

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Southmoor Circle and Hudson Parkway
General Improvement District Board of Directors
Held on Tuesday, April 5, 2022 at 6:30 p.m.
City Hall

The City Council held a study session at 5:30 p.m.

Mayor Russell Stewart called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, and Mike Gallagher were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Commander Pat Weathers, Finance Director Jessica Sager, Parks Coordinator Emily Black, and City Clerk Laura Gillespie.

Absent: Councilor Dan Sheldon

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

RALPH MASON RETIREMENT

Mayor Stewart read a proclamation thanking Ralph Mason for his work at the City and designating Ralph Mason Day.

Councilor Gallagher thanked Mr. Mason for being a wonderful ambassador for the City.

Mayor Pro Tem Brown stated Mr. Mason was an integral part of the community; coming into Cherry Hills Village was like coming into Oz from Kansas.

Councilor Weil indicated Mr. Mason had made a significant impact on the City and it had always been a pleasure working with him.

Councilor Safavi thanked Mr. Mason for his service.

Councilor Blum thanked Mr. Mason and wished him luck going forward.

Mayor Stewart read a letter from former mayor Jeff Welborn into the record.

Mayor Stewart added Mr. Mason had a reputation around the state as the preeminent road man and was contacted for advice from municipalities all over.

Deputy City Manager/Director Goldie indicated it was sometimes difficult to notice all the work done by Public Works as roads continually needed service; a tangible way to see Mr. Mason's impact was to look at the incredible improvement of the City's streets since he implemented the City's pavement improvement program 16 years ago; this could be seen in the Colorado Asphalt Pavement Association's pavement condition report which showed the City had one of the highest pavement condition indexes in the state while spending one of the lowest amounts of money per lane mile; he thanked this Council and past Councils for supporting the capital improvement program. He presented a plaque to Mr. Mason.

Ralph Mason thanked all present and past Mayors, Council members, and residents for competitively employing him; he appreciated them for taking care of their employees, for

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giving them the tools, resources, funds, and manpower to accomplish their jobs; and for sending them to conferences and trainings. Mr. Mason thanked his wife and Lord Savior.

AUDIENCE PARTICIPATION PERIOD

Adam Writer, 55 Meade Lane, expressed his support for the proposed vacation of 3 Crest Road.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

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

- a. Approval of Minutes – March 1, 2022

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Council Bill 7, Series 2022; Vacating the City's Interest in a Portion of the Crest Road Right-of-Way (first reading)

Deputy City Manager/Director Goldie presented Council Bill 7, Series 2022 on first reading. He explained first reading was only intended to set the public hearing, and the full staff presentation would be given at the next meeting in conjunction with the public hearing.

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to approve Council Bill 7, Series 2022; vacating the City's interest in a portion of the Crest Road right-of-way located within the City of Cherry Hills Village, Arapahoe County, State of Colorado on first reading and set the public hearing and second reading on this matter for the April 19, 2022 City Council meeting.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Council Bill 7-2022: 5 ayes. 0 nays. The motion carried.

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Council Bill 8, Series 2022; Amending the Budget for Fiscal Year 2022 by Creating a Fund for the Southmoor Circle and Hudson Parkway General Improvement District and Appropriating Funds Therein (first reading)

Director Sager presented Council Bill 8, Series 2022 on first reading. She explained the proposed bill would establish a fund and appropriate expenditures for the new general improvement district in the amount of \$182,061, which included Xcel's cost, reimbursement of the initial \$10,000 petitioner deposit, bond issuance fees, a construction reserve, and the debt service fund.

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to approve Council Bill 8, Series 2022 amending the budget for fiscal year 2022 by creating a fund for the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District and appropriating funds therein on first reading.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Council Bill 8-2022: 5 ayes. 0 nays. The motion carried.

Council Bill 9, Series 2022; Amending Article III of Chapter 2 of the Municipal Code Concerning the Fidelity Bond Requirement for Employees that Handle City Funds (first reading)

Director Sager presented Council Bill 9, Series 2022 on first reading. She explained Section 13.4 of the Charter required a fidelity bond for any employee who handled funds at an amount to be fixed by the Council; Section 2-3-30(c) of the Municipal Code set the bond amount at \$20,000 to \$100,000; staff could not find an instance where the Director of Finance, City Manager, or Deputy City Manager, had obtained a fidelity bond; staff was seeking direction from Council on three options; option 1 was approval of Council Bill 9, Series 2022 to amend the Code to set the bond amount to zero dollars if the City has approved and purchased insurance coverage that fulfills the same purpose in the amounts appropriate to the risk of loss from dishonest or fraudulent acts by City employees; the City currently purchased additional "excess crime coverage" from CIRSA on an annual basis in the amount of up to \$500,000; there would be no impact to the budget if Council chose option 1 unless Council would like to purchase a higher amount of excess crime coverage; option 2 was Council requiring staff to purchase bonds for the Director of Finance, City Manager, and Deputy City Manager, the cost of which was not included in the budget; fidelity bonds could be expensive and were person-specific; the excess insurance coverage covered the City as a whole and so would cover any theft by employees other than the three mentioned; option 3 was for Council to bring a ballot measure to the voters amending Section 13.4 of the Charter to remove the requirement or amend it to allow for insurance.

Councilor Gallagher asked about the interaction between the City's regular insurance and excess insurance.

Director Sager replied the City's base insurance covered up to \$5 million; if a claim went beyond that amount then the excess coverage would be used for up to an additional \$500,000.

Mayor Stewart indicated he was inclined to change the Charter as bonds were not useful as they were when the Charter was written and insurance coverage was better.

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Mayor Pro Tem Brown indicated she supported the proposed bill as fixing the situation in the short-term; she agreed an update to this section of the Charter should be proposed at some point but it was not critical.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve Council Bill 9, Series 2022, a bill for an ordinance for the City of Cherry Hills Village amending Article III of Chapter 2 of the Cherry Hills Village Municipal Code concerning the fidelity bond requirement for employees that handle city funds on first reading.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Blum	yes

Vote on the Council Bill 9-2022: 5 ayes. 0 nays. The motion carried.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Stewart recessed the City Council Meeting and convened the meeting of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District Board.

MEETING OF THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 7:07 p.m.

ROLL CALL OF MEMBERS

The City Council for the City of Cherry Hills Village serving ex-officio as the Board of Directors of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District: Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, and Mike Gallagher were present on roll call.

Absent: Councilor Dan Sheldon.

The administrative staff of the City serving as the administrative staff of the GID: City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Commander Pat Weathers, Finance Director Jessica Sager, Parks Coordinator Emily Black, and City Clerk Laura Gillespie.

CONSENT AGENDA

None

ITEMS REMOVED FROM THE CONSENT AGENDA

None

UNFINISHED BUSINESS

None

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NEW BUSINESS

Board Bill 1, Series 2022; Providing for the Issuance of a General Obligation Note (first reading)

Director Sager presented Board Bill 1, Series 2022 on first reading. She explained the proposed bill authorized the issuance of the Series 2022 Note, in a principal amount of up to \$150,000, along with additional proceeds in the amount of \$32,061 which would be generated from supplemental interest on the Note; if approved on first and second reading closing would be held in the beginning of May and the project should start at the end of May.

Mayor Pro Tem Brown moved, seconded by Councilor Weil, to approve Board Bill 1, Series 2022 on first reading; A Bill for an Ordinance of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District, in the City of Cherry Hills Village, Colorado, providing for the issuance of a General Obligation Note of such District, Series 2022, in an aggregate principal amount not exceeding \$150,000, to finance the cost of certain improvements approved at a District election held November 2, 2021; ratifying actions heretofore taken; authorizing the execution by the District of the Note and related documents required in connection therewith; and making determinations as to other matters related to the Note.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Stewart	yes
Gallagher	yes
Blum	yes

Vote on the Board Bill 1-2022: 6 ayes. 0 nays. The motion carried.

ADJOURNMENT

The Southmoor Circle and Hudson Parkway General Improvement District Board meeting adjourned.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 7:10 p.m.

REPORTS

Mayor's Report

Mayor Stewart reported he had attended the March 31st Metro Mayors Caucus (MMC) telephone meeting with the Attorney General, the discussion had focused on crime rates; he attended the April 4th transportation committee meeting of the MMC, the discussion had focused on Governor Polis's proposal to make high ozone days free on RTD, and general dissatisfaction with RTD; he would attend the MMC meeting tomorrow with CDOT; Thursday he would attend the City's contractor meeting; Friday he would attend the Arapahoe County Commissioners/Mayors/Managers meeting; he would attend the April 22nd CML board meeting; he would attend the CML annual meeting this summer; his term on the CML board was ending and he wished to run for election again; he asked City Manager Cramer to write a letter indicating Council's support if there was no objection; South Metro Fire Rescue was holding an election in May and there were a lot of candidates, one of which was a Village resident, David Heller.

Mayor Pro Tem Brown noted Mr. Heller had reached out to her.

Members of City Council

Councilor Blum had no report.

Councilor Gallagher reported it was sad to see Mr. Mason leave, but it was good to have Mr. Berninzoni back at the City.

Mayor Pro Tem Brown had no report.

Councilor Weil reported the estimates for redoing the Belleview median were considerably higher than anticipated and due to funding limitations the project would be postponed until prices were more reasonable; he attended the DRCOG retreat, discussion had included how to improve commuting.

Councilor Safavi reported several meetings regarding the biotech innovation project; in 2021 \$2.4 billion came to Colorado for investment in biotech, making Colorado 8th in the nation; there was over a million square feet shortage of lab space in Colorado for biotech.

City Manager & Staff

City Manager Cramer reported the City had received an invitation from the South Metro Chamber of Commerce for their Business Awards.

Mayor Stewart reported he had attended; the Chamber wanted the City to be a member but the City did not have much commerce.

City Manager Cramer reported the police chief recruitment process was ongoing; the first round of candidates had all been very good; the three diverse interview panels had differing views so staff was doing additional follow-up; they hoped to have a selection in a couple weeks; staff might have a selection for the finance director position by the end of the week. He reported he had attended a meeting today for the I-25/Belleview Interchange project which outlined how the consultants would evaluate the new Split Diamond Plus design over the next nine months; they would not do traffic modelling until they got political buy-in as it was very expensive; he would attempt to bring the consultants to a Council meeting for a status update. He reported the second master plan update survey closed next week. He would attend the Colorado City and County Managers Association conference in Glenwood Springs next week. He would attend the CML conference in June.

Commander Weathers reported a serial burglar in the metro area who had operated in the Village for over two years had been convicted to 54 years with an additional 10 years due specifically to a case in the Village.

Director Sager asked if Council would like to contribute to the MMC housing stability flex fund as they had in the past; it was not budgeted this year but there was flexibility in the budget due to a former employee not requiring tuition reimbursement; the City contributed \$1,000 in 2020 and \$1,150 in 2021.

Mayor Stewart indicated if everyone was in agreement and there was room in the budget he recommended contributing the same amount as last year.

Deputy City Manager/Director Goldie reported Mile High Flood District had asked all the municipalities involved in the High Line Canal Collaborative to participate in a mapping process for the entire Canal; this would be a companion document to what the City was doing now.

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City Clerk Gillespie reported Drug Take Back would be held April 30th and Shred Day would be held May 21st.

Mayor Stewart asked about paint and electronics recycling.

Deputy City Manager/Director Goldie replied the dumpsters, paint, and electronics recycling would not be provided this year as staff had to schedule it last year when COVID restrictions made planning difficult; the full Spring Clean Up would be provided next year.

City Attorney Guckenberger had no report.

EXECUTIVE SESSION AND ADJOURNMENT

Mayor Pro Tem Brown moved, seconded by Councilor Blum, to move into executive session pursuant to Section 24-6-402(4)(b), Colorado Revised Statutes, to receive legal advice concerning ballot language to amend the City's municipal code regarding the collection of sales tax on certain sales by businesses that are not physically located in the Village, and upon conclusion immediately adjourning.

The following votes were recorded:

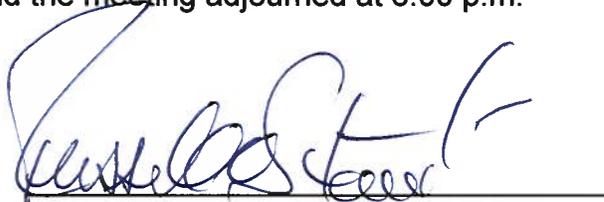
Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Blum	yes

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

City Council entered executive session at 7:29 p.m.

The executive session ended and the meeting adjourned at 8:00 p.m.

(SEAL)



Russell O. Stewart, Mayor and GID Chairperson



Laura Gillespie, City Clerk and GID Secretary