

Minutes of the Utility Line Undergrounding Study Committee
Of the City of Cherry Hills Village, Colorado
Held on Thursday, May 15, 2014 at 9:00 a.m.
At the Village Center

CALL TO ORDER

The meeting was called to order at 9:00 a.m.

ROLL CALL

Present at the meeting were the following Utility Line Undergrounding Study Committee Members: John Love, Susan Maguire, Paul Stewart, Jim Tarpey and David Wyman.

Present at the meeting were the following City Council Advisors: Mayor Pro Tem Russell Stewart and Councilor Alex Brown.

Present at the meeting were the following Staff Members: Jay Goldie, Public Works Director; Marcus McAskin, Assistant City Attorney; Emily Kropf, Special Projects Coordinator.

Absent were Committee Members Andy Love, Dan Lynch and Earl Hoellen.

AGENDA ITEMS

Open Discussion

Councilor Brown stated that staff has provided an updated cost estimate chart and cash flow chart, follow-up questions from previous meetings and a memo detailing the formation of a citizens' committee.

Committee Member Stewart said that there is a discrepancy between Xcel's follow-up response to the estimated cost of conversion and the \$150 per linear foot.

Committee Member John Love suggested that the estimated costs are too loose. He said that it might be beneficial to have a second person review the totals.

Councilor Brown responded that an engineering study would have to be conducted in order to provide a clearer total. He asked when a study should be performed.

Committee Member Tarpey stated that Xcel might have more extensive information in regards to repair time and costs.

Committee Member Maguire said that she did not understand why the lifespan of buried cables is shorter than those located overhead.

Councilor Brown added that the cash flow chart shows that a 2-mill increase would still be able to cover the cost of conversion of lines along arterial roadways, but there would not be a surplus for lines located on private property.

Mayor Pro Tem Stewart stated that Greenwood Village recently filed a lawsuit against Xcel for use of the 1% fund. There is a discrepancy regarding which lines can be paid for using the fund and what is considered public right-of-way. He added that it might be beneficial to compare the City's franchise agreement to Greenwood Village's.

Councilor Brown said that Andy Love was out of town but had spoken to Councilor Brown and said that he felt it might be a mistake to add the issue to the 2014 election as it could be a crowded ballot. He added that there also may need to be another factor in addition to undergrounding to gain support from voters like the installation of fiber optics.

Councilor Brown added that there is also the issue that Dave Zelenok from Centennial introduced, which is that it would be less expensive to bid the project out to City contractors rather than paying Xcel to perform the work. He suggested that there may be other communities with common interests that may be interested in forming a partnership. The Colorado Municipal League may serve as a forum to pursue self-performance.

Committee Member Wyman asked if converting all other utility lines and leaving Xcel on the poles would improve the City's position.

Committee Member Tarpey replied that he was not sure. Isolating the issue and partnering with other communities may be beneficial.

Committee Member John Love asked if there would be additional costs to add the issue to the 2015 ballot.

Councilor Brown responded that the 2015 cycle is not a general election but an eligible TABOR election. The City Clerk can provide information regarding election costs.

Mayor Pro Tem Stewart, Committee Member John Love, Committee Member Stewart and Committee Member Wyman agreed that the issue should be added to the 2015 ballot.

Mayor Pro Tem Stewart stated that the additional time could be used for community outreach.

Councilor Brown stated that most home owners' associations meet on an annual basis and an informational packet could be prepared for such meetings.

Assistant City Attorney McAskin stated that he agrees that the Committee might want to consider pursuing a partnership with other communities. An issue seems to be that developers are able to bid out projects while the City cannot.

Committee Member John Love asked how the City would acquire bids from private contractors that show the costs would be lower.

Public Works Director Goldie said that the City would request Xcel to engineer a portion of the project, and the City would submit a bid request to contractors.

Committee Member John Love stated that the estimated costs could be used to determine the amount of the bond.

Assistant City Attorney McAskin said that he would compare the City's franchise agreement to Greenwood Village's and discuss the issue with Ken Fellman.

Councilor Brown stated that he would contact a home builders' association to discuss how funding for underground lines occurs between private developers and Xcel.

Assistant City Attorney McAskin suggested that the other factor that the issue may need could be funding left over from the mill increase would be used for open space.

Committee Member John Love stated that the funding also could be used for traffic calming or beautification through streetscaping.

Councilor Brown said that the Committee might still plan on presenting its recommendation to City Council this summer.

Public Works Director Goldie suggested that the Committee identify a specific section of the road to request an engineering study for. He added that City Council will have to approve use of the 1% fund for the study.

ADJOURNMENT

The meeting was adjourned at 9:50 a.m.