

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, May 18, 2021 at 6:30 p.m.  
City Hall

The City Council held a study session at 5:01 p.m.

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

### **ROLL CALL**

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, and City Clerk Laura Gillespie.

Absent: none

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

RD Sewald, 5607 East Southmoor Circle, indicated he was one of the petition representatives for the proposed General Improvement District (GID). He explained there were often power outages at the utility line behind his property; these outages not only impacted the eleven properties immediately adjacent to the utility line but about a hundred and fifty homes nearby; the conversation started with Xcel about tree trimming options; the eleven adjacent property owners had signed the petition to form the GID; he put down the \$10,000 deposit; the cost estimate to bury the utility line was \$120,000; the financing cost was estimated at \$30,000; he asked Council to consider the community benefit to this GID despite the small number of properties that would be included in the GID; he assigned one of his associates to circulate the petition; they hoped to follow from the success of the Charlou 3<sup>rd</sup> Filing GID. He thanked City staff for all their assistance throughout the process. He thanked the Police Department for all their work.

Earl Hoellen, 3 Vista Road, stated that he had no issues with the various changes and initiatives discussed in the study session and believed they were all worthy of discussion, but he was dismayed at the language used when discussing the long-range financial forecast; Council did not want to send that message to the citizens, and if they did they needed to define the problem, such as not having \$2 million through 2042; the new City Hall, Public Works facility, and redeveloped John Meade Park were funded by a plan that was working and continued to work as planned; the long-range financial forecast was not a budget; the budget was passed by Council every year and was balanced every year; the City normally runs surpluses every year which was built into the long-range financial forecast; if Council wanted to know if the current forecast was a problem they should look at the first one that was devised six years ago when Council put the plan in place, which showed the General Fund going negative in five or six years; at that time Council saw that forecasted General Fund depletion continued to move further out as the City continued to have surpluses each year and the forecast was going in the right direction; the other initiatives under discussion should stand on their own and not in reaction to the financial forecast; if the plan continued to work then Council would have to explain to the public why these initiatives were necessary when the City has such huge surpluses; when running a business a large surplus was undesirable because it indicated a lost opportunity cost; the financial plan was currently working as planned, and if the forecasted General Fund depletion started moving closer

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then the City would need to make a change; the City did not need to make a change now; the other initiatives under discussion were worthy of their own discussions, taking in the “administrative crisis” as Council Weil put it, and the possibility of it being harder to pass a sales tax initiative in the future as Councilor Sheldon asked about; the forecast would be drastically impacted by increased or decreased property assessments or inflation; the City was in as good financial shape as it had ever been, and given the capital that had been put into the City in the last several years it was moving in the right direction; Council discussed the possible sale of 90 Meade Lane when the forecast was first created and they decided it would be better to get the COPs at a low percentage and hold onto 90 Meade Lane for a store of value; 90 Meade Lane was never added to the parks system for that reason; selling 90 Meade Lane was worthy of consideration at this time.

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

None

### **CONSENT AGENDA**

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

- a. Approval of Minutes – May 4, 2021
- b. Resolution 11, Series 2021; Reappointing Members to the Parks, Trails and Recreation Commission
- c. Resolution 12, Series 2021; Appointing New Members to the Cherry Hills Village Art Commission
- d. Resolution 13, Series 2021; Amending the City Council Rules of Procedure
- e. Resolution 14, Series 2021; Amending the Elected Official Email Policy

The motion passed unanimously.

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

None

### **UNFINISHED BUSINESS**

Council Bill 4, Series 2021; Amending Article I of Chapter 2 of the Municipal Code to Establish a Process to Address Complaints Arising Out of Municipal Campaign Finance Matters (second and final reading)

City Attorney Guckenberger presented Council Bill 4, Series 2021 on second and final reading. There had been no changes since first reading.

Mayor Pro Tem Brown moved, seconded by Councilor Weil to approve Council Bill 4, Series 2021; a Bill for an Ordinance Amending Article I of Chapter 2 of the Municipal Code to Establish a Process to Address Complaints Arising out of Municipal Campaign Finance Matters on second and final reading.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

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Vote on the Council Bill 4-2021: 6 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

#### **Resolution 15, Series 2021; Setting the Date of a Public Hearing Concerning the Organization of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District and Ordering Publication and Mailing of the Notice of Hearing to Electors of the Proposed District**

City Clerk Gillespie presented Resolution 15, Series 2021 for Council's consideration. She explained staff had received a petition on May 10, 2021 for the formation of a new General Improvement District (GID) consisting of eleven properties north of Quincy and Holly, with addresses primarily on Southmoor Circle and Hudson Parkway, to underground utility lines; the petition satisfied all requirement outlined in state statute; the petition was signed by 100% of the property owners and by 70% of the electors of the proposed GID; the petitioners had submitted a \$10,000 deposit with the City; Resolution 15, Series 2021 would set the public hearing date for the June 15, 2021 Council meeting to be held in-person; staff would ensure that all notice requirements for the public hearing were met; after the public hearing City Council would consider the ordinance to place the GID measures on the ballot for the November election; the electors of the GID would be the only ones to vote on the GID measures.

Mayor Pro Tem Brown noted she would not be present for the June 15<sup>th</sup> public hearing. She thanked Mr. Sewald for attending tonight's meeting and making the enormous effort he and his neighbors had put into trying to do something to help the community.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Resolution 15, Series 2021; setting the date of a public hearing concerning the organization of the Cherry Hills Village Southmoor Circle and Hudson Parkway General Improvement District and ordering publication and mailing of the notice of hearing to electors of the proposed district.

The motion passed unanimously.

### **REPORTS**

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

Mayor Stewart reported he attended an RTD stakeholder meeting and noted if anyone had particular routes they wanted restarted to talk to resident RTD director Doug Tisdale; the May 6<sup>th</sup> Metro Mayors Caucus discussed the transportation bill; the May 10<sup>th</sup> special Arapahoe County OSTAB meeting evaluated grant proposals; the May 12<sup>th</sup> Mayors Munch discussed various issues including Arapahoe County's issuance of a sex offender address and photo; the May 14<sup>th</sup> CML policy committee meeting; May 17<sup>th</sup> was his first Mayor's office hours back at City Hall; today a Tri-County Health Department call discussed vaccination distribution and incentives; tomorrow he would attend the Cherry Hills East HOA would meet in Council Chambers; Friday he would attend the Arapahoe County open space sales tax reauthorization meeting; he would attend the June 3<sup>rd</sup> grand opening of the High Line Canal underpass at Hampden.

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

Councilor Blum had no report.

Councilor Sheldon thanked Mr. Sewald for attending and working on behalf of his neighbors and the community. He noted he had received a report from Deputy City Manager/Director Goldie that the burying of the power lines along Quincy might happen in the next few weeks depending on weather. He asked Council and staff to consider

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how to update the Code regarding noise regulations, since most events exceed the noise limits, and enforcement should be consistent and follow the Code. He suggested possibly requiring events to get neighborhood consent. He asked that the topic be added as a future study session item.

Councilor Gallagher agreed it was an appropriate issue to address. He congratulated Director Sager for putting together the GFOA submission.

Mayor Pro Tem Brown agreed noise regulations was an important issue to address. She noted a tree and sign were knocked down in the median in her neighborhood and another car drove across a yard.

Councilor Weil reported he would attend a virtual DRCOG meeting tomorrow night including a discussion of legislative issues and asked for Mayor Stewart's input.

Councilor Safavi thanked City residents for following public health orders and guidelines over the past year.

Mayor Stewart noted now was the time to start thinking about any issues that Council wanted to put on the November ballot including Charter issues.

### **City Manager & Staff**

Deputy City Manager/Director Goldie reported the Spring Clean Up would be held this Saturday at City Hall, and would include shredding, electronics, and paint recycling, but not dumpsters this year.

City Clerk Gillespie asked Council to let staff know as soon as possible if there were any issues they wanted to place on the November ballot. She noted the June 1<sup>st</sup> meeting would be virtual, the June 15<sup>th</sup> meeting would be in-person, and there would only be one meeting in July on July 20<sup>th</sup>. She stated she was working with Congresswoman DeGette's office on a time when the Congresswoman and Council could hold a virtual public meeting.

City Manager Cramer noted City Hall was open to walk-in traffic starting May 17<sup>th</sup>; masks were not required. He reported staff was participating in the Arapahoe County transportation master plan process.

Mayor Stewart added the Hampden study had been delayed because of COVID-19.

Councilor Sheldon asked about the Belleview/I-25 study.

Mayor Stewart replied a new meeting had just been scheduled. He noted the group was waiting on Denver to move forward.

City Manager Cramer added a revised split diamond had been designed but had not been distributed yet.

Councilor Sheldon asked staff to request the design and pass it onto Council.

### **City Attorney**

City Attorney Guckenberger reported staff was still waiting to hear from Comcast regarding the franchise agreement.

### **ADJOURNMENT**

Hearing no objection Mayor Stewart adjourned the meeting at 7:11 p.m.

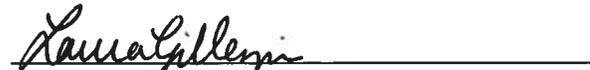
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(SEAL)

  
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Russell O. Stewart, Mayor

  
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Laura Gillespie, City Clerk