

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 16, 2014 at 6:30 p.m.
At the Village Center

The City Council held a Study Session at 6:03 p.m. regarding a sanitary sewer rate development presentation.

Mayor Doug Tisdale called the regular meeting to order at 6:32 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, and Klasina VanderWerf were present on silent roll call. Also present were, City Attorney Linda Michow, 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, Public Works Project and Right-of-Way Manager Ralph Mason, and City Clerk Laura Smith.

Councilor Katy Brown arrived at 6:34 p.m.

Absent: none

PLEDGE OF ALLEGIANCE

St. Mary's Academy Ambassadors Sarah Hoogerwerf, McKinley Hamilton, In'Lana Henderson, Sadie Largan and Kate Windler led the Council in the pledge of allegiance.

MEMBERS OF CITY BOARDS AND COMMISSIONS

Parks, Trails and Recreation Commissioner Mike Gallagher reported that PTRC had discussed an update to the Master Plan with Director Zuccaro and agreed on most points with the Planning and Zoning Commission (P&Z), although PTRC believed the City could benefit from a community survey. He added that they had reviewed the proposed 2015 budget and did not have any comments, and that the Quincy Farm Visioning Committee was scheduled to present their final report at the October PTRC meeting.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Councilor A. Brown removed Item 6f from the Consent Agenda.

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

- a. Approval of Minutes – September 2, 2014
- b. Contract for Services - Winter and Company Residential Development Standards Evaluation Study
- c. Resolution 14, Series 2014; Reappointing Steve Szymanski to the Planning and Zoning Commission

- d. Resolution 15, Series 2014; Supporting Ballot Question 2F Related to the Local Right to Use Municipal Fiber Optic Infrastructure
- e. Resolution 16, Series 2014; Supporting Ballot Question 2G to Amend the Home Rule Charter to Clarify when the Organizational Meeting Will Occur Following a Regular City Election

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Resolution 17, Series 2014; Authorizing the Mayor to Execute a Wastewater Connector's Intergovernmental Agreement with the City of Englewood on Behalf of the City

Councilor A. Brown noted that the first connector agreement with Englewood had covered only a specific area of Cherry Hills Village, and the latest agreement covered the entire City. He indicated that this appeared to result in an overlap of service areas and asked about the rationale behind that change.

Deputy City Manager/Director Goldie explained that coverage for the entire City allowed for a simplified process when properties changed service providers.

Councilor A. Brown asked if properties were serviced by the district in which they were located.

Deputy City Manager/Director Goldie replied that was the default situation, but noted that in some cases it was easier for properties to be connected to neighboring service areas. He added that the district in which the property is located must approve the change before it can be conducted.

Councilor A. Brown clarified that the proposed Resolution would authorize staff to negotiate the agreement and that the agreement would not come back to Council for consideration prior to its execution.

Deputy City Manager/Director Goldie indicated that was correct and that staff proposed this process in order to have a new agreement in place before the current agreement expires on September 30th.

Councilor A. Brown suggested amending the proposed motion to clarify that the new agreement would have substantially the same terms and conditions as the current agreement.

Deputy City Manager/Director Goldie noted that the only substantial change staff would propose was to have the agreement automatically renew every year.

Mayor Pro Tem Stewart asked if staff was in contact with the City of Englewood regarding this change.

Deputy City Manager/Director Goldie replied that Assistant City Attorneys Marcus McAskin and Tim Flynn were working with Englewood's attorneys to prepare the new agreement for consideration by the Englewood City Council at their next meeting.

Councilor A. Brown moved, seconded by Councilor Griffin to approve Resolution 17, Series 2014 authorizing the Mayor to execute a Wastewater Connector's Agreement with the City of Englewood with substantially similar terms and conditions to the expiring agreement.

Mayor Tisdale clarified that Council approved the automatic annual renewal of the new agreement.

The motion passed unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Planning and Zoning Commission Opening

Councilor Roswell explained that in considering the election cycle and the applicants for the P&Z position he and Mayor Pro Tem Stewart had determined it was advisable to maintain continuity on P&Z by reappointing current Chair Laura Christman until the new Council could address the issue in January.

Mayor Pro Tem Stewart indicated that he had confirmed with City Attorney Michow that Council was not precluded from making interim appointments for boards and commissions. He added that he and Councilor Roswell recommended revisiting the Code so that terms for P&Z coincide more smoothly with the City's November elections.

Mayor Tisdale suggested that P&Z terms could be coordinated with other board and commission terms to expire in May. He added that the new Council could address the issue at the second meeting in January.

Mayor Pro Tem Stewart moved, seconded by Councilor K. Brown to reappoint Laura Christman to the Planning and Zoning Commission on an interim basis until the last business day of January 2015.

The motion passed unanimously.

REPORTS

Members of City Council

Councilor K. Brown reported that she had attended the Centennial Airport Noise Roundtable Data Analysis Committee meeting and was pleased to report that the data monitoring system they have installed is impressive. She indicated she was optimistic about the quantitative data that the Committee would collect and which would help the Roundtable make decisions. She added that the Roundtable did not have a dedicated source of funding and that they were considering changing to a dues-based system and asked all participating municipalities to include a line item in their budgets for \$1,000 as a place holder. She noted that any request would be made with a justification.

Councilor Griffin noted that the BMW Golf Tournament had operated smoothly and that he was not aware of any parking issues. He congratulated staff and especially the Police Department.

Mayor Pro Tem Stewart agreed that the BMW Tournament had been successful and was a great reflection on the City and staff. He reported that the Utility Line Undergrounding Study Committee would meet on Thursday morning and discuss fiber optics.

Councilor Roswell noted that he had enjoyed the BMW Tournament and that staff had done a fabulous job. He reported that Oktoberfest would be held on September 28th in the Old Cherry Hills neighborhood.

Councilor VanderWerf reported that the Exotic Car Show would be held this Sunday, September 21st from 10am to 1pm, and the Barn Party and Barn Tour would be held next weekend, September 27th and 28th. She added that a new art show by resident Jane Mahoney was in the Community Room at the Joint Public Safety Facility.

Councilor A. Brown agreed that the BMW Tournament had gone well and thanked the organizers.

Mayor's Report

Mayor Tisdale agreed that the BMW Tournament had been a fantastic showing by staff and thanked Director Zuccaro and Chief Tovrea in particular. He relayed thanks from St. Mary's Academy to the Public Works Department and CDOT for their 150th anniversary road sign.

City Manager & Staff

Deputy City Manager/Director Goldie reported that the Denver Water Board had met last week and had reduced their proposed 2015 rate increase from 6.5% to 2.2%. He added that the American Public Works Association had conducted their site visit at the City last week and would recommend the Public Works and Community Development Departments for accreditation. He indicated that an official presentation would be made at a Council meeting in a few weeks.

Mayor Tisdale congratulated Deputy City Manager/Director Goldie on this tremendous achievement.

Deputy City Manager/Director Goldie indicated that the entire City staff had been a part of this project. He noted that departmental monthly reports and unaudited financial statements were available in Council packets.

Fiber Optics Ballot Question Factual Summary

City Clerk Smith reported that at Council's direction staff had prepared a draft factual summary regarding the City's fiber optics ballot question. She indicated that staff had relied heavily on the factual summaries produced by Longmont and Centennial for their fiber optic ballot questions. She noted that the version in Council packets had been reviewed by City Attorney Michow, Councilor A. Brown and Mayor Pro Tem Stewart. She indicated that Councilor A. Brown had further amendments.

Councilor A. Brown explained that he had contacted Ken Fellman in his capacity as attorney for the CCUA (Colorado Communications and Utility Alliance), of which the City is a member, to review the draft factual summary and make suggested changes. He explained that most of the suggested changes were clarifications. He noted that the last con statement applied to municipalities that had existing fiber optic infrastructure because state statute permits municipalities to lease out an "insubstantial" amount of their fiber optic capacity to a private party that wants to provide services. Since the City does not have existing infrastructure this point was not applicable to the City, and he noted it was questionable how much could be accomplished by municipalities with fiber optic capacity by leasing an "insubstantial" amount to a private party. Therefore he suggested that the last con point be removed. He also noted that the second to last con point was a restatement of the first con point and recommended removing it as well.

City Attorney Michow indicated that she agreed with Mr. Fellman's suggestions and had no concerns. She added that she appreciated Councilor A. Brown reaching out to Mr. Fellman as his expertise in these matters was beneficial to the City.

Mayor Tisdale suggested confirming the removal of the last two con points with Mr. Fellman before finalizing the factual summary.

City Attorney

City Attorney Michow had no report.

ADJOURNMENT

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to proceed into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) and Section 24-6-402(4)(e) for purposes of receiving legal advice and determining positions relative to matters subject to negotiations regarding *City of Cherry Hills Village v. Cooper* currently pending in Municipal Court and upon completion of that Executive Session to immediately stand adjourned.

The following votes were recorded:

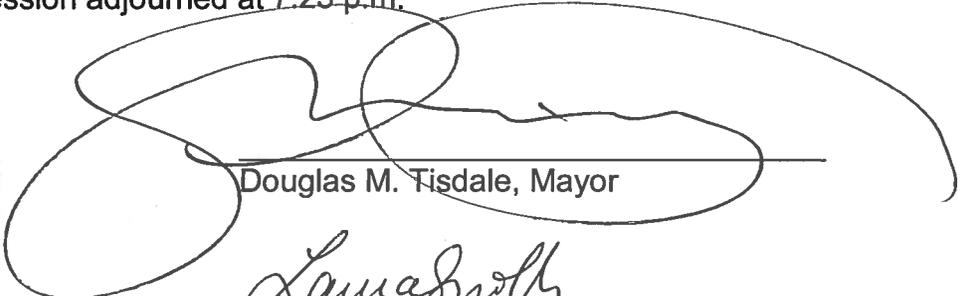
Mark Griffin	yes
Katy Brown	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

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

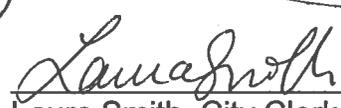
The regular meeting adjourned at 7:09 p.m.

The executive session adjourned at 7:23 p.m.





Douglas M. Tisdale, Mayor



Laura Smith, City Clerk