

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 6, 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 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

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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 represented 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, KDS 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.

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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 25% 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

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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.

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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.

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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 Schirmer, 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 indicated 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 power house. 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

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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 guaranties, 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.

Councilor 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.

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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