

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 2, 2019 at 6:30 p.m.
At the Village Center

The City Council held a study session at 6:00 p.m.

Mayor Russell Stewart called the meeting to order at 6:33 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Randy Weil, Mike Gallagher, Dan Sheldon, 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 Kathie Guckenberger, Commander Pat Weathers, Community Development Director Rachel Granrath, Parks and Recreation Coordinator Emily Black, City Clerk Laura Gillespie and Deputy City Clerk Terri Littleford.

Absent: Councilors Afshin Safavi and Al Blum

PLEDGE OF ALLEGIANCE

The City Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

Councilor Brown moved, seconded by Councilor Weil to approve the agenda.

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

Earl Hoellen, 3 Vista Road, stated that he had no objections to Council Bill 3, Series 2019, but asked the City Council to consider changing the wording. He stated that in paragraph 1, section 2-6-10 of the code it stated that Council may adopt, modify or reject Planning and Zoning's (P&Z) recommendations, and may adopt with or without modification, or reject P&Z's recommendation. He stated it is most likely implied that if Council modifies something that it also adopts it, but it should be made clear. He voiced his concerns with page 3 of the minutes of the March 19, 2019 Council meeting where Mayor Stewart was quoted as saying "The current Master Plan needed to be reviewed to determine how the City should look in the future, although that discussion had been bypassed with the new City Hall construction." Mr. Hoellen stated when the decision was made to take on the financing for the project, in addition to the Public Works Facility, it was done with the full consideration of the directors and guidance of the current Master Plan. He noted that the two previous Councils had detailed discussion about the two projects, as well as John Meade Park. He stated that there was discussion about updating the Master Plan when those projects were completed, since much of it was 10 years old. He asked that the record reflect that discussions of the Master Plan were not bypassed and that staff had been directed to take up the issue of the Master Plan update last year. Additionally, he added that the 2019 goals tasked City Manager Thorsen to evaluate, in conjunction with P&Z, the need to update the Master Plan and to develop a timeline for doing so. He said that at the February 12, 2019 P&Z meeting, Director Granrath requested direction from the commission and that discussions should continue unless council directs otherwise. He asked Council to take this comment into consideration when considering whether they would like to task P&Z with reviewing the Master Plan. He noted that this process was already underway because of the actions of the previous council, and although the current Council was not bound by the last Council's directives, their affirmation should take place soon since the process was already in progress. He commended Mayor Stewart for his comments in the April addition of the Village Crier advising residents of recent Quincy Farm activity and mentioned that the recommendations from the committee would be provided to

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Council and then submitted to Colorado Open Lands for approval. He asked Council to keep in mind there are certain tasks that are within the scope of the City as long as they are consistent with its obligation under the Conservation Easement. As a member of the Quincy Farm Committee, he suggested the City be mindful of submitting items for approval versus submitting items for information. He said there are two parties of the Conservation Easement, each with specific rights and obligations, and that it was important City staff, Boards, Commissions and Council keep that agreement in mind.

Susan Maguire, 14 Mockingbird Lane, provided an update of the 2019 events for the Cherry Hills Village Land Preserve. She stated the Spring Speaker Series was on April 17, 2019 at 6:30 p.m. at the Buell Mansion and the topic would be Protecting the Green We Love; Urban Water Challenges in a Changing Climate. There would be three speakers, one of which was a Research Specialist at CU Boulder with the Western Water Assessment Group. Tickets were available on the Cherry Hills Village Land Preserve Website. On June 5, 2019 they will host a Habitat Presentation by the Audubon Society for children and adults at Woody Hollow Park. A family Bird Watching event will also be held by the Audubon Society on July 20, 2019 at Three Pond Park. This event includes a walk along the High Line Canal. The High Line Canal Conservancy was also invited to make a presentation regarding the Conservancy's current activities. Both of the events will be free, with a suggested donation, but was limited to 25-30 people. She said that in March the Land Preserve met with the Quincy Farm Committee to discuss ways that they could partner together. In addition, she explained Klasina VanderWerf and Gordon Rockefeller, both members of the Quincy Farm Committee, asked the Land Preserve to offer three programs this summer that could be held at Quincy Farm. She explained it was contingent on getting approval from Open Lands, and she would meet with Parks and Recreation Coordinator Black to discuss the feasibility of using Quincy Farm for the events. These programs would also be free and would have limited enrollment. She stated that the Land Preserve would host the Trail Passport program, with a launch date of May 17, 2019, Colorado Public Lands Day. The program would end during the Trail Walk in September in conjunction with the Barn Tour. Maguire stated they made a presentation to Parks, Trails and Recreation Commission (PTRC), and met separately with Rob Eber to explore ways they can work together.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Councilor Brown moved, seconded by Councilor Gallagher to approve the following items on the Consent Agenda:

- a. Approval of Minutes – March 19, 2019

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Council Bill 3, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 2 Article 6 of the Cherry Hill Village Municipal Code concerning duties and responsibilities of the Planning and Zoning Commission in maintaining the City's Master Plan (second and final reading)

Mayor Stewart read the Council Bill and confirmed that it reflected changes made to paragraph 7. He explained the wording was borrowed from PTRC which will keep symmetry between the two commissions, while expressing the duties of City Council

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and P&Z. He stated the intent of the Bill was to provide flexibility to Council directing P&Z to review the Master Plan and other matters deemed appropriate. He said it would also provide a 10-year period for reviewing the Mater Plan.

Councilor Sheldon acknowledged Mr. Hoellen's comments on Council Bill 3, but believed the way the Bill was written allowed City Council the ability to make changes, or not, as they saw fit and that Mr. Hoellen's concern was satisfied by this.

Mayor Stewart concurred.

Councilor Weil moved, seconded by Councilor Gallagher to approve Council Bill 3, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 2 Article 6 of the Cherry Hill Village Municipal Code concerning duties and responsibilities of the Planning and Zoning Commission in maintaining the City's Master Plan on second and final reading.

The following votes were recorded:

Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes

Vote on the Council Bill 3-2019: 4 ayes. 0 nays. The motion carried.

NEW BUSINESS

Continue the Public Hearing – Request from Kent Denver for an Amendment to the 2018 Development Agreement to Eliminate from Exhibit D “Traffic Improvements” Conditions B, C, and D and also Eliminate Exhibit F from April 2nd to April 16th

Mayor Stewart stated City staff had received a request from Kent Denver to continue the public hearing scheduled for their application to amend the 2018 Development Agreement concerning the Kent Denver School Upper School Building Project. Public notice of the hearing had been duly noted and provided in accordance with City Code requirements. Since Kent Denver had requested a continuance, he accepted a motion to open and continue the public hearing to a date and time certain.

Councilor Sheldon stated the reason for the request was that two Council members were absent and that their presence and input on the issue was important.

Councilor Gallagher moved, seconded by Councilor Sheldon to open and continue the Public Hearing on the request from Kent Denver for an Amendment to the 2018 Development Agreement to eliminate from Exhibit D “Traffic Improvements,” conditions B, C, and D and to eliminate Exhibit F to April 16, 2019 at 6:30 p.m. in these council chambers.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Stewart stated he, City Manager Thorsen and Director Granrath met with Denver Water and Urban Drainage regarding the High Line Canal and a possible Intergovernmental Agreement (IGA). He explained this agreement would allow the City to operate and maintain the Canal and allow construction and improvements to use it as a stormwater facility. Denver Water's current policy did not allow any stormwater to drain into the canal and therefore the City was in violation of the policy. He stated that Denver Water prepared a 10-15 minute video for Council to review which will help lay

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out a plan. Mayor Stewart explained these were engineering issues that involved determining where the water will be directed during a 100-150 year flood event. He said a meeting with engineers would be scheduled to discuss these issues. In addition, he had a copy of Greenwood Village's IGA and would review the template along with their costs to get an idea for future budgeting. He said he would meet with a High Line Canal Facilitator on Thursday. He said the FAA Forum would be held on May 2, 2019 at the Aurora Municipal Center 15151 East Alameda.

Councilor Brown stated this would kick off a 30-day FAA comment period.

Mayor Stewart continued that any comments received would be incorporated in the environmental assessment. He said he contacted John Putnam, an attorney for the City of Phoenix. The Metro Mayors Caucus met on Wednesday to discuss the Tabor Amendment Referendum which would eliminate money coming back to taxpayers. Funds were limited to the amount of inflation plus the population growth and if it went above that, money would be returned to the tax payers. He stated that this may happen soon. He said the referendum would be on the November ballot, explaining the money would go to transportation and education. He explained that if the Metro Mayors Caucus formed a consensus, they would support it; but explained that the issue was too political for the Council to take on and should abstain. In addition, he asked that Council add this to the City Council retreat agenda, so that a policy could be established as to how such referendum issues should be handled. He said that he was meeting with Arapahoe County Commissioners Sharpe and Conti on Thursday, explaining they are looking at a way to obtain money for transportation. He stated he thought the Family Medical Leave Act was dead.

Councilor Brown clarified the Family Medical Leave Act was drastically modified and that local governments were excluded, but that it was not dead yet.

Mayor Stewart said the Council retreat is in May, adding that Quincy Farm and the High Line Canal are two items on the agenda. He asked that any other topics for the Retreat be submitted to City Manager Thorsen. Mayor Stewart stated that City Manager Thorsen was looking at vendors for digitally recording Council meetings. He advised he had spoken with Kendra Black regarding Referendum 300, the Right to Survive Law. He said that not only did she oppose it, there was not support among community advocacy groups, and additionally Mayor Hancock spoke against it. He stated that the Denver Boy Scout breakfast was on Tuesday and Charlie McNeil, a Cherry Hills Village resident and Chairman of the Denver Council, would be attending. He added that Denver Bronco, Champ Bailey would speak at this event. He would attend the Cherry Hills East HOA in addition to Commissioner Blum, Police Chief Michelle Tovrea, Commander Weathers and City Manager Thorsen.

Councilor Brown asked if there was a conflict if multiple members of City Council attended a public meeting hosted by someone else.

City Attorney Guckenberger explained attendance is different than convening to discuss public business, and to avoid a conflict of interest none of the members should sit together.

Mayor Stewart stated that CDOT will re-stripe University Boulevard back to its original condition.

City Manager Thorsen said that he contacted CDOT asking that the entry into Cherry Hills Farm East be striped as part of the project.

Councilor Sheldon asked Mayor Stewart to clarify whether the IGA Greenwood Village is creating with Denver Water is for operation and maintenance of the High Line Canal or for stormwater management.

Mayor Stewart added that it covered both issues. He said it allowed Greenwood Village to dump stormwater into the Canal in return for maintaining and operating the Canal.

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He noted that Denver Water owned the property and the details are in the IGA and the City would receive a copy of.

Councilor Sheldon questioned if the IGA referred to the pilot program for stormwater, because he was told that Denver Water had agreed to keep the ownership in order to maintain the 71 mile stretch of the Canal so it would not be bifurcated with different owners.

Mayor Stewart stated as part of the IGA Denver Water would continue to own the property and maintain a role in the operation. He said Urban Drainage had grant money available to pay for improvements. He noted Denver Water's agreement allowing the City to drain stormwater into the Canal in exchange for operation and maintenance was short term. He stated this allowed some potential for the City to drain stormwater into the Canal thereby solving some drainage problems in addition to cutting costs.

Members of City Council

Councilor Sheldon asked staff how the Red Flag Bill would be handled. He stated this Bill, which takes effect in January 2020, allowed a weapon to be seized from an individual who was identified as mentally unstable by another family member.

City Attorney Guckenberger stated that these cases would be decided in a court of competency at the district and county level.

Councilor Brown added the cases were also known as extreme risk protection orders.

City Attorney Guckenberger noted they were also temporary.

Councilor Sheldon stated that these cases involved individuals who had mental health issues and were dangerous. He asked if such cases would be brought to the attention of law enforcement and how a risk would be determined warranting a seizure of weapons and a standoff or worse-case scenario would be prevented.

Commander Weathers stated that Chief Tovrea has discussed the issue with the Metro Chief's Association and the South Metro Chief's Association to develop a plan. He confirmed that these cases will be handled at the district court level.

Councilor Gallagher thanked Susan Maguire for attending the meeting and noted that the Speaker Series were well done, informative and relative to the City.

Councilor Brown stated she is looking for someone to help organize a Turkey Trot on the new Village Trail on Thanksgiving Day. She added the entry fee would be a donation to a food bank.

Councilor Weil inquired about the traffic signal at Glenmoor.

Deputy City Manager and Public Works Director Goldie stated a pre-application has been submitted to CDOT, and the City was waiting for a response from them.

City Manager & Staff

City Manager Thorsen stated that LexisNexis was back online and there was a link on both the City and Police Department websites. He added that the Master Plan was not budgeted for 2019 as Code Modernization and John Meade Park were a priority, but it would be budgeted for 2020. He said he would meet with the Land Preserve on Wednesday and would meet with the Chair and Vice Chair of the Board of Adjustment and Appeals next week with Councilor Weil. Both of these meetings were part of the ongoing outreach to meet and discuss issues with each of the committees.

City Attorney

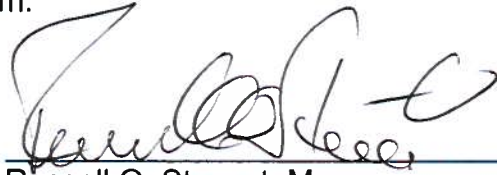
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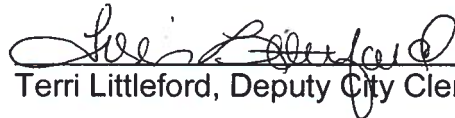
City Attorney Guckenberger had no report.

ADJOURNMENT

The meeting adjourned at 7:12 p.m.



Russell O. Stewart, Mayor



Terri Littleford, Deputy City Clerk