

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 18, 2012 at 6:30 p.m.
At the Village Center

The City Council held a Study Session with representatives from the Denver Water Technical Advisory Committee at 6:00 p.m.

Mayor Doug Tisdale called the meeting to order at 6:40 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were City Manager John Patterson, City Attorney Ken Fellman, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, Street Superintendent Ralph Mason, and City Clerk Laura Smith.

Absent: none

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Mayor Tisdale indicated that Item 5c Winwood Drive Paving Agreement was removed at staff's request.

Deputy City Manager Goldie explained that the residents involved wanted additional time to review the language of the agreement and assured the Council that staff continued to be on good terms with the residents.

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

- a. Approval of Minutes – September 4, 2012
- b. Resolution 18, Series 2012; Concerning the Adoption of the Municipal Court Fine Schedule

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Resolution 19, Series 2012; Concerning the Establishment of the Quincy Farm Management/Planning Committee

Mayor Tisdale removed Resolution 19, Series 2012 from the agenda so that staff could work with Councilor LaMair and the Parks, Trails and Recreation Commission to bring a revised resolution back to Council at the next meeting.

Council Bill 12, Series 2012; Regarding the Issuance of a Special Assessment Revenue Refunding Note for Special Improvement District No. 7 and Approving Various Documents in Connection with the Note

Director Proctor presented Council Bill 12, Series 2012 on first reading. She explained that in 1998, the owners of properties within the service area of the Holly Mutual Water Company approved the issuance of special assessment bonds for the purpose of financing improvements within the water district. The costs were assessed to each property within the district boundaries. The first year of collection was 2001 and the final payment is due in 2020. The current remaining balance of the bonds is \$776,000 with an interest rate of 5.98%. RBC Capital Markets surveyed the market and found CoBiz Bank was interested in purchasing the bonds at an interest rate of 2.6%. This would result in a total savings of \$86,000 over the remaining life of the bonds. The savings would be passed down to the homeowners and would translate into approximately \$1,800 per household. In July staff presented Council with three options and from the direction staff received the decision was made to use \$178,000 of the current fund balance to pay off a portion of the bonds early and then refinance the remaining bonds at 2.6%. In addition to approval of the council bill for issuance of the revenue refunding note there is also a refunding escrow agreement that provides for custody of the refund proceeds of the note from the time of closing to the redemption date of the refunded bonds. The placement agreement with RBC is also attached for Council's approval. Director Proctor indicated that there was a blank on page 9 of the council bill in section (c) that should be filled in with 3%, which was the 2.6% interest rate with some fees, and that this change should be included to the motion if approved.

Councilor Brown stated that it had been rewarding to work with Director Proctor and the financial advisors on this project. He added that RBC and CoBiz had been very helpful in securing lower rates and fees. He indicated that the City of Aurora had recently done a similar refinancing at a similar rate and noted that that was market affirmation.

Councilor VanderWerf asked how staff was informing residents of this change.

Director Proctor replied that staff was still working out some details with Arapahoe County regarding assessments and would notify residents once these issues were resolved.

Councilor Griffin noted that the refinancing had been well-vetted. He indicated that the City had a great team working on this issue and that Director Proctor had done an excellent job. He stated that he was in favor of the proposed bill.

City Attorney Fellman indicated that bond counsel Dan Lynch had been very helpful and responsive on short notice.

Mayor Pro Tem Stewart indicated that he was in favor of the proposed bill. He asked if the City had other bonds that it might refinance.

Director Proctor replied that this was the City's only bond.

Mayor Tisdale thanked Director Proctor for her work on this issue.

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Council Bill 12, Series 2012 on first reading; A bill for an ordinance of the City of Cherry Hills Village, Colorado, authorizing the issuance of a special assessment revenue refunding note, series 2012 in a aggregate principal amount not to exceed \$675,000; prescribing the form of the note; providing for the payment of the note from special assessments imposed upon properties within the City of Cherry Hills Village Special Improvement District No. 7 and making certain covenants in connection therewith: providing other details and approving various documents in connection with the note; and further inserting 3% in the space provided on page 9, section (c) of the proposed bill.

The following votes were recorded:

Mark Griffin	yes
Harriet LaMair	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on the Council Bill 12-2012: 6 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Tisdale reported that the Barn Party, Barn Tour and farmer's market had been a phenomenal success with the participation of the Cherry Hills Village Land Preserve, the Cherry Hills Village Public Art Commission and City staff. He commended the Police Department for helping attendants navigate the Tour safely and securely. He also gave a special mention to Councilors VanderWerf and LaMair for all of their efforts.

Mayor Tisdale reported that he had sent a press release announcing his Mayor's competition for student-produced videos about the High Line Canal Trail to Kent Denver, St. Mary's Academy, Cherry Hills Elementary School, West Middle School, the Village Crier and the Villager Newspaper. He noted that he had already been contacted by several of the schools. He indicated that more information about the competition would be available soon.

Mayor Tisdale reported that the City would be accepting application for the District 6 Council seat until November 2nd and that a new member would be appointed at the November 20th meeting. He thanked Councilor LaMair for her willingness to stay on Council until the appointment was made. He noted that applicants would be interviewed on a rolling basis and that he would conduct the initial interviews along with Mayor Pro Tem Stewart and City Manager Patterson.

Councilor Roswell suggested that the Council reach out to current members of the City's boards and commissions who were residents of District 6.

Councilor LaMair noted that several members of the Parks, Trails and Recreation Commission (PTRC) were in District 6.

City Clerk Smith added that there were members of other boards and commissions that were in District 6.

Members of City Council

Councilor Griffin mentioned that a younger member of the neighboring schools could lead the Council in the Pledge of Allegiance at a Council meeting.

Councilor LaMair thanked Council for their work to fill her seat. She thanked Mayor Tisdale for his support of the Barn Party and Barn Tour. She noted that this was a community event and encouraged the City and the PTRC to become more involved in the future.

Councilor Griffin noted that the City's first exotic car show would be September 30th and encouraged Council to attend. He added that unusual and nationally recognized vehicles would be involved.

Councilor LaMair reported that the PTRC was very excited about the car show. She added that PTRC was working on a parks assessment. They were looking at budget and project priorities including an analysis of tree planting along the High Line Canal. She noted that PTRC was very focused on the priority of analyzing the Village Center campus including 90 Meade Lane. She encouraged Council to communicate with PTRC about the future plans for the Village Center campus so that PTRC could take that into consideration. She suggested a joint working session between City Council and PTRC.

Mayor Tisdale suggested a joint study session prior to a Council meeting to discuss this issue.

Councilor LaMair noted that both groups may need a review of the plan first and suggested an hour long study session.

Mayor Tisdale noted that there could be one study session for review and one for discussion and planning.

Councilor Roswell suggested that the groups meet prior to Councilor LaMair's departure.

Mayor Pro Tem Stewart indicated that he would attend the next PTRC meeting. He reported that he had been contacted by a former Council member with concerns about Three Pond Park, and that as a result this resident may apply to serve on PTRC. He noted that he had not been able to attend the Barn Tour but that his brother had participated in the farmer's market.

Councilor Roswell apologized for missing the September 12th joint study session with Greenwood Village City Council. He reported that his neighborhood would be holding their annual Oktoberfest celebration on September 30th.

Councilor VanderWerf reported that very detailed and useful information had been presented during the joint study session with Greenwood Village. She encouraged PTRC to look at the High Line Canal Working Group's recommendations regarding the tree canopy and recreational connectivity and enhancement. She thanked staff for their help with the Barn Tour, especially the Police Department, and thanked them for not shutting down the lemonade stands at the farmers market. She noted that Cat Anderson had made an appearance during the Barn Tour. She reported that the Public Art Commission (PAC) was researching the procedure for applying for Scientific Cultural Facilities District funds. She noted that the PAC may request enhanced landscaping around the sculpture in front of the Village Center. She commented that the PAC auction at the Barn Party had raised approximately \$4,000. She added that art entries had been reviewed by the PAC and the first choice was unanimous.

Mayor Tisdale noted that a member of the Cherry Hills Elementary School had taken a picture of him with the children running the lemonade stand at the farmers market.

Councilor LaMair asked what procedures the PAC had in place to vet art selections and sites.

Councilor VanderWerf replied that there was no procedure in place.

Councilor LaMair noted that she had received negative comments about the sculpture in front of the Village Center and indicated that public art could be very controversial. She suggested additional vetting for art selections and site selection, including public hearings.

Councilor VanderWerf noted that no matter how much vetting was done there would always be some people who wouldn't like a particular work of art.

Councilor LaMair agreed but noted that a public hearing would at least provide residents with an opportunity to comment on selections.

Mayor Tisdale reported that he had met with the Cherry Hills Farm Association Board which suggested that public art be placed at the corner of University and Belleview or a central location in the City. He noted that several of the Board members had expressed concern with allowing art that may not appeal to everyone to be placed in public areas.

Councilor Brown reminded staff that many residents continued to be very impacted by the construction timeframes issue. He indicated that he had found the City Manager's priority list from August to be very helpful and suggested that the City Manager could provide quarterly updates to the list on a quarterly basis. He noted that it was a useful way to stay focused and to continue the dialogue between City Manager and Council.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Deputy City Manager Goldie reported that monthly department reports and unaudited financial statements were included in Council packets. He indicated that the first draft of the 2013 proposed budget was on the dais for Council's consideration. He asked that Council members contact staff with their questions prior to the October 2nd study session.

Mayor Tisdale noted for the record that Council had received the 2013 proposed budget prior to September 20th as required by the City Charter. He reminded Council that they would hold a 6pm study session on October 2nd to review the proposed budget.

Councilor LaMair noted that the wording in the budget seemed to indicate that staff would use Station 38, but that she had not been aware that a decision had been made on what to do with that building after South Metro Fire Rescue moves to the new joint public safety facility.

Deputy City Manager Goldie explained that Station 38 would be part of the public works planning study for which staff was preparing a Request for Proposals (RFP). He indicated that staff had toured the facility and planned to use it in the short-term for the break room and storage areas. Long-term use would be determined by Council with the help of the public works planning study.

Councilor Roswell agreed with Councilor LaMair that the wording in the budget seemed like a directive when it was not, and warned that many residents had strong opinions about the use of Station 38.

Mayor Tisdale noted that the wording in the budget was out of context. He explained that the station would be used while the City explored alternatives.

Deputy City Manager Goldie noted that staff was working on the first draft of the RFP and would bring that to Council soon. He reported that the contractor for the new building would host an open house for City Council and staff in October to provide a "sneak peak" of the interior of the building. He also suggested that staff could arrange a tour of the new building prior to a Council meeting.

Councilor Griffin asked why the Municipal Court monthly report showed citations down by 50% from last year.

Finance Director Proctor replied that it was mainly due to low staffing levels in the Police Department.

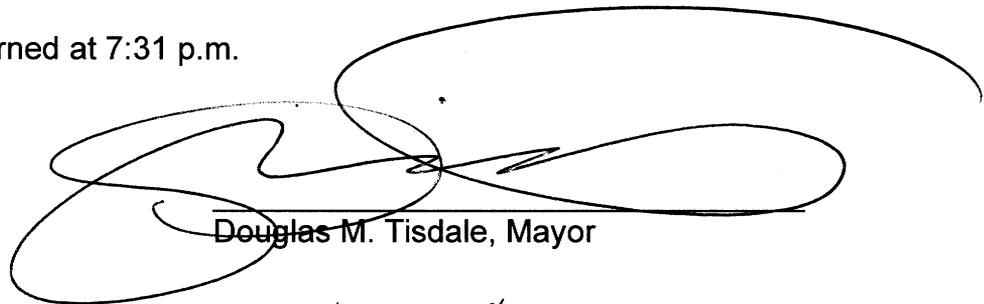
Mayor Tisdale confirmed that was his understanding from discussions with Chief Tovrea. He also thanked Mayor Pro Tem Stewart and Councilor Roswell for their involvement in the process of reviewing municipal court fines.

City Attorney

City Attorney Fellman had no report.

ADJOURNMENT

The meeting adjourned at 7:31 p.m.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Douglas M. Tisdale, Mayor

A handwritten signature in black ink, appearing to read "Laura Smith" in a cursive style.

Laura Smith, City Clerk