City Council Agenda
Tuesday, March 5, 2019
2450 E. Quincy Avenue, Cherry Hills Village, CO 80113
New City Hall

Meeting of the Cherry Hills Village City Council

5:30 p.m. – Study Session

1. Code Modernization Project Update – Joint Study Session with the Planning and Zoning Commission
2. Discussion of Agenda Items

6:30 p.m. – Regular Meeting

1. Call to Order
2. Roll Call of Members
3. Pledge of Allegiance
4. Approval of Agenda
5. Audience Participation Period (limit 5 minutes per speaker)
6. Reports from Members of City Boards, Commissions and Committees
7. Consent Agenda
   a. Approval of Minutes – February 19, 2019
   b. Resolution 12, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Approving an Agreement with Michow Cox & McAskin for City Attorney Legal Services
   c. Resolution 13, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Concerning the Appointment of a New Member to the Quincy Farm Committee
8. Items Removed From Consent Agenda
9. Unfinished Business

***Agenda Continues on Second and Third Page***
10. New Business  
   a. Public Hearing – 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 (first reading)  
   b. Resolution 14, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Waiving the Requirement to Obtain an Additional Floodplain Permit for the Planned Improvements Located in the Floodplain at John Meade Park and Alan Hutto Memorial Commons

11. Recess of the City Council to Convene as the GID Board

Meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board

12. Call to Order

13. Roll Call of Members

14. Consent Agenda  
   a. Approval of Minutes – February 19, 2019  
   b. Resolution 4, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Memorializing the Designation of the Public Place for Posting Notices of GID Meetings

15. Business  
   a. Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, Providing for the Issuance of General Obligation Bonds of Such District, Series 2019, in an Aggregate Principal Amount Not Exceeding $550,000, to Finance the Cost of Certain Improvements Approved at a District Election Held on November 6, 2018; Ratifying Actions Heretofore Taken; Authorizing the Execution by the District of the Bonds and Related Documents Required in Connection Therewith; and Making Determinations as to Other Matters Related to the Bonds (second and final reading)

16. Adjournment

Reconvene Meeting of the Cherry Hills Village City Council

17. Reports  
   a. Mayor  
   b. Members of City Council

***Agenda Continues on Third Page***

Notice: Agenda is subject to change. If you will need special assistance in order to attend any of the City’s public meetings, please notify the City of Cherry Hills Village at 303-789-2541, 48 hours in advance.
17. Reports (continued)
   c. City Manager and Staff
      (i) Unaudited Financial Statements
   d. City Attorney

18. Adjournment
Memorandum

To: City Council of Cherry Hills Village
From: Todd G. Messenger
Date: February 27, 2019
Re: Background for March 5, 2019 City Council Study Session

Fairfield and Woods was retained by the City of Cherry Hills Village to restructure and streamline Chapters 16, 17, 18, and 19 of the Cherry Hills Village Municipal Code (the "DEVELOPMENT CODES"). The project is “about code modernization and streamlining, and not about fundamental reform.” However, part of the project is to provide clarity on certain issues where the current code falls short (e.g., what constitutes “reasonable screening” and what thresholds should be considered as to when a remodel should trigger an expanded use permit requirement). In 2018, the City Council asked us to work on a proposal to streamline the expanded use permit process.

As we continue to work through the project, we have identified a number of issues where clarification is appropriate. The purpose of this memorandum is to identify some of those key issues. This memo is focused on Chapter 16, Zoning.

I. Code Structure Issues

A. Generally. The structure of the existing Chapter 16 mixes up definitions, substantive regulations, and procedures. A more durable code structure would separate these items. The proposed new code represents a substantial reorganization:

   Article 1: Preliminaries
   title, purpose, applicability, interpretation, and severability

   Article 2: Zoning Districts, Land Use
   establishment of zoning districts, land use by zoning district (tabular), use-specific standards, requirements and conditions for conditional uses, temporary uses and structures, major special events, accessory uses, business use of the home, and wireless telecommunications facilities

   Article 3: Lots, Buildings, and Structures
   lot and building standards, supplemental standards (e.g., fences), and signs

   Article 4: Site Design and Environmental Stewardship
   parking and circulation, utilities and lighting, landscaping and tree preservation
Article 5: Floodplain Management and Flood Damage Prevention
authorization, findings, purpose, general provisions, and flood hazard reduction

Article 6: Nonconformities
generally, specific nonconformities

Article 7: Development Review
administrative bodies, permits and approvals, standardized review process, vested rights, administrative modifications, variances, and administrative appeals

Article 8: Enforcement
enforcement procedures and remedies

Article 9: Measurements, Word Usage, Acronyms, Rules of Construction, and Definitions
measurements, word usage, acronyms, rules of construction, and definitions

B. Use Tables. In general, the current code includes an Article for each zoning district. Each of those articles includes a section on “Permitted Uses” and a section on “Conditional Uses” that are allowable in the zoning district. The O-1 zoning district also includes a section on “Uses Permitted as Special Exceptions.” The proposed new code consolidates all of these sections into a single table, standardizes language, and removes the special exception process.

<table>
<thead>
<tr>
<th>TABLE 16-2-120</th>
<th>LAND USE BY ZONING DISTRICT</th>
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</thead>
<tbody>
<tr>
<td><strong>Land Use</strong></td>
<td><strong>Zoning District</strong></td>
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<tr>
<td></td>
<td>R-1</td>
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<tr>
<td>Residential Land Uses</td>
<td></td>
</tr>
<tr>
<td>Single-Family Detached Dwelling Unit</td>
<td>A</td>
</tr>
<tr>
<td>Community Land Uses</td>
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<tr>
<td>Governmental Offices</td>
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<tr>
<td>Park</td>
<td>A</td>
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<tr>
<td>Place of Assembly</td>
<td>A</td>
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<tr>
<td>Private Club</td>
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<tr>
<td>School or Daycare</td>
<td>A</td>
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<tr>
<td>Commercial Land Uses</td>
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<tr>
<td>Medical or Professional Office</td>
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<td>Restaurant</td>
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<td>Retail Sales and Services, Type A</td>
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<td>Pet Day Care or Training</td>
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<td>Veterinary Offices</td>
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<td>Fueling or Service Station</td>
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II. Nonresidential Setbacks and Floor Area Ratio

Current code provides for 200-foot setbacks on all sides for properties in residential zoning districts that are put to nonresidential use (except R-3A, which does not allow nonresidential uses). Several sites do not (and cannot) meet these requirements (see map at right). The recommendation is that the new code should provide for smaller nonresidential setbacks. These are still under development.
The current code establishes a well-calibrated floor area ratio for residential uses. However, it applies the same floor area ratios to nonresidential development. That means that due to parking demands, nonresidential uses could be significantly more intense-looking than residential uses at the same floor area ratio. The committee is considering reductions to the nonresidential floor area ratios. These are still under development.

III. Specific Land Use Issues

A. Cemetery or Columbarium. With respect to burials, the current code provides that a “noncommercial facility that is located entirely inside the general perimeter of the principal building of a permissible community land use” is allowed, provided that it is limited to interment of ashes. At our suggestion, the committee explored the ideas of allowing cemeteries as a principal use, allowing for the interment of remains (as opposed to ashes), and allowing for burials on private residential property (remains or ashes). The committee recommends retaining the current standard, and clarifying that burials are not allowed on private residential property.

B. Agriculture.

1. For the R-1, R-2, and R-3 zoning districts, the current code provides that agriculture is allowed as a permitted use, as follows:

Agricultural use is allowed, including nurseries, raising of livestock and poultry, and orchards, provided that no such agricultural use shall be permitted if offensive or injurious because of odor, noise or other nuisances. The normal odors, noises and other side effects of animal keeping shall not be considered nuisances except as provided in Chapter 7, Article II of this Code. Commercial activities such as greenhouses, nurseries, fur farms, truck gardens, farms operated for the disposal of garbage, animal kennels or stables, shall not be permitted; except that a maximum of two (2) horses, not owned by the resident of the involved property, may be boarded and stabled on that property, without such boarding and stabling being regarded as a commercial activity.

2. The proposed code seeks to address inherent ambiguities in the agriculture standards.

a. First, it defines several agricultural uses:

Agricultural Land Uses means a general classification of principal land uses that includes Agriculture (Crops) and Agriculture (Livestock).

Agriculture (Crops) means apiaries, aquaculture involving only plants, crop production, floriculture, horticulture, silviculture, or viticulture, operated for commercial purposes, with no on-site retail sales of agricultural products. The phrase “Agriculture (Crops)” does not
include the phrase “intensive agriculture,” “hemp production” or “marijuana uses,” nor does it include the treatment of wastewater or biosolids (e.g., sprayfields or land application).

**Agriculture (Livestock)** means animal husbandry, aquaculture involving fish or invertebrates, raising livestock, or milking dairy cows or goats, for commercial purposes, with no on-site slaughter, processing of meat products, or retail sales of agricultural products. The phrase “Agriculture (Livestock)” does not include the phrase “intensive agriculture” or “community garden.”

**Intensive Agriculture** means:

1. Concentrated animal feeding operations (“CAFOs”) of any size, as defined by 40 C.F.R. § 122.23, Concentrated Animal Feeding Operations;
2. Concentrated aquatic animal production facilities (“CAAPs”), as defined by 40 C.F.R. § 122.24, Concentrated Aquatic Animal Production Facilities;
3. Any use where animals are tightly confined in buildings or outdoor pens or pastures with more than one animal equivalent unit per acre, including feedlots, hog farms, and poultry operations;
4. Fur farms; or
5. Any other agricultural use that is required to obtain a discharge permit under the Federal Clean Water Act due to animal wastes.

b. Second, it provides the following regulations:

**Nuisance Prohibited.** No agricultural use shall be permitted if offensive or injurious because of odor, noise, or other nuisances. The normal odors, noises, and other side effects of animal keeping shall not be considered nuisances except as provided in Chapter 7, Article II, Cherry Hills Village Municipal Code.

**Certain Activities Prohibited.** Commercial activities such as greenhouses, nurseries, fur farms, farms operated for the disposal of garbage or biosolids, and animal kennels or stables (except as provided in Section 16-2-730, Limited Horse Boarding; Equestrian Training), are not considered agricultural uses and are not permitted.

c. Still unresolved are the appropriate boundaries around the use of land for agriculture in Cherry Hills Village. We ask the Council for guidance regarding the point at which agriculture is too intense for the City (e.g., due to truck traffic, etc.). Current thinking is to address beekeeping and chickens separately from “agriculture;” to allow equestrian training not only at residences, but also at clubs; and also to not allow on-site sales of agricultural products.

C. **Guardhouses / Community Security Booths.** The current code allows guardhouses as a conditional use in residential zoning districts. Guardhouses are allowed only on separately
platted, HOA-owned “guardhouse tracts” next to (or surrounded by) private streets. There are some who advocate for the ability to locate a booth next to a public street to serve a security function without gating the street. The proposed new code includes standards for “community security booths” that would allow for them. The standards would be like the current standards, but would not allow obstruction of public rights-of-way.

D. **RV, Boat, and Trash Container Screening.** The current code requires “reasonable” screening of RVs that are parked on residential lots, and of trash containers. The “reasonable” standard is difficult to enforce. The committee proposes that the standard should be: the RV, boat, or trash container must be: (1) stored behind the front building line (or at least 50 feet from the front lot line on large lots (size to be determined)); (2) screened from adjacent property, public trails, and public streets with a privacy fence or wall that is the maximum allowable height, or comparable landscaping, building walls, or other comparable features.

E. **Home Occupations.** In response to early discussions about home occupations, the proposed new code includes provisions allowing for limited equestrian training and home child care uses.

F. **Berms and Retaining Walls.**

1. Currently, the height of berms is regulated based on whether they are in a street-side setback, an interior setback, or the building envelope. Berms are allowed to be highest near streets and lowest in the building envelope. This is counter to the policy of reducing the visual impact of berms. The proposed new code would reduce the height of street-side berms and increase the height of berms in the building envelope.

2. Currently, retaining walls must be tiered if they are taller than six feet in height. There are no standards for the horizontal distance between the tiers. The proposed code will include a standard for the horizontal distance between the tiers.

G. **Satellite Dishes and Amateur Radio Antennae.** The current code has relatively few standards for satellite dishes and no standards for amateur radio antennae. The proposed code includes standards based on experience in other communities.

H. **Wireless Telecommunications Facilities.** The current code allows wireless towers in all zoning districts as a conditional use. The committee recommends not allowing wireless towers on single-family residential properties that are smaller than one acre.

I. **Parking.** The current code provides few discernable standards for reducing parking requirements. The new code is proposed to include provisions to allow for parking reductions based on special parking studies that provide empirical support for the reduction.

J. **Lighting.** The current code includes strong standards for preventing light spillover onto nearby properties. It also includes a lighting curfew between 11 PM and sunrise. It is not clear
whether the curfew is needed in light of the spillover provisions. Council direction is sought on this point.

K. **Floodplain Management and Flood Damage Prevention.** The floodplain management and flood damage prevention regulations are updated for conformance to the most current model floodplain ordinance.

J. **Signs.** The City’s current sign provisions include a number of ambiguities and some items that may be out of step with current practice:

1. The code allows for 64 sf. flags on 35 ft. poles in all zoning districts. The committee preliminarily recommends reducing the size of allowable flags, and/or calibrating size to the size of the flagpole.

2. The code allows for 12 sf. of temporary signs on any lot, with no sign more than six sf. in area, except that in the C-2 zoning district, a single 32 sf. sign is allowed. 12 sf. is not much signage. The committee recommends increasing the allowable amount of temporary signage.

3. The code does not currently allow signage in the O zoning district, except signs installed by the City. Should the code include sign standards for the O zoning districts?

4. The current code does not directly address LED signs or manual changeable copy centers. The committee recommends not allowing LED panels, and did not take a strong position on changeable copy. Direction of Council is sought on these sign elements.

5. The sign allocations in the C-2 are relatively small compared to typical commercial zoning districts, and likely make existing signage nonconforming. The committee recommends that the City increase the amount of signage that is allowable in the C-2 zoning district.

IV. **Process Issues**

A. **Nonconformities.** Currently, the code allows for the continuation of nonconforming uses that are “legally established and maintained.” In evaluating whether a use was legally established and maintained the City is to consider the level of the owner’s financial investment and whether the use is principal or accessory. These are unusual provisions that should be deleted.

B. **Unlisted Uses.** Sometimes, a property owner will propose a land use that is not listed in the land use table. The proposed code includes provisions for allowing the City to decide whether a new proposed use is “close enough” to an existing one to allow it. The current proposal is to allow the Director to make that decision.
C.  *Expanded Use Permits.* The current code includes an “expanded use permit” process that relates to changes to sites with nonprofit institutions, private clubs, public recreational facilities, and nonprofit recreational facilities. Commercial uses are not addressed.

The standards for the expanded use permit apply to:

- The physical alteration of any building or structure by more than one thousand (1,000) square feet;
- The creation, addition, modification or increase in size of any parking area, including the reconfiguration or alteration of the size, number or location of one (1) or more parking spaces or drive aisles;
- The addition or increase in number, size or intensity, or a change or modification in direction of existing exterior lighting other than changes or modifications which are determined by the City Manager to bring exterior lighting into greater conformance with the requirements of this Article;
- The creation, addition, modification or increase in outdoor recreational fields or recreational facilities, including, but not limited to, playgrounds, parks, courts and swimming pools; or
- Any increase or modification to a previously approved use that could result in increased traffic or parking demands or an increase in the number of employees, enrollment, attendees or memberships above previously City approved limits, or above maximum levels documented in a prior application reviewed and approved or conditionally approved by the City.

These permits are subject to planning commission recommendation and City Council approval, based on the following criteria, which are applied in addition to the other standards of the Code:

- The proposed use is consistent with and furthers or implements the goals and strategies of the Master Plan, including preservation of the semi-rural character of the City.
- The proposed use complies with all applicable City ordinances and is consistent with all other City policies and plans.
- The bulk and scale of any proposed design is compatible with the site and the character of the surrounding area.
- Drainage and transportation systems are designed to encourage the use of natural materials and comply with the character of the surrounding area.
• The proposed use will not result in unreasonable traffic congestion or create a safety hazard to vehicular or pedestrian traffic and adequate provisions will be provided to manage any traffic-related issues.

• Sufficient parking in terms of parking spaces and areas to accommodate parking needs is provided and designed to minimize the impact on the character of the surrounding area.

• Adverse impacts on adjacent properties as a result of the proposed scope of work will be eliminated, mitigated, or reasonably controlled, including but not limited to lighting and noise.

These standards do not do much to constrain the discretion of the decision-maker, and also result in extended review cycles for modest improvements. The current proposal is to delete the “expanded use permit” concept and replace it with a site plan approval process with thresholds that separate administrative decisions from public hearing decisions (e.g., approvals of expansions less than X% or X sf.), and potentially, Planning Commission decisions from City Council decisions. In addition to the thresholds, the criteria for approval would be refined so that they are more specific.
MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The City Council held a study session at 6:00 p.m.

Mayor Russell Stewart called the meeting of the Cherry Hills Village City Council to order at 6:39 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Al Blum, Mike Gallagher, Dan Sheldon, 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 Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: Councilors Afshin Safavi and Randy Weil

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve the agenda.

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Mayor Pro Tem Brown removed Item 7a.
Councillor Gallagher removed Item 7d.

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

b. Resolution 9, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Approving the Updated Emergency Operations Plan

c. Resolution 10, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Concerning the Appointment of a New Member to the Board of Adjustment and Appeals

The motion passed unanimously.

**ITEMS REMOVED FROM CONSENT AGENDA**

Approval of Minutes – February 5, 2019

Mayor Pro Tem Brown noted edits to pages 8, 9 and 15 in the draft minutes.

Mayor Pro Tem Brown moved, seconded by Council Blum to approve the minutes as amended.

The motion passed unanimously.

Resolution 11, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Appointing a New Member to the Quincy Farm Committee

Councillor Gallagher indicated he had mistakenly removed Item 7d.

Councillor Gallagher moved, seconded by Mayor Pro Tem Brown to approve Item 7d.

The motion passed unanimously.

**UNFINISHED BUSINESS**

Council Bill 1, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village, Colorado Amending the Budget for Fiscal Year 2019 by Creating a Fund for the Cherry Hills Village Charlou Park 3rd Filing General Improvement District and Appropriating Funds Therein (second and final reading)

Director Sager presented Council Bill 1, Series 2019 on second and final reading. She explained that there had been no changes to the bill since first reading, but that staff had reduced the expenditures in the fund shown in Exhibit B to the staff memorandum based on the cash flow analysis provided by Stifel.
Mayor Pro Tem Brown moved, seconded by Councilor Gallagher to approve Council Bill 1, Series 2019, a bill for an ordinance of the City of Cherry Hills Village, Colorado, amending the budget for fiscal year 2019 by creating a fund for the Cherry Hills Village Charlou Park 3rd Filing General Improvement District and appropriating funds therein on second and final reading.

The following votes were recorded:

- Brown: yes
- Gallagher: yes
- Sheldon: yes
- Blum: yes

Vote on the Council Bill 1-2019: 4 ayes. 0 nays. The motion carried.

**NEW BUSINESS**

**Board, Commission and Committee Member Terms**

City Clerk Gillespie explained that staff was seeking Council direction on several board, commission and committee terms that would end in May. She indicated that Parks, Trails and Recreation Commission (PTRC) member Joshua DiCarlo did not wish to be reappointed, and she noted that staff had six applications from 2018 for PTRC and asked if Council wished to select a replacement from those applicants or advertise for additional applicants in the Village Crier. She noted that PTRC member Robert Eber would be completing his second term and asked if Council preferred to reappoint him to a third term without a recruitment process or to solicit applications for the position. She indicated that the remaining members would be ending a partial term or their first term and typically they would be reappointed without a recruitment process unless there was a concern. She noted that attendance information was included in the staff memo for all the members and only one member, Quincy Farm Committee (QFC) member Katie Agron, had missed several meetings, although she had contributed significantly to the Open House event.

Councilor Blum asked who had interviewed the 2018 PTRC applicants.

City Clerk Gillespie replied that Mayor Pro Tem Brown and former Mayor Christman had conducted those interviews.

Mayor Pro Tem Brown agreed and noted that PTRC was a unique commission because the Code directed Council to appoint a member from each Council district if possible.

City Clerk Gillespie noted that one of the applicants from 2018 lived in District 2 which was the only district not represented on PTRC.
Councilor Gallagher indicated his support of not wasting the time of the other applicants with additional interviews if the District 2 applicant was qualified.

Councilor Blum asked if the District 2 applicant was qualified.

Mayor Pro Tem Brown replied that they were and that they had been eager to contribute to the City.

Council agreed to appoint the District 2 applicant to fill the PTRC position in May and not solicit additional applications or conduct interviews.

Councilor Gallagher asked about the QFC member Agron.

Mayor Stewart suggested that it was the role of the QFC Chair to discuss attendance with QFC member Agron and recommend appointment or not to Council.

Councilor Gallagher indicated that the message of Council’s concern about attendance should be clearly communicated.

City Clerk Gillespie asked for Council direction on reappointing PTRC member Robert Eber, who would complete his second full term in May.

Councilor Sheldon indicated he supported reappointing Commissioner Eber to maintain continuity on PTRC in light of the large projects that were currently in the works. He asked if the PTRC member DiCarlo had indicated why he did not wish to be reappointed.

Coordinator Black replied that she believed Commissioner DiCarlo had a busy family life and felt his two terms on PTRC were sufficient.

Councilor Blum agreed with reappointing Commissioner Eber to a third term.

City Clerk Gillespie asked if Council had any concerns with reappointing the other members whose terms would end in May that had not yet been discussed.

Council indicated they did not.

**Discussion of Amendments to the City Council Rules of Procedure**

City Clerk Gillespie explained that staff was seeking Council direction on changes to the City Council Rules of Procedure. She indicated that Mayor Stewart had noted that recent changes in the order of items on the Council agenda and the Council packet timeline should be updated in the Rules. She noted that staff also believed it would be beneficial to establish a policy regarding participation in meetings by phone. She explained that if Council wished to allow participation by phone some questions for them to consider included if participation would be allowed during executive sessions; how
many members could participate by phone per meeting; how many times per year a member could participate by phone; and if the policy for City boards, commissions and committees would differ from that of City Council. She also noted that staff strongly recommended against allowing participation by phone for quasi-judicial matters.

City Attorney Guckenberger agreed.

Councilor Blum asked if the new City Hall would have better technology to allow participation by phone.

City Manager Thorsen replied that it would.

City Attorney Guckenberger noted that the new technology was only in the Council Chambers and not in the room that would be used for executive sessions.

Mayor Stewart suggested that the boards, commissions and committees should have the same procedure as Council, and that participation by phone should only be allowed for emergency situations.

Mayor Pro Tem Brown noted that attendance at Council was not an issue but for some boards, commissions and committees participation by phone had been used frequently and it was often very disruptive and difficult. She agreed that she was leaning towards only allowing participation by phone in emergencies.

Councilor Blum agreed and noted that the member participating by phone would not be able to see visuals presented at the meetings. He suggested that it only be allowed for emergency situations where a quorum was needed.

Councilor Sheldon indicated that he believed participation by phone should be allowed on a limited basis, by only one member per meeting and only once per year per member. He agreed that it should not be allowed for quasi-judicial matters. He noted that while attendance had not been an issue on Council it would be nice to have the option on a limited basis.

Councilor Gallagher noted the importance of the technology for successful participation by phone.

Councilor Sheldon agreed and suggested that Council table the issue until they could experience the technology in the new City Hall.

City Attorney Guckenberger added that the parameters for an emergency where participation by phone would be allowed would have to be determined.

Councilor Blum suggested that the necessity of a quorum would constitute an emergency.
Mayor Pro Tem Brown asked how the one member allowed to participate by phone would be determined if more than one member wanted to participate by phone.

City Manager Thorsen replied that in his past experience it was on a first come first served basis. He indicated that staff could set up a demonstration of the technology in the new City Hall.

Mayor Pro Tem Brown noted that Councilor Weil might want to participate by phone.

Councilor Sheldon indicated that he believed Councilor Weil’s circumstances were extenuating and he would not want to impose the once per year restriction on him.

RECESSION

Mayor Pro Tem Brown moved, seconded by Councilor Blum to recess the City Council meeting and call to order the meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board, and to reconvene the City Council meeting upon adjournment of the Board meeting.

The motion passed unanimously.

MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 7:02 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 3rd Filing General Improvement District: Mayor Russell Stewart, Councilors Al Blum, Mike Gallagher, Dan Sheldon, and Katy Brown were present on roll call.

Absent: Councilors Afshin Safavi and Randy Weil.

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, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

BUSINESS

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon that the designated posting location for meeting notices of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District be the same as the designated posting location for
meetings of the City Council and advisory boards and commissions of the City of Cherry Hills Village.

The motion passed unanimously.

Resolution 1, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Adopting the GID’s Official Seal

City Clerk Gillespie presented Resolution 1, Series 2019 to the GID Board, adopting the GID’s official seal as required by state statute.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Resolution 1, Series 2019 of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board of Directors adopting the GID’s official seal.

The motion passed unanimously.

Board Bill 1, Series 2019: A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, Providing for the Issuance of General Obligation Bonds of Such District, Series 2019, in an Aggregate Principal Amount Not Exceeding $550,000, to Finance the Cost of Certain Improvements Approved at a District Election Held on November 6, 2018; Ratifying Actions Heretofore Taken; Authorizing the Execution by the District of the Bonds and Related Documents Required in Connection Therewith; and Making Determinations as to Other Matters Related to the Bonds (first reading)

Director Sager presented Board Bill 1, Series 2019 on first reading. She explained that the board bill provided for the issuance of general obligation bonds not to exceed $550,000, and make other determinations related to the bonds. Currently all parties anticipated issuing the bonds in the principal amount of $375,000. A breakdown of the amount and cash flow analysis was included with the staff memorandum.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher to approve Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, providing for the issuance of General Obligation Bonds of such District, Series 2019, in an aggregate principal amount not exceeding $550,000, to finance the cost of certain improvements approved at a District election held November 6, 2018; ratifying actions heretofore taken; authorizing the execution by the District of the Bonds and related documents required in connection therewith; and making determinations as to other matters related to the Bonds.

The following votes were recorded:

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Gallagher  yes
Sheldon  yes
Blum  yes

Vote on the Board Bill 1-2019:  4 ayes.  0 nays.  The motion carried.

Resolution 2, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Approving the Public Service Company of Colorado (Xcel Energy) Letter Agreement Dated December 5, 2018, and Authorizing the City Manager to Execute the Letter Agreement on Behalf of the GID

Deputy City Manager/Director Goldie presented Resolution 2, Series 2019 to the GID Board, approving a letter agreement with Xcel Energy. He explained that the account number would change so that the GID had its own account, but the cost amount would not change.

Councilor Blum asked about the project schedule.

Deputy City Manager/Director Goldie replied that Xcel would not schedule the work until they received the signed letter agreement.

Councilor Sheldon asked if the residents of the GID had reviewed the work plan.

Dave Charles, 4799 S. Dasa Drive, replied that they had.

Deputy City Manager/Director Goldie added that staff was also working with Crown Castle to move their cell tower.

Mayor Pro Tem Brown moved, seconded by Councilor Blum to approve Resolution 2, Series 2019, a resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors approving the Public Service Company of Colorado (Xcel Energy) Letter Agreement dated December 5, 2018, and authorizing the City Manager to execute the Letter Agreement on behalf of the GID.

The motion passed unanimously.

Resolution 3, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Approving the CenturyLink Special Construction Proposal Dated January 16, 2019, and Authorizing the City Manager to Execute the Proposal on Behalf of the GID

Deputy City Manager/Director Goldie presented Resolution 3, Series 2019 to the GID Board, approving a construction proposal with CenturyLink.
Councilor Sheldon noted that this proposal did not have a map exhibit like the Xcel agreement had.

Deputy City Manager/Director Goldie replied that staff had provided the same map to CenturyLink.

Councilor Sheldon asked about service for the residents.

Deputy City Manager/Director Goldie replied that it would be the responsibility of the individual homeowners to bury the lines from the rights-of-way to their properties.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Resolution 3, Series 2019, a resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors approving the CenturyLink Special Construction Proposal dated January 16, 2019, and authorizing the City Manager to execute the proposal on behalf of the GID.

The motion passed unanimously.

**ADJOURNMENT**

The meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board adjourned at 7:21 p.m.

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

The meeting of the Cherry Hills Village City Council reconvened at 7:21 p.m.

**REPORTS**

**Mayor’s Report**

Mayor Stewart reported that Congressman Crow had written a letter to the FAA regarding Metroplex Denver after meeting with local mayors. He noted that the mayors of the municipalities in Arapahoe County would be reaching out to Congresswoman DeGette and Senator Gardner about sending letters. He indicated that the FAA public comment period would be May through September. He noted that he and Mayor Pro Tem Brown had attended the CML Policy Committee meeting. He reported that State House representative Froelich would like to hold a meeting of her mental health first aid series at the City. He indicated that when CDOT repaved University they restriped the exit/entrance to the Cherrymoor South neighborhood, removing the turn lane, and many residents were concerned about the impact of that change on vehicle safety. He asked staff to communicate with CDOT about restriping to the original turn lanes.
Members of City Council

Councilor Blum reported that the next meetings of the Code Modernization Steering Committee would be February 21st and 28th, followed by the joint study session with the Planning and Zoning Commission on March 5th.

Councilor Sheldon reported that the applicant for the renaming of Swastika Acres was making progress and he hoped that the issue would come to Council at the March 19th meeting. He noted that the proposal was to rename the subdivision to Old Cherry Hills.

Councilor Gallagher noted that the monthly Police Department report showed that the five vehicle trespasses last month were unlocked vehicles. He noted that the City would continue to educate residents through the Crier.

Mayor Pro Tem Brown indicated that while Representative Crow’s letter to the FAA was much appreciated it was important to note that there were a few factual errors in the letter. She reported that she had visited Councilor Weil and that he was welcoming visitors.

Councilor Sheldon reported that he had received two comments from neighbors that Monaco had a lot of pot holes that were ruining tires and asked if staff could communicate with the City of Denver about getting the road repaired.

Mayor Stewart asked about posting crime reporting on the City website.

City Manager Thorsen replied that Chief Tovrea and Commander Weathers had done a great job working on the crime reporting map through LexisNexis and it would be posted on the City website soon.

Mayor Pro Tem Brown asked how often the data was updated.

Chief Tovrea explained that there was an issue with the data getting updated between the Police Department’s records management system and LexisNexis and Commander Weathers was working to determine if the updates could be done by the Police Department staff in house. She noted that it was not a real-time system and she believed the data was updated approximately every month.

Mayor Stewart noted that residents he had spoken with were looking forward to the crime reporting map.
City Attorney

City Attorney Guckenberger indicated that Mayor Stewart had asked her to determine if a private meeting or corporate retreat would be allowed at the Quincy Farm Main Residence per the conservation easement, in response to a request from St. Gabriel's Church. She noted that this was the first time the City Attorney had been asked to interpret the conservation easement. She reviewed the basis for the conservation easement and that general principles for interpreting conservation easements based on the Colorado Supreme Court. She indicated that her interpretation was that the language of the deed of conservation easement related to the permitted uses of the Main Residence was unambiguous and that outside circumstances bolstered the unambiguity of the language. She reviewed the language of Paragraphs 4(A), 5(A), 4(A)(4), and 4(A)(2)(b) pertaining to the structures and uses of the West Area and specifically of the Main Residence. Paragraph 4(A)(2)(b) stated that “...the Main Residence may be used only as a caretaker’s residence for a caretaker of the Property or as a nature center/interpretive facility.” She indicated that the East Area structures had different uses outlined in the easement that provided more flexibility. She added that Paragraph 6(D) stated that industrial uses were prohibited and commercial uses “inconsistent with the preservation and protection of the Conservation Values of the Deed are prohibited.” She indicated that the conservation values were paramount. She noted that she had spoken with Melinda Beck who had represented Cat Anderson in the drafting of the conservation easement and it was Ms. Beck’s recollection and understanding that Ms. Anderson had no understanding of the Main Residence being used as a gathering place, which added to the unambiguity of the conservation easement. She added that she had spoken with Cheryl Cufre of Colorado Open Lands and she had agreed with City Attorney Guckenberger’s interpretation of the limitations of uses of the Main Residence.

Mayor Pro Tem Brown noted that the Denver Botanic Gardens was a nature center and that varying types of events were hosted there.

City Attorney Guckenberger replied that there was some room for interpretation and there was still work to be done to determine what exactly would be allowed but she believed the Church’s request was beyond the allowed uses of the Main Residence.

Mayor Pro Tem Brown asked if school fundraisers would be allowed at the Main Residence as they were at Denver Botanic Gardens and Four Mile Historic Park.
City Attorney Guckenberger replied that would not be allowed because it would not be consistent with the preservation values.

Mayor Pro Tem Brown did not agree that school fundraisers would be inconsistent with the preservation uses outlined in paragraph 5(A).

City Attorney Guckenberger explained that she had asked Ms. Cufre at Colorado Open Lands if, for example, the High Line Canal Conservancy held an event on the lawn for their donors, would they be allowed to use the bathrooms in the Main Residence. She indicated that Ms. Cufre had agreed that the event would be allowed on the lawn but she did not want to make a determination regarding the allowed use of the bathrooms in the Main Residence. City Attorney Guckenberger suggested that she and staff meet with Colorado Open Lands to determine the details of what would be allowed and what would not.

Councilor Gallagher agreed that a meeting would be helpful to provide the Quincy Farm Committee and the Cherry Hills Land Preserve direction moving forward.

Mayor Pro Tem Brown noted it was ironic that the Main Residence was the most restricted but was also the only structure that could currently be reserved.

Mayor Stewart noted that it was also the only structure that could be demolished.

Coordinator Black clarified that while the Main Residence was on the National Historic Registry, it was allowed to be demolished per the conservation easement.

Mayor Stewart noted that determining the allowed uses of the Main Residence was important for development of the Quincy Farm master plan.

City Attorney Guckenberger noted that the Quincy Farm Vision Plan had envisioned much broader uses of the Main Residence.

Mayor Pro Tem Brown agreed.

Mayor Stewart noted that the Vision Plan included a lot of high level hopes and aspirations, but with the caveat of being consistent with the conservation easement.

Mayor Pro Tem Brown indicated that the Quincy Farm Visioning Committee had discussed use of the Main Residence as a nature center per the conservation easement, but that they had been considering the Quincy Farm nature center to be similar to the Denver Botanic Gardens or Four Mile Historic Park as far as what would be allowed at the nature center. She noted that many places that were mainly used for one purpose, such as schools, could be rented out for other types of events. She added that weddings could be held in many different types of facilities.
City Attorney Guckenberger warned that a wedding could be considered a commercial activity that would be prohibited by the conservation easement.

Mayor Pro Tem Brown indicated that she agreed with City Attorney Guckenberger up to the point where all uses of the nature center had to be completely nature related.

Councilor Gallagher asked if Council agreed that the next step would be for City Attorney Guckenberger to put together a list of hypothetical situations for Colorado Open Lands to review and then hold a meeting with the City Attorney, City staff and Colorado Open Lands to discuss the allowed uses of the Main Residence.

Mayor Stewart agreed that concrete hypotheticals would be the most useful.

City Manager Thorsen suggested that Council submit questions to him to work with City Attorney Guckenberger to compile and send to Colorado Open Lands.

Mayor Stewart added that the Quincy Farm Committee could also submit questions.

**ADJOURNMENT**

The meeting of the Cherry Hills Village City Council adjourned at 8:06 p.m.

______________________________
Russell O. Stewart, Mayor and GID Chairperson

______________________________
Laura Gillespie, City Clerk and GID Secretary
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL

FROM: KATHIE GUCKENBERGER, CITY ATTORNEY

SUBJECT: RESOLUTION 12, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE APPROVING AN AGREEMENT WITH MICHOW COX & MCASKIN LLP FOR CITY ATTORNEY LEGAL SERVICES

DATE: MARCH 5, 2019

ISSUE:
Shall the City Council approve Resolution 12, Series 2019, approving an Agreement for City Attorney Legal Services ("Agreement") with Michow Cox & McAskin LLP (Exhibit A)?

BACKGROUND:
Effective February 16, 2016, the City of Cherry Hills Village ("City") entered into an Agreement for Legal Services of City Attorney in conjunction with its appointment of Linda Michow of Michow Cox & McAskin (the "Firm") as the City Attorney. The 2016 agreement provided that the City would compensate for the services of the City Attorney at the rate of $200 per hour. All contract rates have remained unchanged since 2016.

On January 15, 2019, the City appointed Kathie Guckenberg, also of the Firm, as City Attorney. In light of this change, staff is recommending that City Council approve an updated Agreement for City Attorney Legal Services, which sets forth the terms and conditions of the engagement with Michow Cox & McAskin. A copy of the agreement is attached to Resolution 12, Series 2019. The proposed Agreement also provides that the City Attorney shall be compensated at the rate of $200 per hour. In addition, it contains: (1) a new rate of $190 per hour for "of counsel" general legal services; and (2) a slight increase to $225 per hour for general legal services provided by a partner of the Firm; and (3) for land use applications (the cost of which is borne by the applicant rather than the City), an increase to $265 per hour for partners and a new rate of $225 per hour for "of counsel" legal services. The remainder of the Agreement is substantially similar to the 2016 agreement.

STAFF RECOMMENDATION:
Staff recommends that City Council approve Resolution 12, Series 2019 and the attached Agreement.
RECOMMENDED MOTION (if removed from the consent agenda):
"I move to approve Resolution 12, Series 2019, a resolution of the City Council of the City of Cherry Hills Village approving an agreement with Michow Cox & McAskin LLP for City Attorney Legal Services."

ATTACHMENTS:
Exhibit A: Resolution 12, Series 2019
Attachment A: Agreement for City Attorney Legal Services
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE
APPROVING AN AGREEMENT WITH MICHOW COX & MCASKIN LLP FOR CITY
ATTORNEY LEGAL SERVICES

WHEREAS, Section 6.1 of the Cherry Hills Village Home Rule Charter requires the City
Council to appoint a City Attorney to serve at the pleasure of City Council at such compensation
as the Council may establish by resolution; and

WHEREAS, the City of Cherry Hills Village entered into an Agreement for Legal Services
of City Attorney with Michow Cox & McAskin LLP (“MCM”) effective February 16, 2016 in
conjunction with its appointment of Linda Michow to serve as its City Attorney; and

WHEREAS, on January 15, 2019, the City Council appointed Kathie Guckenberger, also
of MCM, as the City Attorney; and

WHEREAS, MCM has proposed an updated Agreement for City Attorney Legal Services
(“Agreement”) to reflect this recent appointment; and

WHEREAS, the City Council desires to approve the Agreement with MCM subject to the
terms and conditions therein; and

WHEREAS, the City Council desires to authorize the Mayor to execute the Agreement on
behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. The City Council hereby (a) approves the Agreement with MCM, in the form
attached hereto as Attachment A; and (b) authorizes the Mayor to execute the same on behalf
of the City.

Section 2. This Resolution shall take effect upon its approval by the City Council.

Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Guckenberger, City Attorney
AGREEMENT FOR CITY ATTORNEY LEGAL SERVICES

THIS AGREEMENT is made effective as of the 1st day of March, 2019, between MICHOW COX & MCASKIN LLP, a Colorado limited liability partnership with its principal place of business at 6530 S. Yosemite Street, Suite 200, Greenwood Village, Colorado 80111 (the "Firm"), and the CITY OF CHERRY HILLS VILLAGE, COLORADO, a home rule municipal corporation of the State of Colorado, with offices at 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113 (the "City") (each individually a “Party” and collectively the “Parties”).

WITNESSETH:

WHEREAS, the City wishes to retain the Firm for the purpose of providing legal representation for the City, and the Firm wishes to provide such representation subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, for the consideration herein expressed, it is agreed as follows between the City and the Firm:

1. APPOINTMENT OF GENERAL LEGAL COUNSEL

   A. The Firm is engaged and appointed as general legal counsel to represent and advise the City with respect to legal matters referred by the City to the Firm in accordance with this Agreement.

   B. Kathie Guckenberger is hereby designated and appointed as the City Attorney for the City of Cherry Hills Village. The Firm may change the designation of the attorney to serve as the City Attorney only with the express consent of the City. The Firm may represent to third parties and identify in Firm advertising and other Firm-sponsored materials that the Firm serves or represents the City as the City Attorney for Cherry Hills Village unless the City specifically directs the Firm not to make such representation on a particular matter or to a particular party.

   C. The City Attorney and the Firm will work cooperatively and in concert with other City-appointed attorneys who may be appointed by City Council to represent the City on specialized matters such as but not limited to litigation and water matters.

   D. The Firm may utilize other qualified attorneys of the Firm to assist the City Attorney and provide legal services to the City as deemed appropriate by the City Attorney, and such additional attorneys may be deemed "Assistant City Attorneys" for such purposes. The City shall retain the right to reasonably reject the assignment of any Firm-selected Assistant City Attorney.

   E. The City authorizes the Firm's attorneys to execute documents connected with the representation of the City, including pleadings, applications, protests, contracts, commercial papers, settlement agreements and releases, verifications, dismissals, orders, and all other documents, and to represent the City in matters associated with providing legal services to the City.
2. **SCOPE OF LEGAL SERVICES**

A. The Firm shall provide to and coordinate for the City all usual and customary legal services authorized to and provided by the City Attorney's Office for comparable cities that engage a law firm on a contract basis for general legal services. The legal services shall include, but not be limited to, those set forth in Section 6.4 of the Cherry Hills Village Home Rule Charter and:

   i. Representing the City Council, the City staff, and the various boards and commissions of the City, as may be created by City Council;
   
   ii. Providing legal advice and services associated with land use, subdivision, and other planning applications;
   
   iii. Preparing or reviewing all ordinances, contracts, bonds, and other written instruments as requested by the City;
   
   iv. Representing the City in judicial and appropriate administrative proceedings;
   
   v. Advising the City on current federal, state, and local laws affecting the City and changes or developments therein; and
   
   vi. Providing advice and topical seminars to the City Council and City staff on a periodic basis.

B. The Firm shall provide for support by any para-professional personnel in its representation of the City as deemed necessary and cost effective by the City Attorney.

C. The City reserves the right to engage special legal counsel on any matter deemed appropriate by the City, following consultation with the Firm, to advise the City or to assist the Firm.

D. The Firm shall maintain working relationships with attorneys specializing in fields of interest to municipalities, including but not limited to condemnation, litigation, and water law. The Firm may recommend hiring special legal counsel with special knowledge and expertise to represent the City or assist the Firm when it deems reasonable and in the best interest of the City and in cases of conflict of interest by the Firm. The Firm may also recommend hiring special legal counsel to advise the City or provide second opinions on matters of extraordinary importance to the City, including matters involving complex litigation or a substantial financial or other impact on the City or its residents, considering the City's budget as whole, or considering City functions or programs as a whole, when such matters of extraordinary importance also involve legal uncertainties or complexities.

E. The Firm shall contract with Ausmus Law Firm, P.C. ("Ausmus") for the provision of municipal prosecution services at a flat rate of $600.00 per court session, and shall invoice the City at such rate without mark-up. The Ausmus attorneys shall be under the general coordination of the City Attorney but the Firm shall not warrant the quality of work of Ausmus.

F. Any attorneys who are not employed by the Firm, but who are employed by or retained by the City to perform legal representation or to assist such employed or retained representatives, shall be under the general coordination of the City Attorney although such non-Firm attorneys shall contract directly with the City and the Firm shall not warrant the quality of work of such non-Firm attorneys or firms. Such coordination and supervision by
the Firm shall not be undertaken when special legal counsel is appointed due to a conflict of interest on behalf of the Firm.

G. Although the Firm actively seeks to avoid potential for conflicts, the City understands and recognizes that unanticipated conflicts may arise that could impair the ability of the City Attorney and the Firm to represent the City on specific legal matters. In such event, the City Attorney shall comply with the requirements of the Colorado Rules of Professional Responsibility in addressing such conflict with the City. The Parties understand that the City is not obligated to waive any conflict in order to permit the City Attorney to represent the City.

3. COMPENSATION

A. The City shall compensate the Firm for the services of the City Attorney at a rate of $200.00 per hour. Attorney travel time shall be charged, except for travel time between the Firm's office and the Village Center. For legal services provided in connection with a land use application (e.g., annexation, zoning, subdivision, special or conditional use permits, variances, right-of-way vacations, and similar land use applications) for which the City is in fact reimbursed by a developer/applicant, the rate of compensation for services performed by any Partner of the Firm shall be $265.00 per hour, $225.00 per hour for any Of Counsel of the Firm, and $200.00 per hour for any Associate. Separate billing invoices shall be established by the Firm for individual land use applications and for such other special matters as deemed necessary by the City in consultation with the Firm.

B. The City shall compensate the Firm for the legal services of other attorneys or paralegals of the Firm at their standard billing rates, a copy of which is attached to this Agreement as Exhibit A.

C. The City shall not be required to compensate the Firm for:

   i. Electronic and hardcopy library and research materials and research librarian services except database access charges (e.g., Lexis/Nexis or Westlaw) for legal research billed at Firm cost without administrative mark-up;
   ii. Employee benefits;
   iii. Employee insurance, including malpractice insurance;
   iv. Training and continuing legal education;
   v. Bar and professional licensing expenses and registrations;
   vi. Local professional memberships;
   vii. Firm-owned electronic, computer and computer/network related communications equipment, hardware, software and information technology support services, systems training of Firm personnel, including personal computers, laptops, computer printers, or mobile telephones;
   viii. Routine copying customarily performed in the day-to-day performance of legal services except those projects requiring outside copying and specialized printing services may be charged at cost. Large project copying (typically more than 300 pages/project) may be charged to the City in accordance with the Firm's standard policies;
   ix. Facsimile expenses;
   x. Newspapers and professional periodicals;
xi. Postage for regular mail delivery by United States Postal Service except for mass mailings (with prior City Manager approval) and special, expedited, or overnight delivery services, which may be charged at cost;

xii. Office supplies used by the City Attorney (to include items customarily associated with standard office operations and management such as paper, pens, notebooks, paper files, file folders, tape, paperclips, labels, etc.); and

xiii. Archival storage and retrieval of outdated client files performed in accordance with the Firm’s standard client file storage policies; provided, however, that the Firm may relinquish possession of outdated files to the City for storage.

D. The City shall compensate the Firm for out-of-pocket fees and costs incurred on the City's behalf, including but not limited to filing fees, service of process, expert witness fees (only as pre-authorized by the City), court reporter fees, transcript fees, recording fees, title company's fees for reports of title, and publication fees. Such fees will be billed to the City at the Firm's cost without mark-up.

E. The City shall compensate the Firm for mileage expenses for personal use of private vehicles used by the City Attorney, other Firm attorneys and paralegals for travel within the Denver metropolitan area incurred in the direct and exclusive performance of services for the City. Mileage shall be charged at the Firm's standard mileage rate (not to exceed U.S. Internal Revenue Service published business travel mileage allowance).

F. The Firm shall provide to the City a detailed invoice for all legal services on a monthly basis. Such billings shall separate work and fees, including allocations associated with specific projects for which the City accounts separately. The City shall pay all undisputed billings from the Firm within thirty (30) days of receipt of invoice. If the City fails to pay any charges within thirty (30) days of the date of the bill, the Firm may elect to stop all work for the City. The City's obligation to make prompt payment of all fees and charges does not depend upon achievement of any specific result.

4. AVAILABILITY

A. The City Attorney shall routinely attend regular City Council meetings and be available to provide legal services for the City Council. Upon reasonable notice provided, the City Attorney will attend City Council special meetings, study sessions, Council retreats, and other City business meetings as requested by the Mayor, City Manager, or City Council.

B. The City Attorney shall be available to render the services required hereunder on an "on call" basis, and when necessary shall cause any Assistant City Attorneys to be available by appointment for consultation with City representatives.

C. The Firm shall assign one or more Assistant City Attorneys to be available to render the services required of the City Attorney hereunder on an "on call" basis whenever the City Attorney is unavailable.

D. The Firm will employ or retain on contract at its discretion and own cost, at its office and during regular business hours, such administrative personnel as are necessary to support the City Attorney.
5. CITY-DESIGNATED REPRESENTATIVE

In the interest of budget management, the City Council hereby designates the Mayor and City Manager to serve as the primary contacts to the City Attorney outside of the regular City Council meetings.

6. INDEPENDENT CONTRACTOR

In performing the services herein specified, the Firm is acting as an independent contractor. Its attorneys adhere to the Colorado Rules of Professional Responsibility as approved and adopted by the Colorado Supreme Court, as they may be changed or revised from time to time.

The following disclosure is provided in accordance with Colorado law:

THE FIRM ACKNOWLEDGES THAT NEITHER IT NOR ITS AGENTS OR EMPLOYEES ARE ENTITLED TO UNEMPLOYMENT INSURANCE BENEFITS UNLESS THE FIRM OR SOME ENTITY OTHER THAN THE CITY PROVIDES SUCH BENEFITS. THE FIRM FURTHER ACKNOWLEDGES THAT NEITHER IT NOR ITS AGENTS OR EMPLOYEES ARE ENTITLED TO WORKERS' COMPENSATION BENEFITS. THE FIRM ALSO ACKNOWLEDGES THAT IT IS OBLIGATED TO PAY FEDERAL AND STATE INCOME TAX ON ANY MONEY EARNED OR PAID PURSUANT TO THIS AGREEMENT.

7. NON-DISCRIMINATION

During the performance of this Agreement, the Firm shall:

   A. Not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, sexual orientation, age, military service, veteran status, marital status, national origin, or disability.

   B. Comply with all state and federal laws, regulations, and executive orders regarding non-discrimination applicable to the City and its programs.

8. ASSIGNMENT

This Agreement for services is personal to the parties hereto and shall not be assigned by either party.

9. TERM AND TERMINATION

   A. This Agreement shall be effective as of provided above and may be terminated by either Party, upon written notice, without cause or reason upon thirty (30) days prior written notice to the non-terminating Party. During such period following notice and prior to termination, the Parties shall coordinate the transfer of legal services and City files from the Firm to the City's selected City Attorney.

   B. The Parties understand and agree that the compensation to be provided by the City pursuant to this Agreement is subject to annual appropriation by the City. Although the Parties recognize that the City may effectively terminate this Agreement through a refusal to appropriate funds for a given fiscal year, the City agrees that its exercise of such
authority will be undertaken in good faith and in accordance with the provisions of Paragraph 9(A) above which would require the funding of services for the period of notice prior to termination.

C. Nothing in this Section shall preclude or prevent the Parties from modifying any notice requirement or term of notice or negotiating other terms for a mutually acceptable termination.

10. CONFLICTS

Unless otherwise agreed by the City, the Firm shall not accept work on behalf of any client that will create a conflict or the potential for a conflict with the City. This requirement shall specifically preclude the Firm from undertaking work on behalf of Arapahoe County, any special district whose jurisdiction or area of service lies within all or any portion of the City, any special district or municipality that shares a common boundary with the City or which may potentially provide services within the City, and any landowners, businesses, and developers residing or working within the City.

11. MISCELLANEOUS PROVISIONS

A. Disputes.

i. Mandatory Arbitration for Claims under $25,000. Although the Parties do not expect that any dispute will arise between the Parties, in the unlikely event of any dispute under this Agreement, including a dispute regarding the amount of legal fees or costs owed to the Firm or the quality of the Firm's services, including any claim of malpractice, such dispute shall be subject to binding arbitration if the damages, liability or claim(s) asserted total less than Twenty Five Thousand Dollars ($25,000.00) in the aggregate. In such event, the City and the Firm acknowledge that they are waiving their right to seek remedies in court, including the right to a jury trial. This clause does not prevent the City and the Firm from trying to resolve any dispute through voluntary mediation, but there is no requirement to do so.

Any dispute concerning fees or costs or concerning the quality of the Firm's services, including malpractice claims, shall be submitted to a single arbitrator and the decision of the arbitrator shall be final and binding on both Parties. A final judgment can be entered on the arbitration award by a court of competent jurisdiction. The arbitrator shall be selected from the Judicial Arbiter Group, Denver, Colorado, unless the Parties agree otherwise. If the Parties do not agree on the selection of a single arbitrator within ten (10) days after a demand for arbitration is made, then the arbitrator shall be selected by the Judicial Arbiter Group from among its available professionals.

All arbitrations shall be held in Denver, Colorado, unless the Parties mutually agree on some other location. All arbitrations shall proceed under the Commercial Arbitration Rules of the American Arbitration Association, except as modified in this Agreement, unless otherwise agreed by the Parties. The arbitrator shall have the discretion to order that the costs of
arbitration, fees (including expert witness and reasonable attorneys' fees), and other costs shall be borne by the losing Party. Any filing fees or other administrative costs of arbitration shall be divided equally between the City and the Firm. Arbitration of all disputes, and the outcome of the arbitration, to the extent legally permissible, shall remain confidential between the Parties.

ii. Arbitration as set forth in subsection A (i) above shall not be required for any dispute between the Parties in which the aggregate dollar amount of alleged damages, liability or claim(s) total Twenty-Five Thousand Dollars ($25,000.00) or more. Such disputes may be resolved in a competent court having jurisdiction; venue for any action hereunder shall be in the District Court, County of Arapahoe, State of Colorado.

B. Privacy Policy. The Firm's "Privacy Policy Notice" is attached to this Agreement as Exhibit B. The Firm will conduct its representation of the City in accordance with this policy.

C. Document Ownership. Files maintained by the Firm as the result of the performance of services for the City shall be the property of the City. Upon termination of this Agreement, the Firm shall deliver such files to the City.

D. Prohibition Against Employing Illegal Aliens. The Firm shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. The Firm shall not knowingly contract with a subcontractor that (a) knowingly employs or contracts with an illegal alien to perform work under this Agreement or (b) fails to certify to the Firm that the subcontractor will not knowingly employ or contract with an illegal alien to perform work under this Agreement. The Firm shall comply with any reasonable request of the Colorado Department of Labor and Employment made in the course of an investigation pursuant to C.R.S. § 8-17.5-102 (5).

IN WITNESS WHEREOF, the parties to this Agreement have executed as of the date(s) set forth below.

CITY OF CHERRY HILLS VILLAGE, a home rule municipality of the State of Colorado

By: ________________________________
    Russell O. Stewart, Mayor

Date of execution: _____________. 2019.

ATTEST:

By: ________________________________
    Laura Gillespie, City Clerk
The foregoing Agreement for City Attorney Legal Services was subscribed, sworn to and acknowledged before me this 25th day of February, 2019, by Linda Michow, as a partner of Michow Cox & McAskin LLP, a Colorado limited liability partnership.

My commission expires: 9-22-2020

Notary Public

KAREN L. STRESS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 2000428042
MY COMMISSION EXPIRES SEPTEMBER 22, 2020
EXHIBIT A
ATTORNEY RATES PER HOUR FOR MUNICIPAL LEGAL SERVICES

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partners of the Firm</td>
<td>$225.00</td>
</tr>
<tr>
<td>Of Counsel to the Firm</td>
<td>$190.00</td>
</tr>
<tr>
<td>Associates of the Firm</td>
<td>$180.00</td>
</tr>
<tr>
<td>Paralegal/Research Professional</td>
<td>$ 70.00</td>
</tr>
</tbody>
</table>
EXHIBIT B
FIRM PRIVACY POLICY NOTICE

Attorneys, like other professionals, who advise on certain personal matters, are required by federal law to inform their clients of their policies regarding privacy of client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by federal law. Maintaining your trust and confidence is a high priority to our law firm. The purpose of this notice is to comply with the federal law by explaining our privacy policy with respect to your personal information.

NONPUBLIC PERSONAL INFORMATION WE COLLECT:

In the course of providing services to our clients, we collect personal and financial information about our clients that is not available to the public and which is provided to us by our clients or obtained by us with their authorization or consent.

PRIVACY POLICY:

As a current or former client of Michow Cox & McAskin LLP, please be assured that all nonpublic personal information that we receive from you is held in confidence, and is not released to people outside the firm, except as agreed to by you, or as is permitted or required by law and applicable ethics rules.

CONFIDENTIALITY AND SECURITY:

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. We restrict access to nonpublic, personal information about you to those people in the firm who need to know that information to provide services to you (and their support personnel). In order to guard your nonpublic personal information, we maintain physical, electronic, and procedural safeguards that comply with our professional standards as well as federal regulations.

Please call the attorney you work with if you have any questions. Your privacy, our professional ethics, and the ability to provide you with quality service are very important to us.

Michow Cox & McAskin LLP
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL

FROM: LAURA GILLESPIE, CITY CLERK

SUBJECT: RESOLUTION 13, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE CONCERNING THE APPOINTMENT OF A NEW MEMBER TO THE QUINCY FARM COMMITTEE

DATE: MARCH 5, 2019

ISSUE
Shall City Council approve Resolution 13, Series 2019, concerning the appointment of a new member to the Quincy Farm Committee (Exhibit A)?

DISCUSSION
Vacancy
Quincy Farm Committee (QFC) member Katie Agron resigned from the QFC in late February. Mayor Stewart and Councilor Gallagher are recommending that Council fill the vacancy from the group of applicants they interviewed in early February.

Mayor Stewart and Councilor Gallagher are recommending appointment of Gordon Rockafellow to the QFC.

Committee member Agron’s term would have ended in May 2019. To avoid having Council reappoint the new member in two months, staff is recommending that the new member’s term end in May 2022.

Member Terms
Current terms on the QFC are shown below. Staff is recommending that the new member be appointed to a term ending in May 2022.
### Member Table

<table>
<thead>
<tr>
<th>Member</th>
<th>First Appointed</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Klasina VanderWerf</td>
<td>2018</td>
<td>2019</td>
</tr>
<tr>
<td>Earl Hoellen</td>
<td>2019</td>
<td>2020</td>
</tr>
<tr>
<td>Melinda Haymonds</td>
<td>2015</td>
<td>2020</td>
</tr>
<tr>
<td>Dale DeLeo</td>
<td>2015</td>
<td>2021</td>
</tr>
<tr>
<td>Lucinda Greene</td>
<td>2015</td>
<td>2021</td>
</tr>
<tr>
<td>Joel Sydlow</td>
<td>2018</td>
<td>2021</td>
</tr>
<tr>
<td>New member</td>
<td>2019</td>
<td>2022</td>
</tr>
</tbody>
</table>

### RECOMMENDED MOTION (if removed from the consent agenda)

“I move to approve Resolution 13, Series 2019; a resolution of the City Council of the City of Cherry Hills Village concerning the appointment of a new member to the Quincy Farm Committee.”

### ATTACHMENTS

Exhibit A: Resolution 13, Series 2019
A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
CONCERNING THE APPOINTMENT OF A NEW MEMBER
TO THE QUINCY FARM COMMITTEE

WHEREAS, Section 3.1 of the City of Cherry Hills Village City Charter authorizes the City Council to "delegate to board and commissions...such functions, powers and authority of the City as it deems proper and advisable"; and

WHEREAS, the Quincy Farm Committee (the "Committee") was established by Resolution 10, Series 2015 and amended by Resolution 12, Series 2015 and Resolution 7, Series 2018, pursuant to which City Council is required to fill vacancies on the Committee; and

WHEREAS, Committee Member Katie Agron resigned in February 2019, thus creating a vacancy on the Committee; and

WHEREAS, Committee Member Agron's term on the Committee would have ended in May 2019; and

WHEREAS, applications to fill the vacancy were reviewed by Mayor Russell Stewart and Councilor Mike Gallagher; and

WHEREAS, Mayor Stewart and Councilor Gallagher have recommended that the Council appoint Gordon Rockafellow to the Quincy Farm Committee.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE THAT:

The City Council hereby makes the following appointment to the City of Cherry Hills Village Quincy Farm Committee:

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gordon Rockafellow</td>
<td>3rd Tuesday in May 2022</td>
</tr>
</tbody>
</table>

This Resolution shall be effective immediately.

Introduced, passed and adopted at the regular meeting of City Council this ___ day of ______, 2019, by a vote of ___ yes and ___ no.

(SEAL)

ATTEST:

Russell O. Stewart, Mayor

APPROVED AS TO FORM:

Laura Gillespie, City Clerk

Kathie B. Guckenberger, City Attorney
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL

FROM: RACHEL GRANRATH, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: PUBLIC HEARING – COUNCIL BILL 2, SERIES 2019; A BILL FOR AN ORDNANCE 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 (FIRST READING)

DATE: MARCH 5, 2019

ISSUE:
Shall City Council approve Council Bill 2, Series 2019 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 (Exhibit A)?

DISCUSSION:
Staff is presenting for review and recommendation to City Council a rezoning application for John Meade Park and Alan Hutto Memorial Commons, located at 120 Meade Lane. The property is currently zoned as R-1 (Residential 2 ½ acre district), C-1 (Community district) and O-1 (Open space, park and recreation area district). As the owner, the City is proposing a rezone to O-2 (Open space, conservation and historic area district). See Attachment A to the council bill for current zoning and Attachment B to the council bill for the proposed zoning.

In August of 2016 the City Council passed Ordinance 5, Series 2016 which amended the procedures for rezoning properties within the City. Any rezoning application includes the following as outlined in Sec. 16-2-40 of the Municipal Code:

1. Description of the land area to be rezoned and the requested new classification, along with a sketch, to scale, showing the boundaries of the area requested to be rezoned, along with the existing zoning on all adjacent sides of the area.
2. A statement of justification for the rezoning, including discussion of such of the following conditions as are applicable:
   a. Change in area conditions;
   b. Error in original zoning;
   c. Conformance to the Master Plan for the area; and
   d. Suitability of the site to the proposed use.

3. Description and sketches, if available, of structures or uses proposed if rezoning is granted, along with a description of uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions, and the effect of the proposed use upon the adjacent areas.

4. Time schedule for any contemplated new construction or uses.

Staff presented a study session to Parks, Trails and Recreation Commission (PTRC) at the December 2018 meeting. Direction from the PTRC included pursuing a full application to rezone the property to O-2. See Exhibit B for the full rezoning application materials. On January 10, 2019, PTRC made a unanimous recommendation to approve the rezoning to O-2 (see Exhibit C for draft minutes). On January 22, 2019 the Planning and Zoning Commission (P&Z) also made a unanimous recommendation to approve the rezoning to O-2 (see Exhibit D for draft minutes).

All public notice requirements have been met as outlined in Sec. 16-2-40 of the Municipal Code. Staff wants to highlight that notice was sent to property owners within 1,000 feet of the Park 15 days prior to both the January 22nd P&Z Public Hearing and tonight’s City Council Public Hearing.

STAFF RECOMMENDATION:
Staff recommends the approval of the proposed rezoning of 120 Meade Lane, also known as John Meade Park and Alan Hutto Memorial Commons, from R-1, C-1, and O-1 to O-2 and amendment of the zoning map.

RECOMMENDED MOTION:
“I move 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 1/2 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 first reading.”

ATTACHMENTS:
Exhibit A: Council Bill 2, Series 2019
Attachment A: Current Zoning
Attachment B: Proposed Zoning
Exhibit B: Rezoning Application Materials
Exhibit C: Parks, Trails and Recreation Commission Draft Meeting Minutes from January 10, 2019
Exhibit D: Planning and Zoning Commission Draft Meeting Minutes from January 22, 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 (2½ 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

WHEREAS, pursuant to Section 16-2-40(a) of the Municipal Code ("Code"), the City Council is authorized to initiate amendments to the official zoning map of the City of Cherry Hills Village; and

WHEREAS, the City of Cherry Hills Village is the record owner of the following parcels of land within the boundaries of Cherry Hills Village, as identified by an identification number assigned by the Arapahoe County Assessor ("AIN"), which are collectively referred to herein as the "Subject Properties"; and

<table>
<thead>
<tr>
<th>AIN</th>
<th>Address/Identification</th>
<th>Current Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>2077-12-2-002</td>
<td>2450 E. Quincy Avenue</td>
<td>C-1</td>
</tr>
<tr>
<td>2077-12-2-02-051</td>
<td>120 Meade Lane</td>
<td>C-1</td>
</tr>
<tr>
<td>2077-12-2-004</td>
<td>Alan Hutto Memorial Commons</td>
<td>R-1 and O-1</td>
</tr>
<tr>
<td>2077-12-2-02-039</td>
<td>John Meade Park</td>
<td>O-1</td>
</tr>
<tr>
<td>2077-12-2-02-038</td>
<td>John Meade Park</td>
<td>O-1</td>
</tr>
<tr>
<td>2077-12-2-02-050</td>
<td>John Meade Park</td>
<td>O-1</td>
</tr>
</tbody>
</table>

WHEREAS, a map depicting the location and current zoning of the Subject Properties is attached to this Ordinance as Attachment A, and is incorporated herein by reference; and

WHEREAS, City Staff initiated a rezoning of the Subject Properties by application dated December 14, 2018 (the "Application"), which Application seeks to rezone the Subject Properties or a portion thereof from their current zoning of C-1 (Community District), R-1 (2½-Acre Residential District), and O-1 (Open Space, Park and Recreation Area District), respectively, to O-2 (Open Space, Conservation and Historic Area District) as depicted in Attachment B, a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, the Application was presented to the Parks, Trails and Recreation Committee at its December 2018 meeting and its January 10, 2019 meeting and PTRC unanimously recommended approval; and

WHEREAS, the Planning and Zoning Commission held a duly noticed public hearing on January 22, 2019 to consider the Application and following the conclusion of the public hearing voted to recommend approval of the Application to City Council; and

WHEREAS, the City Council held a duly noticed public hearing on the rezoning
Application, at which time evidence and testimony were presented to the City Council; and

WHEREAS, the City provided notice of the City Council public hearing in accordance with all applicable provisions of the Code; and

WHEREAS, the City Council finds that the proposed rezoning is consistent with the requirements outlined in Section 16-2-40 of Code relating to rezoning applications; and

WHEREAS, pursuant to Article 23 of Title 31, C.R.S., as amended, City Council has determined that the proposed rezoning of the Subject Properties, subject to any conditions set forth herein, furthers the public health, safety, convenience and general welfare of the community; generally conforms with the City’s Master Plan, as amended and updated; is compatible with surrounding uses; and otherwise meets the applicable criteria set forth in the Code; and

WHEREAS, the City Council further finds that the proposed rezoning of the Subject Properties satisfies the purpose and intent of the O-2 zone district, as set forth in Section 16-11-110 of the Code, in that the rezoning of the Subject Properties will: (1) promote conservation values of properties owned or leased by the City, and (2) provide for the development, maintenance, and operation of the Subject Properties consistent with the Master Plan and the semi-rural character of the City.

NOW, THEREFORE, the Council of the City of Cherry Hills Village, Colorado ordains:

Section 1. Incorporation of Recitals. The recitals contained above are incorporated herein by reference and are adopted as findings of the City Council.

Section 2. Rezoning Approved. The zoning classifications of the Subject Properties as described herein and depicted in Attachment A shall be, and are hereby, changed from R-1 (2½ Acre Residential District), C-1 (Community District), and O-1 (Open Space, Park and Recreation Area District) to the new zoning classifications as set forth in the chart below:

<table>
<thead>
<tr>
<th>AIN</th>
<th>Address/Identification</th>
<th>Current Zoning</th>
<th>New Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>2077-12-2-002</td>
<td>2450 E. Quincy Avenue</td>
<td>C-1</td>
<td>C-1 and O-2, as depicted in Attachment B</td>
</tr>
<tr>
<td>2077-12-2-02-051</td>
<td>120 Meade Lane</td>
<td>C-1</td>
<td>O-2</td>
</tr>
<tr>
<td>2077-12-2-004</td>
<td>Alan Hutto Memorial Commons</td>
<td>R-1 and O-1</td>
<td>O-2</td>
</tr>
<tr>
<td>2077-12-2-02-039</td>
<td>John Meade Park</td>
<td>O-1</td>
<td>O-2</td>
</tr>
<tr>
<td>2077-12-2-02-038</td>
<td>John Meade Park</td>
<td>O-1</td>
<td>O-2</td>
</tr>
<tr>
<td>2077-12-2-02-050</td>
<td>John Meade Park</td>
<td>O-1</td>
<td>O-2</td>
</tr>
</tbody>
</table>

Section 3. Zoning Map Amendment. The City of Cherry Hills Village Zoning Map is hereby amended to show the change in zoning classifications set forth in Section 2 of this Ordinance and a certified copy of such amendment shall be filed with the City Clerk.

Section 4. Safety Clause. The City Council of the City of Cherry Hills Village deems this Ordinance to be necessary for the public health, safety, and welfare.

Section 5. Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or
applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase, or portion be declared invalid.

Section 6. Effective Date. This Ordinance shall become effective ten (10) days after publication after second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

Adopted as Ordinance No. _______, Series 2019, by the City Council of the City of Cherry Hills Village, Colorado this _____ day of ________________, 2019.

_________________________________________  Russell O. Stewart, Mayor

ATTEST:

Laura Gillespie, City Clerk

APPROVED AS TO FORM:

Kathie B. Guckenberger, City Attorney

Published in The Villager
Published:______________________
Legal #:_________________________
ATTACHMENT A
John Meade Park and Alan Hutto Memorial Current Zoning Map
JOHN MEADE PARK & ALAN HUTTO MEMORIAL CURRENT ZONING

- **R-3**: 3 Fairway, 5 Fairway, City Park
- **C-1**: Village Center, 4444 S University, 4480 S University, 2405 Cherryridge, 2455 Cherryridge, 2555 Cherryridge, 2605 Cherryridge, 2655 Cherryridge, 2705 Cherryridge
- **O-1**: John Meade Park, 4480 S University
- **R-1**: 105 Meade, 135 Meade, 55 Meade, 90 Meade
- **R-3A**: Variable Lot Residential District
- **R-2**: 1 1/4-Acre Residential District
- **R-3**: 1-Acre Residential District
- **R-4**: 1/2-Acre Residential District
- **R-5**: 16,000-Square-Foot Residential District

**Districts:**
- **C-1**: Community District
- **C-2**: Limited Commercial District
- **O-1**: Open Space, Parks and Recreation Area District
- **O-2**: Open Space, Conservation and Historic Area District
- **R-1**: 2 1/2-Acre Residential District
- **R-5**: 16,000-Square-Foot Residential District
LAYOUT NOTES:
1. All utility and drainage lines shall be constructed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
2. All utility and drainage lines shall be installed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
3. All utility and drainage lines shall be installed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
4. All utility and drainage lines shall be installed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.

ALIGNMENT NOTES:
1. All utility and drainage lines shall be constructed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
2. All utility and drainage lines shall be constructed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
3. All utility and drainage lines shall be constructed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
4. All utility and drainage lines shall be constructed in accordance with the City of Champaign, Illinois, grading standards and specifications. All utility and drainage lines shall be installed prior to the construction of the road.
ATTACHMENT B
John Meade Park and Alan Hutto Memorial Rezoning Map
Cherry Hills Village Elementary School

C-1
City Hall Building

C-1
Police & Fire Building

O-2
Future Park Pavilion

O-2
Village Center

John Meade Park

St. Mary's Academy

4444 S University

4480 S University

2405 Cherryridge

2455 Cherryridge

2555 Cherryridge

2605 Cherryridge

2655 Cherryridge

2705 Cherryridge

R-1

R-3

R-2, 1 1/4-Acre Residential District

R-3, 1-Acre Residential District

R-3A, Variable Lot Residential District

R-4, 1/2-Acre Residential District

R-5, 16,000-Square-Foot Residential District
City of Cherry Hills Village
Application for Zoning Amendment

Today’s Date: 12-14-18

Applicant Information
Name: City of Cherry Hills Village – Community Development Director, Rachel Granrath
Phone: 303-783-2749
Fax: 303-761-9386
Address: 2450 E. Quincy Avenue, Cherry Hills Village CO 80113

Property Information
Address: 120 Meade Lane, Cherry Hills Village CO 80113
Parcels: #2077-12-2-002; #2077-12-2-004; #2077-12-2-02-050; #2077-12-2-02-051; #2077-12-2-02-038; #2077-12-2-02-039 commonly known as John Meade Park, Alan Hutto Memorial Commons and City Hall

Legal Description of Property to be Rezoned
Lot 15 & 14 of Meade Subdivision; Lot 1B Blk 1 Cherry Hills Village Center Minor Subdivision; Lot 2 Blk 2 Cherry Hills Village Center Top With The East 30 Ft Of Vacated Meade Lane Adj On The West; Lot 16 Ex Part Desc As Beg At Nly Most Cor Lot 16 Located On Meade Lane Th Sely Alg Sd Lane 130 Ft Th Swly 240 Ft Th Nwly 130 Ft To Pt On W Line Lot 16 Th Nely 240 Ft To Beg Meade Sub; Part Of Lot 16 Desc As Beg At Most Nly Cor Sd Lot Th Sw 240 Ft Th Se 130 Ft Th Ne 240 Ft Th Nw 130 Ft To Beg Meade Subdivision;

Please attach a graphic—to scale—of the land in question showing boundaries of the area along with the existing zoning and the zoning of all lands adjacent to the subject property.

Application – to be filed with the Community Development Department
- Description of the land area to be rezoned and the requested new classification, along with a sketch, to scale, showing the boundaries of the area requested to be rezoned, along with the existing zoning on all adjacent sides of the area.
- A statement of justification for the rezoning, including discussion of such of the following conditions as are applicable:
  - 1. Change in area conditions;
  - 2. Error in original zoning;
  - 3. Conformance to the Master Plan for the area; and
  - 4. Suitability of the site to the proposed use.
- Description and sketches, if available, of structures or uses proposed if rezoning is granted, along with a description of uses within two hundred (200) feet of the boundary of the proposed area of change, in all directions, and the effect of the proposed use upon the adjacent areas.
- Time schedule for any contemplated new construction or uses.

Signature Date
12-14-18
John Meade Park and Alan Hutto Memorial Commons
Rezoning Statement of Justification

John Meade Park has always been intended to be the City of Cherry Hills Village’s most active park, as stated in the John Meade Park and Alan Hutto Memorial Commons Master Plan, adopted in 2015. This park space is the Village’s most central park. Many of the goals and strategies outlined in the Master Plan are linked to the reasoning behind this rezoning application. The Master Plan goals include:

1. Create a community gathering space
2. Create a connection between park users and the natural environment
3. Create a community appropriate performance area within the John Meade Park and Alan Hutto Memorial Commons
4. Maintain and increase current floodplain capacities
5. Increase park usage and accessibility
6. Create a park that is maintenance friendly
Alan Hutto Memorial Commons was gifted to the City in 2013 in memory of Alan Hutto, a third grader who attended Cherry Hills Village Elementary School. He loved performing and in his memory this property was donated to the City in order to continue spreading the happiness associated with performing arts in his memory. In the Alan Hutto Memorial Commons Agreement, it was determined that the City would build a performing arts space to be used by the City, community and local schools. Originally signed in 2013, the City has completed a temporary performance space in 2015 until the construction plans for the park could be finalized and put out for bid.

Currently there are a multitude of parcels included in John Meade Park and Alan Hutto Memorial Commons. These parcels have a range of zoning classifications including Alan Hutto currently as R-1 (Residential 2 ½ acre district), John Meade Park as O-1 (Open space, park and recreation area district), and a portion of City Hall which is planned as improved park space which is zoned C-1 (Community District). The parcels associated with John Meade Park and Alan Hutto Memorial Commons are proposed to be rezoned to O-2 (Open space, conservation and historic area district). The allowed uses included in the proposed O-2 zoning include the following:

- Unimproved open space and wildlife habitat.
- Bridle and pedestrian paths and trails.
- Irrigation canals, ponds and similar uses.
- Agricultural uses and facilities, including conservation of agricultural resources and structures, and equestrian uses and facilities, when operated by a nonprofit entity, including keeping, raising and boarding livestock and horses.
- Single-family dwellings and caretaker’s dwellings associated with historic use of properties or maintenance operations of properties.
- Community, educational, cultural and recreational facilities and activities.
- Museums, public libraries and galleries when operated by a nonprofit entity.
- Government and nonprofit offices.

Alan Hutto Memorial Commons is currently zoned R-1, which allows for Single-family dwellings, agricultural uses, water containment, utility stations, recreational paths, accessory structures incidental to allowed use, home occupations, and permitted satellite dish antennas. The R-1 zoning focuses on primarily private residential uses rather than providing the community engagement opportunities as allowed in O-2.

John Meade Park is currently zoned O-1 and C-1. O-1 allows for unimproved open space, bridle and pedestrian paths, growing and preservation of trees and other nursery stock, and the protection of watercourses and watersheds from erosion and floods. O-1 zoning focuses on passive park spaces for preservation and unimproved parks. This is typically used in City parks such as Woodie Hollow, Three Pond and Blackmer Common. The proposed park improvements (such as the park shelter) are not included in the allowed uses of O-1 zoning. The O-2 zoning provides a broader range of uses that are compatible with the proposed uses and park improvements at this site.

The City Hall site is currently zoned C-1. This application proposes a rezone to O-2 of a portion of the site that is designed with wetland improvements, paths, walkways etc. This is to clearly define the area that is to be used for park and open space versus the portion of the site dedicated to City Hall and associated uses.
The property appropriately meets the following conditions, which are applicable for any rezoning discussion:

1. Change in area conditions:
The John Meade Park and Alan Hutto Memorial Commons area has completed construction drawings for park improvements including a pavilion, playground, wetland restoration, amphitheater, and much more. The park improvements are not consistent with the current zoning, as outlined in the above narrative. The O-2 zoning will allow for an active park space while maintaining the natural environment and floodplain preservation.

2. Error in original zoning:
There was not an error in the original zoning. In the past, the property has been utilized as a more passive park space while zoned O-1. In the years of planning and visioning for this property, the intention was always to increase usage and accessibility. There was not an error in the original zoning of Alan Hutto as R-1, but since the property has been gifted to the City with the condition an element of the park be designed for an amphitheater, the single-family zoning designation is no longer appropriate. In regards to the C-1 zoning associated with the wetlands and paths of John Meade Park, it is appropriate to zone the areas that are used for recreation and open space appropriately from C-1 to O-2.

3. Conformance to the Master Plan for the area:
The City of Cherry Hills Village Master Plan, adopted in 2008, includes goals and strategies that act as guiding principles. Many of these goals and strategies illustrate that rezoning John Meade Park and Alan Hutto Memorial to O-2 is in conformity with the plan. The following goal listed from the Master Plan clearly states that this park is meant to be the central park of the Village with activated spaces and uses for all to enjoy. This supports the rezoning action to O-2.

Goal: Improve John Meade Park to become an active community recreational park and meeting place that offers different kinds of recreational activities and can host outdoor organized events.

Strategies:
1. Install play equipment and facilities that would accommodate special events.
2. Evaluate infrastructure needs for the park such as an equestrian ring, small playing field, pond area, xeriscaped area, public seating, low key lighting (for safety) and parking.
3. Utilize energy efficient techniques and environmentally sensitive site design in developing the park and its infrastructure.

4. Suitability of the site to the proposed use:
John Meade Park and Alan Hutto Memorial Commons have floodplain considerations in place. The City went through a floodplain development permit in order to accommodate the new City Hall building as well as the proposed park pavilion and playground. The site is suitable to be zoned an O-2 property. The uses are compatible with the proposed park improvements.
Time schedule for any contemplated new construction or uses:

- The City has completed 100% construction documents on the proposed park and recreation improvements for John Meade and Alan Hutto Memorial Commons. Staff is estimating that the proposed improvements may be completed sometime in Spring of 2020. Please see the proposed schedule on the next page for the full timeline from Mundus Bishop.
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<th>Project: John Meade Park &amp; Alan Hutto Memorial Commons</th>
<th>Date: July 2018</th>
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<th>Permitting</th>
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<tr>
<td>Corvus T+E Assessment - COMPLETE</td>
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<td>Corvus 404 Permit - Individual (8 months)</td>
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<td>Wetland Delineation - COMPLETE</td>
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<td>CHV Expanded Use Permit Application (12 weeks)</td>
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<td>RESPEC LOMR - Post Construction (6 months)</td>
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Commissioner Wolfe asked about the final decision for the playground features for the park. Ms. Black explained the Commission’s decision from the last meeting was to maintain the prefabricated hollow log in the existing plan, and to also install cottonwood timbers that would be secured to the ground. She continued that there are two family-sized hammocks and an observation tower with a “shaky bridge” leading to it. Commissioner Wolfe asked if these logs posed a possible hazard or obstruction in a flood. Ms. Black replied that they did not pose any more of a hazard than trees or natural features, and that FEMA does not review any of the smaller park elements because they are not considered hazards.

Chair Eber stated for the newer commissioners that PTRC had known there would be some park elements within the floodplain, but they would be secured and in case of a flood event the park could be closed. He continued that PTRC had been aware of this and it was not a new item, and that if the City is comfortable with the items there from a liability standpoint, it should not be a concern.

Ms. Black explained there was never any conflict between elements that the City or PTRC wanted in the park and what RESPEC thought was safe.

City Manager Thorsen explained that this floodplain was not a creek or river, but is a “sheet flow” floodplain. The benches and park elements do not affect flood heights, which is why FEMA is not concerned with these items; it is only the City code that requires this process.

Chair Eber asked for any other comments, and hearing none noted that the agenda item was for informational purposes only. Ms. Black agreed and stated staff would update PTRC as the process moves forward to City Council in conjunction with the rezoning application.

c. Rezone John Meade Park and Alan Hutto Memorial Commons (Public Hearing)

Parks and Recreation Coordinator Black reviewed the staff memo with the Commission, including the rezoning application materials. She noted the next steps for the rezoning application, which will go before the Planning and Zoning Commission on Tuesday, January 22nd for a public hearing and will then have two more public hearings before City Council (dates to be determined). She explained that staff is recommending the approval of the proposed rezoning of 120 Meade Lane, also known as John Meade Park and Alan Hutto Memorial Commons, from R-1, C-1, and O-1 to O-2.

Chair Eber reminded the Commission that this was a quasi-judicial item and asked for any Commissioners with conflicts to disclose them. He asked if the area zoned C-1 (the City Hall building) was the only area of C-1 in the Village. City Manager Thorsen stated he believed there may be another area of C-1 within the Village.
Chair Eber asked if this obviates the need to have C-1 as a zoning category, given that O-2 zoning allows government buildings. Ms. Black replied no, and that that discussion was likely outside the scope of this application.

Chair Eber asked if the police and fire building would also change to O-2. Ms. Black replied no, and showed on the map (Exhibit B) that the City Hall and police and fire building would remain zoned C-1, but everything within the park would change to O-2.

Chair Eber asked if the City Hall building is considered within the boundaries of John Meade Park. Ms. Black stated that City Hall is not considered part of the park.

Commissioner Wolfe stated that staff had done a good job of outlining the application, and Ms. Black stated the credit was to Community Development Director Granrath.

Chair Eber opened the public hearing at 6:50pm.

Garret Francis, 2605 Cherryridge Road, stated he sees that O-2 zoning allows for a lot of different facilities, and asked if that would affect flood mitigation. He continued that there is a concrete drainage ditch next to his house that is overgrown. He asked if additional facilities with foundations would impede the ground’s ability to soak up water.

Chair Eber explained the Commission would take public comment, and then he would close the public comment and ask staff to address the public’s questions.

Alice Abrams, 105 Meade Lane, asked if she could get a copy of the uses allowed under O-2 zoning. She asked whether it was the City or Arapahoe County who determines that; City Manager Thorsen indicated that it was the City. Ms. Abrams stated she would like to know how the allowable uses under O-2 were decided, as compared to O-1, since O-2 includes many more uses.

Chair Eber closed the public hearing at 6:55pm and asked staff to address the comments made during the public hearing.

City Manager Thorsen stated he was familiar with the area Mr. Francis was referring to. Mr. Thorsen explained the park has been designed to not increase or decrease the floodplain at all. He continued that any flow that originally came from that site (the area close to Mr. Francis’ house) would continue to flow from that site to the park. He stated that the drainage within that area would not change.

Chair Eber asked staff to speak about the waiver discussed earlier in the meeting and whether the specific items planned for the park could cause flooding issues.

City Manager Thorsen stated the area of the park in a flood zone is a “sheet flow” flood zone, meaning the overflow moves through the city and continues north. He explained the shelter at John Meade Park and City Hall itself are outside of the floodplain and will not impact anything within the floodplain. He continued that the only items within the
floodplain are benches, playground equipment, etc., but because it is a sheet flow, those items do not affect the floodplain in that area.

Ms. Black stated to address concern about the uses allowed under O-2 zoning, the buildable area consists of two “islands” where the City is building the park shelter and City Hall. She continued that no other buildings can be constructed in John Meade Park outside of the area where the park shelter is planned, because everything else is within the floodplain. Ms. Black explained that though O-2 zoning may allow certain uses, most are not possible since buildings can’t be constructed in the floodplain. She concluded that O-2 zoning would allow the playground to be constructed, which is not a use permitted in O-1.

City Manager Thorsen explained City Council recently approved the new O-2 zoning to accommodate all the uses planned for Quincy Farm, and there had previously been no zoning category appropriate for that type of property. He stated it is also appropriate for John Meade Park, since it allows for the playground features.

Chair Eber recalled that O-2 zoning would allow for all the elements of the park, but that O-1 zoning would require going through the expanded use permit process to build or later change playground features. He stated it was that flexibility that leads him to believe the O-2 zoning is appropriate for the property, and that having to go through expanded use processes for the park was not an appropriate use of city resources.

Commissioner Wolfe pointed out that the uses in O-1 and O-2 are the same to a certain point. He stated to respond to Ms. Abrams’ question about what could be built in O-2, and noted the uses were for Quincy Farm.

Ms. Black explained O-2 zoning was not created to be specific to Quincy Farm. She explained the City did not have a similar zoning category before that allowed historic preservation, libraries, active park space, and so on, and that the O-2 zoning was created to allow the City to accommodate these uses that are typical in other cities.

Ms. Dahl asked for confirmation that the areas that could be built on were highlighted in the map for the floodplain waiver.

Ms. Black affirmed that that was correct and that floodplain area would not change drastically in the future to increase buildable area.

Chair Eber asked that the floodplain waiver map from the prior agenda item be included in the record for the rezoning application since it had been referenced.

Commissioner Murphy asked if the park would enhance or address the drainage away from property.

Ms. Black explained a condition of building the park is that it cannot send more water onto other properties. She stated that all the water that is historically within the park must stay on that property and cannot affect others.

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Chair Eber stated perhaps the drainage culvert mentioned earlier is a separate maintenance issue that should be addressed, but that the park is not to cause backups onto neighboring properties.

City Manager Thorsen stated he believes the drainage culvert was designed by the Army Corps of Engineers and flows onto city property, and the park should not affect it. He stated the maintenance of that structure is a private property issue.

Chair Eber reopened the public hearing at 7:11pm.

Garret Francis, 2605 Cherryridge Road, stated he walks his children to Cherry Hills Village Elementary almost every day, and has noticed that after heavy rains, there is existing flooding over the paths. He specifically noted the areas to the south of the east pond, and stated it creates a hazard because it's not clear where the edge of the pond is. He stated he is concerned about a 50- or 100-year flood event.

Chair Eber closed the public hearing at 7:13pm. He asked staff to provide history of the "no net change" means and whether the project is designed to move water better through the existing floodplain.

City Manager Thorsen stated there will be changes to the grading and trails, and that the project involved cleaning out the existing cattails, which would provide a little extra volume. He stated Mr. Francis was correct that there were marsh areas of the park that naturally collect more water and have been for years. He stated the design may improve that somewhat, but for the 100-year floodplain, the city requires no net change and zero effect, so the project does not increase or decrease any of the flood zone. He explained there will not be any impact to the larger area at all. City Manager Thorsen stated it will have to be seen whether some of the changes help with the minor problems, but it just all depends on the amount of rain.

Chair Eber asked if by moving from the cattail monoculture to the redesign the water will move through more effectively.

City Manager Thorsen stated the land area was very flat, and the engineer for the park wanted to ensure water kept moving through the system, both for the health of the ecosystem and to help with flooding. City Manager Thorsen continued it is graded to keep the water moving, but there is very little grade to work with.

Chair Eber asked if the edges of the ponds versus the pathways would be more defined.

City Manager Thorsen stated the cattails would be removed, which would define the boundaries of the wetlands, and the trail system would be redesigned.

Commissioner Wolfe asked if there would be a bridge. Parks and Recreation Coordinator Black showed on the map locations of footbridges and the boardwalk across the wetlands.
Commissioner Wolfe asked the height of the boardwalks. Ms. Black stated they were less than 36 inches from the ground; they are low enough that no edge is required on them. Commissioner Wolfe asked if there was a railing. Ms. Black replied that there was not a railing on the boardwalks, but that there would be a railing on one side of each of the fishing piers so that people could lean if they wanted or sit on the other side.

Chair Eber asked for other comments. No Commissioners had further comments.

Commissioner Grodinsky moved, seconded by Commissioner Dahl, to recommend City Council approval of the proposed rezoning of 120 Meade Lane, also known as John Meade Park and Alan Hutto Memorial Commons, from R-1, C-1, and O-1 to O-2. The motion passed unanimously.

REPORTS

a. PTRC Chair Report

Chair Eber reported that there are several projects on the agenda for 2019. Once City Council approves the floodplain waiver for John Meade Park the Commission can begin working on implementing a park plan.

Chair Eber thanked Commissioner Dahl and City staff for their work on the Winter Celebration. He commented that the event is a great way for the Community to come together.

Chair Eber recognized City Staff for their work on the new City Hall. He acknowledged that the new facility will be a great addition for the entire community.

Chair Eber announced that he was approached about the idea of having an off-road trail along the north side of Mansfield Avenue between Colorado Boulevard and Dahlia Street. He questioned if the trail is part of the traffic calming issues that are currently being discussed. Chair Eber noted that the south side of Mansfield Avenue has already been allocated to a combined bicycle and pedestrian trail. There is a safety concern with people using this trail and the traffic speeds along Mansfield Avenue.

Commissioner Wolfe suggested that more research should be done before considering a new trail along Mansfield Avenue. He is concerned that the trail would create a lot of work and very few people would use it.

Commissioner Wolfe suggested adding a trail off Colorado Boulevard going west to the High Line Canal. A bridge could be added to access the High Line Canal Trail.

Councilor Gallagher inquired about the history of the trail off Colorado Boulevard that Commissioner Wolfe referred to. He questioned if there might be an opportunity to get an easement for the trail.
Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, January 22, 2019 at 6:30 p.m.
at the Joint Public Safety Facility

Vice Chair LaMair called the meeting to order at 6:33 p.m.

ROLL CALL

Present at the meeting were the following Planning and Zoning Commissioners: Commissioner Doris Kaplan, Vice Chair LaMair, Commissioner Jennifer Miller, Commissioner David Wyman, and Commissioner Miles.

Present at the meeting were the following staff members: Rachel Granrath, Community Development Director; Emily Black, Parks and Recreation Coordinator and Kathie Guckenberger, City Attorney.

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

Commissioner Kaplan made a motion, which was seconded by Commissioner Wyman, to approve the following items on the Consent Agenda:
  a. Approval of Minutes – August 28, 2018

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

NEW BUSINESS

 a. Selection of Planning and Zoning Commission Chair and Vice Chair

Community Development Director Rachel Granrath introduced the process of selecting Chair and Vice Chair. Director Granrath stated the Commission hasn’t met since last year and that Mr. Peter Savoie was the last Chair and that he is no longer with the Commission. We need to select Planning and Zoning Commission Meeting
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a new Chair and new Vice Chair. Currently Vice Chair Mike LaMair is acting as Chair and Vice Chair.

Commissioner David Wyman asked whether Vice Chair LaMair was Vice Chair.

Director Granrath stated yes Vice Chair LaMair was Vice Chair but he is acting Chair and Vice Chair tonight.

Vice Chair LaMair stated he is Vice Chair and acting as Chair. Would you like to nominate anyone to be Chair or Vice Chair?

Commissioner David Wyman nominates Commissioner Jennifer Miller as Vice Chair.

Vice Chair LaMair asked for nominations for Chair?

Commission members comment that Vice Chair LaMair may ascend to Chair.

Vice Chair LaMair ascends from Vice Chair to Chair.

The Commission voted on Vice Chair Miller.

The nomination passes unanimously.

The Commission voted on Chair LaMair.

The nomination passes unanimously.

b. Request from the City of Cherry Hills Village to rezone the property known as Alan Hutto Memorial Commons and John Meade Park from R-1, 2 ½ Acre Residential District, O-1, Open Space, Parks and Recreation Area District, and C-1, Community District to O-2 Open Space, Conservation and Historic Area District (Public Hearing).

Chair LaMair opens the public hearing at 6:37 p.m.

Community Development Director Rachel Granrath introduced Parks and Recreation Coordinator Emily Black to present the application on rezoning and provided an overview of its scope of the address of 120 Meade Lane, current temporary City Hall building is standing. Parks and Recreation Coordinator Black gave an overview of the plan and process of Alan Hutto and John Meade Park. Coordinator Black will go over the plans for the Park as she has been intimately involved in the design process that has gone on for many years and there are 100% construction designs at this time. Coordinator Black will explain the background, the work that has gone in and where we’re going.

Coordinator Black explained she was here to give the Commission an idea of what is in the Park before asking for their vote on the rezone application. Coordinator Black explained the Park is a result of the 2015 John Meade Master Plan. The 2015 process involved a lot of public input to Planning and Zoning Commission Meeting
January 22, 2019
create the Master Plan. Now through the design process come up with a Park that satisfies the goals of the Master Plan. Some of which is to create a real community gathering space that we don’t have in our other parks. And create a real connection between people and nature. This design was the result of sixteen public meetings with the consultant and many meetings with the regular Parks Commission and an online survey for residents that gave us a lot of feedback. This is really a community informed designed.

Coordinator Black listed off the proposed amenities that will be included in John Meade Park. This includes the two ponds and the large wetlands that are already located in the area. Currently the wetlands are a cattail monoculture which is pretty unsightly and gives off a smell. It is not great for the ecosystem so the cattails will be cleared out and replanted with diverse vegetation that is better for the water quality and better for the animals as well as improve the movement of the water. There will be a boardwalk raised 30 inches above grade that walks out over the wetland. While referring to a map and picture, Coordinator Black stated in the corner there will be a net across the corner for kids to walk out and look down into the water. There will be a splash area where you can wade into it with three to four inches of water from the wetlands with seeded concrete. It won’t be mucky.

Commissioner Wyman asked what is seeded concrete?

Coordinator Black explained concrete that has smooth river rock that is pressed into it to make it look like a natural rocky surface not just plain brushed concrete.

Commissioner Wyman asked about allowing sediment to fill in between the gaps and let the grass grow out of there?

Coordinator Black responded that you could but that this particular section won’t have growth or plantings and will only have bumpy rocks to walk onto.

Coordinator Black continued to list park amenities including in the center of the park there will be a shelter with restrooms and running water. People will be able to wash hands and there will be a water fountain. There will also be a kid and dog wash station on one side to wash your feet off if you get muddy before you get back to your car. In the play area, there are two family size hammocks so multiple kids can get on or a whole family. There is a play log which will be a four-foot hollow log that is pre-fab and smaller logs that are bolted to the ground to play on. There will be an observatory tower with a shaky bridge to look out over the area.

Coordinator Black explained what was located at the Alan Hutto Memorial site including performance area that is a very low-key concrete pad, a trail and ring around the performance area, and flat sections and graded sections for tiered grass and seating to place chairs.

Vice Chair Miller asked whether the neighbors have approved of the plan, specifically the theater?

Coordinator Black stated there was no formal approval process. The land was donated to the City by the parents of Alan Hutto in his memory with stipulations of a performance area. We have Planning and Zoning Commission Meeting January 22, 2019
kept the theater area low-key and it is screened on all sides with trees and vegetation. The neighbors are aware and were invited and very involved in the planning process.

Commissioner Doris Kaplan asked about lighting anywhere at the site?

Coordinator Black stated there is no lighting in the park besides there will be safety lighting on the park shelter. There is a conduit for the ability of possible lighting in the future. The plan right now is small solar lighting for events that are removable.

Commissioner Kaplan asked whether the park/area could be used as a recess area for children from the Cherry Hills Village elementary school? Also, she asked about using the park area for education on conservation?

Coordinator Black stated the park is public and they could come over at any time. The City has money in the budget for interpretive signing. We haven’t designed where those will go and what to highlight in the park yet. But the hope is for that use exactly.

Commissioner Wyman asked about a number structures built in the park?

Coordinator Black responded just the shelter and observation tower.

Commissioner Wyman stated also a boardwalk, play equipment and fencing?

Coordinator Black responded there will be the hammocks and the play logs but the existing playground equipment including the swings will be removed.

Commissioner Wyman asked about the fencing?

Coordinator Black stated there will be some split rail fence mostly where it exists now, actually I think only where it exists now. Some will be removed and replaced.

Commissioner Wyman asked and stated about the improvements to the area, even though they are modest but that it is a wet area. In a wet area you have to be careful with your footers things that roll and hold the structure up. What’s particularly nasty is the on again and off again inundations when it’s wet and dries again. Also concern for the fence posts being secured and hammocks getting loose. The safety issues caused by any potential wood rot if the fence post will be secured with concrete? If they are permanently wet then they are usually okay. We could have a major precipitation event and that could change the fence posts elevations even with a modest amount of concrete. Hydrostatic pressure can cause a lot of unpleasant things, hope they keep that in mind. Hope they keep in mind the wet/dry or hydrostatic pressure.

Coordinator Black responded that the engineers were very aware of those things and the complications. But I do appreciate the feedback.

Director Granrath stated this was a good start and introduction of the area and where we are going with this park/area. There are currently three different zoning districts for the area, R-1 (residential), C-1 (City Hall) and O-1 (Open Space, preserved Area, Unimproved Land).
current allowed uses of the space/area are governmental and unimproved open space including paths, trees and single family. The catalyst for this application was looking at the Alan Hutto Memorial parcel which doesn’t match the design of the current classifications. The use proposed does not match the zoning. R-1 or use for residential homes has not been planned for use for many years. Staff went through a study session with the Parks, Trails and Recreation Commission a month and a half ago. We brought forward a few options for rezoning to get their feedback. The leading candidate out of those study sessions is what is here before you tonight and it was a recommendation to rezone the entire park as it’s designed, only rezoning the park spaces. But not touching the City Hall space or the parking lot area which will still remain C-1. We are really incorporating the park spaces and recommending that they be zoned at O-2. The reasoning behind this of changing from O-1 and O-2 zoning is O-1 is a passive, wetlands, and they are open and could be in the flood plain or preservation planning. Other examples in the City of O-1 are Three Pond Park and Woodie Hollow Park. Those are not activated park spaces. Whereas, O-2 came around three or four years ago in reaction to the acquisition of Quincy Farm. Quincy Farm is a park space that is meant to be activate and have programs. The anticipated use as a park with more of an active space including programs, and people uses for more than unimproved open space. The rezoned that space from O-1 to O-2 for Quincy Farm with those differences in mind.

John Meade and Alan Hutto are planned to be the central park of Cherry Hills Village. It’s the core, we have our City Hall and we host a lot of main events such as the Holiday Tree Lighting, Car Show and Movie Night. A few staples Cherry Hills has that are a great show case. With that some of the allowed uses for an activated park in the O-2 zoning do overlap with O-1 including unimproved open space, the bridal and pedestrian paths, irrigation and agriculture use for nonprofit uses. Single family dwelling for caretakers for existing tenants was allowed in reaction to Quincy Farm specifically to allow for caretakers, as well as museums, community education uses, nonprofit and government. That is a bit of an overview of O-1 versus O-2.

Parks, Trails and Recreation Commission meeting reviewed this change last week and made a unanimously recommendation to approve and send this issue to Planning and Zoning as well as City Council. The minutes from that meeting are located in your packets. I’m happy to answer any questions the Commission may have on uses or location and why we’re doing this.

Chair LaMair asked Vice Chair Miller if she had any questions?

Vice Chair Miller stated she did not have any questions. Vice Chair Miller remembers approving the O-2 change for Quincy Farm. Stating that they did with a unanimously vote as well and that she was all for the rezoning plan.

Chair LaMair asked about prior uses under O-1 and whether those were inconsistent with the current zoning use? Like the Car Show or other active uses?

Director Granrath stated no the Car Show was permitted under a special event basis. But when you put in permanent play structures and permanent facilities that’s meant to be a use that continues actively rather than permitting each specific incident. Zoning wasn’t consistent with uses proposed.

Planning and Zoning Commission Meeting
January 22, 2019
Chair LaMair asked if there were other properties that should be reviewed to be rezoned as O-2?

Director Granrath stated not at this time.

Commissioner Wyman inquired about 105 Meade Lane site and where changing the zoning from O-1 to O-2 poses a problem for that parcel of land?

Director Granrath stated it does not. The purpose of the current designation is a preservation tactic that is an incentive through FEMA for rezoning floodplain areas to keep from developmental purposes. It is a preservation through zoning.

Chair LaMair asked for any other questions?

Vice Chair Miller asked about the parking lot regarding how many spaces? 100 some spots?

Coordinator Black stated she thought there were about 110 but at this point we are not sure where the specific access to the park will be off of the parking lot and where the trash will be located.

Commissioner Britta Miles asked if the parking spots were available all day for access to the park?

Chair LaMair opened for public comment at 6:53 p.m.

Chair LaMair clarified that the Abrams are the neighbors adjacent to the property to the south.

Neighbor Mrs. Abrams spoke regarding living in the park space for over 50 years. She stated that they loved to see the children and horse people. It is a pleasure. They have enjoyed living in the Park area.

Chair LaMair responded to the Abrams that it must be like having a yard in the area that you don’t have to maintain.

Former Councilmember Earl Hoellen stated he was good with everything discussed.

Chair LaMair closed the public hearing at 6:55pm.

Chair LaMair asked what action do you need from us as a commission?

City Attorney Kathie Guckenberger stated she needed a formal motion from the Commission.

Commissioner Wyman made a motion which was seconded by Vice Chair Miller, to recommend approval to rezone the property known as Alan Hutto Memorial Commons and John Meade Park from R-1, 2 ½ Acre Residential District, O-1, Open Space, Parks and Recreation Area District and C-1, Community District to O-2 Open Space, Conservation and Historic Area District.
The motion passes unanimously.

c. *Floodplain Waiver for John Meade Park Development*

Community Development Director Rachel Granrath introduced a proposed floodplain waiver and provided an overview of its scope for information purposes. In 2017 the Planning and Zoning Commission reviewed the plan which is listed in your packets as Exhibit B. This went through the floodplain development permit process which includes a public hearing through Planning and Zoning Commission and a public hearing with City Council. This was to get approval to alter the floodplain. In this case the plan was altered so that City Hall and the parking lot are located in the floodplain. Director Granrath explained that there was new data that came out which created a minor change from 2017. Everything is still out of the floodplain but those islands shifted a tiny bit. The maps show the difference between 2017 and now with different colors.

Chair LaMair asked if it was out of the floodplain?

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Chair LaMair asked about a similar situation or one that had parallels to this situation with a swimming pool permit that proposed to be built in the floodplain and we denied that. This is obviously different but can you explain what this waiver has in common with that swimming pool request process that we went through?

Director Granrath stated completely different processes. That prior request was amending the floodplain. They were moving and filling the floodplain whereas this waiver only asks for small elements to be built in the floodplain as part of the park development.

City Attorney Kathie Guckenberger clarified that there is no formal vote for this topic, Council and the City are asking for any feedback from the Planning and Zoning Commission.

Director Granrath stated yes in agreement with City Attorney Guckenberger’s statement, stating that Council is the only deciding body on this issue.
MEMORANDUM

TO:         HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL

FROM:       RACHEL GRANRATH, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT:    RESOLUTION 14, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE WAIVING THE REQUIREMENT TO OBTAIN AN ADDITIONAL FLOODPLAIN PERMIT FOR THE PLANNED IMPROVEMENTS LOCATED IN THE FLOODPLAIN AT JOHN MEADE PARK AND ALAN HUTTO MEMORIAL COMMONS

DATE:       MARCH 5, 2019

ISSUE:
Shall City Council approve Resolution 14, Series 2019; a resolution of the City Council of the City of Cherry Hills Village waiving the requirement to obtain an additional floodplain permit for the planned improvements located in the floodplain at John Meade Park and Alan Hutto Memorial Commons (Exhibit A)?

DISCUSSION:
On June 6, 2017, City Council approved a floodplain development permit to allow site grading and wetland modification to the area along Greenwood Gulch in order to both improve habitat functions of the wetlands while increasing drainageway capacity so that the City Administration building, parking lot, and Alan Hutto Memorial Commons/ John Meade Park have no adverse impact on the 100-year floodplain. However, at the time of approval of the floodplain permit the plans for John Meade Park and Alan Hutto Memorial Commons were not yet complete. Section 16-17-60 of the City Code does not allow for any structure to be located within the floodplain unless authorized specifically by City Council. The City Code also permits City Council to waive this requirement under specific conditions, as stated below:

Sec. 16-17-60 (g) Modification or waiver: The City Council may, at its discretion and in such manner as is consistent with the public health, safety and welfare, modify or waive any of the conditions of this Article if it can be clearly demonstrated that such conditions are not required to protect public health, safety, convenience and general welfare. If such modification or waiver would result in the lowest floor elevation of the structure being below the base flood elevation, the applicant to whom the modification or waiver is granted shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
The City has now received 100% construction drawings for John Meade Park and Alan Hutto Memorial Commons. There are no building structures within the floodplain, however, there are minimal “other structures” as defined by Section 16-1-10 of Cherry Hills Village City Code.

**STAFF ANALYSIS:**

City Code Section 16-17-60(g) permits City Council to waive requirements of the Article (i.e., the requirement to obtain a floodplain development permit for installing structures) upon a clear demonstration that such requirement is not required to protect the public health, safety, convenience, and general welfare. Alan Leak with RESPEC is the City’s consultant who worked with the landscape architects and architects on the City Hall and Park improvements relative to the floodplain analysis. The letter from RESPEC, attached as Exhibit B, clearly describes that all proposed improvements, including building and non-building structures, site grading, and future conditions are incorporated into the floodplain analysis.

As John Meade Park and Alan Hutto Memorial Commons continued through design phases, the floodplain was amended to account for minor changes in grading and location of structures. Each time the floodplain was amended, the engineers analyzed the impact of proposed improvements relative to City, Federal, State, and local regulations. This included analysis regarding the health, safety, and welfare of the public. Exhibit C, is the Floodplain Exhibit Amended in May 2018. Exhibit D, is the approved Floodplain Exhibit that Planning and Zoning and City Council reviewed and approved in June 2017.

The Federal Emergency Management Agency (FEMA) defines a structure as, “a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.” The terms "structure" and "building" are interchangeable in the National Flood Insurance Program (NFIP). Residential and non-residential structures are treated differently. A residential building built in a floodplain must be elevated above the Base Flood Elevation (BFE). Non-residential buildings may be elevated or floodproofed.

The City of Cherry Hills Village defines a structure as, “anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, swimming pools and tennis courts.”

The City has more stringent regulations than FEMA with regards to what can be located in the floodplain. John Meade Park and Alan Hutto Memorial Commons have a variety of planned improvements that can be considered structures under the City code, and therefore require a floodplain waiver to be constructed in the Park as planned. The following non-building structures are within the floodplain:

- Boardwalk and play net
- Benches
- Observation tower with “shaky bridge” and climbing net
- Two fishing piers
- Seeded concrete splash area
The Parks, Trails, and Recreation Commission (PTRC) reviewed the waiver application at their January 10, 2019 meeting (see Exhibit E for draft meeting minutes). The Planning and Zoning Commission reviewed the waiver application and provided discussion and input on the application at their January 22, 2019 meeting (see Exhibit F for draft meeting minutes).

Based on the letter from RESPEC it is the opinion of RESPEC and City staff that the proposed non-building structures in the floodplain will not be injurious to the health, safety and welfare of the public.

STAFF RECOMMENDATION:
Staff is recommending that City Council waive the requirement to obtain an additional floodplain permit to construct the planned improvements located in the floodplain at John Meade Park and Alan Hutto Memorial Commons.

RECOMMENDED MOTION:
“I move to approve Resolution 14, Series 2019; a Resolution of the City Council of the City of Cherry Hills Village waiving the requirement to obtain an additional floodplain permit for the planned improvements located at John Meade Park and Alan Hutto Memorial Commons based on the findings in the March 5, 2019 staff report and associated attachments.”

ATTACHMENTS:
Exhibit A: Resolution 14, Series 2019
Exhibit B: Floodplain Development Narrative Letter from March 2017
Exhibit C: Floodplain Exhibit Amended May 2018
Exhibit D: Floodplain Exhibit as approved by City Council in June 2017
Exhibit E: Parks, Trails and Recreation Commission Draft Meeting Minutes from January 10, 2019
Exhibit F: Planning and Zoning Commission Draft Meeting Minutes from January 22, 2019
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE WAIVING THE REQUIREMENT TO OBTAIN AN ADDITIONAL FLOODPLAIN PERMIT FOR THE PLANNED IMPROVEMENTS LOCATED IN THE FLOODPLAIN AT JOHN MEADE PARK AND ALAN HUTTO MEMORIAL COMMONS

WHEREAS, Section 16-17-60 of the Municipal Code does not allow for any structure to be located within the floodplain unless authorized specifically by City Council; and

WHEREAS, Section 16-17-60(g) permits City Council to waive the requirement to obtain a floodplain development permit upon a clear demonstration that such requirement is not required to protect the public health, safety, convenience and general welfare; and

WHEREAS, the City is redeveloping John Meade Park and Alan Hutto Memorial Commons (the “Project”); and

WHEREAS, the Project includes a variety of planned improvements that can be considered structures under the City Code and therefore requires a waiver of the requirement to obtain a floodplain permit to be constructed as planned; and

WHEREAS, Alan Leak with RESPEC is providing engineering services for the Project; and

WHEREAS, Mr. Leak performed a floodplain analysis for the Project which showed that the Project will have no rise in the 100-year floodplain water surface elevations and therefore satisfies the City’s no-rise requirement for construction in the 100-year floodplain; and

WHEREAS, pursuant to Section 16-17-60(g) of the Cherry Hills Village Municipal Code, City Council finds that the proposed structures in the floodplain will not be injurious to the health, safety and welfare of the public and that therefore an additional floodplain permit for the Project is not required.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO THAT:

Section 1. The City Council hereby waives the requirement to obtain an additional floodplain permit to construct the planned improvements located in the floodplain at John Meade Park and Alan Hutto Memorial Commons.

Section 2. This Resolution shall take effect upon its approval by the City Council.

__________________________________________________________________________
Russell O. Stewart, Mayor

ATTEST: APPROVED AS TO FORM:

__________________________________________________________________________
Laura Gillespie, City Clerk Kathie B. Guckenberger, City Attorney
March 9, 2017

Rachel Granrath  
Community Development Director  
City of Cherry Hills Village  
2450 East Quincy Avenue  
Cherry Hills Village, CO 80113

Dear Ms. Granrath:

RE: Floodplain Development Permit, John Meade Park and Alan Hutto Memorial Gardens

This letter is a request for a Floodplain Development Permit with the City of Cherry Hills Village on behalf of the City of Cherry Hills Village. RESPEC Consulting is providing engineering services for the City of Cherry Hills Village the floodplain improvements along Greenwood Gulch situated at John Meade Park and Alan Hutto Memorial Commons. This is located at the southeast corner of S. University Blvd and E. Quincy Ave. Meade Lane traverses the site. Greenwood Gulch enters said property from the east and exits at the northwest corner of the Alan Hutto Memorial Commons, thence through two existing ponds and a wetlands area in the John Meade Park before exiting the site under E. Quincy Avenue.

The proposed project is the design and upgrades to the Park and Memorial Commons as well as grading for the proposed City Administration building and parking area. This includes modifying the grading of the wetlands area between the two ponds along Greenwood Gulch to improve both habitat and functions of the wetlands while increasing drainageway capacity so that the proposed Park and Memorial Commons improvements have no adverse impact on the existing 100-year floodplain.

A floodplain analysis was performed to analyze the impact of the proposed improvements along Greenwood Gulch on the existing 100-year water surface elevations. The basis of the floodplain analysis is a report entitled "The Flood Insurance Study for Arapahoe County and Incorporated Areas" prepared by the Federal Emergency Management Agency (FEMA), dated December 17, 2010, and the Arapahoe County Flood Insurance Rate Map (FIRM) which includes the City of Cherry Hills Village.

A topographic survey with 1’ contour intervals of the existing park and memorial commons areas was performed for this project. The area outside of these two areas was mapped using topographic information from the 2014 LIDAR mapping project for the Denver Metropolitan Area. The contours at the match lines between the two sets of mapping were smoothed to provide a clean transition across mapping boundaries.

An existing conditions HEC-RAS model was generated using the above described mapping. Bounding cross-sections at the upstream and downstream limits of the project were obtained from the 2003 Flood Hazard Area Delineation (FHAD) study performed for the Urban Drainage and Flood Control District (UD&FCD) in 2003. This study and the associated HEC-RAS model was the basis for the 2010 FIS.

The proposed conditions analysis incorporated the proposed site grading and improvements, as shown in the grading plan, into the existing conditions analysis.
A CD containing HEC-RAS files is included with this correspondence. Also attached is a floodplain workmap. Both the HEC-RAS modeling and floodplain workmap are in the vertical datum NAVD 88. The HEC-RAS project contains existing and proposed conditions plans for the 100-year event and floodway. The HEC-RAS model should be run in version 4.1.0. The following is a comparison of the 100-year and floodway water surface elevations from the existing and proposed conditions HEC-RAS modeling for the area of concern:

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<th>W.S. ELEV. EXISTING</th>
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The HEC-RAS analysis shows that, as a result of the proposed project, there is no rise in the 100-year floodplain water surface elevations and therefore satisfies the City's no-rise requirement for construction in the 100-year floodway.

Section 16-17-50(a) of the Municipal Code provides additional factors that the City Council shall consider when reviewing Floodplain Development Permit applications. The following is a summary of those factors with a description of how the proposed project relates:

1. *Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.*
   
   This information is shown on the attached floodplain work map.

2. *Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.*
   
   The wetlands between the two ponds along Greenwood Gulch will be re-graded as part of this project along with grading of the overbanks of Greenwood Gulch.
Section 16-17-60(a) of the Municipal Code provides additional factors that the City Council shall consider when reviewing Floodplain Development Permit applications. The following is a summary of those factors with a description of how the proposed project relates:

1. **The danger that materials may be swept onto other lands to the injury of others.**

   The proposed improvements do not include the placement of a structure or storage of materials that could be swept onto other lands to the injury of others.

2. **The danger to life and property due to flooding or erosion damage.**

   The floodplain analysis included with this correspondence shows that the 100-year water surface elevations will not increase as a result of the proposed improvements. The velocity associated with the 100-year flooding event will also remain unchanged. As a result, there will be no additional flood or erosion risk.

3. **The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.**

   The proposed improvements do not involve the construction of structures and/or facilities in the floodplain. There is no risk of flood damage to structures of the property owner from storm events less than or equal to the 100-year flood event.

4. **The importance of the services provided by the proposed facility to the community.**

   The proposed City Hall is of significant importance to the community as the current structure is subject to flooding in a 100-year storm event. The proposed Parks facilities will provide expanded recreational uses along with the current passive park uses.

5. **The necessity of the facility of a waterfront location, where applicable.**

   This project is not creating a new or needed waterfront location; rather the waterfront location already exists.

6. **The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage.**

   Alternative locations were studied by the City Council and the proposed location was selected as the most appropriate option. No structures are proposed within the floodplain.

7. **The compatibility of the proposed use with existing and adjacent development.**

   The floodplain analysis shows that the proposed grading and floodplain improvements will not adversely impact adjacent properties. In addition, existing park, parking, and City Hall uses currently exist on the property. Therefore, the proposed project is compatible with existing and adjacent development.

8. **The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.**
The proposed improvements have been designed in accordance with the City's floodplain regulations. The Master Drainage Plan for Greenwood Gulch is titled "Little Dry Creek (ARAP) Major Drainage Plan." This plan shows only one improvement for the entire project site. That improvement, a check structure at station 81+50, has been satisfied with an 18' RCP sanitary sewer encased in concrete which was constructed at the proposed check structure location.

9. The safety of access to the property in times of flood for ordinary and emergency vehicles.

The proposed improvements do not adversely impact emergency access to the Cherry Hills Village Police and South Metro Fire Rescue Authority Station 38 or adjacent properties.

10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

The floodplain analysis provides that the heights, velocity, duration, rate of rise and sediment transport of the floodwaters will not be adversely affected by the proposed improvements.

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.

The proposed structures which will be connected to public utilities are all located outside of the risks associated with the 100-year floodplain.

Section 404 of the Clean Water Act, which is administered by the U.S. Army Corps of Engineers, regulates the discharge of dredged and fill material, and any other excavation activity associated with a dredge and fill project in waters of the United States. This project will acquire a Section 404 permit necessary for this project prior to commencement of construction in the jurisdictional areas of the project.

In accordance with the City of Cherry Hills Village Municipal Code, Chapter 19, a Stormwater Management Plan (SWMP) will be prepared in accordance with the requirements of the SWMP guidance document prepared by the Colorado Department of Public Health and Environment. A State of Colorado Stormwater Discharge Permit will also be acquired prior to commencement of construction.

With this submittal, we believe the requirements of the City of Cherry Hills Village Municipal Code and the National Flood Insurance Program, with respect to floodplain regulations and stormwater management have been satisfied. If you have any questions, please do not hesitate to call.

Sincerely,

Alan J. Leak
Program Manager – Water Rights and Infrastructure

ajl: cw
Enclosure

cc: Project Central File 2898 — Category - Floodplain Development
LEGEND:
- PROPOSED 100-YR FLOODPLAIN FROM FLOODPLAIN DEVELOPMENT PERMIT
- PROPOSED CHANGES TO 100-YR FLOODPLAIN FROM FLOODPLAIN DEVELOPMENT PERMIT
- CONCURRENT CONDITIONS
- PROPOSED CONDITIONS 100-YR FLOODPLAIN
- EXISTING AND PROPOSED CONDITIONS 100-YR FLOODPLAIN ARE CURRENT
NEW BUSINESS

a. Memorial Bench Donation for Caroline Mieville Clute

Parks Operation Supervisor Jeff Roberts introduced a request for a memorial bench donation to be located in Dahlia Hollow Park in memory of Caroline Mieville Clute. There is a bench on the north side of Dahlia Hollow Park and the request is to add a plaque to the existing bench.

Mr. and Mrs. Clute were present to support the bench dedication in memory of their daughter. Mr. Clute shared that they have lived in Cherry Hills Village since 1989. Caroline grew up in Cherry Hills Village and attended Cherry Hills Village Elementary School. Mr. Clute expressed that they appreciate the opportunity to memorialize their daughter Caroline. He shared what a wonderful person Caroline was and the positive influence she had on all who knew her.

The Commission expressed their condolences to the Clute family.

Commissioner Peter Sutherland moved, seconded by Commissioner Kate Murphy to recommend to City Council approval of a plaque in memory of Caroline Mieville Clute that says “Love You Forever” to be placed on an existing bench in Dahlia Hollow Park.

The motion passed unanimously.

Commissioner Wolfe suggested that bridges across the High Line Canal could be considered as a memorial option in the future since space is becoming limited in Parks.

b. Waiver for John Meade Park Development

Parks and Recreation Coordinator Emily Black explained that Community Development Director Rachel Granrath was very sick, so she would be presenting the floodplain waiver and rezoning application in Ms. Granrath’s place. Ms. Black reviewed the staff memo with the Commission. She explained that the park design was completed by experts in floodplain management consistent with federal regulations and the health, safety, and welfare of the public. Ms. Black emphasized that FEMA’s requirements are satisfied, but the City’s municipal code requires a floodplain waiver to be approved by City Council. She noted that this is a section of code being reviewed as part of the ongoing Code Modernization process.

Commissioner Wolfe asked if FEMA had to approve the waiver. Ms. Black clarified that only City Council has to approve the waiver.

Commissioner Wolfe asked if a change to the existing 100-year floodplain has to be approved by FEMA. Ms. Black replied yes, but that this waiver is not to change the floodplain, but rather to construct the benches, boardwalk, etc. within the park. She continued that this was an internal process entirely separate from FEMA’s approval of the park.
Commissioner Wolfe asked about the final decision for the playground features for the park. Ms. Black explained the Commission’s decision from the last meeting was to maintain the prefabricated hollow log in the existing plan, and to also install cottonwood timbers that would be secured to the ground. She continued that there are two family-sized hammocks and an observation tower with a “shaky bridge” leading to it. Commissioner Wolfe asked if these logs posed a possible hazard or obstruction in a flood. Ms. Black replied that they did not pose any more of a hazard than trees or natural features, and that FEMA does not review any of the smaller park elements because they are not considered hazards.

Chair Eber stated for the newer commissioners that PTRC had known there would be some park elements within the floodplain, but they would be secured and in case of a flood event the park could be closed. He continued that PTRC had been aware of this and it was not a new item, and that if the City is comfortable with the items there from a liability standpoint, it should not be a concern.

Ms. Black explained there was never any conflict between elements that the City or PTRC wanted in the park and what RESPEC thought was safe.

City Manager Thorsen explained that this floodplain was not a creek or river, but is a “sheet flow” floodplain. The benches and park elements do not affect flood heights, which is why FEMA is not concerned with these items; it is only the City code that requires this process.

Chair Eber asked for any other comments, and hearing none noted that the agenda item was for informational purposes only. Ms. Black agreed and stated staff would update PTRC as the process moves forward to City Council in conjunction with the rezoning application.

c. **Rezone John Meade Park and Alan Hutto Memorial Commons (Public Hearing)**

Parks and Recreation Coordinator Black reviewed the staff memo with the Commission, including the rezoning application materials. She noted the next steps for the rezoning application, which will go before the Planning and Zoning Commission on Tuesday, January 22nd for a public hearing and will then have two more public hearings before City Council (dates to be determined). She explained that staff is recommending the approval of the proposed rezoning of 120 Meade Lane, also known as John Meade Park and Alan Hutto Memorial Commons, from R-1, C-1, and O-1 to O-2.

Chair Eber reminded the Commission that this was a quasi-judicial item and asked for any Commissioners with conflicts to disclose them. He asked if the area zoned C-1 (the City Hall building) was the only area of C-1 in the Village. City Manager Thorsen stated he believed there may be another area of C-1 within the Village.
The motion passes unanimously.

c. Floodplain Waiver for John Meade Park Development

Community Development Director Rachel Granrath introduced a proposed floodplain waiver and provided an overview of its scope for information purposes. In 2017 the Planning and Zoning Commission reviewed the plan which is listed in your packets as Exhibit B. This went through the floodplain development permit process which includes a public hearing through Planning and Zoning Commission and a public hearing with City Council. This was to get approval to alter the floodplain. In this case the plan was altered so that City Hall and the parking lot are located in the floodplain. Director Granrath explained that there was new data that came out which created a minor change from 2017. Everything is still out of the floodplain but those islands shifted a tiny bit. The maps show the difference between 2017 and now with different colors.

Chair LaMair asked if it was out of the floodplain?

Director Granrath stated there are no structures formally designed through the park planning process just ideas at that point. There was no request for structures received to be in the floodplain development permit at the time it was proposed in 2017 when the Commission reviewed it. Staff is asking for a waiver for structures planned for Alan Hutto and John Meade Park including benches, boardwalk, bridges, fencing, seeded concrete, fishing piers, seeding walls and signs. The way City Code defines structure is anything constructed or erected with a fixed location on the ground. That's including pretty much anything you would include in a design for a park. These inhabited structures are allowed with FEMA. The current City code is stricter than FEMA’s guidelines. The engineers designed the floodplain permit for the structures and facilities for the flow and floodplain items. Due to the way the City Code is written we are asking for a waiver to allow for those structures in the floodplain.

Chair LaMair asked about a similar situation or one that had parallels to this situation with a swimming pool permit that proposed to be built in the floodplain and we denied that. This is obviously different but can you explain what this waiver has in common with that swimming pool request process that we went through?

Director Granrath stated completely different processes. That prior request was amending the floodplain. They were moving and filling the floodplain whereas this waiver only asks for small elements to be built in the floodplain as part of the park development.

City Attorney Kathie Guckenberger clarified that there is no formal vote for this topic, Council and the City are asking for any feedback from the Planning and Zoning Commission.

Director Granrath stated yes in agreement with City Attorney Guckenberger’s statement, stating that Council is the only deciding body on this issue.
Vice Chair Miller remembered the discussion with the engineers and the grading and remembering that a lot of residents were at the meeting. Residents that are impacted by the boundaries and whether they were okay with that?

Director Granrath stated that none were changing as far as the boundaries.

Vice Chair Miller reiterated that none of the boundaries will change, but all the residents are on board with the waiver?

Chair LaMair asked the Commission was going into a public hearing on this issue?

Director Granrath stated that the Commission went through a public hearing to modify the floodplain. This is not modifying the floodplain. We are just asking for some feedback. The structures are defined in City Code and those definitions are stricter than FEMA.

Chair LaMair asked as far as FEMA’s concerned you don’t even need approval about a floodplain change?

Director Granrath stated this doesn’t affect anything with FEMA. Our process is just stricter for uses and structures allowed in floodplain.

Chair LaMair stated that it doesn’t affect the floodplain and the flow of the water but it does create an impervious surface?

Director Granrath responded the impervious surface was calculated originally with the first review in 2017. They have lowered the impervious surface since your approval in 2017.

Commissioner Wyman asked about the placement of the modest improvements in the floodplain have any effect on liability to City?

City Attorney Guckenberger stated that without knowing all the details of the plan I can’t give a firm answer on that. The law on liability related to and you’re typically immune with governmental immunity unless there is a waiver in the statute as to a dangerous condition. To the extent that any of these structures present a dangerous condition there is a potential exposure to the City. And the extent that they are maintained in a safe and reasonable fashion.

Chair LaMair asked Commissioner Wyman is your question about whether these items wash away in a flood and knock somebody in the head? Does that create liability?

Commissioner Wyman responded no I was thinking more of the fact of kids are playing and they get injured on a piece of equipment. Modest apologies you know how lawyers are.

City Attorney Guckenberger stated no offense taken, I do know how lawyers are.
Commissioner Wyman continued that he was talking about if someone comes in and says “well if they hadn’t built those structures in the floodplain then the kid wouldn’t have gotten hurt.” And then the retort of well if they hadn’t built it anyway then no one would have gotten hurt?

City Attorney Guckenberger stated there is case law on playground equipment whether it’s built in a floodplain or not. The criteria is whether it’s a dangerous condition.

Commissioner Wyman stated we would have a problem if the play equipment floated away anyway with the federal government.

City Attorney Guckenberger stated it’s a maintenance obligation like any other City facility.

Vice Chair Miller asked whether City Council ultimately votes on the waiver?

Chair LaMair stated City Council would like some feedback.

Director Granrath said yes, if you have any feedback.

Commissioner Wyman stated he had no objection.

Commissioner Kaplan asked about restrictions anywhere or signage for certain aged children not to be there by themselves at that age without parental guidance? Is there a staff position planned? Or someone walking through areas to make sure kids are safe? Some way to deal with another area of liability?

Coordinator Black stated the City inspects all of the playground equipment and our facilities on a very regular basis. A Parks employee inspects it monthly but that they are constantly walking around to make sure it is in a safe condition. They are out there more than monthly if you see our Parks Department. There is no signage for age restrictions now and no plans right now. I would have to talk to our Attorney about more to see if signs are necessary. The designers of the playground designed it without specific age limits in mind. Pretty basic equipment accessible and fun for all ages of kids.

Chair LaMair asked if there was anything else? He stated he felt the commission would recommend it to Council if they wanted a recommendation. Any other comments from the audience?

Neighbor Mrs. Abrams stated kids come with their parents. She sees 11-12-year olds that come to the ponds to fish alone, and that they catch a lot of fish. There is an elderly gentleman that comes and takes home fish but that he has left a lot too.

UNFINISHED BUSINESS

None

REPORTS
Planning and Zoning Commission Meeting
January 22, 2019
Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Charlo Park 3rd Filing General Improvement District Board of Directors
Held on Tuesday, February 19, 2019 at 6:30 p.m.
At the Joint Public Safety Facility

MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The City Council held a study session at 6:00 p.m.

Mayor Russell Stewart called the meeting of the Cherry Hills Village City Council to order at 6:39 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Al Blum, Mike Gallagher, Dan Sheldon, 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 Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: Councilors Afshin Safavi and Randy Weil

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve the agenda.

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Mayor Pro Tem Brown removed Item 7a.
Councilor Gallagher removed Item 7d.

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

   b. Resolution 9, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Approving the Updated Emergency Operations Plan
   c. Resolution 10, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Concerning the Appointment of a New Member to the Board of Adjustment and Appeals

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Approval of Minutes – February 5, 2019

Mayor Pro Tem Brown noted edits to pages 8, 9 and 15 in the draft minutes.

Mayor Pro Tem Brown moved, seconded by Council Blum to approve the minutes as amended.

The motion passed unanimously.

Resolution 11, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village Appointing a New Member to the Quincy Farm Committee

Councilor Gallagher indicated he had mistakenly removed Item 7d.

Councilor Gallagher moved, seconded by Mayor Pro Tem Brown to approve Item 7d.

The motion passed unanimously.

UNFINISHED BUSINESS

Council Bill 1, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village, Colorado Amending the Budget for Fiscal Year 2019 by Creating a Fund for the Cherry Hills Village Charlou Park 3rd Filing General Improvement District and Appropriating Funds Therein (second and final reading)

Director Sager presented Council Bill 1, Series 2019 on second and final reading. She explained that there had been no changes to the bill since first reading, but that staff had reduced the expenditures in the fund shown in Exhibit B to the staff memorandum based on the cash flow analysis provided by Stifel.
Mayor Pro Tem Brown moved, seconded by Councilor Gallagher to approve Council Bill 1, Series 2019, a bill for an ordinance of the City of Cherry Hills Village, Colorado, amending the budget for fiscal year 2019 by creating a fund for the Cherry Hills Village Charlou Park 3rd Filing General Improvement District and appropriating funds therein on second and final reading.

The following votes were recorded:

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<tr>
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</tr>
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<td>Sheldon</td>
<td>yes</td>
</tr>
<tr>
<td>Blum</td>
<td>yes</td>
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</tbody>
</table>

Vote on the Council Bill 1-2019: 4 ayes. 0 nays. The motion carried.

**NEW BUSINESS**

**Board, Commission and Committee Member Terms**

City Clerk Gillespie explained that staff was seeking Council direction on several board, commission and committee terms that would end in May. She indicated that Parks, Trails and Recreation Commission (PTRC) member Joshua DiCarlo did not wish to be reappointed, and she noted that staff had six applications from 2018 for PTRC and asked if Council wished to select a replacement from those applicants or advertise for additional applicants in the Village Crier. She noted that PTRC member Robert Eber would be completing his second term and asked if Council preferred to reappoint him to a third term without a recruitment process or to solicit applications for the position. She indicated that the remaining members would be ending a partial term or their first term and typically they would be reappointed without a recruitment process unless there was a concern. She noted that attendance information was included in the staff memo for all the members and only one member, Quincy Farm Committee (QFC) member Katie Agron, had missed several meetings, although she had contributed significantly to the Open House event.

Councilor Blum asked who had interviewed the 2018 PTRC applicants.

City Clerk Gillespie replied that Mayor Pro Tem Brown and former Mayor Christman had conducted those interviews.

Mayor Pro Tem Brown agreed and noted that PTRC was a unique commission because the Code directed Council to appoint a member from each Council district if possible.

City Clerk Gillespie noted that one of the applicants from 2018 lived in District 2 which was the only district not represented on PTRC.
Councilor Gallagher indicated his support of not wasting the time of the other applicants with additional interviews if the District 2 applicant was qualified.

Councilor Blum asked if the District 2 applicant was qualified.

Mayor Pro Tem Brown replied that they were and that they had been eager to contribute to the City.

Council agreed to appoint the District 2 applicant to fill the PTRC position in May and not solicit additional applications or conduct interviews.

Councilor Gallagher asked about the QFC member Agron.

Mayor Stewart suggested that it was the role of the QFC Chair to discuss attendance with QFC member Agron and recommend appointment or not to Council.

Councilor Gallagher indicated that the message of Council’s concern about attendance should be clearly communicated.

City Clerk Gillespie asked for Council direction on reappointing PTRC member Robert Eber, who would complete his second full term in May.

Councilor Sheldon indicated he supported reappointing Commissioner Eber to maintain continuity on PTRC in light of the large projects that were currently in the works. He asked if the PTRC member DiCarlo had indicated why he did not wish to be reappointed.

Coordinator Black replied that she believed Commissioner DiCarlo had a busy family life and felt his two terms on PTRC were sufficient.

Councilor Blum agreed with reappointing Commissioner Eber to a third term.

City Clerk Gillespie asked if Council had any concerns with reappointing the other members whose terms would end in May that had not yet been discussed.

Council indicated they did not.

**Discussion of Amendments to the City Council Rules of Procedure**

City Clerk Gillespie explained that staff was seeking Council direction on changes to the City Council Rules of Procedure. She indicated that Mayor Stewart had noted that recent changes in the order of items on the Council agenda and the Council packet timeline should be updated in the Rules. She noted that staff also believed it would be beneficial to establish a policy regarding participation in meetings by phone. She explained that if Council wished to allow participation by phone some questions for them to consider included if participation would be allowed during executive sessions; how
many members could participate by phone per meeting; how many times per year a member could participate by phone; and if the policy for City boards, commissions and committees would differ from that of City Council. She also noted that staff strongly recommended against allowing participation by phone for quasi-judicial matters.

City Attorney Guckenberger agreed.

Councilor Blum asked if the new City Hall would have better technology to allow participation by phone.

City Manager Thorsen replied that it would.

City Attorney Guckenberger noted that the new technology was only in the Council Chambers and not in the room that would be used for executive sessions.

Mayor Stewart suggested that the boards, commissions and committees should have the same procedure as Council, and that participation by phone should only be allowed for emergency situations.

Mayor Pro Tem Brown noted that attendance at Council was not an issue but for some boards, commissions and committees participation by phone had been used frequently and it was often very disruptive and difficult. She agreed that she was leaning towards only allowing participation by phone in emergencies.

Councilor Blum agreed and noted that the member participating by phone would not be able to see visuals presented at the meetings. He suggested that it only be allowed for emergency situations where a quorum was needed.

Councilor Sheldon indicated that he believed participation by phone should be allowed on a limited basis, by only one member per meeting and only once per year per member. He agreed that it should not be allowed for quasi-judicial matters. He noted that while attendance had not been an issue on Council it would be nice to have the option on a limited basis.

Councilor Gallagher noted the importance of the technology for successful participation by phone.

Councilor Sheldon agreed and suggested that Council table the issue until they could experience the technology in the new City Hall.

City Attorney Guckenberger added that the parameters for an emergency where participation by phone would be allowed would have to be determined.

Councilor Blum suggested that the necessity of a quorum would constitute an emergency.
Mayor Pro Tem Brown asked how the one member allowed to participate by phone would be determined if more than one member wanted to participate by phone.

City Manager Thorsen replied that in his past experience it was on a first come first served basis. He indicated that staff could set up a demonstration of the technology in the new City Hall.

Mayor Pro Tem Brown noted that Councilor Weil might want to participate by phone.

Councilor Sheldon indicated that he believed Councilor Weil’s circumstances were extenuating and he would not want to impose the once per year restriction on him.

**RECESS**

Mayor Pro Tem Brown moved, seconded by Councilor Blum to recess the City Council meeting and call to order the meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board, and to reconvene the City Council meeting upon adjournment of the Board meeting.

The motion passed unanimously.

**MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD**

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 7:02 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 3rd Filing General Improvement District: Mayor Russell Stewart, Councilors Al Blum, Mike Gallagher, Dan Sheldon, and Katy Brown were present on roll call.

Absent: Councilors Afshin Safavi and Randy Weil.

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, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

**BUSINESS**

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon that the designated posting location for meeting notices of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District be the same as the designated posting location for
meetings of the City Council and advisory boards and commissions of the City of Cherry Hills Village.

The motion passed unanimously.

Resolution 1, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Adopting the GID’s Official Seal

City Clerk Gillespie presented Resolution 1, Series 2019 to the GID Board, adopting the GID’s official seal as required by state statute.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Resolution 1, Series 2019 of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board of Directors adopting the GID’s official seal.

The motion passed unanimously.

Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, Providing for the Issuance of General Obligation Bonds of Such District, Series 2019, in an Aggregate Principal Amount Not Exceeding $550,000, to Finance the Cost of Certain Improvements Approved at a District Election Held on November 6, 2018; Ratifying Actions Heretofore Taken; Authorizing the Execution by the District of the Bonds and Related Documents Required in Connection Therewith; and Making Determinations as to Other Matters Related to the Bonds (first reading)

Director Sager presented Board Bill 1, Series 2019 on first reading. She explained that the board bill provided for the issuance of general obligation bonds not to exceed $550,000, and make other determinations related to the bonds. Currently all parties anticipated issuing the bonds in the principal amount of $375,000. A breakdown of the amount and cash flow analysis was included with the staff memorandum.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher to approve Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, providing for the issuance of General Obligation Bonds of such District, Series 2019, in an aggregate principal amount not exceeding $550,000, to finance the cost of certain improvements approved at a District election held November 6, 2018; ratifying actions heretofore taken; authorizing the execution by the District of the Bonds and related documents required in connection therewith; and making determinations as to other matters related to the Bonds.

The following votes were recorded:

Brown yes
Vote on the Board Bill 1-2019: 4 ayes. 0 nays. The motion carried.

Resolution 2, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Approving the Public Service Company of Colorado (Xcel Energy) Letter Agreement Dated December 5, 2018, and Authorizing the City Manager to Execute the Letter Agreement on Behalf of the GID

Deputy City Manager/Director Goldie presented Resolution 2, Series 2019 to the GID Board, approving a letter agreement with Xcel Energy. He explained that the account number would change so that the GID had its own account, but the cost amount would not change.

Councilor Blum asked about the project schedule.

Deputy City Manager/Director Goldie replied that Xcel would not schedule the work until they received the signed letter agreement.

Councilor Sheldon asked if the residents of the GID had reviewed the work plan.

Dave Charles, 4799 S. Dasa Drive, replied that they had.

Deputy City Manager/Director Goldie added that staff was also working with Crown Castle to move their cell tower.

Mayor Pro Tem Brown moved, seconded by Councilor Blum to approve Resolution 2, Series 2019, a resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors approving the Public Service Company of Colorado (Xcel Energy) Letter Agreement dated December 5, 2018, and authorizing the City Manager to execute the Letter Agreement on behalf of the GID.

The motion passed unanimously.

Resolution 3, Series 2019; A Resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors Approving the CenturyLink Special Construction Proposal Dated January 16, 2019, and Authorizing the City Manager to Execute the Proposal on Behalf of the GID

Deputy City Manager/Director Goldie presented Resolution 3, Series 2019 to the GID Board, approving a construction proposal with CenturyLink.
Councilor Sheldon noted that this proposal did not have a map exhibit like the Xcel agreement had.

Deputy City Manager/Director Goldie replied that staff had provided the same map to CenturyLink.

Councilor Sheldon asked about service for the residents.

Deputy City Manager/Director Goldie replied that it would be the responsibility of the individual homeowners to bury the lines from the rights-of-way to their properties.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Resolution 3, Series 2019, a resolution of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors approving the CenturyLink Special Construction Proposal dated January 16, 2019, and authorizing the City Manager to execute the proposal on behalf of the GID.

The motion passed unanimously.

**ADJOURNMENT**

The meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board adjourned at 7:21 p.m.

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

The meeting of the Cherry Hills Village City Council reconvened at 7:21 p.m.

**REPORTS**

**Mayor’s Report**

Mayor Stewart reported that Congressman Crow had written a letter to the FAA regarding Metroplex Denver after meeting with local mayors. He noted that the mayors of the municipalities in Arapahoe County would be reaching out to Congresswoman DeGette and Senator Gardner about sending letters. He indicated that the FAA public comment period would be May through September. He noted that he and Mayor Pro Tem Brown had attended the CML Policy Committee meeting. He reported that State House representative Froelich would like to hold a meeting of her mental health first aid series at the City. He indicated that when CDOT repaved University they restriped the exit/entrance to the Cherrymoor South neighborhood, removing the turn lane, and many residents were concerned about the impact of that change on vehicle safety. He asked staff to communicate with CDOT about restriping to the original turn lanes.
Members of City Council

Councilor Blum reported that the next meetings of the Code Modernization Steering Committee would be February 21st and 28th, followed by the joint study session with the Planning and Zoning Commission on March 5th.

Councilor Sheldon reported that the applicant for the renaming of Swastika Acres was making progress and he hoped that the issue would come to Council at the March 19th meeting. He noted that the proposal was to rename the subdivision to Old Cherry Hills.

Councilor Gallagher noted that the monthly Police Department report showed that the five vehicle trespasses last month were unlocked vehicles. He noted that the City would continue to educate residents through the Crier.

Mayor Pro Tem Brown indicated that while Representative Crow’s letter to the FAA was much appreciated it was important to note that there were a few factual errors in the letter. She reported that she had visited Councilor Weil and that he was welcoming visitors.

Councilor Sheldon reported that he had received two comments from neighbors that Monaco had a lot of pot holes that were ruining tires and asked if staff could communicate with the City of Denver about getting the road repaired.

Mayor Stewart asked about posting crime reporting on the City website.

City Manager Thorsen replied that Chief Tovrea and Commander Weathers had done a great job working on the crime reporting map through LexisNexis and it would be posted on the City website soon.

Mayor Pro Tem Brown asked how often the data was updated.

Chief Tovrea explained that there was an issue with the data getting updated between the Police Department’s records management system and LexisNexis and Commander Weathers was working to determine if the updates could be done by the Police Department staff in house. She noted that it was not a real-time system and she believed the data was updated approximately every month.

Mayor Stewart noted that residents he had spoken with were looking forward to the crime reporting map.
City Attorney

City Attorney Guckenberger indicated that Mayor Stewart had asked her to determine if a private meeting or corporate retreat would be allowed at the Quincy Farm Main Residence per the conservation easement, in response to a request from St. Gabriel's Church. She noted that this was the first time the City Attorney had been asked to interpret the conservation easement. She reviewed the basis for the conservation easement and that general principles for interpreting conservation easements based on the Colorado Supreme Court. She indicated that her interpretation was that the language of the deed of conservation easement related to the permitted uses of the Main Residence was unambiguous and that outside circumstances bolstered the unambiguity of the language. She reviewed the language of Paragraphs 4(A), 5(A), 4(A)(4), and 4(A)(2)(b) pertaining to the structures and uses of the West Area and specifically of the Main Residence. Paragraph 4(A)(2)(b) stated that “…the Main Residence may be used only as a caretaker’s residence for a caretaker of the Property or as a nature center/interpretive facility.” She indicated that the East Area structures had different uses outlined in the easement that provided more flexibility. She added that Paragraph 6(D) stated that industrial uses were prohibited and commercial uses “inconsistent with the preservation and protection of the Conservation Values of the Deed are prohibited.” She indicated that the conservation values were paramount. She noted that she had spoken with Melinda Beck who had represented Cat Anderson in the drafting of the conservation easement and it was Ms. Beck’s recollection and understanding that Ms. Anderson had no understanding of the Main Residence being used as a gathering place, which added to the unambiguity of the conservation easement. She added that she had spoken with Cheryl Cufre of Colorado Open Lands and she had agreed with City Attorney Guckenberger’s interpretation of the limitations of uses of the Main Residence.

Mayor Pro Tem Brown noted that the Denver Botanic Gardens was a nature center and that varying types of events were hosted there.

City Attorney Guckenberger replied that there was some room for interpretation and there was still work to be done to determine what exactly would be allowed but she believed the Church’s request was beyond the allowed uses of the Main Residence.

Mayor Pro Tem Brown asked if school fundraisers would be allowed at the Main Residence as they were at Denver Botanic Gardens and Four Mile Historic Park.
City Attorney Guckenberger replied that would not be allowed because it would not be consistent with the preservation values.

Mayor Pro Tem Brown did not agree that school fundraisers would be inconsistent with the preservation uses outlined in paragraph 5(A).

City Attorney Guckenberger explained that she had asked Ms. Cufre at Colorado Open Lands if, for example, the High Line Canal Conservancy held an event on the lawn for their donors, would they be allowed to use the bathrooms in the Main Residence. She indicated that Ms. Cufre had agreed that the event would be allowed on the lawn but she did not want to make a determination regarding the allowed use of the bathrooms in the Main Residence. City Attorney Guckenberger suggested that she and staff meet with Colorado Open Lands to determine the details of what would be allowed and what would not.

Councilor Gallagher agreed that a meeting would be helpful to provide the Quincy Farm Committee and the Cherry Hills Land Preserve direction moving forward.

Mayor Pro Tem Brown noted it was ironic that the Main Residence was the most restricted but was also the only structure that could currently be reserved.

Mayor Stewart noted that it was also the only structure that could be demolished.

Coordinator Black clarified that while the Main Residence was on the National Historic Registry, it was allowed to be demolished per the conservation easement.

Mayor Stewart noted that determining the allowed uses of the Main Residence was important for development of the Quincy Farm master plan.

City Attorney Guckenberger noted that the Quincy Farm Vision Plan had envisioned much broader uses of the Main Residence.

Mayor Pro Tem Brown agreed.

Mayor Stewart noted that the Vision Plan included a lot of high level hopes and aspirations, but with the caveat of being consistent with the conservation easement.

Mayor Pro Tem Brown indicated that the Quincy Farm Visioning Committee had discussed use of the Main Residence as a nature center per the conservation easement, but that they had been considering the Quincy Farm nature center to be similar to the Denver Botanic Gardens or Four Mile Historic Park as far as what would be allowed at the nature center. She noted that many places that were mainly used for one purpose, such as schools, could be rented out for other types of events. She added that weddings could be held in many different types of facilities.
City Attorney Guckenberger warned that a wedding could be considered a commercial activity that would be prohibited by the conservation easement.

Mayor Pro Tem Brown indicated that she agreed with City Attorney Guckenberger up to the point where all uses of the nature center had to be completely nature related.

Councilor Gallagher asked if Council agreed that the next step would be for City Attorney Guckenberger to put together a list of hypothetical situations for Colorado Open Lands to review and then hold a meeting with the City Attorney, City staff and Colorado Open Lands to discuss the allowed uses of the Main Residence.

Mayor Stewart agreed that concrete hypotheticals would be the most useful.

City Manager Thorsen suggested that Council submit questions to him to work with City Attorney Guckenberger to compile and send to Colorado Open Lands.

Mayor Stewart added that the Quincy Farm Committee could also submit questions.

**ADJOURNMENT**

The meeting of the Cherry Hills Village City Council adjourned at 8:06 p.m.

_________________________________
Russell O. Stewart, Mayor and GID Chairperson

_________________________________
Laura Gillespie, City Clerk and GID Secretary
MEMORANDUM

TO: THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS

FROM: LAURA GILLESIPE, GID SECRETARY

SUBJECT: RESOLUTION 4, SERIES 2019; A RESOLUTION OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT (GID) BOARD OF DIRECTORS MEMORIALIZING THE DESIGNATION OF THE PUBLIC PLACE FOR POSTING NOTICES OF GID MEETINGS

DATE: FEBRUARY 19, 2019

ISSUE
Shall City Council, acting as the Board of Directors for the Charlou Park 3rd Filing General Improvement District (GID), approve Resolution 4, Series 2019, memorializing the designation of the public place for posting notices of GID meetings (Exhibit A)?

DISCUSSION
State statute requires that the public place or places for posting notice of public meetings be designated annually at the local public body’s first regular meeting of each calendar year. At the February 19, 2019 the City Council, as the GID Board, designated that the posting location for all meeting notices of the GID shall be the same as the designated posting location for meetings of the City Council and advisory boards and commissions of the City of Cherry Hills Village.

Staff has prepared Resolution 4, 2019 to memorialize the designation of the public place for posting notices of GID meetings.

RECOMMENDED MOTION (if removed from the consent agenda)
“I move to approve Resolution 4, Series 2019 of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (GID) Board of Directors memorializing the designation of the public place for posting notices of GID meetings.”

ATTACHMENTS
Exhibit A: Resolution 4, Series 2019
A RESOLUTION OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT (GID) BOARD OF DIRECTORS MEMORIALIZING THE DESIGNATION OF THE PUBLIC PLACE FOR POSTING NOTICES OF GID MEETINGS

WHEREAS, the Cherry Hills Village Charlou Park 3rd Filing General Improvement District (the "GID") has been duly organized in accordance with City of Cherry Hills Village Ordinance 1, Series 2019, and the statutes of the State of Colorado; and

WHEREAS, pursuant to Section 31-25-609, C.R.S., the City Council for the City of Cherry Hills Village serves ex-officio as the Board of Directors of the GID (the "Board"), and the City Clerk serves ex-officio as the Secretary of the GID; and

WHEREAS, C.R.S. §24-6-402(2)(c) requires the GID to annually designate the public place for posting notices regarding GID meetings, and further requires that said designation be made at the GID's first regular meeting of each calendar year; and

WHEREAS, the GID held its first regular meeting of calendar year 2019 on February 19, 2019, and by motion duly made, seconded and unanimously approved by the Board at the February 19th meeting, properly designated the posting location for all meeting notices of the GID; and

WHEREAS, the Board desires to memorialize the designation of the meeting notice posting location approved at the February 19, 2019 meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, SITTING EX-OFFICIO AS THE BOARD OF DIRECTORS OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT, THAT:

Section 1. As approved by the Board at the February 19, 2019 meeting, the designated posting location for all meeting notices of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District shall be the same as the designated posting location for meetings of the City Council and advisory boards and commissions of the City of Cherry Hills Village.

Section 2. The meeting notice and possible specific agenda information will be posted at the location identified in Section 1 above not less than 24 hours before the commencement of the posted meeting.

Section 3. This Resolution shall be effective immediately.

ADOPTED by a vote of ___ in favor and ___ against this ___ day of __________, 2019.
By: ____________________________________________
Russell O. Stewart, GID Chairperson

ATTEST:
By: ____________________________________________
Laura Gillespie, GID Secretary

Approved as to Form:
By: ____________________________________________
Attorney for GID
CHERRY HILLS VILLAGE
COLORADO

2450 E. Quincy Avenue
Cherry Hills Village, CO 80113
www.cherryhillsvillage.com

Village Center
Telephone 303-789-2541
FAX 303-761-9386

ITEM: 15a

MEMORANDUM

TO: THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS

FROM: JESSICA SAGER, DIRECTOR OF FINANCE AND ADMINISTRATION

THROUGH: KATHIE GUCKENBERGER, CITY ATTORNEY
MARCUS MCASKIN, DEPUTY CITY ATTORNEY
DAN LYNCH, KUTAK ROCK LLP, CITY BOND COUNSEL

SUBJECT: BOARD BILL 1, SERIES 2019; A BILL FOR AN ORDINANCE OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT, IN THE CITY OF CHERRY HILLS VILLAGE, COLORADO, PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION BONDS OF SUCH DISTRICT, SERIES 2019, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING $550,000, TO FINANCE THE COST OF CERTAIN IMPROVEMENTS APPROVED AT A DISTRICT ELECTION HELD ON NOVEMBER 6, 2018; RATIFYING ACTIONS HERETOFORE TAKEN; AUTHORIZING THE EXECUTION BY THE DISTRICT OF THE BONDS AND RELATED DOCUMENTS REQUIRED IN CONNECTION THEREWITH; AND MAKING DETERMINATIONS AS TO OTHER MATTERS RELATED TO THE BONDS (SECOND AND FINAL READING)

DATE: MARCH 5, 2019

ISSUE
Should the Board of Directors for the Charlou Park 3rd Filing General Improvement District (GID) approve Board Bill 1, Series 2019 (the “GID Bond Ordinance”) providing for the issuance of the General Obligation Bonds, in the aggregate principal amount not exceeding $550,000, to finance the cost of certain improvements approved at the November 6, 2018 election; and making determinations as to other matters related to the bonds (Exhibit A)?
DISCUSSION

The Cherry Hills Village Charlou Park 3rd Filing General Improvement District ("GID") was organized by Cherry Hills Village Ordinance 1, Series 2019. The City Council serves as the Board of Directors for the GID.

The GID Bond Ordinance authorizes the issuance of General Obligation Bonds, Series 2019 ("Series 2019 Bonds") in a principal amount of up to $550,000. Currently, the GID anticipates issuing the Series 2019 Bonds in the principal amount of $375,000. Proceeds from the Series 2019 Bonds will be used to finance the cost of certain improvements authorized at the November 6, 2018 election, generally consisting of undergrounding certain overhead utilities (the "Project"), fund capitalized interest from the closing date through the initial payment date of December 1, 2019, establish a reserve fund in the amount of $37,500, and pay for other costs of issuance, as set forth in the sources and uses of fund table below:

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<td></td>
<td>Reserve Fund</td>
<td>$37,500</td>
</tr>
<tr>
<td></td>
<td>Cost of Issuance</td>
<td>$47,833</td>
</tr>
<tr>
<td></td>
<td>Total: $375,000</td>
<td>$375,000</td>
</tr>
</tbody>
</table>

The final amount, interest rate and other details of the Series 2019 Bonds will be established within the parameters established by the GID Bond Ordinance. The GID Bond Ordinance authorizes the City Finance Director to execute a Final Terms Certificate, acting in her capacity as ex officio Treasurer of the GID. A GID Cash Flow Analysis is attached to this Memorandum as Exhibit B and is incorporated herein for reference. Currently, it is anticipated that the closing on the Series 2019 Bonds will occur in mid to late March. As of the date of this memorandum, Academy Bank has proposed to purchase the Series 2019 Bonds. As set forth in the definition of Series 2019 Bonds included in Section 1 of the GID Bond Ordinance, and as authorized by C.R.S. § 31-25-611(1)(e), the Series 2019 Bonds may be designated and delivered to the initial purchaser as the "Series 2019 Notes."

There have been no changes to the bill since first reading.

RECOMMENDED MOTION

"I move to approve Board Bill 1, Series 2019; A Bill for an Ordinance of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, providing for the issuance of General Obligation Bonds of such District, Series 2019, in an aggregate principal amount not exceeding $550,000, to finance the cost of certain improvements approved at a District election held November 6, 2018; ratifying actions
heretofore taken; authorizing the execution by the District of the Bonds and related documents required in connection therewith; and making determinations as to other matters related to the Bonds on second and final reading.”

ATTACHMENTS
Exhibit A: GID Board Bill 1, Series 2019
Exhibit B: GID Cash Flow Analysis
A BILL FOR AN ORDINANCE OF
THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING
GENERAL IMPROVEMENT DISTRICT, IN THE CITY OF CHERRY HILLS
VILLAGE, COLORADO, PROVIDING FOR THE ISSUANCE OF GENERAL
OBLIGATION BONDS OF SUCH DISTRICT, SERIES 2019, IN AN AGGREGATE
PRINCIPAL AMOUNT NOT EXCEEDING $550,000, TO FINANCE THE COST OF
CERTAIN IMPROVEMENTS APPROVED AT A DISTRICT ELECTION HELD ON
NOVEMBER 6, 2018; RATIFYING ACTIONS HERETOFORE TAKEN;
AUTHORIZING THE EXECUTION BY THE DISTRICT OF THE BONDS AND
RELATED DOCUMENTS REQUIRED IN CONNECTION THERewith; AND
MAKING DETERMINATIONS AS TO OTHER MATTERS RELATED TO THE
BONDS.

WHEREAS, Cherry Hills Village Charlou Park 3rd Filing General Improvement District
(the “District”), in the City of Cherry Hills Village, Colorado (the “City”), duly organized as a
general improvement district pursuant to Ordinance No. 1, Series of 2019, finally adopted by the
City Council of the City on January 15, 2019, is a quasi-municipal subdivision of the State of
Colorado and a body corporate with limited proprietary powers set forth in Part 6, Article 25,
Title 31, Colorado Revised Statutes (“C.R.S.”), as amended; and

WHEREAS, the City Council of the City is the ex-officio Board of Directors of the
District (the “Board”); the presiding officer of the City Council is the ex-officio presiding officer
of the District; and the City Clerk is the ex-officio Secretary of the District; and

WHEREAS, the District was formed for the purpose of financing the Improvements
(defined below); and

WHEREAS, at an election of the qualified electors of the District, duly called and held
on Tuesday, November 6, 2018 (the “2018 Election”), in accordance with law and pursuant to
due notice, a majority of those qualified to vote and voting at the 2018 Election voted in favor of
the organization of the District and the issuance of general obligation indebtedness and the
imposition of taxes for the payment thereof, for the purpose of undergrounding overhead utilities
and removing utility poles within the District (as more particularly defined herein, the
“Improvements”); and

WHEREAS, the returns of the 2018 Election were duly canvassed and the results thereof
duly declared; and

WHEREAS, the results of the 2018 Election were certified; and

WHEREAS, the District has not previously issued any of the indebtedness authorized at
the 2018 Election; and
WHEREAS, the Board has determined and hereby declares that it is in the best interests of the District, and the residents and taxpayers thereof, that for the purpose of financing the Improvements there shall be issued General Obligation Bonds, Series 2019, in an aggregate principal amount not to exceed $550,000 (the “Series 2019 Bonds”); and

WHEREAS, the Series 2019 Bonds shall be issued pursuant to the provisions of Title 31, Article 25, Part 6 C.R.S. (the “Act”), Title 11, Article 57, Part 2, C.R.S. (the “Supplemental Public Securities Act”), and all other applicable laws of the State; and

WHEREAS, the members of the Board have no known personal or private interests relating to the District or the issuance of the Series 2019 Bonds; and

WHEREAS, the Board desires to authorize the issuance and sale of the Series 2019 Bonds, the financing of the Improvements, and the execution documents in connection therewith.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, AS THE EX-OFFICIO BOARD OF DIRECTORS OF CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT:

Section 1. Definitions. The following terms shall have the following meanings as used in this Ordinance:


“Authorized Denominations” means (a) if the Series 2019 Bonds are issued in a total principal amount of $500,000 or more, $500,000 and integral multiples of $1,000 in excess thereof, or (b) in the event that the Series 2019 Bonds are issued in a total principal amount less than $500,000, the aggregate principal amount of the Series 2019 Bonds.

“Board” means City Council of the City, acting as the ex-officio the Board of Directors of the District.

“Bond Account” means the account established by the provisions hereof to account for the moneys for which a separate tax levy is made to satisfy the obligations of the Series 2019 Bonds. The Bond Account shall be a subsidiary account of the appropriate fund or account of the District and shall be separately accounted for by the District in accordance with the provisions hereof.

“Bond Counsel” means (a) as of the date of issuance of the Series 2019 Bonds, Kutak Rock LLP, and (b) as of any other date, Kutak Rock LLP or other attorneys, selected by the District, having nationally recognized expertise in the issuance of municipal bonds.

“Bond Obligation” means, as of any date, the principal amount of the Series 2019 Bonds Outstanding as of such date.
“Business Day” means any day other than (a) a Saturday or Sunday or (b) a day on which banking institutions in the State are authorized or required by law or executive order to be closed.

“City” means the City of Cherry Hills Village, Colorado.

“City Charter” means the home rule charter of the City.

“Closing Date” means the date of delivery of and payment for the Series 2019 Bonds.

“Code” means the Internal Revenue Code of 1986, as amended. Each reference to a section of the Code herein shall be deemed to include the United States Treasury Regulations proposed or in effect thereunder and applicable to the Series 2019 Bonds or the use of proceeds thereof, unless the context clearly requires otherwise.

“County” means Arapahoe County, Colorado.

“Dated Date” means the date of issuance of the Series 2019 Bonds.

“Default Rate” means the stated rate of the Series 2019 Bonds plus 3.00%.

“Defeasance Securities” means bills, certificates of indebtedness, notes, bonds or similar securities which are direct, non-callable obligations of the United States of America or which are fully and unconditionally guaranteed as to the timely payment of principal and interest by the United States of America, to the extent such investments are Permitted Investments.

“District” means Cherry Hills Village Charlo Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado.

“Event of Default” means any of the events specified in the Section hereof titled “Events of Default.”

“Final Terms Certificate” means a certificate executed and delivered by the Director of Finance of the City, ex officio treasurer of the Board and the District, which establishes details of the Series 2019 Bonds in the manner provided in this Ordinance.

“Improvements” means the capital improvements for which the District was authorized to borrow at the 2018 Election.

“Initial Purchaser” means the original purchaser of the Series 2019 Bonds, identified by Final Terms Certificate, who may be either a bank lender or institutional purchaser.

“Interest Payment Date” means each June 1 and December 1, commencing not later than December 1, 2019, or any other convenient semiannual interval set forth in a Final Terms Certificate.

“Ordinance” means this Ordinance, including any amendments or supplements hereto.
“Outstanding” means, as of any date, all Series 2019 Bonds issued and delivered by the District, except the following:

(a) any Series 2019 Bond cancelled by the District or the Paying Agent, or otherwise on the District’s behalf, at or before such date;

(b) any Series 2019 Bonds held by or on behalf of the District;

(c) any Series 2019 Bonds for the payment or the redemption of which moneys or Defeasance Securities sufficient to meet all of the payment requirements of the principal of and interest on such Series 2019 Bonds to the date of maturity or prior redemption thereof, shall have theretofore been deposited in trust for such purpose in accordance with the Section hereof titled “Defeasance”; and

(d) any lost, apparently destroyed, or wrongfully taken Series 2019 Bonds in lieu of or in substitution for which another bond or other security shall have been executed and delivered.

“Owner” means the Person or Persons in whose name or names a Series 2019 Bond is registered on the registration books maintained by the Paying Agent.

“Paying Agent” means a suitable City or District official or institution identified by Final Terms Certificate and his, her or its successors or assigns designated by the District.

“Permitted Investments” means any investment in which funds of the District may be invested under the laws of the State at the time of such investment.

“Person” means a corporation, firm, other body corporate, partnership, association or individual and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

“Project” means the financing of the Improvements.

“Record Date” means, with respect to each Interest Payment Date, the [last day of the month immediately preceding the month in which such Interest Payment Date occurs (whether or not such day is a Business Day)].

“Reserve Fund” means, to the extent, if any, provided by Final Terms Certificate, the special account created and required to be maintained by the Section hereof titled “Reserve Fund.”

“Reserve Fund Requirement” means, to the extent, if any, that a Reserve Fund is required to be maintained by Final Terms Certificate, initially, and except as it may be adjusted subsequent to the issuance of the Series 2019 Bonds, the least of (a) 10% of the principal amount of the Series 2019 Bonds, (b) the maximum annual debt service requirements of the Series 2019 Bonds, or (c) 125% of the Average Annual Debt Service Requirements of the Series 2019 Bonds.
“Series 2019 Bonds” means the Series 2019 Bonds authorized and issued pursuant to this Ordinance. If specified by the Initial Purchaser, the Series 2019 Bonds may be designated by Final Terms Certificate and delivered to such Initial Purchaser as “Series 2019 Notes,” in which event all references herein to the Series 2019 Bonds shall be construed to refer to the Series 2019 Notes.

“State” means the State of Colorado.

“Tax Certificate” means the tax compliance certificate, dated as of the Closing Date, with respect to the Series 2019 Bonds, as such tax compliance certificate may be supplemented, superseded or amended in accordance with its terms.

“2019 Project Account” means the account established by the provisions hereof for the purpose of paying the costs properly attributable to the Project.

Section 2. Authorization and Purpose. Pursuant to and in accordance with the Acts, the District hereby authorizes, and directs that there shall be issued, the “Cherry Hills Village Charlo Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, General Obligation Bonds, Series 2019.” Before any Series 2019 Bonds are issued by the District, the final details of the Series 2019 Bonds shall be approved by Final Terms Certificate. Such Final Terms Certificate may contain the details required by this Ordinance to be determined by Final Terms Certificate, together with such additional details not inconsistent herewith.

Section 3. Form of Series 2019 Bonds. The Series 2019 Bonds shall be in substantially the following form, with such additional details (including, without limitation, identifying letters, numbers or symbols, to identify their subseries designations, if any) as provided by Final Terms Certificate:
[FORM OF SERIES 2019 BOND]

THIS SERIES 2019 BOND WAS ISSUED AS AN EXEMPT SECURITY OR IN A TRANSACTION EXEMPT FROM REGISTRATION UNDER THE SECURITIES ACT OF 1933, AS AMENDED, AND THE COLORADO MUNICIPAL BOND SUPERVISION ACT. UNDER NO CIRCUMSTANCES SHALL THIS SERIES 2019 BOND BE SOLD, PLEDGED OR OTHERWISE TRANSFERRED OR DISPOSED OF EXCEPT IN THE MANNER PROVIDED IN SECTION 9 OF THE ORDINANCE UNDER WHICH IT WAS ISSUED AND IN COMPLIANCE WITH APPLICABLE STATE AND FEDERAL SECURITIES LAWS. ANY TRANSFER OR PURPORTED TRANSFER IN VIOLATION OF SUCH SECTION 9 OR SUCH LAWS SHALL BE VOID AND OF NO EFFECT.

UNITED STATES OF AMERICA

STATE OF COLORADO

No. R-__ $________

CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT
IN THE CITY OF CHERRY HILLS VILLAGE, COLORADO
GENERAL OBLIGATION BOND
SERIES 2019

<table>
<thead>
<tr>
<th>Interest Rate</th>
<th>Maturity Date</th>
<th>Original Dated Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>__________%</td>
<td>_____<strong>, 20</strong></td>
<td>, 2019</td>
</tr>
</tbody>
</table>

REGISTERED OWNER:

PRINCIPAL SUM: ** ________________________________ **

Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village Colorado, a duly organized general improvement district of the State of Colorado, for value received, hereby acknowledges itself indebted and promises to pay to the order of the registered owner named above, or registered assigns, the principal sum stated above, on the maturity date stated above, with interest on such principal sum from the original dated date stated above at the interest rate per annum stated above (calculated based on a 360-day year of twelve 30-day months), payable on and of each year, commencing , 2019. Capitalized terms used but not defined in this bond shall have the meanings ascribed to them in the Ordinance of the District authorizing the issuance of the Series 2019 Bonds.

The principal of and interest on this bond is payable to the registered owner hereof upon presentation and surrender of this bond at the office of ________________, as Paying Agent, in ________________, Colorado, or at such other office of the Paying Agent designated by the Paying Agent for such purpose. Interest on this bond is payable by check or draft of the
Paying Agent mailed on the Interest Payment Date to the registered owner hereof as of the last day of the month immediately preceding the month in which the Interest Payment Date occurs (whether or not such day is a Business Day); provided that interest payable to the registered owner of this bond may be paid by any other means agreed to by such registered owner and the Paying Agent that does not require the District to make moneys available to the Paying Agent earlier than otherwise required under the Ordinance or increase the costs borne by the District under the Ordinance. Any payment of principal of or interest on this bond that is due on a day that is not a Business Day shall be made on the next succeeding day that is a Business Day with the same effect as if made on the day on which it was originally scheduled to be made. All payments of principal of and interest on this bond shall be made in lawful money of the United States of America.

This Series 2019 Bond is part of an issue of General Obligation Bonds of the District designated the Cherry Hills Village Charlou Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, General Obligation Bonds, Series 2019, issued in the principal amount of $___________ (the “Series 2019 Bonds”) issued by the District for the purpose of providing funds for the Project described in the Ordinance. The Series 2019 Bonds have been issued pursuant to, under the authority of, and in full conformity with, the Constitution and the laws of the State, including, in particular, Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended, and Part 6 of Article 25 of Title 31, Colorado Revised Statutes, as amended (collectively, the “Acts”); and pursuant to an ordinance adopted by the Board of the District. Pursuant to the Acts, the Series 2019 Bonds shall be incontestable for any reason following their delivery for value by the District.

It is hereby recited, certified, and warranted that all of the requirements of law have been fully complied with by the proper officers in issuing this Series 2019 Bonds. It is hereby further recited, certified, and warranted that the total indebtedness of the District, including that of this Series 2019 Bonds, does not exceed any limit prescribed by the constitution or laws of the State of Colorado; that at an election lawfully held within the District on November 8, 2016, the issuance of this Series 2019 Bond was duly authorized by a majority of the electors of the District qualified to vote and voting at said election; and that provision has been made for the levy and collection of an ad valorem tax on all of the taxable property within the District to pay the principal of and interest on this Series 2019 Bonds as the same respectively become due.

The Series 2019 Bonds have been issued by the District for the purpose of providing funds for the Project described in the Bond Ordinance. The Series 2019 Bonds are general obligations of the District and the full faith and credit of the District are pledged for the punctual payment of the principal of and interest on the Series 2019 Bonds. For the purpose of paying the principal of and interest on the Series 2019 Bonds when due, respectively, in the Bond Ordinance the Board has covenanted annually to determine and certify to the Board of County Commissioners of Arapahoe County, a rate of levy for general ad valorem taxes, without limitation as to rate and in an amount sufficient to pay the principal of and interest on the Series 2019 Bonds when due, respectively, whether at maturity or upon earlier redemption.

Reference is hereby made to the Bond Ordinance for an additional description of the nature and extent of the security for the Series 2019 Bonds, the accounts and revenues pledged to the payment thereof, the rights and remedies of the registered owners of the Series 2019 Bonds,
the manner in which the Bond Ordinance may be amended, and the other terms and conditions upon which the Series 2019 Bonds are issued, copies of which Bond Ordinance are on file for public inspection at the office of the District Secretary.

[Insert optional and/or mandatory sinking fund redemption provisions.]

Notice of any redemption of Series 2019 Bonds shall be given by the Paying Agent in the name of the District by sending a copy of such notice by first-class, postage prepaid mail, not less than 30 days prior to the redemption date, to the Owner of each Series 2019 Bond being redeemed. Such notice shall specify the number or numbers of the Series 2019 Bonds so to be redeemed (if redemption shall be in part) and the redemption date. If any Series 2019 Bond shall have been duly called for redemption and if, on or before the redemption date, there shall have been deposited with the Paying Agent in accordance with this Ordinance funds sufficient to pay the redemption price of such Series 2019 Bond on the redemption date, then such Series 2019 Bond shall become due and payable at such redemption date, and from and after such date interest will cease to accrue thereon. Failure to deliver any redemption notice or any defect in any redemption notice shall not affect the validity of the proceeding for the redemption of Series 2019 Bonds with respect to which such failure or defect did not occur. Any Series 2019 Bond redeemed prior to its maturity by prior redemption or otherwise shall not be reissued and shall be cancelled.

The Paying Agent shall maintain registration books in which the ownership, transfer and exchange of Series 2019 Bonds shall be recorded. The person in whose name this bond shall be registered on such registration books shall be deemed to be the absolute owner hereof for all purposes, whether or not payment on this bond shall be overdue, and neither the District nor the Paying Agent shall be affected by any notice or other information to the contrary. This bond may be transferred or exchanged at the principal office of the Paying Agent in __________, Colorado, or at such other office of the Paying Agent designated by the Paying Agent for such purpose, for a like aggregate principal amount of Series 2019 Bonds of other Authorized Denominations of the same maturity and interest rate, upon payment by the transferee of a reasonable transfer fee established by the Paying Agent, together with any tax or governmental charge required to be paid with respect to such transfer or exchange and any cost of printing bonds in connection therewith. Notwithstanding any other provision of the Ordinance, the Paying Agent shall not be required to transfer any Series 2019 Bond (a) which is scheduled to be redeemed in whole or in part between the Business Day immediately preceding the mailing of the notice of redemption and the redemption date; or (b) between the Record Date for any Interest Payment Date and such Interest Payment Date.

The Ordinance may be amended or supplemented from time-to-time with or without the consent of the registered owners of the Series 2019 Bonds as provided in the Ordinance.

In the Ordinance the City has designated the Series 2019 Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

It is hereby certified that all conditions, acts and things required by the Constitution and laws of the State, including the Acts, and the Ordinance of the District, to exist, to happen and to be performed, precedent to and in the issuance of this bond, exist, have happened and have been
performed, and that neither this bond nor the other bonds of the issue of which this bond is a part exceed any limitations prescribed by the Constitution or laws of the State, including the Acts, or the ordinance of the District.

This Series 2019 Bond shall not be entitled to any benefit under the Ordinance, or become valid or obligatory for any purpose, until the Paying Agent shall have signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the Board of Directors of the District has caused this bond to be executed with the signature of its President and attested by the signature of its Secretary, and has caused the seal of the District to be impressed or imprinted hereon, all as of the date set forth below.

CHERRY HILLS VILLAGE CHARLOU PARK
3RD FILING GENERAL IMPROVEMENT
DISTRICT, IN THE CITY OF CHERRY HILLS
VILLAGE, COLORADO

[DISTRICT SEAL] By ________________________________
Russell O. Stewart, President

Attest:

By ________________________________
Laura Gillespie, Secretary
[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Series 2019 Bonds described on the reverse hereof. Attached hereeto is a true copy of the opinion of Bond Counsel, Kutak Rock LLP, a signed copy of which is on file with the undersigned and dated as of the date of delivery of and payment for the Series 2019 Bonds.

Date of Authentication:

_______________ __, 20__

Registrar

By (Manual Signature) __________________________
Authorized Officer

[END OF FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]
[FORM OF ASSIGNMENT]

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned Registered Owner sells, assigns and transfers unto

______________________________________________________________________________

(Please insert social security or other identifying number of assignee)

(Name and Address of Assignee)

______________________________________________________________________________

the attached bond and does hereby irrevocably constitute and appoint ____________________, Denver, Colorado, or its successor, as registrar and transfer agent, to transfer said bond on the books kept for registration thereof.

Dated: _____________________________________________________________________

NOTICE: The signature to this assignment must correspond with the name of the Registered Owner as it appears upon the registration panel of the attached Bond in every particular without alteration or enlargement or any change whatever.

Signature guaranteed:

__________________________________________________

Signature(s) must be guaranteed by a national bank or trust company or by a brokerage firm having a membership in one of the major stock exchanges and who is a member of a Medallion Signature Program.

TRANSFER FEE MAY BE REQUIRED

[END OF FORM OF ASSIGNMENT]

[END OF FORM OF BOND]
Section 4. Series 2019 Bond Details

(a) Registered Form, Denominations, Dated Date and Numbering. Only to the extent and for the purposes authorized herein, the District shall issue the Series 2019 Bonds, in an aggregate amount not to exceed $550,000, dated such date or dates as provided by Final Terms Certificate. The Series 2019 Bonds will be in registered form without coupons attached, payable to the registered owner or assigns, and will be in Authorized Denominations. The Series 2019 Bonds shall mature not later than December 1, 2039 and may bear interest at any rate or combination of rates such that the net effective interest rate of the Series 2019 Bonds does not exceed 6.00%. Upon the occurrence and during the continuation of an Event of Default, the Series 2019 Bonds shall bear interest at the Default Rate. The Series 2019 Bonds may be dated their date of issuance or any other convenient date provided by Final Terms Certificate, and interest shall be payable June 1 and December 1 or at any other convenient semiannual interval commencing not later than December 1, 2019, or as otherwise set forth in a Final Terms Certificate.

(b) Manner and Form of Payment. The final installment of principal of each Series 2019 Bond shall be payable to the Owner thereof upon presentation and surrender of such Series 2019 Bond at the principal office of the Paying Agent or at such other office of the Paying Agent designated by the Paying Agent for such purpose. Interest on each Series 2019 Bond and installments of principal other than the final such installment shall be payable by check or draft of the Paying Agent mailed on each Interest Payment Date to the Owner thereof as of the close of business on the corresponding Record Date; provided that principal of or interest payable to any Owner may be paid by any other means agreed to by such Owner and the Paying Agent that does not require the District to make moneys available to the Paying Agent earlier than otherwise required hereunder or increase the costs borne by the District hereunder. All payments of the principal of and interest on the Series 2019 Bonds shall be made in lawful money of the United States of America.

Section 5. Redemption of Series 2019 Bonds Prior to Maturity.

(a) Optional Redemption. The Series 2019 Bonds, if any, specified by Final Terms Certificate shall be subject to redemption prior to maturity, at the option of the District, as a whole or in part in Authorized Denominations, and if in part in such order of maturity as the District shall determine and by lot within a maturity, on such dates, if any, and at such prices, with or without redemption premium not to exceed 3% of the principal amount of the Series 2019 Bonds so redeemed, as shall be provided by Final Terms Certificate.

(b) Mandatory Sinking Fund Redemption. All or any principal amount of the Series 2019 Bonds may be subject to mandatory sinking fund redemption by lot on December 1 (or any other date provided by Final Terms Certificate) of the years and in the principal amounts specified by Final Terms Certificate, at a redemption price equal to the principal amount thereof (with no redemption premium), plus accrued interest to the redemption date.
At its option, to be exercised on or before the forty-fifth day next preceding each sinking fund redemption date, the District may (i) deliver to the Paying Agent for cancellation any Series 2019 Bonds with the same maturity date as the Series 2019 Bonds subject to such sinking fund redemption and (ii) receive a credit in respect of its sinking fund redemption obligation for any Series 2019 Bonds with the same maturity date as the Series 2019 Bonds subject to such sinking fund redemption which prior to such date have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Paying Agent and not theretofore applied as a credit against any sinking fund redemption obligation. Each Series 2019 Bond so delivered or previously redeemed shall be credited by the Paying Agent at the principal amount thereof to the obligation of the District on such sinking fund redemption date, and the principal amount of Series 2019 Bonds to be redeemed by operation of such sinking fund on such date shall be accordingly reduced.

(c) Redemption Procedures. Notice of any redemption of Series 2019 Bonds shall be given by the Paying Agent by sending a copy of such notice by first-class, postage prepaid mail, not less than 30 days prior to the redemption date, to the Owner of each Series 2019 Bond being redeemed. Such notice shall specify the number or numbers of the Series 2019 Bonds so to be redeemed (if redemption shall be in part) and the redemption date. If any Series 2019 Bond shall have been duly called for redemption and if, on or before the redemption date, there shall have been deposited with the Paying Agent in accordance with this Ordinance funds sufficient to pay the redemption price of such Series 2019 Bond on the redemption date, then such Series 2019 Bond shall become due and payable at such redemption date, and from and after such date interest will cease to accrue thereon. Failure to deliver any redemption notice or any defect in any redemption notice shall not affect the validity of the proceedings for the redemption of Series 2019 Bonds with respect to which such failure or defect did not occur. Any Series 2019 Bond redeemed prior to its maturity by prior redemption or otherwise shall not be reissued and shall be cancelled.


(a) General Obligations. The Series 2019 Bonds shall be general obligations of the District and the full faith and credit of the District are pledged for the punctual payment of the principal of and interest on the Series 2019 Bonds. The Series 2019 Bonds shall not constitute a debt or indebtedness of the County, the City, the State or any political subdivision of the State other than the District.

(b) Imposition of Mill Levy. For the purpose of paying the principal of and interest on the Series 2019 Bonds when due, respectively, the Board shall annually determine and certify to the Arapahoe County Board of Commissioners (the "Board of Commissioners"), in each of the years 2019 to 2038, inclusive, or such shorter period as the Series 2019 Bonds are Outstanding (and, to the extent necessary to make up any overdue payments on the Series 2019 Bonds or replenish the Reserve Fund to the Reserve Fund Requirement, in each year subsequent thereto), in addition to all other taxes, taxes sufficient to pay principal of, interest on and premiums, if any, due in connection with the Series 2019 Bonds as the same respectively become
due, together with any amounts required to replenish the Reserve Fund to the Reserve Fund Requirement.

(c) **Application of Proceeds of Ad Valorem Taxes; Bond Account.** There is hereby established, and the District covenants to maintain in accordance with the provisions hereof, a special account designated as the “Cherry Hills Village Charloû Park 3rd Filing General Improvement District, in the City of Cherry Hills Village, Colorado, General Obligation Bonds, Series 2019, Bond Account” (referred to herein as the “Bond Account”). The District shall deposit into the Bond Account (i) the general ad valorem taxes resulting from imposition of the mill levy pursuant to subsection (b) of this Section as such taxes are collected and (ii) any other legally available revenues or funds of the District that the District elects to apply to the payment of the principal of and interest on the Series 2019 Bonds. Earnings from the investment of moneys on deposit in the Bond Account shall be retained therein. Moneys on deposit in the Bond Account shall be applied solely to the payment of the principal of and interest on the Series 2019 Bonds and for no other purpose until the Series 2019 Bonds, including principal, interest and premiums, if any, are fully paid, satisfied and discharged.

(d) **Appropriation and Budgeting of Proceeds of Ad Valorem Taxes.** Moneys received from the general ad valorem taxes levied pursuant to subsection (b) of this Section and other moneys on deposit in the Bond Fund in an amount sufficient to pay the principal of and interest on the Series 2019 Bonds when due, respectively, are hereby appropriated for that purpose, and all amounts required to pay the principal of and interest on the Series 2019 Bonds due, respectively, in each year shall be included in the annual budget and appropriation ordinance or resolution to be adopted and passed by the Board for such year.

(e) **Use or Advance of Other Legally Available Moneys.** Nothing herein shall be interpreted to prohibit or limit the ability of the District to use legally available moneys in addition to the proceeds of the general ad valorem property taxes levied pursuant to subsection (b) of this Section to pay all or any portion of the principal of, premium, if any, or interest on the Series 2019 Bonds. If and to the extent such other legally available moneys are used to pay the principal of, premium, if any, or interest on the Series 2019 Bonds, the District may, but shall not be required to, (i) reduce the amount of taxes levied for such purpose pursuant to subsection (b) of this Section or (ii) use proceeds of taxes levied pursuant to subsection (b) of this Section not otherwise necessary to pay the principal of and interest on the Series 2019 Bonds to reimburse the fund or account from which such other legally available moneys were withdrawn for the amount withdrawn from such fund or account to pay the principal of, premium, if any, or interest on the Series 2019 Bonds; provided, however, that the District shall not be permitted to reduce the amount of the mill levy in anticipation of the use of other legally available moneys to pay all or any portion of the principal of, premium, if any, or interest on the Series 2019 Bonds unless the Board has first adopted an ordinance or resolution irrevocably pledging such moneys to the payment of the Series 2019 Bonds. If the District selects alternative (ii) in the
immediately preceding sentence, the taxes levied pursuant to subsection (b) of this Section shall include amounts sufficient to fund the reimbursement.

(f) **Certification to County Commissioners.** It is hereby declared that, if the District does not otherwise determine and certify to the Board of Commissioners of the County a rate of levy for general ad valorem property taxes as required by subsection (b) of this Section, the foregoing provisions of this Section shall constitute a certificate from the Board to the Board of County Commissioners of the County showing the aggregate amount of ad valorem taxes to be levied by the Board of County Commissioners of the County from time to time, as required by law, for the purpose of paying the principal of and interest on the Series 2019 Bonds when due.

(g) **Deposit of Moneys to Pay Series 2019 Bonds with, and Payment of Series 2019 Bonds by, Paying Agent.** No later than three Business Days immediately preceding each date on which a payment of principal of or interest on the Series 2019 Bonds is due, the District, from moneys in the Bond Account or other legally available moneys, shall deposit moneys with the Paying Agent an amount sufficient to pay the principal of and interest on the Series 2019 Bonds due on such date. The Paying Agent shall use the moneys so deposited with it to pay the principal of and interest on the Series 2019 Bonds when due.

Section 7. **Execution of Series 2019 Bonds.** The Series 2019 Bonds shall be executed in the name and on behalf of the District with the manual or facsimile signature of the President, shall bear a manual or facsimile of the seal of the District and shall be attested by the manual or facsimile signature of the Secretary of the Board, all of whom are hereby authorized and directed to prepare and execute the Series 2019 Bonds in accordance with the requirements hereof. Should any officer whose manual or facsimile signature appears on the Series 2019 Bonds cease to be such officer before delivery of any Series 2019 Bond, such manual or facsimile signature shall nevertheless be valid and sufficient for all purposes. When the Series 2019 Bonds have been duly executed, the officers of the District are authorized to, and shall, deliver the Series 2019 Bonds to the Paying Agent for authentication. No Series 2019 Bond shall be secured by or titled to the benefit of this Ordinance, or shall be valid or obligatory for any purpose, unless the certificate of authentication of the Paying Agent has been manually executed by an authorized signatory of the Paying Agent. The executed certificate of authentication of the Paying Agent upon any Series 2019 Bond shall be conclusive evidence, and the only competent evidence, that such Series 2019 Bond has been properly authenticated and delivered hereunder.

Section 8. **Registration of Series 2019 Bonds.** The Paying Agent shall maintain the registration books of the District in which the ownership, transfer and exchange of Series 2019 Bonds shall be recorded. The person in whose name any Series 2019 Bond shall be registered on such registration books shall be deemed to be the absolute owner thereof for all purposes, whether or not payment on any Series 2019 Bond shall be overdue, and neither the District nor the Paying Agent shall be affected by any notice or other information to the contrary.

Section 9. **Transfer and Exchange of Series 2019 Bonds; Transfer Restrictions.**
(a) The Series 2019 Bonds may be transferred or exchanged at the principal office of the Paying Agent or at such other office of the Paying Agent designated by the Paying Agent for such purpose for a like aggregate principal amount of Series 2019 Bonds of other Authorized Denominations of the same maturity and interest rate, upon payment by the transferee of a reasonable transfer fee established by the Paying Agent, together with any tax or governmental charge required to be paid with respect to such transfer or exchange and any cost of preparing and executing new Series 2019 Bonds in connection therewith. Upon surrender for transfer of any Series 2019 Bond, duly endorsed for transfer or accompanied by an assignment duly executed by the Owner or his or her attorney duly authorized in writing, the District shall execute and the Paying Agent shall authenticate and deliver in the name of the transferee a new Series 2019 Bond. Notwithstanding any other provision hereof, the Paying Agent shall not be required to transfer any Series 2019 Bond (i) which is scheduled to be redeemed in whole or in part between the Business Day immediately preceding the mailing of the notice of redemption and the redemption date or (ii) between the Record Date for any Interest Payment Date and such Interest Payment Date.

(b) Notwithstanding the procedure described in paragraph (a) of this Section, no Series 2019 Bond shall be transferred by the Initial Purchaser or any subsequent Owner unless: (i) the transferee shall have executed an investment letter satisfactory in form and substance to the District, and shall have provided such other evidence as the District may require in its discretion to establish that the transferee is a Qualified Institutional Buyer within the meaning of Regulation D under the Securities Act of 1933, as amended, and that the transferee is purchasing for investment with no view to resale, participation of other distribution thereof; and (ii) the Series 2019 Bond or Bonds shall be transferred only in Authorized Denominations. Any transfer or purported transfer of any interest in the Series 2019 Bonds in violation of the foregoing shall be void and the District shall have no obligation to recognize the ownership interest of, take any action on behalf of or make any payment to, the transferee or purported transferee.

Section 10. Replacement of Lost, Destroyed or Stolen Series 2019 Bonds. If any Series 2019 Bond shall become lost, apparently destroyed, stolen or wrongfully taken, it may be replaced in the form and tenor of the lost, destroyed, stolen or taken Series 2019 Bond and the District shall execute and the Paying Agent shall authenticate and deliver a replacement Series 2019 Bond upon the Owner furnishing, to the satisfaction of the Paying Agent: (a) proof of ownership (which shall be shown by the registration books of the Paying Agent), (b) proof of loss, destruction or theft, (c) an indemnity to the District and the Paying Agent with respect to the Series 2019 Bond lost, destroyed or taken, and (d) payment of the cost of preparing and executing the new Series 2019 Bond.

Section 11. Disposition of Series 2019 Bonds. When the Series 2019 Bonds have been duly executed, they shall be delivered to the Initial Purchaser upon receipt of the agreed purchase price. The proceeds of the Series 2019 Bonds, excluding accrued or capitalized interest, if any, which shall be deposited to the Bond Account described below, shall be used for the purposes stated herein and for no other purposes, provided, however, that any portion of the proceeds of
the Series 2019 Bonds may be temporarily invested pending such use, with such temporary
investment to be made consistent with the covenants hereinafter made concerning arbitrage
bonds. Neither the Initial Purchaser of the Series 2019 Bonds nor any subsequent owner of any
of them shall be responsible for the application by the District, or any of its officers, of any of the
funds derived from the sale of the Series 2019 Bonds.

Section 12. Reserve Fund. Only if and to the extent provided by Final Terms Certificate, there shall be established in connection with the Series 2019 Bonds a Reserve Fund
to be known as the Series 2019 Debt Service Reserve Fund. The Reserve Fund shall be set aside
from proceeds of the Series 2019 Bonds in an amount equal to the Reserve Fund Requirement,
and maintained as a continuing reserve to be used, except as otherwise provided by Final Terms Certificate or this Ordinance, only to prevent deficiencies in payment of the debt service
requirements of the Series 2019 Bonds resulting from failure to deposit to the Bond Account
sufficient funds to pay such debt service requirements as the same become due, and such funds
are hereby appropriated for such purpose.

is hereby established and the District covenants to maintain in accordance with the provisions
hereof a special account designated as the “Cherry Hills Village Charlo Park 3rd Filing General
Improvement District, in the City of Cherry Hills Village, Colorado, General Obligation Bonds,
Series 2019, Project Account” (referred to herein as the “2019 Project Account”). The entire
proceeds of the Series 2019 Bonds, exclusive of accrued interest, capitalized interest, if any,
deposited to the Bond Account, and costs of issuance, shall be deposited to the 2019 Project
Account.

All moneys credited to the 2019 Project Account shall be applied solely to the payment
of the costs properly attributable to the Project. Upon the determination of the Board that all
such costs have been paid or are determinable, any balance remaining in the 2019 Project
Account (less any amounts necessary to pay costs of the Project not then due and owing) shall be
credited to the Bond Account.

Section 14. Investments. The District may purchase Permitted Investments with
monies in the 2019 Project Account, the Bond Account or the Reserve Fund, provided that such
Permitted Investments shall mature or be subject to redemption at the option of the owner thereof
at or before the times when the invested funds are needed for the purposes of such funds or
accounts. The investment of such moneys shall, however, be subject to the covenants and
provisions of the Section hereof titled “Federal Income Tax Covenants.” Except to the extent
otherwise required by such Section, interest income from the investment or reinvestment of
moneys credited to each account shall remain in and become part of such account.

Section 15. Various Findings, Determinations, Declarations and Covenants. The
Board, having been fully informed of and having considered all the pertinent facts and
circumstances, hereby finds, determines, declares and covenants with the Owners of the Series
2019 Bonds that:

(a) The District was formed for the purpose of paying the costs of the
Improvements;
(b) it is in the best interest of the District and its residents that the Series 2019 Bonds be authorized, sold, issued and delivered at the time, in the manner and for the purposes provided in this Ordinance;

(c) the issuance of the Series 2019 Bonds and all procedures undertaken or authorized incident thereto are in full compliance and conformity with all applicable requirements, provisions and limitations prescribed by the Constitution and laws of the State, including the Acts, and all conditions and limitations of the Acts and other applicable law relating to the issuance of the Series 2019 Bonds have been satisfied; and

(d) the District hereby elects to apply Part 2 of Article 57 of Title 11, Colorado Revised Statutes, as amended, in its entirety to the Series 2019 Bonds except to the extent inconsistent with this Ordinance. Pursuant to the Acts and this Ordinance, and in addition to the other provisions thereof, no recourse shall be had for the payment of the debt service requirements of the Series 2019 Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other ordinance or instrument pertaining thereto, against any individual member of the Board, or any officer or other agent of the District, past, present or future, either directly or indirectly through the District or the City, or otherwise, whether by virtue of any constitution, statute or rule of law or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Series 2019 Bonds and as a part of the consideration for their issuance specially waived and released.

(e) The District covenants to keep and maintain books and records of its financial operations, which shall be made available to the Owners upon their request from time to time.

Section 16. Federal Income Tax Covenants. For purposes of ensuring that the interest on the Series 2019 Bonds is and remains excluded from gross income for federal income tax purposes, the District hereby covenants that:

(a) **Prohibited Actions.** The District will not use or permit the use of any proceeds of the Series 2019 Bonds or any other funds of the District from whatever source derived, directly or indirectly, to acquire any securities or obligations and shall not take or permit to be taken any other action or actions, which would cause any Series 2019 Bond to be an "arbitrage bond" within the meaning of Section 148 of the Code, or would otherwise cause the interest on any Series 2019 Bond to be includible in gross income for federal income tax purposes.

(b) **Affirmative Actions.** The District will at all times do and perform all acts permitted by law that are necessary in order to assure that interest paid by the District on the Series 2019 Bonds shall be excludable from gross income for federal income tax purposes under the Code or any other valid provision of law. In particular, but without limitation, the District represents, warrants and covenants to comply with the following rules unless it receives an opinion of Bond Counsel stating
that such compliance is not necessary: (i) gross proceeds of the Series 2019 Bonds will not be used in a manner that will cause the Series 2019 Bonds to be considered “private activity bonds” within the meaning of the Code; (ii) the Series 2019 Bonds are not and will not become directly or indirectly “federally guaranteed”; and (iii) the District will timely file an Internal Revenue Service Form 8038-G with respect to the Series 2019 Bonds, which shall contain the information required to be filed pursuant to Section 149(e) of the Code.

(c) **Tax Certificate.** The District will comply with the Tax Certificate delivered by it on the date of issuance of the Series 2019 Bonds, including but not limited by the provisions of the Tax Certificate regarding the application and investment of Series 2019 Bond proceeds, the use of the Project, the calculations, the deposits, the disbursements, the investments and the retention of records described in the Tax Letter of Instructions attached to such Tax Certificate.

(d) **Designation of Series 2019 Bonds as Qualified Tax-Exempt Obligations.** The District hereby designates the Series 2019 Bonds as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of the Code. The District covenants that the aggregate face amount of all tax-exempt obligations issued by the District, together with governmental entities which derive their issuing authority from the District or are subject to substantial control by the District, shall not be more than $10,000,000 during calendar year 2019. The District recognizes that such tax-exempt obligations include notes, leases, loans and warrants, as well as bonds.

**Section 17. Defeasance.** When all debt service requirements of the Series 2019 Bonds have been duly paid, the pledge and lien and all obligations hereunder shall thereby be discharged and the Series 2019 Bonds shall no longer be deemed to be Outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the District has placed in escrow or in trust with a trust bank, located within or without the State of Colorado, moneys or bills, certificates of indebtedness, notes or bonds which are direct obligations of, or the principal of and interest on which are unconditionally guaranteed by, the United States of America (“Federal Securities”) in an amount sufficient (including the known minimum yield available for such purpose from Federal Securities in which such amount wholly or in part may be initially invested) to pay all debt service requirements of the Series 2019 Bonds, as the same become due to and including their maturity date or any redemption date as of which the District shall have exercised or shall have obligated itself to exercise its option to call bonds for prior redemption. The Federal Securities shall become due prior to the respective times at which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the District and such bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the owner thereof to assure such availability as so needed to meet such schedule. Nothing in this Ordinance shall be construed to prohibit a partial defeasance of the Series 2019 Bonds in accordance with the provisions of this Section.

**Section 18. Events of Default.** Each of the following events constitutes an Event of Default:
(a) **Nonpayment of Principal.** If payment of the principal of any Series 2019 Bond shall not be made when the same shall become due and payable at maturity or by proceedings for prior redemption.

(b) **Nonpayment of Interest.** If payment of any installment of interest on the Series 2019 Bonds shall not be made when the same comes due and payable.

(c) **Incapacity To Perform.** If the District shall for any reason be rendered incapable of performing its obligations hereunder.

(d) **Default of any Provision.** If the District shall default in the due and punctual performance of the covenants, conditions, agreements or provisions contained in the Series 2019 Bonds or in this ordinance on its part to be performed, other than those referred to in paragraphs (a) and (b) of this Section, if such default shall continue for 60 days after written notice specifying such default and requesting the same to be remedied shall have been given to the District by the owners of not less than 25% in aggregate principal amount of the Series 2019 Bonds then outstanding.

(e) **Bankruptcy or Receivership.** An order of decree by a court of competent jurisdiction declaring the District bankrupt under federal bankruptcy law or appointing a receiver of all or any material portion of the District’s assets or revenues is entered with the consent or acquiescence of the District or is entered without the consent or acquiescence of the District but is not vacated, discharged or stayed within 30 days after it is entered.

**Section 19. Remedies for Events of Default.**

(a) **Remedies.** Upon the occurrence and continuance of any Event of Default, the Owners of not less than 25% of the aggregate amount of the Bond Obligation, including, without limitation, a trustee or trustees therefor may proceed against the District to protect and to enforce the rights of the any Owners under this Ordinance by mandamus, injunction or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction: (i) for the payment of any overdue installment of principal of or interest on the Series 2019 Bonds, and for the payment of interest on any installment of principal of any Series 2019 Bond that was not paid when due at the interest rate borne by such Series 2019 Bond; (ii) for the specific performance of any covenant contained herein; (iii) to enjoin any act that may be unlawful or in violation of any right of any Owner of any Series 2019 Bond; (iv) for any other proper legal or equitable remedy; or (v) any combination of such remedies or as otherwise may be authorized by applicable law; provided, however, that acceleration of any amount not yet due on the Series 2019 Bonds according to their terms shall not be an available remedy. All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of Series 2019 Bonds then Outstanding.
(b) **Rights Cumulative; Failure to Pursue Remedies Not a Waiver or Release.** The failure of any Owner of any Outstanding Bond to proceed in accordance with subsection (a) of this Section shall not relieve the District of any liability for failure to perform or carry out its duties under this Ordinance. Each right or privilege of any such Owner (or trustee therefor) is in addition and is cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any Owner shall not be deemed a waiver of any other right or privilege of such Owner.

Section 20. Amendment of Ordinance.

(a) **Amendments Permitted without Notice to or Consent of Owners.** The District may, without the consent of or notice to the Owners of the Series 2019 Bonds, adopt one or more ordinances amending or supplementing this Ordinance (which ordinances shall thereafter become a part hereof) for any one or more or all of the following purposes:

(i) to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision of this Ordinance;

(ii) to subject to this Ordinance or pledge to the payment of the Series 2019 Bonds additional revenues, properties or collateral;

(iii) to institute or terminate a book-entry registration system for the Series 2019 Bonds or to facilitate the designation of a substitute securities depository with respect to such a system;

(iv) to designate and set forth the duties of a substitute Paying Agent with respect to the Bonds; or

(v) to make any other change that does not materially adversely affect the Owners of the Series 2019 Bonds.

(b) **Amendments Requiring Notice to and Consent of Owners.** Except for amendments permitted by subsection (a) of this Section, this Ordinance may only be amended (i) by an ordinance of the District amending or supplementing this Ordinance (which, after the consents required therefor, shall become a part hereof); and (ii) with the written consent of the Owners of at least 66-2/3% of the Bond Obligation; provided that any amendment that makes any of the following changes with respect to any Series 2019 Bond shall not be effective without the written consent of the Owner of such Series 2019 Bond: (A) a change in the maturity of such Series 2019 Bond; (B) a reduction of the interest rate on such Series 2019 Bond; (C) a change in the terms of redemption of such Series 2019 Bond; (D) a delay in the payment of principal of or interest on such Series 2019 Bond; (E) a reduction of the Bond Obligation the consent of the Owners of which is required for an amendment to this Ordinance; or (F) the establishment of a priority or preference for the payment of any amount due with respect to any Series 2019 Bond over any other Series 2019 Bond.
(c) **Procedure for Notifying and Obtaining Consent of Owners.** Whenever the consent of an Owner or Owners of Series 2019 Bonds is required under subsection (b) of this Section, the District shall mail a notice to such Owner or Owners at their addresses as set forth in the registration books maintained by the Paying Agent and to the Initial Purchaser, which notice shall briefly describe the proposed amendment and state that a copy of the amendment is on file in the office of the District for inspection. Any consent of any Owner of any Series 2019 Bond obtained with respect to an amendment shall be in writing and shall be final and not subject to withdrawal, rescission or modification for a period of 60 days after it is delivered to the District unless another time period is stated for such purpose in the notice mailed pursuant to this subsection.

**Section 21. Approval of Related Documents.** The President and the Secretary are hereby authorized to execute such documents and to take such actions as may be necessary to acquire or accept any improvements that may be acquired by the District, to the extent the President deems it appropriate for the District to do so. The President, the Secretary and all other appropriate officers of the Board are also hereby authorized and directed to execute all other documents and certificates necessary or desirable to effectuate the issuance or administration of the Series 2019 Bonds, the investment and application of proceeds of the Series 2019 Bonds and the other transactions contemplated hereby.

**Section 22. Events Occurring on Days That Are Not Business Days.** Except as otherwise specifically provided herein with respect to a particular payment, event or action, if any payment to be made hereunder or any event or action to occur hereunder which, but for this Section, is to be made or is to occur on a day that is not a Business Day, such payment, event or action shall instead be made or occur on the next succeeding day that is a Business Day with the same effect as if it were made or occurred on the date on which it was originally scheduled to be made or occur.

**Section 23. Limitation of Actions.** As provided by Section 11-57-212, Colorado Revised Statutes, no legal or equitable action may be brought with respect to any legislative acts or proceedings in connection with the authorization or issuance of the Series 2019 Bonds more than 30 days after the authorization of such securities.

**Section 24. Ordinance Irrepealable.** After the Series 2019 Bonds have been issued, this Ordinance shall be and remain a contract between the District and the Owners of the Series 2019 Bonds and shall be and remain irrepealable, except as expressly provided herein, until all amounts due with respect to the Series 2019 Bonds shall be fully paid, satisfied and discharged and all other obligations of the District with respect to the Series 2019 Bonds shall have been satisfied in the manner provided herein.

**Section 25. Headings.** The headings to the various sections and subsections to this Ordinance have been inserted solely for the convenience of the reader, are not a part of this Ordinance and shall not be used in any manner to interpret this Ordinance.

**Section 26. Severability.** It is hereby expressly declared that all provisions hereof and their application are intended to be and are severable. In order to implement such intent, if any
provision hereof or the application thereof is determined by a court or administrative body to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision hereof or the application of the provision in question to any other situation; and if any provision hereof or the application thereof is determined by a court or administrative body to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 27. Manner of Sale. The Series 2019 Bonds may be sold at a price not less than [95%] of their principal amount, plus accrued interest, if any, to the date of their delivery to the Initial Purchaser, all as may be provided by a Final Terms Certificate. Appropriate legends, transfer restrictions and other provisions may be included in a Final Terms Certificate, in the form of Series 2019 Bond or in any other document delivered by the District in connection with the Series 2019 Bonds, for the purpose of documenting such private placement or limited offering.

Section 28. Repeal of Inconsistent Ordinances, Resolutions, Bylaws, Rules and Orders. All ordinances, resolutions, bylaws, rules and orders, or parts thereof, that are inconsistent with or in conflict with this Ordinance, are hereby repealed to the extent of such inconsistency or conflict.

Section 29. Ratification of Prior Actions. All actions heretofore taken (not inconsistent with the provisions of this Ordinance or the Acts) by the Board or by the officers and employees of the District directed toward the issuance of the Series 2019 Bonds for the purposes herein set forth are hereby ratified, approved and confirmed.

Section 30. No Rating, CUSIP or Securities Depository. The Series 2019 Bonds have not been and are not expected to be rated by any nationally recognized organization which regularly rates such obligations, assigned a CUSIP number or registered with or made eligible for registration or deposit with any securities depository, including but not limited to the Depository Trust Company, New York, New York.

Section 31. Effective Date; Expiration. This Ordinance shall take effect 10 days after publication following final passage. This Ordinance shall expire to the extent that Series 2019 Bonds authorized herein are not issued by December 31, 2019.
CHERRY HILLS VILLAGE
CHARLOU PARK 3RD FILING
GENERAL IMPROVEMENT DISTRICT,
in the City of Cherry Hills Village, Colorado

By ______________________________________
Russell O. Stewart, President

[SEAL]

ATTEST:

____________________________
Laura Gillespie, Secretary

APPROVED AS TO FORM:

____________________________
(Assistant) District General Counsel
Cherry Hills Charlou Park General Improvement District

All Assessed Value Assumptions are based upon District provided Assessed Values

The financings were evaluated at the interest rates shown above. The interest rates assumed in this presentation are based on current market conditions and similar credits. The actual results may differ, and Stifel makes no commitment to underwrite at these levels.

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**Notes:**
(1) Estimated SOTax: 8.00%
(2) Arapahoe County collection fees of 1.5% plus City annual admin. fee
(3) DSRF - Requirement: 5.5%

**Sources:**
Bond Proceeds - $375,000
**Uses:**
Construction/Contingency - $30,000
Capitalized Interest - $14,667
Reserve Fund - $37,500
Cost of Issuance - $47,833

Total: $375,000

**EXHIBIT B**

**Total:** $42,208,289

**Total Surplus:** $686,678

**Total Debt Service Coverage:** 602,788

**Total:** $42,208,289

**Notes:**
(1) Estimated SOTax: 8.00%
(2) Arapahoe County collection fees of 1.5% plus City annual admin. fee
(3) DSRF - Requirement: 5.5%

**Sources:**
Bond Proceeds - $375,000
**Uses:**
Construction/Contingency - $30,000
Capitalized Interest - $14,667
Reserve Fund - $37,500
Cost of Issuance - $47,833

Total: $375,000
<table>
<thead>
<tr>
<th>#</th>
<th>Property Address</th>
<th>Owner Name</th>
<th>Parcel Number</th>
<th>2017 Appraised Value</th>
<th>2017 Assessed Value</th>
<th>2018 Appraised Value</th>
<th>2018 Assessed Value</th>
<th>Legal Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>4599 S Dasa Dr</td>
<td>Bradley B James &amp; Carol N James (joint tenancy)</td>
<td>2075-08-2-07-001</td>
<td>$1,876,900</td>
<td>$135,137</td>
<td>$1,876,900</td>
<td>$135,137</td>
<td>Plot 20 Charlou Park 3rd Filing</td>
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<tr>
<td>2</td>
<td>4600 S Holly St</td>
<td>Hans C Zeschin &amp; Katherine W Zeschin (joint tenancy)</td>
<td>2075-08-2-07-002</td>
<td>$955,700</td>
<td>$68,810</td>
<td>$955,700</td>
<td>$68,810</td>
<td>W 1/2 Plot 21 Charlou Park 3rd Filing</td>
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<tr>
<td>3</td>
<td>4601 S Dasa Dr</td>
<td>Jay Justin Blackstock &amp; Teresa Lyn (joint tenancy)</td>
<td>2075-08-2-07-003</td>
<td>$1,340,600</td>
<td>$96,523</td>
<td>$1,340,600</td>
<td>$96,523</td>
<td>S 1/2 Plot 22 Charlou Park 3rd Filing</td>
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<td>4</td>
<td>4661 S Dasa Dr</td>
<td>Celeste C Grynberg</td>
<td>2075-08-2-07-004</td>
<td>$1,968,700</td>
<td>$141,747</td>
<td>$1,968,700</td>
<td>$141,747</td>
<td>Plot 22 Charlou Park 3rd Filing</td>
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<tr>
<td>5</td>
<td>No assigned address</td>
<td>Michael Stanley McDonald &amp; Jane Fordyce McDonald (joint tenancy)</td>
<td>2075-08-2-07-007</td>
<td>$625,950</td>
<td>$45,068</td>
<td>$625,950</td>
<td>$45,068</td>
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<tr>
<td>6</td>
<td>4701 Dasa Dr</td>
<td>Michael Stanley McDonald &amp; Jane Fordyce McDonald (joint tenancy)</td>
<td>2075-08-2-07-008</td>
<td>$969,000</td>
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<td>$2,993,500</td>
<td>$215,532</td>
<td>S 1/2 Plot 23 Charlou Park 3rd Filing</td>
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<td>7</td>
<td>4799 S Dasa Dr</td>
<td>David O Charles &amp; Joyce M Charles (joint tenancy)</td>
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<td>$205,164</td>
<td>$2,849,500</td>
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<td>8</td>
<td>4500 S El Camino Dr</td>
<td>Jason Scott Sperling &amp; Jodie Lisa Sperling (joint tenancy)</td>
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<td>$1,653,900</td>
<td>$119,081</td>
<td>$1,653,900</td>
<td>$119,081</td>
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<td>9</td>
<td>4600 S Dasa Dr</td>
<td>Bryan William Jones</td>
<td>2075-08-2-06-003</td>
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<td>$137,966</td>
<td>$1,916,200</td>
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<td>10</td>
<td>4603 S Denise Dr</td>
<td>Happy Hound Property LLC</td>
<td>2075-08-2-06-004</td>
<td>$5,370,500</td>
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<td>11</td>
<td>4605 S Denise Dr</td>
<td>Vern Kornelsen</td>
<td>2075-08-2-06-005</td>
<td>$1,589,200</td>
<td>$114,422</td>
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<td>$106,812</td>
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<tr>
<td>12</td>
<td>5771 Charlou Dr</td>
<td>Charles A McGrath</td>
<td>2075-08-2-06-008</td>
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<td>$141,401</td>
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<td>13</td>
<td>4701 S El Camino Dr</td>
<td>4701 South El Camino Drive LLC</td>
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<td>$2,605,800</td>
<td>$187,596</td>
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**TOTAL:** $25,685,850  $1,985,817  $25,214,750  $1,815,462
MEMORANDUM

TO:    HONORABLE MAYOR STEWART AND MEMBERS OF THE CITY COUNCIL
FROM:   JESSICA SAGER, DIRECTOR OF FINANCE AND ADMINISTRATION
SUBJECT: UNAUDITED FINANCIAL STATEMENTS – JANUARY 2019
DATE:   MARCH 5, 2019

DISCUSSION:
The 2018 audited financial statements have not been completed; therefore 2018 has not been closed. Staff is unable to prepare all the financial statements Council would normally receive; however staff has provided Council with a brief financial report for January 2019 below.

In January, General Fund expenditures exceeded revenue by $400,801. The City pays most of our annual dues (DRCOG, CML, Arapahoe County dispatch agreement, etc.), as well as a quarter of our annual worker’s compensation and property casualty insurance in January. This makes January heavy on expenditures and light on revenue as the majority of the revenue the City receives in January (i.e. sales tax, highway users transportation fees, motor vehicle use tax, etc.) is considered 2018 revenue.

Staff will continue to do a monthly break out of actual revenue and expenditures plus forecasted revenue and expenditures to the end of the year once the audit has been completed. The 2018 Audited Financial Statements will be presented to Council in late March or early April.

Staff is also working on the 2019 GFOA budget award document and will present Council with a copy prior to our submittal.

ATTACHEMENTS:
Exhibit A:   Unaudited January 2019 Revenue and Expenditure Financial Reports
### GENERAL FUND

#### TAX REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Actual</th>
<th>YTD Actual</th>
<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-310-3111 CURRENT PROPERTY TAXES</td>
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<td>000.00</td>
<td>2,400,405.00</td>
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<td>250,000.00</td>
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<td>01-310-3161 UTILITY FRANCHISE FEE</td>
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<tr>
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<tr>
<td>01-310-3312 USE TAX/MOTOR VEHICLES</td>
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<td>939,599.24</td>
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<tr>
<td><strong>TOTAL TAX REVENUES</strong></td>
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<td>135,835.46</td>
<td>5,286,005.00</td>
<td>5,152,769.54</td>
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#### LICENSE AND PERMIT REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Actual</th>
<th>YTD Actual</th>
<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
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</thead>
<tbody>
<tr>
<td>01-320-3211 LIQUOR LICENSES</td>
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<td>000.00</td>
<td>6,200.00</td>
<td>6,200.00</td>
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<tr>
<td>01-320-3213 SECURITY ALARM PERMITS</td>
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<td>30,000.00</td>
<td>(1,550.00)</td>
<td>105.2</td>
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<td>01-320-3221 BUILDING PERMITS</td>
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<td>16,697.62</td>
<td>650,000.00</td>
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<td>01-320-3222 SERVICE EXPANSION FEES</td>
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<td>100,000.00</td>
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<td>1,000.00</td>
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<td>4,000.00</td>
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<td>01-320-3225 PLAN REVIEW FEE</td>
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<td>970.00</td>
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<td>01-320-3228 STREET CUT PERMITS</td>
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<td>47,200.00</td>
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<td>01-320-3229 STORMWATER CONSTRUCTION PERMIT</td>
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<tr>
<td>01-320-3230 ENGINEERING PLAN REVIEW</td>
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<tr>
<td><strong>TOTAL LICENSE AND PERMIT REVENUES</strong></td>
<td>59,548.02</td>
<td>59,548.02</td>
<td>961,200.00</td>
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#### INTERGOVERNMENTAL REVENUES

<table>
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<tr>
<th>Description</th>
<th>Period Actual</th>
<th>YTD Actual</th>
<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-330-3321 MOTOR VEH REGISTRATION</td>
<td>000.00</td>
<td>000.00</td>
<td>25,000.00</td>
<td>25,000.00</td>
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<tr>
<td>01-330-3342 CIGARETTE TAX</td>
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<td>259.65</td>
<td>3,000.00</td>
<td>2,740.35</td>
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<td>14,825.61</td>
<td>14,825.61</td>
<td>236,686.00</td>
<td>221,859.39</td>
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<tr>
<td>01-330-3371 CNTY RD/BRIDGE LEVY</td>
<td>000.00</td>
<td>000.00</td>
<td>96,716.30</td>
<td>96,716.00</td>
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<td>15,085.26</td>
<td>15,085.26</td>
<td>361,401.00</td>
<td>346,315.74</td>
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#### CHARGES FOR SERVICES REVENUES

<table>
<thead>
<tr>
<th>Description</th>
<th>Period Actual</th>
<th>YTD Actual</th>
<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
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<td>01-350-3420 EXTRA DUTY SERVICE CHARGES</td>
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<td>55,000.00</td>
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<td>01-350-3421 FALSE ALARM FEES</td>
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<td>01-350-3511 MUNICIPAL COURT FINES</td>
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<td>20,270.20</td>
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<td>7,500.00</td>
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<td>1,130.00</td>
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<td><strong>TOTAL CHARGES FOR SERVICES REVENUES</strong></td>
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<td>21,500.20</td>
<td>346,500.00</td>
<td>324,995.80</td>
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CITY OF CHERRY HILLS VILLAGE

REVENUES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

GENERAL FUND

<table>
<thead>
<tr>
<th>MISCELLANEOUS REVENUES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEARNED</th>
<th>PCNT</th>
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</thead>
<tbody>
<tr>
<td>01-360-3611 INTEREST INCOME</td>
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<td>16,580.60</td>
<td>110,000.00</td>
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<td>1,500.00</td>
<td>1,500.00</td>
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<td>01-360-3650 CRIER CONTRIBUTIONS</td>
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CITY OF CHERRY HILLS VILLAGE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

GENERAL FUND

<table>
<thead>
<tr>
<th>ADMINISTRATION DEPARTMENT</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEXPENDED</th>
<th>PCNT</th>
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<tr>
<td>01-411-1011 PERSONNEL SERVICES</td>
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<td>28,828.22</td>
<td>364,272.00</td>
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<td>01-411-1012 FEE PERSONNEL</td>
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<td>17,000.00</td>
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<td>01-411-1016 HEALTH-LIFE-DENTAL INSURANCE</td>
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<td>20,682.00</td>
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### CITY OF CHERRY HILLS VILLAGE
### EXPENDITURES WITH COMPARISON TO BUDGET
### FOR THE 1 MONTHS ENDING JANUARY 31, 2019

#### GENERAL FUND

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## CITY OF CHERRY HILLS VILLAGE
### EXPENDITURES WITH COMPARISON TO BUDGET
#### FOR THE 1 MONTHS ENDING JANUARY 31, 2019

### GENERAL FUND

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**TOTAL PUBLIC SAFETY DEPARTMENT** | 350,703.49 | 350,703.49 | 3,141,157.00 | 2,790,453.51 | 11.2 |
# CITY OF CHERRY HILLS VILLAGE

**EXPENDITURES WITH COMPARISON TO BUDGET**

**FOR THE 1 MONTHS ENDING JANUARY 31, 2019**

## GENERAL FUND

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<td>46,037.82</td>
<td>46,037.82</td>
<td>548,600.00</td>
<td>561,871.18</td>
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<tr>
<td>01-431-1013 SOCIAL SECURITY TAXES</td>
<td>3,702.52</td>
<td>3,702.52</td>
<td>41,964.00</td>
<td>38,281.48</td>
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<td>01-431-1014 RETIREMENT 401-NONSWORN</td>
<td>720.16</td>
<td>720.16</td>
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<td>371.38</td>
<td>371.38</td>
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<td>(371.38)</td>
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<tr>
<td>01-431-1016 HEALTH-LIFE-DENTAL INSURANCE</td>
<td>7,029.60</td>
<td>7,029.60</td>
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<td>(7,029.60)</td>
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<td>01-431-1018 UNIFORM EXPENSE</td>
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<td>6,000.00</td>
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<td>01-431-3032 WATER</td>
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<td>63.44</td>
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<td>9,662.27</td>
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<td>01-431-4045 ENGINEERING SERVICES</td>
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<td>01-431-4049 OTHER CONTRACTUAL SERVICES</td>
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<td>83.24</td>
<td>52,450.00</td>
<td>52,366.76</td>
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<td>01-431-5051 BUILDING MAINTENANCE</td>
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<td>360.91</td>
<td>6,788.00</td>
<td>6,427.09</td>
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<td>9.00</td>
<td>15,000.00</td>
<td>14,991.00</td>
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<td>01-431-5054 GASOLINE-OIL</td>
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<td>33,000.00</td>
<td>30,000.00</td>
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<td>01-431-6063 TRNG-DUES-TRAVEL-SUBSC</td>
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<td>3,500.00</td>
<td>8,856.00</td>
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<td>01-431-6064 TESTING PHYSICALS</td>
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<td>2,500.00</td>
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<td>01-431-6068 MISCELLANEOUS EXPENSES</td>
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<td>702.35</td>
<td>13,000.00</td>
<td>9,297.65</td>
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<td>01-431-7071 EQUIPMENT</td>
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<td>1,101.95</td>
<td>27,900.00</td>
<td>25,798.05</td>
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<tr>
<td>TOTAL PUBLIC WORKS DEPARTMENT</td>
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<td>65,502.84</td>
<td>997,011.00</td>
<td>931,508.16</td>
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<tr>
<td>TOTAL FUND EXPENDITURES</td>
<td>557,303.18</td>
<td>557,303.18</td>
<td>6,755,022.00</td>
<td>6,198,458.82</td>
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<tr>
<td>NET REVENUE OVER EXPENDITURES</td>
<td>(305,991.74)</td>
<td>(306,991.74)</td>
<td>404,844.00</td>
<td>711,855.74</td>
<td>75.8</td>
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</table>
CITY OF CHERRY HILLS VILLAGE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

CAPITAL FUND

<table>
<thead>
<tr>
<th>MISCELLANEOUS REVENUES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEARNED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>02-360-361 INTEREST INCOME</td>
<td>3,052.76</td>
<td>3,052.76</td>
<td>12,000.00</td>
<td>8,947.22</td>
<td>25.4</td>
</tr>
<tr>
<td>TOTAL MISCELLANEOUS REVENUES</td>
<td>3,052.76</td>
<td>3,052.76</td>
<td>12,000.00</td>
<td>8,947.22</td>
<td>25.4</td>
</tr>
<tr>
<td>TOTAL FUND REVENUE</td>
<td>3,052.76</td>
<td>3,052.76</td>
<td>12,000.00</td>
<td>8,947.22</td>
<td>25.4</td>
</tr>
</tbody>
</table>
### CITY OF CHERRY HILLS VILLAGE

**EXPENDITURES WITH COMPARISON TO BUDGET**

**FOR THE 1 MONTHS ENDING JANUARY 31, 2019**

#### CAPITAL FUND

<table>
<thead>
<tr>
<th>CAPITAL FUND EXPENDITURES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEXPENDED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>02-441-2103 POLICE EQUIPMENT</td>
<td>30,515.94</td>
<td>30,515.94</td>
<td>288,317.00</td>
<td>177,801.66</td>
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<tr>
<td>02-441-2104 POLICE VEHICLES</td>
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<td>74,450.00</td>
<td>74,450.00</td>
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<td>02-441-3101 STREET IMPROVEMENT PROGRAM</td>
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<td>.00</td>
<td>285,000.00</td>
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<tr>
<td>02-441-3102 PUBLIC WORKS EQUIPMENT</td>
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<td>151,500.00</td>
<td>151,500.00</td>
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<tr>
<td>02-441-3103 PARKS EQUIPMENT</td>
<td>5,436.50</td>
<td>5,436.50</td>
<td>19,000.00</td>
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<tr>
<td>02-441-3104 STORM SEWERS</td>
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<td>10,000.00</td>
<td>10,000.00</td>
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<td>02-441-3109 TRAFFIC CALMING</td>
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<td>75,000.00</td>
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<tr>
<td>02-441-3111 CURB AND GUTTER</td>
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<td>.00</td>
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<td>63,000.00</td>
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<td>02-441-3112 RIGHTS-OF-WAY IMPROVEMENTS</td>
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<td>.00</td>
<td>100,000.00</td>
<td>100,000.00</td>
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</tr>
<tr>
<td><strong>TOTAL CAPITAL FUND EXPENDITURES</strong></td>
<td><strong>35,952.44</strong></td>
<td><strong>35,952.44</strong></td>
<td><strong>983,267.00</strong></td>
<td><strong>947,314.56</strong></td>
<td><strong>3.7</strong></td>
</tr>
</tbody>
</table>

| **TOTAL ALL FUND EXPENDITURES** | **35,952.44** | **35,952.44** | **983,267.00** | **947,314.56** | **3.7** |

| **NET REVENUE OVER EXPENDITURES** | ( 32,899.86) | ( 32,899.86) | ( 971,267.00) | ( 938,367.34) | ( 3.4) |
## City of Cherry Hills Village
### Revenues with Comparison to Budget
**For the 1 Months Ending January 31, 2019**

#### COP Project Fund

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Period Actual</th>
<th>YTD Actual</th>
<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-360-3611 Interest Earnings</td>
<td>17,915.32</td>
<td>17,915.32</td>
<td>(75,000.00)</td>
<td>(92,915.32)</td>
<td>23.9</td>
</tr>
<tr>
<td><strong>Total Revenue</strong></td>
<td>17,915.32</td>
<td>17,915.32</td>
<td>(75,000.00)</td>
<td>(92,915.32)</td>
<td>23.9</td>
</tr>
<tr>
<td><strong>Total Fund Revenue</strong></td>
<td>17,915.32</td>
<td>17,915.32</td>
<td>(75,000.00)</td>
<td>(92,915.32)</td>
<td>23.9</td>
</tr>
</tbody>
</table>
## CITY OF CHERRY HILLS VILLAGE
### EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

### COP PROJECT FUND

<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEXPENDED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>03-450-1101 PUBLIC WORKS FACILITY EXPENSES</td>
<td>0.00</td>
<td>0.00</td>
<td>30,000.00</td>
<td>30,000.00</td>
<td>0.0</td>
</tr>
<tr>
<td>03-450-1102 CITY CENTER PROJECT EXPENSES</td>
<td>-662,208.87</td>
<td>662,208.87</td>
<td>1,625,008.00</td>
<td>962,799.13</td>
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<td>03-450-1103 JOHN MEADE PARK PROJECT EXPS</td>
<td>0.00</td>
<td>0.00</td>
<td>2,373,675.00</td>
<td>2,373,675.00</td>
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<tr>
<td>03-450-6068 OTHER EXPENDITURES</td>
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<td>25,000.00</td>
<td>24,071.64</td>
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<tr>
<td><strong>TOTAL EXPENDITURES</strong></td>
<td><strong>663,137.23</strong></td>
<td><strong>663,137.23</strong></td>
<td><strong>4,053,683.00</strong></td>
<td><strong>3,390,545.77</strong></td>
<td><strong>16.4</strong></td>
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<tr>
<td><strong>TOTAL FUND EXPENDITURES</strong></td>
<td><strong>663,137.23</strong></td>
<td><strong>663,137.23</strong></td>
<td><strong>4,053,683.00</strong></td>
<td><strong>3,390,545.77</strong></td>
<td><strong>16.4</strong></td>
</tr>
<tr>
<td><strong>NET REVENUE OVER EXPENDITURES</strong></td>
<td>(645,221.91)</td>
<td>(645,221.31)</td>
<td>(4,122,053.00)</td>
<td>(3,483,461.09)</td>
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CITY OF CHERRY HILLS VILLAGE  
REVENUES WITH COMPARISON TO BUDGET  
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

CONSERVATION TRUST FUND

<table>
<thead>
<tr>
<th>INTERGOVERNMENTAL REVENUES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEARNED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>07-330-3358 COLORADO LOTTERY</td>
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<td>.00</td>
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<td>60,000.00</td>
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<td>TOTAL INTERGOVERNMENTAL REVENUES</td>
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<td>.00</td>
<td>60,000.00</td>
<td>60,000.00</td>
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</table>

<table>
<thead>
<tr>
<th>MISCELLANEOUS REVENUES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEARNED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>07-360-3611 INTEREST ON INVESTMENTS</td>
<td>383.91</td>
<td>383.91</td>
<td>1,700.00</td>
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<tr>
<td>TOTAL MISCELLANEOUS REVENUES</td>
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<td>383.91</td>
<td>1,700.00</td>
<td>1,316.09</td>
<td>22.6</td>
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</table>

<table>
<thead>
<tr>
<th>TOTAL FUND REVENUE</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEARNED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>383.91</td>
<td>383.91</td>
<td>61,700.00</td>
<td>61,316.00</td>
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</table>
CITY OF CHERRY HILLS VILLAGE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

CONSERVATION TRUST FUND

<table>
<thead>
<tr>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEXPENDED</th>
<th>PCNT</th>
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<tbody>
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<td>372,500.00</td>
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<td>402,500.00</td>
<td>304,500.00</td>
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<tr>
<td>TOTAL CONSERVATION TRUST EXPENDITURE</td>
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<td>98,000.00</td>
<td>402,500.00</td>
<td>304,500.00</td>
</tr>
<tr>
<td>TOTAL FUND EXPENDITURES</td>
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<td>98,000.00</td>
<td>402,500.00</td>
<td>304,500.00</td>
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<tr>
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<tr>
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<td>PERIOD ACTUAL</td>
<td>YTD ACTUAL</td>
<td>BUDGET</td>
<td>UNEARNED</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>---------------</td>
<td>------------</td>
<td>--------</td>
<td>----------</td>
</tr>
<tr>
<td><strong>LICENSE AND PERMIT REVENUES</strong></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>08-320-3221 RECREATION REIMBURSEMENT DONAT</td>
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<td>.00</td>
<td>1,000.00</td>
<td>1,000.00</td>
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<tr>
<td><strong>TOTAL LICENSE AND PERMIT REVENUES</strong></td>
<td>.00</td>
<td>.00</td>
<td>1,000.00</td>
<td>1,000.00</td>
</tr>
<tr>
<td><strong>MISCELLANEOUS REVENUES</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>08-360-3611 INTEREST-INVESTMENTS</td>
<td>1,863.05</td>
<td>1,863.05</td>
<td>8,500.00</td>
<td>6,636.95</td>
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<tr>
<td>08-360-3680 MISCELLANEOUS REVENUES</td>
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<td>438.75</td>
<td>4,000.00</td>
<td>3,561.25</td>
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<tr>
<td>08-360-3682 GRANT REVENUE</td>
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<td>187,800.00</td>
<td>187,800.00</td>
</tr>
<tr>
<td>08-360-3684 CHLP JOHN MEADE PARK DONATION</td>
<td>10,000.00</td>
<td>10,000.00</td>
<td>.00</td>
<td>(10,000.00)</td>
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<tr>
<td><strong>TOTAL MISCELLANEOUS REVENUES</strong></td>
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<td>12,301.80</td>
<td>203,300.00</td>
<td>187,998.20</td>
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<tr>
<td><strong>TOTAL FUND REVENUES</strong></td>
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<td>12,301.80</td>
<td>203,300.00</td>
<td>188,998.20</td>
</tr>
</tbody>
</table>
# CITY OF CHERRY HILLS VILLAGE

## EXPENDITURES WITH COMPARISON TO BUDGET

FOR THE 1 MONTHS ENDING JANUARY 31, 2019

### CH ANDERSON LAND DONATION FUND

<table>
<thead>
<tr>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEXPENDED</th>
<th>PCNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-450-3031 UTILITIES</td>
<td>141.42</td>
<td>141.42</td>
<td>10,800.00</td>
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<td>12,227.78</td>
<td>(176,755.00)</td>
<td>(191,022.78)</td>
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CITY OF CHERRY HILLS VILLAGE
REVENUES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

SID # 7 BOND FUND

<table>
<thead>
<tr>
<th>MISCELLANEOUS REVENUES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEARNED</th>
<th>PCNT</th>
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<tbody>
<tr>
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<td><strong>37.40</strong></td>
<td><strong>67,346.00</strong></td>
<td><strong>67,308.60</strong></td>
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<td><strong>TOTAL FUND REVENUE</strong></td>
<td><strong>37.40</strong></td>
<td><strong>37.40</strong></td>
<td><strong>67,346.00</strong></td>
<td><strong>67,308.60</strong></td>
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CITY OF CHERRY HILLS VILLAGE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

SID # 7 BOND FUND

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<tr>
<th>SID # 7 BOND FUND EXPENDITURES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
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<td>UNEXPENDED</td>
<td>PCNT</td>
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<td>(37,070.33)</td>
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## Water and Sewer Fund

### License and Permit Revenues

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<th>YTD Actual</th>
<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
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<tr>
<td>20-320-3220</td>
<td>Sewer Tap Fees</td>
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<td>W/S Repair &amp; Replacement Fees</td>
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**Total License and Permit Revenues:** 83,420.00 83,420.00 76,960.00 (6,460.00) 108.4

### Miscellaneous Revenues

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<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Period Actual</th>
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<th>Budget</th>
<th>Unearned</th>
<th>PCNT</th>
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<td>20-360-3611</td>
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<td>1,682.17</td>
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**Total Miscellaneous Revenues:** 1,682.17 1,682.17 8,000.00 6,317.83 21.0

**Total Fund Revenue:** 85,102.17 85,102.17 84,960.00 (142.17) 100.2
CITY OF CHERRY HILLS VILLAGE
EXPENDITURES WITH COMPARISON TO BUDGET
FOR THE 1 MONTHS ENDING JANUARY 31, 2019

WATER AND SEWER FUND

<table>
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<tr>
<th>WATER &amp; SEWER EXPENDITURES</th>
<th>PERIOD ACTUAL</th>
<th>YTD ACTUAL</th>
<th>BUDGET</th>
<th>UNEXPENDED</th>
<th>PCNT</th>
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<td><strong>34.95</strong></td>
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<td><strong>TOTAL FUND EXPENDITURES</strong></td>
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<td><strong>34.95</strong></td>
<td><strong>547,112.00</strong></td>
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<td><strong>NET REVENUE OVER EXPENDITURES</strong></td>
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<td><strong>85,067.22</strong></td>
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<td><strong>(547,219.22)</strong></td>
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## Parks and Recreation Fund

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<td>PERIOD ACTUAL</td>
<td>YTD ACTUAL</td>
<td>BUDGET</td>
<td>UNEXPENDED</td>
<td>PCNT</td>
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**TOTAL PARKS & RECREATION EXPENDITURE**: 93,418.02

**TOTAL FUND EXPENDITURES**: 93,418.02

**NET REVENUE OVER EXPENDITURES**: (93,107.20)