

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, June 16, 2020 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, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, 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 Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Community Development Director Chris Cramer, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Jeri Neff, 4400 E Quincy Avenue, participating virtually, stated she has a long standing relationship with Quincy Farm, including researching and writing the history of the Farm and co-authoring the National Registry nomination, and living on the Farm for 21 years. She indicated she was disheartened with the direction the Village was proposing to take the Farm and encouraged Council to watch the recordings of the latest Quincy Farm Committee (QFC) and Parks, Trails and Recreation Commission (PTRC) meetings. She explained the public comments agreed the Farm should remain a working farm to honor Cat Anderson's vision, and the draft master plan had many elements that were not in keeping with Cat's vision. She stated she had requested her name be removed from the draft plan and that several errors be corrected. She indicated it was confusing to understand how the draft plan got to this point and why there was such a hurry to pass it. She expressed that more public involvement was needed. She stated her concerns about the maintenance of the property and the security of the East Side now that it was unoccupied. She noted the concerns she had heard from the City were that Quincy Farm is a City property, a lot of money had been spent on it, and it still was not open to the public. She emphasized the importance of historical stewardship. She asked Council to allow much more public input into the process and not allow Quincy Farm to become something it was not.

Sally Scott, 14 Lynn Road, participating virtually, stated she had no comments.

Howard Schirmer, 4100 E. Quincy Avenue, participating virtually, noted he lived in close proximity to Quincy Farm. He indicated he had known Cat for 20 years and had lived at his property for 28 years and believed he had a sense of Cat's vision for Quincy Farm. He indicated while the draft master plan was well written and professionally done, its focus was off the target. He explained the draft plan was for a suburban park rather than a historic Colorado farm in a natural setting. He stated the moon gates, covered viewing platforms and pergola shades were not historic. He indicated his background was with theme parks and the draft plan was clearly aimed in that direction. He added the maintenance of the property was concerning, especially of the pond. He stated historic farms should be natural, a bit run down, and not picture perfect. He noted he did not support mowed walking trails, benches, or signage on the West Side. He indicated the proposed parking lot on the East Side was too large.

Eric Jamrich, 8 Blackmer Road, indicated he had been following the master plan development since the open house in January. He expressed concern that he and his

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neighbors directly bordering Quincy Farm were not asked directly to be part of the process or asked for their opinions. He stated he had been very disappointed with the process thus far as there had been minimal changes since the initial draft and the draft plan was now less compliant with the conservation easement. He indicated attending QFC meetings and writing letters had not resulted in any changes to the draft plan. He stated the conservation easement would best be served by having Quincy Farm be a sustainable, small scale working farm with a focus on education for the children of the community, by interacting with real animals and being part of the process of growing food. He added the draft plan did not address the need to preserve the historic structures on the property and questioned the safety of the proposed fire pit. He expressed concern that the proposed second bridge, driveway and expansive parking on the East Side threatened the conservation values identified in the conservation easement. He stated his support for an on-site caretaker to prevent vandalism, enhance safety of the property, and help with the deferred maintenance on the property.

Natalie Anderson, 160 Pennsylvania Street, Cat Anderson's granddaughter, urged Council to become more involved in the draft master plan process now. She stated she had shared her concerns with the QFC and PTRC about being named a stakeholder in the draft plan and her request to have her name removed. She indicated she did not believe feedback she had given had been thoughtfully addressed and she did not support the draft plan. She noted many members of the community had expressed their views at the QFC and PTRC meetings and strongly encouraged Council to listen to the recordings. She indicated the Farm should remain a farm with animals and people growing their own food and learning about Colorado's native vegetation. She expressed concerns with the signage, parking lot, fire pit and possibility of becoming a trail head for the High Line Canal. She asked the City to have a truly collaborative process with the neighbors and community. She noted the closest neighbors were offering to contribute funds but that opportunity would be lost if they did not feel heard. She indicated her family would also be interested in contributing to the Farm if the draft plan was redeveloped to align with Cat's vision. She stated while she supported moving slowly and thoughtfully through the process she did not think stopping all funding and work on the property was wise, and security and maintenance on the property needed to be addressed now. She indicated her support for a caretaker on the East Side to monitor the property and assist with ongoing maintenance needs.

Dan Tully, 10 Blackmer Road, noted his property abuts Quincy Farm. He stated his family was fortunate to live in the Village and be protected by the best Police Department in the country. He expressed concerns with security on the East Side being vacant and looking abandoned. He noted intruders could access the neighboring properties easily through Quincy Farm. He added a longer term concern would be fire especially if animals are housed on the property in the future. He indicated the need for a caretaker and sophisticated security system. He added they wanted to be part of the solution. He stated if a plan could be put together that the community can be proud of and that worked for them and their neighbors then he and his wife would donate \$100,000 to Quincy Farm.

Goca Weis, 3951 S Hudson Way, explained she had moved to the City because of the rural character and space and had joined the Cherry Hills Land Preserve (CHLP) to protect the rural character and provide educational opportunities. She noted as a long standing member of the Village Club she understood the challenges in developing a master plan for this kind of property that the community would enjoy and could afford. She asked the City to get back to basics with Quincy Farm and respect Cat's vision by emphasizing nature in its raw form. She indicated a number of residents wanted animals on the property. She suggested Quincy Farm could be like Drumlin Farm outside of Boston, a place where people lingered and families could expose their children to a farm setting. She warned about the liability of not having a caregiver as a full time resident of the property and talked about the 1994 fire at the Village Club which prompted the membership to hire a full time caretaker. She indicated this was a critical point of deciding what Quincy Farm should be before deciding what it should look like.

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She asked Council to listen to the QFC meeting recording, to take a step back and listen more.

Debbie Welles, 4950 Sanford Circle West, noted she grew up in the Village and returned 23 years ago. She described Quincy Farm and indicated Candy Gray's passing resulted in the East Side being vacant before the lease had been set to expire in 2022. She stated the barnyard looked and felt strikingly abandoned. She noted use of the High Line Canal had skyrocketed during the COVID-19 pandemic and was projected to increase with the underpass projects and development of Belleview Station. She stated the barn on the East Side was highly visible and tempting and Candy often had to ask trespassers to leave. She expressed concern with trespassing, camping, fire, graffiti and homelessness. She indicated her support for an interim caretaker who could provide security for the property and do maintenance in exchange for rent until the master plan was completed. She noted the conservation easement allowed for a caretaker on the East Side.

Klasina VanderWerf, 5250 E Chenango Avenue, served on the Quincy Farm Committee but noted she was not speaking as a QFC member but wanted to share some insights from serving on the QFC with some very thoughtful individuals. She thanked staff for their work and dedication. She indicated in the five years since Cat's death the City had learned that the conservation easement was more strict than initially realized, for example Cat had suggested small weddings could take place on the property but Colorado Open Lands had stated that type of use was not allowed under the conservation easement. She added while Cat had loved to have kids search for pollywogs that was probably not allowed. She noted Council had directed the QFC to focus on completing the master plan and stay in contact with Colorado Open Lands. She indicated the QFC had taken the public comments to heart and would work to close the gap between the draft plan and their concerns. She noted as a public property Quincy Farm had to be ADA compliant, and one building needed additional structure reinforcement, and consideration of the flow of people through the property. She explained the QFC did not want the Farm to be a one-off experience but wanted programming that changes and remained useful and relevant as well as historically informative. She thanked City staff for the work they had done on the West Side and agreed there was a lot of work needed on the East Side. She indicated Quincy Farm was a rare opportunity and an amazing gift.

Dave Schmidt, 4040 S Birch Street, indicated he was present in support of the proposed permanent sculpture for City Hall which the Cherry Hills Village Art Commission had spent the past year selecting.

Mayor Stewart thanked everyone for their comments and asked that they continue to provide input as the process continued.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

Quincy Farm Committee Chair Lucinda Greene indicated she was moved by the testimony and was grateful for the input. She noted QFC was charged with a difficult process that they had been working on for five years. She apologized for any misrepresentation of the current plan as final. She indicated the QFC would be discussing the public comments at their next meeting on June 30th, which was a public meeting, and give direction to the consultant. She thanked Council for giving QFC the time to thoughtfully consider all the input and find a path forward that they felt best addressed Cat's extraordinary vision. She indicated the QFC had learned a lot at the June 9th meeting and assured everyone their work was far from done. She indicated their goal was to deliver a product that everyone in the community could be proud of.

CONSENT AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Blum to approve the following items on the Consent Agenda:

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- a. Approval of Minutes – June 2, 2020
- b. 2019 Audited Financial Statements
- c. Resolution 18, Series 2020; Appointing New Members to the Cherry Hills Village Art Commission
- d. Resolution 19, Series 2020; Accepting an Anonymous Donation on Behalf of the Cherry Hills Village Parks Division

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

City Financial Status Update

Director Sager explained she had prepared three revenue projection scenarios. The first scenario projected revenues at 1% over budgeted revenue; the second projected revenues at 1% below budgeted revenue; and the third projected revenues at 7% less than budgeted revenue. Due to staff reducing expenditures in every department and only approving expenses that were essential or necessary to conduct business, the Finance Department's best year end projection indicated year end revenue to be above anticipated expenditures. Therefore, staff recommended Council approve all three capital expenditures following on the agenda or approve the 2020 concrete project and the permanent sculpture for City Hall but delay review of the 2020 chip seal project contract until later this summer.

Councilor Blum thanked Director Sager and asked Deputy City Manager/Director Goldie about the pros and cons of postponing the street improvement projects.

Mayor Stewart indicated those items were next on the agenda.

Councilor Sheldon asked about the Master Plan update project.

Director Sager replied staff estimated twenty-five percent of the expenses would have to be carried into 2021 due to COVID-19 delays.

Councilor Sheldon asked if the projections included all anticipated permit fees for Community Development.

Director Sager replied the Cherry Hills Country Club permit fees were not included.

Councilor Sheldon noted those fees would further help the City's budget.

Mayor Pro Tem Brown noted while the City sometimes lamented the City's reliance on property tax in this situation it was a silver lining.

Councilor Weil asked if the concrete and chip seal projects were included in the projections.

Director Sager replied the projections were for the General Fund only and those projects would be paid from the Capital Fund.

Councilor Safavi asked about the worst case scenario if there is a second wave of the pandemic later this year.

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Director Sager noted it was difficult to predict how long a second wave would last, but the City's loss of revenue was lower than other jurisdictions and staff felt comfortable moving forward.

Councilor Safavi asked if there was a second wave if staff would postpone some expenditures.

Director Sager confirmed staff could postpone expenditures to 2021 if needed.

Mayor Stewart agreed other municipalities were seeing a much greater loss of revenue.

Contract for the City's Annual Concrete Project with Sunland Asphalt & Construction (tabled from April 7, 2020 meeting) and Contract for Chip Seal Services with Vance Brothers (tabled from April 7, 2020 meeting)

Deputy City Manager/Director Goldie replied to Councilor Blum's question that staff recommended approval because staff did not like to defer maintenance of City facilities. He noted the City's street maintenance program was aggressive and staff liked to keep on schedule. He added because the City had kept on schedule during past years the City's streets could handle deferment for a year, but staff preferred to move forward with the planned projects this year. He added staff could cut back on projects in 2021 if needed. He noted the 2020 projects included work on Quincy Avenue, Colorado Boulevard and Holly Street. He indicated the contracts had been revised to add a section 8.3 to cover COVID-19.

Councilor Blum indicated he was comfortable approving the contracts.

Councilor Blum moved, seconded by Mayor Pro Tem Brown to approve the contract for chip seal services with Vance Brothers, Inc. in the amount of \$530,268.02 plus a \$10,000.00 Owner contingency for a total maximum expenditure of \$540,268.02, authorize the expenditure of these funds, and authorize the Mayor to sign the contract for services.

The motion passed unanimously.

Councilor Blum moved, seconded by Mayor Pro Tem Brown to approve the contract for the City's annual Concrete Project with Sunland Asphalt & Construction Inc. in the amount of \$69,095.96 with an owner contingency of \$5,000.00 for a total maximum expenditure of \$74,095.96, authorize the expenditure of these funds, and authorize the Mayor to sign the contract for services.

The motion passed unanimously.

Permanent Sculpture for New City Hall

Director Sager explained in May 2019 Council had approved a budget of \$45,000 for a permanent sculpture for the new City Hall to be paid from the COP funds. Since then the Cherry Hills Village Art Commission (CHVAC) had been working on the selection of the piece, including many public meetings, review of over forty artists, interview of three artists, and request of a formal proposal from one artist. In October the CHVAC unanimously approved utilizing no more than \$15,000 from the Art Donation Account in addition to the \$45,000 approved by Council to purchase the piece. In January the CHVAC unanimously moved to recommend that Council approve the purchase of the piece *Gusto* from artist Gilberto Romero. Installation costs up to \$1,680 would also be paid from the Art Donation Account.

Councilor Sheldon thanked the CHVAC.

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Mayor Pro Tem Brown noted serving on the CHVAC was challenging because art was subjective. She stated she appreciated the CHVAC's thoughtful and deliberative process. She indicated art was an important part of a community.

Councilor Gallagher thanked the CHVAC and noted it had been a long process with a good result.

Councilor Weil agreed.

Mayor Stewart thanked the CHVAC.

Mayor Pro Tem Brown moved, seconded by Councilor Weil to approve the Art Purchase Agreement for the purchase of the piece *Gusto* from Gilberto Romero for the permanent installation at City Hall with a total purchase price of \$60,000 including \$15,000 from the Art Donation Account and other costs up to \$1,680 for engineering, delivery, installation, plaque and lighting to be paid from the Art Donation Account.

The motion passed unanimously.

NEW BUSINESS

Appointing a New City Manager and Approving a City Manager Employment Agreement

City Attorney Guckenberger presented the City Manager Employment Agreement for Council's consideration. She explained the Council had conducted the appropriate process to vet applicants and give public notice of finalists. She indicated the Mayor and Mayor Pro Tem had worked closely with staff on the agreement.

Mayor Stewart agreed the contract contained the provisions discussed by himself and Mayor Pro Tem Brown.

Mayor Pro Tem Brown indicated the Council had wonderful candidates to choose from and it was a delight and privilege that they found one amongst the existing staff.

Mayor Pro Tem Brown moved, seconded by Councilor Weil to appoint Christopher Cramer as the City Manager and to approve a City Manager Employment Agreement with Christopher Cramer effective August 1, 2020.

The motion passed unanimously.

Mayor Stewart congratulated Director Cramer and agreed the City had extraordinary candidates.

City Manager Thorsen agreed Director Cramer was the top candidate among a group of well-qualified applicants and would do a fantastic job as the new city manager.

Director Cramer thanked his family for their support. He indicated he wanted to build on the positive momentum established by City Manager Thorsen and felt he could assist with the challenges and opportunities the City was facing. He noted he had been with the City long enough to understand this was a unique community the residents were proud of, the Council was committed and intelligent, and the staff were high quality. He stated he was excited to support those three legs of the stool and continue to move forward.

REPORTS

Mayor's Report

Mayor Stewart indicated Council could direct the City Manager to hire a caretaker for Quincy Farm.

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Mayor Pro Tem Brown stated she would like to hear a recommendation from the Quincy Farm Committee before making a decision. She noted Council had not yet seen the Quincy Farm Master Plan.

Mayor Stewart replied he believed the issue of a caretaker was separate from the master plan.

Mayor Pro Tem Brown replied she believed the issues were related.

Councilor Blum asked if there was a security issue at Quincy Farm.

Deputy City Manager/Director Goldie replied staff was scheduled to walk the property with the Police Department later that week to determine the necessary short and long term security needed for the property.

Chief Tovrea indicated the Police Department had not received any criminal calls to Quincy Farm in 2020.

Councilor Blum noted until recently the East Side had been occupied and that might have contributed to the lack of criminal calls.

Councilor Gallagher agreed there was an argument that a caretaker was needed for security on the East Side, and at minimum security cameras should be added to that side of the property now as well as signs and something to prevent cars from entering the property.

City Manager Thorsen indicated staff would look into installing gates and security cameras on the property, the Police Department would continue to patrol the property, and staff would add the item to the next QFC agenda.

Councilor Weil agreed Council should refer the issue to the QFC for input and agreed with Councilor Gallagher that the City should invest in security hardware now.

Councilor Safavi agreed to seek a recommendation from the QFC on a caretaker but asked what would be done about security and maintenance in the meantime until that decision was made.

Parks Coordinator Black replied staff would rely on the Police Department's expertise to determine what security measures should be installed in the short and long term. She added the Parks staff currently maintained the West Side of the property and would begin to maintain the east side starting July 1st. She noted Parks Supervisor Roberts had worked closely with Ms. Gray over the years and had met with Ms. Carlson to understand the needs on the East Side.

Councilor Safavi asked staff to notify the members of the public who had spoken at tonight's meeting about the next steps being taken to address their concerns.

Parks Coordinator Black replied she could communicate with the attendees.

Mayor Pro Tem Brown stated she was in favor of communication but did not want to supersede the QFC.

Councilor Safavi clarified he was not suggesting bypassing the QFC.

City Manager Thorsen added staff would take the necessary steps for security and maintenance of the property while QFC and Council decided whether to install a caretaker.

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Mayor Stewart noted the City did not have access to the East Side until the lease ended at the end of the month, and staff would be able to evaluate and address the maintenance issues on that side at that time.

Mayor Stewart reported his article in the July issue of the Crier would cover the new state bill on public safety. He indicated a repeal of the Gallagher amendment would be on the November ballot and if it was not repealed residential assessments were expected to significantly decrease which would affect funding for local governments and schools. He reported he attended the Mayor's Munch on Wednesday and noted many other municipalities were having serious budget issues. He noted the Belleview medians project was progressing and they were currently working on installing the water pipes. He reported he had participated in a lot of calls regarding COVID-19 with various officials. He noted the Metro Mayors Caucus call had focused on the new legislation and the removal of safety resource officers from Denver Public Schools. He reported several Council members had received calls about accessory structures in the R-3 Zone District. He stated the Arapahoe County Open Space and Trails Advisory Board had awarded grants on June 8th. He indicated the Belleview Interchange Executive Committee would meet on Thursday and Denver was opposed to any interchange on Union and wanted more multi-modal options. He noted there was not any funding available for transportation projects especially after the current budget issues. He reported the Arapahoe County Commissioners/Mayors/City Managers group would meet on Friday virtually. He noted the CML Conference was cancelled but they would hold their annual business meeting virtually in late June. He indicated the next Council meeting would be July 21st.

Members of City Council

Councilor Blum thanked Chief Tovrea for being vigilant with traffic control on Belleview Avenue. He thanked City Manager Thorsen. He asked Deputy City Manager/Director Goldie about progress with Xcel on the Glenmoor traffic signal.

Deputy City Manager/Director Goldie replied staff was working to get the light meter from Xcel.

Councilor Sheldon stated he appreciated the comments from the public regarding Quincy Farm. He asked staff to let Council know of issues like this before meetings to make sure all of Council had the same information and could be advised and educated on the issues.

City Manager Thorsen apologized and stated staff would make every effort to inform Council going forward.

Councilor Sheldon asked for an update on CARES Act funds and if the City was doing anything to assist local businesses.

Director Sager replied staff had submitted the first reimbursement request last week and was waiting for the County's draft plan for business assistance to use as a template for the City's plan.

Mayor Pro Tem Brown asked if the plan would be available for local home based businesses in addition to storefront businesses.

City Manager Thorsen added the plan would include clubs and the businesses would have to show receipts and the funds would be strictly monitored. He noted home based businesses could be included.

Mayor Pro Tem Brown asked if the plan would include nonprofits.

City Manager Thorsen replied the City would look at the County's plan.

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Councilor Sheldon stated as a personal citizen he was very appreciative of the Police Department and was fully in favor of keeping the Police Department intact. He reported since the Charlou neighborhood could not hold their normal neighborhood party they organized a chalk walk that was successful despite the rain.

Mayor Pro Tem Brown thanked Chief Tovrea and the Police Department for patrolling and having the speed trailer in her neighborhood.

Councilor Gallagher reported he was grateful for the dialogue and feedback from the community regarding Quincy Farm and was surprised by the disconnect between the draft master plan and the comments. He stated it was important to take the time to make sure the plan was done well.

Councilor Weil agreed he had been out of the loop on the Quincy Farm issue but noted staff usually did a good job of communicating with Council. He indicated there was a DRCOG meeting tomorrow. He reported he had received positive comments from his neighborhood on the Belleview medians project progress.

Councilor Safavi asked about the budget impact of the new public safety legislation.

Chief Tovrea stated the CHV Police Department did not condone the behavior of the officer who had killed George Floyd and stated it was criminal, immoral and unethical, and was an extreme detriment to all officers who considered this a career rather than a job. She indicated the CHV Police Department was very professional and worked hard to achieve the highest standard through training and policies. She stated the Police Department was reviewing its policies and procedures, especially related to accountability. She reported she was reviewing the new legislation with City Attorney Guckenberger and City Manager Thorsen. She noted the most expensive item was the body cameras due to both the cost of equipment and IT requirements. She indicated her staff was working to get an accurate quote for body cameras. She added the training aspect of the legislation would not be a problem. She stated the use of force part of the legislation was not an issue as it rarely came up at the City. She noted the section of the legislation that required additional reporting on officer interactions including traffic stops would take some work to implement properly. She reported the qualified immunity part of the legislation was concerning to many officers but the department was grateful to have a supportive community. She added she was discussing insurance options with Human Resources Analyst Ducharme.

Councilor Safavi stated as a citizen he had never felt safer or been treated better than during his time in the City. He indicated the Council supported the Police Department.

Mayor Stewart agreed the Police Department had the Council's support.

City Manager & Staff

City Manager Thorsen reported staff had submitted three requests to CDOT including do not block signage and minor changes to the Belleview median.

Councilor Blum asked about the cost of the projects.

City Manager Thorsen replied there would be minimal shared costs. He thanked Chief Tovrea and the Police Department.

City Attorney

City Attorney Guckenberger had no report.

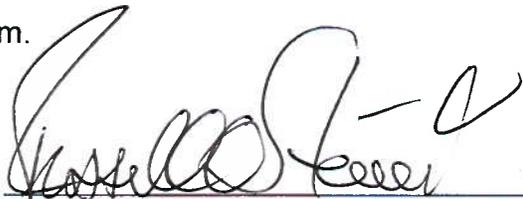
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ADJOURNMENT

Mayor Pro Tem Brown moved, seconded by Councilor Blum to adjourn the meeting.

The motion passed unanimously.

The meeting adjourned at 8:30 p.m.



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk