

## RECORD OF PROCEEDINGS

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, July 19, 2022 at 6:30 p.m.  
City Hall

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

Mayor Russell Stewart called the meeting to order at 6:35 p.m.

### **ROLL CALL**

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, City Attorney Kathie Guckenberger, Police Chief Jason Lyons, Finance Director Doug Farmen, Planning Manager Paul Workman, and City Clerk Laura Gillespie.

Absent: Councilors Al Blum and Mike Gallagher

### **PLEDGE OF ALLEGIANCE**

The Council conducted the pledge of allegiance.

### **AUDIENCE PARTICIPATION PERIOD**

Tory Leviton, 3901 E. Quincy Avenue, indicated he was inspired by Dr. Seuss's book The Lorax; he had ethical issues with tree ownership; the gasses they absorbed and emitted affected everyone; he proposed a wilderness initiative to the City, its residents, and all other interested parties; the intent was to honor the City Charter and maintain the lands as natural; federal statute defined wilderness but like all ideas the term wilderness meant whatever they collectively wanted it to mean; there was virtually no precedent defining the minimum tract of land to be designated as wilderness; all efforts would be entirely voluntary; the proposal had six recommendations; one: leave property corners wild; two: replace solid interior fences with wildlife friendly passing; three: reach border agreements with neighbors favoring wilderness; four: remove litter everywhere if safe and sanitary even if it is not your own; five: adding of sensitive wildlife area or slow wildlife crossing signage where appropriate; six: construction of wildlife overpasses and/or underpasses to reduce road kill and facilitate local species mobility, a very long-term goal; the Paris Climate Accords, the convention on biological diversity, and the UN sustainable development goals all set a goal of 30% of land conservation by 2030; while the City was probably above that goal considering private land management, implementing a similar standard for the Village in statute would be beneficial for many reasons; that might include prohibiting the removal of more than two-thirds of trees from any new land development; or similarly requiring an offset expectation with reforestation somewhere else in the City; he was using his own property as a potential model for the City, other jurisdictions, governments, and private landowners; 30% built, 30% mixed-use, 30% wilderness, and 10% flexible; it was called the 30-30-30-10 plan; he showed a map of his property demonstrating the 30% wilderness area; he quoted Henry David Thoreau.

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

None

### **CONSENT AGENDA**

Mayor Pro Tem Brown removed Item 6b from the Consent Agenda.

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

- a. Approval of Minutes – June 21, 2022

The motion passed unanimously.

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

#### **Resolution 15, Series 2022; Accepting a Donation of Art and Approving an Art Donation Agreement for Winter Park Morning**

Mayor Pro Tem Brown thanked former Art Commissioner Kathie Finger for her generous donation.

Mayor Pro Tem Brown moved, seconded by Councilor Weil to accept the donation of the art piece “Winter Park Morning” from Kathie Finger.

The motion passed unanimously.

### **UNFINISHED BUSINESS**

#### **Public Affairs Consultant Final Report**

Kyle Blakely, Blakely + Company, presented his final report on the work his company had done under the public affairs consultant contract for the City; he had performed interviews, stakeholder groups, and a community survey on three potential ballot issues: remote sellers/internet sales tax, construction use tax, and Parks Fund redistribution; based on that feedback he recommended moving forward with the potential remote sellers/internet sales tax ballot issue for the November 2022 ballot and Council agreed at their February 1, 2022 retreat; he had worked with Council and City staff on public education including producing FAQ and Key Points documents, presentations at community groups, content for the City website, social media, Village Crier, and Crier, the June 21<sup>st</sup> Town Hall, a forthcoming postcard mailing, and recruiting volunteers for the campaign committee; he was working with Councilor Weil on the campaign committee that would take over once Council placed the issue on the ballot; he reviewed the future campaign committee activities.

Councilor Sheldon asked about Mr. Blakely’s role once Council placed the issue on the ballot.

Mr. Blakely replied he would work with the campaign committee.

City Manager Cramer clarified Mr. Blakely’s work with the City would end when Council placed the measure on the ballot.

Mayor Stewart asked about the process for getting the notice in the Blue Book.

City Clerk Gillespie replied the TABOR deadlines were in September and included pro/con statements and the TABOR notice.

Mayor Stewart asked to be notified if Mr. Blakely heard from anyone opposed to the issue.

#### **Continuation of Amendment No. 1 and 6.2 from Council Bill 2, Series 2022**

Planning Manager Workman explained this issue needed to be continued again as the timing of the Planning and Zoning Commission meeting had not allowed for adequate staff time to prepare this item for the Council packet for tonight’s meeting.

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Mayor Pro Tem Brown moved, seconded by Councilor Sheldon, to continue Amendment No. 1 and 6.2 of Council Bill 2, Series 2022, until the August 16, 2022, meeting date.

The motion passed unanimously.

### **NEW BUSINESS**

#### **Planning and Zoning Commission Member Terms**

City Clerk Gillespie explained two members of the Planning and Zoning Commission, David Wyman and Earl Hoellen, would end their current term in September and both wished to be reappointed to another three-year term; staff was seeking direction from Council on reappointment of these members.

Mayor Pro Tem Brown stated she generally approved of the City policy to solicit applications after a member had served two terms, but in this case, she supported reappointing Mr. Wyman to provide continuity through the master plan update process.

Council expressed agreement.

### **REPORTS**

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

Mayor Stewart reported he and City Manager Cramer attended the CML annual conference; he, Councilor Weil, and City Manager Cramer attended the State of the County meeting; tomorrow he would attend the Mayors' Munch; on July 27<sup>th</sup> the Hampden mobility and safety citizens advisory board would meet, they had brought up the issue of cut-through traffic in Cherry Hills Village at their last meeting.

City Manager Cramer added the public comment survey had been extended to July 24<sup>th</sup> and the link was on the City homepage; he understood Cherry Hills Village residents had done a fair job of responding.

Mayor Stewart reported CML was again considering legislation on undergrounding utilities; CML and Metro Mayors Caucus were discussing construction liability issues to address the lack of affordable workforce housing.

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

Councilor Sheldon thanked Freda Miklin for her reporting in the Villager Newspaper on the commercial home gun sales issue in Greenwood Village and asked if the commercial sale of guns from private homes was allowed in Cherry Hills Village, and if it was, he suggested Council consider addressing it before it became an issue.

Mayor Pro Tem Brown noted the conviction in the 1981 cold case murder of Sylvia Quayle; she congratulated former chief Tovrea, the entire CHV Police Department, Arapahoe County, and everyone who worked on the case.

Councilor Weil reported DRCOG continued to have trouble meeting the greenhouse gas targets and if the targets could not be met then funding would be very constrained.

Councilor Safavi had no report.

Mayor Stewart noted he would like to meet with the editor of the Villager to discuss the remote sales tax potential ballot issue.

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### City Manager & Staff

Director Farnen reported staff was working on the 2023 draft budget; the City received the GFOA certificate of excellence for the 2022 budget and recognized former director Sager.

Planning Manager Workman introduced the new Planning and Building Permit Technician Jan Peciak; the CAT would meet on July 27<sup>th</sup> on the master plan update; staff would present an update on the project to City Council at the August 2<sup>nd</sup> study session.

Chief Lyons thanked Mayor Pro Tem Brown for her recognition; the Police Department had received increase interest from a variety of media sources on the Sylvia Quayle case and had conducted and scheduled several interviews; the Police Department would host National Night Out on August 2<sup>nd</sup> and Coffee with a Cop on August 24<sup>th</sup>.

City Clerk Gillespie reported Movie Night would be on August 20<sup>th</sup> and the candidate information session would be on August 9<sup>th</sup>; staff had received the initiative petition for a Charter amendment, was in the process of verifying signatures, and expected to have a certificate of sufficiency for Council soon.

Mayor Pro Tem Brown asked when candidate nomination petitions would be available and when were they due.

City Clerk Gillespie replied candidate packets including nomination petitions would be available the morning of August 9<sup>th</sup> and the deadline to submit nomination petitions was August 29<sup>th</sup>.

### City Attorney

City Manager Cramer reported the deadline for Cherry Hills Land Preserve (CHLP) to submit their annual plan for Quincy Farm to staff had been extended from July 31<sup>st</sup> to August 31<sup>st</sup> as CHLP was exploring elements of their approach that they felt were critical including access onto Quincy Farm, and some of the feedback CHLP had received from Colorado Open Lands had forced them to research that issue more than anticipated, so staff had figured out a way for CHLP to submit the plan later than originally anticipated but still presenting the annual plan to Council in September. He indicated the chip seal project was about 70% complete and should be completed on Friday. He noted the most recent meeting for the I-25/Belleview interchange project had returned to the SPUI option, which was a positive direction for Cherry Hills Village.

Councilor Sheldon asked for an update on 90 Meade Lane.

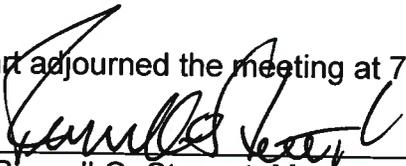
City Manager Cramer reported staff was working with a contact in the real estate world to get estimates on potential sales amounts and expected to bring that information to Council in an executive session.

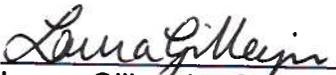
City Attorney Guckenberger had no report.

### ADJOURNMENT

Hearing no objection Mayor Stewart adjourned the meeting at 7:21 p.m.

(SEAL)

  
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Russell O. Stewart, Mayor

  
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Laura Gillespie, City Clerk