

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, April 16, 2019 at 6:30 p.m.
At the Village Center

Mayor Russell Stewart called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Randy Weil, Afshin Safavi, Al Blum, 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, Police Chief Michelle Tovrea, Community Development Director Rachel Granrath, Finance Director Jessica Sager, City Clerk Laura Gillespie, and Deputy City Clerk Terri Littleford.

Absent: none

PLEDGE OF ALLEGIANCE

The City Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

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

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

Laura Christman, 18 Cherry Lane Drive, provided an update on the FAA Denver Metroplex issue. She said the FAA will be coming out with their draft Environmental Statement (ESA) on April 22. She stated that the public hearing would start approximately 5 days after that, with the final public hearing 3 weeks later. She said the purpose of the hearings are to gather public comments on the ESA draft. She expressed concern that there is little time to review and understand the draft, but encouraged people to attend the first public hearing in Arapahoe County on May 2. She stated that the air traffic flying over the city would be concentrated, direct commercial flight paths into DIA at a rate of one plane per minute. Christman explained that every community where a flight path like this has been instituted has experienced extreme noise and air pollution. She said there have been cases where the pollution is taking the finish off cars. She stated the scientific report the FAA is using has shown the deaths from ischemic heart disease and many other lung related diseases will increase 12-fold by the year 2050 as a result of aircraft emissions. She said that the FAA most likely will approve the plan and stressed the importance of community involvement.

Councilor Blum thanked Christman for her report and stated that the commissioners of the Centennial Airport Community Noise Roundtable had thanked Christman and Councilor Brown for their work on this issue at their last meeting.

Christman said she would forward the Council a letter that she wrote. Additionally, she stated she is coordinating with cities of Boulder, Centennial, Littleton, Englewood, Lone Tree, Columbine Valley, Parker and Sheridan. She said the City of Denver was the only city that is not board with regards to this issue. This is a major effort and the only organization this was helping out is Centennial Airport because this change will have a serious negative impact on general aviation safety.

Councilor Gallagher asked what the purpose of the workshops are that are being held on May 2 and May 8.

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Christman said the purpose was for the FAA to take public comment on the ESA. She was hoping that the ESA would determine that there would be no significant impact. This determination would be based on an algorithm. She said if that was the case, public comment would be difficult. New Legislation requires the FAA to study the impact of noise and air pollution, and the committee would be looking for their compliance. One question that can be asked if the decision is based on an algorithm is on what legal basis the FAA is choosing to disregard recent laws. She said the ESA will provide flight paths and altitudes, and whether altitude is based on sea level, or above ground level.

Councilor Blum asked if the ESA included studies on historical sights and wildlife.

Christman stated that no wildlife studies will be done, however, she said under existing law they are required to show that they have considered where historical sites, schools and hospitals are, of which there are many in Arapahoe County. She did not know how these studies fit into the algorithm, but a true ESA will determine this.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Councilor Brown moved, seconded by Councilor Gallagher to approve Item 7b on the Consent Agenda:

- b. Contract for Services with Vance Brothers, Inc. for the 2019 Street Improvement Chip Seal Project

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Mayor Stewart removed item 7a from the consent agenda.

Mayor Stewart clarified comments in the draft Minutes of the April 2, 2019 Council Meeting related to the High Line Canal. He explained there were engineering issues that involved determining where the water would be directed during a 100-150 year flood event, not 100-150 years. In addition, he said John Putnam was an attorney for the City of Phoenix, not Denver International Airport. He stated community advocacy groups did not support Referendum 300, not community members.

Councilor Brown moved, seconded by Councilor Sheldon to approve Item 7a on the Consent Agenda:

- a. Approval of Minutes – April 2, 2019

The motion passed unanimously.

UNFINISHED 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 16 to May 7th

Councilor Gallagher moved, seconded by Councilor Blum to open and continue the public hearing to May 7, 2019 on the request of Kent Denver School’s for an amendment to the 2018 Development Agreement to eliminate from exhibit D conditions B, C and D and remove Exhibit F.

The motion passed unanimously.

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NEW BUSINESS

Public Hearing – Resolution 15, Series 2019; A Resolution of the City Council of the City of Cherry Hills Village to Rename the Existing Subdivision of “Swastika Acres” to “Old Cherry Hills”

Director Granrath presented Resolution 15 and provided background information to the Council. She stated in August 2017, City Council adopted Council Bill 7, Series 2017 to add a new division to Chapter 16, the subdivision code which established a process for renaming a subdivision plat. She advised the subdivision Swastika Acres #1 and #2 were platted in 1908 by the Denver Swastika Land Company. Many of the areas were consolidated, redeveloped or re-platted which resulted in the remaining 56 lots before Council today. She said some of the new subdivisions that exist include Cherry Hills Acres, Viking Acres, Chenango, Harper Subdivision, Cherrymoor and Layton Minor Lot Adjustment. She stated that the Denver Swastika Land Company named the subdivision in a pre-Nazi era when the word swastika meant good luck and prosperity; a very different connotation than that of Nazi Occupied Germany. She said an application had been received with 30 of the required 29 signatures of petitioners, to rename the neighborhood to Old Cherry Hills. She stated the new name is fitting as it is one of the oldest neighborhoods in Cherry Hills Village. She confirmed that notice was published in The Villager on March 28, and notice was posted in three different locations within the community in question at least 15 days prior. She said that there was only one letter written in opposition to the name change.

Mayor Stewart opened up the Public Hearing portion of the meeting at 6:47 p.m.

Michael Brady O'Donnell, 1199 East Layton Avenue, applicant and resident of Swastika Acres Subdivision, said he appreciates the support of the Council, the City and residents who have supported the name change.

Councilor Blum thanked O'Donnell for his efforts.

Laura Christman stated that she is not concerned that there is any opposition to the proposed name change and asked council for their support. She thanked Councilor Sheldon and Mr. O'Donnell for their efforts. She stated that although the symbol of racism and antisemitism would be removed from the City, these are two matters that are increasing in the country and it is important to remain vigilant in the fight against them.

Mayor Stewart Closed the Public Hearing portion of the meeting at 6:49 p.m.

Councilor Sheldon moved, seconded by Councilor Blum to approve Resolution 15, Series 2019; a Resolution of the City Council of the City of Cherry Hills Village to rename the subdivision of Swastika Acres to Old Cherry Hills based on the findings in the April 16, 2019 staff report, public hearing and associated attachments.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Stewart said he met with Commissioners Nancy Sharpe and Kathleen Conti on April 3. He explained that the Arapahoe County jail is over capacity and there are plans to enlarge it and renovate court house. He advised the Commissioners invited the Council to tour the jail and the courthouse and review the plans. He stated they also discussed the Eighteenth Judicial District, which includes Arapahoe, Douglas and Elbert Counties, and their plans to split. He said it is a very large district and the cost of the division needed to be discussed. He noted that it had been 30-40 years since a new district has been created. Mayor Stewart stated the Red Flag Law, which goes into

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effect in January 2020, was also discussed. He confirmed the Arapahoe County Sheriff would be responsible for creating guidelines to assist with enforcing the law. He said design standards for 5G wireless were discussed in regards to the size, standards and placement of new transmission facilities. Stewart stated that he met with Mike Hughes, Facilitator for the High Line Canal Working Group, to discuss management of the canal and establishing a working group that will work together and manage engineering issues and recreational uses moving forward. In addition, the role of Urban Drainage, Denver Water, the Highline Canal Conservancy and the seven jurisdictions would be discussed. He said engineering issues would be better dealt with on a uniform basis by Urban Drainage and that recreational and zoning issues would be handled at the county level. On April 22nd there would be a meeting with Albert Leek, consultant for Denver Water and Urban Drainage, about the transition of the High Line Canal from a water delivery system to a stormwater facility. He noted that City Manager Thorsen would attend and he invited Councilor Sheldon, Deputy City Manager and Public Works Director Goldie and Director Granrath to attend. He stressed the importance of this meeting as engineering issues would be discussed. Mayor Stewart stated that John Jackson, City Manager of Greenwood Village, shared their Denver Water Intergovernmental Agreement (IGA) with him. He stated Greenwood Village's IGA was a pilot program that moved to a demonstration project and laid out the responsibilities of Denver Water and Greenwood Village and is a model of what the City could use. Mayor Stewart advised that the cost of lights on Belleview Avenue would be shared between Greenwood Village and Cherry Hills Village and Greenwood Village wanted to use them for 5G cell service. He noted it would decrease the number of poles required. He added that there would need to be a discussion with CDOT about how this would work. He said there is a webinar on 5G standards on April 17 provided by the Colorado Municipal League (CML). In addition, Mayor Stewart mentioned that the City of Greenwood Village approved restrooms along on the High Line Canal and at Holly and Orchard. He said the cost was twice the original estimate because Denver Water is charging Greenwood Village a commercial rate for the water. Mayor Stewart advised he met with Cherry Hills East HOA on April 9th and approximately 30-35 residents were present to discuss public safety. He said during the meeting, the residents were encouraged to sign up for alerts, and informed of the efforts the Police Department have made. In addition, snowplowing and traffic were discussed. Mayor Stewart noted that CML has openings on their Executive Board for small communities and that he would apply. He stated on Saturday, May 11 the Colorado Mental Health Association would provide training at the Joint Public Safety Building and the training would include information about dealing with and responding to friends, relatives and neighbors with mental issues. He thanked the City Staff for the 2019 Annual Budget Document and also thanked members of staff for the Grand Opening event held before the meeting.

Councilor Blum said he was asked by members of the Greenwood Athletic Club if the City was going to take a position on the controversial painting as the City supplements the dues in the form of recreation reimbursements.

Mayor Stewart stated he believed it was a Greenwood Village and Greenwood Athletic Club issue.

Councilor Blum agreed it was a Greenwood Athletic Club issue and that the City does not need to take a position on the matter.

Councilor Gallagher agreed.

Members of City Council

Councilor Brown said Commissioner Kathleen Conti from Arapahoe County said they would participate in the Centennial Airport Community Noise Roundtable Memorandum.

Councilor Safavi stated that the Kent Denver Middle School opening was impressive.

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City Manager & Staff

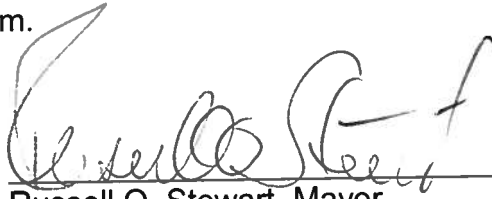
City Manager Thorsen thanked Mayor Stewart, sitting and previous councils, and staff for their support in the construction of the new building. He stated the new building reflected the professionalism of the staff, and equaled what the City would expect. He advised that bids for the John Meade Park redesign were out and the bid opening would be in mid-May. He stated concrete work would begin throughout the City streets and asked the Council and staff to be careful and respectful to those working on the streets.

City Attorney


City Attorney Guckenberger had no report.

ADJOURNMENT

The meeting adjourned at 7:04 p.m.



Russell O. Stewart, Mayor



Terri Littleford, Deputy City Clerk

