

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, April 4, 2023 at 6:30 p.m.  
City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

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

### **CALL TO ORDER**

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

### **ROLL CALL**

Mayor Katy Brown, Mayor Pro Tem Randy Weil, Councilors Earl Hoellen, Al Blum, Susan Maguire, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, City Attorney Kathie Guckenberger, Deputy City Manager/Public Works Director Jay Goldie, Finance Director Doug Farmen, Community Development Director Paul Workman, Police Chief Jason Lyons, and City Clerk Laura Gillespie.

Absent: Councilor Robert Eber

### **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 6a from the consent agenda.

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

- b. Resolution 12, Series 2023; Approving a Memorandum of Agreement with the Colorado Department of Labor and Employment, Division of Oil and Public Safety, for Local Jurisdiction Regulation of Conveyances
- c. Approval of the Professional Services Agreement with HR Green to Perform the Citywide Cellular Communications and Fiber Study

The motion passed unanimously.

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

#### **Item 6a. Approval of Minutes – March 21, 2023**

Councilor Hoellen suggested amending the minutes on page 11.

Councilor Sheldon indicated he was not present at the last meeting and would abstain from voting on the minutes.

## RECORD OF PROCEEDINGS

---

Councilor Hoellen moved, seconded by Mayor Pro Tem Weil, to approve the minutes as amended.

The motion passed with 4 yes and 1 abstention.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **Public Hearing – Resolution 13, Series 2023; Approving a Floodplain Variance at 1975 E. Chenango Court for a Split Rail Fence**

Director Workman presented Resolution 13, Series 2023 for Council's consideration. He explained the resolution would approve a floodplain variance for the construction of a split rail fence with wire mesh at 1975 East Chenango Court; the subject property was encumbered entirely by the floodplain except for where the existing house was located; the purpose of the fence was to improve the safety of the owner, her family, and her pets; the fence would keep the owner's pets within the property boundaries and keep unleashed and wild animals out of the owner's property; the applicant had experience off-leash animals entering her property and compromising the safety of her family and pets. He indicated the application met the requirements outlined in City Code Sections 16-7-530 and 16-7-360; the variance was the minimum necessary to afford relief; good and sufficient cause had been demonstrated; failure to grant the variance would result in exceptional hardship to the applicant; the variance would not result in increased flood heights or other safety hazard; and there was no location outside the floodplain where the applicant could construct the fence; included in the packet were four letters of support; staff was contacted by two residents with questions and concerns; the Planning and Zoning Commission (P&Z) held a public hearing on the request on March 14, 2023; P&Z voted 7 to 0 to recommend approval subject to one condition included in the staff report.

Councilor Hoellen stated the application made sense based on the facts presented; the proposed fence would not be needed if the City Code prohibiting dogs off-leash were enforced.

Mayor Pro Tem Weil noted the application also sought to keep out wildlife with the proposed fence.

Councilor Hoellen agreed but expressed concern with lack of enforcement.

Mayor Brown replied a Code Enforcement officer could not be at the property at all times.

Director Workman noted Code Enforcement did patrol areas known to be problem spots but could not be there all the time; in a situation like this the danger to the applicant's family and pets could happen very quickly that any call for services would not affect the issue; there were also situations where a dog on a leash could get away from the owner.

Councilor Sheldon asked for confirmation that the floodplain delineation had not changed since April 6, 2022.

Director Workman replied that was correct.

Dwyer Gunn, 1975 E. Chenango Court, explained this was a safety issue; people came to Woodie Hollow Park specifically to let their dog off-leash; she had an off-leash dog in her yard pretty much every day when the weather was nice; most of the time the dogs

## RECORD OF PROCEEDINGS

---

were perfectly friendly but over the last year they had multiple instances of aggressive dogs; they had three minor injuries so far; Code Enforcement did come out periodically but could not be there all the time.

Councilor Maguire asked if there was signage at the entrances to the park.

Ms. Gunn confirmed there were.

Councilor Sheldon asked if the applicant knew the property was in the floodplain at the time she bought the house.

Ms. Gunn replied they did know by the time they closed; they did not know about the fencing rules; they did not know how bad the issue would be.

Mayor Brown opened the public comment period of the public hearing. Hearing no comments, the public comment period was closed.

Mayor Pro Tem Weil moved, seconded by Councilor Blum, to approve Resolution 13, Series 2023, a resolution approving a floodplain variance for the construction of a split rail fence with wire mesh at 1975 E. Chenango Court, subject to the following condition: at the conclusion of the project the applicant shall provide "as built" drawings to ensure that construction was consistent with the approved plans.

The motion passed unanimously.

### Public Hearing – Resolution 14, Series 2023; Conditionally Approving a Major Special Event Permit at 4125 S. University Boulevard for the 2023 U.S. Amateur Championship

Councilor Maguire disclosed that her husband was a member of Cherry Hills Country Club but she believed she could be unbiased when considering this issue.

Mayor Brown asked if anyone had any concerns. None were heard.

Director Workman presented Resolution 14, Series 2023 for Council's consideration. He explained Cherry Hills Country Club (CHCC) was seeking approval for a major special event permit to host the 2023 US Amateur Golf Championship August 14-20, 2023; it would be before St. Mary's and Kent Denver opened but would be the first week of school for Cherry Hills Elementary School (CHVE); the estimated maximum attendance was 6,000 on the most attended day; by contrast the 2014 BMW Open had an average of 27,000 people per day; the applicant requested temporarily increasing the height of the fence adjacent to University Boulevard from 50 feet to 80 feet for the event; the applicant requested locating their TV equipment on the northern end of the vacant lot on the northwest corner of Quincy and University owned by CHCC, referred to in the application as the Howard Johnson lot; two key issues related to the application were parking and traffic management; patrons parking at Kent Denver will be shuttled to CHCC; players, their families, caddies, and guests, USGA officials, media, and VIPs would park at CHCC; CHCC would not be open for any other activities during the event; CHCC members, handicap patrons, and overflow VIPs would park at the Howard Johnson lot; the Howard Johnson lot would also be the designated site for Uber and Lyft; CHCC staff and volunteers would park at St. Mary's; the applicant's traffic management plan was included in the Council packet; traffic on Belleview and Hampden was not expected to increase; traffic at University and Quincy was expected to increase and could require manual operation of the traffic signal during peak days; peak weekday times would be 8-10am and 5-7pm; no traffic control was planned for St. Mary's; traffic control was planned for peak times on peak days at Kent Denver; no traffic control was planned for CHCC; the Code had several requirements to evaluate the application; the event qualified as a major special event; it would provide one or more public benefits to the City; it was appropriately sized to the subject property; it would not result in unreasonable traffic congestion; it would provide sufficient parking; it

## RECORD OF PROCEEDINGS

---

would mitigate adverse impacts to adjacent properties; it would not otherwise unreasonably impair the public health, safety, or welfare; staff had received public comment from four residents regarding parking and trash collection concerns; this event would be much smaller than the 2015 BMW Open event and parking, traffic, clean up were addressed in the application and agreement; the Planning and Zoning Commission (P&Z) reviewed the preliminary application in December 2022; P&Z asked questions related to taxes and parking; because it was an amateur event there would be no additional tax from the ticket sales but the City would still collect sales tax from any sales that occurred during the event; no formal recommendation was required from or made by P&Z.

Councilor Blum asked about traffic impacts related to CHVE start time.

Director Workman replied the applicant did take that into account and that was the reason for their recommendation of manual operation of the traffic light at University and Quincy.

Councilor Sheldon asked if the fence height increase was a temporary or permanent change.

Director Workman replied per the agreement it was only for the duration of event.

Councilor Sheldon asked where people getting shuttled from Kent Denver would be dropped off.

Director Workman replied it would be inside the CHCC access.

Councilor Sheldon asked if the Police Department had any concerns with the application.

Chief Lyons replied they did not and had been working closely with the applicant, had both a traffic management plan and a security operations plan, and coordinating with other agencies to have plenty of officers on site.

Mayor Brown asked if the City was paying for the additional law enforcement services.

Chief Lyons replied the applicant would pay for the additional services.

Councilor Maguire asked if an extra "no country club access" sign could be added to the Oxford/Clarkson intersection.

Councilor Hoellen asked about adding trash receptacles along the trail along Cherrymoor to address resident concerns.

Director Workman replied the applicant could address that during their presentation; per the agreement the applicant was required to clean up the trail, rights-of-way, and other areas used during the event.

Councilor Hoellen noted the applicant would pay \$75/hour for law enforcement services and asked how the funds would be dispersed to the other agencies.

Chief Lyons replied the City would collect the money and disperse the appropriate amount to each agency.

Councilor Hoellen asked for confirmation that there would be no profit or loss for the City.

Chief Lyons replied the City kept \$5 for every hour worked for administrative costs.

## RECORD OF PROCEEDINGS

---

Councilor Hoellen indicated he thought that was reasonable. He noted a resident concern about foot traffic along the trail behind Cherrymoor regarding safety and security.

Chis Manley, CHCC board member and representative, noted this was the most prestigious amateur golf tournament in the world; it was much smaller than the BMW Open; spectators would be very low for the first several days of the tournament which would help keep traffic impacts lower; the agreement had strong language requiring CHCC to clean up or remediate any trash or damage offsite; he would prefer not to put trash receptacles along University in order to avoid people walking along University due to safety; he agreed with extra signage; security was top of mind.

Councilor Hoellen clarified he was suggesting trash receptacles along the bridle path, rather than University.

Mr. Manley agreed with adding trash receptacles along the bridle path.

Councilor Sheldon thanked CHCC for hosting this event and stated the City appreciated their relationship with CHCC.

Mayor Brown asked if the parking arrangement with Kent Denver was finalized.

Mr. Manley replied it was.

Mayor Brown asked if CHCC had sales tax figured out.

Mr. Manley confirmed they did.

Director Workman indicated in reply to Councilor Hoellen that section F of the agreement addressed clean up and remediation.

Mayor Brown opened the public comment period of the public hearing.

Ann Marie Morrow, 15 Cherrymoor Drive, stated her neighbor had intended to speak but was unable to; the neighbors had residual concerns from previous golf tournaments about trail use, trail abuse, and crime; she showed photos of the trail from the St. Mary's parking lot and noted the lack of vegetation at the entry, the small entrance, the uneven surface of the trail which was not disability friendly, the vegetation at the northern end that should not be removed; litter was an issue during previous tournaments; during previous tournaments a fence had been installed and the vegetation had been removed; following previous tournaments crime in the area increased; the neighbors strongly felt the brick wall on the east side of the trail was their best protection; she asked why the trail had to endure the abuse and intrusion when the sidewalk duplicated the trail; CHCC had not reached out to the HOA; she suggested the sidewalk be used instead of the trail.

Councilor Hoellen asked if police patrolling was heightened during an event like this.

Chief Lyons confirmed it was.

Donald Salcito, 9 Martin Lane, explained his neighborhood had direct access to CHCC; the Martin Lane neighbors were not opposed to the tournament and thought CHCC was a good neighbor; they were concerned with trespassing, break-ins, and trash; there were break-ins after the 2015 tournament; last summer there was a wedding on the golf course and the attendees had used Martin Lane for access despite CHCC planning and signage; he suggested stationing someone for security purposes.

Lee Kuhlke, 1501 E. Stanford Avenue, explained during the BMW Tournament they had issues with traffic, please driving and parking on their property, they called and were

## RECORD OF PROCEEDINGS

---

told it would be dealt with, they should have towed, he respectfully asked the Police Department to be very vigilant patrolling those areas and to be aggressive with trespassers, the signs needed to be aggressive with high fines and towing; he was concerned with traffic in the mornings; he was concerned with nonresidents, undesirables, and car break-ins; he asked what benefit did the average resident get from the event; these events did impact residents; he was concerned with trash; he and his wife were opposed to having this event or any other large event in the City.

William Buyers, 11 Martin Lane, noted 10,000 people attended the amateur tournament in New Jersey; during the BMW Tournament attendees parked everywhere and jumped fences; during last summer's big event on the golf course many people waited on his property for their Uber to show up; he was concerned with communication between CHCC and the residents, and the possibility of this being a bigger event than they were expecting; he asked if CHCC received a fee from the US Golf Association for hosting the event.

Mr. Manley replied CHCC did not receive anything from the USGA; CHCC would work with the Police Department to prevent trespassing on Martin Lane; USGA had a partnership with Uber and Lyft and all drivers would drop off and pick up at the Howard Johnson lot.

Hearing no further comments, Mayor Brown closed the public comment section at 7:43 p.m.

Councilor Blum asked about adding additional no parking signs.

Deputy City Manager/Director Goldie replied they could request that of the applicant; the signs would meet MUTCD material requirements.

Councilor Blum asked if signs would be posted on Sanford.

Deputy City Manager/Director Goldie replied he would have to check the traffic plan.

Councilor Blum asked about using the sidewalk instead of the trail from St. Mary's to CHCC.

Mr. Manley replied he did not want CHCC patrons on University for safety reasons.

Councilor Hoellen noted many people walked on the University sidewalk during the BMW Tournament.

Mr. Manley replied CDOT allowed CHCC to close the western most lane during the BMW Tournament.

Councilor Blum asked about people parking at St. Mary's.

Mr. Manley replied volunteers could bring their families and children; a shuttle bus would be available at St. Mary's for people who did not or could not walk.

Councilor Maguire asked about attendance at the last amateur tournament.

Mr. Manley replied the last amateur at CHCC was in 2012 and had 4,000-5,000 attendees; last year's amateur tournament in New Jersey had about 2,000 people per day.

Mayor Brown noted to Mr. Kuhlke's point the City needed to make sure parking violators were towed.

## RECORD OF PROCEEDINGS

---

Mayor Pro Tem Weil asked about City staff inspecting the areas in question for trash after the event was over.

Deputy City Manager/Director Goldie replied they would.

Councilor Maguire noted there were no signs planned on Martin Lane and suggested some be added.

Mayor Pro Tem Weil moved, seconded by Councilor Hoellen, to approve Resolution 14, Series 2023, a resolution conditionally approving a Major Special Event Permit at 4125 S. University Boulevard for the 2023 US Amateur Championship.

Director Workman confirmed staff would work with the applicant on the additional signage.

Councilor Hoellen asked about resident-only parking on the streets around CHCC.

Deputy City Manager/Director Goldie replied staff would not be able to distinguish between residents, landscapers, and event attendees so either parking should be allowed or completely not allowed.

Councilor Sheldon agreed it would be too difficult to enforce.

Councilor Hoellen noted there were many other rights-of-way blocked off illegally throughout the City.

Councilor Sheldon indicated attendance was expected to be 20% of the BMW Tournament; if the majority were family and friends of the players then they would follow the rules; he appreciated the resident issues from the BMW Tournament but felt this was a different situation.

Councilor Hoellen agreed.

Mayor Brown noted that section of Martin Lane was private and asked if those residents could put up a private barricade that might discourage nonresidents.

Director Workman confirmed they could.

The motion passed unanimously.

### Public Hearing – South Birch Street Paving Request and Paving Agreement

Deputy City Manager/Director Goldie presented the petition requesting the paving of South Birch Street; pursuant to the City's Street Paving Policy, 80% of the affected neighborhood had signed the petition, an engineering analysis had been completed, and a cost estimate had been prepared; there were five property owners on South Birch Street and it was a dead end; four of the five had signed the petition; the public hearing had been noticed in the Villager, posted at the site, and notice letters had been mailed; included in the Council packet with an amendment on the dais was the letter from the property owner not in favor of the paving; if Council approved the request the City and the property owners in favor would enter into a paving contract.

Councilor Maguire asked if there had been a separate bidding process.

Deputy City Manager/Director Goldie replied in 2021 the City put its contract work out to bid; the 2021 contract specifically stated the contract could be extended for up to three years without re-bidding as long as staff agreed with the annual cost increase; this year's increase was 5% which was very reasonable considering the costs of oil and inflation.

## RECORD OF PROCEEDINGS

---

Councilor Blum asked if all the money would be collected from the residents before paving was done.

Deputy City Manager/Director Goldie confirmed that was correct; staff believed the 10% contingency would cover any over runs.

Councilor Maguire asked if only the property owners signing the agreement could have their properties liened for lack of payment.

Deputy City Manager/Director Goldie confirmed that was correct.

Councilor Maguire asked if the signatures needed to be notarized.

Deputy City Manager/Director Goldie confirmed that was correct and staff would rectify that.

Mayor Brown opened the public comment portion of the public hearing.

Chade Nelson, 4900 S. Birch Street, stated he represented the majority of the residents who wanted the street paved; they were tired of having muddy, dusty, and dirty cars; dusty windows; trash service being skipped due to snow and mud; a bridle path ran parallel to the street for any equestrians to use; paving would increase property values and would make selling home easier; he asked the neighbors if they would be willing to pave the street before he bought his home; he had a daughter with special needs and the dirt road did not allow them to go on walks.

Hearing no further comments, Mayor Brown closed the public comment section.

Councilor Sheldon asked if maintaining gravel roads was more expensive than maintaining asphalt.

Deputy City Manager/Director Goldie replied that was correct; paved roads required yearly maintenance; gravel roads required between monthly and quarterly maintenance.

Councilor Hoellen noted the public comment letter requested speed bumps and indicated that was a separate policy and process.

Deputy City Manager/Director Goldie confirmed that was correct.

Mayor Brown added warrants were considered for speed bumps and traffic calming and because South Birch Street was a dead-end street it was unlikely to meet those warrants.

Councilor Sheldon moved, seconded by Councilor Maguire, to approve the Paving Agreement with the South Birch Street property owners to pave South Birch Street; and further to authorize the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to the agreement as may be appropriate and do not substantially increase the obligations of the City and to authorize the Mayor to sign such agreement when in final form.

Mayor Brown indicated it made her a little sad, she loved the dirt roads in the Village although she did not live on one; this was what the residents wanted and it was in the best interest of the City.

The motion passed unanimously.



## RECORD OF PROCEEDINGS

---

### Change Order #3 and Letter Amendment to Construction Contract with RME LTD., LLD DBA Elite Surface Infrastructure to Pave South Birch Street

Deputy City Manager/Director Goldie presented the amendment to the construction contract to pave South Birch Street for \$131,537.00 with a contingency of \$13,154.00; the other project costs would also be paid by the residents but were outside of this contract.

Councilor Sheldon moved, seconded by Councilor Blum, to approve Change Order #3 to the 2021 Construction Contract, with RME Ltd., LLC, dba, Elite Surface Infrastructure in the amount of \$131,537.00 with a contingency of \$13,154.00 (10%) for a total maximum expenditure of \$144,691.00; and further to authorize the City Attorney to make such changes as may be needed to correct any nonmaterial errors or language or to negotiate such changes to Change Order #3 as may be appropriate and do not substantially increase the obligations of the City and to authorize the Mayor to sign such Change Order when in final form.

The motion passed unanimously.

### Council Bill 1, Series 2023; Amending Chapter 4, Article IV Concerning Retail Sales Tax Pursuant to Voter Approval Granted on November 8, 2022 (first reading)

Director Farmen presented Council Bill 1, Series 2023 on first reading; he reviewed the history of economic nexus, the *Wayfair* court case, the Colorado Municipal League (CML) model ordinance, and the City's ballot issue 2A which passed at the November 2022 election to allow the City to collect sales tax from remote sellers; Council directed staff to move forward in phases to update the Code; Phase 1 would align the Code with 2A; Phase 2 would result in the City joining SUTS, the state's Sales and Use Tax System; Phase 3 included additional potential Code changes regarding collection and enforcement; Council Bill 1, Series 2023 proposed amending or adding several definitions in Section 4-4-10 including economic nexus, engaged in business, marketplace facilitator, marketplace seller, multichannel seller, purchase or sale, retailer, and retailer-contractor; the tangible personal property definition remained unchanged; further amendments were proposed to Section 4-4-30, license required; Section 4-4-40, map of municipal boundaries; Section 4-4-50, place of consummation of sale; Section 4-4-110, imposition of tax; and Section 4-4-310, vendor liable for tax; the council bill also deleted the term "services" where it was present to conform the Code with the 2010 exemption of services; staff reviewed the proposed changes with Mayor Pro Tem Weil and Councilor Hoellen who provided valuable feedback.

Mayor Brown asked about subsection (b) in the definition of economic nexus.

Director Farmen replied it depended on when the vendor reached the threshold of sales specified by the state.

Councilor Maguire asked where the definition of tangible personal property was found in the council bill.

City Attorney Guckenberger explained it was not in the council bill because no changes to the definition were proposed.

Councilor Hoellen complimented staff on their work.

Mayor Pro Tem Weil agreed.

Mayor Brown thanked Mayor Pro Tem Weil and Councilor Hoellen.

City Manager Cramer indicated Mayor Pro Tem Weil and Councilor Hoellen went above and beyond typical work and the council bill was better for it.

## RECORD OF PROCEEDINGS

---

Councilor Hoellen moved, seconded by Mayor Pro Tem Weil, to approve Council Bill 1, Series 2023; A Bill for an Ordinance of the City of Cherry Hills Village Amending Chapter 4, Article IV Concerning Retail Sales Tax pursuant to voter approval granted on November 8, 2022, on first reading.

The following votes were recorded:

Hoellen	yes
Weil	yes
Sheldon	yes
Blum	yes
Maguire	yes

Vote on Council Bill 1, Series 2023: 5 ayes. 0 nays. The motion carried.

### Resolution 15, Series 2023; In Opposition to Colorado Senate Bill 23-213

City Manager Cramer explained two weeks ago Senate Bill 23-213 was introduced in the Colorado senate with a stated attempt to increase affordable housing and reduce greenhouse gas emissions, however the bill stripped home rule authority from local jurisdictions including Cherry Hills Village and would allow fourplexes to be built in every part of the Village; Home Rule was a cornerstone principle over the last 100 years in Colorado and applied to over 100 jurisdictions; staff suggested this bill as it related to local home rule authority was connected to one of the most local of all issues, land use and zoning; the Village recently completed a lengthy master plan update process that gathered a tremendous amount of input, especially related to land use; this bill infringed on local home rule and would cripple these visions from Village residents within the Master Plan; staff recommended Resolution 15, Series 2023 to formally oppose Senate Bill 23-213.

Councilor Blum moved, seconded by Councilor Sheldon, to approve Resolution 15, Series 2023, a resolution in opposition to Colorado Senate Bill 23-213.

The motion passed unanimously.

## REPORTS

### **Mayor's Report**

Mayor Brown reported she had been engaged in the issue of Senate Bill 23-213 on a full time basis: speaking with many people including their state senator; text communications with their state representative; emailed 2100 Village residents; created a change.org petition with over 1000 signatures now; for a long time the City did not believe the transit oriented part of the bill would be applicable to Cherry Hills Village and now it turned out that it probably was because there were 60 or so lots in the Southmoor Vista neighborhood and parts of Cherry Hills North that were within a half mile of the Southmoor light rail station and the Belleview light rail station; in order to walk from the Village to the Southmoor light rail station was a two mile walk; it was another example of when these types of rules and legislation were removed from local context they did not make any sense; the bill would require the City to up-zone those lots for a minimum of 60 units per acre; by her calculation that would turn 71 houses into potentially 2900 houses; the Metro Mayors Caucus had proposed an opposed position, she had voted to support the oppose position.

She reported CML had asked the City to support their oppose position to Senate Bill 23-111; the bill concerned public employee workplace protections.

## RECORD OF PROCEEDINGS

---

City Manager Cramer added it was a continuation of state efforts to facilitate collective bargaining at the local level; employees had the right to collectively bargain today; the bill would make collective bargaining more of a requirement for consideration.

Mayor Brown explained in her and CML's opinion the details of the bill did not matter; CML's statement was they neither supported nor opposed labor unions or labor agreements with municipal employers, CML supports the right of governing bodies and citizens to determine what was locally appropriate. She was personally supportive of opposing the bill.

Councilor Maguire replied she was not comfortable taking a position on the bill without reading it.

Councilor Sheldon agreed.

Council agreed to send their input to the City Manager after reviewing the bill.

### **Members of City Council**

Councilor Hoellen expressed concern with the issue of dogs off leash.

Mayor Pro Tem Weil noted Resolution 15, Series 2023 opposing Senate Bill 23-213 was completely consistent with the feedback he had received from residents.

City Manager Cramer noted there would be a DRCOG vote tomorrow on whether to support, support with amendments, oppose, or take no position on SB 23-213; Mayor Pro Tem Weil would support opposition.

Councilor Sheldon asked for an update on electronic packets.

City Clerk Gillespie replied she was working on being able to do a demonstration for Council, and was working with City Attorney Guckenberger on the policy.

Councilor Sheldon noted HR Green's proposal had originally been six months and was now nine months; there were legitimate reasons for the change but he asked staff to keep an eye on the timeline.

Councilor Blum noted the use by right of accessory dwelling units in SB 23-213 might be harder to overcome than the other parts of the bill; as a developer of affordable housing, he stated the bill would not have a benefit for small mountain communities.

Councilor Maguire reported on suggested changes from Councilor Hoellen on the guidelines for the Mayor/Council reports in the Crier to say something along the lines of current consensus view of Council; a resident called her with concerns about pickle ball courts on private property.

Council discussed pickle ball courts and the noise ordinance; they directed staff to bring the issue back for discussion at a future meeting.

### **City Manager & Staff**

City Manager Cramer summarized what the City had done so far in opposition to SB 23-213: created a dedicated webpage, regularly updating NotifyMe and social media, full page ad in the Villager last week, call to action communications with HOAs, the Arapahoe County legislative lunch, the Arapahoe County telephone town hall, CML executive town hall, the Council opposition resolution, the letter from Council to the senate delegation; what the City was working on: Council members would testify at the senate committee hearing on SB 23-213 on Thursday, emphasize transit impact to HOAs, the letter to residents, DROCG vote, CML legislative webinar, have an article in

## RECORD OF PROCEEDINGS

---

the Villager every week for the rest of the legislative session, and continued NotifyMe and social media updates.

Mayor Pro Tem Weil noted there were proposed amendments to SB 23-213 but he was not sure where they were published.

Director Workman added he had a phone call scheduled with Cherrymoor HOA and staff continued to try to understand the transit area portion of the bill; he asked for any final edits to the letter from Council; this was a fast moving issue, staff was trying to stay informed and communicate information as quickly as possible.

Mayor Pro Tem Weil noted staff's HOA campaign was proving effective.

Chief Lyons reported the Police Department would host Coffee with a Cop tomorrow morning; he agreed with Councilor Hoellen's concern about dogs off leash; he had communicated the need for increased patrol for that issue to the Code Enforcement officers; he noted the Police Department received almost no calls for service regarding dogs off leash; he publicly encouraged residents to call when those issues occurred. He discussed school safety and updated Council on the steps the Police Department had taken over the past year; they had increased school resource officer presence at all three schools; the Nashville incident showed bravery and training coming together in contrast to the incident in South Texas last year; in Nashville there was a delay in response because of access; over the last few months every Cherry Hills Village officer had unique key card access to every school; the Department had robust training every summer for active shooter events with adjacent agencies and South Metro; every officer now had and trained with an active shooter kit thanks to a donation from the Police Foundation last year; the Department purchased all new weapons and was installing red dot optic systems for all weapons; this year and going forward all supervisors would receive specific training in responding to and managing critical incidents; Cherry Hills Village was fortunate to not see critical incidents often but the Department recognized that any day the City could be the heart of the next national story and the Department had to be prepared to the best of their ability to address those; this issue was not going away; the City was not immune from senseless violence; it was a priority for the Department to train and equip for those types of situations specifically in City schools; he shared the community's overarching concern for school safety.

City Clerk Gillespie reported the Drug Take Back event would be April 22<sup>nd</sup> and Spring Clean Up would be May 20<sup>th</sup>.

### **City Attorney**

City Attorney Guckenberger had no report.

### **EXECUTIVE SESSION**

Mayor Pro Tem Weil moved, seconded by Councilor Blum, to enter into Executive Session pursuant to C.R.S. Sections 24-6-402(4)(a), 24-6-402(4)(b), and 24-6-402(4)(e) for the purpose of discussing the lease of a real property interest, instructing negotiators, and for receiving legal advice from the City Attorney regarding 4400 E. Quincy Avenue.

The following votes were recorded:

Hoellen	yes
Weil	yes
Sheldon	yes
Blum	yes
Maguire	yes

**RECORD OF PROCEEDINGS**

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Vote on the Executive Session: 5 ayes. 0 nays. The motion carried.

City Council entered into executive session at 9:14 p.m.

**RETURN TO REGULAR MEETING**

The executive session ended and Council returned to the regular meeting at 9:43 p.m.

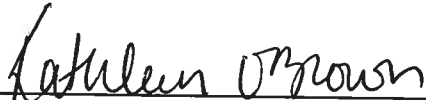
Mayor Pro Tem Weil moved, seconded by Councilor Sheldon, direct City staff to prepare a letter for Ms. Neff consistent with the discussion in executive session.


The motion passed unanimously.

**ADJOURNMENT**

The meeting was adjourned at 9:44 p.m.

(SEAL)

  
\_\_\_\_\_  
Katy Brown, Mayor

  
\_\_\_\_\_  
Laura Gillespie, City Clerk