Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 21, 2016 at 6:30 p.m.
At the Village Center

Mayor Laura Christman called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Mark Griffin, Earl Hoellen, Mike Gallagher, Klasina VanderWerf, 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, Finance Director Karen Proctor, Human Resource Analyst Kathryn Ducharme, and City Clerk Laura Smith.

Mayor Pro Tem A. Brown arrived at 8:11 p.m.

Absent: none

PLEDGE OF ALLEGIANCE

Isaac Branch, River of Words Art Contest winner, led the Council in the pledge of allegiance.

ISAAC BRANCH, RIVER OF WORDS ART CONTEST WINNER

Isaac Branch explained that he had not known what to choose for the subject of his artwork until he thought of John Meade Park, which he had been visiting to go fishing with his dad since he was three.

Councilor K. Brown added that Isaac had won First Place in the art contest.

Mayor Christman asked staff to coordinate with Isaac and his family to present his artwork to the Parks, Trails and Recreation Commission (PTRC) and the Public Art Commission (PAC).

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Councilor Griffin moved, seconded by Councilor VanderWerf to approve the following items on the Consent Agenda:

a. Approval of Minutes – June 7, 2016
b. Resolution 7, Series 2016; Concerning the Reappointment of a Member to the Public Art Commission
c. Resolution 8, Series 2016; Adopting a Budget Calendar for the 2017 Budget

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 4, Series 2016; Amending Sections 2-1-10, 2-1-40 and 2-1-50 of the Municipal Code Concerning Elections (*second and final reading*)

City Clerk Smith presented Council Bill 4, Series 2016 on second and final reading. She explained that the bill proposed to clean up language in the Municipal Code by referencing the state statute, now that the state statute had been cleaned up by the legislature through a series of recent bills. She noted that no changes had been made since first reading.

Councilor K. Brown moved, seconded by Councilor Griffin to approve Council Bill 4, Series 2016, a bill for an ordinance of the City of Cherry Hills Village amending sections 2-1-10, 2-1-40 and 2-1-50 of the Municipal Code concerning elections on second and final reading.

The following votes were recorded:

Gallagher	yes
Griffin	yes
VanderWerf	yes
K. Brown	yes
Hoellen	yes

Vote on the Council Bill 4-2016: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

Resolution 9, Series 2016; Easement Agreement for a Non-Motorized Public Trail with Denver First Church of the Nazarene

Deputy City Manager/Director Goldie presented Resolution 9, Series 2016 and explained that the easement agreement was for the purchase a 20 foot wide trail easement from Denver First Church (DFC) to connect the proposed High Line Canal (HLC) underpass beneath Hampden Avenue and Colorado Boulevard. He noted that the HLC trail would be moved from the west side of the HLC to the east side for the last 700 feet as it approached Hampden Avenue as part of the connection. He added that the easement agreement was contingent upon the final approval of the Intergovernmental Agreement (IGA) between Cherry Hills Village, Arapahoe County and Denver for Cost Sharing and Collaboration on the High Line Canal Underpass Project at Hampden Avenue and Colorado Boulevard, as well as the IGA between CDOT and Denver for the underpass project. He indicated that the City had secured two grants to help offset the purchase of the easement, one from Arapahoe County Open Space for $40,000 and the other from Colorado Parks and Wildlife (CPW) for $130,000. He specified that these funds were for the easement and not for the underpass.

Councilor VanderWerf asked if this was the City's first grant from CPW.

Deputy City Manager/Director Goldie confirmed it was.

Councilor VanderWerf asked about the winding trail.

Deputy City Manager/Director Goldie explained that the trail followed the HLC and so the winding was natural.

Councilor Gallagher asked about the trail crossing from the west side of the HLC to the east side.

Deputy City Manager/Director Goldie replied that the trail crossing would be located at an existing foot bridge just west of Jefferson Avenue before the trail headed east to Monroe Lane.

Councilor Hoellen questioned the absence from the easement agreement of the contingencies of final approval and execution of the IGAs that were outlined in the resolution.

Deputy City Manager/Director Goldie replied that the easement agreement would not be recorded and City funds would not be paid until the IGAs were fully executed.

Councilor Hoellen indicated his discomfort with not including the contingencies in the easement agreement and expressed concern that it was not proper form to exclude them.

Deputy City Manager/Director Goldie explained that the easement agreement was intended to show the City's grantors that the project was moving forward.

Councilor K. Brown suggested that the easement agreement did not need to be signed until the IGAs were fully executed and that instead Council could approve the easement agreement and authorize the Mayor to sign it once the contingencies were met.

City Manager Thorsen agreed that the exclusion of the contingencies from the easement agreement was odd but that it was the system staff was using to allow the grants to move forward. He noted that staff would not send the signed easement agreement to DFC until the contingencies were met.

City Attorney Michow suggested that alternatively the City could set up an escrow account for the funds so they would be set aside but not paid to DFC until the contingencies were met.

Councilor Hoellen noted that he was not concerned with establishing an escrow but questioned why the contingencies were not included in the easement agreement.

Mayor Christman indicated that there should not be a reference to an unrecorded document within a recorded document. She suggested that the City could create a side letter agreement with the contingencies for both the City and DFC to sign, or create an escrow account.

City Attorney Michow agreed and added that referencing an unrecorded document in a recorded document would make it impossible to know for sure that the conditions of the recorded document had been met.

Councilor Hoellen indicated a side letter agreement would be satisfactory and noted a typo in Section 5 of the easement agreement.

Mayor Christman suggested that Council approve the resolution subject to the side letter agreement.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve Resolution 9, Series 2016; accepting and approving an easement agreement with Denver First Church for a non-motorized public trail, and authorize the expenditure of funds in the amount of $79,000.00 contingent upon the final approval of the IGA for Cost Sharing

and Collaboration on the High Line Canal Underpass Project at Hampden Avenue and Colorado Boulevard between Cherry Hills Village, Arapahoe County and Denver and the CDOT and Denver IGA for the underpass project as well as to authorize the Mayor to approve a side letter agreement outlining the contingencies as stated.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Christman provided an update to Council on the two IGAs involved in the HLC underpass project. She also reported on a meeting with Denver Water and noted that the City was lucky to have the High Line Canal Working Group and the High Line Canal Conservancy to advocate the importance of the HLC.

Members of City Council

Councilor Hoellen had no report.

Councilor K. Brown thanked the Branch family for staying through the meeting. She also noted that Tom and Ben Logan were present in the audience.

Councilor VanderWerf reported that the dedication for *Charlo* last Thursday had been well attended and successful. She noted that the donor recognition plaque was hanging in Council Chambers and hoped that it would have a more accessible location in the new Village Center. She reported that the PAC would take a field trip to the Englewood Museum of Outdoor Arts with President and Executive Director Cynthia Madden Leitner, and that the PAC hoped to establish a good relationship with the museum.

Councilor Griffin underscored the success of the *Charlo* event and gave special thanks to the Diecidues for hosting the reception.

Councilor Gallagher reported that the PTRC would meet tomorrow morning at 8am for another work session on the development of John Meade Park.

Members of City Boards and Commissions

None

City Manager & Staff

City Manager Thorsen reported that he would attend the annual Colorado Municipal League Conference tomorrow through Friday. He noted that staff reports were included in Council packets and staff was available for any questions.

Parks, Trails and Recreation Commission Vacancy

City Clerk Smith explained that there was a vacancy on the Parks, Trails and Recreation Commission (PTRC) and asked for two Council members to assist with interviews to fill the opening.

Councilor Gallagher and Councilor VanderWerf volunteered.

Councilor K. Brown suggested the solicitation for applications include a statement that preference would be given to applicants living in the Districts not currently represented on the PTRC, which were Districts 1 and 5.

City Clerk Smith noted that Council no longer held a meeting on the first Tuesday in July so the next regular Council meeting would be July 19th.

City Attorney

City Attorney Michow had no report.

EXECUTIVE SESSION AND ADJOURNMENT

Councilor K. Brown moved, seconded by Councilor Griffin to move into Executive Session pursuant to C.R.S. Sec. 24-6-402(4)(a) for the purpose of discussing matters related to the acquisition of real property; and then pursuant to C.R.S. Sec. 24-6-402(4)(e) to develop strategy for negotiations and to instruct negotiators relating to possible acquisition of real property; and then pursuant to CRS 24-6-402(4)(b) for the purpose of seeking legal advice concerning the Suzanne Helen v. Cherry Hills Village litigation involving the City's denial of a floodplain development permit; and upon conclusion immediately adjourn.

The following votes were recorded:

Griffin	yes
VanderWerf	yes
K. Brown	yes
Hoellen	yes
Gallagher	yes

Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

The Executive Session began at 7:02 p.m.

The meeting adjourned at 8:20 p.m.

Laura Christman, Mayor

Laura Smith, City Clerk