

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, May 21, 2019 at 6:30 p.m.
At the Village Center

The City Council held a study session at 5:30 p.m.

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 Mayor Pro Tem Katy Brown were present on roll call. Also present were City Manager Jim Thorsen, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Community Development Director Rachel Granrath, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and Deputy City Clerk Terri Littleford.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

APPROVAL OF AGENDA

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

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

Linda Carney, 5411 Nassau Circle East, stated she has lived in Cherry Hills Village for 40 years and felt the Denver Metroplex was historically the most important issue facing the City. She said she has received several letters from concerned residents that understand the facts of what will happen if the controversial Metroplex plan is implemented. She expressed her concern that citizens had not heard from any of the members on Council regarding what their positions were on the issue, and that it hadn't been an item on the agenda. She encouraged each Councilmember to file their personal objection to the FAA before the June 6 deadline, stating a failure to do so indicated agreement with the plan. She reminded Council that they were representatives and they had an obligation to inform the citizens of this plan and how it would affect their lives. She said the plan had impending, negative consequences to the City. She asked Council to promise that they would act on the citizens behalf, and theirs too. She suggested that Council send emails to every resident explaining the issue and research that had taken place, and ask them to submit their comments and concerns. She stated the costs would be high if the plan was implemented, both in physical and emotional health, due to disruptions in daily living and sleep. In addition, she said property values would decrease. She asked that the Council act now in order to keep the City thriving, healthy and quiet. She explained the FAA assumptions were deceptive and wrong and the algorithms were not based on environmental impact studies with real data. She said the FAA admitted that it had no control over the number of flights that would fly over the City, but DIA was building an extra 40 gates so flights are expected to increase in the future. She stated that their data indicating how high planes would fly was taken from sea level; therefore, planes flying over the City would be very low and loud. She explained this issue had become a disaster in other cities and that once implemented, it could not be changed. She said the number of objections filed would make a difference and that 6,000 letters stopped this plan in a California community and a similar plan in Phoenix.

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Jerry Walker, the Head Master from Kent Denver 4000 East Quincy Avenue, read a letter from the school administration based on concerns the City had regarding traffic mitigation. The letter thanked the Council for their thoughtful consideration to remove the language concerning the conveyance of land to the City for the purpose of building a roundabout. He continued that they appreciated the decision to approve that request and the school was looking forward to continuing their partnership with the City to address traffic issues on Quincy Avenue. He reiterated that the Board of Trustees and school administrators are fully committed to that issue. At the same time, he indicated the school would implement two late start days next year and stagger release times, while continuing to encourage students, staff and parents to carpool, take alternative transportation or bike to school. He also encouraged the citizens of the community to submit ideas for mitigation. He stated that Kent Denver desired to be a part of any solution and was committed to remaining a partner of the City.

Tory Leviton, 3901 East Quincy Avenue, expressed his excitement over his recent appointment to the Parks, Trails and Recreation Commission (PTRC). He stated that traffic problems in the City may not easily be solved, but residents and the City could change how attractive Quincy Avenue was by looking for improvements which impact so many people. He mentioned he has begun working with the Cherry Hills Village Art Commission to schedule a concert series later in the year.

Diane Reeder, 4901 Nassau Circle West, expressed her concerns about the FAA Metroplex. She said the FAA Environmental Assessment was flawed, explaining that it failed to include the impact of plane emissions and particulate matter on resident's health and welfare. She stated it also excluded the impact of noise at or below 65 decibels on sensitive areas and the impact on historic areas, parks, schools and hospitals. She said the FAA's estimate of the number of flights was grossly underestimated and therefore the estimated noise level that would result was inaccurate. She explained there were 1,600 flights in and out of DIA daily and the FAA recognized that those flights will increase by 70 to 100% between 2030 and 2035. She said that would be 2,700 to 3,200 flights daily. She explained that Centennial Airport was the second busiest general aviation airport in the country with more than 900 incoming and outgoing flights daily. She stated the FAA had specified changes to the flight path from this airport, but senior staff confirmed the implementation of the Denver Metroplex will cause diversion of many of those flights over the City and the noise could be much worse than that of flights from DIA. She said the FAA should delay the Denver Metroplex until a full environmental impact statement was completed. She explained that property values would drop which would result in a decrease in property taxes and have a negative impact on services the City was able to provide. She stated this was a very serious issue and citizens must know where each Councilmember stands on the issue.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Item 7b on the Consent Agenda:

- b. Contract of Services with Singing Hills Landscape for Irrigation Installation at Quincy Farm

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Mayor Pro Tem Brown removed Item 7a from the Consent Agenda.

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Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve as amended Item 7a on the Consent Agenda:

- a. Approval of Minutes May 7, 2019

The motion passed unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Finance Director, Sager presented the Cherry Hills Village Art Commission's (CHVAC) recommendation for a sculpture-on-loan and budget for permanent art at City Hall. She said the CHVAC recommended approval to enter into a two year loan for a sculpture called *Really* created by artist Wayne Salge. She explained the Commission recommended placing the sculpture behind City Hall, along Quincy Avenue, in the same location previously occupied by *Sundown*. She said an article about the potential loan was published in the April issue of the Village Crier as part of the Commission's outreach program and PTRC discussed the location and the sculpture at their April 11th meeting and voted unanimously to recommend approval. She said the second item the CHVAC was seeking approval for is the funding for permanent art in City Hall. She said that now that City Hall was complete and costs have come in under budget, the Commission recommended funding of 1% of building costs, or approximately \$45,000. She indicated this is typically what other jurisdiction have spent to fund similar art programs. She noted that if Council approved the funding request, the CHVAC would return to Council later in the year with recommendations for permanent art at City Hall.

Cherry Hills Village Art Commission Chair, Ann Polumbus, said that the art would be on loan for two years. She explained the *Really* sculpture was 8 feet tall, made of museum quality bronze and was therefore easy to maintain. She said the piece was a combination of realism and abstract, in addition to being a bit edgy, whimsical and humorous. She further explained the artist was from Colorado and had pieces displayed at Children's Hospital, the Ritz Carlton, and the Four Seasons.

Councilor Weil asked if the program was in effect a rent to own program and if there were provisions in place to eventually buy the art by crediting the loan price to the purchase price. He also asked if the art was originally supposed to be in John Meade Park but was relocated because the park would be under construction. He also expressed his concern that art placed in the City was centrally located and asked if it was possible to have it moved to the park thereby having art distributed throughout the City.

Ms. Polumbus said they had not negotiated an option to buy but thought it could be possible. She further explained that based on feedback that was provided during a resident focus group at one of their meetings, the CHVAC has continued to place art in one centrally located area.

City Manager Thorsen explained staff would be looking at bids later in the week for the park construction and anticipated the park would be complete within a year. He said the art could be moved to the park later if Council desired.

Councilor Weil asked if alternative locations in the City were considered for the art.

Ms. Polumbus stated that the Commission would like to have art in other locations, but the timing for that was not right.

Councilor Weil asked if the \$45,000 for permanent art was for one piece of art or several little pieces.

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Ms. Polumbus stated that the Commission was looking for quality pieces and therefore the \$45,000 would likely be allocated for one sculpture to be placed on the gravel next to the entrance of City Hall.

Mayor Pro Tem Brown asked if the original plan was to place the *Really* sculpture at the corner of University Boulevard and Quincy Avenue. She explained that the concept of sculptures in parks was controversial and required some deliberation. She said it was a better idea to consolidate the art in one area rather than disburse it in parks where it might interfere with the parks use.

Ms. Polumbus said that the plans for the sculpture had changed and the CHVAC have settled on the area behind City Hall.

Councilor Gallagher questioned the high price tag of \$45,000 for one piece of art and asked what would be done inside the building and how that would be funded. In addition, he asked that the Commission consider the artistic talent in the City.

Ms. Polumbus stated that the Beardsley piece, currently located in the Police Facility, would be moved into the main vestibule in City Hall. She said the next task for the CHVAC was to determine what kind of hanging mechanisms would be used for art inside the building. She concurred that there was a lot of talent in the City which would be considered in the future, and a lot of open wall space in City Hall.

Councilor Sheldon asked for confirmation that the Beardsley piece would be moved to City Hall. He also asked if \$45,000 was left in the budget for the 1% allocation for art.

Finance Director Sager confirmed the City Hall project was under budget and the expenditure would be paid from the COP Fund.

Councilor Blum asked to confirm that the City Hall project was at least \$45,000 under budget.

Finance Director Sager confirmed that it was.

Councilor Blum said the memorandum states \$10,000 is needed whereas the motion was for \$12,000 and asked why there was a discrepancy.

Finance Director Sager explained \$10,000 would be paid the artist but the total cost of the sculpture over the two years period would be \$12,100; including the installation and removal fees for the piece.

Councilor Blum asked if the \$12,100 was part of the \$45,000 the Commission was requesting for permanent art in City Hall.

Finance Director Sager responded it was not. She said the \$12,100 was a would be paid from the Commissions line item in the approved 2019 budget and the \$45,000 would come out of the COP Fund.

Mayor Stewart said when the Citizen's City Center Committee (CCCC) approved the construction of City Hall, their recommendation was for 1% for an art budget and that had been approved by a previous City Council. He confirmed there is money in the budget in addition to \$500,000 grant staff had applied for.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher to approve the expenditure of up to \$12,100 for the delivery, installation, two-year loan, and removal of *Really* by Wayne Salge to be installed on the City Hall campus along Quincy Avenue, and authorize the Mayor to sign the Art Loan Agreement once it has been signed by the artist.

The motion passed unanimously.

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Moved by Mayor Pro Tem Brown, seconded by Councilor Weil to approve the Cherry Hills Village Art Commission to expend up to \$45,000 for the purchase of art for the new City Hall.

The motion passed unanimously.

Ms. Polumbus thanked the Council for their support. In addition she stated that she was impressed by the recycling event hosted by the City on the previous Saturday and thanked the City staff.

Finance Director Sager presented the 2018 Audited Financial Statements for the Council's approval. She said section 3.10 of the City Charter required an independent audit of the City's financial affairs by a certified public accountant. She explained John Cutler and Associates audited the 2018 financial statements and Mr. Cutler provided a letter at the beginning of the audit document that says in part "the financial statements are presented fairly with respects to all activities and to each fund as of December 31, 2018". She said staff had also written a management discussion and analysis that provided a summary of the 2018 financial statements. She explained the City's financial position remains strong with assets exceeding liabilities at the close of fiscal year 2018 in the amount of \$39 million.

Mayor Pro Tem Brown moved, seconded by Councilor Blum to approve the Audit of the Financial Statements of the City of Cherry Hills Village for year-end December 31, 2018.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Stewart attended the Mayors Meeting on May 8th where the procedures for minutes were discussed. He said many cities record action minutes rather than detailed minutes. He said a guide book for elected officials reviews the pros and cons of detailed minutes and states detailed minutes are not needed. He explained detailed minutes are not a standard practice anymore and Council would discuss it at the retreat. He stated the Volunteer Appreciation Celebration was held on May 11th and efforts need to be made to improve attendance for future events. He thanked staff for organizing this event. He mentioned he attended a High Line Conservancy meeting on May 13th and that they taped a promotional spot that will be featured on a national cable network channel. He explained it would promote the work the Conservancy is doing and the Canal itself. He said the Arapahoe County Open Space Trail Advisory Board would be hosting site visits. He said the City has submitted a grant application to them and they had a total of \$4.5 million to give away. He stated our application was very strong and he was hoping to get \$500,000 to help defray some of the costs of the John Meade Park construction. He noted that he attended a meeting on May 15th regarding the High Line Canal underpass. He said there was high attendance from the City of Denver, but not Cherry Hills Village. He warned the work would take place on weekends and both Hampden Avenue and Colorado Boulevard would be closed. He said the City would be given one to two weeks notice before the work would begin, but was hoping for five to six weeks. He noted the churches in the City would be particularly impacted by the road closures.

Councilor Weil asked how long the project would take and if the roads would be closed for just two weekends.

City Manager Thorsen said the project would take one year, and confirmed the road closures would take place from each Friday night through early Monday morning over two weekends.

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Mayor Pro Tem Brown stated that cut through traffic in the City would increase significantly on the days that Hampden is closed.

City Manager Thorsen stated that since the road closures were happening on weekends, school traffic would not be affected.

Councilor Weil asked if the Police Department would help manage traffic.

Chief Tovrea stated that weekend traffic was very different than that on a weekday but the Department would provide services where needed.

City Manager Thorsen said detour routes would be routed through Denver, not through Cherry Hills Village.

Mayor Stewart said he met with Sheriff Brown and Commissioner Conti on May 16th and discussed funding options for the new County jail, courthouse and mental health detention facility. He explained they have appointed a long range planning group and the work will take place in four phases over nine years. He said the cost of the project is \$900 million and would be paid for by sales and property taxes. He stated their mill levy is low and an increase would provide enough money for the project. He explained that representatives from the County are giving presentations on the project and are offering tours of the current facility. He stated the Arapahoe County Commissioners, Metro Mayors and City Managers held their meeting at City Hall on May 17th. He said there were substantive discussions on the Denver Metroplex, Legislative updates, the right to survive, homeless issues and homeless camps on the South Platte. He mentioned the City of Aurora is competing for the Space Port, a Division of the Air Force and the facility could be located at either Buckley or Peterson Air Force Base, noting that Buckley Air Force Base is Aurora's largest employer. He explained that Delaware and Alabama were also in the competition. He said the environmental assessment prepared by the FAA shows that noise levels in Cherry Hills Village will go down as a result of the proposed alternative for the Denver Metroplex, but Kiowa County would be impacted the most. He said this was based on modeling of five years of flights compared to a no action option and a preferred alternative option. He stated that Mayors will act together and that an environmental impact statement was needed to fully assess the issues. He said the City should not make a hasty decision on something that will make the noise levels better and invited community members to contact him to voice their concerns. He said Centennial Airport is not impacted by the Metroplex and the City would be more impacted by their increase in air traffic. He noted the only recourse the City has regarding Centennial Airport's growth is the Centennial Airport Noise Roundtable. He further stated that most of the City's noise issues were a result of the Centennial Airport. He stated the High Line Canal Working Group will meet May 29th to discuss how the seven jurisdictions the canal runs through could work together regarding general governance and recreational uses of the canal. He noted the Council Retreat would be the following day and invited residents to attend.

Members of City Council

Councilor Safavi mentioned he attended a Denver Metroplex meeting in order to gather facts on the Denver Metroplex issue. His intention was to see the flight paths and what other solutions would be offered in regard to noise and safety. He said he looked at the data, and although he was not an expert in the field, wished he could talk to scientists who could validate the data the FAA has provided. He said he will support what the voters want, but is concerned about alternatives for the future.

Councilor Weil said Cherry Hills Farm HOA leadership overwhelmingly supported the plans for a security shelter. He said the Cherry Hills Farm HOA have been asking residents if they were in favor of a security shelter rather than specifics such as location or architecture. He explained the plans and drawings would be available for the public to see in June. He stated that he attended a party for the opening of the light rail station at Sky Ridge. He hoped that the growth in Lone Tree and increased ridership would have a positive impact on traffic in the City.

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Pro Tem Mayor Brown said the Rules of Procedure state that one Council meeting would be held in July on the third Tuesday. She attended a meeting regarding the crosswalk at South Hudson Way and Dahlia Street and said that although one resident strongly opposed the proposition, about half were in favor of it. She said the meeting was civil and in the end the citizens were comfortable moving forward with the project. She said a citizen approached her six years ago about the unbearable level of air traffic noise. She noted this complaint was what led to the formation of the Centennial Airport Community Noise Roundtable. She said Council was most likely not aware of massive airspace changes made in 2012 and therefore were unable to voice opposition to those changes, which did however increase air traffic. She said when she learned what was involved in phase two of that project she realized that no one should be under one of these concentrated flight paths. She stated the results of the environmental assessment were expected and were the same for every city where it was conducted. She said they do the same modeling and analysis and report Findings of No Significant Impact (FONSI). She explained the criteria for establishing this determination was deeply flawed which was brought to the FAA's attention by Congress and the FAA reauthorization in 2018. She reported the FAA was directed by Congress to reevaluate the standards that have been set for determining the impact of noise. She asked the FAA why this project was grandfathered in and they were not required to apply the new standards to this project. She explained her position was they may not be required to, but it did not mean that they can't. She didn't know if there was anything they could force the FAA to do if they were meeting all of the criteria and standards required of them, but it did not mean they had to accept it. As a Council member she said it was compelling when the public voiced their opinion. She stated that as a community it was important to voice concerns regarding this issue. She added that the FAA reports were based on models, not data collected. She thanked members of the community who had voiced their opinions about the issue.

Councilor Gallagher stated the recycling event held by the City was outstanding and thanked the staff for their efforts. He stated further that he was looking forward to the Denver Metroplex discussion at the retreat.

Councilor Sheldon said the Charlou neighborhood added solar powered cameras that would monitor cars going into and out of the neighborhood and would store this information in the cloud. He asked staff to remove old items from the project activity list included in the Community Development monthly report if they were no longer relevant such as Kent Denver Public Hearing and Swastika Acres. He thanked Laura Christman, Earl Hoellen, Mayor Pro Tem Brown and Mayor Stewart for their work in opposing the Denver FAA Metroplex. He thanked Community Development Director Granrath, who would be leaving her position with the City on May 24th, for her work for the City and wished her the best of luck.

Councilor Blum said he attended the FAA meeting and stated that Mayor Pro Tem Brown asked several tough questions that they could not answer. He said the algorithm they presented did not take into account any future flights. He encouraged citizens to send their letters of opposition before the June 6th due date. He said unless there was a lawsuit, an environmental impact statement would be needed to fully assess the consequences.

Mayor Stewart said a lawsuit would have to be filed either in the 10th Circuit or the Federal Circuit and that the City would want to work with neighboring cities in regards to this.

Councilor Blum asked about the status of the left hand turn signals at Glenmoor Drive.

City Manager Thorsen said comments and plans were submitted to CDOT and they in turn identified some things they wanted corrected on the plans. He stated they specifically did not like the idea of adding left turn arrows and giving green time for Belleview Avenue traffic to turn onto either Glenmoor Drive or Field Street. He said the

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purpose of a signal was to provide a protected turn lane for those cars. He explained negotiations would continue with CDOT.

Mayor Stewart inquired about the status of 5G design and technology.

City Manager Thorsen said the City was working with the City of Greenwood Village to determine which pole would work best for this project.

Councilor Blum asked if a blinking left turn light could be installed at Glenmoor Drive.

City Manager Thorsen said that type of turn lane is called a passive turn lane and confirmed that it was part of the discussion with CDOT.

City Manager & Staff

City Manager Thorsen recognized Community Development Director Granrath for her work and dedication to the City. He noted Director Granrath was his first hire and that she had excellent skills and knowledge. He continued that her most endearing quality was her personality and her ability to brighten everyone's day. He commended her for her ability to pacify irate clientele. He presented her with a memento from the City.

Community Development Director Granrath said the decision to move on was not an easy one, and thanked staff and Council and stated it had been a pleasure working with them.

Mayor Stewart inquired about the striping on University Boulevard.

City Manager Thorsen said the City was waiting to hear from CDOT.

Parks and Recreation Coordinator Black clarified that the Cherry Hills Village Land Preserve was helping to provide the programming at Quincy Farm and thanked them for their help.

City Attorney

None

ADJOURNMENT

The meeting adjourned at 7:50 p.m.



Russell O. Stewart, Mayor



Terri Littleford, Deputy City Clerk