

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 21, 2015 at 6:30 p.m.  
At the Village Center

Mayor Laura Christman called the meeting to order at 6:31 p.m.

**ROLL CALL**

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Alex Brown, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Special Projects Coordinator Emily Kropf, Accounting Clerk Jessica Sager, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Laura Smith.

Absent: none

**PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

**AWARD PRESENTATION**

Mayor Pro Tem A. Brown explained that Council appreciated City Manager Patterson's increased emphasis on professional development and training for City staff. He noted that this was seen in the certification of departments, training on and off site, and attendance at conferences. He congratulated City Manager Patterson on recently completing the International City and County Managers Association Certification Program and presented him with an award of recognition.

**AUDIENCE PARTICIPATION PERIOD**

None

**CONSENT AGENDA**

Mayor Pro Tem A. Brown removed Item 6e from the Consent Agenda.

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

- a. Approval of Minutes – April 7, 2015
- b. Resolution 12, Series 2015; Amending Resolution 10, Series 2015 and Concerning the Appointment of Members to the Quincy Farm Committee
- c. Contract for Services with A-1 Chipseal for the 2015 Chip Seal CIP Program
- d. Contract for Services with A-1 Chipseal for the 2015 Slurry Seal CIP Project

The motion passed unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

**Colorado Department of Local Affairs Broadband Grant**

Deputy City Manager/Director Goldie explained that the Utility Line Undergrounding Study Committee (ULUSC) and City staff often receives notices of grants. Staff recently received notice from the Colorado Department of Local Affairs (DOLA) for an initiative to expand regional broadband planning efforts. Staff has been in contact with DOLA's Regional Field Manager and has been told that although this grant is intended for rural areas with poor broadband connection the City's proposed project may qualify for funding due to its low density and potential regional impact for the South Metro area. The City Engineer has put together a cost estimate for the study. If the grant is approved staff would return to Council with a request for a supplemental appropriation for the matching funds and also conduct a Request for Proposals for the project work.

Mayor Pro Tem A. Brown asked if ICON Engineering had experience with this type of project in other communities.

Deputy City Manager/Director Goldie replied that designs for broadband systems had been a part of past projects for ICON Engineering.

Mayor Pro Tem A. Brown asked if Council would be required to approve the matching funds.

Deputy City Manager/Director Goldie replied they would not.

Mayor Christman asked about the cost estimate.

Deputy City Manager/Director Goldie replied that the cost estimate had come from ICON Engineering.

Mayor Christman asked if the project would provide broadband to all residents.

Deputy City Manager/Director Goldie replied that this project was just for the broadband backbone which would allow private companies to connect to residences.

Mayor Pro Tem A. Brown asked if the connections to residences would be fiber or wireless.

Deputy City Manager/Director Goldie replied that that would depend on the individual provider.

Mayor Pro Tem A. Brown noted that the application referenced the possible November 2015 election.

Councilor Hoellen suggested that reference be removed as it associated the study with the election which was an inaccurate association.

Mayor Christman noted that the statement that the project will benefit all residents was inaccurate as well.

Councilor Hoellen suggested that "all" be removed.

Deputy City Manager/Director Goldie explained that a project to deliver broadband directly to all residents would be much more expensive than the proposed project.

Mayor Christman asked where the broadband backbone would be located.

Deputy City Manager/Director Goldie replied that the location was currently unknown and that was what the study would determine.

Mayor Christman noted that the backbone might or might not follow the undergrounding of utility lines.

Councilor Hoellen asked why the map of overhead lines was included in the proposal.

Mayor Pro Tem A. Brown suggested using a generic map of the City instead so as not to distract from the grant application.

Mayor Christman asked what would happen to the grant money if the grant was approved but Council did not approve the matching funds.

Deputy City Manager/Director Goldie replied that the City would not receive the grant money if Council did not approve the matching funds.

Councilor Gallagher asked when the City would know if it had received the grant.

Deputy City Manager/Director Goldie replied that it was a rolling timeline.

Special Projects Coordinator Kropf added that to her knowledge the turnaround time might be as short as 30 days.

Deputy City Manager/Director Goldie noted that the grant application required permission from the governing body and that the governing body could rescind the application.

Mayor Christman expressed concern that if the Council was not willing to approve the matching funds that the City should not apply for the grant in the first place.

Councilor Hoellen indicated that if Council was willing to consider the study that the grant should be applied for now and if the City was awarded the grant the Council could evaluate at that time if the matching funds were available.

Mayor Pro Tem A. Brown noted that Council had encouraged staff to apply for grants and that the information from the proposed study would be valuable for various future projects. He asked about the matching funds for the project cost versus the contingency funds.

Deputy City Manager/Director Goldie replied that the matching funds would consist of \$15,000 for the consultant fees and \$7,500 for the project contingency.

Mayor Pro Tem A. Brown indicated he was glad ICON Engineering had experience with these types of proposals.

Mayor Pro Tem A. Brown moved, seconded by Councilor VanderWerf to approve Item 6e.

The motion passed unanimously.

### **UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**Resolution 14, Series 2015: Rescinding Outdated or Inapplicable Policies**

Special Projects Coordinator Kropf explained that during the 2014 City Council retreat, staff was asked to compile a comprehensive list of policies that have been previously approved by City Council. Based on a review of minutes from the 1960's to present, staff had compiled a list of policies to rescind, update or adopt. Staff had reviewed the list of items to determine if each policy reflects current standards. The list of City policies that would remain in effect if all updated or new policies are approved was included as Exhibit B to the staff memorandum. Resolution 14, Series 2015 would rescind fourteen policies as outlined in the staff memorandum and in the proposed resolution.

Councilor Hoellen asked if any policies from the original list that could not be found did not need to be officially rescinded because they had not existed in the first place.

Special Projects Coordinator Kropf confirmed that was correct and the policies proposed to be rescinded by Resolution 14, Series 2015 had at some point been formally adopted by Council.

Mayor Christman asked about the policies labeled as "N/A" on the updated list of City Policies included as Exhibit B.

Special Projects Coordinator Kropf replied that staff had no suggested changes to those policies and they would remain in effect as is.

Deputy City Manager/Director Goldie noted that staff had one change to the proposed resolution and that was the removal of number 8, Designation of Park and Trail Committee as City's Tree Board, which staff did not wish to rescind but rather to amend. He explained that this policy was regarding Tree City USA which the City was very involved in and staff would bring an amended version to a future meeting for Council's consideration.

Mayor Christman asked if a Tree Board should be appointed.

Deputy City Manager/Director Goldie replied that the Parks, Trails and Recreation Commission (PTRC) served as the City's Tree Board and the amended policy would clarify that role. He indicated that the Tree Board had one annual task and most of the work was done by the City's Parks, Trails and Recreation Administrator Ryan Berninzoni who presented an annual review to the PTRC.

Councilor Griffin indicated he appreciated seeing the policy regarding Election Issues and Public Comments at Council Meetings being rescinded.

Councilor Griffin moved, seconded by Councilor VanderWerf to approve Resolution 14, Series 2015, as amended deleting item number eight, rescinding outdated or inapplicable policies as proposed in Exhibit A of the April 21, 2015 staff memorandum.

The motion carried unanimously.

Resolution 15, Series 2015; Amending and Reaffirming Council Policies Concerning Investments, Council Rules of Procedure, Council Liaison Program, and Communications

Special Projects Coordinator Kropf explained that some of the existing policies required minor modifications to accurately reflect the City's current standards, and that Resolution 15, Series 2015 proposed amendments to four of the City's policies as outlined in the staff memorandum and proposed resolution.

Mayor Christman asked Council for their opinions on the Investment Policy.

Councilor Griffin replied that he had reviewed the Investment Policy and was comfortable with the amendments.

Director Proctor noted that staff had used the sample from the Colorado Government Finance Officers Association as a template.

Councilor Hoellen indicated that the investment policy provided guidelines if and when the City decided to pursue an optimal investment strategy and earn more than nominal returns, and that to date they had only invested in very low return, very safe investment instruments that provided a nominal return. He noted that policies obviously apply whether an activity is underway or not, but since the City was not currently investing in anything other than CDs and Colotrust, the policy guidelines weren't relevant at this time.

Councilor Gallagher asked if the City has ever had an investment advisor.

Director Proctor replied that they had not.

Mayor Christman noted that the policy authorizes the City to have an investment advisor.

Director Proctor confirmed that the policy allows the City to have an investment advisor.

Councilor Griffin noted that because of the fees associated with an investment advisor and current interest rates the net return would likely be negative.

Mayor Christman indicated that Council had discussed the other policies during various study sessions.

Councilor Griffin moved, seconded by Councilor Gallagher to approve Resolution 15, Series 2015, amending and reaffirming City Council policies concerning investments, rules of procedure, liaison program and communications as proposed in Exhibit A of the April 21, 2015 staff memorandum.

The motion carried unanimously.

Resolution 16, Series 2015; Adopting Customer Service Standards for Cable Operators

Special Projects Coordinator Kropf explained that in 1994 the City adopted customer service standards for cable operators in accordance with the then existing cable franchise agreement between the City and Comcast. The standards were adopted in an effort to assist residents who were having problems with cable providers. The most recent franchise agreement was approved in 2002 and stated that the grantee shall comply with such standards. In 2013 the Colorado Communications and Utility Alliance (CCUA) released new customer service standards and encouraged communities to

adopt the updated version to account for recent changes in technology. Staff has been in contact with Comcast to report the proposed changes and has not received any comments or concerns. The City Attorney reviewed the recommended customer service standards and provided a summary of the revisions from the 1994 version compared to the current standards.

Councilor Hoellen noted that Section 1.18 of the franchise agreement required Comcast to comply with City-adopted customer service standards which the City can amend from time to time.

Special Projects Coordinator Kropf confirmed that was correct.

Councilor Hoellen noted that the cost of compliance was usually passed down to the customers.

City Attorney Michow asked if the City had a record of customer complaints against Comcast.

Special Projects Coordinator Kropf replied that staff had not found any record of complaints.

Mayor Christman asked if the issue regarding average time to answer a call had been resolved.

City Attorney Michow replied that she was not sure but could get that information for Council.

Mayor Christman suggested that the number of complaints might be low because residents were not aware of their rights. She indicated that the 2013 standards included significant rights. She asked staff to publicize the standards in the Village Crier and on the City website.

Councilor K. Brown noted that the standards applied to cable only.

Mayor Pro Tem A. Brown noted that he had not known about the minimum burial depth for cables and agreed that publicizing the standards was important.

Councilor Griffin asked if the City could require Comcast to provide a la carte pricing.

City Attorney Michow indicated that question would be best referred to Ken Fellman as the City's legal advisor on the CCUA. She noted that she would follow up with Mr. Fellman.

Councilor Hoellen asked if the definition of cable service was found in the State statute since it was not included in the proposed standards, and if the standards would apply to satellite providers.

City Attorney Michow replied the definition was in State statute and only applied to service in the rights-of-way and not to satellite providers.

Mayor Pro Tem A. Brown moved, seconded by Councilor Griffin to approve Resolution 16, Series 2015, adopting customer service standards for cable operators as proposed in Exhibit A of the April 21, 2015 staff memorandum.

The motion carried unanimously.

Resolutions 17-22, Series 2015; Adopting New City Policies

Special Projects Coordinator Kropf explained that in staff's review, it was noted that certain topics had not been previously addressed through written policy. Resolutions 17 through 22, Series 2015 proposed several new policies or major revisions to existing policies to address these outstanding issues.

Councilor VanderWerf asked about the last bullet point in the Utility Undergrounding Policy, Resolution 18, Series 2015.

Deputy City Manager/Director Goldie explained that the City could use the 1% Xcel Fund for public utilities but not for undergrounding utilities on private property, so the policy was important in order to encourage undergrounding on private property. He noted that the policy would most likely be used when an HOA or group of neighbors wanted to set up a Special Improvement District in order to underground utilities and the City would pay a portion of the cost, up to 50% up to \$500 per household. He indicated that \$500 was the number from the old policy and that would not pay for very much based on current cost estimates, but it was important to have a limit since the cost was so high. While homeowners could apply for help from the City, the City did not have to approve every request.

Mayor Christman asked if the policy created an unreasonable expectation that the City would pay.

Deputy City Manager/Director Goldie indicated that the policy allowed for up to \$500 per household.

Mayor Christman indicated that the section should be reworded to clarify that the maximum was \$500.

Mayor Pro Tem A. Brown noted that this was the same as the current policy which had been adopted in 1994.

Councilor K. Brown asked if this fund was for undergrounding the poles or the service to the house.

Deputy City Manager/Director Goldie replied that this was for the service to the house and the poles if they were on private property. He added that undergrounding of poles could be funded by the 1% Xcel Fund if they were located in the public right-of-way.

Mayor Christman indicated that this policy might be inconsistent with the policies just passed by the Council. She expressed concern with number 2 of the policy which allowed for use of public funds to pay for undergrounding of private service lines.

Deputy City Manager/Director Goldie explained that the section allowed for the City to move or underground a private pole depending on the situation and the broader public benefit.

Mayor Christman questioned the necessity of the section.

Councilor K. Brown indicated that it was important for the City to have criteria outlined for when it might be appropriate for the City to underground private lines because residents might question the decision.

City Attorney Michow indicated that the section was discretionary.

Mayor Pro Tem A. Brown added that the public benefit would determine the use of public funds.

Mayor Christman expressed concern that public funds could be used to underground private lines but that there were no cost amounts included in the section.

Councilor Hoellen indicated that the ULUSC would present its report to Council in June and that report would include cost amounts.

Mayor Christman expressed concern that some property owners would benefit and others would not.

Councilor Hoellen replied that Mayor Christman's questions were well founded and the issue of fairness had been much discussed by the ULUSC.

Deputy City Manager/Director Goldie added that this section of the policy had been well vetted by the ULUSC and it was not the intent of the policy to write a blank check for undergrounding of private lines. Rather it gave the City the ability to complete a project under particular circumstances.

Mayor Christman asked if approval by Council would be required.

Deputy City Manager/Director Goldie replied that staff would keep the Council well informed of projects and progress.

Councilor Hoellen indicated that it was impossible for any undergrounding projects to go forward without Council's approval because of the cost.

Deputy City Manager/Director Goldie agreed.

Mayor Christman expressed concern with fairness.

Councilor K. Brown indicated that everything the City does benefits some residents more than others, for example maintenance of the horse arenas benefited equestrians more than non-equestrians. She added that the Council needed the flexibility and ability to consider use of public funds in relation to undergrounding.

Mayor Christman noted that many residents had already paid to underground their utilities and now the City might pay to underground other residents' utilities. She expressed concerns with fairness and disclosure. She indicated that the City had to make clear where residents' tax money was going.

Councilor Hoellen indicated that full transparency and disclosure was very important to the ULUSC.

Mayor Christman asked about the first point in section 3 of the policy stating that the City will support the formation of Special Improvement Districts, and the third point which stated that the City will assist in the coordination and collection of taxes once a district is legally formed.

Mayor Pro Tem A. Brown indicated that the City currently did this for Special Improvement District Number 7.

City Attorney Michow added that the City was required to do so under State statute.

Mayor Christman asked in relation to the Council Member Attendance at Commission Meetings Policy if Council members could attend meetings so long as they leave before a quasi-judicial matter begins.

City Attorney Michow confirmed that was correct.

(i) Resolution 17, Series 2015; Amending and Restating the City's Purchasing Policy

Councilor VanderWerf moved, seconded by Mayor Pro Tem A. Brown to approve Resolution 17, Series 2015, updating the Purchasing Policy as proposed in Exhibit B of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(ii) Resolution 18, Series 2015; Adopting the City's Utility Undergrounding Policy

Councilor VanderWerf moved, seconded by Mayor Pro Tem A. Brown to approve Resolution 18, Series 2015, adopting a Utility Undergrounding Policy as proposed in Exhibit C of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(iii) Resolution 19, Series 2015; Adopting the City's Check Controls Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 19, Series 2015, adopting a Check Controls Policy as proposed in Exhibit D of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(iv) Resolution 20, Series 2015; Adopting the City's Council Member Attendance at Commission Meetings Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 20, Series 2015, adopting a Council Member Attendance at Commission Meetings Policy as proposed in Exhibit E of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(v) Resolution 21, Series 2015; Adopting the City's Candidate Forum Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 21, Series 2015, adopting a Candidate Forum Policy as proposed in Exhibit F of the April 21, 2015 staff memorandum.

The motion carried unanimously.

(vi) Resolution 22, Series 2015; Adopting the City's Fund Balance/Finance Reserve Policy

Councilor VanderWerf moved, seconded by Councilor Griffin to approve Resolution 22, Series 2015, adopting a Fund Balance/Finance Reserve Policy as proposed in Exhibit G of the April 21, 2015 staff memorandum.

The motion carried unanimously.

Resolution 23, Series 2015; Application for a Transfer of Ownership for a Hotel and Restaurant Liquor License at 1400 E. Hampden Avenue Suite 100 for G4 Alliance LLC DBA South Philly Cheese Steaks

City Clerk Smith presented the application for a transfer of ownership from G4 Alliance LLC DBA South Philly Cheese Steaks. She noted that the applicant, Mike Gelinas, was present to answer any questions from Council. She indicated that staff including City Attorney Michow and the Police Department had reviewed the application and background materials and found that all requirements in the City Code and State statutes had been met. She stated that staff recommended approval of the application.

Mayor Christman asked Mr. Gelinas if the Mayor of Englewood was a good friend of his.

Mr. Gelinas replied that was correct.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve Resolution 23, Series 2015; A Resolution Approving the Application for a Transfer of Ownership for a Hotel and Restaurant Liquor License as Requested by G4 Alliance Inc. DBA South Philly Cheese Steak at 1400 East Hampden Avenue Suite 100 in the City of Cherry Hills Village.

The motion carried unanimously.

**REPORTS**

**Mayor's Report**

Mayor Christman noted that the Council Retreat would be held on Saturday May 2<sup>nd</sup> at the Kent Denver Cafeteria from 8:30 a.m. to 2:30 p.m. and would be catered. She indicated that Kent Denver had offered to let the Council use the room for free but in order to avoid any future perception of inappropriateness she suggested paying \$100 for use of the facility. She explained this cost was consistent with rental fees at other facilities. She indicated that the main thing to be discussed at the Retreat was the City's Mission Statement and that City Manager Patterson had staff comments for Council to consider. She explained that the conversation would also deal with City priorities, use of funds, various funding options, and long term planning.

Mayor Christman reported that the Scientific and Cultural Facilities District had asked for the City's support on their reauthorization and City Clerk Smith had drafted a letter for Council to sign if they agreed.

Mayor Christman reported that the City's offer on a property had not been accepted but the sale of the property had not yet closed. She added that she had been busy discussing open space with residents.

**Members of City Council**

Councilor Gallagher apologized that he would miss the May 2<sup>nd</sup> Council Retreat but he had a unique family opportunity. He indicated that he would meet with Mayor Christman prior to the retreat to give her his input.

Councilor Griffin reported that he had met, along with PTRC Commissioner Rob Ganger and Mr. and Mrs. Abrams, with several concerned neighbors from the north side of Cherryridge who had expressed that they felt their concerns were not adequately addressed by the John Meade Park Master Planning consultants. He had advised them

to attend a City Council or PTRC meeting to express their concerns. He also reported that he was pleased to be moving forward with the creation of the Cherry Hills Village Police Foundation, a private foundation to promote public safety by providing educational programs, to include scholarships, providing equipment, support and assistance to the personnel and families of the City of Cherry Hills Village Police Department, and in promoting public safety and the facilitation of improved community based law enforcement services. He noted that he was working on this project with the Mayor, City Manager, Chief, and Russell Stewart, who had offered to do the legal work pro bono. He invited the other Council members to participate.

Mayor Pro Tem A. Brown had no report but noted he was not able to attend the May 5<sup>th</sup> meeting.

Councilor VanderWerf reported that the next two artists to have art displays in the Community Room would be Bette MacDonald and Jerry Lemon, both residents. She commended everyone who had worked on the Policy Log and thanked staff especially for their efforts.

Councilor Griffin recognized Special Projects Coordinator Kropf for her work.

Councilor K. Brown reiterated the commendation for the extraordinary work involved in the Policy Log.

Councilor Hoellen thanked Special Projects Coordinator Kropf and the other staff members who had worked on the Policy Log.

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

None

### **City Manager & Staff**

City Manager Patterson reported that Department Monthly Reports and Unaudited Financial Statements were included in Council packets; the John Meade Park Master Planning process was progressing and the next public input meeting was scheduled for Thursday June 11<sup>th</sup> at 5:30 p.m. tentatively in the Joint Public Safety Facility; the Police Department was undergoing a complete IT system upgrade; Public Works and Park staff were gearing up for summertime operations; the City now had online payments set up for Court tickets thanks to the hard work of Accounting Clerk Jessica Sager; Director Zuccaro was attending the annual American Planners Association meeting in Seattle; the City's IT providers, Technetronic Solutions, would no longer be providing support services so City staff was meeting with the suggested new providers and would work on a Request for Proposal for IT services; the Administration Team would be going to lunch on Thursday at the Cherry Hills Country Club for Administrative Professionals Day; three new Police Officers and one new Sergeant would be sworn in at 3pm tomorrow, as well as a presentation for John Bayman who had transferred from an officer position to Code Enforcement/Stormwater; he had placed a draft memo regarding long range issues for the City for Council to consider in relation to the Council Retreat discussions; he thanked Council for their support of the Policy Log project and thanked Special Projects Coordinator Kropf for the marvelous job she had done on the project.

Councilor Griffin asked if the HVAC system in the Council Chambers could be improved.

Deputy City Manager/Director Goldie replied that he would work on that.

Planning and Zoning Commission Vacancy

City Clerk Smith explained that there was a vacancy on the Planning and Zoning Commission and asked for Council direction.

Council directed staff to advertise the position on the City's website and in the next issue of the Crier as well as determine if past applicants were interested in reapplying.

**City Attorney**

City Attorney Michow had no report.

**ADJOURNMENT**

The meeting adjourned at 8:01 p.m.



  
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Laura Christman, Mayor

  
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Laura Smith, City Clerk