

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 5, 2018 at 6:30 p.m.
At the Joint Public Safety Facility

The City Council held a study session at 5:33 p.m.

Mayor Laura Christman called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Laura Christman, Councilors Randy Weil, Earl Hoellen, Al Blum, Mike Gallagher, and Dan Sheldon 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, Finance Director Karen Proctor, Police Chief Michelle Tovrea, Parks and Recreation Coordinator Emily Black and City Clerk Laura Smith.

Absent: Councilor Katy Brown

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

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 – May 15, 2018

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Resolution 9, Series 2018; Appointing a New Member to the Board of Adjustment and Appeals

City Clerk Smith presented Resolution 9, Series 2018 for Council's consideration. She explained that recently a member of the Board of Adjustment and Appeals (BOAA) had resigned. Staff had solicited applications and interviews were conducted by Councilors Weil and Blum, who recommended appointment of Steven Elken to the BOAA.

Councilor Sheldon asked about the number of applications.

City Clerk Smith replied that the City had received three applications.

Mayor Pro Tem Hoellen asked Councilors Weil and Blum if Mr. Elken understood the role of the BOAA.

Councilor Weil replied that they had a long discussion with Mr. Elken about the role of the BOAA and the importance of upholding the Municipal Code. He noted that Mr. Elken had land development experience and had previously applied to serve on the Planning and Zoning Commission.

Councilor Blum noted that Councilor Weil had given a very detailed explanation of the role of the BOAA during the interviews.

Councilor Blum moved, seconded by Councilor Weil to approve Resolution 9, Series 2018; concerning the appointment of a new member to the Board of Adjustment and Appeals.

The motion passed unanimously.

NEW BUSINESS

Cherry Hills Village Art Commission Recommendation for Sculpture-on-Loan

Director Proctor explained that the Cherry Hills Village Art Commission (CHVAC) recommended that Council approve the two-year loan of the sculpture *Big Bronze Walking Eye Flower* by artist James Surls at the northwest corner of University Boulevard and Quincy Avenue. An article about the possible loan had been included in the May issue of the Village Crier, and was considered by the Parks, Trails and Recreation Commission (PTRC) at a special meeting on May 16, 2018. The PTRC had voted unanimously to recommend approval of the loan. The City had received several letters of support for the loan which were included in Council packets. CHVAC Chair Ann Polumbus and Kendall Peterson of ThereSquared Inc were present to help answer any questions.

Ms. Peterson of ThereSquared Inc, the CHVAC's consultant, explained that James Surls was a famous artist who lived in Colorado, and the CHVAC sought to feature Colorado artists in their sculpture-on-loan program. She indicated that Mr. Surls was a kind and down-to-earth artist and the CHVAC was thrilled for this opportunity.

Mayor Pro Tem Hoellen asked if the payment of \$8,000 in 2018 would occur after installation, and if the payment of \$7,000 in 2019 would occur after the day of art education.

Ms. Peterson confirmed that was correct.

Mayor Pro Tem Hoellen asked about the safety of the piece to the public.

Ms. Peterson replied that the piece was designed for public spaces and had been previously installed in two public places including Park Avenue in New York City. She added that the proposed location was not a highly travelled area for pedestrians. She noted that the foundations would be engineered to secure the piece to the ground.

Mayor Christman asked where the pedestrian trail was on that side of University Boulevard.

Deputy City Manager/Director Goldie replied that on the west side of University there were pedestrian trails on both the north and south sides of Quincy.

Ms. Peterson explained that she was still working with the artist on the details of the installation and would finalize them if Council approved the loan. She added that the

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piece would have concrete footers reinforced with rebar and that she would coordinate between the artist and Public Works staff for the installation.

Mayor Pro Tem Hoellen noted that the Cherrymoor neighborhood had not been specifically contacted about the potential loan.

Mayor Christman replied that the article had been on the cover of the Village Crier.

Ms. Peterson noted that part of the reason for selecting that location was the CHVAC's desire to connect the two sides of the Village through art, and that this would be the first piece of public art on the west side of the Village. She added that this was a temporary loan. She indicated that art education, such as a video of the artist on the City's website, could help residents become more comfortable with the sculpture.

Mayor Pro Tem Hoellen questioned that the fact that the \$7,000 payment in 2019 was subject to annual appropriations was not stated in the Art Loan Agreement.

Director Proctor replied that the CHVAC had agreed that should Council choose not to appropriate those funds in 2019, the \$7,000 balance would be paid from the Art Donation account.

Councilor Weil agreed that multi-faceted approaches to communication and art education, such as a video of the artist on the City website, in addition to articles in the Village Crier, would be ideal.

Councilor Sheldon asked if the sculpture was for sale, and if the City chose to purchase the piece would the \$15,000 for the loan count towards the purchase price.

Ms. Peterson confirmed the piece was for sale.

CHVAC Chair Polumbus explained that the CHVAC was very excited about their redesigned sculpture-on-loan program, and had heard from residents that the Village wanted art pieces on loan, rather than to fill the Village with permanent sculptures. She indicated that the CHVAC would not have been able to secure a famous artist like James Surls without Ms. Peterson's work.

Councilor Weil asked about damage to the piece from a car accident.

Ms. Peterson replied that the sculpture would be insured by the City.

Councilor Gallagher asked about the loan period.

Ms. Peterson replied that the CHVAC had determined that two years was an appropriate time to allow the sculpture to help the CHVAC attract more interesting and renowned artists for the sculpture-on-loan program in the future, but was short enough to keep residents interested about what would come next. She noted that if at the end of the loan period the CHVAC and City Council wanted to explore an extension to the loan period then that could be negotiated with the artist.

Chair Polumbus added that in the past the artists participating in the sculpture-on-loan program had been flexible with the loan period.

Mayor Christman asked about the CHVAC's redesigned loan program.

Ms. Peterson explained that she had conducted a site survey and there were other potential locations for sculptures on loan in the Village. She noted that the CHVAC

believed that the program would promote art and culture in the Village that all the public could enjoy.

Chair Polumbus added that the CHVAC would hold its annual event on July 25th at CHVAC Commissioner Kathie Finger's residence. She explained that the event would be held in the Fingers' sculpture garden, and a higher priced ticket would be available to include a more exclusive reception with James Surls preceding the main event.

Ms. Peterson indicated that she would work with Mr. Surls on a short documentary about the piece including some video of the installation.

Councilor Sheldon asked about locates and any required building permits.

Deputy City Manager/Director Goldie replied that the Public Works staff would do the locates as part of the installation and that no building permits would be required.

Councilor Sheldon moved, seconded by Councilor Blum to approve the expenditure of up to \$17,100 for the delivery, installation, two-year loan, and removal of *Big Bronze Walking Eye Flower* by James Surls to be installed in the City's park on the northwest corner of University Boulevard and Quincy Avenue, and authorize the Mayor to sign the Art Loan Agreement once signed by the artist.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Christman reported that residents experiencing more frequent than normal air traffic over their homes from small jets should keep diaries so that the Centennial Airport could track the air traffic and address any issues. She noted that a resident on Holly Street had their home broken into twice.

Chief Tovrea noted that an arrest had been made.

Mayor Christman reported on a meeting regarding the High Line Canal Hampden Underpass project between Cherry Hills Village, Arapahoe County, the City of Denver and CDOT. She explained that Denver wanted Cherry Hills Village to assume much more of the costs than originally discussed, and wanted a more significant easement from Denver First Church of the Nazarene. The City was in discussions with the Church to determine the feasibility of Denver's request.

Mayor Pro Tem Hoellen added that all parties at that meeting had jointly agreed on a thirty day deferral.

Mayor Christman reported concerns expressed by the Cherry Hills East HOA including weeds, the fence regulations for properties on the north side of Quincy, and traffic along Quincy.

Members of City Council

Councilor Weil had no report.

Councilor Gallagher noted that he would be absent for the June 19, 2018 Council meeting.

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Mayor Pro Tem Hoellen had no report.

Councilor Sheldon noted that he would be absent for the June 19, 2018 Council meeting.

Councilor Blum reported that the City would meet with the Glenmoor HOA on Monday night regarding the proposed traffic signal at Glenmoor and Belleview Avenue.

Mayor Christman noted that if the residents chose not to move forward with the proposed design, there may not be another chance as CDOT's regulations continued to become more stringent.

Members of City Boards and Commissions

None

City Manager & Staff

City Manager Thorsen reported that staff would meet with Denver City engineers this week regarding the High Line Canal Hampden Underpass project. He added that on June 13th staff would meet with representatives of the Cherryridge neighborhood, St. Mary's Academy, and CDOT regarding exiting issues onto University Boulevard. He noted that progress was being made on the new City Hall construction including stakes for the outline of the building, storm drain, curb and gutter, and entry radiuses for the driveways.

Councilor Sheldon suggested a Coming Soon sign with a rendering of the new City Hall be installed.

Councilor Blum added that the Police Department representative at the Cherry Hills East HOA meeting had been very professional and helpful.

City Attorney

City Attorney Michow had no report.

EXECUTIVE SESSION AND ADJOURNMENT

Mayor Pro Tem Hoellen moved, seconded by Councilor Sheldon to enter into Executive Sessions pursuant to CRS 24-6-402(4)(b) for purposes of receiving legal advice regarding land development fees from the City Attorney and Code consultant Todd Messenger; and pursuant to CRS 24-6-402(4)(b) for purposes of receiving legal advice and pursuant to CRS 24-6-402(4)(e) for purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding Maven Properties v. Cherry Hills Village.

The following votes were recorded:

Weil	yes
Gallagher	yes
Hoellen	yes
Sheldon	yes
Blum	yes

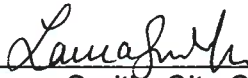
Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

The Executive Session began at 7:15 p.m.

The meeting adjourned at 8:35 p.m.



Laura Christman, Mayor



Laura Smith, City Clerk