

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
and of the Cherry Hills Village Charlou Park 3<sup>rd</sup> Filing  
General Improvement District Board of Directors  
and of the Cherry Hills Village Southmoor Circle and Hudson Parkway  
General Improvement District Board of Directors  
Held on Tuesday, January 17, 2023 at 6:30 p.m.  
City Hall

### **FINAL MEETING OF THE OUTGOING CITY COUNCIL**

#### **CALL TO ORDER**

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

#### **ROLL CALL**

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, 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 Jason Lyons, Finance Director Doug Farmen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, and City Clerk Laura Gillespie.

Absent: none

#### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

#### **AUDIENCE PARTICIPATION PERIOD**

Earl Hoellen, 3 Vista Road, thanked the outgoing members of Council and Mayor Stewart.

#### **APPROVAL OF MINUTES**

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher, to approve the December 14, 2022 minutes.

The motion passed unanimously.

#### **PRESENTATIONS AND REMARKS FOR OUTGOING CITY COUNCIL**

Councilor Blum thanked Mayor Stewart for expanding the City's influence in local organizations, all his accomplishments during his time on Council, and for his leadership; thanked Councilor Safavi for keeping the Council informed during COVID and his work on the Police Foundation; thanked Councilor Gallagher for being a mentor, and his insights as a life-long resident.

Councilor Sheldon thanked Councilor Safavi for his keen insights and his work with the Police Foundation; thanked Mayor Stewart for his leadership, accomplishments during his tenure, looking out for the Village's best interests with outside agencies, weekly Mayor's office hours, and countless meetings with residents, small businesses, churches, and clubs; thanked Councilor Gallagher for always being prepared and teaching him how to best represent the City.

Mayor Pro Tem Brown agreed and thanked Councilor Safavi for his service and his new and different perspective; thanked Mayor Stewart for giving his heart and soul to the

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City and serving with all of the best intentions; thanked Councilor Gallagher for being the bellwether and his knowledge and intimacy with the community.

Councilor Weil thanked Councilor Gallagher for his contributions to ballot measure 2A; thanked Mayor Stewart for the amazing amount of time spent making the City visible to outside organizations; thanked Councilor Safavi for his different perspective.

Councilor Safavi thanked his fellow Council members for discussing their differences of opinion in order to come up with the best solution to move forward; for their individual time; he had been honored to serve with Mayor Stewart and the word that represented him was integrity; thanked City staff; thanked Chief Lyons and the Police Department; thanked the citizens for putting their trust in him for four years.

Councilor Gallagher indicated he would miss working with the group, it had been a pleasure and honor, both Council and staff; he wished the best to the current Council, Mayor, and to incoming members; he thanked the board and commission members, they were all volunteers who served because of their love of the community; he thanked his family for their support.

Mayor Stewart stated it had been a profound honor and privilege to serve as Mayor and Council member; everyone who had ever served on Council had done so with the best interest of the City at heart; they may not agree all the time, but that was better; they were all volunteers; all the citizens were proud of all of Council; Council had many accomplishments; he thanked Councilor Blum for his financial acumen; thanked Councilor Sheldon for his development expertise; thanked Councilor Gallagher for his parks and trails expertise; thanked Mayor Pro Tem Brown for their weekly meetings and her hard work; thanked Councilor Weil for all his work on ballot issue 2A; thanked Councilor Afshin for thinking out of the box and being an independent thinker; thanked staff who were capable and qualified, did the most with the least amount; thanked the voters for the opportunity to serve for 12 years; it was a very thankful job to serve the citizens and make the best city possible for their children and grandchildren; thanked the board and commission volunteers; he appreciated everyone's support.

City Manager Cramer presented plaques for the outgoing members; Councilor Safavi had always made sure Council was asking what the neighbors and residents thought about the issues; Councilor Gallagher was a true pillar in the community, tireless and consistent in his support; he valued Mayor Stewart's guidance and direction, they had developed a relationship that strengthened and supported all the important functions of the City.

### **ORGANIZATIONAL MEETING OF THE NEW CITY COUNCIL**

#### **OATHS OF OFFICE**

City Clerk Gillespie administered the Oath of Office for Mayor Katy Brown, and Council members Earl Hoellen, Susan Maguire, and Robert Eber.

#### **CALL TO ORDER**

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

#### **ROLL CALL**

Mayor Katy Brown, Councilors Randy Weil, Earl Hoellen, Al Blum, Susan Maguire, Dan Sheldon, and Robert Eber 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 Jason Lyons, Finance Director Doug Farnen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, and City Clerk Laura Gillespie.

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Absent: none

### **APPOINTMENT OF MAYOR PRO TEM**

Councilor Sheldon moved, seconded by Councilor Hoellen, to appoint Councilor Randy Weil as Mayor Pro Tem.

The motion passed unanimously.

### **AUDIENCE PARTICIPATION PERIOD**

Mark Griffin, 3236 Cherryridge Road, Chair of the Cherry Hills Village Police Foundation Board, indicated the Foundation was doing well primarily through the partnership with Chief Lyons; he announced an old Cherry Hills Village family foundation had given the Foundation a \$25,000 immediate use donation; the Foundation hoped it would be an annual donation; the Foundation was coordinating with Chief Lyons to revamp the gymnasium in the Joint Public Safety Facility with state of the art equipment; the remainder of the donation would go to the health and wellness initiative for police officers.

### **REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES**

None

### **CONSENT AGENDA**

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

- a. Appointment of City Clerk, City Treasurer and City Attorney
- b. Resolution 1, Series 2023; Designating the Public Place for Posting Notices of Regular and Special Meetings
- c. Resolution 2, Series 2023; Adopting a Budget Calendar for the 2024 Budget
- d. Resolution 3, Series 2023; Appointing the Municipal Judge and an Alternate Municipal Judge
- e. Resolution 4, Series 2023; Approving a Non-Budgeted Transaction in Accordance with the City's Purchasing Policy
- f. Highway User Tax Funds Mileage Certification
- g. Agreement for Professional Services for Goose Deterrence in John Meade Park and Alan Hutto Memorial Commons

The motion passed unanimously.

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

None

### **UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**Public Hearing – Resolution 5, Series 2023; Approving a Floodplain Variance Pertaining to Property Located at 110 Glenmoor Drive, the Glenmoor Country Club (Public Hearing)**

Mayor Brown opened the Public Hearing at 7:16 p.m.

Councilor Blum disclosed he was both a member and resident of Glenmoor and was able to make an unbiased decision on the application.

Director Workman presented Resolution 5, Series 2023 for Council's consideration; the applicant had submitted all the necessary affidavits verifying all public notification requirements had been met; the request was for improvements to existing golf holes #7 and #13; Director Workman reviewed the floodplain variance criteria from the Code; staff found the criteria were met, in particular there was good and sufficient cause for the improvements, the floodplain variance was the minimum necessary to afford relief, the applicant had provided a no rise certification, and the continued use of the property as a golf course was consistent with the Master Plan; the Planning and Zoning Commission (P&Z) heard the application at a public hearing on December 13, 2022 and voted unanimously to recommend Council approve the application subject to one condition which was included in the recommended motion in the staff memo.

Councilor Hoellen questioned the difference between a bank as used in the Code and a bulkhead or retaining wall as used in the application.

Director Workman replied a bank as used in the Code was specific to a waterway and therefore did not apply to this application.

Councilor Eber asked about hardship versus exceptional hardship.

Director Workman replied the Code did not define those terms so there was some subjectivity, and each application was different and might lead to a different exceptional hardship; in the case of this application the exceptional hardship was failure to replace the bulkheads might result in the underlying failure of the soil and thereby lead to further issues with the irrigation ponds which could impact other areas of the property.

Councilor Eber asked if any annual maintenance could be done instead that would prevent those issues.

Director Workman replied his understanding was replacing the bulkheads would provide greater long-term stability and was more financially beneficial than annual maintenance.

Councilor Eber asked if Council was supposed to consider financial issues when evaluating hardships.

Director Workman replied there was not a direct correlation to a financial hardship within the floodplain variance criteria.

Ryan Norris, General Manager of Glenmoor Country Club, explained this work was necessary to stabilize the walls as they were deteriorating and would eventually collapse.

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Councilor Eber noted it seemed the plan was to reduce the area for water and asked how a no rise certificate was achieved.

Will Wilhelm, Kimley-Horn, former City engineer, explained the applicant provided a detailed model compliant with FEMA criteria and the no rise certificate was related to how the improvements would affect a flood situation.

Mayor Brown opened the public comment section. No public comments were given.

Councilor Hoellen asked if staff would put a memorandum in the file after confirming the criteria for approval was met.

Director Workman confirmed that was correct and noted as part of FEMA's community rating system program the City was required to document the project completely through the process including verifying all requirements were met at the end and noting that in the file.

Councilor Sheldon asked about a noncontiguous area of Glenmoor Country Club not included on the map.

Director Workman confirmed that was part of 110 Glenmoor Drive.

Councilor Eber questioned if the application met the criteria of exceptional hardship as oversight and maintenance over time could have also solved the issue.

Councilor Hoellen indicated he considered it an exceptional hardship if the facility was going to collapse or be destroyed if the application was not approved; he questioned if all elements of the application met the exceptional hardship criteria.

Councilor Sheldon noted past applications that Council had found did not meet the criteria for exceptional hardship were something like a pool on a residential property; Mr. Wilhelm was the foremost expert in this particular topic.

Councilor Hoellen stated Councilor Eber's question was well founded; it was an issue on other boards and commissions; it became very subjective; he believed the application met the criteria in this case.

Councilor Eber explained he believed a hardship should not be able to be created by an action or lack of action by the property owner.

Councilor Sheldon noted there were three additional floodplain variances that would eventually be presented to Council as shown in the Community Development Department's monthly report.

Councilor Sheldon moved, seconded by Councilor Blum, to approve Resolution 5, Series 2023, a resolution approving a floodplain variance pertaining to property located at 110 Glenmoor Drive, the Glenmoor Country Club, based upon the finding that the approval criteria have been met, as set forth in the staff report and the evidence presented, subject to the following condition: At the conclusion of the project the applicant shall provide "as built" drawings to ensure the construction was consistent with the approved plans.

The motion passed unanimously.

Mayor Brown closed the Public Hearing at 7:43 p.m.

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### City Council Liaison Assignments

Councilor Sheldon moved, seconded by Councilor Blum, to approve the liaison assignments as proposed on the dais.

Councilor Hoellen asked if there was a legal liaison.

Mayor Brown replied there was not.

Councilor Hoellen recommended the liaison policy be updated to align with actual practices.

Mayor Brown reviewed the proposed updated liaison assignments:

|   | <b>Liaison</b> | <b>Alternate</b> |
|---|----------------|------------------|
| Community Development Department        | Sheldon        | Hoellen          |
| Finance Division                        | Hoellen        | Blum             |
| Parks & Trails Division                 | Eber           | Maguire          |
| Police Department                       | Blum           | Eber             |
| Public Works Department                 | Weil           | Sheldon          |
| Village Crier                           | Maguire        | Weil             |
| DRCOG                                   | Weil           | Hoellen          |
| CML Policy Committee                    | Brown          | Eber             |
| Arapahoe County Mayors & Managers       | Brown          | Weil             |
| Arapahoe County Transportation Forum    | Maguire        | Blum             |
| (High Line) Canal Collaborative Forum   | Sheldon        | Maguire          |
| Centennial Airport Noise Roundtable     | Eber           | Weil             |
| Arapahoe County Regional Opioid Council | Blum           | Sheldon          |

Mayor Brown explained these were important organizations; there were many more organizations the City could be a part of but they were trying to be respectful of everyone's time.

Councilor Blum noted the Centennial Airport Noise Roundtable was very important during the MetroPlex project but the meetings no longer included a lot of information pertinent to the City; he thought the City should continue support the Roundtable financially.

Mayor Brown asked Councilor Eber to report back to Council on a recommendation to continue participation in the Roundtable or not.

The motion passed unanimously.

### Resolution 6, Series 2023; Appointing an Alternate Member to the Board of Adjustment and Appeals

Councilor Sheldon moved, seconded by Councilor Eber, to approve Resolution 6, Series 2023; a resolution of the City Council of the City of Cherry Hills Village appointing Councilor Al Blum as the alternate member to the Board of Adjustment and Appeals.

The motion passed unanimously.

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### Commission Vacancies

City Clerk Gillespie explained due to the election there was a vacancy on the Planning and Zoning Commission and a vacancy on the Parks, Trails and Recreation Commission; she asked for two council members to volunteer to review applications, conduct interviews, and make recommendations for appointments.

Councilor Al Blum and Councilor Robert Eber volunteered.

### **RECESS OF THE CITY COUNCIL TO CONVENE AS THE CHERRY HILLS VILLAGE CHARLOU PARK 3<sup>RD</sup> FILING GENERAL IMPROVEMENT DISTRICT BOARD**

Mayor Brown recessed the City Council Meeting and convened the meeting of the Cherry Hills Village Charlou Park 3<sup>rd</sup> Filing General Improvement District Board.

### **MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3<sup>RD</sup> FILING GENERAL IMPROVEMENT DISTRICT BOARD**

Chairperson Katy Brown called the meeting to order at 7:57 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 3<sup>rd</sup> Filing General Improvement District: Mayor Katy Brown, Mayor Pro Tem Randy Weil, Councilors Earl Hoellen, Al Blum, Susan Maguire, Dan Sheldon, and Robert Eber were present on roll call.

Absent: none

Also present were 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 Jason Lyons, Finance Director Doug Farnen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, and City Clerk Laura Gillespie.

### **CONSENT AGENDA**

Chairperson Brown removed Item 20a.

Board Member Sheldon moved, seconded by Board Member Weil, to approve the following items on the Consent Agenda:

- b. Resolution 1, Series 2023; Designating the Public Place for Posting Notices of Regular and Special Meetings
- c. Resolution 2, Series 2023; Adopting a Budget Calendar for the 2024 Budget

The motion passed unanimously.

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

#### Item 20a. Approval of Minutes – December 14, 2022

Board Member Sheldon moved, seconded by Board Member Blum, to approve the December 14, 2022 minutes.

The motion passed with 4 ayes and 3 abstentions.

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### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

None

### **ADJOURNMENT**

The Charlou Park 3<sup>rd</sup> Filing General Improvement District Board meeting adjourned.

### **MEETING OF THE CHERRY HILLS VILLAGE SOUTHMOOR CIRCLE AND HUDSON PARKWAY GENERAL IMPROVEMENT DISTRICT BOARD**

Chairperson Katy Brown called the meeting to order at 7:59 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 Southmoor Circle and Hudson Parkway General Improvement District: Mayor Katy Brown, Mayor Pro Tem Randy Weil, Councilors Earl Hoellen, Al Blum, Susan Maguire, Dan Sheldon, and Robert Eber were present on roll call.

Absent: none

Also present were 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 Jason Lyons, Finance Director Doug Farnen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, and City Clerk Laura Gillespie.

### **CONSENT AGENDA**

Chairperson Brown removed Item 27a.

Board Member Blum moved, seconded by Board Member Hoellen, to approve the following items on the Consent Agenda:

- b. Resolution 1, Series 2023; Designating the Public Place for Posting Notices of Regular and Special Meetings
- c. Resolution 2, Series 2023; Adopting a Budget Calendar for the 2024 Budget

The motion passed unanimously.

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

#### **Item 27a. Approval of Minutes – December 14, 2022**

Board Member Sheldon moved, seconded by Board Member Weil, to approve the December 14, 2022 minutes.

The motion passed with 4 ayes and 3 abstentions.



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### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

None

### **ADJOURNMENT**

The Southmoor Circle and Hudson Parkway General Improvement District Board meeting adjourned.

### **RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL**

The meeting of the Cherry Hills Village City Council reconvened at 8:01 p.m.

### **REPORTS**

#### **Mayor's Report**

Mayor Brown thanked the citizens for the opportunity and stated she was looking forward to working with this group of people. She reported she attended the Metro Mayors Caucus retreat.

#### **Members of City Council**

Mayor Pro Tem Weil thanked Council for entrusting him with the Mayor Pro Tem role. He reported the DRCOG 2021 annual report on roadway traffic congestion had been released.

Councilor Sheldon asked about construction at Holly and Quincy for the Denver Water project.

Deputy City Manager/Director Goldie confirmed it had begun today; starting next Monday northbound Holly would be closed at Belleview for about a month.

Councilor Sheldon commended the Police Department for the apparent dramatic reduction in cases for the month of December.

Councilor Hoellen thanked the citizens for putting their trust in him and looked forward to working with this group. He stated he felt very strongly in transparency and that deliberations and discussions should occur during meetings; he hoped the level of formality of Council discussions would be reduced.

Councilor Blum welcomed the new Council members.

Councilor Eber congratulated his fellow new members and Mayor; thanked the voters for entrusting him with this position.

Councilor Maguire thanked the voters and looked forward to working with everyone.

#### **City Manager & Staff**

City Manager Cramer welcomed the new Council members and noted they were coming into a group performing at a very high level. He reported staff was paying close attention to the current state legislative session and the efforts underway that would attempt to preempt local government such as zoning reform, micro-trenching, and accessibility issues; staff would be engaging Council to actively look out for the interests

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of residents. He congratulated Paul Workman for his promotion to Community Development Director and Emily Black for her promotion to Parks Project and Operations Manager.

Deputy City Manager/Director Goldie welcomed the new Council and asked that they communicate any issues they saw around the City to staff.

Director Farmen welcomed the new Council and reported on staff's plan to implement ballot measure 2A regarding sales tax, including ordinances, resolutions, staff-level operational updates, and joining the state SUTS system.

Manager Black welcomed the new Council.

Councilor Hoellen asked if the new lease with Jeri Neff for Quincy Farm had been approved.

Manager Black confirmed it was and the term would end March 31<sup>st</sup>.

Chief Lyons welcomed the new Council; the new initiatives in the Police Department he had previously reported on were underway, including the new staffing model which essentially doubled the number of officers on any given shift; the department monthly report in Council packets would have a new format which would identify a rate of change in crime.

Councilor Hoellen indicated he appreciated the communications from the Police Department to residents regarding crime prevention. He noted the section of the Code regarding drones should be amended to exempt the Police Department from operational requirements.

Chief Lyons agreed and noted staff had been looking at similar ordinance language from other municipalities.

Director Workman welcomed the new Council.

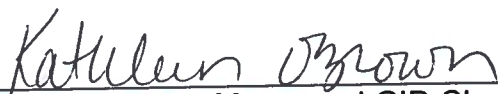
### **City Attorney**

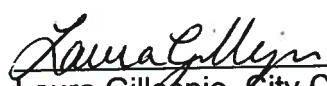
City Attorney Guckenberger welcomed the new Council.

### **ADJOURNMENT**

Hearing no objection Mayor Brown adjourned the meeting at 8:27 p.m.

(SEAL)

  
Kathleen Brown, Mayor and GID Chairperson

  
Laura Gillespie, City Clerk and GID Secretary