

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, October 21, 2014 at 6:30 p.m.
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:30 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 Deputy City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Parks, Trails & Recreation Administrator Ryan Berninzoni, Public Works Project and Right-of-Way Manager Ralph Mason, Human Resource Analyst Kathryn Barlow, Special Projects Coordinator Emily Kropf and City Clerk Laura Smith.

Absent: none

PLEDGE OF ALLEGIANCE

Charlotte Nowak, Katherine Nowak, Maddy Gieser and Savannah Straffon from the St. Mary's Academy Darling Daisy Girl Scout Group led the Council in the pledge of allegiance.

PROCLAMATION 1, SERIES 2014; DESIGNATING THE MONTH OF OCTOBER 2014 AS CONFLICT RESOLUTION MONTH

Senator Linda Newell thanked the Council for inviting her to attend their meeting as part of Conflict Resolution Month. She provided background on Conflict Resolution Month in Colorado, emphasized the importance of conflict resolution in both private and public sectors, and reviewed local resources.

Mayor Pro Tem Stewart moved, seconded by Councilor Griffin to approve Proclamation 1, Series 2014; designating the month of October 2014 as Conflict Resolution Month.

The motion passed unanimously.

MEMBERS OF CITY BOARDS AND COMMISSIONS

Parks, Trails and Recreation Commission (PTRC) Chair Bill Lucas reported that PTRC was beginning the study of John Meade Park and the Alan Hutto Memorial Commons; beginning review of the Master Plan; and they would hold a retreat Friday afternoon and Saturday morning.

Planning and Zoning Commission Chair (P&Z) Laura Christman reported that P&Z was reviewing the Master Plan and coordinating with the other boards and commissions for feedback.

AUDIENCE PARTICIPATION PERIOD

Mark Van Loucks, 1515 E. Tufts Avenue, reported that he had participated in a town hall conference call meeting with some of the candidates. He expressed concern that not all of the candidates had been included and that the meeting could have been interpreted to be a City sponsored meeting because of the name and participation of a

sitting Council member in her capacity as a candidate. He also repeated his offer to provide funding and film equipment for a candidate forum.

City Attorney Michow advised that comments be directed to the Council in their capacity of City government.

CONSENT AGENDA

Councilor A. Brown removed Item 7b. Board, Commission and Committee Recruitment and Appointment Policy.

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

- a. Approval of Minutes – October 7, 2014

The motion carried unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Board, Commission and Committee Recruitment and Appointment Policy

Councilor A. Brown explained that he had been working with City Clerk Smith and Councilor Roswell on the draft policy and there was still some work to be done. He noted that further suggested changes included having applications expire after one or two years; reiterating the three year residency requirement for standing boards and commissions but being more flexible for temporary committees; when appointing a member to fulfill a partial term due to a resignation maintaining the partial term rather than appointing the new member to a new three year term; and adding an ongoing recruitment section to clarify that the City is always accepting applications regardless of openings. He noted that he would continue to work on the policy with City staff and return it to a future Council meeting for consideration.

UNFINISHED BUSINESS

Council Bill 8, Series 2014; Authorizing a Supplemental Appropriation to Reimburse the Western Golf Association for Major Event Permit Review Fees (second and final reading)

Director Proctor presented Council Bill 8, Series 2014 on second and final reading. She noted there had been no changes to the council bill since first reading on October 7, 2014.

Councilor K. Brown moved, seconded by Councilor VanderWerf to approve on second and final reading Council Bill 8, Series 2014; authorizing a supplemental appropriation in the amount of \$20,000 to reimburse the Western Golf Association for major event permit review fees.

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 the Council Bill 8-2014: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS

Report of the Quincy Farm Visioning Committee

PTRC Chair Lucas introduced the Report of the Quincy Farm Visioning Committee (QFVC). He noted that while the process had taken longer than planned the results were outstanding. He noted that QFVC were thoughtful and collaborative and the consultant who had worked with them had been wonderful. He thanked QFVC and the Council liaisons for all their work.

QFVC Chair Charlie Maguire presented the QFVC Report. He provided background on the conservation easement and QFVC's goals. He reviewed the legal aspects of the property; conservation values; current conditions; utilities; zoning; vision and mission statement for the property; and challenges.

Councilor Griffin asked about the wells on the property.

Chair Maguire replied that neither well had any near-term maintenance issues.

Councilor K. Brown added that one well was in use and the other was not.

QFVC member Laura Christman warned that the water rights for the property were complicated.

Deputy City Manager/Director Goldie noted that the City had a report on the wells.

Mayor Pro Tem Stewart suggested that the QFVC Report power point presentation should be added to the City's website.

Councilor A. Brown asked about the structure of the proposed management committee.

Chair Maguire replied that QFVC recommended a committee charged with governance of the property once it was transferred to the City. QFVC suggested relatively long terms to preserve institutional knowledge and limited oversight by City Council to avoid election cycle issues. He noted that because the conservation easement required a management plan be in place one year after the City took control of the property it was important for Council to appoint the governance committee now so that they could begin work on a Master Plan for Quincy Farm that would inform a management plan. He added that in addition to a Master Plan for Quincy Farm, the committee needed to conduct a cost assessment for maintenance and management. He noted that another of QFVC's recommendations was a new zoning category that could be used for Quincy Farm as well as other current and new public open spaces in the City. Finally, he indicated that there were many options for funding management of Quincy Farm and this was another issue the governing committee could address.

Councilor VanderWerf noted that the property was a designated historic area and while that designation limited uses and changes to the property it was also a valuable asset in terms of funding.

Councilor K. Brown added that the historic designation also directed QFVC's discussion of the pond.

Mayor Tisdale indicated that there were many opportunities for the City to partner with other organizations to fund the management of the property once it transferred to the City in order to honor the spirit of the conservation easement without draining City reserves.

Chair Maguire emphasized that Quincy Farm represented significant maintenance obligations and that was in part why QFVC recommended that Council act now so that the City could work out some of the complex issues prior to the property being transferred to the City.

Mayor Pro Tem Stewart asked if QFVC had examined any other similar governing bodies and structures.

QFVC member Debbie Welles noted that there was some information in the appendix of the report but that QFVC had wanted direction from City Council before they did too much more research on other bodies and structures.

Councilor Griffin suggested the Colorado State University Extension as a natural partner.

Chair Maguire explained that QFVC had not explored many of these options in order to be sensitive to the life estate. He noted that QFVC had begun to engage neighbors of the property and had so far had positive interactions.

Mayor Tisdale noted that the conservation easement would restrict the types of uses and activities that the property could be used for.

Chair Maguire replied that QFVC had explored many options for use and activities and that more study and analysis would have to be done to determine how they would fit into the conservation easement.

Councilor VanderWerf noted that any one decision on activities and events led to more decisions that would have to be made.

Chair Maguire indicated that if the City decided to hold larger events on the property then the plumbing and infrastructure would have to be upgraded. He noted that QFVC had worked with Cat Anderson and her family to begin to determine the current maintenance costs for the property.

PTRC Chair Lucas reminded Council that \$50,000 was included in the budget for implementation.

Mayor Pro Term Stewart asked about QFVC's recommendation for a new zoning category.

QFVC member Christman explained that Council could create a new zoning category and not attach it to the property until the property transferred to the City. She also mentioned that the conservation easement was unclear on the meaning of "limited public access" for the west side of the property.

Chair Maguire noted that further conversations with Colorado Open Lands who holds the conservation easement could help illuminate the meaning of that restriction.

Councilor Roswell suggested that use of the property and neighboring properties could evolve over time.

Chair Maguire indicated that QFVC needed direction from Council to continue along any given path of further research.

Mayor Tisdale noted that it did not appear that QFVC was suggesting management of the property be handed over to a nonprofit.

Chair Maguire replied that QFVC did not know enough to recommend either way on that option. He indicated that QFVC's recommended that Council decide on a governing committee structure and members, move forward with a new zoning category, and research costs and funding.

Councilor Roswell noted that Council would consider the 2015 budget on first reading at the November 18th meeting and should act soon to ensure that necessary funding is included in the 2015 budget. He suggested transitioning the existing QFVC into a governing committee.

Mayor Pro Tem Stewart agreed.

Councilor Roswell asked if QFVC members were willing to continue to serve.

Chair Maguire replied that he was not aware of individual members' feelings on the subject.

Councilor A. Brown asked if there were any areas of expertise not represented on QFVC that would be helpful on the governing committee.

Chair Maguire replied that a water lawyer would be useful.

Councilor K. Brown noted that someone with expertise in programming or event planning would be helpful eventually but would not be particularly useful at this point in the process.

Mayor Tisdale reviewed QFVC's recommendations for immediate action.

Councilor K. Brown noted that there were only three Council meetings left in 2014.

Mayor Pro Tem Stewart indicated that Council could work this year to determine the conceptual structure of the governing committee and then make appointments next year.

Councilor Roswell noted that funds should be budgeted for 2015.

PTRC Chair Lucas noted that starting with a small group might yield a productive and proactive group.

Mayor Tisdale indicated that Council wanted PTRC's input on Quincy Farm and the governing committee as QFVC was created under the umbrella of PTRC. He noted that Council could direct the Planning and Zoning Commission (P&Z) to review QFVC's recommendation for a new zoning category and make a recommendation to Council. Hearing no objections from Council he directed Director Zuccaro to bring the issue to P&Z and review other municipalities as well.

Councilor A. Brown questioned if the zoning should be addressed prior to the governing structure since the planned use of the property was not yet decided and that would inform the new zoning category.

Chair Maguire replied that QFVC saw the two as parallel paths and noted that the conservation easement was more restrictive than any new zoning category would be. He indicated that QFVC's report gave a good overview of possible activities which could be used when creating the new zoning category. He added that creating a new zoning category could take longer than expected.

Councilor K. Brown indicated that the report included a good discussion about why QFVC recommended a new zoning category and why current categories did not fit the future management of Quincy Farm. She noted that QFVC recommended creating a broad new zoning category that would not only apply to Quincy Farm.

Mayor Tisdale agreed that P&Z should begin work on making a recommendation to Council regarding QFVC's recommendation for a new zoning category. He indicated that PTRC's participation in creating the new governing committee for Quincy Farm would benefit Council.

Mayor Pro Tem Stewart suggested that Council work directly with QFVC to create the governing structure.

Director Proctor clarified that the \$50,000 for implementation was in the 2014 budget and nothing was currently budgeted in 2015.

PTRC Chair Lucas indicated he appreciated Mayor Tisdale's suggestion of including PTRC in the creation of a Quincy Farm governing committee but expressed concern that PTRC members did not possess knowledge that would be helpful to Council on this particular topic.

Councilor K. Brown agreed that PTRC was not prepared to offer assistance to Council in creating a governing structure and that their interests and charge lay in the parks and trails system.

Councilor Roswell suggested that a Council liaison join the PTRC chair and the members of QFVC to prepare a report to City Council on a governing committee structure.

Mayor Pro Tem Stewart volunteered.

PTRC Chair Lucas invited Mayor Pro Tem Stewart to the PTRC's retreat on Saturday.

Mayor Tisdale directed Director Zuccaro and Administrator Berninzoni to work with QFVC on the governing committee.

Council thanked QFVC for all their hard work.

Chair Maguire thanked his fellow committee members, their consultants and City staff for all their hard work.

REPORTS

Members of City Council

Councilor A. Brown reported that the background work for installing a traffic signal at Belleview Avenue and Steele Street was ongoing and recommended keeping a placeholder in the 2015 budget.

Mayor Tisdale noted that Greenwood Village also had a placeholder in their 2015 budget.

Councilor A. Brown noted his concern and disappointment that Mr. Van Loucks' remarks did not reflect a clear understanding of the difference between election campaigns and City business.

Councilor VanderWerf reported that the Public Art Commission had held a dedication ceremony last week for *Colorado Loop #6* with artist Yoshi Saito. She thanked staff for their help with the dedication.

Councilor Roswell had no report.

Mayor Pro Tem Stewart noted that Mr. Van Loucks also did not seem to understand that the City's participation in a candidate forum was a violation of the Fair Campaign Practices Act.

Councilor Griffin expressed his extreme displeasure with the circumstances surrounding Martha Welborn's resignation as editor of the *Village Crier*, on which she had served for 15 years. He indicated that it was very unfortunate that 25 campaign signs had been removed or stolen in the City. He read a chain of emails between City staff and Council sent on Monday describing a telephone conversation in which an anonymous caller alleged to City staff that minor errors in several candidate biographies published in the *Crier* constituted an unfair campaign practice. The emails also indicated that the caller seemed to be the same individual that had called previously with complaints about the lack of a candidate forum. The caller did not wish to disclose her name, but the name on the caller ID did not appear in any City directory causing staff to question if the caller was a Village resident. He asked Mayor Tisdale what he knew about the identity of the caller.

Mayor Tisdale declined to respond.

Councilor K. Brown noted that it was unfortunate that this election had digressed into personal attacks.

City Attorney Michow advised that comments should be limited to City business and not involve any campaign issues.

Councilor K. Brown reported that she would like to schedule a meeting between the Police Department and residents to address increasing resident concerns with traffic and enforcement on a City-wide basis. She suggested that Council consider amending the City's fence Code to address noise issues along Belleview Avenue. She noted that she had been contacted by a resident interested in the proposed traffic light at Belleview Avenue and the Glenmoor subdivision and would pass it onto Councilor A. Brown.

Mayor Tisdale and Council expressed appreciation for Ms. Welborn's 15 years of service as editor of the *Village Crier*.

Mayor's Report

Mayor Tisdale reported that he along with Chief Tovrea and Sergeant Wood had attended South Metro Fire Rescue Chief Baker's inauguration ceremony. He asked Council if the November 4th meeting, which fell on Election Night, should be cancelled. Hearing no objection the November 4th meeting was cancelled.

City Manager & Staff

Deputy City Manager/Director Jay Goldie reported that departmental monthly reports and unaudited financial statements were included in Council packets.

Outdoor Emergency Warning System Report

Special Projects Coordinator Emily Kropf presented a follow up report to the information provided to Council at the September 2nd meeting regarding outdoor emergency warning systems. She reviewed other communities that used sirens and other systems for emergency warning. She presented an option of coordinating operation through the Arapahoe County Sheriff's Office (ACSO) dispatch, which could remotely operate a siren system for no additional cost to the City. She indicated that the City would have to work with ACSO to establish expectations for operation of the system and determine compatibility of equipment and any other technical issues, as well as establish responsibility for activation of the system. She presented information on different types of sirens, cost estimates and grant opportunities. She noted that grant cycles were closed for 2014 but could be applied for in 2015.

Chief Tovrea advised that a warning system through ACSO would still require visual verification of severe weather by a City Police Officer which current staffing was not able to support.

Englewood Emergency Manager Rose Lynch explained that ACSO would receive a warning of severe weather from the National Weather Service for a large, general area and relay that information to the Cherry Hills Village Police Department, which would visually verify severe weather in the immediate area and could remotely activate any sirens or reverse 911 program. She concluded that the timeframe may not be ideal in this set up.

Mayor Tisdale directed staff to continue exploring cost estimates and possible management scenarios.

City Attorney

City Attorney Michow had no report.

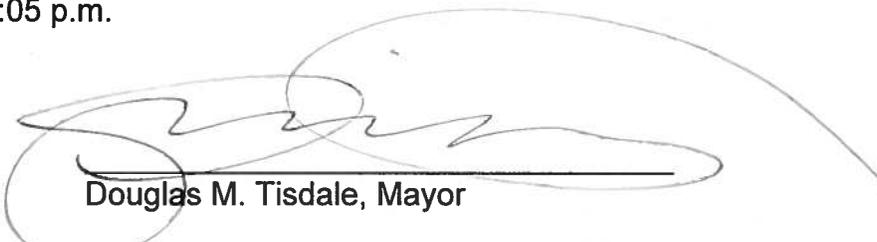
Mayor Tisdale clarified that Council was permitted to express individual opinions on election issues.

City Attorney Michow agreed that outside of City resources and time Council members were permitted to discuss and express opinions on election issues.

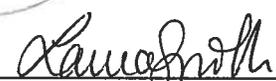
ADJOURNMENT

The meeting adjourned at 9:05 p.m.





Douglas M. Tisdale, Mayor



Laura Smith, City Clerk