

RECORD OF PROCEEDINGS

Minutes of the Quincy Farm Committee
City of Cherry Hills Village, Colorado
Tuesday, June 18th, 2019
at City Hall

Chair Lucinda Greene called the meeting to order at 8:18 a.m.

ROLL CALL

Present at the meeting were the following Quincy Farm Committee Members: Lucinda Greene, Earl Hoellen, Gordon Rockafellow, Klasina Vanderwert, and Joel Sydlow.

Committee Members Melinda Haymons and Dale De Leo were absent.

Present at the meeting were the following staff members: City Manager Jim Thorsen, Public Works Director Jay Goldie, Parks and Recreation Coordinator Emily Black and Parks Operations Supervisor Jeff Roberts.

AUDIENCE PARTICIPATION

None

CONSENT AGENDA

Vice Chair Vanderwert motioned to approve the minutes from the May 21st, 2019 regular meeting, seconded by Committee Member Hoellen. The motion passed unanimously.

UNFINISHED BUSINESS

Ongoing Projects and Budget

Parks and Recreation Coordinator Black updated the group on ongoing projects. The first three projects on the list were completed; Ms. Black stated the irrigation project was ongoing and was expected to be completed within four weeks. She continued that the Historic Structure Assessment was still on hold. She noted the last three projects on the list had their own agenda items for this meeting, and asked if members had any questions.

Committee Member Rockafellow asked for an update on the project connecting the pond to the irrigation system. Parks Operations Supervisor Jeff Roberts explained that he had ordered the pump and filter, and would be at the Farm later to take some measurements. He stated that portion of the project may not be ready until July or early August. There were no further questions from the Committee.

Public Access update- Cheryl Cufre, Colorado Open Lands

Parks and Recreation Coordinator Black explained the memo in the packets is a summary of the formal response would be written by Colorado Open Lands and shared with the Committee. Ms. Black explained that the Board of Colorado Open Lands has recently interpreted the Conservation Easement to mean that only structured, scheduled activities are permitted on the West Side of the Farm. The interpretation is that the listed uses under Preservation Uses are acceptable, and that these would have to be part of a structured program to be appropriate. She noted the relevant sections of the Conservation Easement were included in the memo. Ms. Black gave examples of allowed and disallowed uses: for example, an organized photography course held by a nonprofit or the City would be a permitted use. An individual accessing the property

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during a set of open hours and photographing nature would not. Only specific scheduled activities are appropriate; open hours are not.

Ms. Black explained that she had asked on behalf of the Committee whether supervised open hours (with docents present) would meet this interpretation, and Colorado Open Lands does not believe that option is appropriate either. There was discussion of whether the Nature Trail could be open if there were a staffed Nature Center on the property. Colorado Open Lands would accept opening the Nature Trail during the Nature Center open hours. Staff also asked if weddings would be appropriate for the West Side of the Farm. Colorado Open Lands does not interpret the easement as allowing weddings on the West Side of the property.

Ms. Black explained this was a narrower interpretation than the group had been working with previously and would have implications for the Master Plan. She said she did not have specific recommendations for the Committee at this time; rather this item would be to gather initial reactions and for the Committee to have the opportunity to ask questions of Ms. Cutfre.

Committee Member Hoellen thanked Ms. Cutfre for coming and stated he would like to understand the process that the Board followed and how it comes to determinations. He stated for instance all previous formal interactions between the City and COL indicated that the City was moving in a direction that was different than this interpretation, and he would like to understand how the decision was reached given all of that input. Additionally, he stated there are many terms in the Conservation Easement that are open to interpretation such as "limited access", and he noted COL had referred to the proposal as "extensive public access" in their response letter, which he took exception to. Committee Member Hoellen stated that Ms. Black had referred to "structured activities" in this memo, which is also up for interpretation as to the meaning of structured. He gave the example of visitors walking the Nature Trail during the Open House. He stated it would be important for the Committee as they continue to develop plans, and as a public asset using taxpayer dollars, what are we saying to the public about why money is being spent, and this is the beneficial access the public will have associated with those expenses, to spur the community to be more concerned with raising private funds (or possibly less concerned).

Cheryl Cutfre from Colorado Open Lands thanked the Committee for having her and thanked staff for the time and effort that went into the Public Access Plan. She addressed Committee Member Hoellen's question about process, explaining that most of the time, COL staff is able to make decisions on how conservation easements are interpreted. She explained when interpretation is more complicated (as it is with this property), staff takes things to the Board, and in this case they felt it would be useful to have Board input. She explained the goal was to have a dialogue and to provide guidance, rather than commanding the City to do something.

Committee Member Hoellen asked if it would be fair to say then that the Board's interpretation took COL staff by surprise a bit as well. He stated he was curious about all of the documents and interactions between City staff and COL staff, and the Board took a different direction.

Ms. Cutfre stated what took them by surprise was the proposal for seven days a week, sunrise to sunset. She stated their impression was that the vision for the property was as a natural area for the West side, agricultural area on the East side, and the recreational area along the High Line Canal. Ms. Cutfre stated when COL asked for more information from the City (which they received), they were surprised the same request was made. She stated COL does not feel sunrise to sunset is limited, but it's difficult to say what is limited. She stated that sunrise to sunset seven days per week is like a public park. She stated COL did not believe the Conservation Easement is referring to a public park, specifically the parts that refer to it as primarily a natural area with "limited public access". Ms. Cutfre noted there was a need to talk about what "limited" means, which is why she was at the meeting. She explained COL was trying to be as flexible as possible, but she did not think we could end up with full public access.

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Committee Member Hoellen asked about the City's request to install a Nature Trail, which was approved, and asked if the view at the time from COL was that the City wouldn't have visitors on the trail except as part of a structured class.

Ms. Cutfre explained that their thought was a Nature Trail was beneficial because it would keep people from wandering around the property, regardless of who was using it and when – that wasn't a consideration at the time – the question was whether it was consistent with the Conservation Easement. COL felt that it was consistent with the Conservation Easement, but did not necessarily talk about what type of access there would be.

Committee Member Hoellen asked about the "structured programming" and asked Cheryl's thoughts on the meaning of structured.

Ms. Cutfre explained "structured" seemed to fit the uses described under Preservation Uses in the Conservation Easement, and explained the word came out of the conversation COL and City staff had last week. She noted the list of uses includes "... and such other uses...", so there is some flexibility, but COL is trying to get away from the idea of open access, which they do not feel is consistent with the Conservation Easement.

Committee Member Hoellen asked about the idea of offices within the Main Residence for related organizations like Cherry Hills Land Preserve.

Ms. Cutfre said if taken literally, the document says the Main Residence can be used as "a nature center and interpretive facility". She stated an office as part of the nature center wasn't a negative thing that COL would not permit, but if there were just offices, she did not think it met the goal of a nature center or interpretive facility.

Committee Member Hoellen stated he agreed and thought the Conservation Easement does not provide for that. He said he thought the idea made sense, but he goes with the strict interpretation of documents. He stated if COL also thought it made sense, perhaps it was something that could be discussed to come to an agreement on.

Ms. Cutfre agreed, and stated there was a lot of gray area. She agreed an office for the nature center made sense, but other organizations' offices would need to be discussed as they are not clearly allowed in the easement right now.

Vice Chair Vanderwert thanked Ms. Cutfre for coming and recalled being thrilled when COL agreed to hold the farm's easement when it was being created. She continued that limited use could refer to type of use or to numbers, and wondered if COL had an upper limit of people allowed on the Farm at one time.

Ms. Cutfre said there was nothing in the easement indicating a limit, and explained COL was mostly looking at what the impacts of any activity are going to be. She explained five people could have a much larger impact that 20 well-behaved people, so what they are looking for is whether the event or celebration would have a negative impact on wildlife, pastures, etc. She continued that if there are impacts, the city would be aware much more than COL, since COL only comes out once per year for their site visit. She stated for example that if an event left refuse, she was sure staff would be conscientious and clean up afterward. She said the focus was less on minor impacts, but rather big, long-term impacts.

Committee Member Sydow asked about the planned Cherry Hills Land Preserve programming, and stated he felt it fit within the requirement for structured programming. He highlighted the difficulty of interpreting the Preservation Uses language "... for public and private meetings, gatherings, and celebrations" would be difficult to navigate through with requests to use the property. He asked if each individual request would need to go through COL, or if there could be an understanding about what's acceptable and what's not.

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Ms. Cufre stated COL absolutely did not want to have to grant permission for every single request for an event; their goal is to have a mutual understanding of what's permitted on the property and for the City to have as much power and flexibility as possible. She explained if something different came up and City staff had a question, of course they could reach out; COL is more than happy to help answer questions.

Committee Member Rockafellow stated he thought it was amazing that the Council went ahead with a recommendation that completely disregarded the limited access clause in the easement, and that it was clear that in their hurry to get something of value in front of the citizens, they have caused this five-month delay. He stressed that the group needed help defining exactly what "limited" means. He quoted the easement's section about instilling appreciation for nature and conservation and asked Colorado Open Lands whether the planned star-gazing activity fit.

Ms. Cufre explained COL was struggling to provide information on exactly what "limited" means, since they don't know exactly what it means either. She stated typically how this works is COL responds to a proposal, comparing it with what the easement says. She explained it is much more difficult to define something when there isn't guidance; all they can do is respond to specific requests. In the case of star-gazing, she would say that it is education, and it is related to nature, so she thought it would be consistent with the conservation easement.

Chair Greene stated she was concerned that they were focusing on the "limited public access" on the West side, but the property is actually divided into three zones. She asked to clarify that the limited public access relates to the West side, but that really the document envisions the East area and Pond area can be more active, and perhaps if the group takes a holistic view of the whole property and is patient, all the goals from the Committee, staff, Council, and for the citizens can be achieved. She asked if Ms. Cufre had other examples of properties where access or use has been defined by a time parameter that the Committee could use as guidance. Chair Greene stated she thought they were trying to make the West area into something it was not, but there will be opportunities to fulfill the goals in some time.

Committee Member Hoellen asked for clarification, and that he thought the three areas were the East Area, the Canal Area, and the West Area, which includes the Pond. Discussion and comparison amongst the group discovered an inconsistency between the map in Exhibit B of the easement, which shows the Pond as its own Area, and the text of the easement which includes the Pond under the West Area. Committee Member Hoellen stated the easement, as the controlling document, was clear that the Pond was part of the West Area; Ms. Cufre stated that she agreed.

Ms. Cufre stated she agreed with Chair Greene's interpretation that there are different areas of the property and different uses intended in each area. She stated she could not think of examples of similar easements but would let the group know if she found any.

Committee Member Hoellen revisited Committee Member Sydlov's question about public versus private events, and asked Ms. Cufre's thoughts.

Ms. Cufre stated COL also struggled with what exactly that means, and in their interpretation, they try to look broadly at the document.

Committee Member Hoellen returned to the question of impacts and noted most of the wildlife was in the pastures, and it seemed the pastures were the really sensitive wildlife areas. He distinguished this from the lawn area of the Main Residence, and suggested there could be a discussion about how the pastures and pond were the sensitive wildlife areas, and the house and lawn less so, so the two could be treated somewhat differently. He stated for the public to be able to enjoy the property, it's hard to enjoy the vistas as it says in the easement without at least getting out onto the lawn. He asked if that could be a discussion, that the restrictions on the

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pastures, woods, and pond might be more than the restrictions necessary for the Main Residence and lawn. He continued that Council would need to discuss the issue if there's no real way for the public to access the property except through structured events, and he thought there still ought to be a way to balance the concern for impacts on wildlife with access.

Ms. Cufre thought this was a great idea and as long as what would take place on the lawn was consistent with the language, she believed it was a great way to separate the uses and not negatively impact the wildlife.

Committee Member Hoellen asked if the City could work with COL on that, and commended COL on coming to one position as an organization. He stated this was something he recommended the City do, between Council, the QFC, and staff. He respectfully disagreed with Committee Member Rockafellow that Council acted in a rush; he stated Council came to different conclusions, but they did consider the views of staff, Parks, Trails, and Recreation Commission, and this Committee and came up with a different interpretation.

Committee Member Rockafellow clarified he did not think Council rushed, but that they ignored the limited access clause in the Conservation Easement.

Committee Member Hoellen stated he had been looking at it from a numbers perspective, and he didn't think people would visit Quincy Farm in greater numbers than they attended John Meade Park or Woodie Hollow. Committee Member Rockafellow asked if Mr. Hoellen was defining it as "self-limiting"; that it's limited access if no one shows up. Committee Member Hoellen confirmed, and said that numbers is one way of looking at public access – but now Ms. Cufre has explained that COL isn't looking at it in terms of numbers, but of impacts. He noted all of these were legitimate ways to look at access, and it's important to define these things to move forward.

Chair Greene interjected to raise the point that the lawn area does in fact have its own distinct ecosystem, which should be considered – she cautioned against thinking of a manicured lawn as separate from nature. She explained Dr. Cranshaw of CSU was interested in continuing his Japanese Beetle biocontrol research in this area of the Farm, so the group should think about all the aspects of the different ecosystems and not assume that the lawn is a sterile place. Committee Member Hoellen agreed and stated he only meant to imply that the pastures were more sensitive, not that the lawn wasn't also a natural area.

Chair Greene asked if there were further questions. Committee Member Rockafellow noted the pond had been posted as a wildlife preserve for some time, and that an issue the Committee would have to discuss in the future would be the level of access allowed at the pond.

Chair Greene asked if Ms. Cufre had final comments. Ms. Cufre stated COL appreciates the discussion and they don't necessarily have all the answers, so this is an opportunity to figure it out together.

Dam Investigation Report – Brian Valentine, Kimley-Horn (City Engineer)

City Engineer Brian Valentine summarized the work done to investigate the condition of the dam at the pond at Quincy Farm and the six recommendations from the resulting Dam Investigation Report. He noted the pond is primarily filled from water being pumped into it from the well. Mr. Valentine explained the difference in jurisdictional and non-jurisdictional dams, and that this dam was short enough and the water volume is low enough to be considered a non-jurisdictional dam (less than 10 feet in height). He stated that Kimley-Horn had contacted Ryan Schoolmeesters from the CO Division of Water Resources, and one of the next steps recommended in their report was to complete the paperwork certifying this was a non-jurisdictional dam, and to contact the Division prior to any work on the dam in the future.

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Mr. Valentine explained further recommendations to construct a spillway to the south of the pond to prevent overtopping, at a cost of approximately \$52,000. He noted there was no observed seepage from the dam, but that neighbors could be interviewed to find out their experience, and that the dam should be monitored in the future to check for seepage. Mr. Valentine explained staff would continue an investigation of the outlet structure to find out more about it.

Chair Greene asked about the location of the spillway and if it would drain into the High Line Canal. Mr. Valentine explained it would be located at the south end of the pond, and would drain to the west and north (into the irrigation canal and into the pastures).

Committee Member Hoellen asked if there was a possibility for the Colorado Division of Water Resources to come back and say it is in fact a jurisdictional dam when the paperwork process is started. Mr. Valentine stated he thought the criteria was clear enough that it was clearly non-jurisdictional, but pointed out that dredging the pond could result in a dam taller than 10 feet at its base, so any dredging work should be carefully designed. He stated the City should go on record with the paperwork for a non-jurisdictional dam, so that is clear as decisions are made and for any work done in the future.

Chair Greene asked for other questions. No members had questions. Ms. Black explained the construction of a spillway would be one of the projects on the draft 2020 budget that Quincy Farm Committee would review in the fall. Chair Greene asked if members would be interested in meeting out at the pond to see it and learn more. Ms. Black will send a poll to schedule the meeting and will notice it as well.

Master Plan Consultant – Final Scope of Work

Parks and Recreation Coordinator Black explained as staff was working on the final Scope of Work, they decided a Request for Qualifications would provide a better result than a Request for Proposals, and the Committee could likely find a consultant who was a better fit and who would respect the work already completed. Director Goldie explained the priority was to find a good fit. Chair Greene asked for clarification between a Request for Qualifications and a Request for Proposals. Director Goldie explained that the RFP does not ask for costs up front, rather the city receives a document about a firm's experience, similar projects, etc.

Committee Member Hoellen noted this was also sensitive to the time it takes organizations to create a complete proposal, versus qualifications which are a more "off the shelf" document. Mr. Goldie agreed.

Chair Greene asked if there were more questions about the distinction between RFP's and RFP's. Committee Member Sydlow agreed the City would get a better pool of candidates with an RFP rather than an RFP, and that this would be the same for the future Historic Structure Assessment as well.

Ms. Black explained staff had created a timeline for the hiring process and for the Master Plan completion itself. She walked the Committee through the timeline for the RFP. She explained the plan was to create a small subcommittee of two Quincy Farm Committee members to identify which consultants should be on the 'short list' and to conduct the interviews together with staff. Ms. Black stated this timeline assumes the Committee is comfortable with those two members making the decision with staff to select a consultant, because it would not come back to the full Quincy Farm Committee for approval prior to going to City Council. She explained the alternative to bring the decision back to the full Committee would push the timeline out to September for Council to approve the consultant.

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Chair Greene asked if the scope of the subcommittee was merely to do the interviewing of consultants and then making a recommendation to the Committee, or was it more significant than that. Ms. Black answered that it was more significant, since the recommendation would not come back to the Committee since that process would add another month. Chair Greene asked the Committee how they felt about that.

Member Hoellen stated he thought the process made sense to have a couple members work with staff to interview, and it shortens the timeline overall. Mr. Hoellen asked for Mr. Sydlow to be one of the interviewers.

Mr. Sydlow stated he would be happy to be on the subcommittee. He stated he had not been very involved in the Master Plan to date, and asked if Vice Chair Vanderwert would be willing to be the other subcommittee member since she had written much of the draft. Chair Greene asked if Vice Chair Vanderwert would be willing to serve on the subcommittee; the Vice Chair agreed, and stated she would check she is here on the day of the interviews.

Chair Greene asked if there was more information or if the Committee should motion about the subcommittee members. Mr. Hoellen stated this gets back to the Public Access issue. He stated he was comfortable moving forward with the interviews and narrowing down to a short list, but prior to expending funds, Council should weigh in on what they want to do, since the new public access information is a significant change. He stated the objective questions have to be asked, and he'd like to know from Council, if we might not have public access on this property until 2022 except for small classes. He stated the question should be answered by Council whether they are comfortable spending taxpayer dollars on this going forward at this point in time, and that answer will impact what the Committee does. He recapped that he was very comfortable going forward with interviews since it doesn't cost anything or put an undue burden on consultants to create proposals, but prior to signing on the consultant, Council should provide direction to the Committee.

Chair Greene asked how to fit that process into this one. City Manager Thorsen recommended holding a study session with the City Council prior to a contract for a consultant going to Council. Mr. Hoellen stated he thought it important to avoid ambiguity when Council provides direction to the Committee, and that he thought the Committee should formally weigh in as well. City Manager Thorsen stated there were two options: one is a study session to get direction from Council, and the other is to take it as an agenda item with a request for a recommendation. He stated he thought either could work just as well, but certainly getting a definitive, formal recommendation from Council on the public access issue could be done before the consultant contract is brought to Council.

There was discussion about Council dates; July 16th was determined to be the appropriate date to fit the timeline for hiring a consultant.

Chair Greene asked what the alternative is if the City does not spend the money. Committee Member Hoellen stated the City could choose not to spend the money, stating this was a significant decision that Council needs to weigh in on. Alternatively, the city could look for a partner to raise money and care for the property, or look for someone else to take over the property. He stated Council can decide this very limited public access decision doesn't change anything, but he thinks it is something that needs to be addressed and guidance should be provided to the Committee. He continued that there was nothing wrong with asking the question.

Chair Greene stated she heard from the study session that Council would like the Quincy Farm Committee to provide a recommendation. She said she did not think what the Committee heard from Ms. Cufre was a significant departure from what she was thinking as a Committee Member with a marching order to complete the Master Plan. She stated if the city decides to work more closely with a specific partner and not make an investment, there still needed to be guidance and

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a master plan to work with that partner, so she'd like to hear from the Committee if the questions brought up by COL's response to the Public Access Plan need to be addressed sooner rather than later. She stated she did not want to delay the Master Plan work any longer.

Committee Member Rockafellow stated Council understood there was going to be an issue around limited access, and at least one of the Council members wanted to group to move forward with the Master Plan faster than the schedule in the packets. He did not have any problems asking Council for more guidance.

City Manager Thorsen recommended bringing it as an agenda item to Council on the July 16th agenda, and that he was hearing a recommendation from the Quincy Farm Committee to move forward with hiring a consultant for a master plan, and to expend the funds as originally intended, and staff would provide that recommendation to Council and let them fully debate the issue.

Committee Member Hoellen stated he was comfortable with moving through the process of interviewing consultants, and then getting feedback from Council prior to starting the second phase of actually hiring a consultant, since Council's answer may have an impact on how the Committee moves forward, and will certainly impact the instruction the Committee gives the consultant about how to move forward and finish the Master Plan. He stated he was not comfortable saying to move forward hiring a consultant now without getting input from City Council first.

Committee Member Sydlow stated he thought the group should move forward with the Master Plan. He stated he understood Committee Member Hoellen, because he recalled Council's recommendation about public access had a lot to do with money spent. Mr. Sydlow pointed out the city still has a responsibility to manage and maintain the property.

Mr. Hoellen stated that's true to an extent; the Conservation Easement doesn't require very much. Committee Member Sydlow understood that Mr. Hoellen was asking Council whether they would make a commitment to this property. Mr. Sydlow stated he thought the Master Plan would help City Council make informed decisions about how to manage the property going forward, regardless of access.

Committee Member Hoellen stated he did not want to submit another recommendation to Council that would be overturned.

Committee Member Sydlow agreed he didn't like that either, but stated he knew it was the right thing to do. He stressed that we need to complete a Master Plan, get a Historic Structure Assessment, and to understand what we have with these assets. He continued these were very challenging properties to hold and figure out how to use them for the public's benefit, but that these are tools to guide that decision making. He stated his recommendation was to move forward with the RFP for the Master Plan, and after that the city should put out an RFP for the Historic Structure Assessment (not an RFP) to have even more understanding of the property to give to City Council. Mr. Sydlow stated creating a Master Plan was the right thing to do, and he would always support doing the right thing even if he might be told no.

Vice Chair Vanderwert motioned to approve moving forward with the Master Plan RFP process with the understanding that the Committee would also seek direction from City Council while the selection process for a consultant is underway and before the final contract is brought to Council. The motion was seconded by Committee Member Hoellen.

Chair Greene asked for other amendments to the motion. Committee Member Rockafellow asked if he was correct that the December 2019 date should be changed in the proposal; Ms. Black thanked him for catching that mistake.

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Chair Greene asked for a vote on the motion; the motion passed unanimously.

NEW BUSINESS

None

REPORTS

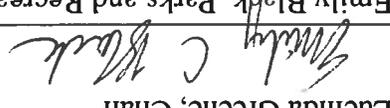
None

ADJOURNMENT

The meeting was adjourned at 9:54 a.m.



Lucinda Greene, Chair



Emily Black, Parks and Recreation Coordinator

