

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, January 7, 2014 at 6:30 p.m.  
At the Village Center

Mayor Doug Tisdale called the meeting to order at 5:45 p.m.

**ROLL CALL**

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Alex Brown, Scott Roswell, Klasina VanderWerf, and Katy Brown were present on silent roll call. Also present were City Manager John Patterson, City Attorney Linda Michow, Deputy City Manager and Public Works Director Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, Public Works Project and Right-of-Way Manager Ralph Mason, and City Clerk Laura Smith.

Absent: none

**EXECUTIVE SESSION**

Mayor Pro Tem Stewart seconded by Councilor Griffin moved to proceed into Executive Session for the purpose of receiving legal advice from the City Attorney in connection with pending litigation in the Sansing, Edwardson and Rogers matter pursuant to CRS § 24-6-402(4)(b).

The following votes were recorded:

Katy Brown	yes
Mark Griffin	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes

Vote on Executive Session: 6 ayes. 0 nays. The motion carried.

The Executive Session ended at 6:04 p.m.

**STUDY SESSION**

The City Council held a Study Session on Open Space Policy.

The Study Session ended at 6:33 p.m.

**PLEDGE OF ALLEGIANCE**

Dylan List, Lindsay List, Jack Eikberner, Sophia Pilling, Sophia Grossman, Sam Grossman, Joe Miller, Matthew Wilkinson, Mollie Wilkinson, Kathryn Smith, Lucy Von Rohr, Ari Goldman, Alexander Solomon, Aydan Solomon and Julia Donovan from the Cherry Hills Village Elementary School Gifted and Talented Program led the Council in the pledge of allegiance.

**MEMBERS OF CITY BOARDS AND COMMISSIONS**

There were no reports.

### **AUDIENCE PARTICIPATION PERIOD**

David Jackson of South Metro Fire Rescue (SMFR) presented an update to the Council. He explained that in 2013 SMFR had dealt with reduced or flat revenue, launched the Advanced Rescue Medical Unit pilot program, completed debt payments, and maintained their accreditation. He indicated that in 2014 SMFR would transition to a new fire chief as Chief Qualman was planning to retire. They would also work to equalize mill levies between cities and continue consolidation discussions.

### **CONSENT AGENDA**

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

- a. Approval of Minutes – December 10, 2013
- b. Resolution 1, Series 2014; Designating a Public Place for Posting Notices of Regular and Special Meetings
- c. Highway User Tax Funds (HUTF) Mileage Certification
- d. Authorization of Full and Final Release and Settlement Agreement by Jody Sansing

The motion carried unanimously.

### **ITEMS REMOVED FROM CONSENT AGENDA**

None

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **Public Hearing – Open Space Policy**

Mayor Tisdale explained that this discussion had been requested by a number of Council members and this was an opportunity for the public to share their opinions on the City's open space policy. He identified issues to discuss such as a strategic approach versus an opportunistic approach to acquisitions; funding; the possibility of a ballot issue for the 2014 November election; prioritizing of view corridors and scenic views; and prioritization of acquisition versus protection. He explained that acquisition referred to properties that the City would own, whereas protection referred to private properties protected through a mechanism such as a conservation easement. He clarified that these were just some of the issues to be discussed and welcomed input on other related topics as well.

Mayor Tisdale opened the Public Hearing at 6:50 p.m.

Lucinda Green, 2855 Cherryridge Road, indicated that she had lived in the City for 14 years for the schools and beauty. She noted that she was grateful to live in the low density environment and where her family could enjoy recreation and wildlife locally. She stated that the City's continuing attention to acquiring and maintaining open space in the City contributed to this unique opportunity, especially within the larger metropolitan area. She explained that she was an equestrian and used the parks and

trails regularly on horse, foot and skis. She stated that the vistas and view corridors were an important component to her enjoyment. She indicated that the City does an excellent job of appropriately meeting the needs for basic community services and amenities, despite any recent economic challenges. She noted that the City currently had \$1.5 million designated for open space activities and projects. She indicated that she could see no better use for the funds that would become available after the South Suburban financial obligation is complete than preserving the quality of life for Village residents through continued acquisition and maintenance of open space.

Stephanie Bluher, 101 Glenmoor Lane, explained that she was co-president of the Cherry Hills Land Preserve (CHLP) along with Karen Barsch. She thanked the Council for beginning the year with such an important topic, and noted that there was still a lot of work to be done to accomplish the goals and directives outlined in the Master Plan. She noted that the guiding principal of every Master Plan since 1970 has been the preservation of open space. She noted that many residents take for granted that the remaining undeveloped lots in the Village are open space, which is not the case. She noted that the current funds budgeted for open space might not be enough. She explained that the CHLP was formed in 2004, the Blue Ribbon Panel completed their report in 2005, the Master Plan was revised 2007-2008, and the Cat Anderson Fund was established in 2009. She noted that the CHLP was involved in the Master Plan revision and they were pleased and thankful that all of their recommendations were recognized and incorporated. She indicated that the citizen survey in Appendix C of the Master Plan showed that open space was the number one funding priority for Villagers. She added that the extension of the Arapahoe County Open Space tax was the only tax measure that passed in the 2011 election, and the CHLP was recognized as providing critical support for its passage. She explained that the CHLP developed relationships with interested land owners to position properties to be acquired or protected. She added that CHLP had relationships with Arapahoe County Open Space, Great Outdoors Colorado, the Trust for Public Lands and others. She expressed concern that a ballot measure would have the unintended consequence of derailing important open space efforts.

Harriet LaMair, 16 Cherry Lane Drive, explained that the CHLP did not notify their entire membership about tonight's meeting. She noted that CHLP felt that the community had already spoken on the question of prioritization of open space. She indicated that a ballot measure would have to be carefully considered, including consideration of future funding and tying future Councils to that funding. She noted that the City had a healthy budget and that it was the Council's role as elected officials to make the decision of what to do with extra funds, and not defer to the citizens. She explained that the CHLP, Council, and PTRC formed a three-legged stool as a framework for open space efforts in the City and reviewed the roles of each, including Council's role in funding, PTRC's role in planning and recommendations, and CHLP's role as a flexible and confidential resource for land owners. She thanked Council for taking the time to have this meeting and stated that CHLP looked forward to continuing to working with Council on open space issues.

Karen Barsch, 4999 S. Birch Street, explained that she had lived in the City for 20 years and served on the PTRC as well as participating in the CHLP. She noted that both entities had independently developed almost identical lists of criteria to evaluate acquisition opportunities. She explained that in 2010 the PTRC used these criteria to evaluate and prioritize properties in the Village, which was then presented to Council. She expressed shock that the Council thought a vote was needed. She indicated that she did not see PTRC as taking an active role in open space acquisition because it moved too slowly and was not confidential. She continued that PTRC was more suited to complete inventories and prioritize possible open space parcels, and that the Council needed to make this clear to PTRC. She added that preserving view corridors should

also be discussed and that planting of new trees in parks should be done with views in mind.

Mike Gallagher, 4440 S. Clarkson Street, explained that he had grown up in the City and had lived here as an adult for 25 years. He noted the pressure of the metro area on the City, including parking and infrastructure. He added that he thought the City was managing the edges of the City well and protecting the City from outside pressures, but that there was further need for maintaining cleanliness on the High Line Canal.

Lindsey Miller, Arapahoe County Open Space Grant Program Administrator, reported that the upcoming funding cycle deadline was February 7<sup>th</sup> for four categories of grants: Large (up to \$500,000), Standard (up to \$250,000), Small (up to \$50,000), and Planning (up to \$25,000). She explained that applications for the Large Grant would not count towards the three proposal limit or the total grant funding cap of \$500,000 per entity per year. She noted that grants were awarded in June.

Councilor VanderWerf indicated that the City's Special Project Coordinator was a grant writer. She noted that the open space grants were separate from the High Line Canal Working Group grants. She added that municipalities can apply to Arapahoe County Open Space for High Line Canal Working Group grants at any time throughout the year to help with projects or to purchase open space along the Canal.

Mayor Tisdale indicated that the City appreciated its partnership with Arapahoe County Open Space.

Bill Lucas, PTRC Chair, 42 Sedgwick Drive, explained that PTRC was working with the Master Plan to help define their role. He noted that PTRC was not only focused on open space but also on trails, connectivity and the community's ability to move through the City by foot, bike, and horse. He indicated that the High Line Canal was the City's most valuable asset and ensuring its connectivity to the City's parks and trails was a priority for the PTRC. He noted that open space was not in PTRC's name and that they had no fiscal responsibility and did not give direction on the spending of City funds. He indicated that the PTRC would like to be more involved. He explained that the PTRC hasn't seen a strong strategy from Council as to how to acquire open space and obtain funding. He stated that both funding and a proactive approach were needed. He suggested that a strategic planning of tree placement and park connectivity like that accomplished in Denver might be helpful. He encouraged further dialogue with Council regarding connecting and activating parks, Little Dry Creek, the High Line Canal, and how to establish a structure to take more effective advantage of the PTRC's abilities.

Jeff Ferrell, PTRC Vice Chair, 3955 S. Cherry Street, noted that John Meade Park and the outcome of the Village Center campus was a top priority for PTRC. He commented that Director Zuccaro had been very helpful with a recent subdivision application in considering view corridors. He reported that the PTRC Trails Subcommittee was exploring ways to increase the connectivity of Little Dry Creek.

Robert Eber, 3 Middle Road, indicated that he was on PTRC and had grown up in the City. He explained that when he was growing up there were not as many gates and there was more personal interaction between neighbors. He advocated community relations, formalized public spaces, and a more formalized and lasting commitment to open space.

Mayor Tisdale noted that documents entered into the public record as part of the public hearing included the Master Plan with Appendices, Blue Ribbon Panel Report, Citizen's City Center Committee Report, PTRC section of the Code and Land Acquisition Statement, CHLP Biannual Report and December 2013 letter, Resolution 13 Series

2006, Harriet LaMair's three legged stool diagram, and Laura Christman's letter dated January 7, 2014. He thanked the Villager Newspaper for the article regarding tonight's public hearing.

Hearing no further comments Mayor Tisdale closed the Public Hearing at 7:56 p.m.

Councilor K. Brown indicated that she agreed with Karen Barsch that open space is clearly the City's number one priority. She recognized that the City had other priorities as well but had always understood open space protection and acquisition as a directive from the community. She stated that Council needed to consider the balance between maintaining versus acquiring new open space. She indicated that another consideration was to question if all open space is created equal, and focusing on priority properties versus treating any and all open space as beneficial. She questioned the value of tiny pocket parks compared to large properties of open space, and if cash in lieu of the 7.5% land dedication for subdivisions might be unpopular but would allow the City to take advantage of an opportunity on the City's priority list. She indicated that she was not necessarily opposed to a ballot measure for additional open space funding, but that would not relieve Council of its obligation to fulfill residents' desire for more open space.

Councilor VanderWerf noted that the Blue Ribbon Panel had taken a 20,000 foot view of the City to identify opportunities to create trail connections, preserve wildlife habitat, and create an ideal community without identifying particular properties. She indicated that if Council had a plan they could put forth a ballot question. She agreed with Councilor K. Brown that not all open space is created equal and that the City could be more thoughtful with subdivisions and trail connections. She noted that while every Council member had been elected on an open space platform, Council had not yet adequately addressed this issue.

Councilor A. Brown indicated that if Council were to put an issue on the ballot it would need to be specific and clear in identifying why the City wants funding. He noted that it was impossible to look ahead to 2019 to know what the financial position of the City will be when the South Suburban payments are completed and what those funds will be most needed for. He stated that a ballot issue might address open space funding for 2014-2019, but noted that having an end date created other issues that had to be thought through. He indicated that Council should discuss not only raising funds but also finding other sources such as grants through Arapahoe County Open Space and Great Outdoors Colorado. He noted that he was not opposed to a ballot issue if these issues were discussed and decided by Council because these were issues that the silent majority would question.

Councilor Griffin noted that the City was blessed to have a group like the CHLP present here tonight and appreciated their well thought out comments. He indicated that his natural inclination would be for a ballot issue, but was swayed by the comments tonight that this was perhaps not the right course. He stated that since there was only a finite amount of desirable open space available in the City it was important to think about what would happen once there was no more open space to acquire.

Mayor Pro Tem Stewart indicated that he agreed with Laura Christman's written comments that there are few open space parcels left, and that the City could not wait until South Suburban payments were complete in 2019 because those parcels may no longer be available. He suggested that a ballot issue should be specific to a property once the City has worked with the property owners, as opposed to a yes or no vote for open space in general. He noted that the City did not have sufficient funds to acquire all the properties at the top of the priority list, so the City would have to be aggressive about presenting the voters with a concrete proposal and researching possible matching

funds. He indicated that Council should discuss this now in order to have time to think it through thoroughly and take advantage of the election in November.

Councilor Roswell indicated he agreed with Mayor Pro Tem Stewart. He noted that Council had grappled with being reactive, but did not have the funds to be proactive, and warned that opportunities would pass by if the funding was not planned for. He added that open space was not just about acquisition but also about maintenance and improvement. He indicated that the City could not plan to have a ballot issue in time to take advantage of every opportunity for a high priority parcel. He noted that other issues to consider included connecting the east side of the city with the west side; traffic; and access. He indicated that Council should continue the discussion and involve more of the public. He noted that Council had not heard from residents who do not value acquisition and needed to hear from that side of the issue as well as the members of the CHLP and PTRC that had attended tonight's meeting.

Mayor Tisdale thanked the participants and the attendants of the public hearing. He agreed with Councilor Roswell that many residents only speak via the ballot. He noted that having a specific list of projects when asking for money and having a sunset provision were important aspects of successful ballot measures. He agreed with Harriet LaMair that the Council was the elected body and could not hand off this responsibility. He indicated that the Council would strive to improve communication with CHLP and PTRC. He noted that PTRC was not designed for searching for acquisitions but serves an important role. He commented that PTRC hadn't yet been called upon by Council to plan long range financing for open space as was identified as one of its purposes in the Municipal Code. He indicated that this discussion was just the beginning and that Council would continue and expand this dialogue.

Councilor Roswell asked that a continuation of this discussion be put on a meeting agenda in the near future.

Councilor A. Brown suggested that it be a standing item on every meeting agenda.

Councilor Roswell noted that some of Council's meetings went long.

Mayor Tisdale suggested continuing the discussion at the second meeting in February.

Alice Abrams asked how much open space the City has.

Mayor Tisdale replied that the City currently has approximately 50 acres of open space.

Councilor K. Brown asked if the discussion on February 18<sup>th</sup> would be another public hearing or if interested parties would give their comments during audience participation.

Mayor Tisdale replied that the Council would discuss that before the meeting.

Councilor Roswell suggested a study session.

Resolution 2, Series 2014; Concerning the Establishment of the Utility Line Undergrounding Study Committee

Councilor A. Brown indicated that he had developed the proposed resolution with Mayor Pro Tem Stewart and presented three issues for Council discussion. First was the inclusion of two Council advisory members on the proposed committee. Second was the selection and appointment of committee members, which was not addressed in the resolution. Third was the final report deadline.

Mayor Tisdale suggested that the number of committee members be raised to six, plus the two Council advisors, in order to have one representative from each Council district. He asked each Council member to nominate a member of the committee.

Councilor Roswell indicated that it might be difficult to accomplish one member per district, and that Council should appoint the minimum number of members to allow the committee to complete their report by May or June. He added that two Council advisors would be helpful to the committee.

Councilor K. Brown indicated that given the short time frame committee member expertise was more important than geographical representation. She added that she was in favor of up to six members but did not want to require six as a larger committee would have a harder time coordinating schedules. She noted that two Council advisors was fine, but again expressed concern with schedule coordination.

Councilor Roswell indicated that Council should stay consistent with the recruitment process for boards and commissions and advertise this committee as they would any other opening.

Mayor Tisdale indicated that he would still like to receive a nomination from each Councilor. He suggested appointing Councilor A. Brown and Mayor Pro Tem Stewart as the Council advisors to the committee.

Mayor Pro Tem Stewart advised staff to advertise the committee widely and agreed with Councilor K. Brown that the expertise of the members was important.

Mayor Tisdale suggested June 1st as the deadline for the committee final report.

Councilor Roswell, seconded by Councilor K. Brown moved to approve Resolution 2, Series 2014 with amendments as discussed.

The motion carried unanimously.

## **REPORTS**

### **Mayor's Report**

Mayor Tisdale reported that the City Tree Lighting Event had been successful and thanked Administrator Berninzoni. He noted that he had attended the December 19<sup>th</sup> Tri County Health Department briefing. He noted that the reviews for Municipal Court Judge Turre and Prosecuting Attorney Ausmus would be next week. He reported that Councilor K. Brown would be on Comcast Newsmakers in March.

### **Members of City Council**

Councilor K. Brown had no report.

Councilor Griffin had no report.

Mayor Pro Tem Stewart reported that City Manager Patterson's review would be held on Friday at 4 p.m.

Councilor Roswell had no report.



Councilor VanderWerf reported that she had heard from a resident that two Englewood Police Department motorcycles had driven along the High Line Canal a week ago.

Councilor A. Brown had no report.

### **City Manager & Staff**

City Manager Patterson reported that the Police Department had responded quickly to the shooting at Arapahoe High School in December. He noted that Commander Weathers had recently celebrated his 32<sup>nd</sup> anniversary with the City. He indicated that Quincy Farm Visioning Committee had met December 17<sup>th</sup> and that the PTRC had met on January 2<sup>nd</sup>. He reported that he and Deputy City Manager/Director Goldie would meet with Denver Water next Wednesday.

### **City Attorney**

City Attorney Michow had no report.

### **ADJOURNMENT**

Mayor Pro Tem Stewart, seconded by Councilor K. Brown moved to proceed into Executive Session for the purpose of receiving legal advice from the City Attorney in connection with the imposition and collection of excise tax pursuant to CRS § 24-6-402(4)(b) and immediately upon completion of the Executive Session to stand adjourned.

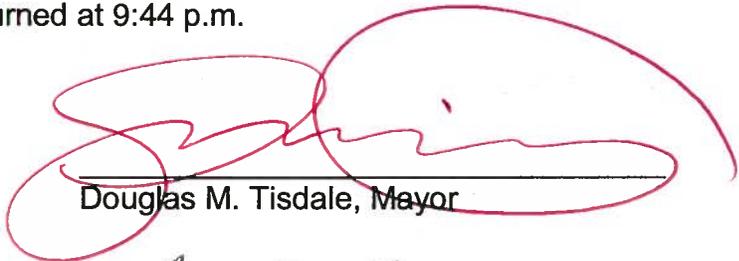
The following votes were recorded:

Mark Griffin	yes
Russell Stewart	yes
Scott Roswell	yes
Klasina VanderWerf	yes
Alex Brown	yes
Katy Brown	yes

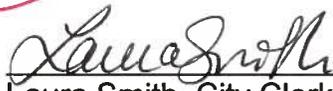
Vote on Executive Session: 6 ayes. 0 nays. The motion carried.

The regular meeting adjourned at 8:58 p.m.

The executive session adjourned at 9:44 p.m.



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Douglas M. Tisdale, Mayor



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Laura Smith, City Clerk