
RECORD OF PROCEEDINGS

Minutes of the Quincy Farm Committee
City of Cherry Hills Village, Colorado
Tuesday, March 19th, 2019
at City Hall

Committee Member Klasina Vanderwert called the meeting to order at 8:15 a.m.

ROLL CALL

Present at the meeting were the following Quincy Farm Committee Members: Earl Hoellen, Gordon Rockafellow, Joel Sydlow, and Klasina Vanderwert. Lucinda Greene called into the meeting.

Absent were Dale De Leo and Melinda Haymons.

Present at the meeting were the following staff members: City Manager Jim Thorsen, Public Works Director Jay Goldie, Parks and Recreation Coordinator Emily Black and Parks Operations Supervisor Jeff Roberts. City Attorney Kathie Guckenberger and Parks, Trails, and Recreation Commission Chair Rob Eber were also present.

ELECTION OF CHAIR

Parks and Recreation Coordinator Black explained that now that Russell Stewart had taken his position as Mayor, the Quincy Farm Committee did not have a chair. She explained that the Quincy Farm Committee has not adopted rules of procedure, but she included an excerpt of the Parks, Trails, and Recreation Commission's rules as a guide for the process.

Committee Member Klasina Vanderwert nominated Lucinda Greene to be Chair. Committee Member Earl Hoellen seconded. The motion passed unanimously.

ELECTION OF VICE-CHAIR

Chair Lucinda Greene nominated Klasina Vanderwert as Vice Chair. Committee Member Gordon Rockafellow seconded. The motion passed unanimously.

COMMITTEE GOALS

Chair Greene opened the discussion about the Committee's goals. She acknowledged past challenges and stated she was hopeful that members will work together in a respectful way, move forward and get things done for Quincy Farm. Committee Member Hoellen added that one of the challenges has been attendance, and that members must attend on a regular basis. He noted that Council has created an attendance policy, and that unless there's an emergency it is important to attend every meeting.

Committee Member Hoellen noted the tremendous amount of work finished, especially on the Master Plan, but recognized the Committee's difficulty in determining an overall goal and objective. He stated one objective could be to advise City Council on how to optimize the use of Quincy Farm consistent with fulfilling its obligations to its stakeholders, including CO Open Lands, neighbors, tenants, and citizens. He continued the flip side would be to ensure the preservation of the Farm through the Conservation Easement, and he believed those two are very different goals. Mr. Hoellen stated he thought the City always worked to fulfill its obligations to its stakeholders, and that Quincy Farm is no different. He concluded he thought this was important for the Committee to address.

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Vice Chair Vanderwert stated she did not believe Mr. Hoellen's two goals were diametrically opposed. She through the Committee worked within the constraints of the Conservation Easement and agreed with the optimization goal, and saw the two working hand in hand. Mr. Rockefeller stated he agreed but thought that maximizing use of the Farm may interfere with the natural ambiance, but that would be only thing that was no consistent. Vice Chair Vanderwert suggested "maximizing" could refer to wildlife and humans.

Mr. Hoellen continued "to maximize the use consistent with the City's obligations," the phrase "consistent with the City's obligations" is critical, since the City could do many things to maximize use that would be antithetical to the Conservation Easement, the tenants, neighbors, etc. The question, though, is what is the default direction of the Committee when trying to maximize the value to citizens within the boundaries of the City's obligations?

Mr. Sydlow stated the Farm was donated to the citizens of Cherry Hills and it is important not to lose sight of why it was given to the citizens, so that people can understand the importance of the property.

Committee Member Hoellen noted there was a conversation in the last meeting's minutes between Chair Eber and Lucinda Greene on the interpretation of the Conservation Easement during the last meeting. He acknowledged the City Attorney would present to the group later. Mr. Hoellen stated it was important for the Committee to interpret the Conservation Easement and determine the city's position, and present that to Colorado Open Lands. He stated ultimately there should be one City position and then that will be reconciled with Colorado Open Lands.

Chair Greene stated she agreed, and that the Committee's goal is to make a recommendation subject to approval by Council, and that is the proper procedure. She asked if other members had comments on Mr. Hoellen's thoughts. Hearing none, she asked if this meeting day and time still worked for all members and whether an influence on attendance, or if the group should consider changing it. The Committee members present agreed that the current day and time still worked well. Mr. Hoellen suggested Chair Greene follow up with Dale De Leo and Melinda Haymons to ensure they agreed with everything discussed.

AUDIENCE PARTICIPATION

Kevin Kearney, 14 Lynn Road, stated he was a retiree who has worked on historic houses before and serves on the Board of the Central City Opera. He stated he owned a property similar to Quincy Farm in eastern Colorado, and when they completed their Historic Structure Assessment, it was incredibly helpful and valuable. He suggested working with History Colorado. He explained for their property, they created a 501(c)3 "Friends of ..." organization in order to take donations. Mr. Kearney explained there are tax benefits for the 501c3 as well and thanked the Committee for their time and work.

Parks, Trails, and Recreation Chair Rob Eber stated he tried to attend most Quincy Farm Committee meetings as a liaison from PTRC and looked forward to working with the new Committee members.

Chair Greene needed to end the call at this time and was no longer in attendance.

CONSENT AGENDA

Committee Member Sydlow motioned to approve the minutes from the January 15th, 2019 regular meeting, seconded by Committee Member Vanderwert. The motion passed unanimously.

CITY ATTORNEY KATHIE GUCKENBERGER – USE OF MAIN HOUSE

City Attorney Guckenberger stated it was her pleasure as a resident of the Village and as the City Attorney to help the Committee accomplish its mission, which she believed Mr. Hoellen stated well. She indicated that Mayor Stewart had asked her to determine if a private meeting or corporate retreat would be allowed at the Quincy Farm Main Residence per the conservation easement, in response to a request from St. Gabriel's Church. She noted that this was the first time the City Attorney had been asked to interpret the conservation easement. She reviewed the basis for the conservation easement and that general principles for interpreting conservation easements based on the Colorado Supreme Court. She indicated that her interpretation was that the language of the deed of conservation easement related to the permitted uses of the Main Residence was unambiguous and that outside circumstances bolstered the unambiguity of the language. She reviewed the language of Paragraphs 4(A), 5(A), 4(A)(4), and 4(A)(2)(b) pertaining to the structures and uses of the West Area and specifically of the Main Residence. Paragraph 4(A)(2)(b) stated that "...the Main Residence may be used only as a caretaker's residence for a caretaker of the Property or as a nature center/interpretive facility." She indicated that the East Area structures had different uses outlined in the easement that provided more flexibility. She added that Paragraph 6(D) stated that industrial uses were prohibited and commercial uses "inconsistent with the preservation and protection of the Conservation Values of the Deed are prohibited." She indicated that the conservation values were paramount. She added it was important to note in Paragraph 14 that economic reasons were not considered grounds for terminating the easement. She noted that she had spoken with Melinda Beck who had represented Cat Anderson in the drafting of the conservation easement and it was Ms. Beck's recollection and understanding that Ms. Anderson had no understanding of the Main Residence being used as a gathering place, which added to the unambiguity of the conservation easement. She added that she had spoken with Cheryl Cufre of Colorado Open Lands and she had agreed with City Attorney Guckenberger's interpretation of the limitations of uses of the Main Residence. She finished that the Main Residence could be a caretaker's residence or a nature center, and shared a list of possible activities that she thought of as taking place at a nature center.

Vice Chair Vanderwert asked about the phrasing and that it could be a caretaker's facility or a nature center – one or the other. City Attorney Guckenberger stated it probably could not be both.

Mr. Hoellen suggested using consistent language about the Main Residence (as it is named in the Conservation Easement), rather than using Main House. He clarified that this discussion was about the existing Main Residence, but that within the Conservation Easement the City could decide to tear it down and replace it. He stated the City could decide what we would like to do, and then approach Colorado Open Lands with that proposal, and that the limitations may not apply to a newly constructed building. He proposed defining the west area more carefully with Colorado Open Lands in terms of impact; the bluegrass lawn's use may not be as limited as the pastures further west. He noted it was important to decide what the City's position really is and then approach Colorado Open Lands with that proposal. City Attorney Guckenberger agreed it was likely better to approach Colorado Open Lands with a position.

Mr. Hoellen stated amending the agreement would be another option, and that Committee needed to decide where they'd like to go and how to get there. He noted he did not want to tear the house down; all options are part of a strategic negotiation looking forward. He reiterated the idea of delineating the lawn around the house separately from the pasture area.

City Attorney Guckenberger noted the lawn was not part of the Main Residence limitations and the two are distinct assets.

Vice Chair Vanderwert stated she thought public events could still be held on the lawn, but this would preclude having a catering kitchen, and this might answer the question of what to do with

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the kitchen. She stated there were also now parts of the Master Plan draft that would need to be changed, since it mentions cooking classes right now.

Mr. Hoellen stated he agreed and there are a number of things in the draft Master Plan that would not be allowed, but that the City may be able to negotiate with Colorado Open Lands to see what is possible.

Mr. Rockafellow asked about restrictions on the garage and whether the Main Residence was torn down, that a different set of uses would apply. City Attorney Guckenberger replied that the uses would be more broad, but still subject to the restrictions on the west area. Mr. Rockafellow asked why replacing the Main Residence would generate entirely different use possibilities, and City Attorney Guckenberger explained that the Main Residence is defined as the single-family residence of 3600 sq. ft. at the time of the grant.

Vice Chair Vanderwert asked if the new building needed the same footprint, but not necessarily the same square footage. City Attorney Guckenberger stated she would need to review the easement to determine that, but that the other terms of the easement would limit the square footage.

Coordinator Black noted on page 6 the easement does limit the square footage. City Attorney Guckenberger stated that was for the existing Main Residence.

Vice Chair Vanderwert asked if Colorado Open Lands approved the trail, and Ms. Black stated they did approve the trail and the Plant Select and pollinator gardens.

City Attorney Guckenberger gave the example of star-gazing on the lawn – would the Main Residence bathrooms and kitchen be accessible? She stated Colorado Open Lands was reluctant to answer that question, but that she thought the Committee should think through those potential events and their needs.

Vice Chair Vanderwert asked Mr. Hoellen if he saw the Committee should have a discussion about maintaining or demolishing the Main Residence. He replied that the Committee should think 10 years ahead and go back from there thinking of what needs to be done, and consider negotiating with Colorado Open Lands on items. He explained there had been past discussion of residing the house, and if he was on Council he would not be approving money to be spent on residing since the plan for the house isn't known. Mr. Hoellen reiterated it needed to be a top-down approach.

Ms. Black agreed that it was necessary to compile a detailed idea of what the plan was for each structure going forward. In light of that staff and the City Attorney had compiled a list of questions for the Committee to determine whether these are uses the Committee wanted and the City should request to Colorado Open Lands.

Mr. Hoellen noted the different negotiating positions between asking the specifics or broad ideas from Colorado Open Lands. Vice Chair Vanderwert asked if the Committee should consider questions for their next meeting. Ms. Black suggested the group should start now and pointed out that the questions were in the packets.

Mr. Sydlow stated he did not think the Main House should be a caretaker house, and that the Farm may not even require a caretaker in the future.

City Manager Thorsen agreed with this assessment, and noted past planning documents envisioned the Main Residence as a nature center. He noted staff wanted confirmation from the Committee that the Main Residence should be a nature center. No Committee members disagreed.

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Mr. Hoellen stated when the uses are presented to Colorado Open Lands, included should be explanation for why we think those uses are consistent with a nature center.

City Manager Thorsen continued to the next question, stating that it's anticipated the Main Residence would be open on weekends as well as some weekdays dependent on supervision, and if the Committee was comfortable staff would move forward with that language. Mr. Hoellen suggested including a note that there may be seasonal variation.

For item 3, City Manager Thorsen stated in trying to identify what limited means for the Main Residence, that attendance may be limited to 20-40 attendees for events. Mr. Hoellen stated he thought it would be important to distinguish between the lawn and the rest of the natural area, especially in terms of a "wildlife refuge":

Chair Eber questioned the definition of "limited public access" in terms of areas, days, hours, or visitors.

Mr. Rockafellow asked if the Committee received guidance on that from Colorado Open Lands. Ms. Black stated that that request was for access to the Nature Trail rather than the Main Residence; the Nature Trail could be closed for owl activity and the Main Residence could still be accessible. Mr. Rockafellow asked if this wasn't driven by the parking question. Ms. Black answered that during the Open House, people parked at Kent Denver or walked from the High Line Canal and there were approximately 200 attendees, but parking is one of the limitations on access.

City Manager Thorsen agreed there could be opportunities for schools to bus students over as well. Mr. Sydlow asked if the group wanted to ask for more than just the nature center concept in the Conservation Easement. He noted he did not think the Main Residence should be torn down.

City Manager Thorsen agreed with Mr. Sydlow that he would ask for more use than what we anticipate, in order to have the flexibility. He noted the City would likely never see large numbers of people at the Farm.

Mr. Hoellen agreed that the group should create the broadest definition of what a nature center is. Vice Chair Vanderwert agreed.

Chair Eber asked if a nature center and interpretive facility were the same. Mr. Hoellen read definitions of each, and the two overlapped. Chair Eber asked about solar facilities that power agricultural uses and whether those would be allowed in that area. Ms. Black stated this was an important question, and asked that the Committee continue with the list of questions in their packets.

Ms. Black noted the next question on the list was regarding fundraising. Mr. Hoellen suggested removing "rare" from the description of special events. City Manager Thorsen stated staff anticipated fundraising events for Quincy Farm at the site, and other organizations related to the Farm (like the High Line Canal Conservancy). He continued that events unrelated to the easement or historic purposes, like weddings, would not be allowed. Vice Chair Vanderwert agreed with this interpretation of related events that might have an educational or environmental component being allowed.

City Manager Thorsen moved to the next question about various groups doing educational programming at the Farm. Vice Chair Vanderwert and Mr. Sydlow stated they agreed with what was written. Mr. Thorsen stated art programs would also have to be related to the uses in the Conservation Easement. Mr. Hoellen expressed concern about the vocal piece, and Ms. Vanderwert noted the city's noise ordinance. The group concurred with the suggested uses in this item.

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Ms. Black moved to the next item regarding storing historical materials and library items about the history of Cherry Hills Village in the house. The Committee agreed that this would be an appropriate use.

Ms. Black noted the next use was physical programs. Mr. Rockafellow stated he thought this was the line, and these programs weren't related to nature and weren't consistent with the easement. Mr. Hoellen stated he agreed and was comfortable removing that use. Mr. Sydlow reminded the group that this was the use of the house, not outdoors. He stated he thought the kitchen use should be limited to not preparing food in the kitchen; only warming food or serving coffee or tea.

Chair Eber asked about historical cooking classes. City Manager Thorsen stated even canning classes could fall under appropriate use of the kitchen, and that that use could be limited. He asked the Committee for direction on office space and what type of meetings could be held at the house.

Mr. Hoellen stated the potential for City office space was appropriate, but not main offices for outside organizations. Ms. Vandervort stated she thought office space for the library would be appropriate.

Chair Eber stated he thought City office space would be appropriate, but not other organizations. Mr. Hoellen asked if it could be limited to organizations related to the Farm. Ms. Vandervort asked if offices for Cherry Hills Land Preserve would make sense if they are holding classes. The Committee discussed a shared office space for various organizations doing activities at the Farm. City Attorney Guckenberger noted the Preservation Uses clause from the Conservation Easement provides helpful clarification and it seems this use would be allowed under the last part of that clause.

Ms. Black stated it sounded like this was a use that the Committee was interested in that should be requested to Colorado Open Lands. City Manager Thorsen stated there could be office space that could be used for docents, or other organizations on a rotating basis. He continued that if the Committee was considering the option of tearing down the Main Residence, that possibility should be included in the Master Plan as an option, knowing we're moving forward with the Nature Center at this time. Ms. Black cautioned that this should be carefully considered, since a Master Plan that states the house may be torn down becomes counterproductive for grant-writing. Mr. Hoellen noted the importance of getting answers about what is permitted from Colorado Open Lands, and moving forward accordingly with the Master Plan.

Ms. Black noted the group was over time, and asked if the Committee would like to hear from the Cherry Hills Land Preserve and continue the other items. The Committee agreed.

UNFINISHED BUSINESS

All Unfinished Business items were continued.

NEW BUSINESS

Cherry Hills Land Preserve Programming Proposal

Susan Maguire, Executive Director of the Cherry Hills Land Preserve, presented the written proposal to the group. She presented a range of options including a Memorandum of Understanding, providing publicity, scheduling programming, fundraising, and providing volunteers. Vice Chair Vandervort suggested a meeting with two Committee members and the Land Preserve, and suggested starting small. Mr. Hoellen agreed with that plan, and stated the Land Preserve has a broader impact across the Village than Quincy Farm and suggested working with Parks and Trails as well. He continued that programs at Quincy Farm should be specific to what is unique about the Farm, not programming that could be held in any park. Mr.

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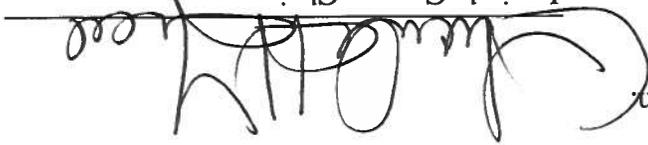
Rockafellow noted the first option with no oversight by the city at all seemed premature, but that it looked like the Land Preserve had a lot of resources to offer. He noted there were many limiting factors and agreed the group should go slow for now. City Manager Thorsen reiterated Ms. Vanderwert's idea of a meeting with two members and the Land Preserve, and recalled the irrigation and sewer being installed as other limiting factors. Mr. Rockafellow and Ms. Vanderwert will meet with the Land Preserve to discuss programming.

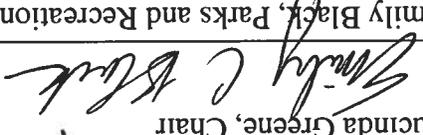
REPORTS

None

ADJOURNMENT

The meeting was adjourned at 10:30 a.m.


Lucinda Greene, Chair


Emily Black, Parks and Recreation Coordinator

