

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, December 9, 2014 at 6:30 p.m.
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Doug Tisdale, Councilors Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, Deputy City Attorney Marcus McAskin, 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, Accounting Clerk Jessica Sager and City Clerk Laura Smith.

Absent: Councilor Mark Griffin

PLEDGE OF ALLEGIANCE

Alan and Carly Eisman from Cherry Hills Village Elementary School led the Council in the pledge of allegiance.

MEMBERS OF CITY BOARDS AND COMMISSIONS

There were no reports.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Mayor Tisdale noted that amendments to the minutes were presented on the dais for Council's consideration.

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

- a. Approval of Minutes – November 18, 2014

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS**2015 Proposed Budget**

Director Proctor presented the 2015 proposed budget on second and final reading. She indicated that the 2015 General Fund budget is balanced with revenues equal to expenditures in the amount of \$6.7 million and an ending fund balance of approximately

\$4 million. Capital Fund expenditures exceed revenues by \$2.9 million but the Capital Fund ending balance is \$4.7 million. She explained that staff had received the final assessed valuation from Arapahoe County which indicated an increase in valuation of approximately \$2 million from the preliminary assessment received in August. This resulted in an increase to property tax revenue in the General Fund of approximately \$14,600, Capital Fund revenue increase of approximately \$2,000 and Fund 30 revenue increase of approximately \$6,000. Staff was also informed that health insurance premiums would increase 4% instead of 0% as had been originally communicated to staff. Staff had also increased the revenue for Water and Sewer Repair and Maintenance by approximately \$24,000 based on the new fees approved by City Council for 2015.

Councilor VanderWerf observed that the increase in staff over the last years could be seen in the budget document and she believed this reflected the additional work that Council had asked staff to take on in recent years. She cautioned Council to be sensitive to the additional work that they required of staff as they moved forward, and commended staff on their handling of the extra load.

Mayor Tisdale complemented Director Proctor on the budget document and noted that it would be submitted for certification.

Director Proctor confirmed that the budget document would be submitted to the Colorado Government Finance Officers Association for their budget award within 90 days.

Mayor Pro Tem Stewart indicated that he had discussed funding with the City Manager for the Utility Line Undergrounding Study Committee to do public outreach in 2015, perhaps in coordination with the John Meade Park Master Plan process.

City Manager Patterson indicated that a City-wide mailer cost about \$800 and staff believed that was covered in the current proposed budget. He noted that further expenditures could be made with funds already in the budget or through a supplemental appropriation.

Councilor A. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 9, Series 2014; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for Fiscal Year 2015 on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 9-2014: 5 ayes. 0 nays. The motion carried.

Councilor A. Brown moved, seconded by Councilor VanderWerf to approve Council Bill 10, Series 2014; A Bill for an Ordinance of The City Council of the City of Cherry Hills Village, Colorado Authorizing Appropriations for Fiscal Year 2015 on second and final reading.

The following votes were recorded:

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

Vote on the Council Bill 10-2014: 5 ayes. 0 nays. The motion carried.

Council Bill 11, Series 2014; Repealing and Reenacting Article 1 of Chapter 13 Concerning Municipal Utilities (first reading)

Deputy City Manager/Director Goldie presented Council Bill 11, Series 2014 on second and final reading. He noted no changes had been made since first reading on November 18th.

Mayor Tisdale noted that the proposed ordinance had been thoroughly discussed during first reading.

Councilor VanderWerf moved, seconded by Councilor K. Brown to approve on second reading Council Bill 11, Series 2014; Repealing and Reenacting Article 1 of Chapter 13 of the City of Cherry Hills Village Code.

The following votes were recorded:

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

Vote on the Council Bill 11-2014: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

Council Bill 15-2014; A Bill for an Ordinance Amending Section 2-3-40(b) of the Municipal Code Concerning Delegation of Duties and Powers of the Mayor to the City Manager (first reading)

Assistant City Attorney McAskin presented Council Bill 15, Series 2015 on first reading. He explained that the proposed bill would clarify the Council's delegation of certain administrative duties of the Mayor to the City Manager as authorized in Section 5.7 of the Charter.

Mayor Pro Tem Stewart indicated that the intent of the proposed bill was to clarify the reference from the Code to the Charter. He explained that Council would still retain authority and that the council bill clarifies the Council's ability to assign tasks to the City Manager and Mayor.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell to approve Council Bill 15, Series 2014, a Bill for an Ordinance of the City of Cherry Hills Village Amending Section 2-3-40(b) of Chapter 2 of the Municipal Code Concerning the Delegation of Duties and Powers of the Mayor to the City Manager, on first reading as indicated in the memo dated December 9, 2014.

The following votes were recorded:

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

Vote on the Council Bill 15-2014: 5 ayes. 0 nays. The motion carried.

Denver Request for Support of National Western Center Regional Tourism Act Funding Request

Councilor A. Brown indicated that he had a contractual relationship with the City of Denver Department of Finance and excused himself from the discussion and vote. He removed himself from Council Chambers.

City Manager Patterson explained that the City received a request from the City of Denver for support of their Regional Tourism Act application for the National Western Center Project. He indicated that if City Council chose to support the application the City's name would be added to the Joint Proclamation.

Mayor Tisdale added that three municipalities had applied for the grant and two of the three requests would be funded. The other municipalities were Durango and Loveland.

Councilor K. Brown asked if other municipalities had agreed to support Denver's application and if so which ones.

Mayor Tisdale replied that he knew other municipalities had agreed but did not know which ones. He knew that Denver had not yet received a response from Aurora. He noted that adding the City's name to the proclamation would be an act of regional support.

Councilor Roswell moved, seconded by Councilor VanderWerf to authorize the City Manager to communicate the City's joinder in the proclamation.

The motion passed 4 to 0.

Councilor A. Brown returned to the Council Chambers.

REPORTS

Members of City Council

Councilor K. Brown had no report.

Mayor Pro Tem Stewart indicated he would wait for the City Attorney's report.

Councilor A. Brown reported that he had attended the first meeting of the Denver Water Rate Advisory Committee which was well attended and organized. He noted that Tim Flynn was a member and he and Mr. Flynn would meet with Deputy City Manager/Director Goldie to discuss water rate issues. He indicated the committee was off to a good start and he was pleased to have been asked to participate.

Councilor VanderWerf reported that the High Line Canal Working Group had met at the end of October and Deputy City Manager/Director Goldie had reported to the group on the City's irrigation project. She noted that Deputy City Manager/Director Goldie had informed them that the City was not able to irrigate when water is flowing in the canal.

She also reported that there were two local artists scheduled to display their work in the Community Room of the Joint Public Safety Facility at the beginning of 2015, Desmond O'Hagan and Charlene Goldman. She noted that Emmett Culligan's *Crew* series pieces would be installed at the Holly/Belleview entry feature tomorrow.

Councilor Roswell had no report.

Mayor's Report

Mayor Tisdale noted that this was the final meeting for this Council besides the "stump" meeting on January 6th to approve the minutes prior to the new Council assuming duties. He indicated that this was a bittersweet moment and it had been an extreme privilege to serve as Mayor of Cherry Hills Village with this Council. He expressed his extreme, genuine and sincere appreciation and thanks to the Councilors and to all of the staff who have been incredibly supportive, amazingly hardworking and exceptionally dedicated. He stated that it is the staff more than any one or group of Council who makes the City a fantastic and incredible place and for that Council is tremendously appreciative. He indicated he would miss being a part of Council and thanked everyone for the privilege of serving.

City Manager & Staff

City Manager Patterson reported that department monthly reports and unaudited financial statements were included in Council packets; Commander Pat Weathers was back to work part time; the Public Art Commission snow plow painting project was complete; Emmett Culligan's three *Crew* series pieces would be installed at the Holly/Belleview entry feature tomorrow; Deputy City Manager/Director Goldie, Special Projects Coordinator Kropf and Streets Crew Chief Greg Wilkins would attend APWA accreditation training; the Parks, Trails and Recreation Commission would begin public meetings regarding the John Meade Park Master Plan process on January 8th at 6:30 p.m.; the Parks staff had recently rebuilt the pedestrian foot bridge at Tufts and Franklin, one of several over the past year; the Public Works Department recently completed a drainage project at Cherrymoor and Quincy; the Police Department was investigating a recent increase in thefts from cars; the PGA had recognized the BMW Golf Tournament as the best tournament of 2014 and had reported that it had collected the most money for the Evans Scholarship Foundation at that tournament; the City's annual Holiday Tree Lighting event would be held December 12th from 6-8 p.m. at the Village Center; official results from the November 4th election were included in Council packets; Director Proctor projected 2014 revenues exceeding expenditures by approximately \$972,000 and he credited staff with managing individual departmental budgets as well as an increase in Building Department revenues; the staff holiday party would be held December 17th at noon in Council Chambers and all of Council was invited to attend; Cherry Hills Living Magazine had a nice article about School Resource Officer Heidi Bradley.

City Attorney

Quincy Farm Foundation

Assistant City Attorney McAskin presented an initial draft of Articles of Incorporation for the Quincy Farm Foundation, a 501c(3). He noted that City Attorney Michow, Mayor Tisdale and Mayor Pro Tem Stewart had all be involved in the drafting of the document. He reminded Council that one of the challenges and recommendations from the Quincy Farm Visioning Committee (QFVC) had been the governance of the property as a separate entity with little Council oversight. He explained that the draft document stated that the Foundation's Board of Directors would be appointed by and serve at the

pleasure of Council and would consist of 3 to 11 members. He indicated that the intent of this draft was to promote discussion among Council as to the best way to move forward. He noted that this model was used effectively in other municipalities such as Wheat Ridge, Parker and Castle Pines. He added that the Foundation would likely engage a professional accountant to assist with obtaining tax exempt status.

Mayor Pro Tem Stewart indicated that he had discussed the Foundation with PTRC Chair Bill Lucas and QFVC Chair Charlie Maguire and believed it was a critical step in the process to fund a portion of the maintenance and operation of Quincy Farm with grants and donations. He suggested that the Foundation begin with three members whose primary tasks would be to adopt bylaws and obtain tax exempt status. He noted that when more action needed to be taken Council could appoint more members.

Councilor VanderWerf asked if there was any conflict regarding Council appointing the Foundation members.

Mayor Pro Tem Stewart replied there was not, and suggested staggered terms of many years.

Councilor VanderWerf asked why a 501c(3) would be more effective than a commission or committee.

Mayor Pro Tem Stewart indicated that a commission or committee was another possibility but that the advantage of a 501c(3) was the ability to raise funds. He noted that the purpose of the 501c(3) could be expanded beyond Quincy Farm to raise funds for other projects as well.

Councilor VanderWerf asked if the Foundation members would be responsible for grant writing.

Mayor Pro Tem Stewart replied that although fundraising and grant writing would be a priority for the Board, initially the Foundation would not have staff and would likely discuss a Memorandum of Understanding (MOU) with the City for use of City staff time.

Councilor VanderWerf noted that in her personal experience organizations such as this quickly realized the need for staffing. She asked why a 501c(3) should be formed for Quincy Farm but not for the Public Art Commission (PAC).

Mayor Pro Tem Stewart indicated that the Foundation could be expanded so that funds could go towards other projects such as public art. He noted that Wheat Ridge's 501c(3) raised funds for various purposes. He stated that the City needed to have more control over PAC than over the next iteration of QFVC. He indicated that QFVC needed more independence.

Councilor A. Brown asked if the Foundation would be subject to open meetings, open records and audit regulations.

Assistant City Attorney McAskin replied that he would research that issue.

Councilor A. Brown noted that the draft document was written fairly broadly and vaguely.

Mayor Pro Tem Stewart replied that an initial task of the Board members' would be to write the bylaws and negotiate an MOU with the City.

Councilor A. Brown asked if the real estate would be transferred to the Foundation.

Mayor Pro Tem Stewart replied that the real estate would remain with the City. He added that the Foundation would expect to receive funds from the City.

Councilor A. Brown asked if the Foundation would eventually acquire other properties.

Mayor Pro Tem Stewart indicated that could be part of the continued discussion.

Councilor K. Brown noted that the Council had a policy of no donations and asked how that would relate to funding the Foundation.

Mayor Pro Tem Stewart indicated that this would be an exception to the policy. He noted that \$5,000 was included in the 2015 budget for legal and CPA fees.

Mayor Tisdale indicated that he was intrigued with the notion of the Foundation only applying to Quincy Farm and noted that Councilor VanderWerf's question had been a legitimate one as to how QFVC was different than PAC.

Councilor Roswell stated that the enormity of the Quincy Farm project separated it from PAC's work. He indicated that he supported the Foundation and considered it a great way to start.

Mayor Pro Tem Stewart indicated that PAC could form a 501c(3) which might have similar advantages .

Councilor K. Brown suggested that the Foundation's name be changed if its purpose would be broadened in the future.

Mayor Pro Tem Stewart replied that a name change was a simple process and that the name would be important for grant applications and fund raising.

Councilor VanderWerf asked if QFVC's recommendation to continue the planning process begun by QFVC would be done parallel to the Foundation's work.

Mayor Pro Tem Stewart indicated it would, as well as addressing QFVC's recommendation for a new zone district. He noted that he had some ideas for Foundation members and suggested that one member have a connection back to the donor.

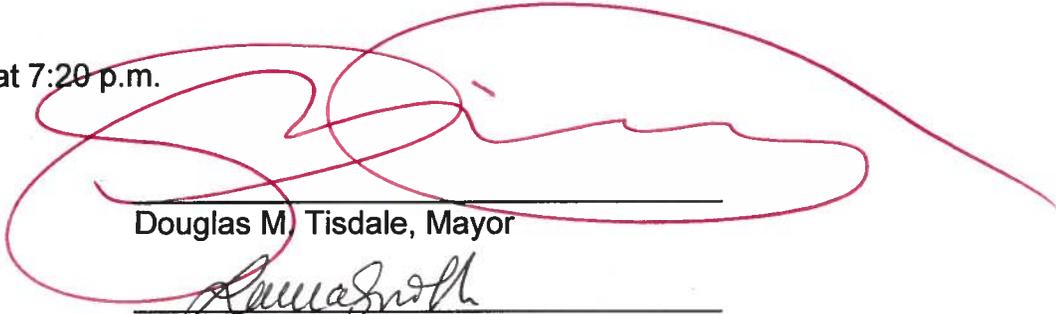
Councilor K. Brown asked if the bylaws would have more details regarding the Foundation's members.

Mayor Pro Tem Stewart replied that they would.

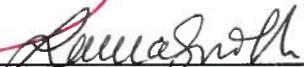
Mayor Tisdale indicated that the new Council would continue discussion on this topic.

ADJOURNMENT

The meeting adjourned at 7:20 p.m.



Douglas M. Tisdale, Mayor



Laura Smith, City Clerk