

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 18, 2023 at 6:30 p.m.
City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

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

CALL TO ORDER

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

ROLL CALL

Mayor Katy Brown, Mayor Pro Tem Randy Weil, Councilors Earl Hoellen, Al Blum, Susan Maguire, and Robert Eber were present on roll call. Also present were City Manager Chris Cramer, City Attorney Kathie Guckenberger, Finance Director Doug Farman, Community Development Director Paul Workman, Police Commander Brennan Leininger, Public Works Manager Ryan Berninzoni, and City Clerk Laura Gillespie.

Absent: Councilor Dan Sheldon

PRESENTATIONS

Mayor Brown indicated the Police Department presentation had been rescheduled to a future meeting.

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Shari Leigh, 4213 S. Colorado Boulevard, suggested a community liaison committee with Kent Denver consisting of neighboring residents, a Council member, the headmaster, and students, to discuss controversial issues such as traffic and help establish and maintain a positive and productive relationship; one idea was to have students park at area churches and shuttle students to the school; the committee could also involve the other schools and churches in the City.

Tory Leviton, 3901 E. Quincy Avenue, strongly protested any consideration of the sale of 90 Meade Lane as it would directly contradict the Master Plan by reducing Village owned open space; 90 Meade Lane provided a valuable component to wildlife corridors and potential future recreational value; the Parks, Trails and Recreation Commission (PTRC), including a current Council member, had set the precedent that it was never in the City's interest to vacate, transfer, or sell any land anywhere anytime under any circumstances; considering the sale of 90 Meade Lane was an insincere representation of Council's constituents, in opposition to their oaths, and against their sworn duty to uphold the Master Plan.

Jenn Diffendal, 5701 E. Stanford Drive, thanked Public Works Manager Berninzoni for his work on the Denver Water project on Holly and working with her to solve the issues with the project; she highlighted Officer Jenn Callahan who had medically retired recently and thanked her for her integrity and service; she asked Council to fix the lack of pension for police officers; she thanked Mayor Brown and Mayor Pro Tem Weil for the level of transparency during their term.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

RECORD OF PROCEEDINGS

CONSENT AGENDA

Mayor Brown removed Item 7a from the consent agenda.

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

- b. Agreement for Professional Services for Weed Control Services in City Parks
- c. Change Order #4 and Letter Amendment to Construction Contract with RME LTD LLC DBA Elite Surface Infrastructure to Pave Sections of Sedgwick Drive

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 7a. Approval of Minutes – April 4, 2023

Mayor Brown made edits to the minutes on page 9 and 11.

Mayor Pro Tem Weil moved, seconded by Councilor Blum, to approve the minutes as amended.

The motion passed with 4 yes and 1 abstention.

UNFINISHED BUSINESS

Council Bill 1, Series 2023; Amending Chapter 4, Article IV Concerning Retail Sales Tax Pursuant to Voter Approval Granted on November 8, 2022 (first reading)

Director Farmen presented Council Bill 1, Series 2023 on second and final reading; he reviewed the history of economic nexus, the *Wayfair* court case, the Colorado Municipal League (CML) model ordinance, and the City's ballot issue 2A which passed at the November 2022 election to allow the City to collect sales tax from remote sellers; Council had directed staff to move forward in phases to update the Code; Phase 1 would align the Code with 2A; Phase 2 would result in the City joining SUTS, the state's Sales and Use Tax System; Phase 3 included additional potential Code changes regarding collection and enforcement; Council Bill 1, Series 2023 proposed amending or adding several definitions in Section 4-4-10 including economic nexus, engaged in business, marketplace facilitator, marketplace seller, multichannel seller, purchase or sale, retailer, and retailer-contractor; the tangible personal property definition remained unchanged; further amendments were proposed to Section 4-4-30, license required; Section 4-4-40, map of municipal boundaries; Section 4-4-50, place of consummation of sale; Section 4-4-110, imposition of tax; and Section 4-4-310, vendor liable for tax; the council bill also deleted the term "services" where it was present to conform the Code with the 2010 exemption of services; staff reviewed the proposed changes with Mayor Pro Tem Weil and Councilor Hoellen who provided valuable feedback.

Mayor Brown asked about the change in licensing requirements to require all persons engaged in business in the City get a license.

Director Farmen noted the licensing section would be further amended over the next couple of months and the license might be as simple as a license number.

Councilor Hoellen added Council was pushing to get these Code amendments completed as soon as possible.

RECORD OF PROCEEDINGS

City Attorney Guckenberger noted there was a state law regarding licensing for remote vendors that needed to be incorporated as well.

Mayor Pro Tem Weil indicated he and Councilor Hoellen had raised the same issue and staff needed information about what SUTS would entail before they could finalize the new licensing process, which might be as simple as issuing a license number.

City Manager Cramer added staff needed to collect basic information from people remitting sales tax.

City Clerk Gillespie noted the requirement to be licensed was linked to the process of remitting sales tax as all vendors needed to provide information for the City's new tracking system.

City Attorney Guckenberger added SUTS would remit vendor information to the City and that would be the method by which the remittances were tracked.

Mayor Brown asked if a small business outside the City delivering a product into the City met the definition of engaged in business.

City Attorney Guckenberger replied the place of consummation of sale per the destination sourcing rules articulated in state law determined where sales tax was remitted.

Mayor Pro Tem Weil moved, seconded by Councilor Blum, to approve Council Bill 1, Series 2023; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 4, Article IV Concerning Retail Sales Tax pursuant to voter approval granted on November 8, 2022, on second and final reading.

The following votes were recorded:

Eber	yes
Hoellen	yes
Weil	yes
Blum	yes
Maguire	yes

Vote on Council Bill 1, Series 2023: 5 ayes. 0 nays. The motion carried.

NEW BUSINESS

None

REPORTS

Mayor's Report

Mayor Brown reported she continued to spend a lot of time on Senate Bill 23-213.

Members of City Council

Councilor Maguire reported she received a request from a resident that the City provide information on the programs at Quincy Farm and the City funds spent on Quincy Farm; she had worked with Parks Manager Black to add a link from the City's website to the Cherry Hills Land Preserve's website that showed the programs; she noted the new budget format did not include line items.

City Manager Cramer indicated staff could add the line item budget information to the website.

RECORD OF PROCEEDINGS

Councilor Blum thanked the Judds and Crapos for hosting the event last night and thanked Mayor Brown for running the event, where they were able to express their opposition to SB 23-213 to their senators.

Councilor Maguire agreed.

Mayor Pro Tem Weil agreed with Councilor Blum. He reported Ms. Diffendal had connected him with a company for self-guided commercial-grade electric lawn mowers and there would be a demonstration with Public Works staff on Thursday; DRCOG had voted to oppose SB 23-213.

Councilor Hoellen agreed with Councilor Blum; he noted one brave soul argued the other side at last night's event; he complimented Mayor Pro Tem Weil for securing the opposition vote from DRCOG.

Councilor Eber agreed with Councilor Blum; all of Council had spent a lot of time in communication with residents about SB 23-213; it was incredible to him that there were still residents who were still not aware of SB 23-213 or were not aware until recently; the City-wide letter was an excellent use of City funds to get an important message out quickly; he would like to figure out how to get more residents signed up to receive email notifications from the City website; the City's work was just beginning.

Mayor Brown agreed.

Councilor Eber indicated the City needed to start articulating what Cherry Hills Village could offer in terms of solutions to the housing issue if they did not want to have more dense housing.

Councilor Hoellen agreed and added Cherry Hills Village was a part of the larger community and not every jurisdiction would be able to contribute the same thing to the quality of life of the community at large; Cherry Hills Village could contribute open space, wildlife corridors, and dark skies.

City Manager & Staff

City Manager reviewed the steps staff had been taking and would continue to take to notify residents about SB 23-213; staff was continuing to work on improvements to communication and outreach to residents; City Council had also been tireless in communicating with residents.

Councilor Hoellen agreed with Councilor Eber that despite all the work to communicate with residents there were still some who were not paying attention.

Mayor Pro Tem Weil noted the short timeline between the bill language being available and the first committee hearing was not conducive to a lot of advanced warning; there would always be people who would not pay attention.

Councilor Eber added it was important for residents to understand this issue because it was not going away and they needed to pay attention all the time.

Commander Leininger reported the audit of the Police Department property and evidence had been found 100% complete and accurate.

Councilor Hoellen questioned the reduction in detail and narratives in the monthly Police Department report; the details were important to understand what was happening in the community.

City Manager Cramer replied Chief Lyons understood the desire for more information and would look into making changes in future reports.

RECORD OF PROCEEDINGS

Mayor Pro Tem Weil agreed more information would be helpful when Council attended HOA meetings.

Councilor Hoellen added safety and security rose to the top of everyone's issues. He added a few residents had brought up the issue of dogs off leash after his comments at the last meeting. He asked if the Police Department kept statistics on citations versus warnings given for dogs off leash.

Commander Leininger replied statistics for citations and calls for service were definitely available but officers might not record minor or casual interactions as a warning.

Councilor Maguire noted an article reminding residents about the City's leash laws would be in the next issue of the Village Crier.

Director Workman reported staff had provided a letter reporting to Council on progress associated with the Arapahoe County Hazard Mitigation Plan as part of the City's community rating system through FEMA.

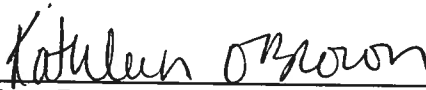
City Attorney

City Attorney Guckenberger had no report.


ADJOURNMENT

The meeting was adjourned at 7:39 p.m.

(SEAL)



Katy Brown, Mayor



Laura Gillespie, City Clerk