

Minutes of the Utility Line Undergrounding Study Committee
Of the City of Cherry Hills Village, Colorado
Held on Thursday, October 2, 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 and Paul Stewart.

Present at the meeting were the following City Council Advisors: Councilor Alex Brown.

Present at the meeting were the following staff members: Jay Goldie, Public Works Director; Robert Zuccaro, Community Development Director; Marcus McAskin, Assistant City Attorney; and Emily Kropf, Special Projects Coordinator.

Absent were Mayor Pro Tem Russell Stewart and Committee Members Andy Love, Dan Lynch and David Wyman.

AGENDA ITEMS

Undergrounding Draft Ordinances

Special Projects Coordinator Kropf presented a draft ordinance that amends Municipal Code Section 17-5-50 to include the burial of all new and existing utilities on subdivided property or in the public right-of-way immediately adjacent to the property between the street edge and the property. An exemption can be granted if City Council determines that either the applicant has provided documentation from a utility provider demonstrating that relocation of existing utilities is not feasible due to physical constraints or that the cost of undergrounding outweighs the public benefit and is not necessary to meet the goals and strategies of the Master Plan.

Special Projects Coordinator Kropf continued that a second draft ordinance amends Article XVI of Chapter 16 to require the burial of new utilities in conjunction with the construction of new single family residences, nonprofit institutions, private clubs, public recreational facilities and nonprofit recreational facilities. The burial of new utilities is also required for the addition of 50% or more of existing square footage of all structures. Utilities are to be placed underground on the property in which development is to occur and shall not include existing utilities that provide service to other properties.

Committee Member Hoellen suggested changing “feasible” to “possible” in the subdivision ordinance because it would be more difficult to prove.

Committee Member John Love asked if the Committee wants to include a hard and fast number for the exemption in the subdivision ordinance regarding cost.

Committee Member Hoellen replied that it depends on the City’s position in regards to driving home the goal of undergrounding.

Community Development Director Zuccaro stated that the reference to the Master Plan enforces the goal of undergrounding.

Councilor Brown stated that it could be beneficial to avoid a concrete number in order to give City Council the ability to decide on a case-by-case basis.

Committee Member John Love suggested adding “acceptable to the City” to the documentation provided by the applicant for the exemption in the subdivision ordinance regarding physical limitations. This would ensure that the City is able to determine if the documentation provided sufficiently demonstrates that the burial of facilities is not possible.

Assistant City Attorney McAskin suggested adding “and existing utilities” to the zoning ordinance in order to require the burial of new and existing utilities on property that is to be developed.

Draft Interim Report Discussion

Councilor Brown stated that the Committee needs to decide what to do with the draft report in order to avoid violating the Fair Campaign Practices Act (FCPA). The City would be at risk of violating the FCPA if it released the report as is. The Committee can choose to either delay the release of the report until after the election, edit the report to remove the sections that discuss the ballot measure related to the City’s right to install a fiber optic infrastructure or edit the report to include the factual summary previously approved by City Council to ensure that the report presents a balanced perspective.

Committee Member Maguire asked what the down side is to waiting to release the report until after the election.

Councilor Brown responded that the Committee would lose time, but it would be the safest option.

Committee Member John Love asked if City Council can move forward with the issue with the time remaining after the election.

Councilor Brown replied yes. He added that the results of the ballot initiative could be added to the report if the Committee waited until after the election, as well. If the

Committee delayed the release, the report would probably be presented to City Council at the November 18th meeting.

Committee Member Maguire stated that the report needs to address the lines located on residential streets and private property.

Public Works Director Goldie added that the number of homes with service lines directly connected to the arterials also needs to be addressed.

Committee Member John Love asked if the City will pay for those lines.

Councilor Brown replied that the City could pay for them, or it could encourage home owners to form local improvement districts to fund the burial of facilities.

Committee Member Stewart suggested explaining why the Committee selected the arterial roadways as its first priority and not the lines located on residential streets and private property. He also suggested adding a paragraph that explains Xcel's 1% fund.

Committee Member Maguire asked when the Xcel study will be completed.

Public Works Director Goldie said towards the end of the year or at the beginning of 2015.

Committee Member John Love asked if cost estimates should be included in the report at this time.

Councilor Brown stated that 2015 is a reassessment year, as well, which could affect the revenue generated from the mill increase.

Public Works Director Goldie added that he has heard that construction costs may also increase.

Committee Member John Love suggested adding ranges to the cost estimates.

Councilor Brown stated that a representative from Comcast would be attending the next meeting to address the Committee and answer any questions.

ADJOURNMENT

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