

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
and of the Cherry Hills Village Charlou Park 3<sup>rd</sup> Filing  
General Improvement District Board of Directors  
Held on Tuesday, March 19, 2019 at 6:30 p.m.  
At the Village Center

The City Council held a study session at 6:02 p.m.

Mayor Russell Stewart called the meeting to order at 6:39 p.m.

### **ROLL CALL**

Mayor Russell Stewart, Councilors Randy Weil, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Community Development Director Rachel Granrath, Finance Director Jessica Sager, and City Clerk Laura Gillespie.

Absent: Councilors Afshin Safavi and Katy Brown

### **PLEDGE OF ALLEGIANCE**

The City Council conducted the pledge of allegiance.

### **APPROVAL OF AGENDA**

Councilor Gallagher moved, seconded by Councilor Blum to approve the agenda.

The motion passed unanimously.

### **AUDIENCE PARTICIPATION PERIOD**

Deputy City Manager/ Director Goldie introduced Tom Clayton, Director of Training and Membership Services from Colorado Asphalt Pavement Association (CAPA). Director Goldie explained that CAPA has over 250 members in Colorado, 75 of which were towns, counties and special districts. He further stated CAPA has brought producers and end users together to train asphalt users and they have a technical staff that the City could use as a resource.

Tom Clayton of CAPA, 6880 South Yosemite Street in Centennial, presented an award to the Cherry Hills Village Public Works Department for Best Surface Streets in Colorado. Mr. Clayton indicated that judges looked at projects throughout the state and based their decision on road wear significant to property. He advised a city must receive at least 270 points out of a possible 350 in order to even be considered for the award and the City of Cherry Hills Village scored a possible 285, which is considered excellent or "best of the best". Mr. Clayton commented that many streets in Cherry Hills Village were as old as 40 years and were extremely well maintained.

Ralph Mason, Public Works Project and Right of Way Manager, John Pehrson, Street Operation Supervisor, and Jeremy Clayton, Crew Chief from the Public Works Department accepted the award.

Anne Ingebretson, 5690 South Logan Street in Greenwood Village, a City Council member from Greenwood Village, asked the City Council of Cherry Hills Village for their support to work in conjunction with the City of Greenwood Village by improving the landscaping in the medians on Belleview Avenue between Quebec and University Boulevard. Ms. Ingebretson explained that she viewed Belleview Avenue as an entrance to both Greenwood Village and Cherry Hills Village, and therefore the project was of mutual benefit to both cities. A public hearing held in Greenwood Village was well attended by citizens from both cities that were mostly in support of the project. The

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medians were widened in 1997, the mayors of both cities asked that the medians be landscaped, and CDOT, who was responsible for the maintenance, has stepped away from their duties and the medians have fallen into disrepair. Greenwood Village has worked closely with the Denver Botanic Gardens with plans to xeriscape much of the space. Ms. Ingebretson indicated that Greenwood Village is ready to move forward in May 2019 and asked the City of Cherry Hills Village for support at any level.

### **REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES**

None

### **CONSENT AGENDA**

Councilor Gallagher moved, seconded by Councilor Blum to approve the following items on the Consent Agenda:

- a. Approval of Minutes – March 5, 2019
- b. Contract for Services with Straight Line Saw Cutting for the 2019 Street Improvement Concrete Project

The motion passed unanimously.

### **ITEMS REMOVED FROM CONSENT AGENDA**

None

### **UNFINISHED BUSINESS**

Council Bill 2, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village to Rezone 120 Meade Lane, John Meade Park and Alan Hutto Memorial Commons from R-1 (2 ½ Acre Residential District), C-1 (Community District) and O-1 (Open Space, Park and Recreation Area District) to O-2 (Open Space, Conservation and Historic Area District), to Rezone 2450 E. Quincy Avenue from C-1 to C-1 and O-2, and Amending the Zoning Map (second and final reading)

Director Granrath presented the council bill for Council's consideration on second and final reading. She noted that a public hearing had been held on March 5, 2019 and indicated that City staff would recommend approval of the bill.

Mayor Stewart asked if there had been any changes to the council bill since first reading.

Director Granrath confirmed that there were not.

Councilor Sheldon moved, seconded by Councilor Blum to approve Council Bill 2, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village to Rezone 120 Meade Lane, John Meade Park and Alan Hutto Memorial Commons from R-1 (2 ½ Acre Residential District), C-1 (Community District) and O-1 (Open Space, Park and Recreation Area District) to O-2 (Open Space, Conservation and Historic Area District), to Rezone 2450 E. Quincy Avenue from C-1 to C-1 and O-2, and Amending the Zoning Map on second and final reading.

The following votes were recorded:

Weil	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the Council Bill 2, Series 2019: 4 ayes. 0 nays. The motion carried.

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### NEW BUSINESS

Council Bill 3, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 2 Article 6 of the Cherry Hill Village Municipal Code concerning duties and responsibilities of the Planning and Zoning Commission in maintaining the City's Master Plan (first reading)

Mayor Stewart presented Council Bill 3, Series 2019 for Council's consideration. He explained that the bill was a proposal to change the Code giving Council the authority to delegate the Planning and Zoning Commission (P&Z) to take on certain tasks in the future while also directing P&Z to review the Master Plan, in whole or in part, and make recommendations to Council. The amended language would allow City Council to approve, deny, or accept modifications. Mayor Stewart stated that the current Master Plan needed to be reviewed to determine how the City would look in the future, although that discussion had been bypassed with the new City Hall construction. He indicated that there would need to be a budget discussion for next year's budget if the Council Bill was approved. He added that P&Z should look at other issues beside the Master Plan, such as cut through traffic, and provide recommendations to Council. He indicated Council should consider whether they would like to task P&Z with reviewing the Master Plan or create a citizen's commission. Mayor Stewart added that the proposed Code amendments had been reviewed by City Attorney Guckenberger.

City Attorney Guckenberger confirmed that the copy of the council bill in the packet was based on the version that she revised.

Mayor Stewart noted that the suggested language for paragraph 7 of the proposed amendments was copied from the Parks, Trails and Recreation Commission (PTRC) section of the Code and reads "The Planning and Zoning Commission shall have such other duties as assigned by the City Council, by motion, from time to time, except that nothing herein shall permit the Planning and Zoning Commission to assume powers expressly reserved for the City Council." He also commented that this was the first reading and suggested that it could be passed as is or Council could think about the change and appropriate language. He noted that the Master Plan should be looked at every ten years.

Councilor Sheldon stated that he liked the new language presented by the Mayor compared to the current language in the Code.

Councilor Blum asked what the major changes were compared to the current Code.

Mayor Stewart confirmed that the primary changes were in paragraphs one and seven.

City Attorney Kathie Guckenberger added that the proposed amendments included more specificity in terms of the time frame for review of the Master Plan and about the ability to review a portion of the Master Plan. She explained that paragraph 7 was written with the understanding that this section related to P&Z was in Chapter 2 of the Code but the actual duties of P&Z were in Chapter 16. She indicated that the Mayor's proposed language would allow Council to delegate other duties to P&Z that were not expressly reserved for City Council, so long as they did not violate anything in the Charter or elsewhere in the Code.

Mayor Stewart noted that the language in paragraph 8 of the current Code refers to state statute, which does not allow Council to modify P&Z's recommendations, and the intent of the proposed amendments was to give City Council not only the ability to approve or deny P&Z's recommendations, but to review and modify those recommendations as well.

Kathie Guckenberger stated there is a provision currently in the Code that allowed Council to adopt, modify or reject, and confirmed that the City was currently protected by that wording.

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Mayor Stewart asked if the City was allowed to have different language in the Code from the state statute because it was Home Rule.

City Attorney Guckenberger confirmed that the change could be made.

Councilor Gallagher asked if the proposed amendments would allow Council to ask other boards and commissions, such as PTRC, to review those sections of the Master Plan that made sense for them to review.

Mayor Stewart confirmed that would be allowed. He also noted that PTRC had its own Code and that the proposed amendments allowed Council to delegate and assign duties to PTRC. He indicated that he anticipated Council directing P&Z to look at traffic, while PTRC would look at parks and trails issues. He added that there was a provision in the bill that addressed a sub-master plan whereby which each board looked at and considered a section of the Master Plan and their ideas were incorporated into the full Master Plan.

Councilor Blum asked if there were certain things Mayor Stewart had in mind to delegate to P&Z.

Mayor Stewart responded that traffic would definitely be one issue, but nothing else came to mind.

Councilor Weil moved, seconded by Councilor Gallagher to approve Council Bill 3, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 2 Article 6 of the Cherry Hill Village Municipal Code concerning duties and responsibilities of the Planning and Zoning Commission in maintaining the City's Master Plan on first reading.

The following votes were recorded:

Gallagher	yes
Sheldon	yes
Blum	yes
Weil	yes

Vote on the Council Bill 3-2019: 4 ayes. 0 nays. The motion carried.

Mayor Stewart asked what the next step in the process would be.

City Clerk Gillespie responded that there would be a second reading at the next City Council meeting and if passed, the ordinance would be published in The Villager Newspaper and 10 days later the ordinance would become effective.

### Discussion Regarding Landscape Improvements for Belleview Medians

City Manager Thorsen opened a discussion regarding the proposed landscape project for the medians on Belleview Avenue between Quebec Street and University Boulevard. He asked City Council to determine to what degree the City should contribute to Greenwood Village's request for the City to participate in the project. He stated that CDOT owns Belleview Avenue and it was widened in the 1980's but CDOT currently had no plans for the medians or the maintenance of them. He explained that originally Greenwood Village and Cherry Hills Village paid for landscaping and water, but the well eventually went dry, the tap had problems, and as a result the landscaping deteriorated. He added that there had been a public meeting on January 17, 2019 in Greenwood Village which was attended by approximately 30 people from both communities, approximately half of which were from the Glenmoor community, and there was large support for project.

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City Manager Thorsen explained that there were 10 shared medians along Belleview Avenue. The construction budget was \$2,347,912, which included a contingency of 15%. He added that the estimated annual water and maintenance costs were \$41,885. He explained that the project schedule was May through September 2019, with the project completion date scheduled for spring 2020. He indicated that currently the medians had cobblestones, wood chips and various trees. He presented Greenwood Village's landscape plan that included xeriscaping, perennials that would bloom at different times throughout the year in various colors, with focal points at intersections which would include boulders and more intricate landscaping. He noted that this project was a high priority for Greenwood Village and their budget was seven times larger than that of the City of Cherry Hills Village and they had budgeted \$2.5 million for the project. He indicated that the City had not budgeted for the project and therefore the 2019 budget would need to be amended in order to participate. He proposed that the extent of participation by the City of Cherry Hills Village be limited to irrigation and maintenance costs for the first five years, approximately \$210,000 for the five years, and that after 2024 the cost of maintenance be split between the two cities. He noted that the cost could be paid on a yearly basis using the Parks and Recreation Fund 30. He explained that if the total cost of the project was split at \$1 million for each city, and the money came from Cherry Hills Village's General Fund it would be a significant reduction of 13% to the General Fund, hence the recommendation by staff to fund the first five years of watering and maintenance.

Councilor Sheldon asked if the water tap fee of \$143,000 would be sufficient to supply the entire scope of the project.

City Manager Thorsen replied that it would, explaining there was one tap near Fairfax Avenue, and two more taps would be added on the Greenwood Village side.

Councilor Sheldon asked if the approximately \$2 million covered the entire project.

City Manager Thorsen replied the \$2 million covered the entire project, including the three concrete medians owned by Denver.

Councilor Weil stated that there were significant traffic issues near the rear gate of Cherry Hills Farm, especially during rush hour, where a left turn lane on Belleview Avenue with a cement barrier blocked traffic turning out of the neighborhood. He noted that removing the concrete would allow Glenmoor residents to turn left and wait for traffic to pass in order to merge into traffic, and suggested that now would be the time to make such a change before new landscaping and irrigation was installed.

City Manager Thorsen replied that anything done on Belleview would have to be reviewed by CDOT, including traffic signal plans and landscaping plans, and hopefully they would be coordinated.

Councilor Blum asked what the timeline was for the traffic signal.

Deputy City Manager/Director Goldie confirmed that preliminary plans would be submitted to CDOT within the next two weeks for their first review.

Councilor Sheldon asked how the five-year plan for maintenance and watering was determined, instead of picking an arbitrary number.

City Manager Thorsen stated it would be easier for the City to spread out the cost on an annual basis for this expense because the City received parks funds on an annual basis, whereas a one-time expenditure was harder to budget for, in addition to depleting such a large amount from the General Fund.

Councilor Blum asked who would actually do the maintenance.

City Manager Thorsen said maintenance would be discussed between the two cities. He noted that Greenwood Village used a maintenance company which currently

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maintained all of their medians. He indicated that ideally, the company would continue the maintenance and the City of Cherry Hills Village would reimburse them. He added that if this was not feasible, Cherry Hills Village could hire a landscape company.

Mayor Stewart asked about the water costs.

Deputy City Manager/Director Goldie said the costs would be for the water tap fees to Denver Water.

Councilor Gallagher asked what would happen with the maintenance costs after five years.

City Manager Thorsen stated that after five years the City of Cherry Hills Village would participate at a 50% level to cover maintenance and water costs.

Councilor Gallagher asked what discussions had taken place between the two cities regarding the plan beyond five years.

City Manager Thorsen said that since this was still in the early stages of planning, the two cities had not had that discussion yet, but he anticipated Greenwood Village wanting Cherry Hills Village to participate at a 50% level for the entire project. He noted that this project was not a high priority for the City, and there were significantly fewer funds available for Cherry Hills Village than for Greenwood Village.

Councilor Blum asked if any of the funds could be taken out of the Parks Fund.

City Manager Thorsen confirmed that Fund 30 which is specifically designated for landscaping would be used.

Councilor Blum asked if the Parks Fund balance would be increase each year when South Suburban was paid off.

City manager Thorsen confirmed that the Parks Fund would increase each year, and that 2019 was the last year that the City was paying South Suburban funds. He then asked the City Council to provide recommendations on the landscaping plan from Greenwood Village or to approve the provided plans so that Greenwood Village could be notified, and to provide a recommendation on funding.

Councilor Blum agreed that the project was overdue and a good idea, however, the fact that Greenwood Village had budgeted for the project and Cherry Hills Village had not was a concern. He asked if Greenwood Village had asked for the City's participation prior to approving the budget for the project.

City Manager Thorsen responded that last year Greenwood Village had appropriated for design cost and this year they had approved the \$2.5 million for the project.

Councilor Sheldon stated it was important to be a good neighbor and participate in the project. He indicated that he had no comments on the design. He recommended moving forward with City Manager Thorsen's plan for funding.

Councilor Weil indicated his support for the project plan and said residents believed the median was valuable and appreciated when it was in good order. He noted that in addition, staff's proposed funding seemed equitable.

Councilor Gallagher commended Greenwood Village for their xeriscaping and agreed with City Manager Thorsen's recommendation for funding.

Councilor Sheldon recommended that as part of a motion, Greenwood Village be asked to perform the maintenance.

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Deputy City Manager/Director Goldie confirmed that the City of Cherry Hills Village did not have the equipment for work on high speed roadways, or the staff for the maintenance of the medians. He indicated that the City would have to sub out the work and therefore oversee the contract.

Councilor Sheldon asked if City staff had a preference about who maintained the medians and if overseeing a maintenance contract would cause a stress on staff.

Deputy City Manager/Director Goldie stated that overseeing the contracts would not be a problem for the City and that staff could coordinate with Greenwood Village on determining the most effective maintenance costs.

Councilor Sheldon commented that if the City could handle the overseeing of the maintenance contract then he did not require anything in a motion that stated as such.

City Manager Thorsen assured Council that there would be an agreement between the two cities regardless of who maintained the medians. He stated however that the contract would state that Cherry Hills Village would be responsible for maintaining the medians for the first five years.

Councilor Sheldon asked if this would be an intergovernmental agreement.

Councilor Gallagher asked who would fund the repairs from damages, such as auto accidents where something that was originally a \$40,000 cost was now doubled and the City couldn't recover the cost, for whatever reason.

City Manager Thorsen stated there would be many repairs and replacements over the years and liability would be split between the two cities.

Mayor Stewart asked what CDOT's role would be in the project.

City Manager Thorsen replied CDOT will not participate financially and they had no plan to improve the medians, adding that they would have a role in the plans to ensure that plants were not impeding line-of-sight views and to make sure the road was safe.

Councilor Blum moved, seconded by Councilor Weil to direct City Manager Thorsen to notify the City of Greenwood Village that the City of Cherry Hills Village accepts the landscape plan, and to direct staff to secure an agreement with Greenwood Village to identify the payment of water and maintenance costs through 2024, and to direct staff to amend the 2019 budget when appropriate to allot the payment of 2019 watering and maintenance costs to the budget.

Councilor Sheldon asked if Council should consider setting a cap on out of pocket expenditures for the water and landscaping maintenance should the costs of water rise, or if the project was more than anticipated. He suggested a cap in the form of a percentage would be appropriate.

Councilor Weil stated that originally, he thought Greenwood Village should manage maintenance; however, if Cherry Hills Village was managing the budget, then Cherry Hills Village should also manage the maintenance. He noted that would give the City the flexibility to adjust the budget if something started to go wrong.

Councilor Blum asked what the warranty on the plants would be.

City Manager Thorsen stated the plants would be warranted but he was not sure what the period would be.

Councilor Blum commented that warranties on plants were usually for the growing season.

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City Manager Thorsen stated an upper limit of \$60,000 would be appropriate. He indicated that with the funding coming out of the Parks Fund and additional funding becoming available in 2020 due to end of the South Suburban payments, he felt comfortable with a \$60,000 cap.

Councilor Sheldon proposed amending the motion to put a limit on spending.

Mayor Stewart replied that the motion could be restated.

Councilor Sheldon stated that the contingency in the project budget was significant.

City Manager Thorsen replied that it was but that it would hopefully not need to be used.

Councilor Blum motioned, seconded by Councilor Weil to amend the motion to set a cap of \$60,000 per year for the next five years.

Councilor Sheldon stated that there was not a public hearing on this issue and asked for further comment from Greenwood Village Council member Anne Ingebretsen.

Mayor Stewart proposed that a motion be made first and then comments be heard.

Councilor Sheldon suggested that comments be made before the motion.

Councilor Blum asked that the motion be tabled for comments.

Councilor Sheldon asked Greenwood Village Council member Ingebretsen about her reaction to the deliberations and the motion on the table.

Anne Ingebretsen stated that she was one of eight council members and could not speak for the group. She indicated that she would like to see a higher participation from Cherry Hills Village; however she realized that there have been some significant projects in the last year that affected the Cherry Hills Village budget. She indicated that she appreciated the City was willing to participate in the project and valued whatever resources Council felt they could contribute.

Councilor Blum asked if there were previous discussions between the former mayor of Cherry Hills Village and the mayor of Greenwood Village.

Councilor Ingebretsen stated that she, Greenwood Village Mayor Rakowsky and former Mayor Christman had previously held casual discussions about the landscaping, and that the issue has been an active effort in Greenwood Village for the past two years.

Councilor Blum stated that Glenmoor appreciated the efforts made by both cities to make the improvements.

The motion to amend passed unanimously.

Mayor Stewart asked if there was any additional discussion on the original motion, adding that even though Cherry Hills Village did not have a significant amount to contribute to the project, he appreciated Greenwood Village's lead.

Councilor Sheldon expressed that maintenance should be the responsibility of Cherry Hills Village if the City was in fact going to pay for it. He added that the City should work with Greenwood Village to coordinate lower costs for maintenance.

Mayor Stewart indicated his support for this idea since Greenwood Village was outsourcing their maintenance.

City Manager Thorsen explained that interagency agreements were complex and much more discussion was needed.



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The original motion passed unanimously.

### Wireless Communication Facilities Master License Agreement – Zayo Group, LLC

Director Granrath explained that the City had reviewed its wireless Code in Chapter 16 as new legislation had been introduced. She noted that Cherry Hills Village amended the wireless Code in 2017 in response to House Bill 17-1993, which dealt with small cells in rights-of-way. She added that this was the first request for a small cell wireless facility since the 2017 legislation. She indicated that in order to create the proposed Master License Agreement staff had consulted City Attorney Guckenberger, Deputy City Manager/Director Goldie, and Ken Fellman, attorney for the Colorado Communications Utility Association, in which the City participated.

Director Granrath clarified that a small cell was not a tower and it increased the coverage area. She explained that they could be attached to street lights, utility poles or be standalone slim line poles, which was the type proposed by Zayo Group. She noted that Council was not being asked to review the application as that was done at the administrative level, but that Council was being asked to review the Master License Agreement which would be used going forward for other companies wishing to place small cell facilities in the City's right-of-way.

City Attorney Guckenberger explained the process required specific site permits to be issued for specific facilities, which the applicants could batch apply up to 10 at a time. She indicated that the proposed Master License Agreement set forth a governing scheme that fit within and coordinated with the City's existing Code provision and provided a process for required insurance and indemnification, referenced the City's Code design standards and other related criteria. She further explained the Master License Agreement referenced time frames so the City could ensure compliance with federal and state shot clocks which could result in the authority being taken away from the City if the City did not comply within the time frames. She stated that the short time frames were one of the reasons why the City had administrative review for these applications in the Code. She noted the other benefit to having the Master License Agreement was that federal law required that all of these types of companies be treated in a non-discriminatory manner that does not discriminate in a way that adversely affects the competitive ability of any company. She explained that the proposed Master License Agreement would be used, not just for the applicant present tonight, but for any other applicant, so they would all be treated equally and minimize any exposure to the City and maximize the City's compliance.

Councilor Sheldon asked how the Master License Agreement interplayed with the Code Modernization project.

Director Granrath stated that the Master License Agreement did not conflict with the Code Modernization project, but rather established an agreement that was in compliance with current legislation.

City Attorney Guckenberger commented there was no intent to change the Code language because it was very specific and technical. She noted that the Master License Agreement stated that if there were conflicts with the Code, the Code prevailed. She added that if changes to the Code were necessary due to new legislation then Council would do so via an ordinance rather than having to amend the Master License Agreement.

Councilor Sheldon asked if the Code were updated, if the licensee would have to bring their facility up to Code or if they would be grandfathered.

City Attorney Guckenberger stated she did not know, but that the preference from a legislative policy on the state and federal level was to facilitate the companies.

Councilor Weil asked if it was possible to collect a rental fee for the use of the City's right-of-way as was done in the private sector.

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City Attorney Guckenberger explained that federal law set a low cap on fees the City could charge.

Mayor Stewart asked about the range, number, location and possibility of colocation on the cell towers.

Grant Crist from the Zayo Group, LLC, 1805 29<sup>th</sup> Street in Boulder commented that cell towers do not cover a large area and the small cells fill in the gaps. He advised the company has located three areas in Cherry Hills Village that have poor coverage and two sites within those areas suitable for the cells. He indicated the City currently has 3G coverage, which is insufficient, but the small cell will be 4G and eventually 5G.

Mayor Stewart asked for confirmation that the new technology will be 4G and would be updated to 5G as technology advances without any changes to hardware. He also asked who owned the towers and if they would be collocated or if they were owned solely by Zayo Group, LLC.

Mr. Crist stated that the hardware is internal. He indicated that Xcel Energy owns the poles and preferred them to either go on light poles or to stand alone.

Mayor Stewart explained the City had a dark sky ordinance.

Councilor Sheldon asked if Zayo Group LLC worked exclusively with Sprint.

Mr. Crist stated that he is working on a project for Verizon in Colorado Springs, but the project in Cherry Hills Village was for Sprint. He noted that the small cells were collocatable which meant that if Verizon's equipment fit within half of the volume of the pole, Zayo would have to accommodate Verizon and not charge an unreasonable fee.

Councilor Sheldon asked if the same would be true for AT&T.

Mr. Crist confirmed it was as long as they required a reasonable amount of space.

Councilor Gallagher asked if the system had the capability to house all carriers on the poles up to 5G coverage, or if more carriers would mean more poles.

Mr. Crist explained the poles were dual carriers. He noted that he was not aware of any pole with more than two carriers, except in downtown Denver. He explained there is no way for Zayo Group, LLC to fund such a large pole. He confirmed that more carriers would mean more poles in the city.

Mayor Stewart asked what the range of 5G was and also asked for confirmation that the cells would be an upgrade from 3G to 4G.

Mr. Crist responded that 5G technology meant better diversification of sources and density. He explained that there were two types of antennas, directional and Omni antennas and the use of these antennas was based on where the site was available versus where the coverage was needed. He stated both antennas recommended for use in Cherry Hills Village were Omni antennas which had a 300 meter radius range. He confirmed that the upgrade would be to 4G and that no one had 5G phones yet.

Councilor Weil stated that installing two or three poles was not threatening but asked if many more poles would be needed in the future.

Mr. Crist explained that more poles would be needed for more density; because the topography in Cherry Hills Village was somewhat flat, diversification would not be as important as the density of the sources.

Councilor Weil asked if Zayo Group, LLC was reacting to the needs of carriers and if there was a plan in mind for the future.

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Mr. Crist replied that Zayo Group, LLC operated independently from the carriers by considering effectiveness of new small cells and cost effectiveness. He indicated that they tried to please the carriers but also the individuals who lived and worked in the communities.

Mayor Stewart asked if Zayo Group, LLC had coverage maps showing the coverage in Cherry Hills Village or if that was proprietary information.

Mr. Crist stated that he did not have coverage maps but could get one from Sprint.

Mayor Stewart stated a coverage map would be helpful to assist with the comments Council receives from residents regarding coverage issues. He thanked Mr. Crist for trying to help with the coverage issues in the City.

Councilor Weil moved, seconded by Councilor Blum to approve the Wireless Facilities Master License Agreement, and for Zayo Group, LLC to authorize the Mayor to execute such agreement, and delegate to the City manager the authority to execute any future License Agreements and related supplemental site permits for small cells in the City right-of-way.

The motion passed unanimously.

### **RECESS OF THE CITY COUNCIL TO CONVENE AS THE GID BOARD**

Mayor Stewart recessed the City Council Meeting and called to order the Meeting of the Cherry Hills Village Charlou Park 3<sup>rd</sup> Filing General Improvement District Board.

### **MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3<sup>RD</sup> FILING GENERAL IMPROVEMENT DISTRICT BOARD**

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 8:06 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 Charlou Park 3<sup>rd</sup> Filing General Improvement District: Mayor Russell Stewart, Randy Weil, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call.

Absent: Councilors Afshin Safavi and Katy Brown

The administrative staff of the City serving as the administrative staff of the GID: City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Community Development Director Rachel Granrath, Finance Director Jessica Sager, and City Clerk Laura Gillespie.

### **CONSENT AGENDA**

Councilor Blum moved, seconded by Councilor Sheldon to approve the following items on the Consent Agenda:

- a. Approval of Minutes – March 5, 2019

The motion passed unanimously.

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### ADJOURNMENT

Councilor Sheldon, seconded by Councilor Blum moved to adjourn the meeting of the Cherry Hills Village Charlou Park 3<sup>rd</sup> Filing General Improvement District Board.

The motion passed unanimously.

### RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 8:07 p.m.

### REPORTS

#### **Mayor's Report**

Mayor Stewart noted that neither he nor Mayor Pro Tem Katy Brown could attend the DRCOG meeting on March 20, 2019 at 6:00 and asked if any other Council member could attend. He indicated that the Mayors Munch meeting was cancelled because of the blizzard. He reported the Arapahoe County Commissioners, Managers and Mayors meeting met in Sheridan and discussed the Family Medical Leave Act. He indicated that CML had managed to get some amendments to the Family Medical Leave Act that protected small communities and governments from the unfunded mandate that would have been imposed on them. He noted that on March 21, 2019 CML was having a retirement party for Director Sam Mamet at 4:00. He indicated that he would attend the March 22, 2019 executive meeting for the Arapahoe County Transportation Forum and would report back to Council. He stated that he had met with the operation manager for Denver Water and discussed plans and contracts along the High Line Canal. He explained that Cherry Hills Village is the farthest north of the contracts still remaining. He noted that the operations manager had said Denver Water would like to offer a free irrigation analysis for Quincy Farm and use their expertise to determine what the water needs are, and what needed to be done, particularly regarding the pond and taps. He indicated that Denver Water wanted to establish a baseline of what was needed. He stated that the Lexis Nexis crime information had some issues, but should be up and running again in April. He noted that CML had been discussing the Wayfair decision and changes at the state level could have an impact on the City so that topic should be discussed again at some point.

#### **Members of the City Council**

Councilor Blum stated that being on the Centennial Airport Community Noise Roundtable (CACNR) was a learning process. He indicated that there was a public workshop on the Denver Metroplex project on May 2, 2019. He also said there had been no noise complaints for December and January from residents in Cherry Hills Village. He thanked Mayor Pro Tem Kay Brown for her contributions to the CACNR and stated she would be missed.

Mayor Stewart noted that he had received a noise complaint from a resident previously.

Councilor Blum replied that there were a large amount of complaints previously, and that well over 100 of those were from one household.

Councilor Blum reported that he had recently met a woman whose mother grew up on Quincy Farm and sold the property to Cat Anderson. He noted that her mother was 90 years old and would like to meet with the Quincy Farm Committee (QFC) in order to provide some history on the Farm. He stated that he would contact Parks Coordinator Emily Black to add that to a future QFC agenda.

Councilor Blum asked on behalf of a resident if Cherry Hills Village has ever thought of implementing a composting program. He asked staff to check into it so he could respond to the resident.

## RECORD OF PROCEEDINGS

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Deputy City Manager/Director Goldie indicated he would look into it.

Councilor Weil stated that the BOAA meeting was cancelled. He said that the March 5, 2019 Council meeting had been his first venture out of his house and he thanked the Mayor, Council and staff for their support during his absence.

### **City Manager & Staff**

City Manager Thorsen congratulated Deputy City Manager/Director Goldie, Manager Mason, Supervisor Pehrson, and Crew Chief Clayton and the entire Public Works crew for the award for the Best Maintained Streets in Colorado. He pointed out their team is very efficient and does a lot with little resources and the City's streets were amazing.

City Manager Thorsen said LexisNexis was initially launched and while it worked for a while, it now had issues with updates. He stated that it should be back on the City website and working within 30 days.

City Manager Thorsen reported that staff had been in touch with a company that is well versed in videotaping and was getting quotes for the equipment and other costs involved, in addition to looking at the impact it would have on staff.

Deputy City Manager/Director Goldie reported that he, along with City Attorney Guckenberger, were reviewing bid documents for the John Meade Park redevelopment and hoped to have them out for bid within the next month. He reported that pond dredging is not currently part of the project, but would ask the City Engineer for guidance as to whether or not it was necessary and should therefore be included in the project. He said he expected to have more accurate cost estimates for this project in a few months.

### **City Attorney**

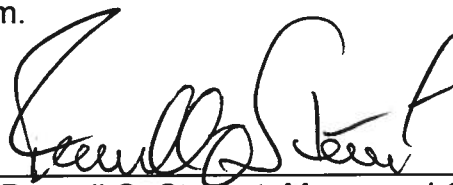
City Attorney Guckenberger had no report.

### **ADJOURNMENT**

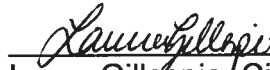
Councilor Sheldon moved, seconded by Councilor Blum to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 8:20 p.m.



Russell O. Stewart, Mayor and GID Chairperson



Laura Gillespie, City Clerk and GID Secretary