

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, August 21, 2018 at 6:30 p.m.
At the Joint Public Safety Facility

The City Council held a study session at 5:34 p.m.

Mayor Laura Christman called the meeting to order at 6:34 p.m. She explained that Police Chief Tovrea had spoken during the study session about the incident involving Officer Cory Sack so that Chief Tovrea could leave the office for some much-deserved rest. She thanked the Police Officers for their service and asked for a moment of silence.

ROLL CALL

Mayor Laura Christman, Councilors Randy Weil, Earl Hoellen, Mike Gallagher, Dan Sheldon, and Katy Brown 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, Community Development Director Rachel Granrath, Finance Director Jessica Sager, and City Clerk Laura Gillespie.

Absent: Councilor Al Blum

PLEDGE OF ALLEGIANCE

The City Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Jeri Neff indicated that she had lived in the front house at Quincy Farm for 20 years and was responsible for nominating the property for the National Registry Designation. She explained that two weeks ago she had met with City staff and was told that an announcement would be made at the Quincy Farm Open House on August 25, 2018 that the Farm would be open to the public from sunrise to sunset. She indicated that staff had stated the decision was made by City Council, but she could not find the Council minutes that contained that decision. She asked what had happened with the Quincy Farm Committee discussion of limiting public hours similar to the 17 Mile House in Arapahoe County. She questioned the decision and its consistency with the property's conservation easement. She also noted that her lease included quiet enjoyment and she did not believe that opening the property to the public in this manner would conform to her lease. She added that staff had removed a pile of dirt from her property without her permission. She indicated that the plan to open Quincy Farm to the public in this manner was irresponsible and a violation of the conservation easement and her lease. She implored Council to reconsider.

Candy Gray explained that she had lived on Quincy Farm since 1965. She thanked the Parks crew for the work that they were doing on the property in preparation for the Open House this weekend, especially considering that they were short staffed. She asked how the decision to open Quincy Farm to the public had been made, since she could not find it in the Council minutes. She expressed concern over security of the property if it was open so often. She expressed her hope that Council would take a more conservative and nuanced approach. She indicated that she and Ms. Neff had been given very short notice of the change and it had not left them with a secure feeling. She noted that staff was planning to allow parking on the property other than for handicapped visitors at the Open House. She explained that she and especially Ms. Neff were isolated and it was unfair to place the burden on them to be watchdogs of the

property, which she believed would inevitably happen. She stated that she did not believe the plan to be the intention of the Quincy Farm Committee (QFC) or Parks, Trails and Recreation Commission (PTRC) and that they had not been informed. She thanked the Parks crew again for their very hard work on the property.

Lucinda Greene, 2855 Cherryridge Road, indicated that she was a member of the QFC and had recently been made aware of staff's intentions to open Quincy Farm to the public. She noted that she had been in attendance at the last several QFC meetings and did not recall the Committee making that recommendation to Council. She noted that the plan to open the Farm to the public seven days a week from dawn to dusk might be in violation of the conservation easement and stated that it required further consideration. She indicated that it was proper for the QFC to consider the issue and make a recommendation to Council.

Michael Kim, 4245 S. Forest Circle, indicated his thoughts, prayers and gratitude were with the Police Department after last night's incident. He stated that he wished to echo his comments at the July 17, 2018 Council meeting. He explained that he had been contacted by concerned citizens about the plan to open Quincy Farm to the public, and expressed concern that this large of a decision was being made without public input. He added that the lack of input from the QFC and PTRC was not appropriate and was troubling.

Mayor Christman replied that neither she nor Council had been aware of the plan.

City Manager Thorsen indicated that the plan would be put on hold and brought back for further discussion.

Mayor Pro Tem Hoellen commented that while he was not a member of the QFC he had attended most of the meetings and he did not recall any discussion about announcing at the Open House the opening of Quincy Farm from dawn until dusk, and certainly no such discussion at Council. He indicated that he did recall a general discussion with the QFC that the long term vision was to open the Farm to the public on some basis and a recognition that would occur at some point in the future, but no discussion of what or when that might be. He stated that he wanted to make it clear that there would be no announcement at the Open House about opening Quincy Farm to the public, and he asked if Council agreed with that statement.

Council expressed their agreement.

Rebecca Benes, 12 Blackmer Road, noted that a letter had been sent by staff to the neighbors of Quincy Farm notifying them of the Open House and stating that it would be open to the public.

Councilor Gallagher noted that the letter had not included specific days or times.

Mayor Christman indicated that it made sense to notify the neighbors of the Open House. She stated that Council was committed to having the QFC provide a recommendation to Council on this issue.

Councilor Brown agreed that was her understanding of the role of the QFC from serving on the Quincy Farm Visioning Committee and being on Council when the QFC was formed.

Mayor Christman acknowledged that being told that Quincy Farm would be open had obviously caused a great deal of distress to both Ms. Neff and Ms. Gray and she apologized to Ms. Neff and Ms. Gray for that. She indicated that decisions about

RECORD OF PROCEEDINGS

opening Quincy Farm to the public should have been left to the QFC to make a recommendation to Council. She noted in response to Ms. Neff and Ms. Gray's question about plans for Quincy Farm that all QFC meetings were open to the public and they were welcome to attend.

CONSENT AGENDA

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

- a. Approval of Minutes – August 7, 2018

The motion passed unanimously.

Mayor Pro Tem Hoellen noted that with the Council's new format of holding study sessions at 5:30 p.m. prior to regular meetings at 6:30 p.m., Council should be aware that only comments made in the regular meeting would be included in the Council minutes.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

Public Hearing Concerning the Organization of the Proposed "Cherry Hills Village Charlou Park 3rd Filing General Improvement District" and Council Bill 6, Series 2018; Making Findings and Determinations with Respect to a Petition Concerning the Organization of the Proposed "Cherry Hills Village Charlou Park 3rd Filing General Improvement District" Pursuant to 31-25-601, et seq., C.R.S., and Providing for the Question of the Organization of Such District to be Referred to the Electors Thereof Along with Additional Ballot Issues Authorizing the Issuance of Bonded Indebtedness and Imposition of General Property Taxes to Accomplish the Purposes of Said District (second and final reading)

Clerk Gillespie presented the public hearing and second and final reading of Council Bill 6, Series 2018 regarding the proposed Cherry Hills Village Charlou Park 3rd Filing General Improvement District for Council's consideration. She reviewed the state statute sections related to the public hearing, at which the governing body would make determinations regarding the number of electors, sufficiency of the petition, assessed property valuation, general benefit and improvement cost.

Mayor Pro Tem Hoellen questioned the term of the repayment and noted that the numbers included in the ballot measures in the council bill did not add up.

City Manager Thorsen replied that the numbers were very conservative and there were certain fees and costs that impacted the accounting of the debt and repayment. He noted that the ballot language and numbers had been approved by both Dan Lynch as the City's bond counsel and David Bell of Stifel, Nicolaus & Co who would handle the debt issuance.

David Charles, 4799 S. Dasa Drive, explained that as the petition circulator he had received indication of high public support for the proposed district.

Councilor Sheldon asked about the cost per pole being removed.

Mayor Pro Tem Hoellen added that the number of linear feet would play into that as well.

Mr. Charles replied that he had received various cost estimates from Xcel Energy.

Deputy City Manager/Director Goldie noted that Xcel would not commit to a price until the project was bid out.

Mayor Christman opened the Public Hearing at 7:20 p.m.

Brad James, 4599 S. Dasa Drive, explained that he had lived at his property for 25 years and this would be a huge improvement. He noted that every spring snowstorm resulted in a power outage for up to a week for him and his neighbors. He noted that Xcel's equipment was old and the residents' power needs were increasing. He applauded Mr. Charles and Mr. Kornelsen and stated he was in favor of the district.

Mr. Charles added that currently the neighborhood was served by radial lines from a central location, and when the undergrounding was complete it would be a continuous loop which would further help prevent power outages.

Hearing no further comments the public hearing was closed at 7:22 p.m.

Councilor Sheldon moved, seconded by Councilor Weil to approve Council Bill 6, Series 2018; making findings and determinations with respect to a petition concerning the organization of the proposed "Cherry Hills Village Charlou Park 3rd Filing General Improvement District" pursuant to § 31-25-601, et seq., C.R.S., and providing for the question of the organization of such district to be referred to the electors thereof along with additional ballot issues authorizing the issuance of bonded indebtedness and imposition of general property taxes to accomplish the purposes of said district, on second and final reading.

The following votes were recorded:

Weil	yes
Gallagher	yes
Hoellen	yes
Brown	yes
Sheldon	yes

Vote on the Council Bill 6-2018: 5 ayes. 0 nays. The motion carried.

Council Bill 7, Series 2018; Authorizing a Supplemental Appropriation for Fiscal Year 2018 for the High Line Canal Underpass Project at Hampden Avenue and Colorado Boulevard (second and final reading)

Deputy City Manager/Director Goldie presented Council Bill 7, Series 2018 on second and final reading. He noted that no changes had been made since first reading.

Mayor Pro Tem Hoellen asked if staff had an update on the Denver Water license for the proposed bridge.

Deputy City Manager/Director Goldie replied he did not have an update.

Mayor Pro Tem Hoellen asked when staff anticipated submitting for the Arapahoe County grant.

RECORD OF PROCEEDINGS

Deputy City Manager/Director Goldie replied that staff planned to submit at the County's October meeting.

Councilor Sheldon asked about receiving accounting documents from Denver.

Deputy City Manager/Director Goldie replied that staff had requested them and expected to receive them at a meeting with Denver this week.

Councilor Sheldon indicated he was comfortable releasing the \$333,000.

Councilor Brown reiterated that the City had made this commitment years ago and had not yet followed through. She agreed with releasing the \$333,000 at this time.

Mayor Christman noted that when the original application was made, the City did not know that Denver had intended the City to pay half the capital costs for maintenance of the underpass. She indicated that after subsequent discussions they had succeeded in having CDOT agree to pay for the capital costs.

Mayor Pro Tem Hoellen noted that they had received a new draft of the maintenance IGA today to review. He added that the City had made a conscious decision to leverage the funds in order to arrive at this point.

Mayor Christman noted that the City was now dealing with a different person at Denver First Church then they had originally dealt with regarding the easement.

Councilor Gallagher asked when the next meeting with the Church would be.

City Attorney Michow replied that it was not yet confirmed.

Mayor Pro Tem Hoellen reiterated that receiving the easement from the Church was a risk factor for the City.

Councilor Sheldon asked if the City had a budget contingency.

Mayor Christman replied they did not, but added that they had raised the issue with Denver since Denver was saving money with the new design.

City Attorney Michow clarified that the Church had not asked for more money at this point.

Mayor Christman indicated that the goal was to make the new plan work for everyone.

Mayor Pro Tem Hoellen added that the new design was better for the Church than the old design.

Councilor Sheldon asked if the City had a legal alternative if the Church wanted to charge a high cost for the easement.

Councilor Weil noted that was a separate issue from the payment to Denver.

Mayor Pro Tem Hoellen agreed that the City was contractually obligated to pay the money to Denver and he was still comfortable with paying \$333,000 with the current unknowns of the Church easement, Denver Water license, and Arapahoe County grant.

Councilor Gallagher moved, seconded by Councilor Brown to approve on second and final reading Council Bill 7, Series 2018, a bill for an ordinance authorizing a

supplemental appropriation for fiscal year 2018 in the amount of \$275,000 for the City's share of the High Line Canal Underpass at Hampden Avenue and Colorado Boulevard. This appropriation will bring the City's total commitment to the underpass portion of the project to \$450,000.00 as outlined in the Funding Agreement. Further, to provide direction to City staff to disburse the \$450,000 in accordance with the following: \$333,000 payable on the effective date of the ordinance and the remainder payable upon full execution of the maintenance IGA.

The following votes were recorded:

Gallagher	yes
Hoellen	yes
Brown	yes
Sheldon	yes
Weil	yes

Vote on the Council Bill 7-2018: 5 ayes. 0 nays. The motion carried.

Commission and Committee Member Terms

Clerk Gillespie explained that a member of the Planning and Zoning Commission (P&Z) whose term would end in September did not wish to be reappointed. She added that there was still a vacancy on the Quincy Farm Committee (QFC). She indicated that applications had been solicited in the Crier and on the City website. She asked for Council members to assist with interviews and recommendations for appointment.

Councilor Sheldon asked about the P&Z terms that would end in September.

Clerk Gillespie explained that there were several P&Z terms that would end in September and at a previous Council meeting staff had received direction from Council to reappoint those members who desired reappointment. One member did not wish to be reappointed and so staff had begun the recruitment process.

Mayor Christman and Councilor Brown indicated they would interview applicants for P&Z; and Mayor Pro Tem Hoellen and Council Weil indicated they would interview applicants for QFC.

NEW BUSINESS

Resolution 18, Series 2018; Approving an Intergovernmental Agreement with Arapahoe County for Participation in the Coordinated November 6, 2018 Election

Clerk Gillespie presented Resolution 18, Series 2018 for Council's consideration. She explained that the City would coordinate with Arapahoe County for the November 6, 2018 election. She noted that City Attorney Michow had several changes to the Intergovernmental Agreement (IGA) to clarify aspects of the General Improvement District election and of governmental immunity. She indicated that staff expected to receive confirmation from the County on these changes shortly.

Mayor Christman asked City Attorney Michow to write a memo approving the County's changes before the IGA was signed by the City.

Councilor Brown moved, seconded by Councilor Weil to approve Resolution 18, Series 2018; approving an intergovernmental agreement with Arapahoe County for participation in the coordinated November 6, 2018 election subject to such changes as may be needed to correct or clarify provisions or to negotiate such changes to the

RECORD OF PROCEEDINGS

Agreement as may be appropriate that do not increase the financial obligations of the City, as approved by the City Attorney and City Clerk.

The motion passed unanimously.

REPORTS

Mayor's Report

Mayor Christman reported that she had been contacted by a resident who wanted to perform an analysis of the City's crime statistics. She indicated that the City Manager and Police Chief would be involved and this would come back to Council at a future study session.

Mayor Pro Tem Hoellen noted that would be worthwhile because there was a perception of increased crime in the City.

Councilor Weil added that there was a lot of opportunity for City residents to improve crime prevention.

Councilor Brown noted that it would be good to identify the issues in order to determine appropriate solutions.

Mitch Achee, 6 Sedgwick Drive, explained that he was a neighbor of the house at which last night's incident had occurred. He stated that he appreciated the Police Department and his thoughts and prayers went to Officer Sack and his family. He indicated that he was discussing options for increased security with his neighbors and asked if placing video cameras at the entrance to the neighborhood would be legal. He indicated his willingness to help improve awareness in the community.

Councilor Sheldon noted that the Police Department was always happy to meet with HOAs and other neighborhood groups to discuss ways to increase safety.

Councilor Brown added that while residents felt safe in the City, they were unfortunately not immune to crime.

City Manager Thorsen indicated that security cameras were legal if they were placed on private property.

Councilor Sheldon noted that his neighborhood had a fairly high end security camera at their entrance but the camera could not pick up license plates if it was dark or if the car was going fast.

Members of City Council

Councilor Sheldon reported that he would not be able to attend the Quincy Farm Open House on Saturday. He indicated that the High Line Canal Conservancy's Dine on the Canal event was September 7th. He asked about sending something to Officer Sack.

Mayor Christman replied that City Manager Thorsen was working on something from staff and Council, unless Council wanted to do something separate.

Councilor Brown had no report.

Mayor Pro Tem Hoellen reported that he would attend another Belleview median meeting with Greenwood Village tomorrow. He stated that the Police Department's work

was incredibly dangerous and the City was very fortunate and thankful for their work. He noted that to the men and women in blue what happens to one happens to all and also to the community. He wished Officer Sack a speedy recovery.

Councilor Gallagher reported that the PTRC had welcomed their two new members at the last meeting, and had reappointed Rob Eber as chair and appointed Fred Wolfe as vice chair.

Councilor Weil indicated his appreciation to the Public Works crew for the chip seal project and noted that he had received a lot of positive comments from his neighbors.

Mayor Christman reported that the City had again received the Government Finance Officers Association award for the 2018 budget and thanked Director Sager for her work.

Members of City Boards and Commissions

None

City Manager & Staff

City Manager Thorsen indicated that the September 18, 2018 regular Council meeting coincided with Yom Kippur and asked Council if they would like to reschedule or cancel the meeting.

Council agreed to reschedule the meeting.

City Manager Thorsen reported that work was progressing on the new City Hall and that Deputy City Manager/Director Goldie was doing a terrific job in managing the project. He noted that the City had only \$8,500 so far in change orders out of a contingency budget of \$270,000.

City Attorney

City Attorney Michow had no report.

EXECUTIVE SESSIONS AND ADJOURNMENT

Mayor Pro Tem Hoellen moved, seconded by Councilor Gallagher to go into Executive Session 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; 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 Kritzer v. Cherry Hills Village, and to adjourn immediately thereafter.

The following votes were recorded:

Hoellen	yes
Brown	yes
Sheldon	yes
Weil	yes
Gallagher	yes

RECORD OF PROCEEDINGS

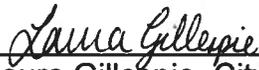
Vote on the Executive Sessions: 5 ayes. 0 nays. The motion carried.

The Executive Sessions began at 8:16 p.m.

The meeting adjourned at 9:40 p.m.



Laura Christman, Mayor



Laura Gillespie, City Clerk