

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Monday, September 17, 2018 at 6:30 p.m.
At the Joint Public Safety Facility

The City Council held a study session at 5:30 p.m.

Mayor Laura Christman called the meeting to order at 6:30 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, Deputy City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

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 – September 4, 2018

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Resolution 20, Series 2018; Reappointing Members to the Planning and Zoning Commission

City Clerk Gillespie presented Resolution 20, Series 2018 for Council's consideration. She explained that the resolution would reappoint several members to the Planning and Zoning Commission (P&Z). She noted that based on past Council discussions staff had adjusted the new terms for these members in order to re-establish staggered terms by reappointing members who had served the longest to shorter terms. She added that

applications had been solicited and interviews would be conducted by Mayor Christman and Councilor Brown to recommend a new member to fill the vacancy on P&Z.

Councilor Gallagher moved, seconded by Councilor Weil to approve Resolution 20, Series 2018; reappointing members to the Planning and Zoning Commission.

The motion passed unanimously.

Resolution 21, Series 2018; Accepting an Anonymous Donation from a Resident on Behalf of the Cherry Hills Village Police Department

Chief Tovrea presented Resolution 21, Series 2018 for Council's consideration. She explained that the Police Department had received an unanticipated donation from an anonymous resident in the amount of \$500.00 and was presenting the donation to Council for acceptance per the Section 13.7 of the City Charter. She noted that the Police Department desired to use the donated funds to purchase equipment or for training needs.

Councilor Sheldon asked if there was a threshold which triggered the requirement that a donation be accepted by Council instead of administratively.

City Attorney Michow replied that the Charter did not specify an amount so all donations were brought to Council for acceptance.

Chief Tovrea explained that the check was originally intended for Officer Sack, but was made out to the City, so rather than shredding the check the resident very generously wrote a separate check for Officer Sack and directed the Chief to use the first check for the Police Department.

Mayor Christman questioned the anonymity of the donor and if the identity would be protected in the case of an open records request. She also asked if staff had confirmed that the donor was not expecting any favors in return for the donation.

City Attorney Michow replied that staff attempted to respect the request of the donor to remain anonymous but that ultimately the identity of the donor could likely be tracked through an open records request.

Chief Tovrea noted that there were no pending investigations involving the donor. She added that if there had been any question staff would have conduct further investigations or would recommend to Council that the donation not be accepted.

Councilor Brown asked if the donors should be notified that their identify could be disclosed through an open records request.

Councilor Sheldon replied that it was not necessary as it was unlikely to occur.

Councilor Brown moved, seconded by Councilor Blum to approve Resolution 21, 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.

Scott Sanders Higgins Memorial Bench Donation

Coordinator Black explained that a group of residents from Cherry Hills Village, Greenwood Village, Englewood, and Vail had requested a memorial bench to be placed

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in John Meade Park in memory of Scott Sanders Higgins. She indicated that Mr. Higgins had been a long-time resident of Cherry Hills Village who had lived at 70 Meade Lane. She noted that Mayor Pro Tem Hoellen shared the following: "Scott Sanders Higgins was a coach, Boy Scout leader, friend, renaissance man, and an active Village citizen (running for Mayor, at one point), but most importantly, he was a family man. He loved life. He worked hard, played hard, and loved his family tirelessly." She explained that the proposed location for the bench was within John Meade Park, with the understanding that the bench would be stored safely during construction and replaced when the park was completed. She added that the Parks Operations Supervisor would work with the family to determine appropriate locations before and after construction. She indicated that the wording of the plaque for the bench would be double checked with the family after approval by Council. She noted that the Parks, Trails, and Recreation Commission had reviewed the donation at their regular meeting on September 13, 2018 and recommended approval by City Council.

Councilor Blum asked about the design of the bench and the design of John Meade Park.

Coordinator Black replied that the bench would be the same standard sandstone as used for other benches in the City and would fit into the John Meade Park design.

Councilor Sheldon asked if the City had a policy for bench donation requests.

Councilor Brown confirmed that there was.

Mayor Pro Tem Hoellen moved, seconded by Councilor Brown to approve the bench donation in memory of Scott Sanders Higgins to be placed in John Meade Park.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Christman reported that Greenwood Village was moving quickly on the Belleview medians, more quickly than any designs or costs could be reviewed and approved by Cherry Hills Village.

City Manager Thorsen indicated that he would attend the next meeting to discuss the process and timeframes. He noted that Greenwood Village had already prepared a contract that they had bid out for landscape architects. He stated that they were moving ahead but Cherry Hills Village wanted to have a voice in the decisions.

Councilor Sheldon asked if the contract bid out included irrigation.

City Manager Thorsen replied that they were planning to divide the medians into three sections with three different water taps, two on the Greenwood Village side and one on the Cherry Hills Village side.

Councilor Blum asked about the budget.

City Manager Thorsen replied that the initial cost estimate was \$2.5 million which was based on other Greenwood Village medians that had a lot of plants including perennials. He added that at a preliminary meeting Mayor Christman and Mayor Pro Tem Hoellen had expressed Cherry Hills Village's desire to install drought tolerant plants that would need minimal or no water.

Mayor Christman indicated that the thing everyone was in agreement on was that the medians could not be full of weeds.

Councilor Blum noted that there had recently been weeds but they had been taken care of.

Councilor Weil indicated that in the past Cherry Hills Village had managed the weeds but that recently Deputy City Manager/Director Goldie had contacted Greenwood Village about the weeds and they had taken care of them.

Mayor Christman noted that it did cost money to manage the weeds. She indicated that Cherry Hills Village would push for a low-budget option. She stated that she thought it was wrong to use potable water on medians when there was a shortage of potable water.

Councilor Sheldon asked if there was a non-potable water source.

Mayor Christman replied that there was none.

Councilor Blum asked where the Cherry Hills Village tap was located.

City Manager Thorsen replied that it was east of Glenmoor toward the High Line Canal.

Councilor Brown questioned that any landscaping in those medians could survive all the roadway chemicals.

Councilor Sheldon asked if Councilor Brown was suggesting concrete medians.

Councilor Brown replied that she was not but that the landscape architect needed to be aware of the difficult conditions for any plants installed in the medians.

Mayor Pro Tem Hoellen indicated that concrete had been his suggestion.

Councilor Sheldon noted that concrete would be very low-budget.

Councilor Sheldon asked what Greenwood Village wanted from the City.

Mayor Pro Tem Hoellen agreed and noted he thought the medians looked fine now, and although he was willing to spend a little money to improve them the current proposed budget of \$2.5 million was far too much.

Councilor Sheldon asked what Greenwood Village had asked Cherry Hills Village to contribute to the project cost.

Mayor Christman replied that Greenwood Village had demanded the City pay for 50% of the project.

Mayor Pro Tem Hoellen added that they had stated Cherry Hills Village was contractually obligated to maintain the medians but he had had asked for a copy of the contract and had yet to see such a document. He added that the only related document Cherry Hills Village could find was regarding the now dry well which had originally been used to provide water to the medians.

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Mayor Christman noted that she was concerned with Greenwood Village moving forward with their plan and claiming that Cherry Hills Village had not expressed any concerns, which was untrue.

Councilor Sheldon recalled Mayor Christman discussing this issue at a recent past Council meeting and reporting that Cherry Hills Village had not agreed to anything.

Mayor Christman added that she had suggested working with Denver Botanic Gardens and their no-water medians project.

Councilor Blum asked if Mayor Christman had seen any design plans.

Councilor Sheldon asked if Greenwood Village was asking for half of the design costs as well.

Mayor Pro Tem Hoellen replied that they had not indicated a percentage.

City Manager Thorsen noted there were still a lot of negotiation and discussions to be had. He indicated that Greenwood Village was thinking of dividing up the responsibility of the medians so that there was a section that Cherry Hills Village would be in charge of. He stated that clearly delineating responsibilities between the two cities would be optimal.

Mayor Pro Tem Hoellen noted that Greenwood Village had been trying to strongarm Cherry Hills Village at the last meeting.

City Manager Thorsen added that Greenwood Village had suggested that they would not fund the new traffic signal at Glenmoor and Belleview if Cherry Hills Village did not work with them on the medians project. He indicated he would report back to Council after the next meeting.

Members of City Council

Councilor Blum had no report.

Councilor Sheldon reported that the Cherry Hills Land Preserve Barn Party had been a success.

Councilor Brown reported that the Memorandum of Understanding (MOU) for the Centennial Airport Community Noise Roundtable (CACNR) had been reviewed by all ten jurisdictions and the Airport Authority Board so it would be coming to the Council for approval at a future meeting. She indicated that the cost would be \$1,000 per jurisdiction per year in order to provide dedicated resources for the CACNR, which was currently only funded by the airport. She noted that this funding had been carried over in the City's budget for several years while the MOU was being developed.

Councilor Blum complimented Chief Tovrea for organizing the group that welcomed Officer Sack when he was released from the hospital.

Mayor Pro Tem Hoellen had no report.

Councilor Gallagher requested that staff send Council a special notification by email when a quasi-judicial application was received by the City.

Councilor Weil reported that he and Mayor Pro Tem Hoellen had interviewed candidates for the Quincy Farm Committee and would bring a recommendation for appointment at

the October 2, 2018 Council meeting. He indicated that the Cherryridge neighborhood HOA had recently met and he had discussed the issue of transparency and communication with a resident. He noted that the City had the Village Crier, website and social media, but suggested that there might be other ways that people desired to receive information that the City could utilize to connect with the community.

Councilor Sheldon agreed that the City could explore other options such as video recording the Council meetings as the new City Hall was constructed and new information technology was incorporated.

Mayor Christman indicated that she and Councilor Brown had talked to many citizens and had been told that they didn't want information unless it was important, but of course different people found different things important. She added that Chief Tovrea had pointed out that if people get too many alerts they start to ignore them.

Councilor Sheldon reported that he and Mayor Pro Tem Hoellen had worked with the Cherryridge neighbors and St. Mary's to determine that the traffic counts on University should be postponed to next week or next month due to CDOT's construction project on University. He noted that all parties were satisfied that this would result in more accurate traffic counts.

Members of City Boards and Commissions

None

City Manager & Staff

Councilor Blum noted that the monthly financial report showed about \$550,000 remaining for the new Public Works facility. He asked if there was anything left to do on the facility.

City Manager Thorsen replied there were a few small items remaining on that project such as roof tiles and painting.

Councilor Blum asked if Council needed to take any action on the remaining funds, and if the remaining funds could be used for early redemption of the bonds.

City Manager Thorsen replied Council did not need to take any action at this point. He explained that the intent was that remaining funds from the Public Works project would be used for the City Hall project, and remaining funds from that project would be used for John Meade Park. He added that the COP funding was for all three projects together. He indicated that after all three projects were completed any remaining balance could then be used to pay down the bonds or pay for something related to the projects.

Councilor Blum suggested the art sculpture for the new City Hall. He indicated that he believed it would be fiscally responsible to use extra funds for early redemption of the bonds.

Mayor Christman indicated she didn't believe the City had that option and that if the COPs had been set up that way it would have resulted in a much higher interest rate.

Councilor Brown agreed.

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Councilor Blum asked staff to check with the City's bond counsel. He noted that the goal was to complete all three projects on or under budget. He asked for an update on construction of the new City Hall.

City Manager Thorsen replied that exterior framing had begun as well as the roof decking system and insulation. He added that green board was being installed this week with the goal of being dried out by mid-October.

Councilor Blum asked when completion was anticipated.

City Manager Thorsen replied the project was on schedule to be complete in mid to late February. He noted that the City had only \$15,000 in change orders so far out of a contingency fund of \$270,000, and that most change orders usually involved the foundation and utilities so staff did not anticipate many more.

Councilor Brown suggested including a community celebration event for the opening of the new City Hall in the proposed 2019 budget.

City Manager Thorsen agreed and added that staff was planning for a holiday tree lighting event in the parking lot. He noted that the City might close a portion of Meade Lane for the event since there had been some close calls in past years between vehicles and pedestrians.

Mayor Pro Tem Hoellen noted that staff was projecting a \$1.1 million surplus for 2018 due to both higher than anticipated revenues and a tremendous effort by staff to keep expenditures low. He noted that the surplus would help the City's long term financial plan and that he felt good about the City's financial position.

Mayor Christman noted that the City had sent a letter to residents in early September about crime prevention, including the importance of locking vehicles and garages. She added that the garage burglary and vehicle trespass reports in the Police Department monthly report for August almost all involved unlocked vehicles and unlocked garages. She asked if Chief Tovrea had a sense if the letter had resulted in an impact on this type of crime so far in September.

Chief Tovrea replied that she did not have a sense yet but would know at the end of the month once the statistics had been compiled. She indicated that she expected raised awareness among residents but it remained to be seen if that awareness could be sustained.

Mayor Pro Tem Hoellen asked if in cases of unlocked vehicles being broken into, they could infer that if the vehicle had been locked it would not have been broken into.

Chief Tovrea replied that it was possible but not guaranteed because it depended on the intent of the criminal. She explained that if it was a crime of opportunity then the person may have moved on after finding a locked car, but if they came with the intention of taking something then they might have broken the car window instead. She indicated that zero crime was not a reasonable goal.

Councilor Weil asked if reduced numbers could be expected.

Chief Tovrea agreed that was a reasonable goal.

Mayor Pro Tem Hoellen noted that the letter about crime prevention had been well written and well received. He indicated that Council had been criticized that they were not paying enough attention to the safety and security of the City and gratuitously

asking people to lock their doors. He stated that the monthly report showed that criticism to be misinformed. He stated that he hoped citizens took crime prevention seriously and that locking doors was the most effective and cheapest method of crime prevention.

Mayor Christman added that if residents saw something suspicious they should call the Police Department. She noted that there seemed to be a complacency or a perception that the City was exempt from criminals which was not true.

Councilor Gallagher noted that articles about crime prevention in the Village Crier were also helping to have an impact.

Councilor Brown noted that there was an ongoing case of extensive mail theft at the Englewood post office where anything that looked like a greeting card that might contain cash or a gift card was opened at the post office. She indicated that this had happened to her and she had reported it to the Office of the Inspector General.

Mayor Pro Tem Hoellen asked about the number of crime reports to date on different exhibits in the Police Department's monthly report.

Chief Tovrea replied that the difference in numbers was due to the type of crime being reported on the different exhibits.

City Attorney

City Attorney Michow reported that a recent decision by the 9th Circuit Court had determined that a local ordinance in Boise, Idaho regarding sidewalks had been geared toward status instead of conduct and was therefore unlawful. She noted that the ACLU was on high alert for these types of local ordinances and that regulations should be based on unlawful conduct rather than status.

EXECUTIVE SESSION & ADJOURNMENT

Mayor Pro Tem Hoellen moved, seconded by Councilor Weil to enter 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 to adjourn immediately thereafter.

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 7:20 p.m.

The meeting adjourned at 8:04 p.m.

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Laura Christman, Mayor



Laura Gillespie, City Clerk