of both the vacation and the dedication the City Clerk would record both easements at Arapahoe County. Per Section 2 of the draft resolution accepting the trail dedication staff would first record the new Trail Dedication and ensure the process is completed prior to recording the Trail Vacation Ordinance.

Council expressed concern regarding the order of the vacation and the dedication.

Deputy City Manager/Director Goldie indicated that staff would add an additional section to the council bill stating that the vacation was contingent on the dedication, and that the dedication would be presented for Council's approval first before second reading of the vacation council bill on the March 20, 2018 agenda.

Councilor Brown moved, seconded by Councilor Weil to approve on first reading Council Bill 3, Series 2018; vacating the bridle easement between lots 3 and 4 of the Olson Subdivision; finding: (1) The vacation serves the public interest; and (2) The vacation will not leave any property without an established public road or private access easement connecting it with another established public road; and direct staff to proceed with scheduling a public hearing and second reading in front of City Council on March 20, 2018.

The following votes were recorded:

Hoellen	yes
Brown	yes
Sheldon	yes
Weil	yes
Gallagher	yes

Vote on the Council Bill 3-2018: 5 ayes. 0 nays. The motion carried.

### REPORTS

#### **Mayor's Report**

Mayor Christman reported that Senator Gardner had sent a letter to the FAA requesting they hold informative public meetings. She indicated that the United States Olympic Committee had determined that they would not submit any US city for consideration to host the 2026 Olympics, so the Colorado exploratory committee was now looking at 2030 and 2034. She added that Colorado's government officials had no appetite for expending public funds on hosting the Olympics.

## **Members of City Council**

Councilor Sheldon had no report.

Councilor Brown reported that she had joined the Arapahoe County Citizens Budget Committee, a purely advisory committee. She suggested that information on services such as curbside trash, recycling and composting pickup should be made more available to residents, and questioned the pros and cons of the City contracting with a particular company for these services. She also noted that the sidewalk on the south side of Hampden Avenue just east of Albion Street ended at some point and asked if staff could contact CDOT about it.

Mayor Pro Tem Hoellen had no report.

Councilor Gallagher reported that he, Mayor Christman and staff had met with members of the Sierra Club about the issues and possibilities of moving the City towards 100% renewable energy. He indicated that it was a complex issue and would take time. He noted that Public Works Clerk Pamela Broyles had recently celebrated her 10 year anniversary with the City and she was a wonderful asset.

Councilor Weil had no report.

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

None

## **City Manager & Staff**

City Manager Thorsen reported that staff would be meeting with the parties involved in the High Line Canal underpass at Hampden Avenue. He added that the bid opening for the new City Hall project would be February 28<sup>th</sup> at 1pm. He indicated that staff would bring a contract for Council's consideration at the March 6<sup>th</sup> Council meeting, and that staff would be transitioning into the old fire station at 120 Meade Lane on March 9<sup>th</sup>.

## City Property Usage

Coordinator Black explained that in July 2017, City Council approved Ordinance 8, Series 2017 regarding the procedures for parks and trails usage. This ordinance amended the Municipal Code to allow the City Manager to adopt specific policies and rules for special event permitting on City property, parks, and trails. Since that time staff had worked with City Attorney Michow on the City Property Usage Policy and associated permits and forms. The policy was written in consultation with the Community Development Department, Public Works Department, Human Resources, the Police Department, the City Clerk's office, and South Metro Fire & Rescue. The administrative policy was presented to the Quincy Farm Committee and the Parks, Trails, and Recreation Commission for comment prior to approval by the City Manager. The final policy was posted on the City website. This policy would guide City staff through processing and accepting requests for the use of City property. It was comprehensive in order to provide instructions to staff for each type of event that might be held within Cherry Hills Village. Staff has worked to make the application process as simple as possible for residents. The policy was not meant to be instructions for an applicant but rather a guide for staff. Based on feedback from Councilor Gallagher, staff would amend the insurance section of the policy to increase the limits and encourage applicants to ensure that third party vendors carried liability insurance.

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Councilor Brown asked why horse arenas in particular could not be rented out.

Coordinator Black replied that the arenas were maintained with Arapahoe County grant funds which carried a stipulation that they be open to the public. She added that in the past the City had issues with the arenas being reserved for private lessons. She noted that the City reserved the right to use the arenas.

Mayor Pro Tem Hoellen asked if all facilities that utilized a portion of Arapahoe County funding were subject to the same restriction.

Mayor Christman questioned this restriction and suggested staff not blame Arapahoe County for the City's policy.

Councilor Gallagher asked about the 50 person threshold for additional requirements such as insurance.

Coordinator Black explained that the threshold had been reached after consideration of CIRSA's recommendations, policies of other municipalities, City property capacity, typical event size, and risk the City was willing to assume.

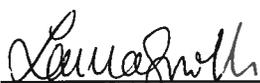
### **City Attorney**

City Attorney Michow reported that the Colorado Ethics Commission had determined that they had jurisdiction over a Home Rule County in a complaint filed against a Weld County Commissioner, and indicated that she would keep Council apprised of ongoing developments.

### **ADJOURNMENT**

The meeting adjourned at 8:29 p.m.

  
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Laura Christman, Mayor

  
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Laura Smith, City Clerk