

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, July 18, 2023 at 6:30 p.m.
City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

City Council held a study session at 6:00 p.m.

CALL TO ORDER

Mayor Brown called the meeting to order at 6:33 p.m.

ROLL CALL

Mayor Katy Brown, Mayor Pro Tem Randy Weil, Councilors Earl Hoellen, Al Blum, Dan Sheldon, and Robert Eber were present on roll call. Also present were Interim City Manager Jim Thorsen, Deputy City Manager/Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Jason Lyons, Finance Director Doug Farmen, Community Development Director Paul Workman, Parks Project & Operations Manager Emily Black, and City Clerk Laura Gillespie.

Absent: Councilor Susan Maguire

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

PRESENTATION – CHERRY HILLS LAND PRESERVE – 2024 QUINCY FARM ANNUAL PLAN

Parks Manager Black reviewed the improvements made to the property by City staff which had been focused on preparing the East Side for public access, repairing high priority items, and improving and beautifying the Farm's landscape.

Ellen Thompson, Cherry Hills Land Preserve Executive Director, reviewed the vision for the property; the 2023 accomplishments including a new executive director, site improvements, outreach, and educational programs.\

Laura Christman, Cherry Hills Land Preserve President, spoke about reclaiming the pastures with the help of CSU Extension. She explained the 2024 plan would include access to the West Side, further site improvements on both sides, continued outreach, and continued fundraising; specific 2024 plans included interior renovation of the Big Barn, consideration of uses for the Hopkins House, review of the pond, creation of landscape, natural resource, and maintenance plans, and addition of educational signage. She indicated the Land Preserve had met and would continue to meet with the neighbors.

Councilor Sheldon asked how the idea of access to the West Side in 2024 would work with the communication the City had been having with Colorado Open Lands.

City Attorney Guckenberger replied she and the City's consultant were providing feedback on the draft 2024 plan so that the version presented to Council would assist the City in the communications with Colorado Open Lands.

Councilor Hoellen added the City was engaged with Colorado Open Lands and would continue to be engaged; in the interim, the Land Preserve had been advised to develop the 2024 plan that they believed was consistent with the conservation values; when the plan was presented to them Council would have to determine if they agreed the plan was consistent with the conservation easement and the conservation values.

RECORD OF PROCEEDINGS

Councilor Eber indicated Quincy Farm was an opportunity for community building; the number of activities occurring at Quincy Farm was the proper amount; the Quincy Farm community was regional; he encouraged programming related to sustainability as it addressed the objective in the Master Plan; the use of Quincy Farm was a part of the City's answer to what the City could offer and provide to the regional area instead of affordable housing; he wanted educational programming in the section of the High Line Canal that was part of Quincy Farm and therefore owned by the City; he suggested residents owning animals would like to donate the manure to Quincy Farm to help reclaim the soil; there were many opportunities before dawn and after dusk.

Ms. Christman replied the dawn to dusk hours were intended for public access to the nature trails, not for structured programs; they had a stargazing program and a birding program that were outside of the dawn to dusk hours.

Councilor Eber suggested electronic sign might help keep the amount of information on the signs to a minimum.

Councilor Hoellen applauded the Land Preserve and staff for all the improvements to Quincy Farm and the programs; he asked for more timeline estimates on all the projects.

Mayor Pro Tem Weil stated it was refreshing to see the work being done.

Mayor Brown indicated it was exciting to see forward movement.

AUDIENCE PARTICIPATION PERIOD

Jim Johnson, 4575 S. Franklin Street, asked for an update on his suggested amendments to the Code regarding tree preservation especially in the rights-of-way and setbacks; he mentioned certain properties with maintenance issues.

Becky Benes, 12 Blackmer Road, indicated she was a neighbor of Quincy Farm; the neighbors were much happier than they were before; she showed photos of wildlife; the pond was sick; it needed to be a priority; it was one of the jewels.

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Councilor Eber removed Item 7a.

ITEMS REMOVED FROM CONSENT AGENDA

Item 7a. Approval of Minutes – June 2, 2023

Councilor Eber proposed changes to the draft minutes on pages 6 and 9.

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

The motion passed unanimously.

UNFINISHED BUSINESS

None

RECORD OF PROCEEDINGS

NEW BUSINESS

Resolution 29, Series 2023; Amending the City's Traffic Calming Policy

Deputy City Manager/Director Goldie presented Resolution 29, Series 2023; the goal of the Traffic Calming Policy was to provide a consistent, context-sensitive, feasible, and manageable procedure for calming traffic for residents in all City neighborhoods; Council reviewed the proposed policy at the June 6th study session and asked for clarification on several items; the enforcement procedure for traffic complaints in residential areas was at the police officers' discretion; emergency routes were set by Public Works, the Police Department, and the Fire District; speed humps were installed in pairs in order to reduce speed for a longer distance; multiple accidents were needed for warrants to ensure it was not a one-time issue such as weather or driver impairment; traffic calming could cause more issues if it was installed without warrants; if there was a single accident involving a death it could be evaluated by the City engineer and Police Department; cut-through traffic was not currently a warrant; it was not mitigated significantly by traffic calming; more effective changes involved making streets one-way, dead-ends, or restricted hours; cut-through traffic could be added to the process especially on streets adjacent to the location for the traffic calming; there were temporary traffic calming products available but staff believed it would cause discontent among residents toward the City; there were some good options for moveable or pole-mounted speed signs that staff was looking into and recommended purchasing; staff was working with the City Attorney on an answer about radar tickets on residential streets; additional traffic calming devices were included in Council packets; the proposed policy was designed to determine up front if traffic calming was warranted, clarify the process for residents, move education and enforcement to the beginning of the process, and get neighbors communicating.

Mayor Pro Tem Weil noted traffic citations were significantly lower this year than last year; there was a reduction in injury accidents and an increase in noninjury accidents.

Deputy City Manager/Director Goldie noted the vast majority of citations were written on state highways rather than residential streets.

Chief Lyons clarified the philosophy on traffic enforcement had not changed; traffic stops conducted were not tracked, versus citations issued; the Department now had a Traffic Unit and the speed signs would be included in the 2024 budget; the vast majority of crashes occurred on Hampden and Belleview.

Councilor Blum asked for a cost estimate for the pole-mounted speed signs.

Deputy City Manager/Director Goldie replied they were as low as \$2,500 but those did not collect any data; the models that collected data started at about \$4,000 per sign.

Councilor Blum asked about radar tickets.

City Attorney Guckenberger replied staff was still working on procedural issues to ensure compliance with legal standards.

Chief Lyons clarified those were two different pieces of equipment; staff was planning to include the speed sign with data collection in the 2024 budget.

Councilor Blum asked about the speed sign on Belleview.

Deputy City Manager/Director Goldie replied that model could collect data but that feature was turned off as it would require a lot of staff time to process that data.

Councilor Sheldon asked about the background to updating the policy.

RECORD OF PROCEEDINGS

Deputy City Manager/Director Goldie replied an update was discussed in 2018 but not approved.

Councilor Sheldon asked if Council wanted to wait until the Traffic Unit had been operational for awhile before updating the policy.

Mayor Brown explained the basis for updating the policy was that the current policy was too subjective, put a lot of onus on residents, and pit residents against each other in a lot of cases; the impetus for the amendment was not to impact accidents or enforcement.

Councilor Sheldon asked if the chicane and curb extensions would be part of the City's traffic calming toolbox under the updated policy.

Deputy City Manager/Director Goldie replied they would be.

Mayor Brown added this was a traffic calming policy rather than a speed hump policy.

Councilor Hoellen suggested the Neighborhood Awareness Campaign section of the policy should include specific minimum requirements and reporting requirements; he suggested reorganizing the policy.

Councilor Eber asked about Council's role in the updated policy.

Deputy City Manager/Director Goldie replied the ultimate decision on traffic calming was still Council's.

Councilor Eber asked if current applications would be processed under the current policy or the new policy.

Interim City Manager Thorsen replied staff would try to have applicants follow the new policy.

Mayor Brown added the applicants would not have to start from the beginning of the process.

Deputy City Manager/Director Goldie noted the current application did not meet any of the warrants.

Mayor Brown noted that was the situation they were trying to avoid with the new policy.

Councilor Eber stated the residents he had spoken to were uncomfortable confronting their neighbors about speeding issues; they preferred educational pamphlets from the City to the affected area; only including the direct impact area at the beginning of the process was too limiting; the accidents in his neighborhood that he was aware of were caused by nonresidents; he suggested getting the word out to neighboring jurisdictions that the City took speeding seriously; he suggested amending the Code to include speeding vehicles as a nuisance.

Councilor Hoellen supported the new policy's requirement that residents talk to their neighbors.

Mayor Brown agreed but added educational materials from the City would also be helpful such as the exhibit to the staff memo; she noted that exhibit included increased fines for speeding as an option.

Deputy City Manager/Director Goldie agreed staff could assist with handouts and yard signs.

RECORD OF PROCEEDINGS

Council directed staff to rearrange the policy and bring it back for further consideration.

The Council took a break.

Cherry Hills Village Art Commission Vacancy

City Clerk Gillespie stated there was a vacancy on the Art Commission and asked for two Council members to review applications, conduct interviews, and make a recommendation for appointment.

Mayor Pro Tem Weil and Councilor Eber volunteered.

Resolution 30, Series 2023; Accepting a Donation from the Cherry Creek School District on Behalf of the Cherry Hills Village Police Department

Chief Lyons presented Resolution 30, Series 2023 for Council's consideration; at the end of the school year the District had provided a donation for the last several years of varying amounts as a thank you to the Police Department for providing a school resource officer at Cherry Hills Village Elementary School; the City had no contractual obligation with the District for any police presence; the Police Department made no promises of service and the District made no promises of donations.

Councilor Eber asked if staff had a copy of the Cherry Creek School District Board meeting minutes that might provide further rationale about the donation to ensure there were no expectations.

Chief Lyons replied he did not have any meeting minutes but had met with the District's Chief Information Officer to get more information about the donation.

Interim City Manager Thorsen added staff did not have any meeting minutes and the donation was probably part of the District's annual budget.

Mayor Pro Tem Weil moved, seconded by Councilor Eber, to approve Resolution 30, Series 2023, accepting a donation from the Cherry Creek School District on behalf of the Cherry Hills Village Police Department.

The motion passed unanimously.

Recommended Public Engagement for Utilizing American Rescue Plan Act Grant Funds

Director Farmen explained the American Rescue Plan (ARPA) grant funds were required to be obligated by the end of 2024 and spent by the end of 2026; the City was provided \$1.67 million in ARPA funds; ARPA funds had been spent on two projects so far, leaving a remaining balance of \$1.3 million; US Treasury guidance required the funds to be spent on general government services; the City wanted to obtain citizen input for spending the remaining funds; staff proposed the public engagement consist of an online survey and an in-person open house in September; results could be discussed as part of the 2024 budget and also during the next Council retreat.

Mayor Brown asked that a summary of each possible project be included in the survey.

Councilor Blum asked if ARPA funds could be used on cellular service.

Director Farmen confirmed they could.

Councilor Hoellen asked why separate public engagement was necessary for the ARPA funds since public input had been collected through the recent Master Plan process; it was Council's job to determine of where it was best to spend the funds; he supported

RECORD OF PROCEEDINGS

public input but questioned the difference between the ARPA funds and any other funds that were part of the City's budget.

Mayor Brown noted that the ARPA funds were restricted and could not be used for some of the items identified in the Master Plan; the concept of specific public input on the ARPA funds was an effort to provide an enormous amount of transparency and opportunity for input; there were questions about how residents would want extra funds spent that remained unresolved after the Master Plan process; she worried \$1.3 million would not make a dent in some of the projects.

Mayor Pro Tem Weil indicated the ARPA fund survey should include the estimated costs, even just orders of magnitude, of the projects as that would result in more meaningful feedback.

Councilor Sheldon noted he could see the point of not having a separate public input process, but if they did he could see the point of having more information in the survey in order to get meaningful results.

Mayor Brown stated although \$1.3 million could not pay for the entire cell service project it could pay for part of it, but it would take an enormous amount of information and education to properly convey that to the public in a way that would make survey results meaningful to Council.

Interim City Manager Thorsen noted staff could help prioritize use of the ARPA funds.

Councilor Blum agreed with Councilor Hoellen that Council was empowered to do certain things on behalf of the residents; results from the proposed survey would likely be more confusing than helpful; Council had sufficient feedback from the Master Plan process.

Mayor Brown suggested Council hold several study sessions to deliberate the allocation of ARPA funds instead of surveys and open houses, and then invite public comment before the final decisions were made.

Councilor Eber agreed Council was elected to figure out the City's priorities and implement them; he would be interested in new ideas for use of the ARPA funds; he was interested in doing a survey of the City's rights-of-way.

Mayor Brown asked if the risk was identifying pet projects.

Councilor Eber replied the new ideas would still fit into the Master Plan.

Councilor Hoellen indicated he did not think Council wanted to utilize the ARPA funds to generate new projects; citizens were always welcome to bring new projects to Council's attention; the City already had several large projects that needed to get done.

Councilor Sheldon noted he had received a lot of input from residents supporting improving cellular service in the City since his Crier article had come out; he suspected the cellular study would show City funds could be matched with partnership funds, and the order of magnitude was impossible to know before the study was completed.

Mayor Brown added the annual budget process was always open to the public with a public hearing; she suggested specific public comment periods on the topic.

Mayor Pro Tem Weil stated he wanted to see at least orders of magnitude to inform Council's discussion.

Interim City Manager Thorsen noted there were some projects that the City had to do regardless of funding source such as sanitary sewer upgrade and High Line Canal

RECORD OF PROCEEDINGS

stormwater; he recommended using the ARPA funds for the projects that the City had to do and for which the cost was known, and using General Fund monies for projects such as cellular coverage where the cost was unknown at this time.

Councilor Sheldon asked if specific public input should include the funds from the sale of 90 Meade Lane as well as the ARPA funds.

Councilor Hoellen replied he did not think so and Council should be able to act on projects as the necessary information became available; there would not be an issue using ARPA funds as the City had several projects that needed to be done and met the requirements; the funds from the sale of 90 Meade Lane were no different than any other revenue the City received and Council evaluated the best use of the funds for the best interests of the Village.

Council agreed to discuss the ARPA fund allocations as part of the normal City budget process.

REPORTS

Mayor's Report

Mayor Brown asked for feedback from Council on partnering with Greenwood Village and Centennial to hire a lobbyist leading up to and going through the 2024 state legislative session to oppose any Home Rule land use pre-emption attempts.

Councilor Sheldon recalled concerns with aligning with Centennial for the 2023 state legislative session.

Councilor Hoellen stated he would be supportive as long as the group's priorities were agreed upon.

City Attorney Guckenberger noted the City could contract with the lobbyist independent of the other communities.

Mayor Brown replied the cost to the City would likely be around \$20,000 if they partnered with the other communities; the total cost of the lobbyist would be about \$60,000.

Councilor Hoellen indicated this was an important issue and \$60,000 did not seem unreasonable for what needed to be done; if the City partnered with the other communities he suggested the City's portion of the total amount should be less than \$20,000.

Mayor Brown stated she heard no objections so she would move forward with hiring the lobbyist.

Mayor Pro Tem Weil added partnering with the other communities would mean the lobbyist would be representing a much larger voting block; he suggested considering other communities to partner with such as Lone Tree.

Mayor Brown replied if the partnership got too big it made making decisions difficult.

Members of City Council

Councilor Blum reported a resident complained about the new dog bags on the trails.

Deputy City Manager/Director Goldie replied the new bags were compostable.

Councilor Sheldon had no report.

RECORD OF PROCEEDINGS

Mayor Pro Tem Weil had no report.

Councilor Hoellen noted there were a lot of individual fireworks for Fourth of July.

Councilor Eber requested staff work with Buell to change the wording on the sign that stated the lake was private to clarify that while the lake itself was private the trail around the lake was public; he had attended the CML conference; he expressed his appreciation for living in the City and not having many of the issues that other jurisdictions did; he had discussed sustainability with a member of Shums Coda; he expressed concern with items in the rights-of-way around the City; he asked the City Attorney provide an opinion clarifying first amendment rights regarding campaigning in private neighborhoods.

City Manager & Staff

Deputy City Manager/Director Goldie reported over 100 people had completed the cellular/broadband surveys and about 50 people had emailed him to let him know they could not complete the survey because they had no cell service.

Chief Lyons reported the new Traffic Unit positions and Community Partnership position had both began; National Night Out would be August 1st in John Meade Park.

City Clerk Gillespie reported the December meeting would be held on December 6th.

Director Farmen reported staff had begun the 2024 budget process; staff was following proposed legislation regarding property tax limits.

City Attorney

City Attorney Guckenberger asked for Council direction regarding Councilor Eber's request.

Councilor Hoellen indicated he did not think they needed an opinion but would like an advisory.

Councilor Eber stated he wanted it to be clear for future candidates that private neighborhoods were available for campaigning.

Mayor Brown suggested that information could be added to the Candidate Information Packet instead of a formal opinion.

EXECUTIVE SESSION AND ADJOURNMENT

Mayor Pro Tem Weil moved, seconded by Councilor Hoellen, to go into Executive Session pursuant to C.R.S. Sections 24-6-402(4)(a), (b), and (e) for the purpose of discussing matters related to the status of the City's legal interest in certain easements that may have been dedicated to the City by way of a subdivision plat, of receiving legal advice on specific legal questions related thereto, and to determine positions relative to matters that may be subject to negotiations, develop strategy for negotiations, and instruct negotiators relating thereto; 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

RECORD OF PROCEEDINGS

Blum


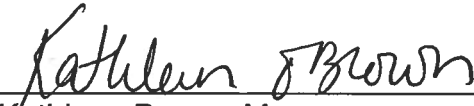
yes

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

Council entered into executive session at 9:31 p.m.

The executive session ended and the meeting was adjourned at 10:30 p.m.

(SEAL)

Kathleen Brown, Mayor



Laura Gillespie, City Clerk