

## 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, February 7, 2023 at 6:30 p.m.  
City Hall

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

### **CALL TO ORDER**

Mayor Katy Brown called the meeting to order at 6:31 p.m.

### **ROLL CALL**

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. Also present were City Manager Chris Cramer, Assistant City Attorney Evin King, Finance Director Doug Farmen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, Police Sergeant Brennan Leininger, and City Clerk Laura Gillespie.

Absent: none

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

None

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

None

### **CONSENT AGENDA**

Councilor Hoellen removed Item 6d from the consent agenda.

Councilor Blum removed Item 6b and Item 6c from the consent agenda.

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

- a. Approval of Minutes – January 17, 2023

The motion passed unanimously.

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

Item 6b. Resolution 7, Series 2023; Appointing New Members to the Planning and Zoning Commission and Item 6c. Resolution 8, Series 2023; Appointing New Members to the Parks, Trails and Recreation Commission

Councilor Blum thanked all the applicants; there were eight applicants for five positions; they were a qualified group and it was a tough selection; the selection was unanimous;

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he asked those who were not selected to keep their interest in serving on boards and commissions as future openings occurred.

Councilor Blum moved, seconded by Mayor Pro Tem Weil, to approve Items 6b and 6c.

The motion passed unanimously.

### Item 6d. Resolution 9, Series 2023; Accepting a Donation from the Police Foundation and Delegating Authority to the City Manager to Accept Future Donations from the Police Foundation

Councilor Hoellen indicated the Charter section about donations was separate from the Charter section about delegating duties to the City Manager and questioned if the Council had the authority to delegate donation acceptance to the City Manager. He also questioned if it was advisable to delegate authority as it would remove the consideration of donations from Council and remove the public recognition of donations by Council.

Councilor Maguire agreed she had concerns about the advisability of the City Manager accepting certain types of donations; if delegation was appropriate, she advised parameters be established.

Councilor Blum expressed concern with the legality of delegating and with any donations that came with conditions.

Councilor Eber noted a dozen donations a year did not seem like too much Council time; he agreed about establishing parameters for donations that could be delegated.

Mayor Pro Tem Weil agreed it was infrequent; agreed public recognition was important; he was not sure what the delegation was trying to accomplish.

Councilor Sheldon agreed with the points made.

Mayor Brown noted if the number of donations increased significantly the issue could be revisited.

Councilor Hoellen stated the issues raised had no reflection on the esteem in which Council held the City Manager.

Councilor Hoellen moved, seconded by Councilor Blum, to: (1) amend Resolution 9, Series 2023 to accept a donation of exercise equipment from the Cherry Hills Village Police Foundation and to remove the delegation of authority for the City Manager to accept Police Foundation donations, (2) adopt the amended Resolution 9, and (3) authorize the city attorney, prior to the Mayor signing the Resolution, to revise the Resolution to be consistent with the amendments adopted by City Council.

The motion passed unanimously.

### UNFINISHED BUSINESS

None

### NEW BUSINESS

#### Modification of Premises Liquor License Application from Cherry Hills Country Club

City Clerk Gillespie presented the modification of premises liquor license application from Cherry Hills Country Club for Council's consideration; the Club had been renovating its clubhouse over the past several years; they had modified their liquor license in 2021 through an administrative review per the City Code to remove the old

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clubhouse; the current modification was to add back in the new clubhouse; City Code and State Statute requirements were reviewed; staff found the application met all the requirements and recommended approval.

Councilor Maguire disclosed her husband was a member of the Club but she believed she was able to make an unbiased decision on the matter.

Councilor Eber and Councilor Hoellen asked about the change to the licensed premises.

City Clerk Gillespie replied the entire property has been and was still licensed; the change was where alcohol was served and stored.

Aaron Piatowski, representing Cherry Hills Country Club, confirmed the outside areas had previously and would continue to serve alcohol; the only change was the clubhouse.

Councilor Eber asked if the liquor license could be issued before the final inspections were complete.

City Manager Cramer replied the City would ensure all regulations were met through the certificate of occupancy process.

Assistant City Attorney King explained although both were needed by the Club, the liquor license and certificate of occupancy were separate processes not contingent on each other, and Council had the jurisdiction to approve the liquor license now.

Mayor Brown equated it to having a drivers license but not having a car.

Councilor Sheldon indicated he did not want Council to be the ones holding up the Club from operating and their next meeting was not for another month.

Councilor Blum noted the recommended motion included a condition.

Mayor Pro Tem Weil moved, seconded by Councilor Sheldon to approve the application for a modification of premises for the Club Liquor License held by Cherry Hills Country Club at 4125 South University Boulevard in the City of Cherry Hills Village based upon the findings outlined in the staff report dated February 7, 2023 and subject to final approval of all building permits by the Community Development Department.

The motion passed unanimously.

### **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 7:02 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.

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Absent: none

Also present were the administrative staff of the City serving as the administrative staff of the GID: City Manager Chris Cramer, Assistant City Attorney Evin King, Finance Director Doug Farmen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, Police Sergeant Brennan Leininger, and City Clerk Laura Gillespie.

### **CONSENT AGENDA**

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

- a. Approval of Minutes – January 17, 2023

The motion passed unanimously.

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

None

### **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 7:03 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, Assistant City Attorney Evin King, Finance Director Doug Farmen, Community Development Director Paul Workman, Parks Project and Operations Manager Emily Black, Police Sergeant Brennan Leininger, and City Clerk Laura Gillespie.

### **CONSENT AGENDA**

Board Member Sheldon suggested the GID minutes should reflect "Chair" and "Board Member" instead of "Mayor" and "Councilor".

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

- a. Approval of Minutes – January 17, 2023

The motion passed unanimously.

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

None

### **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 7:05 p.m.

### **REPORTS**

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

Mayor Brown asked Council's opinion on having the City join the South Metro Denver Chamber of Commerce; the Chamber actively participated in proposed legislation; many businesses were in favor of the proposed state zoning laws to increase workforce housing; it was important that the Chamber and businesses understand the impact the proposed legislation would have on local cities; the cost to join was \$1,200 at the level that would give the City access to the Chamber's policy groups.

Councilor Blum had no objection.

Mayor Pro Tem Weil suggested they join now and could reevaluate next year.

Councilor Hoellen asked about any unintended negative consequences of joining the Chamber.

Mayor Brown replied relevant areas within the Chamber for the City included the business leaders for responsible government, the economic development group, the economic forecast breakfast, and the legislative action committee.

Councilor Sheldon indicated if Council believed the City could glean anything of value between now and the end of the legislative session by joining the Chamber then they should do so.

Councilor Sheldon moved, seconded by Councilor Blum, to instruct staff to join the South Metro Denver Chamber of Commerce at the MVP level at \$1,200 per year.

The motion passed unanimously.

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Mayor Brown addressed the question of how much the City needed to do on its own to oppose the proposed state zoning legislation in terms of lobbying or conversations with legislators; Councilor Blum had taken the lead and they had a phone conversation last week with a potential partner; Greenwood Village was looking at engaging someone and that was an opportunity for partnership; she asked for Council direction on engaging someone on their own versus partnering with another municipality or multiple municipalities.

Councilor Sheldon indicated Council and staff needed to be proactive; what was good for some CML member municipalities might not be good for the City.

Councilor Blum noted the firm he and Mayor Brown had spoken to represented Colorado Springs that offered to partner with the City; he agreed Council could not wait.

Councilor Sheldon suggested partnering with Greenwood Village, Bow Mar, Littleton, or Superior, rather than Colorado Springs.

City Manager Cramer asked Council to direct staff to bring back options.

Councilor Sheldon suggested having a special meeting for staff to give Council recommendations to act on, preferably directly before or after the retreat.

Councilor Hoellen expressed confidence in CML understanding the importance of the issue; he was in favor of having someone advise the City from a lobbyist perspective; he agreed with Councilor Sheldon's suggestion.

Mayor Pro Tem Weil agreed with the sense of urgency partly to be prepared when there was draft legislation and also because lobbyists could be unavailable; he preferred partnering with similar communities to be more economical and to have a bigger impact.

Councilor Eber suggested it would be more practical to wait until language was introduced.

Councilor Maguire stated once the draft language was introduced things would happen quickly and the City needed to have a plan and strategy ready to go before that happened.

Councilor Blum agreed with Councilor Maguire.

Mayor Brown noted it was suggested that once the bill was put together it was almost too late; the City needed to be involved while the bill was being put together; many lobbyists were already spoken for; she did not want them to get lost in the noise but also did not think they could be out front of the issue.

Councilor Sheldon asked if any cities would be in favor of the proposed state zoning laws, particularly Denver.

City Manager Cramer reported Arapahoe County city managers had formed a committee and were meeting weekly; Aurora and Englewood indicated although they were not opposed to changing zoning laws they would likely oppose the legislation on principle alone because it preempted local control.

Councilor Hoellen suggested Council and staff be in regular weekly contact with their representatives and CML.

City Manager Cramer cautioned Council from taking specific steps with state legislators without guidance from a lobbyist.

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Mayor Brown summarized Council had a heavy sentiment for staff to explore options and to call a special meeting when enough information was available for Council to take action.

Council agreed a special meeting at 8am on February 21<sup>st</sup>, prior to the retreat, was acceptable if staff had anything to report.

Mayor Brown reported West Middle School was doing a production of Newsies at the end of March and needed newspapers.

### **Members of City Council**

Councilor Sheldon brought up for consideration if Council appointed interviewers for board and commission vacancies seek input from the board or commission before making their recommendation to Council.

Councilor Blum noted the existing board or commission may not know any of the applicants.

Councilor Hoellen indicated staff should ask the chair of the board or commission what they needed, rather than feedback on specific applicants; getting feedback on applicants could create other issues.

Mayor Pro Tem Weil suggested the chairs put together a job description.

Councilor Eber stated he was not sure they would get better information by involving more people in the process.

Councilor Hoellen noted the interview process was the time to set expectations for new members.

Councilor Blum indicated applicants' prejudices and priorities came out during the interviews and he had confidence in the Council members to bring out those issues in the interviews.

Mayor Brown suggested having the boards and commissions come up with a list of questions for Council members to ask during the interviews.

Councilor Magure asked if dissenting voices were allowed.

Councilor Hoellen replied dissenting voices were allowed but it was important for members to support the Charter, Code, and Master Plan.

Councilor Blum agreed and noted he and Councilor Eber had started with the Master Plan; he agreed with Mayor Brown's suggestion of questions from the boards and commissions.

Mayor Brown directed staff to reach out to boards and commissions for questions.

Councilor Blum reported he would be a part of the Police Commander interview process.

Councilor Maguire reported she was working with City Clerk Gillespie on the Crier and they had reached out to the schools in the Village to include events in the Crier; she suggested including the West Middle School performance.

Mayor Pro Tem Weil reported DRCOG had a new website showing all the regional planning efforts.

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Councilor Hoellen had no report.

Councilor Eber noted the packet included three copies of the minutes, one for the City and one for each GID, and asked if they could be consolidated; he thanked all the applicants, including Jenn Diffendal, for continuing to be involved; they were lucky to have a large number of applicants; they were difficult decisions; he hoped the applicants not selected would stay involved; he indicated he had issues ranging from City operations to Code questions, cell coverage, traffic calming, speeding, safety; he asked if a portion of the retreat could be used for temperature taking on policy and implementation issues; he suggested Council members have monthly or quarterly Council office hours at City Hall.

### **City Manager & Staff**

Director Workman reported the annual contractor meeting would be held on Thursday.

Director Farmen reported the audit would begin soon.

City Manager Cramer reported he would attend the CML legislative workshop on Thursday; the city managers of the County were meeting weekly; staff was collecting covenants and regulations from HOAs in the City.

### **City Attorney**

Assistant City Attorney King had no report.

### **EXECUTIVE SESSION AND ADJOURNMENT**

Mayor Pro Tem Weil moved, seconded by Councilor Sheldon, to go into Executive session pursuant to CRS Section 24-6-402 (b) and (f) for the purposes of receiving legal advice from the City Attorney on personnel matters regarding the employment status of the City Manager; and further to adjourn the City Council meeting at the conclusion of the executive session.

The following votes were recorded:

Eber	yes
Hoellen	yes
Weil	yes
Sheldon	yes
Blum	yes
Maguire	yes

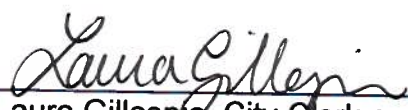
Vote on the Executive Session: 6 ayes. 0 nays. The motion carried.

City Council entered into executive session at 8:10 p.m.

The executive session ended and the meeting adjourned at 9:30 p.m.

(SEAL)

  
Kathleen Brown, Mayor and GID Chairperson

  
Laura Gillespie, City Clerk and GID Secretary