

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Charlou Park 3rd Filing
General Improvement District Board of Directors
Held on Tuesday, January 5, 2021 at 6:30 p.m.
Electronic Meeting

The City Council held a study session at 5:30 p.m.

FINAL MEETING OF THE OUTGOING COUNCIL

CALL TO ORDER

Mayor Russell Stewart called the meeting to order at 6:30 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: Mayor Pro Tem Katy Brown

AUDIENCE PARTICIPATION PERIOD

Janney Carpenter, 9 Random Road, Board President of the Cherry Hills Land Preserve (CHLP), indicated she wanted to clarify the CHLP's intentions and objectives to realize the community benefits of Quincy Farm. She stated the CHLP was committed to Quincy Farm and had been for a long time; they had voiced their concern to the City Manager that the planned survey for Quincy Farm was only going to include two options; they believed the City should consider both financial concerns and long-term community benefit when making the decision; they believed a third option existed which maintained City ownership while pairing with a non-profit such as CHLP; they had consistently presented their goal as realizing the benefit of Quincy Farm for the community; their intention was not to compete with the Anderson family's proposal but to provide the community with a third option that provided a realistic and cost-effective option for City ownership; they had communicated to Ms. Anderson that the CHLP goal was to help activate Quincy Farm for the community regardless of the ownership; the ownership question sat with the City while the CHLP's goals were to provide education programs and conservation initiatives for the community; they were very sorry for any miscommunication but felt it was very important that the option of City ownership with a local nonprofit partner was part of the City's consideration; they had submitted two memorandums of understanding to the City describing how the CHLP could support City ownership of Quincy Farm through education programs, volunteer opportunities, and fundraising; they had communicated to Ms. Anderson they did not advocate one ownership plan over another but felt it was important to present the third option to the community.

Goca Weis yielded her time as Ms. Carpenter had covered her comments.

Jeri Neff, 4400 E. Quincy Avenue, stated last summer the City approached Natalie Anderson about the possibility of her family taking back the deed to Quincy Farm; the family agreed and the City set deadlines for a letter of interest and draft management plan; Ms. Anderson presented the plan at the October 20, 2020 City Council meeting; the plan included programming provided by the CHLP as a partner; at this meeting the CHLP president publicly endorsed Ms. Anderson's plan; it was then decided the City would come up with a survey to let citizens weigh in on the matter; now the direction is

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to go with a request for proposals which makes more sense; in late December the CHLP notified the City they would submit their own plan for Quincy Farm without notifying Ms. Anderson and thus withdrawing programming and support from her plan; in the last few weeks a member of the Quincy Farm Committee and the CHLP Board have been soliciting funds for an endowment for the Farm with the plan to make it a repository of local history and a women's museum; the same individual told her if the City would sell them the property they would break the easement; if that was a possibility organizations like Colorado Open Lands would cease to exist and no one would put a conservation easement on their land; the former mayor has the idea of bulldozing all but the Hopkins House and barn; Cat Anderson wished to protect the farm and land she loved and make it a wonderful place for people to enjoy; the easement is restrictive but could be easily worked with as demonstrated by Natalie Anderson's plan which Colorado Open Lands had endorsed; a lot of thought went into the easement and granting the property to the City and Cat Anderson believed the easement would protect the property in the best possible way; the gift to the City was an incredible gesture and it was assumed they would consider the responsibility of taking it on and continue the stewardship conservation she demonstrated for over 50 years; the property was referred to as a City asset with a financial value; the other meaning of asset has been completely overlooked and is addressed in Natalie Anderson's plan; by returning to the Anderson family the Farm will once again become a viable working farm with produce, educational and volunteer opportunities; people seem to have the misguided opinion that if the land is returned to the family they will lock the gates but that is untrue and the family is dedicated to making the property a valuable asset to the community; the family's plan will provide a historic working farm providing food, education and entertainment; anyone who knows the family knows they will not change their mind; the property was a gift to the City; COVID-19 has driven people to the outdoors and increased interest in farms and CSAs; a working farm would be a wonderful experience not only for Village residents but for people from all over; it will become a valuable asset to the City, much more than a piece of land with a dollar amount; when she gifted Quincy Farm to the City, Cat Anderson trusted the City to be stewards of the Farm, to respect and uphold the terms of the easement and carry it into the future, taking into account her wishes and desires for the Farm she so loved; by returning the Farm to her family with Natalie Anderson's guidance, Cat Anderson's legacy would continue on and the Farm would become something the City could be proud of.

Lucinda Greene, 2855 Cherryridge Road, Quincy Farm Committee Chair, indicated she was speaking as a private citizen. She stated it had been her privilege to serve as a volunteer for the past five years. She acknowledged Council had been grappling with the same pertinent challenges that faced the QFC and she thanked Council for their dedication. She stated Cat Anderson's gift to the community was extraordinary and deserved extraordinary effort and thoughtful consideration as to its highest and best use; given the prior citizen and staff time spent on the project she understood the need to move quickly; the City needed to ensure appropriate fiscal responsibility for taxpayers while also honoring Cat Anderson's vision. She indicated an RFP process that cast a wide net to multiple public and private organizations is an appropriate next step.

David Tilton was not available.

Klasina VanderWerf, 5250 E. Chenango Avenue, commended Council on its decision to pursue an RFP process to determine the ownership, management and programming of Quincy Farm. She stated she continued to hope the City would retain ownership of the property; this decision was momentous and consequential; Quincy Farm was a once in a city's lifetime gift; she could not fathom why the City would want to give up control of the property; over 15 acres located in the heart of the City with a wonderful view of the mountains and spans one of the most important recreational greenways of the region; she understood the City not wanting to do the programming and being concerned about ongoing maintenance; the City was good at collaborating and working with other organizations and the City was excellent at serving the public and serving the community; she fears that would be lost if the City ceases to own the property.

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Howard Schirmer, 4100 E. Quincy Avenue, stated he had dealt with RFP processes for 40 years. He indicated what they were dealing with was a complicated picture; there were two processes that could be used, the RFP process and a process with unsolicited proposals; with an unsolicited proposal the proposal is tabled for evaluation and other proposals are allowed to be submitted; he encouraged a two-step RFP process with an announcement and a short prequalification period during which initial proposals could be ruled out, and then the remaining three to five organizations can submit a full proposal; the interview could occur during the prequalification period or after the full proposals were received; the question of ownership further complicated the matter.

Eric Jamrich, 8 Blackmer Road, indicated he had been interested in the Quincy Farm issue as a neighbor for the past year; his understanding of the October meeting was that the consensus of Council was that it could not fund the preservation of the property in line with the easement and if it did benefits to the public would not justify the expenditure; the City approached the Anderson family who then put forth a proposal to take the property back, maintaining the easement in its entirety; the decision was made to explore this opportunity in October; he questioned how much work the City had done so far and why they were now going in a different direction; proposals were being presented by City insiders and contributions were being solicited for proposals prior to a formal RFP; he asked if this was appropriate and if these individuals had an unfair advantage; what happened to the Council's resolution regarding the Anderson family proposal; in theory there will always be a better possible proposal; what was wrong with the Anderson family proposal, was it explored, it was most in keeping with the gift and easement and had substantial support from Council and the community; he questioned the transparency of the process.

Natalie Anderson, 180 S. Pennsylvania Street, indicated the criteria for the RFP discussed in the study session made sense but suggested the additional criteria that all activities in any proposal comply with the conservation easement. She noted she knew that was a priority for Council. She explained during her proposal process they had communicated with Colorado Open Lands to have them approve the proposal before submitting it to the City. She suggested any proposal be approved by Colorado Open Lands before being considered. She stated she stood behind her comments in her letter submitted to Council today that she had not be notified by the CHLP of their decision to present a separate proposal to the City; a member of the CHLP had told her they were discussing 2021 programming with the City and when asked if they were submitting their own proposal she was told a decision hadn't been made; she had been surprised to learn of their proposal and when she reached out for a meeting she was told they would not be available for another month. She stated she looked forward to submitting her family's proposal as part of the RFP process.

Laura Christman, 18 Cherry Lane Drive, stated she had submitted a letter to the City and would incorporate that by reference; her letter was regarding the survey but now the City had moved to an RFP process; public participation from a broader base of the community was important and had not been achieved so far and would not for a while; the RFP was intended to condense information so the community could better understand it and that was an excellent proposal; she sympathized with the Anderson family because it was unfair to them to approach them until the City had a better idea of what it wanted to do with the property and had gotten more public input; the Quincy Farm master plan caused a knee jerk reaction; she commended Council for wanting to take the time now to really understand each proposal; she suggested the Anderson family, the CHLP, and any other party could submit multiple proposals, and it was not a bad thing to have more options; one proposal should be that the City keeps the land and funds it as it deems appropriate under whatever circumstances it deems appropriate; the public could not make an adequate decision without that information; the timing of the process should be based on what was needed to have the most informed, the greatest transparency, and the most input; she advocated a public input

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process similar to the John Meade Park and High Line Canal Conservancy processes, good decision making based on all the proposals and all the possibilities.

APPROVAL OF MINUTES

Councilor Sheldon moved, seconded by Councilor Weil to approve the December 9, 2020 minutes.

The following votes were recorded:

Safavi	yes
Weil	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 7:05 p.m.

ORGANIZATIONAL MEETING OF THE NEW CITY COUNCIL

OATHS OF OFFICE

City Clerk Gillespie administered the Oaths of Office for Mayor Stewart, Councilor Weil, Councilor Blum and Councilor Sheldon.

CALL TO ORDER

Mayor Stewart called the meeting to order at 7:10 p.m.

ROLL CALL

Mayor Russell Stewart, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: Mayor Pro Tem Katy Brown

AMENDMENT OF AGENDA

Councilor Sheldon added an Item 16c, Discussion of Quincy Farm Request for Proposals.

Hearing no objections the agenda was amended by unanimous consent.

APPOINTMENT OF MAYOR PRO TEM

Councilor Seldon moved, seconded by Councilor Blum to appoint Councilor Brown as Mayor Pro Tem.

The following votes were recorded:

Safavi	yes
Weil	yes

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Gallagher yes
Sheldon yes
Blum yes

The motion passed unanimously.

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Councilor Gallagher moved, seconded by Councilor Blum, to approve the following items on the Consent Agenda:

- a. Appointment of City Clerk, City Treasurer and City Attorney
- b. Resolution 1, Series 2021; Designating the Public Place for Posting Notices of Regular and Special Meetings
- c. Resolution 2, Series 2021; Adopting a Budget Calendar for the 2022 Budget
- d. Resolution 3, Series 2021; Appointing John F. Welborn as the Municipal Judge and Karen Barsch as an Alternate Municipal Judge, Setting the Term for Each Municipal Judge Appointment, and Approving Related Professional Services Agreements
- e. Highway User Tax Fund (HUTF) Mileage Certification

The following votes were recorded:

Safavi yes
Weil yes
Gallagher yes
Sheldon yes
Blum yes

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

OATHS OF OFFICE

City Clerk Gillespie administered the Oaths of Office for Judge Welborn and Judge Barsch.

UNFINISHED BUSINESS

None

NEW BUSINESS

City Council Liaison Assignments

City Clerk Gillespie asked for Council’s direction on any updates to the liaison assignments.

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Councilor Gallagher stated he and Mayor Stewart had switched positions for the Arapahoe County Transportation Forum. He asked if Council had a formal legal liaison as it was not on the list.

Mayor Stewart replied he had been the legal liaison during his eight years as Councilmember. He stated he did not know why it was not on the list, but a legal liaison was needed and he had been serving in that role. He explained he reviewed the City Attorney's bill each month and had assisted with the municipal judge contracts. He recalled Council discussing this issue two years ago and it was agreed all of Council could contact the City Attorney as needed without going through the legal liaison.

Councilor Gallagher suggested the position could be shared with another member of Council and noted Councilor Blum was also an attorney.

Mayor Stewart replied he enjoyed the position and was happy to do it. He indicated Councilor Blum provided important service as the Centennial Airport Community Noise Roundtable liaison.

Councilor Blum volunteered to serve as the legal liaison.

Mayor Stewart replied it was not very much work and it made sense for him to be the liaison since he had access to Colorado Municipal League contract templates. He stated he was happy to share the position with Councilor Blum.

Councilor Blum replied he would be happy to help.

Councilor Gallagher moved, seconded by Councilor Sheldon, to approve the City Council Liaison Assignments as attached to the January 5, 2021 staff memorandum with the following updates: Mayor Stewart is the primary liaison for the Arapahoe County Transportation Forum and Councilor Gallagher is the alternate liaison.

The following votes were recorded:

Safavi	yes
Weil	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

Resolution 4, Series 2021; Concerning the Reappointment of an Alternate Member to the Board of Adjustment and Appeals

City Clerk Gillespie presented Resolution 4, Series 2021 for Council's consideration. She explained the Municipal Code stated a member of Council may serve as an alternate member of the Board of Adjustment and Appeals, and Council Weil had served in that role for the past two years and desired to continue to serve.

Councilor Sheldon moved, seconded by Councilor Blum, to approve Resolution 4, Series 2021; a resolution of the City Council of the City of Cherry Hills Village concerning the reappointment of an alternate member to the Board of Adjustment and Appeals.

The following votes were recorded:

Safavi	yes
Weil	yes

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Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

Discussion of Quincy Farm Request for Proposals

Councilor Sheldon moved, seconded by Councilor Blum, to instruct staff to draft a Request for Proposals for the possible transfer of management and ownership of Quincy Farm.

Councilor Sheldon clarified the intent was to let staff draft a Request for Proposals (RFP) based on Council's discussion during tonight's study session, but he believed asking staff to bring back a draft for the January 19th meeting was too soon as Council packets would be finalized next week. He agreed with former mayor Christman that the City should take the time to do this process correctly, and they owed it to the citizens, the Anderson family, and the legacy of Cat Anderson.

Mayor Stewart agreed the City could take time to do the process correctly.

Councilor Blum asked how much the City was spending on Quincy Farm currently.

Deputy City Manager/Director Goldie replied about \$70,000 was budgeted for maintenance at Quincy Farm but that included unanticipated costs. He explained the regular maintenance costs included upkeep of the grounds in the summer, ensuring security throughout the winter.

Councilor Blum asked about the status of the pond.

Deputy City Manager/Director Goldie replied the aquifer went dry in August and the pond was not able to be filled until the last couple of weeks, but it was now filled for the winter.

Councilor Gallagher asked about the aerators for the pond.

Deputy City Manager/Director Goldie replied the aerators were not in the pond when the City took over the property so there was currently no aeration in the pond. He noted aeration was one important factor to the health of the pond and associated wildlife, but it needed to be done in conjunction with maintaining the weeds and algae blooms.

Councilor Weil agreed with Councilor Sheldon's motion but asked that when staff returned with more information that they also provide Council with a rough idea about the RFP process, in addition to the RFP document, regarding the solicitation, timeframe, and evaluation.

Mayor Stewart asked if Parks staff accounted for their time on Quincy Farm separately.

Deputy City Manager/Director Goldie replied they did not so the amount budgeted for maintenance did not cover staff time but rather costs such as materials and electricity.

Parks Coordinator Black clarified the 2021 budget for Quincy Farm included \$25,000 for general maintenance, \$12,000 for utilities, and \$10,000 for a community survey, for a total of \$47,000.

Mayor Stewart asked if any funds had been budgeted for engineers to look at the pond.

Director Sager replied funds had not been budgeted for the pond in 2021.

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The following votes were recorded:

Safavi	yes
Weil	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE GID BOARD

Mayor Stewart recessed the City Council Meeting and called to order the Meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board.

**MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING
GENERAL IMPROVEMENT DISTRICT BOARD**

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 7:33 p.m.

ROLL CALL OF MEMBERS

The City Council for the City of Cherry Hills Village serving ex-officio as the Board of Directors of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District: Mayor Russell Stewart, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call.

Absent: Mayor Pro Tem Katy Brown

The administrative staff of the City serving as the administrative staff of the GID: City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

CONSENT AGENDA

Councilor Gallagher moved, seconded by Councilor Blum, to approve the following items on the Consent Agenda:

- a. Approval of Minutes – December 9, 2020
- b. Resolution 1, Series 2021; Designating the Public Place for Posting Notices of Regular and Special Meetings
- c. Resolution 2, Series 2021; Adopting a Budget Calendar for the 2022 Budget

The following votes were recorded:

Safavi	yes
Weil	yes
Stewart	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

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ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The GID Board meeting adjourned.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 7:35 p.m.

REPORTS

Mayor's Report

Mayor Stewart welcomed the new Court Clerk. He noted the Parks, Trails and Recreation Commission was asking for public comments on ebikes on City trails.

Members of City Council

Councilor Blum reported a resident had raised concerns with the new commercial drone regulations issued by the FAA.

City Clerk Gillespie noted she would share the article with Council and provide an update as to how the new rules related to the City's current regulations.

City Attorney Guckenberger indicated she was looking into the new rules as well.

Councilor Sheldon stated the 75th Anniversary Committee's articles in The Villager Newspaper had been very interesting. He asked if Cherry Hills Country Club had submitted their building permit yet and when the Police Department and City staff were scheduled to be vaccinated.

Councilor Gallagher thanked City staff for their hard work managing the budget for 2020.

Councilor Weil reported the DRCOG meeting had been cancelled. He thanked Deputy City Manager/Director Goldie and his staff for getting the CDOT the "do not block" signs moved.

City Manager & Staff

City Manager Cramer reported Governor Polis recently moved Arapahoe County and other counties to level orange status, and noted the state and CDPHE might be using a broader view to evaluate status. He noted the City's first approved Five Star Program facility was Glenmoor Country Club. He added restaurants did not get much benefit from the Five Star Program now that Arapahoe County was at level orange. He indicated the City had reached out to all its eligible businesses and was still making the program available. He echoed Councilor Gallagher's comments on the 2020 budget and thanked the Directors for managing the budget through a very difficult and unpredictable

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year. He especially thanked Director Sager for her work and indicated the City was ending the year in a great spot compared to where it could have been. He responded to Councilor Sheldon's question that the Cherry Hills Country Club's building permit had been approved by the zoning division and was currently under review by the engineering and building divisions. He noted staff was aggressively moving forward with that permit. He reported the City had received an update from the I-25/Bellevue Avenue Interchange project that Denver would pay to revisit earlier alternatives and that process was expected to take an additional six months.

Councilor Blum asked about Governor Polis moving to level orange given the increased infection rate.

City Manager Cramer replied since the rapid increase in November, the numbers had been decreasing, but the state was clear that they were waiting to see what happened after the holidays.

Councilor Sheldon asked about vaccinations.

City Manager Cramer replied staff was exploring various opportunities and Chief Tovrea could provide more information.

Mayor Stewart added Governor Polis's focus was on the ICU availability, which was currently high, and the fact that Phase 1A had received vaccines. He added the Governor was under pressure from local governments to loosen restrictions on restaurants.

Chief Tovrea reported the Police Department was fully healthy again and complimented her staff on their management of the situation. She indicated she had been working with various entities to formulate a plan for vaccinations of the Police Department and would keep Council updated.

Councilor Sheldon added he had read that state elected officials and eventually municipal officials would be included in earlier phases of the vaccine.

City Manager Cramer replied he had not heard that but knew the state had not yet released the occupational categories for Phase 1B.

Councilor Blum noted the assisted living facility he owned had a contract with CVS to do on-site vaccinations and asked if the Police Department had a similar contract.

Chief Tovrea replied they did not, and most likely the Police Department would get their vaccines at clinics rather than on-site. She added the schedule was based on the number of vaccines available.

Mayor Stewart indicated discussions were still being held at the state and county levels about where vaccinations would be offered, about giving more people the first dose sooner and waiting longer between doses due to supply, and about the definition of essential workers.

Director Sager reported the City had received its full \$616,000 allocation of CARES Act funds from Arapahoe County.

City Attorney

City Attorney Guckenberger provided an update on the court case involving the state Independent Ethics Commission and the City of Glendale.

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ADJOURNMENT

Hearing no objection Mayor Stewart adjourned the meeting at 7:56 p.m.

(SEAL)

DocuSigned by:
Russell O. Stewart
Russell O. Stewart, Mayor and GID Chairperson

DocuSigned by:
Laura Gillespie
Laura Gillespie, City Clerk and GID Secretary