

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, July 21, 2020 at 6:30 p.m.
At the Village Center

The City Council held a study session at 5:31 p.m.

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, 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: Councilor Afshin Safavi

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

CITY MANAGER RETIREMENT PRESENTATION

Deputy City Manager/Director Goldie stated it was a bittersweet goodbye as City Manager Thorsen had been an amazing leader for this organization and community. He indicated City Manager Thorsen's expertise and ability to motivate had allowed the City to complete an unprecedented number of projects and improvements. He added City Manager Thorsen's impact on the organization went far beyond the tangible; working alongside City Manager Thorsen had been enjoyable and educational and he had made a lasting and positive impact on the community. He noted only a small portion of City Manager Thorsen's stellar career was spent working for the great people of Cherry Hills Village. He expressed the staff's sincere gratitude to City Manager Thorsen. He wished him a relaxing and rewarding retirement and presented a plaque.

Chief Tovrea indicated the City as a whole had benefited from City Manager Thorsen and focused on his positive relationship with the Police Department. She explained City Manager Thorsen had discussed rather than ordered, supported the Department's mission and vision rather than give targets, and led by respect rather than authority. She added City Manager Thorsen had allowed her to be honest, candid, vulnerable and at times difficult, and assisted her to be happy at work. She stated City Manager Thorsen would be missed.

Mayor Stewart read a letter from former mayor and current Municipal Judge Jeff Welborn which stated he had known and worked with every Cherry Hills Village city manager since the position was created almost 40 years ago, and that City Manager Thorsen won the Best Ever award as he was leaving the City in much better shape than when he arrived.

Mayor Stewart indicated the City was very lucky to have had City Manager Thorsen to complete the Public Works facility, City Hall and John Meade Park projects. He presented a card, a proclamation designating Jim Thorsen Day, and two framed photos signed by Council.

Councilor Weil stated it had been an absolute pleasure.

Mayor Pro Tem Brown indicated she had been in favor of hiring City Manager Thorsen since she first saw his resume. She noted it was bittersweet to have been on Council

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when he was first hired and now as he was retiring. She agreed the City was in his debt for his tremendous service. She added it had been a pleasure to get to know him, work with him and she had learned a lot.

Councilor Sheldon thanked City Manager Thorsen for all he had done and stated he had learned a lot from City Manager Thorsen since he had been on Council. He thanked City Manager Thorsen's family for their support.

Councilor Gallagher thanked City Manager Thorsen for his friendship and noted he was everything Council could have expected. He thanked City Manager Thorsen for hiring and maintaining a great staff.

Councilor Blum thanked City Manager Thorsen for his pragmatic approach and for completing the traffic signal at Glenmoor.

City Manager Thorsen introduced his family. He thanked past and current Council for their steady leadership and ability to work together to get things done. He noted Council had to make difficult and bold decisions and had risen to the challenge and he commended them for their dedication to the City. He indicated the City staff did more with less than any staff he had seen, and they did their jobs with pride, professionalism and a profound love for the City. He highlighted the staff and accomplishments of the Police Department, Public Works Department, Finance Department and Community Development Department, and thanked the City Attorney. He thanked the City residents and their passion for keeping the City special. He gave special recognition to Fred and Alice Abrams for attending so many Council meetings and being wonderful neighbors and friends. He stated it had been a privilege to make an impact on the community and work with terrific Councils, staff, residents, and consultants.

AUDIENCE PARTICIPATION PERIOD

Earl Hoellen, 3 Vista Road, indicated Council had been fortunate to find City Manager Thorsen when they embarked on the ambitious capital programs of the Public Works facility, City Hall, and John Meade Park. He noted City Manager Thorsen had worked with Director/Deputy City Manager Goldie towards successful completion of the projects; City Manager Thorsen had been a great steward of the City's finances along with Director Sager; a great supporter of Chief Tovrea and the finest Police Department in the area, if not the state; and City Manager Thorsen's most significant contribution had been to restore the working culture of City staff. He had no doubt Director Cramer would build on that foundation. He stated in all his years of volunteer service it had been most rewarding to work with City Manager Thorsen, who was smart, competent, practical and calm, and had always left him with a feeling of confidence in City Manager Thorsen's ability to handle any situation. He wished City Manager Thorsen well in his retirement.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

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

- a. Approval of Minutes – June 16, 2020

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

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UNFINISHED BUSINESS

None

NEW BUSINESS

Caretaker for Farmhouse on East Side of Quincy Farm

City Manager Thorsen explained at the June 16, 2020 City Council meeting, Council discussed the possibility of utilizing a property caretaker for the east side of Quincy Farm. The caretaker would live in the existing Farmhouse and potentially provide maintenance services in favor of rent reduction. After discussion, City Council directed staff to refer the matter to the Quincy Farm Committee (QFC) to obtain input and a recommendation. On June 30, 2020, this item was discussed by the QFC. The Committee unanimously recommended that City Council employ or create a lease agreement for someone to occupy the Farmhouse on the East Side of Quincy Farm. Staff was seeking Council direction on preparation of a draft rental agreement for a caretaker to occupy the Farmhouse on the East Side of Quincy Farm. The caretaker would not act as a security guard for the property, but instead would likely provide a deterrent by having additional eyes and ears on the property and reduce the possibility of having trespassers or vandals from causing damage to the site. Should Council direct staff to utilize a caretaker, staff would research rental rates and determine a list of duties for a caretaker to manage. Staff would also research liabilities with the City's insurance group and would identify any building upgrades and associated costs prior to occupancy. Any lease agreement should stipulate that the City would be able to perform maintenance, construction, or rehabilitation projects on all East Side buildings and property grounds during the period of the lease. It was anticipated that the rental agreement would stipulate the renter would not have quiet enjoyment of the property as activities on the site will be necessary. Further, it was anticipated that the caretaker would be considered a renter and not an employee of the City. In order to secure a caretaker for the property, the City would advertise and promote the availability of the home to include expected rent, maintenance responsibilities, and the term associated with the agreement. Staff was seeking City Council input on whether to utilize a caretaker for the Farmhouse on the East Side of Quincy Farm and, if supported, provide input on the potential rental agreement terms or other related issues.

Councilor Blum asked about the condition of the premises to allow a caretaker to move in.

City Manager Thorsen replied staff was working to identify all the issues that would need to be repaired before someone could occupy the house.

Councilor Sheldon indicated he was in favor of a caretaker but suggested a not to exceed amount be established for the repairs to the Farmhouse because at a certain point the amount of expenditures could become irresponsible. He noted he was not sure what the appropriate amount was and Council could discuss the amount. He stated it might be premature to advance the concept of low rent or no rent in exchange for maintenance services until the City knew more about the skillset and willingness of the caretaker to perform maintenance services.

Councilor Gallagher stated he was generally in favor of a caretaker but expressed concern about the liability aspect.

Mayor Pro Tem Brown indicated there were potential advantages for a caretaker to occupy the Farmhouse and do maintenance on the property but she had significant questions. She agreed the City needed to understand the life safety conditions of the Farmhouse including fire egress, asbestos, lead paint and lead pipes, and she agreed a threshold should be established for those costs. She indicated she would have to feel personally comfortable that the presence of a caretaker would in no way interfere with

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residents' use of the property in whatever way the QFC and Council determine to be appropriate. She explained her concerns were due to the fact that during conversations in the past, the presence of tenants in the homes on Quincy Farm had been used as reasons not to pursue certain activities that the City would otherwise have wanted to pursue on behalf of residents. She noted she had read the minutes from the last QFC meeting and she would like to see the QFC have further discussions regarding how the presence of a caretaker would impact the plans for the East Side of the property, whether positively or negatively. She expressed concern with who would pay for materials to do repairs and maintenance, how the City would ensure repairs and maintenance were completed to the City's standards, how the caretaker would be held accountable, and how the value of the services would be determined versus the value of living on the property. She indicated she appreciated the sense of urgency of the neighbors but felt it was her responsibility and duty as a Council member to be diligent, methodical, and intentional about this issue.

Councilor Weil stated he shared the neighbors' sense of urgency. He suggested compiling a list of tasks the caretaker would be expected to perform would inform the City of the skills needed and the rent adjustment. He indicated the caretaker was meant to be eyes and ears on the property and suggested the term security guard not be excluded from the job description. He noted there might be tax consequences for the City for rent adjustment and in-kind services. He understood the City did not want to assume liability. He noted Quincy Farm was a valuable asset under the City's stewardship.

Mayor Stewart indicated the City would write the tenant agreement to allow for the City's needs and encouraged everyone to consider the possibility of donors and gifts to help pay for expenses on the property.

Councilor Sheldon asked if Mayor Pro Tem Brown had seen the draft Quincy Farm master plan.

Mayor Pro Tem Brown replied she had not but that was not because she didn't have access to it but rather because she tried not to delve into draft documents and she was waiting for the QFC to present the master plan to Council.

QFC Chair Lucinda Greene stated the QFC had considered the issues to install a caretaker, which the conservation easement clearly called out. She noted the QFC had not planned to address this issue until after the lease agreement had expired and it was because of the untimely passing of Candy Gray that this issue needed to be addressed now. She indicated it was important to work with the neighbors and citizens and have a collaborative process. She added the QFC understood the financial and liability issues. She explained the QFC's original intent was to have the caretaker serve an educational role on the property, but they understood the current needs did not extend to that purpose at this time. She stated the draft master plan was on the City website and the QFC had acknowledged, received and absorbed the public input and they were working on amendments to the draft site plan for the East Side to reflect the needs of the community. She noted this was a difficult and challenging process. She stated the QFC had unanimously recommended a caretaker.

Mayor Pro Tem Brown asked if the Main House on the West Side had been considered for a caretaker house, as it was known to be in better repair than the Farmhouse and the Farmhouse would likely be used for other things in the future. She noted additional security measures could be added on the East Side that would alert a caretaker in the Main House of any issues.

Chair Greene replied the QFC had only discussed having a caretaker on the East Side as the concerns expressed by the community related to the lack of occupation on the East Side.

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Councilor Sheldon indicated although the Main House and Farmhouse were geographically very close, the two sides of the property were different locations. He stated if the goal was to have a presence on the East Side at night then a caretaker in the Main House would not be effective.

Councilor Weil agreed the geography issue could be mitigated through use of security systems and also suggested the caretaker rental term could be ended shortly after the master plan was finalized to mitigate Mayor Pro Tem Brown's concern about their presence influencing the City's use of the property.

City Manager Thorsen noted the rental agreement could be written to be flexible, including relocating the caretaker as needed.

Mayor Stewart agreed and suggested the initial term could be for six months and thereafter renewed monthly. He indicated the current vision for the Main House was as a nature center. He noted there was still a tenant on the West Side and agreed with Councilor Sheldon the intent was to have a presence on the East Side.

Councilor Sheldon noted it was anticipated the caretaker would not be on-site all day, and might have a separate job off-site, but would be on-site at night and weekends.

Chair Greene added the caretaker could be a retiree. She noted the conservation easement identified more active recreation for the East Side and more passive recreation for the West Side. She indicated the QFC had identified a lot of what could not be done on the property and they were working on what could be done. She stated the caretaker would eventually play a pivotal role in education, animal husbandry, and gardening. She indicated it was unknown how long the master plan process would take and advised flexibility for the caretaker agreement.

Mayor Pro Tem Brown asked if the City needed approval from Colorado Open Lands (COL) to hire a caretaker.

Chair Greene replied she believed the language in the conservation easement was clear but it was a matter of courtesy to keep COL appraised.

Councilor Gallagher indicated this was an iterative process but it was important to start now.

Councilor Gallagher moved, seconded by Blum to direct City staff to prepare a draft rental agreement for a caretaker to occupy the Farmhouse on the East Side of Quincy Farm and to bring back a full report at a future meeting for City Council consideration to include identifying any associated costs to ensure the house meets rental safety requirements, additional insurance requirements/costs, maintenance duties of the caretaker, proposed rent associated with the agreement, and length of terms of the agreement among other things.

Mayor Pro Tem Brown proposed an amendment to the motion to allow more flexibility by stating the caretaker would occupy a house on the property.

Councilor Gallagher amended his motion, seconded by Councilor Weil, to direct City staff to prepare a draft rental agreement for a caretaker to occupy a house on Quincy Farm and to bring back a full report at a future meeting for City Council consideration, to include identifying any associated costs to ensure the house meets rental safety requirements, additional insurance requirements/costs, maintenance duties of the caretaker, proposed rent associated with the agreement, and length of terms of the agreement among other things.

Councilor Sheldon noted the agreement would come back to Council for consideration before moving forward. He agreed with Mayor Pro Tem Brown that all options were worth looking at.

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The motion passed unanimously.

Council Bill 5, Series 2020; Amending Section 16-5-120 to Adopt the Federal Emergency Management Agency's Revised Flood Insurance Study and Flood Insurance Rate Map for Arapahoe County and its Incorporated Areas (first reading)

Director Cramer presented Council Bill 5, Series 2020 on first reading. He explained the City had participated in the National Flood Insurance Program since 1978. He noted the City's current rating allowed for a 15% reduction in flood insurance for residents. He indicated a condition of continued eligibility in the program was adoption of the updated Flood Insurance Rate Maps. He explained the City was unaffected by the updates but lay within one of the revised map panels. He added the Planning and Zoning Commission had voted unanimously to recommend approval.

Mayor Pro Tem Brown moved, seconded by Councilor Sheldon to approve Council Bill 5, Series 2020, amending Section 16-5-120 of the Municipal Code to adopt the Federal Emergency Management Agency's revised Flood Insurance Study and Flood Insurance Rate Map for Arapahoe County and its incorporated areas, on first reading.

The following votes were recorded:

Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

Vote on the Council Bill 5-2020: 5 ayes. 0 nays. The motion carried.

Council Bill 6, Series 2020; Authorizing a Supplemental Appropriation in the General Fund for Fiscal Year 2020 (first reading)

Director Sager presented Council Bill 6, Series 2020 on first reading. She explained the City had entered into the CARES Act Intergovernmental Agreement with Arapahoe County and it was necessary to amend the budget to include the CARES Act reimbursement funds as incoming revenue and COVID-19 related expenses as outgoing expenditures.

Councilor Weil moved, seconded by Mayor Pro Tem Brown to approve Council Bill 6, Series 2020, authorizing a supplemental appropriation in the General Fund for fiscal year 2020 on first reading.

The following votes were recorded:

Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes
Weil	yes

Vote on the Council Bill 6-2020: 5 ayes. 0 nays. The motion carried.

Resolution 20, Series 2020; Authorizing the Creation of the Cherry Hills Village CARES Business Assistance Grant Program and the Disbursement of Funds to Assist City Businesses with Cost Incurred due to COVID-19

Director Sager presented Resolution 20, Series 2020 for Council's consideration. She explained the resolution would authorize the creation of a business assistance program for businesses in Cherry Hills Village using CARES Act funds. She noted the program

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was modeled after Arapahoe County's program and had been pre-approved by the County pending Council's approval. She explained the program had two grant categories, Business Interruption and Business Infrastructure, each with a maximum of \$20,000. She added home-based businesses were also eligible to receive a total amount of \$5,000 from the program.

Councilor Blum noted the City of Centennial's business assistance program required businesses to have a 50% reduction in revenue before being eligible.

Director Sager replied that was not a requirement for the Cherry Hills Village's program.

Councilor Blum asked if any of the City's businesses had contacted staff about this program.

Director Sager replied she had been contacted by one of the City's businesses at the beginning of the pandemic but not since then. She added she would reach out to the City businesses for which staff had contact information and advise them of this program.

Councilor Blum asked how the grant applications would be reviewed.

Director Sager replied she would review the applications and then pass them onto Arapahoe County for approval before issuing grant funds.

Councilor Sheldon asked if the City had sufficient CARES Act funds to award full grants to all eligible businesses in the City.

Director Sager replied that was true for the seven eligible businesses the City was aware of, but the City did not have records for home-based businesses as they were not required to register with the City.

Councilor Sheldon asked if any information about the businesses, applications or grants would be published by the City.

Director Sager replied the information would be subject to the Open Records Act but the City had no plans to publish the information.

Councilor Sheldon asked about the timing for the program.

Director Sager replied the City would begin accepting applications on August 24th once the supplemental appropriation for the CARES Act funds was effective, and the application deadline would be September 24th.

Councilor Gallagher asked about a situation where expenses would not be eligible for grant funds.

Director Sager explained expenses previously reimbursed for using Federal Small Business Administration, Economic Injury Disaster Loan or Payroll Protection Program were ineligible.

Councilor Weil asked if the program applied to clubs and churches.

Director Sager replied it depended on their status because non-profits were not included in the program.

Councilor Gallagher moved, seconded by Councilor Blum to approve Resolution 20, Series 2020 authorizing the creation of the Cherry Hills Village CARES Business Assistance Grant Program and the disbursement of funds to assist City businesses with costs incurred due to COVID-19.

The motion passed unanimously.

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Planning and Zoning Commission Member Terms

City Clerk Gillespie explained three members of the Planning and Zoning Commission would be ending their terms in September and all three desired to be reappointed. She stated if Council had no concerns staff would bring a resolution for the reappointments to Council at a future meeting.

Council had no concerns.

REPORTS

Mayor's Report

Mayor Stewart reported he had been appointed to CML's Budget and Management Committee; he and QFC Chair Greene had met with the Cherryvale HOA regarding Quincy Farm on July 16th; he had been contacted by Cherry Creek School District Superintendent Scott Siegfried encouraging the City to maintain Tri-County Health Department's mask order; and he had had spoken to Hillcrest Sanitation District about consolidation on July 16th.

Members of City Council

Councilor Blum asked what could be done to motivate and incentivize better cell coverage in the City.

Mayor Stewart noted the City had begun conversations in the past with cell phone providers and carriers and suggested the issue be revisited.

Councilor Sheldon wished City Manager Thorsen well in his retirement.

Councilor Gallagher wished City Manager Thorsen well in his retirement.

Mayor Pro Tem Brown had no report.

Councilor Weil explained the DRCOG Safer Streets Program and noted the City did not have any qualifying projects. He thanked Parks Coordinator Black for arranging the trip with the QFC to CALF Lowell Ranch in Castle Rock. He noted it was a larger and more remote property than Quincy Farm but was instructive in the possibilities for Quincy Farm and the CEO was a good resource for the City.

City Manager & Staff

City Manager Thorsen thanked Commissioner Hoellen for his kind comments, thanked staff and thanked Council.

City Attorney

City Attorney Guckenberger indicated it had been a pleasure to work with City Manager Thorsen, she was sorry to see him go but happy for him, and she looked forward to working with Director Cramer as city manager.

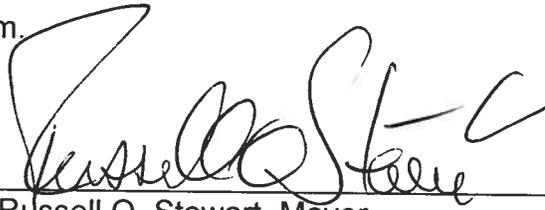
ADJOURNMENT

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

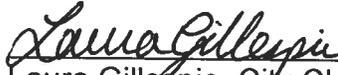
The motion passed unanimously.

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The meeting adjourned at 8:15 p.m.



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk