City Council Agenda
Tuesday, May 7, 2019

6:00 p.m. – Study Session
1. Representative Froelich
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 City Boards, Commissions and Committees

7. Consent Agenda
   a. Approval of Minutes – April 16, 2019
   b. Resolution 16, Series 2019; Reappointing a Member to the Board of Adjustment and Appeals
   c. Resolution 17, Series 2019; Reappointing Members and Appointing a New Member to the Parks, Trails and Recreation Commission
   d. Resolution 18, Series 2019; Reappointing a Member to the Cherry Hills Village Art Commission
   e. Resolution 19, Series 2019; Reappointing Members to the Quincy Farm Committee
   f. Metro Denver Homeless Initiative Donation

8. Items Removed From Consent Agenda

9. Unfinished Business
   a. Public Hearing – Request from Kent Denver for an Amendment to the 2018 Development Agreement to Eliminate from Exhibit D “Traffic Improvements” Conditions B, C, and D and also Eliminate Exhibit F

10. New Business

***Agenda Continues on Second Page***
11. Reports
   a. Mayor
   b. Members of City Council
   c. City Manager and Staff
      (i) Unaudited Financial Statements
   d. City Attorney

12. Adjournment
Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 16, 2019 at 6:30 p.m.
At the Village Center

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

ROLL CALL

Mayor Russell Stewart, Councilors Randy Weil, Afshin Safavi, 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, Community Development Director Rachel Granrath, Finance Director Jessica Sager, City Clerk Laura Gillespie, and Deputy City Clerk Terri Littleford.

Absent: none

PLEDGE OF ALLEGIANCE

The City Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

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

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

Laura Christman, 18 Cherry Lane Drive, provided an update on the FAA Denver Metroplex issue. She said the FAA will be coming out with their draft Environmental Statement (ESA) on April 22. She stated that the public hearing would start approximately 5 days after that, with the final public hearing 3 weeks later. She said the purpose of the hearings are to gather public comments on the ESA draft. She expressed concern that there is little time to review and understand the draft, but encouraged people to attend the first public hearing in Arapahoe County on May 2. She stated that the air traffic flying over the city would be concentrated, direct commercial flight paths into DIA at a rate of one plane per minute. Christman explained that every community where a flight path like this has been instituted has experienced extreme noise and air pollution. She said there have been cases where the pollution is taking the finish off cars. She stated the scientific report the FAA is using has shown the deaths from Ischemic heart disease and many other lung related diseases will increase 12-fold by the year 2050 as a result of aircraft emissions. She said that the FAA most likely will approve the plan and stressed the importance of community involvement.
Councilor Blum thanked Christman for her report and stated that the commissioners of the Centennial Airport Community Noise Roundtable had thanked Christman and Councilor Brown for their work on this issue at their last meeting.

Christman said she would forward the Council a letter that she wrote. Additionally, she stated she is coordinating with cities of Boulder, Centennial, Littleton, Englewood, Lone Tree, Columbine Valley, Parker and Sheridan. She said the City of Denver was the only city that is not board with regards to this issue. This is a major effort and the only organization this was helping out is Centennial Airport because this change will have a serious negative impact on general aviation safety.

Councilor Gallagher asked what the purpose of the workshops are that are being held on May 2 and May 8.

Christman said the purpose was for the FAA to take public comment on the ESA. She was hoping that the ESA would determine that there would be no significant impact. This determination would be based on an algorithm. She said if that was the case, public comment would be difficult. New Legislation requires the FAA to study the impact of noise and air pollution, and the committee would be looking for their compliance. One question that can be asked if the decision is based on an algorithm is on what legal basis the FAA is choosing to disregard recent laws. She said the ESA will provide flight paths and altitudes, and whether altitude is based on sea level, or above ground level.

Councilor Blum asked if the ESA included studies on historical sights and wildlife.

Christman stated that no wildlife studies will be done, however, she said under existing law they are required to show that they have considered where historical sites, schools and hospitals are, of which there are many in Arapahoe County. She did not know how these studies fit into the algorithm, but a true ESA will determine this.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Councilor Brown moved, seconded by Councilor Gallagher to approve Item 7b on the Consent Agenda:

b. Contract for Services with Vance Brothers, Inc. for the 2019 Street Improvement Chip Seal Project

The motion passed unanimously.
ITEMS REMOVED FROM CONSENT AGENDA

Mayor Stewart removed item 7a from the consent agenda.

Mayor Stewart clarified comments in the draft Minutes of the April 2, 2019 Council Meeting related to the High Line Canal. He explained there were engineering issues that involved determining where the water would be directed during a 100-150 year flood event, not 100-150 years. In addition, he said John Putnam was an attorney for the City of Phoenix, not Denver International Airport. He stated community advocacy groups did not support Referendum 300, not community members.

Councilor Brown moved, seconded by Councilor Sheldon to approve Item 7a on the Consent Agenda:

a. Approval of Minutes – April 2, 2019

The motion passed unanimously.

UNFINISHED BUSINESS

Continue the Public Hearing – Request from Kent Denver for an Amendment to the 2018 Development Agreement to Eliminate from Exhibit D “Traffic Improvements” Conditions B, C, and D and also Eliminate Exhibit F from April 16 to May 7th.

Councilor Gallagher moved, seconded by Councilor Blum to open and continue the public hearing to May 7, 2019 on the request of Kent Denver School’s for an amendment to the 2018 Development Agreement to eliminate from exhibit D conditions B, C and D and remove Exhibit F.

The motion passed unanimously.

NEW BUSINESS

Public Hearing – Resolution 15, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village to Rename the Existing Subdivision of “Swastika Acres” to “Old Cherry Hills”

Director Granrath presented Resolution 15 and provided background information to the Council. She stated in August 2017, City Council adopted Council Bill 7, Series 2017 to add a new division to Chapter 16, the subdivision code which established a process for renaming a subdivision plat. She advised the subdivision Swastika Acres #1 and #2 were platted in 1908 by the Denver Swastika Land Company. Many of the areas were consolidated, redeveloped or re-platted which resulted in the remaining 56 lots before Council today. She said some of the new subdivisions that exist include Cherry Hills Acres, Viking Acres, Chenango, Harper Subdivision, Cherrymoor and Layton Minor Lot.
Adjustment. She stated that the Denver Swastika Land Company named the subdivision in a pre-Nazi era when the word swastika meant good luck and prosperity; a very different connotation than that of Nazi Occupied Germany. She said an application had been received with 30 of the required 29 signatures of petitioners, to rename the neighborhood to Old Cherry Hills. She stated the new name is fitting as it is one of the oldest neighborhoods in Cherry Hills Village. She confirmed that notice was published in The Villager on March 28, and notice was posted in three different locations within the community in question at least 15 days prior. She said that there was only one letter written in opposition to the name change.

Mayor Stewart opened up the Public Hearing portion of the meeting at 6:47 p.m.

Michael Brady O'Donnell, 1199 East Layton Avenue, applicant and resident of Swastika Acres Subdivision, said he appreciates the support of the Council, the City and residents who have supported the name change.

Councilor Blum thanked O'Donnell for his efforts.

Laura Christman stated that she is not concerned that there is any opposition to the proposed name change and asked council for their support. She thanked Councilor Sheldon and Mr. O'Donnell for their efforts. She stated that although the symbol of racism and antisemitism would be removed from the City, these are two matters that are increasing in the country and it is important to remain vigilant in the fight against them.

Mayor Stewart Closed the Public Hearing portion of the meeting at 6:49 p.m.

Councilor Sheldon moved, seconded by Councilor Blum to approve Resolution 15, Series 2019; a Resolution of the City Council of the City of Cherry Hills Village to rename the subdivision of Swastika Acres to Old Cherry Hills based on the findings in the April 16, 2019 staff report, public hearing and associated attachments.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Stewart said he met with Commissioners Nancy Sharpe and Kathleen Conti on April 3. He explained that the Arapahoe County jail is over capacity and there are plans to enlarge it and renovate court house. He advised the Commissioners invited the Council to tour the jail and the courthouse and review the plans. He stated they also discussed the Eighteenth Judicial District, which includes Arapahoe, Douglas and Elbert Counties, and their plans to split. He said it is a very large district and the cost of the division needed to be discussed. He noted that it had been 30-40 years since a new district has been created. Mayor Stewart stated the Red Flag Law, which goes into effect in January 2020, was also discussed. He confirmed the Arapahoe County
Sherriff would be responsible for creating guidelines to assist with enforcing the law. He said design standards for 5G wireless were discussed in regards to the size, standards and placement of new transmission facilities. Stewart stated that he met with Mike Hughes, Facilitator for the High Line Canal Working Group, to discuss management of the canal and establishing a working group that will work together and manage engineering issues and recreational uses moving forward. In addition, the role of Urban Drainage, Denver Water, the Highline Canal Conservancy and the seven jurisdictions would be discussed. He said engineering issues would be better dealt with on a uniform basis by Urban Drainage and that recreational and zoning issues would be handled at the county level. On April 22nd there would be a meeting with Albert Leek, consultant for Denver Water and Urban Drainage, about the transition of the High Line Canal from a water delivery system to a stormwater facility. He noted that City Manager Thorsen would attend and he invited Councilor Sheldon, Deputy City Manager and Public Works Director Goldie and Director Granrath to attend. He stressed the importance of this meeting as engineering issues would be discussed. Mayor Stewart stated that John Jackson, City Manager of Greenwood Village, shared their Denver Water Intergovernmental Agreement (IGA) with him. He stated Greenwood Village’s IGA was a pilot program that moved to a demonstration project and laid out the responsibilities of Denver Water and Greenwood Village and is a model of what the City could use. Mayor Stewart advised that the cost of lights on Belleview Avenue would be shared between Greenwood Village and Cherry Hills Village and Greenwood Village wanted to use them for 5G cell service. He noted it would decrease the number of poles required. He added that there would need to be a discussion with CDOT about how this would work. He said there is a webinar on 5G standards on April 17 provided by the Colorado Municipal League (CML). In addition, Mayor Stewart mentioned that the City of Greenwood Village approved restrooms along on the High Line Canal and at Holly and Orchard. He said the cost was twice the original estimate because Denver Water is charging Greenwood Village a commercial rate for the water. Mayor Stewart advised he met with Cherry Hills East HOA on April 9th and approximately 30-35 residents were present to discuss public safety. He said during the meeting, the residents were encouraged to sign up for alerts, and informed of the efforts the Police Department have made. In addition, snowplowing and traffic were discussed. Mayor Stewart noted that CML has openings on their Executive Board for small communities and that he would apply. He stated on Saturday, May 11 the Colorado Mental Health Association would provide training at the Joint Public Safety Building and the training would include information about dealing with and responding to friends, relatives and neighbors with mental issues. He thanked the City Staff for the 2019 Annual Budget Document and also thanked members of staff for the Grand Opening event held before the meeting.

Councilor Blum said he was asked by members of the Greenwood Athletic Club if the City was going to take a position on the controversial painting as the City supplements the dues in the form of recreation reimbursements.

Mayor Stewart stated he believed it was a Greenwood Village and Greenwood Athletic Club issue.
Councilor Blum agreed it was a Greenwood Athletic Club issue and that the City does not need to take a position on the matter.

Councilor Gallagher agreed.

Members of City Council

Councilor Brown said Commissioner Kathleen Conti from Arapahoe County said they would participate in the Centennial Airport Community Noise Roundtable Memorandum.

Councilor Safavi stated that the Kent Denver Middle School opening was impressive.

City Manager & Staff

City Manager Thorsen thanked Mayor Stewart, sitting and previous councils, and staff for their support in the construction of the new building. He stated the new building reflected the professionalism of the staff, and equaled what the City would expect. He advised that bids for the John Meade Park redesign were out and the bid opening would be in mid-May. He stated concrete work would begin throughout the City streets and asked the Council and staff to be careful and respectful to those working on the streets.

City Attorney

City Attorney Guckenberger had no report.

ADJOURNMENT

The meeting adjourned at 7:04 p.m.
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL

FROM: EMILY BLACK, PARKS AND RECREATION COORDINATOR

SUBJECT: RESOLUTION 16, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE REAPPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT AND APPEALS

DATE: MAY 7, 2019

ISSUE
Shall City Council approve Resolution 16, Series 2019; reappointing a member to the Board of Adjustment and Appeals (Exhibit A)?

DISCUSSION
Board of Adjustment and Appeals member John Love will end his first full term on May 21, 2019. Mr. Love has indicated his desire to serve another term and at the February 19, 2019 meeting Council directed staff to reappoint him to another term. Approval of Resolution 16, Series 2019 will result in the following terms on BOAA:

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bill Rapson</td>
<td>2020</td>
</tr>
<tr>
<td>Jennifer Allen</td>
<td>2020</td>
</tr>
<tr>
<td>Kerry Sullivan</td>
<td>2020</td>
</tr>
<tr>
<td>Steve Elken</td>
<td>2021</td>
</tr>
<tr>
<td>Randy Weil</td>
<td>2021</td>
</tr>
<tr>
<td>John Love</td>
<td>2022</td>
</tr>
</tbody>
</table>

RECOMMENDED MOTION
"I move to approve Resolution 16, Series 2019; reappointing a member to the Board of Adjustment and Appeals."

ATTACHMENTS
Exhibit A: Resolution 16, Series 2019
RESOLUTION NO. 16
SERIES 2019

INTRODUCED BY:
SECONDED BY:

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
REAPPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT AND APPEALS

WHEREAS, Section 8.2 of the City of Cherry Hills Village City Charter requires that members of the Board of Adjustment and Appeals be appointed by the Council for overlapping terms of three years. Each member shall be a taxpaying elector, and, in addition, shall have resided in the area comprising the City at the time of appointment for at least three years immediately preceding the date of appointment; and

WHEREAS, Board member John Love will be ending his first full term on May 21, 2019; and

WHEREAS, Mr. Love has expressed his desire to be reappointed to another three year term; and

WHEREAS, the City Council desires to reappoint Mr. Love to another three year term.

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 Board of Adjustment and Appeals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Love</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)

Russell O. Stewart, Mayor

ATTEST: APPROVED AS TO FORM:

Terri Littleford, Deputy City Clerk

Kathie B. Guckenberger, City Attorney
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL
FROM: EMILY BLACK, PARKS AND RECREATION COORDINATOR
SUBJECT: RESOLUTION 17, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE REAPPOINTING MEMBERS AND APPOINTING A NEW MEMBER TO THE PARKS, TRAILS AND RECREATION COMMISSION
DATE: MAY 7, 2019

ISSUE
Shall City Council approve Resolution 17, Series 2019; reappointing members and appointing a new member to the Parks, Trails and Recreation Commission (Exhibit A)?

DISCUSSION
Parks, Trails and Recreation Commissioners Robert Eber, Joshua DiCarlo and Aron Grodinsky will end their terms on May 21, 2019. Mr. Eber and Mr. Grodinsky have indicated their desire to serve another term and at the February 19, 2019 meeting Council directed staff to reappoint them to another term. Mr. DiCarlo indicated that he does not wish to serve another term. The City Code directs Council to appoint members to PTRC from each Council District if possible. District 2 is the only District unrepresented on PTRC. At the February 19, 2019 meeting Council determined that a previous applicant, Tory Leviton, lives in District 2 and directed staff to appoint Mr. Leviton to replace Mr. DiCarlo. Approval of Resolution 17, Series 2019 will result in the following terms on PTRC:

<table>
<thead>
<tr>
<th>Member Name</th>
<th>District</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fred Wolfe</td>
<td>1</td>
<td>2020</td>
</tr>
<tr>
<td>Peter Sutherland</td>
<td>3</td>
<td>2020</td>
</tr>
<tr>
<td>Kate Murphy</td>
<td>4</td>
<td>2020</td>
</tr>
<tr>
<td>Stephanie Dahl</td>
<td>5</td>
<td>2021</td>
</tr>
<tr>
<td>Robert Eber</td>
<td>6</td>
<td>2022</td>
</tr>
<tr>
<td>Aron Grodinsky</td>
<td>1</td>
<td>2022</td>
</tr>
<tr>
<td>Tory Leviton</td>
<td>2</td>
<td>2022</td>
</tr>
</tbody>
</table>
RECOMMENDED MOTION
“T move to approve Resolution 17, Series 2019; reappointing members and appointing a new member to the Parks, Trails and Recreation Commission.”

ATTACHMENTS
Exhibit A: Resolution 17, Series 2019
A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
REAPPOINTING MEMBERS AND APPOINTING A NEW MEMBER
TO THE PARKS, TRAILS AND RECREATION COMMISSION

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, Ordinance 02-12 established the Parks, Trails and Recreation Commission; and

WHEREAS, Sections 2-8-20 and 2-8-30 of the City Municipal Code require that the Parks, Trails and Recreation Commission shall consist of seven (7) members: one (1) from each Council district; and one member appointed by the City Council on an at-large basis; provided, however that if the Council is not reasonably able to appoint one member from each Council district the Council may appoint one or more members of the commission on an at-large basis. On the date of appointment, each district member shall be a registered elector of the City for at least three (3) years immediately preceding the date of appointment. Each district member shall be a resident of the district on the date of appointment and throughout his or her term of office; and

WHEREAS, Commission members Robert Eber, Joshua DiCarlo and Aron Grodinsky will be ending their terms on May 21, 2019; and

WHEREAS, Mr. Eber and Mr. Grodinsky have indicated their desire to serve for another term; and

WHEREAS, the City Council desires to reappoint Mr. Eber and Mr. Grodinsky to another term; and

WHEREAS, Mr. DiCarlo has indicated that he does not desire to serve for another term; and

WHEREAS, after the end of Mr. DiCarlo's term, District 2 will be the only unrepresented District on the Commission; and

WHEREAS, City Council reviewed past applications for the Commission; and

WHEREAS, City Council directed staff to appoint Tory Leviton (District 2) to replace Mr. DiCarlo on the Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE THAT:
The City Council hereby makes the following appointments to the City of Cherry Hills Village Parks, Trails and Recreation Commission:

<table>
<thead>
<tr>
<th>Name</th>
<th>District</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Eber</td>
<td>District 6</td>
<td>3rd Tuesday in May 2022</td>
</tr>
<tr>
<td>Aron Grodinsky</td>
<td>District 1</td>
<td>3rd Tuesday in May 2022</td>
</tr>
<tr>
<td>Tory Leviton</td>
<td>District 2</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)

Russell O. Stewart, Mayor

ATTEST:

Kathie B. Guckenger, City Attorney
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL
FROM: EMILY BLACK, PARKS AND RECREATION COORDINATOR
SUBJECT: RESOLUTION 18, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE REAPPOINTING A MEMBER TO THE CHERRY HILLS VILLAGE ART COMMISSION
DATE: MAY 7, 2019

ISSUE
Shall City Council approve Resolution 18, Series 2019; reappointing a member to the Cherry Hills Village Art Commission (Exhibit A)?

DISCUSSION
Cherry Hills Village Art Commissioner Pamela Hall will end her first partial term on May 21, 2019. Ms. Hall has indicated her desire to serve a full three year term and at the February 19, 2019 meeting Council directed staff to reappoint her to another term. Approval of Resolution 18, Series 2019 will result in the following terms on CHVAC:

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ann Polumbus</td>
<td>2020</td>
</tr>
<tr>
<td>David Schmidt</td>
<td>2020</td>
</tr>
<tr>
<td>Gay Warren</td>
<td>2020</td>
</tr>
<tr>
<td>Alison Lynch</td>
<td>2020</td>
</tr>
<tr>
<td>Kathie Finger</td>
<td>2020</td>
</tr>
<tr>
<td>Elaine Asarch</td>
<td>2021</td>
</tr>
<tr>
<td>Pamela Hall</td>
<td>2022</td>
</tr>
</tbody>
</table>

RECOMMENDED MOTION
“I move to approve Resolution 18, Series 2019; reappointing a member to the Cherry Hills Village Art Commission.”

ATTACHMENTS
Exhibit A: Resolution 18, Series 2019
RESOLUTION NO. 18
SERIES 2019
INTRODUCED BY:
SECONDED BY:

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
REAPPOINTING A MEMBER TO THE CHERRY HILLS VILLAGE ART COMMISSION

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 Cherry Hills Village Art Commission was established by Resolution 6, Series 2011 and expanded by Resolution 10, Series 2017; and

WHEREAS, Commissioner Pamela Hall will be ending her first partial term on the third Tuesday of May 2019; and

WHEREAS, Ms. Hall has expressed her desire to be reappointed to a first full three-year term; and

WHEREAS, the City Council desires to reappoint Ms. Hall to a three-year term on the Cherry Hills Village Art Commission.

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 Art Commission:

<table>
<thead>
<tr>
<th>Name</th>
<th>Term Expires</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pamela Hall</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)

Russell O. Stewart, Mayor

ATTEST:

APPROVED AS TO FORM:

Terri Littleford, Deputy City Clerk

Kathie B. Guckenberger, City Attorney
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL

FROM: EMILY BLACK, PARKS AND RECREATION COORDINATOR

SUBJECT: RESOLUTION 19, SERIES 2019; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE REAPPOINTING A MEMBER TO THE QUINCY FARM COMMITTEE

DATE: MAY 7, 2019

ISSUE
Shall City Council approve Resolution 19, Series 2019; reappointing a member to the Quincy Farm Committee (Exhibit A)?

DISCUSSION
Quincy Farm Committee member Klasina VanderWerf will end her first partial term on May 21, 2019. Ms. VanderWerf has indicated her desire to serve a full three year term and at the February 19, 2019 meeting Council directed staff to reappoint her to another term. Approval of Resolution 19, Series 2019 will result in the following terms on QFC:

<table>
<thead>
<tr>
<th>Member Name</th>
<th>Term End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Melinda Haymons</td>
<td>2020</td>
</tr>
<tr>
<td>Earl Hoellen</td>
<td>2020</td>
</tr>
<tr>
<td>Dale DeLeo</td>
<td>2021</td>
</tr>
<tr>
<td>Lucinda Greene</td>
<td>2021</td>
</tr>
<tr>
<td>Joel Sydlow</td>
<td>2021</td>
</tr>
<tr>
<td>Gordon Rockafellow</td>
<td>2022</td>
</tr>
<tr>
<td>Klasina VanderWerf</td>
<td>2022</td>
</tr>
</tbody>
</table>

RECOMMENDED MOTION
"I move to approve Resolution 19, Series 2019; reappointing a member to the Quincy Farm Committee."

ATTACHMENTS
Exhibit A: Resolution 19, Series 2019
RESOLUTION NO. 19
SERIES 2019

INTRODUCED BY:
SECONDED BY:

A RESOLUTION
OF THE CITY COUNCIL
OF THE CITY OF CHERRY HILLS VILLAGE
REAPPOINTING A 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; and

WHEREAS, Committee member Klasina VanderWerf's first partial term will end on May 21, 2019; and

WHEREAS, Ms. VanderWerf has expressed her desire to be reappointed to a three year term; and

WHEREAS, the City Council desires to reappoint Ms. VanderWerf to a three year term.

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>Klasina VanderWerf</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)

Russell O. Stewart, Mayor

ATTEST:

APPROVED AS TO FORM:

Terri Littleford, Deputy City Clerk

Kathie B. Guckenberger, City Attorney
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL
FROM: JESSICA SAGER, DIRECTOR OF FINANCE AND ADMINISTRATION
SUBJECT: METRO DENVER HOMELESS INITIATIVE DONATION
DATE: MAY 7, 2019

ISSUE
Should City Council donate $1,000.00 to the Metro Denver Homeless Initiative?

DISCUSSION

Background
Mayor Stewart has received a request from the Metro Mayors Caucus (MMC) to donate to the Metro Denver Homeless Initiative (MDHI). This initiative was established in 2015 in conjunction with the MMC to create a pool of funds that would be used to support households with a one-time financial assistance to move people out of homelessness and into stable housing. The City donated $1,000.00 to the initiative when it was established in 2015.

The MMC has disbursed the remaining donations that were received in January of 2019 and are seeking additional donations. The Cities of Aurora, Lone Tree, Commerce City, Englewood, Golden, Wheat Ridge, Lakewood, Littleton and Sheridan have all committed to donate to the initiative in 2019 and the fund currently stands at $62,625.

The City adopted a Donation Policy in February of 2012. It appears that this donation would meet the policy in that the MMC is a quasi-governmental agency. The MDHI coordinates with organizations such as the Metro Mayors Caucus, Arapahoe County and various other local and state governmental agencies.

BUDGET IMPACT
The donation request was not included in the 2019 budget; however, the budget does include a line item for unanticipated expenses. If Council approves the request, the funds will be paid from this line item.

RECOMMENDED MOTION
"I move to approve the donation request by the Metro Denver Homeless Initiative in the amount of $1,000.00"
ATTACHMENTS
Exhibit A: City of Cherry Hills Village Donation Policy
Donation Policy

ADMINISTRATIVE POLICY

There are many worthy charitable causes and organizations that need financial support, and Cherry Hills Village encourages all of its residents to give generously to charities of their own choosing. As a municipal entity, however, the Village is obligated to ensure that public funds are spent only for the public purposes for which they are collected. Cherry Hills Village will not ordinarily consider requests from charitable or other non-governmental organizations seeking contributions of money. Council may, however, in its discretion consider requests for non-monetary support and endorsements, including participation in joint projects and activities with the Parks, Trails, and Recreation Commission.
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL
FROM: RACHEL GRANRATH, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC HEARING – REQUEST FROM KENT DENVER FOR AN AMENDMENT TO THE 2018 DEVELOPMENT AGREEMENT TO ELIMINATE FROM EXHIBIT D “TRAFFIC IMPROVEMENTS” CONDITIONS B, C, AND D AND ALSO ELIMINATE EXHIBIT F – CONTINUED FROM APRIL 16, 2019
DATE: MAY 7, 2019

APPLICANT(S):
Kent Denver School

LOCATION:
4000 E. Quincy Avenue

REQUEST:
The applicant, Kent Denver School ("KDS" or "Applicant") is requesting an amendment to the 2018 Development Agreement for the Kent Denver Upper School building project, specifically to eliminate from Exhibit D, Conditions B, C, and D “Traffic Improvements” and removal of Exhibit F. See Exhibit B, for Application materials and see Exhibit C for the Development Agreement for the Kent Denver Upper School Building Project, recorded February 23, 2018, Reception #D8017734.

ZONING & LAND USE:
The KDS property is zoned R-1, 2 ½-Acre Residential District. Private schools are an allowed use in the R-1 zone district provided that such use may be approved, expanded or increased only in accordance with Article XX of Chapter 16 of the Municipal Code. KDS is a private institution with approximately 700 students, grades 6 through 12. The size of the campus is 187.5 acres with much of the land undeveloped. Surrounding zoning and land uses include R-1, R-2 and R-3 zoned residential properties, Blackmer Common Park (zoned O-1), and the High Line Canal.
PUBLIC NOTICE & PROCESS:
The City waived a full Expanded Use process due to the request being an amendment to aPreviously approved Development Agreement. The City Manager waived the preliminary Planning and Zoning Commission review and required a letter of intent, application, and fees to be paid per Section 16-20-50 of Municipal Code. All other requirements were waived.

Notice requirements for public hearings are outlined in Municipal Code Subsection 16-2-40(c). A minimum of 15 days prior to the hearing date, the Applicant was required to mail notice of the hearing to all adjacent property owners by certified mail with return receipt requested and post a public notice sign on the property facing East Quincy Avenue. Notice of the hearing was also published in the February 21, 2019 edition of the Villager Newspaper and was posted on the Village Center notice board and Village website. All notice requirements have been met. At the request of the Applicant, on April 16, 2019 City Council opened and continued the public hearing on this application to May 7, 2019 at 6:30 p.m. in City Council Chambers.

DISCUSSION:
In September 2017, Kent Denver submitted an Expanded Use application for a New Upper School Building of approximately 28,000 square feet which will contain classrooms, administrative spaces, faculty offices, and other building and campus support spaces. The existing upper school building was to be remodeled following the completion of the new upper school project in order to provide similar sized classrooms and administrative spaces. Kent Denver represented to the City that there is no proposed increase in student enrollment at the present time. The City evaluated the Upper School application in accordance with Article XX of Chapter 16 of the Municipal Code. Section 16-20-10 (C) outlines the review standards for all applications under this Article. The review criteria include the following:

1) 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.
2) The proposed use complies with all applicable City ordinances and is consistent with all
   other City policies and plans.
3) The bulk and scale of any proposed design is compatible with the site and the character of
   the surrounding area.
4) Drainage and transportation systems are designed to encourage the use of natural
   materials and comply with the character of the surrounding area.
5) 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.
6) 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.
7) 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.

The purpose of Article XX of Chapter 16 of the Municipal Code ("Nonprofit Institutions, Private Clubs, Public Recreational Facilities and Nonprofit Recreational Facilities") is to establish procedures, submittal requirements and review criteria which the City will use to review and consider for approval certain uses, or, as is relevant in this specific case, to review and consider
CHERRY HILLS VILLAGE
COLORADO

approval of certain expansions or increases to those uses. The procedures and submittal requirements set forth in Article XX of Chapter 16 of the Code apply equally to the original establishment of these types of land uses, and to any request to expand or increase any nonprofit institution, private club, or similar land use.

One major discussion item throughout the Expanded Use process was the potential need for traffic mitigation. It was discussed that the traffic congestion along Quincy Avenue in front of Kent Denver has been a growing concern for residents and City Council for many years. This resulted in the adoption of a Development Agreement that included traffic mitigation measures and was mutually agreed upon between the City and Kent Denver, attached as Exhibit C.

The Planning and Zoning Commission reviewed the application at the December 12, 2017 meeting and recommended to City Council that no traffic mitigation measures be imposed for the project. The meeting minutes for the Planning and Zoning Commission meeting are attached as Exhibit D.

City Council initially reviewed the KDS application on February 6, 2018 and the meeting minutes are attached as Exhibit E. Due to unresolved discussion regarding traffic mitigation, the City Council continued the meeting to February 20, 2018. The meeting minutes for the February 20, 2018 meeting are attached as Exhibit F. At the February 20, 2018 meeting, City Council approved the final form of the Development Agreement that included traffic mitigation measures outlined in Exhibit D of the Agreement.

Exhibit D of the Development Agreement contained conditions regarding the potential to install a roundabout near Quincy Avenue and Colorado Boulevard and would have required the realignment of KDS driveway to connect to the roundabout and for KDS to dedicate sufficient land for the roundabout. However, following the approval of the Development Agreement, on April 3, 2018, after much public input, City Council determined that they would not move forward with the roundabout and directed staff to halt any further design efforts.

Therefore, since the roundabout has been halted, KDS has requested the removal of conditions B, C, and D from Exhibit D of the Development Agreement. The other two conditions (A and E) are still relevant and should remain.

Conditions B, C, and D read as follows:

b. Within thirty (30) days of written request but in no event later than the City's issuance of a Certificate of Occupancy for the Upper School building, Kent Denver shall convey by bargain and sale deed to the City that portion of land necessary to construct a traffic roundabout as determined by the City at the intersection of East Quincy Avenue and Colorado Boulevard ("Roundabout") as approximately shown on attached Exhibit F. The bargain and sale deed dedication of the Roundabout right-of-way shall include language that will allow the land to revert back to Kent Denver in the event that the City does not construct the Roundabout within eight (8)-years from the Effective Date of this Development Agreement. Said reversion language to be approved by the City and Kent Denver.
c. Upon completion of construction of the Roundabout, the City Manager will provide written notice of the completion of such improvements to Kent Denver. Within sixty (60) days from receipt of City’s notice of completion, Kent Denver shall complete the Realigned Entry Road and connect to the Roundabout. The City may prohibit access to the current Entry Road connection to East Quincy Avenue on or after the 61st day following the City’s written notice to Kent Denver. The City will provide a minimum of sixty (60) days written notice to Kent Denver in advance of commencing construction of the Roundabout to allow sufficient time for Kent Denver to prepare Realigned Entry Road construction plans. Upon completion of the Realigned Entry Road by Kent Denver, Kent Denver shall be released of the obligation to provide a uniformed traffic control officer on East Quincy Avenue for one hour during morning peak traffic or during Special Events.

d. Prior to construction and connection of the Realigned Entry Road to the Roundabout, Kent Denver shall submit construction drawings prepared by a professional engineer for the Realigned Entry Road to the City for review and approval. Kent Denver shall be responsible for all costs associated with the Realigned Entry Road including design and construction of traffic control devices, curb, trail reconstruction, drainage and other associated improvements in general conformance with Exhibit F. Construction drawings will be reviewed to ensure property connection to the City’s roundabout and that the Realigned Entry Road will not adversely affect drainage or trail circulation.

KDS is continually working to improve the traffic situation. KDS provided staff with a few examples of self-imposed traffic mitigation efforts designed to help alleviate morning commuter traffic in the Village. A few mitigation efforts that are actively being worked towards include the following:

- KDS is adding another late start day to its schedule. Beginning in August of 2019, school will start at 9 a.m. on both Wednesdays and Fridays. Currently, KDS only has a late start on Wednesday. The start time will remain 8 a.m. on Mondays, Tuesday, and Thursdays. The 9 a.m. start delays the school traffic out of the main commuter traffic window and reduces wait times at the intersection of Quincy and Colorado on those days.
- KDS will add preferential parking to the new parking lot for students and faculty who ride share.
- KDS is increasing the number of bike racks and will continue to encourage its students who live close to consider biking to school.
- KDS is also seeing an increase in bus ridership and will continue to encourage families to consider this option.

PLANNING AND ZONING COMMISSION:
Planning and Zoning Commission held a public hearing on March 12, 2019 to discuss the Kent Denver Upper School request to modify the 2018 Development Agreement. The Commission engaged in extensive discussion around whether to approve, deny, or approve the application with conditions. Two motions failed before the final motion to recommend to City Council the approval of modifying the 2018 Development Agreement for the Kent Denver Upper School building project by eliminating conditions B, C, and D of Exhibit D and removing Exhibit F, subject to Kent Denver School submitting a plan to City Council that addresses traffic issues on Quincy Avenue such as school start times, ride sharing programs, bike riding incentives, and an
expanded bus program. The motion passed with four (4) in favor and one (1) against. See Exhibit G, for the Planning and Zoning Meeting minutes from March 12, 2019.

The City has received one letter in support of the amendment to the Development Agreement. Glen Warren and Tami Paumier are the property owners of 4001 East Quincy Avenue which is on the corner of Colorado Boulevard and Quincy Avenue, attached as Exhibit H.

STAFF RECOMMENDATION:
Staff has outlined options for Council.
1. Approve the amendment to the 2018 Development Agreement for the Kent Denver Upper School building project by eliminating conditions B, C, and D of Exhibit D and removing of Exhibit F.
2. Deny the requested amendment to the 2018 Development Agreement and retain the existing conditions.

RECOMMENDED MOTION OPTIONS:
1. “I move to approve the requested amendment of the 2018 Development Agreement for the Kent Denver Upper School building project by eliminating conditions B, C, and D of Exhibit D and removing of Exhibit F.”
2. “I move to deny the requested amendment to the 2018 Development Agreement and retain the existing conditions.”

ATTACHMENTS:
Exhibit A: Vicinity Map
Exhibit B: Kent Denver Application and Letter of Intent
Exhibit C: Development Agreement for the Kent Denver Upper School Building Project, recorded February 23, 2018, Reception #D8017734
Exhibit D: Planning and Zoning Commission Meeting Minutes in regards to Kent Denver Expanded Use Upper School Project, December 12, 2017
Exhibit E: City Council Meeting Minutes in regards to Kent Denver Expanded Use Upper School Project, February 6, 2018
Exhibit F: City Council Meeting Minutes in regards to Kent Denver Expanded Use Upper School Project, February 20, 2018
Exhibit G: Planning and Zoning Commission Meeting Minutes, March 12, 2019
Exhibit H: Letter from Glen Warren and Tami Paumier at 4001 E Quincy Avenue
City of Cherry Hills Village
Application for Expanded Use

Today's Date: 2/8/19

Applicant Information
Name: Kent Denver School
Phone: 303-776-7660 Fax: NA
Email: jwalker@kentdenver.org
Address: 4000 E. Buring Ave

Property Information
Owner: Kent Denver School
Phone: 303-776-7660 Fax: NA
Email: jwalker@kentdenver.org
Address: 4000 E. Buring Ave

Legal Description (Attach Separate Sheet If Necessary)

Zoning Classification Net Lot Area

Expanded Use Request
Modify Development

Owner or Authorized Agent Signature 2-7-19 Date

Created on 12/9/2009 1:04:00 PM
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Intent to Modify Development Agreement

February 6, 2019

Dear Members of the Cherry Hills Village City Council:

We are requesting that the Development Agreement concerning our new Upper School building be modified to eliminate section 2.5 of the agreement, with the removal of Exhibits D, E, and F as they refer to section 2.5.

It is our understanding that this may no longer be in the interest of Cherry Hills Village, and it is also no longer in the best interest of Kent Denver.

Thank you for your consideration,

Jerry Walker
Associate Head of School
CITY OF CHERRY HILLS VILLAGE, COLORADO
DEVELOPMENT AGREEMENT
KENT DENVER SCHOOL UPPER SCHOOL BUILDING PROJECT

THIS DEVELOPMENT AGREEMENT ("Agreement") is entered into and made between KENT DENVER SCHOOL, a Colorado nonprofit corporation, whose address is 4000 East Quincy Avenue, Cherry Hills Village, Colorado 80113, hereinafter referred to as "Kent Denver," and the CITY OF CHERRY HILLS VILLAGE, COLORADO, a home rule municipality of the State of Colorado, whose address is 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113, hereinafter referred to as the "City." Kent Denver and the City shall collectively be referred to as the "Parties."

This Agreement shall be effective following execution by Kent Denver and immediately upon the date of the authorized execution of this Agreement by the City’s Mayor or Mayor Pro Tem (such date being hereinafter referred to as "Effective Date").

RECITALS AND PRESENTATIONS:

WHEREAS, Kent Denver represents that it is the sole owner of the following described property located in the City of Cherry Hills Village, County of Arapahoe, State of Colorado:

The Kent Denver School campus commonly addressed and known as 4000 East Quincy Avenue, Cherry Hills Village, Colorado, and as more particularly described in the legal description attached as Exhibit A; such Kent Denver School campus in its entirety hereinafter generally referred to as the "Property."

WHEREAS, Kent Denver is planning the development and/or improvement of a portion of the Property including the construction of a new Upper School building of approximately 28,000 square feet, as more thoroughly described in an application for approval of an expanded use or expansion of use submitted on or about October 18, 2017, such application being authorized by Article XX, Chapter 16 of the City Code (collectively, the "Application" or "Upper School Project"); and

WHEREAS, Kent Denver’s stated purpose for the Upper School Project is to relieve overcrowding of classrooms, add office space, and provide improvements to ensure student safety; and

WHEREAS, in accordance with Section 16-16-120 of the City Code, Kent Denver has submitted to the City a traffic impact study dated December 1, 2017 and prepared by Matrix Design Group ("Traffic Study"); and

WHEREAS, the Traffic Study concludes that the increase in square footage as well as the current student enrollment contributes to peak morning and evening traffic; and

WHEREAS, the City has reviewed the Traffic Study and determined that traffic mitigation measures are required on East Quincy Avenue and at the intersection of East Quincy Avenue and Colorado Boulevard; and

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WHEREAS, pursuant to its police powers and in furtherance of the public health, safety and welfare, the City is authorized to regulate ingress and egress to Kent Denver; and

WHEREAS, the City has determined that as a condition of approval of the Application, the main access drive to Kent Denver shall be realigned to the intersection of East Quincy Avenue and Colorado Boulevard at such time the City constructs and completes a roundabout road improvement at said intersection; and

WHEREAS, Kent Denver agrees to dedicate sufficient land in fee title for road and trail purposes along their property frontage and for future roundabout road purposes at the intersection of East Quincy Avenue and Colorado Boulevard to the City as set forth herein; and

WHEREAS, Kent Denver agrees the dedication of property and realignment of its existing main driveway are reasonable conditions imposed by the City in consideration of its approval of the Application and that such requirements are necessary to protect, promote, and enhance the public welfare; and

WHEREAS, in conformance with Section 16-20-50(10) of the City Code, Kent Denver is required to enter into a development agreement with the City defining terms and conditions of the City’s approval of the Application; and

WHEREAS, Kent Denver voluntarily agrees to the conditions of approval imposed by City Council as memorialized in this Agreement; and

WHEREAS, the Parties desire to document and memorialize the terms and conditions that will govern the development and the future operation of the Property and the Upper School Project as set forth in this Agreement, said Agreement to supersede and replace all previously approved development agreements affecting the Property.

NOW, THEREFORE in consideration of the mutual promises, covenants, and agreements to the Parties, the approval by the City of Cherry Hills Village of the Application, and other good and valuable considerations, the sufficiency and adequacy of which are hereby acknowledged by the Parties, the Parties agree as follows:

1.0 DEFINITIONS.

"Application" shall mean the application for the approval of an Expanded Use submitted to the City by Kent Denver on or about October 18, 2017, including supporting plans, documents, mapping, drawings, landscape plans, and other illustrations titled “Kent Denver School Upper School Building” (“Upper School Project”).

"City Code" shall mean the Municipal Code for the City of Cherry Hills Village, as the same may be amended from time to time.

"Concurrent Events" shall mean two or more meetings, assemblies, plays, concerts, games, tournaments, lectures, sporting events, or other special events that occur on the Property on the same day with overlapping times.
“Entry Road” shall mean the main ingress and egress driveway to Kent Denver from East Quincy Avenue existing as of the Effective Date of this Agreement.

“Project Area” shall mean that portion of the Kent Denver Property subject to the Application involving the development and/or improvement of a portion of the Property for the Upper School Project.

“Realigned Entry Road” shall mean the driveway to be constructed in accordance with the terms of this Agreement that shall serve as the main ingress and egress to Kent Denver from East Quincy Avenue generally terminated at the intersection of East Quincy Avenue and South Colorado Boulevard.

“Special Event” shall mean any event on the Kent Denver campus that meets all of the following criteria (1) occurs or is conducted outside of regular school hours (typically non-holiday dates, Monday through Friday, 8:00 a.m. to 3:00 p.m.); and (2) is reasonably expected to result in the use of 75% or more of the permeant parking spaces located within the Event Area; and (3) at which the attendance is reasonably expected to exceed 800 people.

“Upper School Project” shall mean the Application, as defined above.

2.0 USE AND OPERATION OF KENT DENVER PROPERTY.

2.1 Parking Requirements and Reduction Granted. Minimum parking space requirements are imposed by Section 16-16-10(b) of the City Code. Kent Denver’s Application proposes that the Property, including the Project Area, be served by 806 total parking spaces, which is less than the minimum number of 1010 parking spaces required by the City Code. Based on representations made by Kent Denver during the public hearing on the Application, the findings made by the City Council concerning the proposed use of the Project Area, and Kent Denver’s compliance with this Agreement, the City Council hereby grants a reduction in the minimum required number of parking spaces as authorized by Section 16-16-10(c) of the City Code and approves a minimum of 808 spaces to serve the Property. Following the Effective Date of this Agreement, no reduction in parking spaces below 806 spaces shall be permitted except upon approval of a new application for expanded use proceeding in accordance with Article XX, Chapter 16 of the City Code, as amended from time to time. A parking analysis completed by Kent Denver in conjunction with the Application and reviewed by City Staff is attached to this Agreement as Exhibit B and is incorporated herein by reference. Following the Effective Date of this Agreement, no further use or expansion of the Property shall occur that will cause the approved parking reduction to exceed twenty percent (20%) without subsequent review and approval of the proposed parking reduction by City Council, in accordance with Section 16-16-10(c) and Article XX, Chapter 16 of the City Code.

2.2 Traffic Management Plan. Kent Denver shall update and implement the “Traffic and Parking Management Plan” (the “Plan”) that was submitted with Kent Denver’s Expanded Use application for the construction of new athletic fields in 2002 and
reconfirmed with Kent Denver's Expanded Use application for construction of the Performing Arts Center in 2005. A copy of the updated Plan is attached to this Agreement as **Exhibit C** and is incorporated herein by reference. The Parties understand and agree that Kent Denver's continued compliance with the Plan constitutes, in part, justification for City Council's grant of a reduction in the off-street parking requirements as authorized by Section 16-16-10(c) of the City Code.

2.3 **Limitation on Concurrent Events.** Kent Denver shall not program, schedule or conduct Concurrent Events that will cause the parking demands for each Concurrent Event to exceed the parking capacity based on the requirement of three (3) occupants to one (1) parking space within a ¼ mile radius of each Concurrent Event. For example, Kent Denver shall not hold a musical performance in the El Pomar Theater and also host a special event in the Upper School Building if each event is expected to fill all parking spaces within a ¼ mile radius of each Concurrent Event.

2.4 **Traffic Control Required.** Kent Denver shall provide, at its sole expense at then effective hourly rates, for a uniformed traffic control officer coordinated through the Cherry Hills Village Police Department to direct traffic at the intersection of East Quincy Avenue and the Entry Road for a minimum three-hour period during any event at the Property that is expected to conclude any time between 5:00 to 6:00 p.m. Monday through Friday during the school year and which is expected to exceed 500 attendees. Events requiring a uniformed traffic control officer shall not exceed ten (10) events per calendar year. However, additional events requiring traffic control will be allowed when there is available Police Department or other law enforcement staff.

2.5 **Public and Traffic Improvements/Dedication of Right-of-Way.** As a condition of approval of the Application, Kent Denver agrees to comply with and implement traffic improvements and convey by bargain and sale deed sufficient right-of-way as outlined in **Exhibit D**.

2.6 **Mailed Notice Required for Special Events.** Kent Denver shall mail via regular U.S. Mail (or comparable delivery service such as hand delivery or private commercial courier) written notice of each Special Event not less than 30 days before the date of such Special Event. Such notice shall be provided to each residential property located either immediately adjacent to the Kent Denver property or adjacent to a public or private street or drive adjacent to the Kent Denver property. Notice shall include the name, date, and approximate times of each Special Event, together with any other information deemed desirable by Kent Denver. A single notice may include or combine notice of any number of Special Events during the school year or during a given period of time.

2.7 **General Public Notice of Other Events Encouraged.** Kent Denver is encouraged to provide a schedule or other form of list or information identifying events planned or proposed for the Upper School Project that may result in traffic, parking, or attendance in excess of that experienced during customary or typical day-to-day school operations. Such schedule or notice is encouraged to be posted on a publicly available worldwide web site.
2.8 **Construction of Upper School Project/Building Permit.** Kent Denver shall construct the Upper School Project proposed by the Application in accordance with the Application and all applicable laws, including the adopted uniform building, construction, fire, and safety codes of the City of Cherry Hills Village. Kent Denver shall commence construction of the Upper School Project as evidenced by the City’s issuance of a building permit within one hundred eighty (180) days of the Effective Date.

2.9 **Restriction on Use of Stadium Facility:** Kent Denver shall use the Stadium and Athletic Field for activities or events at which Kent Denver, its students, facility and staff are participants, attendees or are joint-participants with other non-Kent Denver teams or organizations. Kent Denver shall not lease, rent, loan license, grant, or otherwise provide the use of the Stadium and Athletic Field for activities unrelated to Kent Denver.

2.10 **Exterior Lighting.** The proposed lighting associated with the Upper School Project must comply with all applicable provisions of the City Code, including the provisions applicable to lighting of parking areas for public, semipublic, commercial or other nonresidential areas as set forth in Section 16-16-20 of the City Code. In accordance with Section 16-16-20(c)(5) of the City Code, lights in parking areas shall be off between 11:00 p.m. and sunrise the next day; however, during the summer, outside of the normal school year, lights will be turned off by 9 p.m. except during special events.

2.11 **Noise.** Kent Denver’s use of the Project Area shall comply with applicable noise and/or nuisance regulations of the City of Cherry Hills Village, as now existing or as may be later amended or adopted by the City.

2.12 **Landscaping.** Kent Denver shall install and maintain in a living and healthy condition all landscaping described in this and previous applications referenced in paragraph 3.12 of this Agreement. Any dead, diseased, or unhealthy landscaping materials shall be promptly replaced with materials of like kind and size.

2.13 **Construction Times.** Kent Denver shall comply with the restrictions on construction times set forth in Section 18-10-60 of the City Code.

2.14 **“Will Serve” Letters.** Kent Denver shall submit to the City “will serve” letters from all applicable utility providers in compliance with Section 16-20-50(8) prior to the issuance of a building permit for construction of the Upper School Project.

2.15 **Phase III Drainage Report.** Prior to issuance of a building permit for construction of the Upper School Project, Kent Denver shall resolve any remaining technical issues associated with the Phase III Drainage Report dated December 4, 2017 as submitted as part of the Application, to the satisfaction of the City Engineer.

2.16 **Expanded Use Permit Trigger.** In the event Kent Denver desires to expand its enrollment above 805 students, Kent Denver shall apply to the City for an Expanded Use Permit in accordance with City Codes.

**3.0 MISCELLANEOUS PROVISIONS.**
3.1 **Delays.** The Parties have executed this Agreement such that completion of the improvements shall be subject to strikes, accidents, acts of God, weather conditions which justify a delay of construction in light of standard practices in the building profession, inability to secure labor, fire regulations or restrictions imposed by any government or governmental agency, or other delay resulting from events which are beyond the control of the delaying party and which are agreed to by the Parties as justifying delay.

3.2 **Waiver.** A waiver by any Party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach by either Party.

3.3 **No Waiver of Government Immunity.** Nothing in this Agreement shall be construed to waive, limit or otherwise modify any governmental immunity that may be available by law to the City of Cherry Hills Village, its officials, employees, contractors, or agents, or any other person acting on behalf of the City and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, Title 24, Article 10, Part 1 of the Colorado Revised Statutes.

3.4 **Binding Effect.** The Parties hereto agree that this Agreement, by its terms, shall be binding upon the successors, heirs, legal representatives, and assigns thereof and shall constitute covenants running with the Property. To the extent permitted by law, all Kent Denver and all future successors, heirs, legal representatives, and assigns of Kent Denver shall be jointly and severally responsible for all terms, conditions, and obligations set forth in this Agreement.

3.5 **No Third Party Beneficiaries.** It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to the City and Kent Denver, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third person on such Agreement. It is the express intention of the City and Kent Denver that any person other than the City or Kent Denver receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

3.6 **Remedies and Enforcement.** Any activity or use of the Property that does not comply with the terms of this Agreement constitutes a violation of the City’s approval of the expanded use permit and a violation of the City Code. In addition to any other rights or remedies provided by law, the City may initiate any one or more of the following actions: (1) delay processing of any pending land use application; (2) issue stop work orders; (3) refuse to issue or approve any land development permit including but not limited to building permits, right-of-way permits, or certificates of occupancy; (4) issue a citation to Kent Denver or any contractor for violating the requirements of the City Code; or (5) initiate legal proceedings in any appropriate court of law.

3.7 **Governing Law and Venue.** This Agreement shall be governed by the laws of the State of Colorado. Venue for any action arising from this Agreement shall lie with any appropriate court within Arapahoe County, Colorado.
3.8 **Attorney’s Fees.** If Kent Denver breaches this Agreement, Kent Denver shall pay the City’s reasonable costs and attorney’s fees incurred in the enforcement of the terms, conditions, and obligations of the Agreement.

3.9 **Assignment and Release.** All or part of the rights, duties, obligations, responsibilities, or benefits set forth in this Agreement shall not be assigned by Kent Denver without the express written consent of the City of Cherry Hills Village which consent may be withheld at the City’s discretion for any or no reason.

3.10 **Paragraph Captions.** The captions of the paragraphs are set forth only for the convenience and reference of the Parties and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

3.11 **Severability.** Invalidation of any of the provisions of this Agreement or any paragraph sentence, clause, phrase, or word herein or the application thereof in any given circumstance shall not affect the validity of any other provision of this Agreement.

3.12 **Integration and Amendment.** This Agreement represents the entire agreement between the Parties concerning this Application and there are no oral or collateral agreements or understandings concerning this Application. This Agreement shall supersede the following previously approved development agreements between the City and Kent Denver, including but not limited to: (a) the Expanded Use Agreement for Kent Denver School Athletic Field Expansion Project dated April 1, 2003 and recorded in the real property records of Arapahoe County, Colorado (“County”) on April 4, 2003 at Reception No. B3070319, as amended by that certain Amended Expanded Use Agreement for Kent Denver School Athletic Field Expansion Project dated April 11, 2012 and recorded in the real property records of the County on May 11, 2012 at Reception No. D2051194; (b) the Expanded Use Agreement for Kent Denver School Performing Arts Center Expansion Project dated June 15, 2005 and recorded in the real property records of the County on August 5, 2005 at Reception No. 5249337; (c) the Expanded Use Agreement for Kent Denver School Dining Expansion Project dated March 18, 2010 and recorded in the real property records of the County on July 12, 2010 at Reception No. D0066161; (d) the Development Agreement for the Kent Denver School Yates Pavilion Gymnasium Project dated October 7, 2013 and recorded in the real property records of the County on December 30, 2013 at Reception No. D3152848; and (e) the Expanded Use Agreement for Kent Denver Middle School Project, dated March 21, 2017 and recorded in the real property records of Arapahoe County, Colorado on April 3, 2017 at Reception No. D7037666 (together, the “Prior Development Agreements”). This Agreement may be amended only by an instrument in writing signed by the Parties.

3.13 **Incorporation of Exhibits.** Unless otherwise stated in this Agreement, exhibits referenced in this Agreement shall be incorporated into this Agreement for all purposes. Application materials, construction plans, plats, and other documentation referenced in this Agreement are public records on file and available for review at the City of Cherry Hills Village, Village Center, 2450 East Quincy Avenue, Cherry Hills Village, Colorado.
3.14 **Review of Referenced Documents.** Kent Denver hereby understands and acknowledges that the public documents referenced in this Agreement, including but not limited to the City Code, were, prior to the execution of this Agreement, and are presently, available for review and inspection at the Cherry Hills Village City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado during regular business hours. Kent Denver has reviewed such documentation, or elected not to review such documentation, prior to execution of this Agreement.

3.15 **Notices.** Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by United States Mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the mailing address for such party, or at such other address as has been previously furnished in writing, to the other party or parties. Such notice shall be deemed to have been given when deposited in the United States Mail.

3.16 **Authority.** The undersigned signatories represent that they have the authority to execute this Agreement on behalf of their organizations and to contractually bind their respective organizations.

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

CITY OF CHERRY HILLS VILLAGE, a Colorado home rule municipal corporation

By: ________________________________

Mayor Laura Christman

Date of execution: February 22nd, 2018

ATTEST:

Laura Smith, City Clerk

APPROVED AS TO FORM:

Linda Michow, City Attorney
KENT DENVER SCHOOL, a Colorado nonprofit corporation

By: ____________________________

Printed Name: Jerry Walker

Title/Position: Assoc. Head of School

STATE OF COLORADO

COUNTY OF ARAPAHOE

Acknowledged before me this 22nd day of FEBRUARY, 2018, by Jerry Walker, as Assoc. Head of School of Kent Denver School, a Colorado nonprofit corporation.

Notary Public

My Commission Expires: 12-11-2021

(SEAL)

ALEXANDER E BERGERON
Notary Public
State of Colorado
Notary ID # 20174060874
My Commission Expires 12-11-2021
EXHIBIT A

LEGAL DESCRIPTION

That portion of the West 9 of Section 13, Township 6 North, Range 5 West of the 6th Principal Meridian, in the County of Cass, State of Nebraska, being particularly described as follows:

Comencing at the Northwest corner of Section 13, Township 6 North, Range 5 West of the 6th Principal Meridian, in the County of Cass, State of Nebraska, thence North 0 degrees 00 minutes 00 seconds East along the West line of said section 619.4 feet,

Thence North 89 degrees 58 minutes 42.09 seconds East 422.8 feet and turning North 0 degrees 00 minutes 00 seconds to the West line of said section.

Thence North 0 degrees 00 minutes 00 seconds along the West line of said section 424.0 feet to the Northeast corner of said Section 13.

Thence North 89 degrees 58 minutes 42.09 seconds West 422.8 feet to the Northwest corner of said Section 13.

The distance from said corner bearing 200.50 feet for a distance of 165.70 feet. The corner of said survey bearing South 30 degrees 45 minutes 40 seconds of said section.

Thence South 0 degrees 00 minutes 00 seconds along the North line of said section 419.0 feet,

Thence Along the line of a fence to said Section 13.

Thence North 0 degrees 00 minutes 00 seconds along the West line of said section 419.0 feet,

Thence North 90 degrees 00 minutes 00 seconds along the line of an iron fence 32.20 feet to the West line of said Section 13.

Thence North 0 degrees 00 minutes 00 seconds along the West line of said Section 13 5.20 feet.

Thence North 0 degrees 00 minutes 00 seconds along the West line of said Section 13 63.20 feet.

Thence North 0 degrees 00 minutes 00 seconds along the West line of said Section 13 284.10 feet.

Except that portion within the Unincorporated Canal.

ALSO EXCEPT THAT PORTION DESCRIBED IN DEEDS PRECEDING FEBRUARY 17, 1967 IN BOOK 555 AT PAGE 78 AND AUGUST 20, 1967 IN BOOK 774 AT PAGE 103.

10
EXHIBIT B
PARKING ANALYSIS

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EXHIBIT C

UPDATED TRAFFIC AND PARKING MANAGEMENT PLAN

Kent Denver shall comply with the following traffic and parking management plan:

(A) No Special Event shall be scheduled to begin or be conducted during regular scheduled daytime hours (typically non-holiday dates, Monday through Friday, 8:00 a.m. to 3:00 p.m.) at the Kent Denver School; and

(B) If a Roundabout has not been constructed at East Quincy Avenue and Colorado Boulevard, Kent Denver shall arrange for, hire, and use at Kent Denver’s cost and expense at least one Cherry Hills Village uniformed traffic control officer to direct traffic on East Quincy Avenue at the Entry Road during any Special Event; and

(C) With the exception of Special Events, Kent Denver shall schedule and program the use of its school, athletic fields, and facilities in a manner that will prevent parking demand from exceeding parking capacity.
EXHIBIT D

TRAFFIC IMPROVEMENTS

Kent Denver shall be obligated to provide the following improvements and land dedications as a condition of approval of the Application:

The parties agree to the following traffic mitigation measures:

a. Within ninety (90) days after approval of the Expanded Use Permit, Kent Denver shall convey by bargain and sale deed to the City for right-of-way purposes that portion of land along the property frontage varying in width from approximately 14’-22’ as approximately shown on attached Exhibit E.

b. Within thirty (30) days of written request but in no event later than the City’s issuance of a Certificate of Occupancy for the Upper School building, Kent Denver shall convey by bargain and sale deed to the City that portion of land necessary to construct a traffic roundabout as determined by the City at the intersection of East Quincy Avenue and Colorado Boulevard (“Roundabout”) as approximately shown on attached Exhibit F. The bargain and sale deed dedication of the Roundabout right-of-way shall include language that will allow the land to revert back to Kent Denver in the event that the City does not construct the Roundabout within eight (8)-years from the Effective Date of this Development Agreement. Said reversion language to be approved by the City and Kent Denver.

c. Upon completion of construction of the Roundabout, the City Manager will provide written notice of the completion of such improvements to Kent Denver. Within sixty (60) days from receipt of City’s notice of completion, Kent Denver shall complete the Realigned Entry Road and connect to the Roundabout. The City may prohibit access to the current Entry Road connection to East Quincy Avenue on or after the 61st day following the City’s written notice to Kent Denver. The City will provide a minimum of sixty (60) days written notice to Kent Denver in advance of commencing construction of the Roundabout to allow sufficient time for Kent Denver to prepare Realigned Entry Road construction plans. Upon completion of the Realigned Entry Road by Kent Denver, Kent Denver shall be released of the obligation to provide a uniformed traffic control officer on East Quincy Avenue for one hour during morning peak traffic or during Special Events.

d. Prior to construction and connection of the Realigned Entry Road to the Roundabout, Kent Denver shall submit construction drawings prepared by a professional engineer for the Realigned Entry Road to the City for review and approval. Kent Denver shall be responsible for all costs associated with the Realigned Entry Road including design and construction of traffic control devices, curb, trail reconstruction, drainage and other associated improvements in general conformance with Exhibit F. Construction drawings will be reviewed to ensure property connection to the City’s roundabout and that the Realigned Entry Road will not adversely affect drainage or trail circulation.

e. The City, at its sole discretion, may determine due to cost or other reasons, not to install the Roundabout. In said event, the existing Entry Road will remain in its current location and Kent Denver will continue to provide at its sole cost, a uniformed traffic control officer through the Cherry Hills Village Police Department to direct traffic for a
minimum one-hour period during the peak morning hour Monday through Friday during each school year when school is in session and during Special Events.
EXHIBIT E

RIGHT OF WAY DEDICATION EXHIBIT
EXHIBIT F

ROUNDABOUT CONCEPTUAL TRAFFIC IMPROVEMENTS
Vice Chair Mike LaMair called the meeting to order at 6:30 p.m.

ROLL CALL

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

Chair Peter Savoie and Commissioner Peter Niederman were absent.

Present at the meeting were the following staff members: Rachel Granrath, Community Development Director; Kathie Guckenberger, Deputy City Attorney; and Alex Bergeron, Community Development Clerk.

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

AUDIENCE PARTICIPATION PERIOD

None.

CONSENT AGENDA

Commissioner Lucas moved, seconded by Commissioner Wyman, to approve the following items on the Consent Agenda:

a. Approval of Minutes – November 14, 2017

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

a. Request from Kent Denver for an Expanded Use Permit at 4000 E Quincy Avenue – Upper School Project (Public Hearing, continued from the November 14, 2017 Planning and Zoning Commission Meeting)

Vice Chair Mike LaMair stated that the Planning and Zoning Commission is conducting a public hearing on the application in order to make a recommendation to City Council, and that the Commission is not the ultimate decision maker with respect to the proposed amendment to the Planning and Zoning Commission Meeting December 12, 2017
Kent Denver School (KDS)'s expanded use permit, adding that the City Council would be holding a separate public hearing on the same matter. He said that in order to enable the Commission to conduct the hearing in an orderly and efficient manner, the Commission will follow the public hearing procedures set forth in the Commission's Rules of Procedure. He that each individual speaker would be given three minutes to speak and any speaker representing a group or association would have five minutes. He added that repetitious, irrelevant or extraneous testimony is discouraged, citing the value of time.

Vice Chair LaMair invited Deputy City Attorney Kathie Guckenberger to say a few words. Ms. Guckenberger asked the Commissioners to identify any ex-parte communications they may have had on the matter, and if any was had, to state whether or not they are able to deliver a fair and impartial decision on the application. She asked that any email communication on the matter not included in the set of communications already identified be delivered to the Community Development staff to be entered into the record. Ms. Guckenberger reminded the Commission that they may enter into an executive session if they so choose, and that rules regarding ex-parte communications apply during any breaks which may take place.

Community Development Director Rachel Granrath introduced the application. She noted that the staff memorandum on the application distributed to the Commissioners in advance had changed, with changes identified in red. She noted the receipt of three additional public comments received that day.

Ms. Granrath explained that KDS seeks to build a new Upper School building of approximately 28,000 square feet; which will include classrooms, administrative spaces, faculty offices, and other space. She said KDS is not pursuing an increase in student enrollment.

Ms. Granrath identified Municipal Code Section 16-20-10(c) as outlining seven review criteria for expanded use applications. She specifically highlighted the fifth criterion, which related to traffic issues. She explained that KDS prepared a traffic analysis for this project. She highlighted for the Commission current data for a few key intersections, including E. Quincy Avenue at Colorado Boulevard (with a.m. peak traffic experiencing level of service “D” and p.m. level “E”), E. Quincy Avenue at Campus Road (both a.m. and p.m. level “E”).

Ms. Granrath explained the six determined alternatives for traffic mitigation. She explained that while there is currently no intention of increasing student enrollment on the part of KDS, if the property was ever sold, then the building could be used by the new owner at the occupant load permitted by applicable building codes, and that's why the traffic study was performed and alternatives identified.

Ms. Granrath said that staff recommends the second alternative, which is the installation of a roundabout at the KDS entrance located at E. Quincy Avenue and Campus Road and uniform traffic control at E. Quincy Avenue and S. Colorado Boulevard. She added that the improvements are recommended to be timed appropriately to minimize disruption on E. Quincy Avenue, preferably summer of 2018.

Referring back to the seven expanded use criteria, Ms. Granrath highlighted the sixth – a KDS parking analysis. She said that a parking analysis performed for the previous KDS expanded use permit, for their under-construction Middle School, included parking for the Upper School. She explained that KDS is proposing a 20 percent reduction in parking, which City staff favors because it meets the code.

Ms. Granrath identified Cherry Hills Village City Manager Jim Thorsen as present to answer any questions the Commission may have on the traffic study.

Commissioner Bill Lucas noted that the staff memorandum for the application states that KDS is currently not pursuing an increase in student enrollment. He asked why, then, was a traffic study
done and traffic improvements proposed. Ms. Granrath replied that although KDS is the current property owner, if the property were to be sold, then the buyer could utilize the square footage (which she identified at an additional 50,000 square feet between the two projects) to the maximum capacity permitted by applicable codes.

Vice Chair LaMair asked if the traffic study showed an increase in traffic related to the Upper School application, noting that there might be a slight increase in KDS personnel but not of the student body. Mr. Thorsen elaborated on Ms. Granrath’s explanation of the potential maximum parking and traffic that the code would allow for, even though that scenario is unlikely for now.

Commissioner Jennifer Miller asked what the student enrollment capacity would be with the increase in square footage. Mr. Thorsen said that he would have to defer to KDS for an answer to that question, but he assured Commissioner Miller that KDS would need approval from the City Council for an increase in enrollment from what they have currently per the existing student enrollment cap imposed by existing agreements.

Vice Chair LaMair asked why traffic impacts couldn’t be looked at in the future at the time of a request for permission to increase student enrollment and be mitigated at that time. Mr. Thorsen replied that an expanded use permit application is typically the best opportunity for the City to get the improvements it anticipates are going to happen in the future. Ms. Guckenberger interjected to reiterate that if KDS decides to sell the property without the improvements being implemented first, then the new owner could use the property to its maximum occupancy load without there being improvements in place to handle that increased traffic.

Commissioner David Wyman asked if the occupancy is unique to KOS or if it applies to the property, and Ms. Granrath replied that it’s to the use of the property.

Commissioner Wyman asked if the City would be contemplating a roundabout if KDS was not in pursuit of an expanded use permit. Mr. Thorsen replied that City Council has received numerous complaints about morning traffic in that area because the schools are coinciding their start times and the City was asked to look into the issue. He said that the topic might be on a City Council agenda if KDS had not come in.

Commissioner Lucas asked for clarification on the second paragraph of the second page of the staff memorandum regarding draft revisions. Ms. Granrath responded that presence in the staff memorandum serves as a heads up to the Commission that the City Council has been undergoing study sessions in consideration of updating the expanded use process, and that the topic may come before the Commission soon. Mr. Thorsen added that changes to the expanded use process relate to refining the process but not the philosophy behind it.

Commissioner Doris Kaplan asked for more clarification on the relationship between the expanded use process and the present KDS application. Mr. Thorsen said that changes to the process won’t impact this application and that tonight is the appropriate time to make a recommendation to City Council on the KDS application.

Commissioner Miller asked why a roundabout is the proposed solution to cure traffic problems, and Commissioner Kaplan added that her experience in Boston disproves that these traffic calming devices work. Mr. Thorsen explained that modern roundabouts differ from those found in older cities, provided information on how they operate, and noted that the proposed roundabout for KDS is just one lane. He added that traffic signals are also a viable option, but because the City maintains no traffic signals at the this time and because the residents and City Council are opposed to installing them, in keeping with the semi-rural character of the community, roundabouts, which can be just as efficient as signals, are preferred.
Commissioner Wyman asked how a roundabout would fit in the proposed location noting that there is not a four-way intersection there. Mr. Thorsen replied that it would be a three-legged roundabout and explained how it would function.

Commissioner Miller expressed her support for the four-way stop alternative citing the fact that outbound KDS traffic currently must wait for E. Quincy Avenue traffic to pass before existing the school grounds. Mr. Thorsen replied that the City believes that alternative does make sense, but the multi-million dollar cost of realigning the KDS entrance road exceeds what the obligation is for the proposed Upper School.

Commissioner Wyman stated with or without a roundabout, then, travel to or from KDS via S. Colorado Boulevard still requires two turns, which is more than a four-way stop would require. He said that a roundabout would not improve that fact and could actually cause mayhem. Mr. Thorsen responded that he disagrees with the prospect of mayhem, but acknowledged the installation of a roundabout would take some getting used to.

Commissioner Wyman's expressed his view that roundabouts can be experienced as a game of 'chicken' in a time of ever-increasing driver aggression. Vice Chair LaMair added that during the morning peak, there will be half-slept student drivers using that roundabout. Mr. Thorsen validated the concerns and said that there are a number of alternatives presented which the Board may include in their recommendation to City Council.

Commissioner Miller suggested a survey of residents on the topic of traffic improvement in this area. Mr. Thorsen responded that there will be public hearings by the City Council where community members may provide input. Ms. Granrath added that community input has already very much nixed the possibility of the traffic signal solution.

Commissioner Miller inquired about emergency vehicle access issues and response time implications due to a roundabout. Mr. Thorsen replied that roundabouts are designed with emergency vehicles and large trucks in mind.

Commissioner Lucas noted the presence of the E. Quincy Avenue bicycle trail. He expressed his support for roundabouts, but said one well-designed roundabout may be better than two roundabouts not far from each other.

Commissioner Wyman noted the use of Cherry Hills Village roads by cut-through traffic because of congestion elsewhere, especially in a time of traffic-related smartphone applications. Mr. Thorsen replied that indeed 40-50% of traffic going through the subject area is cut-through traffic at peak hours, but that current levels of service are insufficient and the City desires to improve upon those.

Vice Chair LaMair noted the complexity of the traffic issue, stating that there are numerous solutions which not everyone agrees on. He added that it isn't necessarily appropriate for his Commission to be taking on that issue, and that the focus should be the KDS expanded use permit so long as the increase in square footage associated with that project does not hugely impact traffic volumes.

Responding to the maximum occupancy scenario and the possibility of a future increase in student enrollment, Vice Chair LaMair asked if a covenant or development agreement which runs with the property for handling that issue when it might arise is legally an option. Ms. Guckenberg said she would look into that.

Jerry Walker of KDS addressed the Commission. He began by noting City staff's support for the expanded use permit, per the applicable Code criteria, with traffic being their only hang up. Mr. Walker said that of the six alternatives, the first — that they consider adjusting start time with continued uniform traffic control — is their preference. He added, anecdotally, that prior to
Cherry Hills Village Elementary changing their start time this school year to very closely match theirs, there was about a 20 minute period of traffic congestion on school day mornings, and now it is a 30 minute period of congestion. He said of that traffic congestion, about half is commuter traffic unaffiliated with KDS. He said he disagrees with the assumption that anything they do to improve traffic will do so.

Commissioner Kaplan asked what time the Upper School starts presently. Mr. Walker replied 8:00 a.m.

Commissioner Kaplan asked if there has been substantial discussion on modifying that start time, suggesting potentially 10:00 a.m. in keeping with the recommendation of the American Academy of Pediatrics. Mr. Walker replied that their after school sports programs would be negatively impacted by starting later due to the early onset of darkness in the winter and late fall and the City's rules on exterior lighting.

Mr. Walker said that KDS could spend whatever amount to try to fix the traffic issues along S. Colorado Boulevard and E. Quincy Avenue, but within just a few years the problems could return because if traffic is improved then motorists would take advantage smoother traffic flow, adding that traffic engineers cannot model for use of traffic applications on smartphones.

Mr. Walker said that roundabouts could marginally improve traffic, but at a very significant cost. He added that current conditions discourage additional cut-through traffic and keep speeds of young drivers lower.

Mr. Walker said that development agreements should be able to handle possible future issues at the appropriate time, citing their current limit of increased student enrollment at 15 percent. He added that there could be a condition of sale of the property as well. Ms. Guckenberger interjected to explain that such a condition may not be legally allowed due to a statute prohibiting land use approvals from being subject to discretionary conditions that are not pursuant to duly adopted standards. Mr. Walker responded by saying, then, that the use is still bound by R-1 zoning.

Mr. Walker said that the size of their facilities place an inherent limit on student enrollment, notwithstanding an agreement on the student enrollment cap, adding that there are numerous options for addressing increased use of the land without investing in costly traffic

Reiterating the KDS preference for the first alternative for traffic improvement, Mr. Walker said they could consider the second alternative, but noted that KDS would have to give up a significant portion of land to do that.

Mr. Walker said that afternoon cut-through traffic has little to do with KDS, noting that they have dispersed dismissal times. He said KDS is a significant part of the problem for a period in the morning, but only on about 170 days of the year. He concluded by saying that KDS is happy to be a part of the traffic solution, but it is not the sole cause of traffic problems. He asked that the Commission recommend their application for approval as it meets all of the expanded use criteria and that they need the expansion to be competitive.

Vice Chair LaMair inquired about adding a traffic control officer at S. Colorado Boulevard. Mr. Walker replied that there have been times when there has been an officer at S. Colorado Boulevard and E. Quincy Avenue, and also at E. Quincy Avenue and the KDS entrance, which has been successful in facilitating traffic in the past. He added that the difficulty is that the officers cannot see the extent of traffic backing up along S. Colorado Boulevard and east of the S. Colorado Boulevard and E. Quincy Avenue intersection due to elevation. He also said that staffing of such officers could be a challenge, but it could be figured out and at a much lower cost than the other alternatives.
Vice Chair LaMair expressed theoretical support of a traffic control officer because of the enhanced sense of safety that would bring. Mr. Walker concurred, and explained that fire and police presence is welcomed. He went on to say that security for the current facility, as related to an active shooter or like situation, is not the best and the new Upper School would include significant security upgrades.

Commissioner Miller expressed support for the application, but asked if there are any other entrances possible for KDS. Mr. Walker explained the roles that adjacent properties and features play in dictating E. Quincy Avenue as the only possible entrance. Commissioner Miller then explained that the question was intended to stoke discussion on options other than costly traffic modifications, the benefits of which might expire in a short amount of time.

Mr. Walker said that KDS feels that if they adjusted their start time even by 15 minutes there would be a short term positive impact, arguing that the move would allow Cherry Hills Village Elementary traffic to disband considerably ahead of KDS traffic. He acknowledged, however, that this would prolong the period of heavy traffic along E Quincy Avenue, even though it would bring down individual wait times returning them to those experienced prior to Cherry Hills Village Elementary changing their start times.

Commissioner Kaplan asked what KDS has done to encourage carpooling or increasing use of buses. Mr. Walker replied that they recently added a bicycle lane and bicycle parking, that they send families outside of the 80113 ZIP code information on others residing in their same ZIP code to encourage carpooling, that they are developing a program to reward students who carpool, and that they have three bus routes.

Commissioner Wyman said that short of privatizing streets, there isn’t anything that can be done about cut-through traffic, because there are factors which can’t be controlled. He said that he is inclined to agree with Mr. Walker that leaving things the way they are in relation to traffic is advisable because spending a great deal of money to improve the situation could result in the same traffic congestion in several years into the future.

Ms. Guckenberger said that while traffic is not appropriate for this Commission to address, it is a criterion of an expanded use application to be considered.

Mr. Walker said that there could be some traffic increases due to ancillary employees, but the numbers are just one or two people, and custodial shifts generally occur in the evening.

Commissioner Miller asked what the student capacity would be after the project. Mr. Walker responded that they are currently at capacity and will be after the Upper School project because of the capacity of other spaces, specifically the dining hall and theater, which are new facilities.

Commissioner Miller said that drainage is a sensitive subject for adjacent property owners and requested a summary on it.

Architect Bryan Schmidt, of Semple Brown Design, addressed the Commission. He said that the Phase III drainage report which was submitted for the earlier Middle School project included information for the Upper School Project. He said that some numbers changed between then and their final design plans for the Upper School, but those numbers have been reconciled to the satisfaction of the City engineer as related to this project.

Vice Chair LaMair opened the public comment portion of the public hearing at 7:44 p.m.

Debbie Welles, of 4950 Sanford Circle W, addressed the Commission to express her support for the expanded use permit. She said that there is a long legacy of KDS leadership being neighborly and that they are aware of their impact on the larger community, which they strive to be a positive impact. She said that she does not think a roundabout will be successful in mitigating
traffic because technology on cellphones will broadcast the improvements and send traffic into Cherry Hills Village.

Howard Schirmer, of 4100 E Quincy Avenue, said that his residence is the closest to the project and thus the most impacted. He said that, however, he is in favor of the project because current KDS facilities are not secure, and cited his professional expertise in security. He also questioned the usefulness of a roundabout, and said KDS is doing a very reasonable job in trying to control traffic in the presence of traffic increases throughout the area.

Rand Harrington, of 4000 E Quincy Avenue, is the head of school at KDS and resides on the property. He said that his administration has the same commitment to being good neighbors as previous administrations had, as cited by Ms. Welles. He said that the school is pursuing the project for security improvements and provided a brief overview of what those improvements would be. He also said that KDS is adding square footage to create larger spaces for the students.

Vice Chair LaMair closed the public comment portion of the public hearing at 7:52 p.m.

Commissioner Lucas said that he was not anticipating so much discussion on traffic, and provided an explanation of the regional grid system for roads and how they relate to traffic flow through Cherry Hills Village, specifically identifying E. Quincy Avenue as a road which inherently carries cut-through traffic. He said that KDS has always been neighborly and noted the proximity of the property to important community spaces, and said he would rather see KDS spend money on improving the safety of their students or some other use which benefits Cherry Hills Village, as the proposed traffic improvements are more of a Band-Aid fix in his opinion.

Vice Chair LaMair closed the public hearing at 7:58 p.m.

Commissioner Wyman asked Ms. Guckenberger if all criteria had to be addressed in a motion, and she replied that unlike with the Board of Adjustment and Appeals, compliance with all criteria is not required, but that all requests must be evaluated based on the expanded use standards. She added that because it is a recommendation to City Council, the Commission could override staff's recommendation on any particular condition.

Commissioner Wyman expressed his opinion that the fifth criterion may not have a bearing on approval of the Upper School. Vice Chair LaMair added that discussion of the fifth criterion is part of a very complicated discussion which needs more input from the public and traffic professionals. He said that the Commission appears in favor of recommending approval of the expanded use permit and passing on the discussion of traffic to the City Council. Commissioner Lucas added his opinion that while traffic is an important issue, he feels that it is separate from the KDS Upper School project.

Commissioner Wyman made a motion, which was seconded by Commissioner Lucas, to recommend approval of the KDS expanded use permit to construct an approximately 28,000 square-foot new Upper School building based on the findings set forth in the December 7, 2017 staff report, except criteria number five, which the Commission believes should be addressed by City Council in a larger context.

The motion passed unanimously at 8:04 p.m.

REPORTS

None

Planning and Zoning Commission Meeting
December 12, 2017
ADJOURNMENT

The meeting was adjourned at 8:05 p.m.

Mike LaMair, Vice Chairman

Alex Bergeron, Community Development Clerk
Mayor Laura Christman called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Earl Hoellen, Al Blum, Mike Gallagher, and Katy Brown were present on roll call. Also present were City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Police Chief Michelle Tovrea, Community Development Director Rachel Granrath, Parks and Recreation Coordinator Emily Black and City Clerk Laura Smith.

Absent: Councilors Randy Weil and Dan Sheldon.

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

Councilor Brown moved, seconded by Mayor Pro Tem Hoellen, to exchange the order of items 8a and 8b.

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

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

a. Approval of Minutes – January 16, 2018
b. Highway User Tax Funds (HUTF) Mileage Certification

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Agreement for Professional Services with Fairfield and Woods

Community Development Director Granrath presented an agreement with Fairfield and Woods for professional services to perform Code Modernization of Chapters 16, 17, 18 and 19 of the Municipal Code. She explained that the intent of the Code Modernization
was not to rewrite or alter the substantive content of the Code, but rather to simplify and streamline City regulations and processes in accordance with current federal and state law. In early January 2018, the City published a request for proposals for a Municipal Code Modernization. The City received a proposal from Fairfield and Woods which matched the needs and budget for the Code Modernization project. The proposed project manager, Todd Messenger, would bring years of experience in urban planning and law. The services fee would not exceed $70,000, which was within the budgeted amount for the Code Modernization project. However, if the City should require the Consultant at additional public meetings or public hearings, the City would be billed at the hourly rate of $280.

Mayor Pro Tem Hoellen questioned the "not to exceed" wording of the terms of compensation in Exhibit B.

Mr. Messenger of Fairfield and Woods indicated that he would be happy to work with staff to clarify the language.

Mayor Pro Tem Hoellen asked about the term "module" used in Exhibit A.

Mr. Messenger explained that each module was a portion of the deliverables.

Councilor Brown moved, seconded by Council Blum to approve the Agreement for Professional Services with Fairfield and Woods to provide the City with professional services to modernize Chapters 16, 17, 18 and 19 of the Cherry Hills Village Municipal Code as proposed in Exhibit A to the February 6, 2018 staff memorandum, with the clarification of the "not to exceed" language to be determined with the City Attorney.

The motion passed unanimously.

Public Hearing — Request by Kent Denver for Expanded Use for a New Upper School

Councilor Gallagher disclosed that over a month ago but after the application had been made to the City, he had opened an email regarding the application and had deleted it when he realized it pertained to this request. He indicated that it would have no impact on his ability to provide a fair and impartial decision. He suggested that staff could alert Council when an application was filed to help avoid similar situations in the future.

Mayor Christman disclosed that her family had an endowment at Kent Denver but that it would not impact her ability to provide a fair and impartial decision on the request.

Community Development Director Granrath presented the request by Kent Denver for expanded use to construct a new Upper School building of approximately 28,000 square feet. She indicated that the building plans were compliant with City's zoning codes. She added that Section 16-20-10(c) of the Code outlined standards for review of expanded use permits, and staff's findings were outlined in the staff memorandum. She stated that staff's only concern with the request was related to traffic issues, and several recommendations for traffic mitigation were included in the staff memorandum. She explained that traffic congestion along Quincy Avenue in front of Kent Denver had been a growing concern for many years, and that during peak traffic hours the level of service (LOS) at the intersections of South Colorado Boulevard and East Quincy Avenue was D for AM peak hour and E for PM peak hour, and at East Quincy Avenue and the main entrance to Kent Denver was E for both AM and PM peak hours. She noted that the LOS would continue to degrade with the increased population and development of the South Denver Metro Area. Based on Kent Denver's traffic study staff had determined that Kent Denver traffic accounted for approximately 63% of the vehicle turning movements at Quincy Avenue and the Kent Denver main entrance during current AM peak hour, and that if the Kent Denver entrance were realigned to Colorado Boulevard.
approximately 54% of the resulting traffic would be due to Kent Denver traffic. The City had engaged Kimley-Horn to analyze the Kent Denver traffic study, and based on that data Kimley-Horn had modeled the intersection of Quincy Avenue and Colorado Boulevard if there were no Kent Denver traffic, and found that the LOS would be an A for the AM peak hour and a C for the PM peak hour. In 2017, a new Middle School building was approved and is now under construction at Kent Denver. The Middle School added a net gain of 22,000 square ft. to the campus. Collectively, both projects will total an additional 50,000 square feet to the Kent Denver campus. Staff was recommending that Kent Denver implement traffic mitigation due to their new construction and their existing and potential future impacts. Kent Denver had reported to the City that they are not planning to increase student enrollment beyond their current 700 students. Kent Denver was limited to a student enrollment cap of 805 students as agreed upon in the March 21, 2017 Development Agreement. Therefore, KDSc could decide at any time to increase enrollment by an additional 100 students and increase associated teaching/administration staff without triggering any further review by the City. It was noted that the 805-student cap could be increased further by an approval of a new Development Agreement by the City Council. It was estimated that 100 new students could generate 100-200 new vehicle trips during peak hour. Any additional vehicle trips without traffic mitigation would exacerbate the existing traffic conditions and lower the LOS. Aside from increased student enrollment and although unlikely, Kent Denver could sell the property to another school, college or other third party who could use the campus at the current building occupant load versus the current Kent Denver student enrollment level. Any new occupant would not be subject to the cap on student enrollment through the Development Agreement the City had with Kent Denver. Therefore, depending upon usage, the property could generate significant future traffic increases. Staff had met regularly with Kent Denver since they submitted their application and had discussed a variety of traffic improvement options. There were four traffic improvement options presented in staff’s memorandum. They included realignment of the Kent Denver entry to Colorado Boulevard and a four-way stop at Colorado Boulevard; realignment of the Kent Denver entry to Colorado Boulevard and a roundabout at Colorado Boulevard; delay improvements for up to 10 years; and no change to the alignment of the intersections and continuing to use a uniformed traffic control officer. The staff memorandum included projected LOS for the four options as well as cost estimates by the City and by Kent Denver. Staff recommended the first option which would still include a traffic control officer during the AM peak hour to improve the LOS of the intersection. She indicated that City staff and Curtis Rowe from Kimley-Horn were present to answer questions.

Councilor Brown asked about the list of Development Agreements in the staff memo.

Director Granrath replied that the Development Agreement for the Middle School building was the current agreement and so was not listed in the staff memo under previous agreements.

Councilor Brown asked about the statistic of 63% of turning movements being related to Kent Denver.

City Manager Thorsen replied that 63% of all vehicle movement, both turning and going straight, at the intersection of Quincy Avenue and the Kent Denver entrance were attributed to Kent Denver.

Councilor Brown asked about the statistic that if the Kent Denver entrance were realigned to Colorado Boulevard approximately 54% of the resulting traffic would be due to Kent Denver traffic.

City Manager Thorsen replied that statistic was developed by an analysis by Kimley-Horn.
Councilor Brown asked about the Code capacity of the total proposed square footage on the Kent Denver campus.

City Manager Thorsen replied that the total square footage would be almost 280,000 square feet, and the Code capacity would have to be calculated depending on the use but it was above the current enrollment limit of 800 students.

Mayor Pro Tem Hoellen questioned if the City was required to be notified and/or approve the change if an institution such as a club, school or church sold their property to a different institution with a potential different use. He also questioned if the Development Agreements would stay in effect if the property was sold. He suggested that these issues should be clarified in the upcoming Code revisions. He asked about Kent Denver’s view of the current situation and of the four traffic mitigation options presented by staff.

Curtis Rowe from Kimley-Horn indicated that they had no significant issues with Kent Denver’s traffic study and that the LOS levels were taken from the Kent Denver study.

Mayor Pro Tem Hoellen asked for Mr. Curtis’ opinion on the various traffic mitigation options.

Mr. Rowe explained that both Kent Denver’s and Kimley-Horn’s studies showed that installing traffic control such as a four-way stop or roundabout would improve LOS to acceptable levels.

Mayor Pro Tem Hoellen noted that the benefit of realignment combined with traffic control was greater than just traffic control.

Mr. Rowe replied that was correct.

Mayor Christman asked for a cost estimate of a traffic signal at Quincy Avenue and Colorado Boulevard.

Mr. Rowe replied that installation of a traffic signal would likely cost between $250,000 to $300,000, with an additional $100,000 for the addition of a left turn lanes on Quincy Avenue.

Councilor Blum added that the cost of the proposed traffic signal at Belleview Avenue and Glenmoor Country Club was estimated at $400,000.

Councilor Gallagher asked about the difference in cost estimate between the Kimley-Horn study and Kent Denver’s study regarding realignment, a four-way stop, and a roundabout.

Mr. Rowe replied that he was unsure but that he was confident in the estimates from Kimley-Horn.

Councilor Blum asked about the possibility of keeping a right turn only entrance lane into Kent Denver at their main entrance, in addition to realigning their entrance to Colorado Boulevard.

Mr. Rowe replied that could be helpful.

Councilor Gallagher asked about staff’s reasoning for recommending Option 1.
Director Granrath replied that staff was trying to balance the LOS, increasing the capacity necessary for traffic flow, and cost.

Mayor Pro Tem Hoellen asked if alignment of entrances to street intersections was standard highway planning procedure.

Mr. Rowe replied that alignment alleviated conflicts in turning movements.

Mayor Christman asked Chief Tovrea to give information about the history of having a traffic control officer at the Kent Denver entrance, what other jurisdictions did, and concerns the Police Department might have.

Chief Tovrea explained that the Police Department did not have any records of the history of traffic control officers at the Kent Denver entrance, but Commander Weathers believed that the position began in the early 1990s, when the need was determined by Kent Denver and the City. The position was an extra duty job, with payment from Kent Denver. Due to issues with officer availability, in the mid 1990s Arapahoe County was asked to provide traffic control officers, but that did not last long as there were issues with inconsistencies and inexperienced officers. The position returned to the Police Department and had been an extra duty position since then. Regarding complaints about the traffic control officers, Chief Tovrea explained that the job was more difficult than it appeared, especially with the increase in distracted drivers. Traffic control was not an exact science and the officers were doing their best. Chief Tovrea indicated that she had contacted Littleton, Englewood, Greenwood Village and the Cherry Creek School District, and no other jurisdiction provided this type of service. Providing traffic control for special events was common, but not on a daily basis.

Councilor Brown asked if any accidents had occurred at the Kent Denver intersection.

Chief Tovrea replied that she was not aware of any, and added that the Police Department did not have a record of an officer being hurt while performing this duty, although there had been one incident at Cherry Hills Elementary School where an officer had been in danger of being hit by a vehicle.

Mayor Christman asked how the City would provide additional officers if Council decided to mitigate traffic issues by increasing the number of traffic control officers.

City Manager Thorsen replied that it was difficult to fill the current traffic control officer positions and required a lot of coordination in the Police Department. He indicated that if additional positions were added it might require hiring an additional police officer or utilizing Arapahoe County.

Mayor Christman invited the applicant to make a presentation.

Jerry Walker, representing Kent Denver, noted that the Planning and Zoning Commission had recommended approval of the application with a caveat about traffic. He outlined several issues with the staff memorandum. He indicated that because the request was for a new Upper School building only, with no increase in enrollment, there was no reason to consider traffic as part of this application as the new building would not impact traffic. He noted that Kent Denver might add one new staff member, a custodian, as part of the new building. He questioned if any nexus existed to require Kent Denver to take any action regarding traffic mitigation. He indicated that staff's reasons for traffic mitigation regarding possible future uses of the facility were hypothetical, speculative and not valid for Council's consideration. He added that consideration of the Middle School square footage was improper as that permit was already approved and the building was under construction. He stated that the Development Agreements would run with the property in the unlikely event that Kent
Denver sold the property. He emphasized the other causes of traffic identified in the staff memorandum and asking Kent Denver to solve these issues at the school's cost lacked proportionality. He explained that Kent Denver was part of the problem for 30 minutes a day for 144 days a year, considering their late start on Wednesdays. He noted that PM traffic associated with Kent Denver was distributed over three and a half hours due to after school activities and accounted for at most 26% of PM traffic. He indicated that staff's mitigation options did not take into consideration that improving traffic flow would invite more cut through traffic, resulting in a very expensive but short lived solution. He suggested instead that if the intersections in question were allowed to reach their saturation point then cut through traffic would naturally redirect itself to the major roads. He noted that the alignment of Cherry Hills Village Elementary School's start time with Kent Denver's this school year had increased the AM peak traffic from 20 minutes to 25 minutes, and he indicated that Kent Denver was willing to change their start time to return the peak time to 20 minutes. He indicated that in the last decade Kent Denver's enrollment had stayed between high 600s and 700 students and the increase in traffic was not due to Kent Denver. He noted that he appreciated the hard work that the traffic control officers conducted but that the different officers had significantly different skills and that could increase the peak traffic time by an additional five minutes. He indicated that Kent Denver encouraged carpooling and biking and continued to come up with new ideas to promote alternatives to reduce traffic. He explained that Kent Denver had shown a strong willingness to work with the City over the years and would have been happy to discuss changes such as the school start time, but they did not feel City staff had been interested in those discussions. He stated that Kent Denver's cost estimates were more complete than City staff's. He indicated that Kent Denver was not necessarily opposed to City staff's recommendation of Option 1, but that requiring Kent Denver to pay for the entire cost was unacceptable. He also expressed concern with subsection (d) of Option 1, described on page seven of the staff memorandum, as it would potentially require Kent Denver to realign twice, once now and again in the future to accommodate a future roundabout. He stated that Option 2 as written was unacceptable as it placed the entire cost burden on Kent Denver. He expressed concern with the lack of definition for the proportional cost in Option 3. He noted that Kent Denver estimated that the traffic improvements of Option 1 would reduce the peak AM traffic time by only five minutes, the same amount as changing Kent Denver's start time or using better trained traffic control officers, but for a much higher cost.

David Kline, Matrix Design Group, explained that his group had conducted the traffic study for Kent Denver by performing counts at both intersections under discussion. He noted that school traffic was at peak demand for 30 minutes in the mornings and this was a common issue in all communities. He noted that many schools had crossing guards. He complemented the important job that the City's traffic control officers performed. He indicated that traffic dissipated more gradually in the PM hours. He indicated that a lot of the traffic moving through the intersection at Quincy Avenue and Colorado Boulevard was not Kent Denver traffic and was in fact cut through traffic going south on Colorado Boulevard and turning left onto Quincy Avenue. He noted that there were no traffic issues outside of the peak traffic time, and that time was only a fraction of the day. He indicated that his group had examined many scenarios during many meetings with City staff and had determined there was no easy solution. He noted that the effect of changing Kent Denver's start time was difficult to model but would logically reduce the peak AM traffic time. He added that the job of traffic control officers was difficult and dangerous. He explained that at the current intersection of Quincy Avenue and Colorado Boulevard there was one point of conflict, that of south bound traffic turning left onto Quincy Avenue, but a four way stop at that intersection would result in four points of conflict, which would increase the difficulty and danger for a traffic control officer. He noted that if the two intersections under discussion were 20 to 30 feet apart then it would be standard practice to combine them, but as they were they were two separate systems. He indicated that his group had been working with City staff on this
project for six months and he wanted to re-examine the two traffic studies to remove the discrepancies between the numbers.

Mayor Christman asked if traffic congestion at Quincy Avenue and Colorado Boulevard could be displacing traffic to Mansfield Avenue.

Mr. Kline replied that was a valid concern. He added in regards to her earlier question that additional costs to install a traffic signal depended on the subsurface conditions and drainage features.

Councilor Brown noted that the Kent Denver traffic study measured PM traffic between 5 and 6 p.m., but most PM traffic associated with Kent Denver occurred between 3 and 4 p.m. She questioned if the study accurately reflected the traffic situation in the PM hours.

Mr. Kline replied that he believed it was valid to look at other times besides 3 to 4 p.m. because they were examining the peak hours for the corridor, which was dominated by commuter traffic while Kent Denver's traffic was dispersed in the PM hours.

Councilor Brown indicated that not collecting data between 3 and 4 p.m. made Kent Denver's contribution to PM traffic difficult to determine and made the projections that were given in the traffic study inaccurate. She stated that Kent Denver's portion of the traffic was significant throughout the day. She noted that it was difficult to quantify the time added to peak AM traffic by the change in Cherry Hills Village Elementary School's start time. She added that cut through traffic on Quincy Avenue was mostly in the PM and evening according to the City's 2017 Traffic Study.

Mayor Christman asked about the history of roundabouts versus stop signs and the pros and cons of roundabouts.

Mr. Kline replied that use of roundabouts had begun about 40 years ago and had become much more prevalent in the last 20 years. He explained that the benefits of roundabouts included the elimination of conflicting movement and the change of accidents to broadsides rather than head-on collisions. He noted that the disadvantages of roundabouts included the lack of gaps in vehicle traffic for pedestrian and cyclist traffic. He indicated that roundabouts were a good tool for lower speed roadways.

Mayor Christman added that a roundabout would eliminate the need for a traffic control officer.

Mr. Walker summarized that the new Upper School building would add security, improve facilities for students, and help the school to stay competitive. He emphasized that this specific project would not increase traffic. He agreed that there were traffic issues and that Kent Denver contributed to them overall, but this project did not. He asked Council to consider this project on its own.

Councilor Blum stated that the City was grateful to Kent Denver for sharing its campus with the community. He noted that was an informal policy and asked if Kent Denver would be willing to formalize it.

Mr. Walker replied that it depended on the context. He added that Kent Denver's open campus was one more reason why a new building with updated security was needed.

Councilor Blum asked what percentage of the traffic improvement cost Kent Denver felt was a fair proportion.
Mr. Walker replied that Kent Denver was prepared to contribute some cost, but that the details would have to be discussed.

Councilor Brown explained that while Kent Denver was a tremendous asset to the City, the Council could not take that into consideration when evaluating this application. She stated that Council could not look at this application by itself because of the issue of incremental steps with various applications for new buildings. She explained that Council's charge was to examine what use of the land could be supported, which included consideration of previous projects.

Mayor Pro Tem Hoellen asked about the history of Kent Denver's student enrollment numbers.

Mr. Walker replied that in 1999 Kent Denver's enrollment was at 630 students, in 2008 it increased to between 680 and 700, and since then it had stayed in that range.

Mayor Pro Tem Hoellen asked if traffic onto campus had increased over the past 20 years.

Mr. Walker replied that it ebbed and flowed, but overall traffic had remained consistent. He noted that many students now were waiting to get their license. He added that Kent Denver had increased its number of financial aid students from 10% 30 years ago to 25% of current enrollment, and that many of those students rode the bus via Kent Denver's three bus routes.

Mayor Pro Tem Hoellen noted that it was difficult to anticipate the future when examining an expanded use permit request, but that it was the only opportunity that Council had to establish policies to benefit the entire City.

Mr. Walker agreed that it was the only opportunity during a formal application process, but added that Kent Denver had developed a respectful partnership with the City over the years and had shown its willingness to work with the City on various issues, apart from formal applications.

Mayor Pro Tem Hoellen agreed but emphasized that the formal application process was an important opportunity for Council. He agreed with Councilor Brown that while Kent Denver was a jewel in the City and its contribution to the City was much appreciated, that was not relevant to this application process.

Mr. Walker asked Council to stay focused on the current application, its associated square footage and the fact that it would not increase traffic. He suggested Council disregard the hypothetical situations postulated by City staff. He noted that the process with City staff had been challenging and adversarial.

Mayor Pro Tem Hoellen indicated that the Council needed to find a solution that was in the best interest of the entire City.

Councilor Gallagher noted that they were all blessed to live in the City, that Kent Denver was a good partner, and expressed his hope that a win-win solution could be found. He agreed that Kent Denver's students needed secure facilities in order to have the campus remain open to the community. He indicated that he appreciated Mr. Walker's argument for proportionality of cost. He noted that Quincy Avenue was a beautiful rural road and that traffic was only an issue for 30 minutes a day during the school year. He agreed that Kent Denver was part but not all of the problem. He asked Kent Denver to work with City staff to find a solution.
Mayor Pro Tem Hoellen added that the City was blessed to have incredibly talented and hardworking staff. He indicated that staff was willing to work with Kent Denver to find a solution.

Mr. Walker replied that he had not intended to disparage staff, but that there were legitimate disagreements.

Mayor Christman expressed concern for continued or increased use of traffic control officers for school traffic on a daily basis due to the danger to the officers. She asked if Kent Denver had any concern with realignment of their main drive and construction of a roundabout aside from cost.

Mr. Walker replied that roundabouts could be challenging and dangerous for pedestrians and cyclists. He expressed concern that a reduction in risk to the officers would coincide with an increase in risk for pedestrians and cyclists.

Mayor Christman opened the Public Hearing at 8:42 p.m.

Debbie Welles, 4950 Sanford Circle West, indicated that she was a resident, alumni, and parent of Kent Denver students. She stated that Kent Denver was a good neighbor and made keeping its campus open a priority. She noted that the proposed traffic mitigation measures would cost a lot of money and were not guaranteed to solve traffic issues. She added that there were other measures the school could take and that Kent Denver was not responsible for the entire problem. She stated that improving traffic flow would increase cut through traffic. She asked Council to look at the alternatives before burdening Kent Denver with the cost of improvements.

Brian Wilkinson, 2801 East Stanford Drive, explained that he did not dispute the traffic issues but believed the new Upper School Building would not increase traffic. He stated that Kent Denver was a critical asset and had an amazing willingness to cooperate. He asked Council to look at the big picture and examine the issue more in depth. He noted that the possibility of losing Kent Denver was frightening. He thanked Council for holding this forum and for their hard work.

Lisa Pinto, 4980 South Lafayette Lane, indicated that she was a resident and a parent of Kent Denver students. She stated that she was shocked that the City would bill Kent Denver $2 million and cause increased tuition and/or reduced services for students, many of whom were on financial aid. She added that Kent Denver served the whole state and provided students with a pathway to college. She indicated that Council was not taking into account the safety of the students and that they should prioritize safety and educational opportunities above traffic issues. She stated that the kids were the most essential issue.

John Patteson, 4296 South Dahlia Street, stated that he was a resident and a parent of Kent Denver students. He noted that in his own experience the AM peak traffic time increased by five minutes when Cherry Hills Village Elementary School had changed their start time. He explained that evaluation of Kent Denver's application could be done by a purely technical analysis or by a value analysis. He explained that by a purely technical analysis the new building would not increase traffic as there would be no increase in enrollment. He indicated that if factors beyond those facts were taken into consideration, as Council was doing, then quality of life and Kent Denver's citizenship should also be considered. He indicated that a traffic signal was not desirable during the other 23.5 hours each day outside of peak traffic time, but that a roundabout would be difficult during peak traffic time. He stated that a traffic control officer's human judgement was needed during peak traffic time. He warned that computer models did not always work.
Julia Donnelly, 3920 South Birch Street, indicated that she was an alumni, Board member, and resident. She explained that the new building was necessary to improve the safety and the facilities. She asked that Council be respectful of Kent Denver’s staff time on this project and keep the project on time and on cost. She added that she was a Cherry Hills Village Elementary School parent, that traffic was a community issue, and should be a shared burden throughout the community.

Fred Wolfe, 4900 South Franklin Street, indicated he did not wish to comment.

Mike LaMair, 16 Cherry Lane Drive, stated that he was the Vice Chair of the Planning and Zoning Commission (P&Z). He stated that P&Z had discussed the application based on the same information presented to Council, and had determined that traffic was an important issue but not connected to the application. He encouraged Council to approve the application.

Jennifer Schaffner, 20 Glenmoor Circle, explained that she had moved to the City in part for the proximity to Kent Denver and that her kids walked to school. She indicated that she was not in favor of Council requiring Kent Denver to pay for a solution to a broader City-wide traffic issue. She stated that she supported the option of no change.

Wendy Daniels, 16 Parkway Drive, indicated that she understood that there was a traffic issue, but that it was a City-wide issue, and that Kent Denver’s application would not cause an increase in traffic.

Portia Tieze, 2265 South Clayton Street, indicated that she was a senior at Kent Denver and the all school president. She confirmed that the PM traffic was dispersed. She noted that navigation apps were used frequently and improved traffic flow would not result in decreased traffic. She indicated that Kent Denver provided educational opportunities to many students including many on financial aid. She asked that the money go to students instead of to traffic mitigation.

Willy Boatman, 5801 East Princeton Avenue, explained that he was the student representative on the Kent Denver School Board. He vouched for Kent Denver, their contribution to the community, and their emphasis on core values. He noted that there were no traffic issues outside of the peak traffic times, and that the change to Cherry Hills Village Elementary School’s start time had a large impact on the peak traffic time. He noted that money spent by Kent Denver on traffic mitigation was money not spent on open space that would benefit the entire community. He added that any traffic mitigation would benefit cut through traffic more than Kent Denver traffic. He suggested having Kent Denver change their start time instead.

Rand Harrington, 4000 East Quincy Avenue, stated that he was the headmaster of Kent Denver. He noted Kent Denver’s close relationship to the City. He indicated that City staff’s memorandum had felt adversarial in that they were suggesting that Kent Denver bear all the costs for traffic mitigation. He explained that the size of the school had been the starting place for the school’s 2015 master plan process, and that the Board had reaffirmed that they wanted to keep the student body small in order to emphasize quality education and their core mission. He noted that the size of their dining hall provided an infrastructural bottleneck. He explained that when the property was purchased in 1962 the Board committed to a narrow building envelope and significant open lands. He noted that an open campus was not without legal and security risks, and the school frequently worked with the Police Department and South Metro Fire Rescue on drills and exercises. He urged Council’s approval of the application without the costly traffic mitigation, and instead recommended less costly changes such as adjusting the school’s start time.
Amy Hansen, 5134 East Princeton Avenue, explained that she was a new resident and a parent to a Kent Denver student. She noted that her student took the bus before they moved and now biked to school, with the exception of icy days. She expressed concern for pedestrian and cyclist traffic with any traffic mitigation plan. She noted that any development agreement would run with the land and a new owner would be subject to the development agreement. She indicated she was in favor of the last option of no change.

Robert Howard, 101 Glenmoor Lane, stated that he had nothing new to add.

Howard Schimmer, 4100 East Quincy Avenue, indicated that he lived next door to Kent Denver and was in the risk and security business. He noted that he supported the project and that Kent Denver had held several neighborhood meetings. He explained that the greatest risk to schools was an active shooter, and the additional security that this project would provide to the school was very important. He noted that he preferred traffic to be slow. He expressed concern with a roundabout being the flavor of the hour, being a hazard to cyclists, and slowing emergency vehicles. He suggested that the traffic issues be addresses separately from Kent Denver’s application as the project would not increase traffic.

Beverly Karns, 5000 South Franklin Street, noted that she was a parent to a Kent Denver student. She indicated that the project would have no impact on traffic, and that Cherry Hills Elementary School had a greater impact on traffic. She supported a change in Kent Denver’s start time to alleviate traffic issues. She emphasized the need for better and safer facilities for the students.

John Karns, 5000 South Franklin Street, explained that they had moved to the City in 2003 for the rural and pastoral neighborhood. He indicated that he liked slow traffic, and any traffic improvements would result in more cut through traffic. He asked that Council keep the City as a small pastoral town.

Deborah Tuchman, 4600 South Monroe Lane, stated that she was a resident. She indicated that the proposed traffic mitigation measures placed an unfair burden on Kent Denver for such a limited peak traffic time. She noted that it would be a tragedy to deny the new facility because of these traffic issues. She added that the traffic was a community-wide issue and that the burden should be shared by the community.

Jay Rolls, 4949 South Birch Street, noted that he was a parent of a Kent Denver student and a resident. He stated that his concern was for cyclist safety, and incited his support for the application.

Michael Kim, 4245 South Forest Circle, indicated that he was a resident. He warned that the objective of improved LOS might have unintended consequences, and expressed concern with any change in the character of the City. He noted that he attended the P&Z meeting on this application and was concerned with the adversarial tone from City staff. He indicated that was the wrong spirit to undertake discussions and Kent Denver was willing to work with the City. He stated that the increase in traffic over the last 10 years was not due to Kent Denver but rather to growth in the Denver Metro Area.

Robert Jim, 4850 South Gaylord Street, stated that he agreed with Kent Denver’s perspective. He indicated that Option 4 had not been discussed sufficiently. He noted that it would be easy to put an additional traffic control officer at the intersection of Quincy Avenue and Colorado Boulevard. He indicated that it was a dangerous job for the officers and he respected them to do their duty as the safety of the children was most important.
Sven Collins, 4237 South Bellaire Circle, indicated his support of Option 4. He stated that it was the duty of Council to act conservatively, and they should not require Kent Denver to pay for a roundabout.

Chris Haymons, 4050 South Hudson Way, ceded his time.

David Hanson, 880 East Kenyon Avenue, was not present.

Liz Rollins, 1 Haystack Row, stated that the project would have no increase in enrollment and no increase in traffic. She indicated that the suggested traffic mitigation options seemed to require that Kent Denver fix the City's traffic issues. She expressed concern with pedestrian and cyclist safety if a roundabout was installed.

C.R. Brinton, 4200 South Hudson Parkway, indicated that he echoed John's comments regarding traffic. He expressed concern that the roundabout would create other issues during non-peak traffic times.

Florian Aalami, 4600 South Columbine Court, expressed concern that a traffic signal or roundabout would change the nature of Quincy Avenue. He indicated that there was no need to improve traffic flow. He suggested that other options such as the school's start time be examined.

Richard Huttner, 5350 Sanford Circle East, indicated that he had lived in the City for 32 years and seen Kent Denver grow from a small institution to a powerhouse. He explained that the traffic issues were not Kent Denver's fault but rather caused by the development outside of the City, and that the new project would not increase traffic. He noted that the traffic was worse because of the alignment of the school start times, but that was part of life. He warned that improving traffic flow would result in more cut through traffic. He suggested installing medians like the ones on South Dahlia to slow traffic or install stop signs, though that was less desirable. He stated that the best option was no change.

Rebecca Benes, 12 Blackmer Road, stated that she had lived in the City for 40 years. She warned Council to be careful what they wished for. She noted that she remembered when Belleview Avenue was widened. She emphasized that the City's semi-rural character was precious.

Hearing no further comments the Public Hearing was closed at 9:46 p.m.

Councilor Gallagher indicated that he appreciated the public's comments and noted that some consistent themes in the comments. He noted the importance of the community voice. He agreed that cost proportionality should be examined. He suggested that Option 4 could be combined with creative mitigation options and a new lower enrollment limit.

Mayor Pro Tem Hoellen thanked the public for attending. He explained that in his opinion not approving the new Upper School building was not in question; rather the conditions of approval were what Council needed to decide. He indicated that Council was charged to run the City in the best interest of all citizens, consistent with the Master Plan, and provide the best services in the most cost effective manner. He stated that cut through traffic would occur regardless of traffic flow. He drew a parallel with Denver's Transportation Expansion (T-REX) project and argued that the current traffic issues in Denver did not invalidate the importance of the T-REX project in the past. He noted that he understood the argument that all school funds should go to the students, but that in order to provide facilities adequate to educate students and provide them with a rich experience, appropriate infrastructure was also required. He indicated his support for Council's discussion regarding realignment of Kent Denver's main entryway to Colorado
Boulevard, and Kent Denver’s contribution to that cost. He stated that if Council wished to install a roundabout at Quincy Avenue and Colorado Boulevard then he believed the City should pay for that installation, rather than Kent Denver. He stated that he appreciated the need for caution against unintended consequences but that Council should not shy away from difficult issues either. He noted that this discussion was occurring in relation to the current application because it did not occur during the previous application from Kent Denver. He agreed that if Council decided on Option 4 then a new student enrollment trigger at the current student enrollment should be added. He indicated that if Council could not impose traffic mitigation measures based on the expanded use conditions, they could do so using their police powers. He suggested that Council continue the public hearing to the next Council meeting to allow time for City staff to work with the applicant to find a better solution. He indicated that the City was an amazing place and that all its institutions, including Kent Denver, were very important to the City.

Mayor Christman noted that she often walked along Quincy Avenue and could say from experience that the current pedestrian crossings at the two intersections under discussion were not safe for pedestrians. She emphasized her concern regarding the continued use of traffic control officers. She agreed that it was the officers’ duty to keep citizens safe, but stated that the officers should not be exposed to unnecessary risk, and that training as traffic control officers was not the best use of their time or of public funds. She indicated that she was open to a solution in which the City was an active partner, including sharing the cost.

Councilor Brown agreed with everyone’s comments regarding the importance of Kent Denver. She indicated that she was disheartened by the use of the word “adversarial”. She explained that as a land use matter, the City and Council were restricted by the state process from discussing the issue prior to the public hearing. She added that the Council packet was the first time that Council had received this information. She stated that Council’s decision was based on City ordinances and criteria, rather than personal feelings about the applicant. She noted that the new building would be a wonderful addition to the campus and that Kent Denver students were lucky to have such a supportive community. She indicated that she had no interest in denying the application, but that she was uncomfortable with the existing traffic issues. She noted that Kent Denver contributed to the traffic issues, although the amount of their contribution was unclear. She added that although she knew Kent Denver was acting in good faith, legally the current Development Agreement allowed the addition of 100 students before triggering another expanded use process, and that represented a potential for an increase in traffic. She indicated that while there were no certainties or guarantees, due to the traffic issues on Quincy Avenue she was not comfortable approving anything that might exacerbate the situation without a corresponding solution. She noted that this issue had come up during the expanded use application for the Middle School building. She reminded residents that the Council had held a public hearing for the City’s Traffic Study last year and many residents had attended, although it appeared they were not present tonight, perhaps because the agenda did not identify this item as a discussion of traffic issues. She explained that many of those residents had expressed concern and frustration with the traffic at the two intersections under discussion tonight. She indicated that Council had to balance all of that information and input. She noted that all the possible options had not been exhausted, and that the City wanted to work with Kent Denver. She agreed that the enrollment limit would have to be reduced to current enrollment only for any solution that did not include traffic mitigation. She noted that changing Kent Denver’s start time was a great suggestion but since Cherry Hills Village Elementary School’s start time was controlled by the school district rather than by Council, it would take some careful wording in the development agreement for this project to ensure that as a long term solution. She indicated that she did not support asking Kent Denver to pay all or none of the cost of traffic mitigation, but would support a compromise based on proportionality.
Councillor Blum stated that he agreed Kent Denver was a valuable citizen of the City and recognized the need for a more secure and modern Upper School building. He noted many issues that factored into this discussion including LOS, cost, proportionality, investment in the community, the City's Traffic Study, and safety for pedestrians and cyclists. He indicated that these issues could be resolved and that Kent Denver's request would be approved, but more discussion and work between City staff and Kent Denver was necessary before that could occur.

Mayor Christman asked if Council could be involved in the discussions between City staff and Kent Denver.

Mr. Walker stated that Kent Denver would support that option, but noted that timeliness was important.

City Attorney noted that the public comment portion of the public hearing had been closed. She advised that Council could designate a Council member to serve as a sounding board for City staff during their continued discussions with Kent Denver as part of Council's motion to continue the public hearing.

Mayor Christman summarized that no Council member had made any objection to the design or plan for the new Upper School building; Council was interested in further discussing proportionality and allocating costs; and other solutions in addition to the four outlined in City staff's memorandum should be further examined with the applicant.

Council designated Mayor Christman to assist with this process.

Mr. Walker indicated his support.

Mayor Pro Tem Hoellen moved, seconded by Councilor Brown to continue the Public Hearing to February 20, 2018 and directed City staff to continue discussions with the applicant, and include Mayor Christman in those discussions, pending affirmation from the City Attorney that was permissible, and taking into consideration all factors and all alternatives during those discussions.

The motion carried unanimously.

The Council took a five minute break at 10:31 p.m.

Acceptance of a Memorial Bench Donation at Three Pond Park

Parks and Recreation Coordinator Black presented a request for a memorial bench donation for Robert F. Robinson by his wife Elizabeth and brother-in-law Fred Fowler. Mr. Robinson was a long-time resident of the Village and was the co-founder of the Center for Applied Research. He frequently used the section of trail through Three Pond Park. The proposed location for the bench was in the southeast corner of the Park near the fence.

Councilor Brown noted that Mr. Robinson had been a very engaged, respectful and conscientious citizen.

Mayor Pro Tem Hoellen asked about the guidelines that staff used to determine placement of memorial benches.

Deputy City Manager/Director Goldie replied that staff evaluated requests on a case by case basis.

February 6, 2018  
City Council
Coordinator Black added that staff had worked with Mr. Robinson's family to find an appropriate location for the bench, as the original request was for a location that staff determined did not have enough space for an additional bench.

Councilor Brown moved, seconded by Councilor Blum to approve the request of the memorial bench donation for Robert F. Robinson to be placed in Three Pond Park.

The motion passed unanimously.

Acceptance of Donation of Sculpture at Quincy Farm

Parks and Recreation Coordinator Black explained that the estate of Catherine H. Anderson had donated a sculpture created by Robert Mangold to the City. It was a 10-foot high iron sculpture resembling a horse's hock (hind leg). The sculpture was already located at Quincy Farm, at the edge of the lawn to the south of the Anderson House. The sculpture was untitled. The Quincy Farm Committee recommended approval of the donation at their January 16, 2018 regular meeting, and the Art Commission recommended approval at their regular meeting on January 29, 2018. If Council chose to accept the donation, the City would add the sculpture to its insurance policy, and staff would add information about the sculpture to the City website and Public Art mobile app.

Councilor Brown moved, seconded by Councilor Blum to approve the donation of the Robert Mangold sculpture located on the south lawn at Quincy Farm.

The motion passed unanimously.

REPORTS

Mayor's Report

The Mayor reported that the Metro Mayor's Caucus would be discussing Denver's possible bid for the 2026 Winter Olympics, and a possible state-wide ballot measure for a sales tax increase for transportation funding.

Council expressed no opposition to the possible Olympic bid so long as no public monies were expended. Council requested further information on the possible ballot measure.

Members of City Council

Councilor Blum reported slow progress on the traffic light at Glenmoor Country Club and Belleview Avenue.

Councilor Brown reported that the MOU for the Centennial Airport Community Noise Roundtable would be sent to City Attorney Michow for review and comment soon. She noted that although there was no official news from the FAA, the current rumor was that the FAA had an internal moratorium on all Metroplex projects until the lawsuit in Phoenix was resolved.

Mayor Christman added that she had met or was scheduled to meet with Colorado's U.S. House of Representative and U.S. Senate staff members about Denver Metroplex.

Mayor Pro Tem Hoellen reported that he had attended the Buell Mansion HOA annual meeting, and that the residents had requested a "do not block" graphic on University Boulevard for the western entrance to the subdivision, and an extension to the south bound left turn lane on University Boulevard to turn onto Quincy Avenue because it was
backed up in the mornings. He asked staff to look into the feasibility of accommodating these requests.

Councilor Gallagher reported that he had discussed the City's email notification lists with Accounting Clerk Jessica Sager and noted the importance of having residents sign up for email notifications as the best way to communicate news quickly.

Members of City Boards and Commissions

None

City Manager & Staff

City Manager Thorsen reported that City Clerk Smith would be sending a survey to Council to determine the best date for Council's annual retreat in the spring.

City Attorney

City Attorney Michow had no report.

ADJOURNMENT

The meeting adjourned at 11:05 p.m.

Laura Christman, Mayor

Laura Smith, City Clerk
Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 20, 2018 at 6:30 p.m.
At the Village Center

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

ROLL CALL

Mayor Laura Christman, Councilors Randy Weil, Earl Hoellen, 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 Linda Michow, Finance Director Karen Proctor, Police Chief Michelle Tovrea, Parks and Recreation Coordinator Emily Black and City Clerk Laura Smith.

Absent: Councilor Al Blum

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

None

CONSENT AGENDA

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

a. Approval of Minutes – February 6, 2018

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

NEW BUSINESS

Agreement for Professional Services with Kimley-Horn and Associates, Inc.

Deputy City Manager/Director Goldie presented the agreement with Kimley-Horn and Associates for Council’s consideration. He explained that the City published a request for proposals for engineering department services in December 2017. The City received nine proposals and interviewed four firms, including Kimley-Horn and the City’s current engineer, ICON Engineering. Kimley-Horn demonstrated that they had the background and expertise to provide high quality engineering department services for the City. The proposed agreement with Kimley-Horn marked a change in City engineering firms. The City has used ICON Engineering’s services since 2009. The City has consistently maintained a positive relationship with the team at ICON, however after interviewing several highly qualified firms, including ICON, staff has decided to move forward with a different candidate for the City Engineer position. Staff felt that Kimley-Horn offered a breadth of engineering services that fit the needs of Cherry Hills Village. The City has been working with Kimley-Horn on traffic related consulting for several years. Curtis Rowe of Kimley-Horn has been serving as the Traffic Engineer for the City.
in regards to the current Kent Denver Expanded Use project. Staff would review the current fee schedule for actual engineering review costs and bring updates to Section 18-1-20 of the Municipal Code to Council for consideration as necessary.

Council asked about the rate difference between the current city engineering firm and the proposed firm.

Deputy City Manager/Director Goldie replied that the rates were comparable, but the proposed firm had a broader range of rates that they could charge based on which partners at the firm performed the work. Therefore staff would review the rates after a month of working with the new firm to determine if the rates that the City charged applicants needed to be adjusted. Any proposed adjustment would come to Council as the fees were in the City Code and changes would need to be made via ordinance. In addition, the City would ask the new firm to perform more reviews and inspections related to stormwater than the current firm had conducted. Currently the City staff performed much of the stormwater management, but staff believed that having the city engineering firm conduct this management and pass along those costs to the applicants would be a more effective process.

Mayor Christman indicated that she had several legal questions related to the agreement that she would like to work out with the City Attorney.

Mayor Pro Tem Hoellen moved, seconded by Councilor Brown to approve the Agreement for Professional Services with Kimley-Horn and Associates to provide the City with building department services as proposed in Exhibit A to the February 20, 2018 staff memorandum, and subject to additional changes that will be discussed with the City Attorney and Kimley-Horn.

The motion passed unanimously.

Council Bill 1, Series 2018; Amending the Budget for Fiscal Year 2017 by Creating a Certificate of Participation Fund and Appropriating Funds Therein (first reading)

Director Proctor presented Council Bill 1, Series 2018 on first reading. She explained that in February of 2017 staff created a new COP Project Fund in order to provide greater clarity of spending of the COP proceeds for the new Public Works Facility, the new City Center and the improvements to John Meade Park. The City was required by Article, IX, Section 9.9, of the Charter to create a special fund by Ordinance to account for monies to be held or used for special purposes. As discovered during the annual financial audit, this had not yet been done. To create the COP Project Fund, $2,822,679 of expense was moved from the Capital Fund and $7,550,000 of expense was moved from the Parks and Recreation Fund to the COP Project Fund. In addition, the bond proceeds in the amount of $12,850,000 were transferred to the COP Project Fund. Overall, the 2017 budget revenues and expenditures were unchanged. The proposed council bill was simply to move the funds budgeted for the COP proceeds and expenditures into their own fund.

Councilor Brown moved, seconded by Councilor Weil to approve Council Bill 1, Series 2018; a bill for an ordinance amending the budget for fiscal year 2017 by creating a certificate of participation (COP) project fund and appropriating funds therein on first reading.

The following votes were recorded:

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February 20, 2018
City Council
City Manager Thorsen presented Council Bill 2, Series 2018 on first reading. He explained that the proposed bill would approve a supplemental appropriation of $750,000 for the design and construction of a roundabout at Colorado Boulevard and Quincy Avenue. He noted that the current Level of Service (LOS) at the intersection was a D in the AM peak hour and an F in the PM peak hour. In addition to improving the LOS in this area of the City, staff desired to eliminate the need for a traffic control officer at the Kent Denver entrance in the mornings. City staff and the City’s traffic engineering consultant, Kimley-Horn, have worked directly with Kent Denver and their traffic engineer from Matrix Design Group to look at a variety of options to improve traffic at these locations and eliminate the traffic control officer. After much review, City staff and the City’s traffic engineer believe the best option to resolve the peak hour LOS deficiencies is to realign Kent Denver driveway to Colorado Blvd and install a roundabout at the intersection. Based upon the traffic study provided by Matrix Design Group, the LOS at the new roundabout would be a B for both AM and PM peak hours. The preliminary design includes the roundabout being shifted southerly in order to avoid having to acquire any right-of-way from the properties on the north side of Quincy Avenue. It would require the need for approximately 25,000 square feet of land from Kent Denver. At this time, Kent Denver has been conditioned to dedicate the land with the approval of their Expanded Use Permit. The design of the roundabout would include splitter islands to increase crossing safety for pedestrians and cyclists. City Manager Thorsen displayed models of traffic movement through the roundabout.

Council questioned the movement of traffic in the roundabout model and the speed of vehicles within the roundabout.

Curtis Rowe from Kimley-Horn explained that the model was based on Kent Denver’s traffic study for the highest 15 minutes of peak AM traffic in 2038. He stated that he was confident that the roundabout would operate as modeled by creating a steady traffic flow for drivers in all directions with a slight backup for east bound Quincy Avenue traffic. He noted that while the roundabout would not have a separate speed limit from Quincy Avenue or Colorado Boulevard, advisory speed plaques would be posted in conjunction with the Police Department that would identify the suggested speed in the roundabout at 15 miles per hour.

City Manager Thorsen indicated that if approved, staff intended to begin construction immediately after school finished in June and to have construction completed before school began again in August. He noted that Council suggested holding a public input meeting on City traffic issues, including the proposed roundabout, at the April 3, 2018 City Council meeting.

Council asked about the details of construction and the cost estimate.

Mr. Rowe replied that the plan was to maintain some portion of the intersection open throughout construction, and that there was 20 feet of right-of-way on the north side of the intersection that could be utilized for temporary roadway. He noted that the cost estimate was conservative and included utilities, grading, drainage and curb work.
indicated that staff was aware of some of the utilities but would not be aware of all of them until a survey was completed. He explained that curb work would be done on the center circle and splitter islands, but the other road edges would be restored to their current condition in order to maintain the semi-rural character of the City. He noted that irrigation would be installed in the center island and it would be landscaped with low growing plant matter, but that a portion of the outer edge of the center island would be hardscaped to make it transversable by trucks.

City Manager Thorsen indicated that the design with the splitter islands would allow pedestrians and cyclists to cross one lane of traffic at a time, or cyclists could use the roundabout as a vehicle. He added that the trail along Quincy Avenue would curve to the south, cross the splitter island, and curve up again.

Council asked about funding for the project.

City Manager Thorsen directed Council to staff’s long range financial forecast in the staff memorandum. He explained that the funds would be transferred from the General Fund to the Capital Fund, and then paid from the Capital Fund. He noted that staff was confident that funding of this project would not impact funding for other projects, such as the new Public Works Facility, new City Hall, redesign of John Meade Park, new traffic signal at Glenmoor and Belleview Avenue, and the High Line Canal underpass at Hampden Avenue, which were all in the current budget.

Mayor Pro Tem Hoellen suggested that an appropriate portion of the funds for the roundabout come from the Parks and Trails Fund instead of the General Fund.

City Manager Thorsen agreed.

Councilor Brown indicated that this would be a big change for the City and that the decision required public input. She stated that Council’s approval of the supplemental appropriation was an approval for funding, but not necessarily approval for construction.

City Manager Thorsen confirmed that was correct and noted that after the public input meeting on April 3rd, staff would put the project out to bid and Council would have final approval on awarding the contract for construction. He noted that as the City’s new engineer, Kimley-Horn would complete the design under their current contract with the City.

Councilor Weil moved, seconded by Mayor Pro Tem Hoellen to approve Council Bill 2, Series 2018 on first reading, Authorizing a Supplemental Appropriation in the Capital Fund for Fiscal Year 2018 for Design and Construction of Traffic Improvements at Colorado Boulevard and Quincy Avenue in the amount of $750,000 and authorizing the transfer of these funds from the General Fund reserves into the Capital Fund.

The following votes were recorded:

- Gallagher: yes
- Hoellen: yes
- Brown: yes
- Sheldon: yes
- Weil: yes

Vote on the Council Bill 2-2018: 5 ayes. 0 nays. The motion carried.
UNFINISHED BUSINESS

Request by Kent Denver School for Expanded Use for a New Upper School (continued from February 6, 2018)

City Attorney Michow indicated that Councilors Well and Sheldon were not present at the February 6, 2018 public hearing on this matter, but that it was her understanding that they had both listened to the entire audio recording of the public hearing and had reviewed the packet, public comments, and minutes. She asked if there was any objection from the applicant or from Council to Councilors Well and Sheldon considering the application tonight.

Councilors Well and Sheldon confirmed that they had listened to the audio recording and reviewed all the materials related to the February 6th public hearing, and indicated they could consider the application fairly.

Jerry Walker, representing Kent Denver, indicated that the applicant had no objections.

There were no objections from Council.

City Manager Thorsen explained that staff had worked closely with Kent Denver to work out the issues identified at the February 6th public hearing, and had come to an agreement that was mutually satisfactory to both parties. He presented an amended development agreement to Council and noted the changes to Exhibit D. He explained that Kent Denver would convey the right-of-way on the south side of Quincy Avenue to the City that was used for the trail; Kent Denver would convey the portion of land necessary for the roundabout, but this land would revert back to Kent Denver in the event that the City did not construction the roundabout within eight years; Kent Denver would realign their entry road to the roundabout and would be released from the obligation of having a traffic control officer; construction drawings for the realignment would be reviewed for effects on drainage and the Quincy trail; and if the City decided not to install the roundabout, Kent Denver would maintain its current entry road and would continue to provide a traffic control officer.

Councilor Sheldon asked why the agreement used a Bargain and Sale instead of a Special Warranty Deed.

Mayor Christman replied that a Bargain and Sale was standard in the industry for nonprofit organizations.

Councilor Sheldon asked about the suggestion from February 6th regarding a right-turn only entrance at Kent Denver's current entry, in addition to the realignment and roundabout.

City Manager Thorsen replied that staff was open to further discussions of that possibility with Kent Denver, but that in order to keep this agreement simple it had not been included.

Mayor Christman asked about the trail on the south side of Quincy Avenue.

City Manager Thorsen explained that the land was owned by Kent Denver, but the City had installed the trail and continued to maintain it.

Mayor Christman asked that a reference to Special Warranty Deed be removed and language regarding a traffic control officer be clarified in the agreement.
Councilor Sheldon asked about the comment from February 6th regarding formalization of Kent Denver's open campus.

City Manager Thorsen replied that staff did not believe there was a nexus between that issue and this agreement.

Councilor Brown noted an access gate on the plans for the new Upper School and asked about the parking numbers.

City Manager Thorsen noted that the Code did not mandate that required parking be open to the public. He added that if those spaces were removed from the number of parking spaces proposed the reduction would be at 23% which was still within Council's discretion to approve.

Mayor Pro Tem Hoellen indicated that the requirement that parking be public should be addressed during the Code Modernization.

Mr. Walker explained that the current agreement had been a lot of work and that he agreed with City Manager Thorsen's assessment that both parties were equally satisfied and dissatisfied. He stated that Kent Denver was very comfortable with the agreement as written. He confirmed that the gate was for security purposes and was closed during school hours. He indicated that Kent Denver had no plans to change their policy of an open campus but reserved the right to do so in the future for security and student safety. He confirmed that the City maintained the trail and fence on Quincy Avenue. He noted that Kent Denver was not expressing an opinion on the positive or negative aspects of the roundabout and indicated that was an issue for the public, Council, and engineers to discuss and discern. He clarified that Kent Denver was simply providing the ability for the City to construct the roundabout. He indicated that some of Kent Denver's concerns about pedestrian and cyclist safety with the roundabout had been addressed. He noted that Kent Denver was interested in further discussion about a right turn only lane into the current entry in addition to the realignment and roundabout as it might help alleviate backup in the east bound Quincy Avenue traffic. He added that discussion would be critical in designing the realignment of the school's driveway.

Councilor Brown moved, seconded by Mayor Pro Tem Hoellen to approve the Kent Denver School Development Agreement and Expanded Use Permit and to construct an approximately 28,000 square-foot new Upper School building to City Council based on the findings set forth in the supplemental February 20, 2018 staff report and subject to the conditions of approval as outlined in the revised development agreement.

The motion passed unanimously.

**Council Bill 3, Series 2018: Vacating the Bridle Path Easement Between Lots 3 and 4 of the Olson Subdivision (first reading)**

Deputy City Manager/Director Goldie presented Council Bill 3, Series 2018 on first reading. He explained that at the January 16, 2018 City Council meeting City Council approved Resolution 3, Series 2018 which gave City staff the authority to move forward with the process of vacating the bridle easement between lots 3 and 4 of the Olson Subdivision. Staff had been working with the property owners of the four lots located within the Olson Subdivision to solve a number of issues with regard to drainage, encroachments and bridle paths, due to the construction of a new home on lot 2. Staff had been aware of a number of issues regarding this subdivision through conversations with property owners over the past few years, none of which could be dealt with prior to a formal application for construction. The issues came to the forefront because of the need for drainage plan approvals for the construction of the new home on lot 2. At the
same time, the approved drainage needed to be sized for and designed to accommodate drainage from lots 1 and 4, which are currently undeveloped. The plan included the realignment of the bridle paths to make a more sensible connection for the City's trail system and leaves in place historic drainage that is necessary for the home on lot 3. This included the vacation of the 16' bridle path easement between lots 3 and 4 and the grant of a new 16' bridle path easement on the east boundary of lot 4 that completes a link between the existing bridle path to the north of lot 2 and 3 south to Belleview Avenue. The new easement along the east side of lot 4 would create a continuous north-south trail connection to Belleview Avenue. The documents for the dedication would be presented formally to City Council in conjunction with the second reading of the Council Bill scheduled for March 20, 2018. The vacation and dedication were treated as two separate issues and completed by two separate processes. At second reading of the Council Bill, Council could condition the formal vacation on the dedication of the new bridle trail. After approval of both the vacation and the dedication the City Clerk would record both easements at Arapahoe County. Per Section 2 of the draft resolution accepting the trail dedication staff would first record the new Trail Dedication and ensure the process is completed prior to recording the Trail Vacation Ordinance.

Council expressed concern regarding the order of the vacation and the dedication.

Deputy City Manager/Director Goldie indicated that staff would add an additional section to the council bill stating that the vacation was contingent on the dedication, and that the dedication would be presented for Council's approval first before second reading of the vacation council bill on the March 20, 2018 agenda.

Councilor Brown moved, seconded by Councilor Weil to approve on first reading Council Bill 3, Series 2018; vacating the bridle easement between lots 3 and 4 of the Olson Subdivision; finding: (1) The vacation serves the public interest; and (2) The vacation will not leave any property without an established public road or private access easement connecting it with another established public road; and direct staff to proceed with scheduling a public hearing and second reading in front of City Council on March 20, 2018.

The following votes were recorded:

Hoellen: yes
Brown: yes
Sheldon: yes
Weil: yes
Gallagher: yes

Vote on the Council Bill 3-2018: 5 ayes. 0 nays. The motion carried.

REPORTS

Mayor's Report

Mayor Christman reported that Senator Gardner had sent a letter to the FAA requesting they hold informative public meetings. She indicated that the United States Olympic Committee had determined that they would not submit any US city for consideration to host the 2026 Olympics, so the Colorado exploratory committee was now looking at 2030 and 2034. She added that Colorado's government officials had no appetite for expending public funds on hosting the Olympics.
Members of City Council

Councilor Sheldon had no report.

Councilor Brown reported that she had joined the Arapahoe County Citizens Budget Committee, a purely advisory committee. She suggested that information on services such as curbside trash, recycling and composting pickup should be made more available to residents, and questioned the pros and cons of the City contracting with a particular company for these services. She also noted that the sidewalk on the south side of Hampden Avenue just east of Albion Street ended at some point and asked if staff could contact CDOT about it.

Mayor Pro Tem Hoellen had no report.

Councilor Gallagher reported that he, Mayor Christman and staff had met with members of the Sierra Club about the issues and possibilities of moving the City towards 100% renewable energy. He indicated that it was a complex issue and would take time. He noted that Public Works Clerk Pamela Broyles had recently celebrated her 10 year anniversary with the City and she was a wonderful asset.

Councilor Weil had no report.

Members of City Boards and Commissions

None

City Manager & Staff

City Manager Thorsen reported that staff would be meeting with the parties involved in the High Line Canal underpass at Hampden Avenue. He added that the bid opening for the new City Hall project would be February 28th at 1pm. He indicated that staff would bring a contract for Council’s consideration at the March 6th Council meeting, and that staff would be transitioning into the old fire station at 120 Meade Lane on March 9th.

City Property Usage

Coordinator Black explained that in July 2017, City Council approved Ordinance 8, Series 2017 regarding the procedures for parks and trails usage. This ordinance amended the Municipal Code to allow the City Manager to adopt specific policies and rules for special event permitting on City property, parks, and trails. Since that time staff had worked with City Attorney Michow on the City Property Usage Policy and associated permits and forms. The policy was written in consultation with the Community Development Department, Public Works Department, Human Resources, the Police Department, the City Clerk’s office, and South Metro Fire & Rescue. The administrative policy was presented to the Quincy Farm Committee and the Parks, Trails, and Recreation Commission for comment prior to approval by the City Manager. The final policy was posted on the City website. This policy would guide City staff through processing and accepting requests for the use of City property. It was comprehensive in order to provide instructions to staff for each type of event that might be held within Cherry Hills Village. Staff has worked to make the application process as simple as possible for residents. The policy was not meant to be instructions for an applicant but rather a guide for staff. Based on feedback from Councilor Gallagher, staff would amend the insurance section of the policy to increase the limits and encourage applicants to ensure that third party vendors carried liability insurance.
Councilor Brown asked why horse arenas in particular could not be rented out.

Coordinator Black replied that the arenas were maintained with Arapahoe County grant funds which carried a stipulation that they be open to the public. She added that in the past the City had issues with the arenas being reserved for private lessons. She noted that the City reserved the right to use the arenas.

Mayor Pro Tem Hoellen asked if all facilities that utilized a portion of Arapahoe County funding were subject to the same restriction.

Mayor Christman questioned this restriction and suggested staff not blame Arapahoe County for the City's policy.

Councilor Gallagher asked about the 50 person threshold for additional requirements such as insurance.

Coordinator Black explained that the threshold had been reached after consideration of CIRSA's recommendations, policies of other municipalities, City property capacity, typical event size, and risk the City was willing to assume.

City Attorney

City Attorney Michow reported that the Colorado Ethics Commission had determined that they had jurisdiction over a Home Rule County in a complaint filed against a Weld County Commissioner, and indicated that she would keep Council appraised of ongoing developments.

ADJOURNMENT

The meeting adjourned at 8:29 p.m.

Laura Christman, Mayor

Laura Smith, City Clerk
Minutes of the
Planning and Zoning Commission of the City of Cherry Hills Village, Colorado
Held on Tuesday, March 12, 2019 at 6:30 p.m.
at City Hall

Chair LaMair called the meeting to order at 6:30 p.m.

ROLL CALL

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

Absent from the meeting were the following Planning and Zoning Commissioners: Commissioner Bill Lucas and Commissioner Peter Niederaner

Present at the meeting were the following staff members: Jim Thorsen, City Manager, City Attorney, Kathie Guckenberger, Rachel Granrath, Community Development Director and Ethen Westbrook, Community Development Clerk.

PLEDGE OF ALLEGIANCE

The Commission conducted the Pledge of Allegiance.

SECURITY TRAINING FOR THE NEW COUNCIL CHAMBERS

The Cherry Hills Village Police Department conducted a safety training for commissioners and staff regarding the new City Hall building.

AUDIENCE PARTICIPATION PERIOD

Allison Lynch, 4262 S Hudson Parkway, spoke on the Cherry Hills Village Art Commission and showed a video of the art that has been installed around the city.

CONSENT AGENDA

Commissioner David Wyman made a motion to approve the following items on the Consent Agenda with amendments:
   a. Approval of Minutes as Amended – February 12, 2019

The motion was seconded by Commissioner Miller.
Vote on motion to approve consent agenda items.

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<td>LAMAIR</td>
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<td>WYMAN</td>
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<tr>
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The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

a. Request from Denver First Church of the Nazarene at 3800 E Hampden Avenue for the approval of an Extended Use permit to remove 264 parking spaces located on 3.3 acres west of Monroe Street. (Public Hearing)

Community Development Director Rachel Granrath stated Denver First Church of the Nazarene withdrew this application but will most likely be submitting an expanded use application during the summer.

Commissioner David Wyman stated Denver First Church of the Nazarene has made inquiries about sewer taps and a possible rezoning application.

Granrath stated the City has not received a formal application yet.

b. Request from Kent Denver at 4000 E Quincy Avenue for an amendment to the 2018 Development Agreement for the Kent Upper School Building Project, to eliminate from Exhibit D “Traffic Improvements,” conditions B, C, and D to also eliminate Exhibit F. (Public Hearing)
Director Rachel Granrath spoke and gave a presentation on the history of the application. She stated there was an expanded use application to amend the agreement that was adopted in 2018. Ms. Granrath explained in September of 2017, Kent Denver School applied for an upper school building project. She stated the project is nearly complete and a temporary certificate of occupancy has been issued. She stated traffic mitigation at the intersection of S Colorado Blvd and E Quincy Ave became discussion when reviewing the application. Different options were discussed and studied for traffic mitigation and the driveway at Kent Denver School. It was concluded that realigning the current Kent Denver driveway was the best traffic mitigation option.

Granrath explained two staff options for the commission: 1. Approve the modifications to the development agreement; 2. Deny the request.

Chair LaMair asked if there was a City Council meeting to discuss the agreement with Kent Denver.

Granrath stated there was a City Council Study session to discuss City wide traffic issues.

LaMair asked if City Council made any conclusions at that meeting.

City Manager Jim Thorsen stated City Council chose not to pursue the roundabout location for Kent Denver at that time and funds that were allocated for that project went back into the appropriate funds.

Jerry Walker, representing Kent Denver School at 4000 E Quincy Ave, discussed the background on the agreement with the City in regards to the submitted expanded use permit. He stated the different traffic impacts in the City and mentioned the possibility of commuter traffic getting worse if Kent Denver traffic is not allowed. Mr. Walker explained part of the traffic discussion included the possibility of changing the start time of the school. He stated the school will increase late starts to two days a week for the next school year. Mr. Walker stated lighting and after school extracurricular sport activities were a concern when proposing later start times for every day.

Commissioner Kaplan asked what percentage of the students at Kent Denver participates in sport activities.

Walker explained almost 100% due to the sports requirements at the school.

Walker stated the additional parking for ride share and bikes. He reported on the bus program and the different ways the school works to aid the traffic issues around the school. He stated the school made the expanded use agreement and compromised with the City due to the need of the upper school building. Walker explained the City Council gained a lot of negative feedback about the nature of traffic on E Quincy Ave and then chose to not pursue the traffic circle at Kent Denver. Thus, the school is formally requesting the removal certain requirements that City Council had placed in the development agreement.

Planning and Zoning Commission Meeting
March 12, 2019
Commissioner Wyman asked about the possibility of starting late five days a week and the possible inquiry for lights for after school activities.

Walker stated they would need the lights for after school activities and the increase of late starts results from the feedback from the City residents. He stated the school was only asking for the removal of the above listed requirements in the agreement.

Wyman asked about the possibility of more cut through traffic in the City if the school started late five days a week.

Walker explained that the commuter traffic increases in the summer when school is not in session and this leads to rough transitions with traffic when school starts back up in August.

Wyman asked staff if the City has any data on cut through traffic during the summer.

Granrath stated the City does not have that data.

Walker stated traffic studies have been completed when the school is in session.

Wyman asked about Kent Denver conveying property with the agreement.

City Attorney Kathie Guckenberger stated land was conveyed in condition “A” of the agreement but not condition “B”.

Walker confirmed this information and stated there is a recorded document at Arapahoe County for this easement.

Commissioner Miller stated the need for a new middle school was appropriate. She asked about the student percentage increase for the school that was planned for.

Walker explained the middle school agreement was completed in 2016 and the student percentage increase allowed was 15% at that time. The most recent agreement includes the upper school.

Miller stated that traffic concerns involve both the middle and upper school.

Walker stated there has been no increase in students for the middle school.

Miller stated student increase could not be assumed for the coming years. She stated that Kent Denver agreed to be responsible for traffic mitigation and now wanted to eliminate conditions of the agreement. Miller asked what the City would get out of eliminating these conditions.

Walker stated that City Council asked Kent Denver to look at a realistic option for the school driveway and asked if something was not going to be done about the driveway then why have it in the agreement.
Miller stated that the City needs to get something out of removing the conditions.

Walker stated that the City is getting the max cap of increase of students for the school.

Miller stated she did not want to let Kent Denver not be responsible for the traffic mitigation they agreed to.

Wyman explained that if nothing happens in eight years with the agreement then it becomes a moot point.

Miller stated then why not wait eight years.

Wyman asked why should the City wait eight years.

Miller stated to wait because of the population increase and did not see major consequences if the City held onto the land for eight years.

Wyman stated the agreement is more of an eight year option.

Walker asked why the City would create an option in the agreement if they were not going to use it.

Miller stated the City would not exercise the option because of not knowing what the future may hold.

Walker stated the City is conveying land without having a plan for that land if the option is not utilized.

Miller stated all parties had participation in the agreement and Kent Denver wants to change it now. She stated the desire for Kent Denver to provide further ideas for traffic mitigation.

LaMair stated that it is not appropriate for the school to give land as a condition to expand the upper school.

Kaplan asked about the possibility of having late starts five days a week for school and doing the athletic activities in the mornings before school.

Walker stated CHSAA does not allow competitions scheduled in the mornings and if mornings were used for practices then the school would have to provide breakfast and time for showers for the students. He stated there can be a lot of logistical issues.

Miller stated the desire for night football games.

Walker stated that could be a solution for the City and the school.

Kaplan stated the City residents would disagree.
Commissioner Miles asked about the expansion of the enrollment at the school.

Walker stated they did not expand the enrollment possibility at the school. He stated the expanded use permit was due to the increase of square footage of the school. Walker also explained the school board has agreed to not increase the size of the student population of the school.

Miles asked what the student capacity could be based on the square footage.

Walker stated they increased the square footage due to needing more room and that each classroom has approximately 18 kids. He stated there is no desire to cram more kids into classrooms due to the history of the school and the City.

Miles asked to confirm the 15% increase cap for the student population.

Walker confirmed that information for the middle school.

Chair LaMair asked about the use of bikes and incentives for kids to use bikes.

Walker explained that the bike culture is more popular than it was a decade ago and the school has added a mountain biking program. He added that it is hard to convince 16 year olds to not drive when they have their license.

Chair LaMair opened the public comment portion of the public hearing.

Earl Hoellen, 3 Vista Rd, spoke on the agreement between the City and Kent Denver in regards to the expanded use permit, the lights discussion for the school, traffic mitigation, and his knowledge of the agreement from his time serving on City Council. He recommended keeping the agreement as is or having City Council work with Kent Denver on traffic mitigation plans for the future.

Chair LaMair asked Mr. Hoellen if he would answer questions from the commission.

Mr. Hoellen agreed to answer questions from the commission.

LaMair stated it is important to be aware that the City not drag a process out too long and be fair with the process. He also explained that traffic was not part of the discussion when expanding the upper school.

Hoellen stated that the City was not dragging out the process when he served on City Council and tried to accommodate for Kent Denver's needs. He stated the Planning Commission at the time did not discuss traffic but City Council did want to consider things such as traffic, start times, and capping the increase of enrollment. He stated his opinion to keep the option regarding the school driveway in the agreement.

Planning and Zoning Commission Meeting
March 12, 2019
Miller asked if the City exercised its option to build the roundabout, then would the City turn it over to Kent Denver.

Hoellen stated that if the City built the roundabout, then Kent Denver would have to realign their driveway.

Wyman asked if the roundabout was built, would additional land be conveyed to the City.

Hoellen stated there would be additional property to be conveyed to the City. He also stated if the option to build the roundabout is not utilized the land will revert back to Kent Denver.

Wyman asked about the timeline of the agreement and option for the City.

City Attorney Kathie Guckenberger stated the eight years for the option begins from the date of the development agreement.

Wyman asked if the City has been in the agreement for two years.

Guckenberger confirmed the City had been in the agreement for two years.

Miller stated Kent Denver was not the only entity responsible for the traffic issues, but believes better ideas for traffic mitigation should be provided. She stated she does not want to give up a City asset without receiving something in return.

Hoellen stated his appreciation for Kent Denver School but to be aware that the institutions in the City do not pay taxes. He stated Kent Denver should participate in some of the cost for traffic mitigation solutions.

LaMair asked if anybody at the City Council meeting where this topic was discussed, spoke in favor of the agreement.

Hoellen stated nobody spoke in favor of the roundabout at the time of the meeting.

LaMair asked if formal action had been taken to not build the roundabout.

Hoellen stated City Council directed City staff to not proceed with the construction of the roundabout and reverse the allocation of the funds that were for the project.

LaMair asked why Kent Denver was not required to give land and be consistent with the reversal of other actions with the agreement.

Hoellen stated it was possible for the City to negotiate with Kent Denver about the development agreement and make it consistent.

Miller asked if Kent Denver could come back and ask for these amendments with the agreement down the road.

Planning and Zoning Commission Meeting
March 12, 2019
Guckenberger stated they can but they would have to go through the expanded use permit application process. She reminded the commission that the goal tonight is to recommend action for City Council.

Kaplan asked if current changes being made to the City code would effect this Kent Denver application.

Granrath stated the changes would not affect this current Kent Denver application and that once the changes are adopted, they will be in effect for all applications moving forward.

LaMair closed the public comment portion of this agenda item and opened deliberation.

Guckenberger stated that sometimes a motion can help create debate or deliberation.

Wyman stated Kent Denver would not be responsible for the increase of traffic at the 8:00 a.m. hour if they started late five days a week. He stated taking Kent Denver property to solve a problem that Kent Denver did not create is inequitable.

LaMair stated City Council had requested staff to not pursue work on the roundabout and was in favor of option number one that staff had provided describing the acceptance of removing the conditions from the agreement.

Miller asked how the agreement would revert in reference to the eight year timeline if Kent Denver used methods to help traffic mitigation.

Walker stated that the agreement would not be fulfilled quicker if Kent Denver used methods to help traffic mitigation. He stated that discussion could be had with Kent Denver to work on solutions for traffic mitigation but should be outside of this current agreement.

Guckenberger stated the commission is in deliberation period.

Walker stated that lights discussion for the school had gone to the Planning and Zoning Commission but not to City Council.

Miller suggested having some traffic mitigation conditions in the agreement.

LaMair stated the commission’s task tonight is to respond to Kent Denver’s request and provide a recommendation to City Council.

Miller stated the possibility of making a motion to deny the requested amendment of the agreement and add traffic mitigation conditions.

Guckenberger stated the commission can make any motion they wish and City staff had provided two recommendations for motions.
Wyman stated his concern to amend the staff recommended motions and the impact of Kent Denver on the traffic if late starts are continued.

Miller stated the City does not know the traffic impact due to the school having only two late start days. She stated her desire to have traffic mitigation conditions with the second recommended staff motion including the denial of the requested amendment to the agreement.

Wyman stated the City should not hold Kent Denver responsible for traffic that they are not responsible for.

Commissioner Wyman mad a motion to recommend to City Council the approval of the 2018 Development Agreement for the Kent Denver Upper School building project by eliminating conditions B, C, and D of Exhibit D and removing Exhibit F. Chair LaMair seconded the motion.

Vote on motion made by Commissioner Wyman:

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<td>TOTAL</td>
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The motion does not pass.

Commissioner Kaplan mad a motion to recommend to City Council the denial of the requested amendment to the 2018 Development Agreement and retain the existing conditions. Commissioner Miller seconded the motion.

Vote on motion made by Commissioner Kaplan:

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The motion does not pass.

Planning and Zoning Commission Meeting
March 12, 2019
Commissioner LaMair made a motion to recommend to City Council the approval of the 2018 Development Agreement for the Kent Denver Upper School building project by eliminating conditions B, C, and D of Exhibit D and removing Exhibit F, subject to Kent Denver School submitting a plan to City Council that addresses traffic issues on Quincy Avenue such as school start times, ride sharing programs, bike riding incentives, and an expanded bus program. Commissioner Miller seconded the motion.

Vote on motion made by Commissioner LaMair:

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The motion passes.

Walker stated it will be difficult for the Kent Denver School Board of Trustees to accept conditions recommended to City Council.

REPORTS

Community Development Director Rachel Granrath reported staff is moving forward with the code modernization project and thanked all who had attended the study session with City Council. She thanked Commissioners Kaplan and Wyman for serving on the code modernization screening committee.

LaMair asked if staff could provide a memo on expanded use versus the site plan approval along with pros and cons.

Granrath confirmed this would be done at the next meeting. She welcomed new Community Development Clerk Ethen Westbrook.
ADJOURNMENT

Chair LaMair adjourned the meeting at 8:25 p.m.

______________________________
Michael LaMair, Chairman

______________________________
Ethen Westbrook, Community Development Clerk
Glen C. Warren Jr. and Tami J. Paumier
4001 East Quincy Avenue
Cherry Hills Village, CO 80113

April 1, 2019

City Council
Cherry Hills Village

Re: Kent Denver School Development Agreement Amendment

Dear Council Members:

Our home is located at the corner of Quincy Avenue and Colorado Boulevard where the proposed round-about was going to be located. We are very much in support of the amendment to the Kent Denver School Development Agreement that will eliminate the obligation to convey land for the round-about. This requirement should never have been imposed on the Kent Denver School in the first place. Kent Denver has long been a great citizen of Cherry Hills Village by keeping its campus open and accessible. The Kent Denver campus helps to maintain the rural nature of Cherry Hills Village, which is the primary reason we all live here.

Thank you for supporting the removal of this obligation from the Development Agreement.

Glen C. Warren, Jr.   Tami J. Paumier
MEMORANDUM

TO: HONORABLE MAYOR STEWART AND MEMBERS OF CITY COUNCIL
FROM: JESSICA SAGER, DIRECTOR OF FINANCE AND ADMINISTRATION
SUBJECT: UNAUDITED FINANCIAL STATEMENTS-MARCH 2019
DATE: MAY 7, 2019

ISSUE
How do the City of Cherry Hills Village finances through March compare to the budget?

DISCUSSION
Background
City Council approved the 2019 General Fund budget with $7,160,606 in total operating revenue, $6,755,762 in total operating expenditures and a Capital Fund with approved expenditures in the amount of $983,267. Council directed staff to transfer the operating surplus of $72,187 into the Capital Fund; as well as $15,000 from the Parks & Recreation Fund for the Parks Department equipment purchases.

Analysis
At the end of March, the General Fund forecasted revenue and expenditures for the year indicate revenue exceeding expenditures by $40,266.

Forecasted expenditures through December of the Capital Fund are $983,267, the amount that was budgeted for 2019.

COP FINANCIALS
Below is a chart that breaks out the expenditures of the COP (Certificates of Participation) funds by project and the remaining amount of funds for each project through March 25, 2019. Upon completion of all three projects (Public Works, City Hall and John Meade Park) funds may be used to complete any additional enhancements to those projects or the funds may be used to apply towards a COP payment.
### CHERRY HILLS VILLAGE
**COLORADO**

<table>
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<tr>
<th>Project</th>
<th>Public Works</th>
<th>City Hall</th>
<th>Meade Park</th>
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**ATTACHMENTS**

- Exhibit A: General Fund Financial Snapshot
- Exhibit B: General Fund Statement of Revenue and Expenditures Summary
## GENERAL FUND

### STATEMENT OF REVENUES AND EXPENDITURES

#### REVENUE

- Current Property Taxes @ 7.30 Mills
- Use/Tax Motor Vehicles
- Sales Tax
- Service Expansion Fees
- Building Permits
- Franchise Fees
- Highway Users Tax
- Municipal Court Fines
- County Road & Bridge Levy
- Specific Ownership Tax
- Other Revenues

#### TOTAL OPERATING REVENUE

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#### EXPENDITURES

- Administration
- Judicial
- Data Processing
- Community Development
- Crier
- Public Safety
- Public Works

#### TOTAL OPERATING EXPENDITURES

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#### OPERATING GAIN/(LOSS)

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<td>Operating Gain/(Loss)</td>
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#### EXTRAORDINARY EXPENSES

- Transfers to Parks and Rec Fund
- Transfers to Capital Fund

#### TOTAL EXTRAORDINARY EXPENSES

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<th>2018</th>
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<td>Total Extraordinary Expenses</td>
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<td>12,072</td>
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#### BEGINNING FUND BALANCE

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#### ADD/(SUBTRACT) OPERATING DIFFERENCE

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<td>Add/Subtract Operating Difference</td>
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#### LESS: EXTRAORDINARY EXPENSES

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<tr>
<td>Less: Extraordinary Expenses</td>
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#### ENDING FUND BALANCE

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## AVAILABLE FUND BALANCE

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### STATEMENT OF REVENUES AND EXPENDITURES

#### GENERAL FUND

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<tr>
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<tr>
<td>Budgeted Revenues</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
<tr>
<td>Total Revenues</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
<tr>
<td>Actual Revenues</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
<tr>
<td>Revenue from Taxes</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
<tr>
<td>Revenue from Charges</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
<tr>
<td>Revenue from Other Sources</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
<tr>
<td>Revenue from Other Sources</td>
<td>7,095,438</td>
<td>7,095,438</td>
</tr>
</tbody>
</table>

#### REVENUE

- General Fund
- Property Taxes
- Use/Tax Motor Vehicles
- Sales Tax
- Service Expansion Fees
- Building Permits
- Franchise Fees
- Highway Users Tax
- Municipal Court Fines
- County Road & Bridge Levy
- Specific Ownership Tax
- Other Revenues

#### EXPENDITURES

- General Fund
- Administration
- Judicial
- Data Processing
- Community Development
- Crier
- Public Safety
- Public Works

#### AVAILABLE FUND BALANCE

<table>
<thead>
<tr>
<th></th>
<th>2019</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Available Fund Balance</td>
<td>6,492,513</td>
<td>6,763,434</td>
</tr>
</tbody>
</table>

## 2019 BUDGET

City of Cherry Hills Village, Colorado

/EXHIBIT A

4/15/2019 3:49 PM 2GFSUMMARY2019
The City of Cherry Hills Village Financial Snapshot For March 2019

**GENERAL FUND (01)**

<table>
<thead>
<tr>
<th>Revenues</th>
<th>% of 2019 Budget</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $7,160,606</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Received to Date:</strong> $1,844,982</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% Received YTD:</strong> 26%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Expenditures**

**Administration**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $1,654,150</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expended to Date:</strong> $355,849</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% Expended YTD:</strong> 22%</td>
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<td></td>
</tr>
</tbody>
</table>

**Community Development**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $626,626</td>
<td></td>
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</tr>
<tr>
<td><strong>Expended to Date:</strong> $100,824</td>
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</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% Expended YTD:</strong> 16%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Safety**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $3,141,157</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expended to Date:</strong> $745,662</td>
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</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>% Expended YTD:</strong> 24%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Public Works**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $997,011</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Expended to Date:</strong> $271,776</td>
<td></td>
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</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
<td></td>
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</tr>
<tr>
<td><strong>% Expended YTD:</strong> 27%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

To Year End General Fund Revenues are Projected to Exceed Expenditures By: $40,266

**CAPITAL FUND (02) EXPENDITURES**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $983,267</td>
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</tr>
<tr>
<td><strong>Expended to Date:</strong> $152,487</td>
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</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
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<td></td>
</tr>
<tr>
<td><strong>% Expended YTD:</strong> 16%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**PARKS AND RECREATION (30) EXPENDITURES**

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Budget:</strong> $2,969,202</td>
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</tr>
<tr>
<td><strong>Expended to Date:</strong> $312,358</td>
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</tr>
<tr>
<td><strong>% of Year Completed:</strong> 25%</td>
<td></td>
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</tr>
<tr>
<td><strong>% Expended YTD:</strong> 11%</td>
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<td></td>
</tr>
</tbody>
</table>

South Suburban principal and interest payment made in December.