

Minutes of the Utility Line Undergrounding Study Committee  
Of the City of Cherry Hills Village, Colorado  
Held on Thursday, June 5, 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: Earl Hoellen, John Love, Susan Maguire, 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; and Emily Kropf, Special Projects Coordinator.

Absent were Committee Members Andy Love, Dan Lynch and Paul Stewart.

**AGENDA ITEMS**

*Open Discussion*

Councilor Brown stated that he met with a representative from Denver, which was approached by Xcel to extend its franchise agreement prior to its expiration date. The City may be able to do the same and incorporate new undergrounding language. Councilor Brown said that he had also spoken to Ken Fellman from the Colorado Communications and Utility Alliance regarding the recent activities in Greenwood Village. The City should continue to follow the lawsuit as the City's franchise agreement with Xcel is similar to Greenwood Village's.

Assistant City Attorney McAskin said that the lawsuit involves Greenwood Village wanting to use the 1% fund for projects that have been previously allowed, but Xcel is no longer permitting use of the fund in these areas.

Councilor Brown stated that Xcel might prefer to have a single policy that applies to all cities, but not all franchise agreements are the same. The City may be able to use the fund in areas that Xcel said it could not be used for.

Committee Member Tarpey said that Xcel is most likely interested in creating uniformity as the fund will be used regardless. Xcel does not want to set a precedent that other communities may follow.

Mayor Pro Tem Stewart replied that it will be interesting to see how the outcome of the franchise agreement in Denver affects other cities.

Councilor Brown added that Chris Mitchell from MuniNetworks and Vince Jordan from the City of Longmont will be visiting the City on June 11<sup>th</sup> to discuss municipal utilities and fiber optics. All Committee Members are welcome to attend the meeting.

Committee Member John Love asked how many conduits and bores the City will need. He asked if there is the option to share bores.

Public Works Director Goldie responded that it depends on the required separation of lines.

Councilor Brown noted that the number of bores is a cost factor.

Committee Member Tarpey stated that franchise agreements are approved by the Public Utilities Commission. A charge could be added to the City's franchise agreement for rate payers to convert utilities.

Mayor Pro Tem Stewart suggested having Ken Fellman attend the next Committee meeting.

Committee Member Maguire asked when the engineering study will be proposed to City Council.

Public Works Director Goldie responded that the Committee has to select a section to engineer and then the proposal can be added to the next City Council agenda.

Committee Member Maguire asked if the study can be completed by the end of summer.

Public Works Director Goldie replied no. It will most likely not be finished until the end of the year.

The Committee agreed to engineer the section of E. Quincy Avenue between S. Holly Street and Happy Canyon Road as it has both Xcel and CenturyLink lines located aboveground.

Councilor Brown suggested providing an update to City Council of the Committee's progress when the engineering proposal is presented.

The Committee agreed to meet on July 17<sup>th</sup> following the presentation to City Council.

## **ADJOURNMENT**

The meeting was adjourned at 10:00 a.m.