

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 5, 2023 at 6:30 p.m.
City Hall, 2450 East Quincy Avenue, Cherry Hills Village, Colorado 80113

City Council held a study session at 5:00 p.m.

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CALL TO ORDER

Mayor Brown called the meeting to order at 6:34 p.m.

ROLL CALL

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

Absent: Councilor Al Blum

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 Maguire removed Item 6a.

Mayor Pro Tem Weil moved, seconded by Councilor Hoellen, to approve Items 6b through 6d:

- b. Resolution 31, Series 2023; Accepting a Tree Donation in Memory of Rick Albin
- c. Resolution 32, Series 2023; Approving a Cooperative Agreement with Arapahoe County Department of Human Services Child Protection Services
- d. Resolution 33, Series 2023; Appointing a New Member to the Cherry Hills Village Art Commission

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 6a. Approval of Minutes – July 18, 2023

Councilor Maguire stated she was not at the July 18th meeting and would abstain from voting.

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Mayor Pro Tem Weil moved, seconded by Councilor Sheldon, to approve Item 6a.

The motion passed unanimously with one abstention.

AGENDA ORDER

Mayor Brown asked for a motion to change the order of the agenda.

Councilor Eber moved, seconded by Councilor Hoellen, to move New Business in front of Unfinished Business.

The motion passed unanimously.

NEW BUSINESS

Cherry Hills Land Preserve - 2024 Quincy Farm Annual Plan

Councilor Hoellen stated the Cherry Hills Land Preserve (CHLP) programming at Quincy Farm had been fantastic; staff and CHLP were meeting monthly and that relationship continued to develop; CHLP was developing as an organization; staff and CHLP should be more in agreement before presenting to Council; all staff members and all CHLP board members should communicate the same information about the annual plan; the CHLP's financial contribution was ambiguous and needed to be better defined; Quincy Farm was first and foremost 17.5 acres of open space; the City was working hard with Colorado Open Lands (COL) to make the entire property open to the public; the other thing that happened on the property was programming, related to nature, history, and sustainability; a barn was not needed for open space but was needed for programming, and that needed to be reconciled; there were no commitments or promises that had been made; CHLP needed to state to Council what they were willing to do regarding fundraising; the Council could then make a decision regarding expenditure of City funds.

Councilor Maguire noted the MOU with CHLP stated the City would preserve, protect, and maintain the land and its structures consistent with the term and conditions of the conservation easement; and stated CHLP would contribute to capital projects as agreed in support of the annual plans; she did not believe just because programming occurred in the barn that CHLP should be responsible for the entire capital cost.

Councilor Hoellen indicated it was good to have differing opinions but Council as a whole would have to decide what their position was; the position of the previous Council was that the City did not have the financial wherewithal to maintain and program Quincy Farm on its own; this Council could change that position if they wanted to; he agreed the City had to maintain the buildings per the conservation easement but they did not need to be restored; the reason to restore them would be to do something in them, most likely programming; but in order for Council to come to a decision they needed the initial information from CHLP regarding fundraising; staff and CHLP would continue to revise the plan over the next six weeks; this did not take away from the huge success of CHLP programming at Quincy Farm.

Mayor Brown added it was important to clearly define what the City was trying to fund on Quincy Farm; the City could and had been supporting the general maintenance of the property; she was impressed by the repairs and maintenance that had occurred over the past year within a reasonable financial commitment from the City and CHLP; she had been surprised when she saw the proposal to include the \$600,000 cost of renovating the barn in the City's budget for next year; she noted Ms. Christman's point about increased property taxes was a good one but due to the ballot measure the City did not know what effect it would have on revenues for next year; she had realized she had some unspoken expectations; her vision had always been these types of large capital projects would be the type of thing to get grant funds or significant donations for;

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if no financial assistance could be received then maybe the project would be postponed; she was delighted with the direction that Quincy Farm was moving in and the work being done to get access to the west side; she agreed that was very important; Council needed to discuss how and if such a large increase in the budget for Quincy Farm fit into the overall City budget.

Councilor Maguire asked about the amount of money raised by CHLP for Quincy Farm.

Ellen Thompson, CHLP Executive Director, stated CHLP had raised \$125,000 in 2022.

Councilor Maguire asked if the funds were separated into a dedicated account per the MOU.

Ms. Thompson replied she believed so but would have to check with the treasurer.

Councilor Hoellen noted the MOU was non-binding; staff and CHLP had decided a binding contract was not needed at this time; every annual plan had a vision statement but Council had not discussed it yet.

Mayor Brown agreed Council needed to discuss the vision statement and provide feedback to CHLP; she was not in favor of a contract as it was not in the spirit of the partnership.

Councilor Maguire replied CHLP was raising money to be spent on a City asset and there had to be accountability.

Councilor Eber noted when he had campaigned last fall there was clear support from residents for keeping Quincy Farm and for public access; he had made a commitment to making a full-scale evaluation of City funds; he had not agreed with former Council members that the City was in financial difficulty and could not pay for Quincy Farm; he thought Council should allow CHLP to present costly projects; there were a fair amount of funds available for Quincy Farm; the citizens had made it clear this was an important use of funds; Council should stand behind their commitment to the property.

Councilor Hollen noted if that was the Council's position then that needed to be agreed upon and made clear for staff and CHLP.

Mayor Pro Tem Weil agreed the City was responsible for maintenance of the property; improvement was a separate category; the previous discussion had been emotionally charged; he supported a methodical and prudent approach; he realized the numbers were in flux on both sides but challenged CHLP to set an aggressive fundraising goal; he recalled the previous annual plan discussions including fundraising amounts in the six digits.

Mayor Brown indicated when community members were clearly willing to contribute that confirmed it was in fact a priority for the residents.

Councilor Sheldon noted the big expectations for fundraising in last year's presentation may have inadvertently set up this year's presentation for failure; he understood CHLP needed the City's partnership to leverage funds; he was getting used to thinking about Quincy Farm as a large City expenditure; no one could argue against the success of the programming and public engagement.

Ms. Christman noted that Quincy Farm was not just open space to the community but also the history.

Councilor Earl moved, seconded by Mayor Pro Tem Weil, to continue Item 9a to the November 7, 2023 Council meeting.

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The motion passed unanimously.

Mayor Brown asked Council to review the vision statement and come prepared to discuss it at the November 7th meeting.

Manager Black asked if the format used this year to present the City funds spent on Quincy Farm, including regular City maintenance, was helpful to Council.

Council confirmed it was helpful.

Resolution 34, Series 2023; Approving an Electronic Packet Policy

City Clerk Gillespie presented Resolution 34, Series 2023 for Council's consideration; the City had been working on the transition to electronic packets for most of the year; tonight was the first meeting when all of Council was using tablets and the electronic packet; part of the process was the proposed electronic packets policy; staff had worked with the City Attorney and IT consultants to draft the proposed policy; staff planned to print large plat maps when those were included in the packet; Council members could still request a paper packet but would have to pick it up themselves rather than have the Police Department deliver them.

Councilor Hollen questioned if the claim in the resolution that the transition to electronic packets was to increase efficiency referred to staff, as he believed it was less efficient for Council.

Councilor Maguire replied she liked the electronic packets.

Councilor Sheldon noted it was a learning process.

Mayor Brown indicated the policy said Council was encouraged to use electronic devices; it was too difficult to run a meeting using the electronic packet so she would probably continue to use a paper packet.

Councilor Hoellen expressed concern with requiring boards and commissions to use electronic packets.

Mayor Brown agreed.

Councilor Maguire suggested adding language to Section III.A.2. of the policy stating board members could request paper packets.

Manager Black explained the Art Commission (CHVAC) and Parks, Trails and Recreation Commission (PTRC) were both fully electronic.

Mayor Pro Tem Weil asked if electronic packets saved staff a fair amount of time.

Clerk Gillespie replied she budgeted a day to print and collate Council packets; that did not include other staff time for other board and commission packets and did not include Police Department time for delivery.

Deputy City Manager/Director Goldie added for very large packets multiple staff members helped put the packets together.

Councilor Sheldon asked about the Planning and Zoning Commission (P&Z).

Clerk Gillespie replied the language in the proposed policy allowed boards and commission members to request paper packets.

Mayor Brown asked if CHVAC or PTRC had connectivity issues with electronic packets.

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Clerk Gillespie and Manager Black replied they did not.

Councilor Sheldon moved, seconded by Councilor Eber, to approve Resolution 34, Series 2023, approving an Electronic Packet Policy, with the additional sentence at the end of Section III.A.2. "Board, Commission, and Committee members are encouraged to use electronic packets but may request paper packets".

The motion passed unanimously.

Planning and Zoning Commission Member Terms

Clerk Gillespie reported that three P&Z member terms would end on September 19th; all three members desired reappointment; the members with low attendance had been contacted and their commitment to attending meetings had been confirmed.

Mayor Brown indicated the Policy triggered a recruitment process after two terms; she felt that was important; the Policy made it about opportunities to volunteer rather than about individuals; the City usually had more applications than positions; a recruitment process did not preclude reappointment of the incumbent.

Councilor Hoellen expressed concern with opening a recruitment process for these members and suggested postponement.

Councilor Sheldon indicated comparing new applicants to the incumbents would be challenging because the incumbents had so much experience and institutional knowledge.

Councilor Eber stated term limits and encouraging participation were important.

Mayor Pro Tem Weil added an incumbent's desire for reappointment should not be the only qualification for reappointment; he asked if the incumbents would be interviewed along with new applicants.

Councilor Maguire replied they would.

Councilor Sheldon stated any interview would result in choosing the incumbents.

Councilor Maguire and Councilor Hoellen volunteered to conduct interviews.

Mayor Pro Tem Weil expressed concern with opening a recruitment process for these members and suggested postponing.

Mayor Brown replied the Policy had been in place since 2018 and every time Council did not open a recruitment process it made the next time harder.

Councilor Eber indicated the Policy did not require interviews so if after reviewing applications the choice was clearly the incumbents the process could stop there.

Mayor Brown directed staff to solicit applications and have Councilor Maguire and Councilor Hoellen review applications and conduct interviews if appropriate.

UNFINISHED BUSINESS

Review Accounting for the Capital Fund – Follow-Up from the February 21st City Council Retreat

Director Farmen explained this was a follow-up item from the Council Retreat held earlier this year; Municipal Code Section 4-1-50 outlined the Capital Fund; the Capital

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Fund was first budgeted in 2011; the ordinance adopting the Capital Fund stated it was for the purpose of accounting for capital expenditures which created confusion as the Capital Fund has only been an accounting mechanism and not a stand-alone fund; currently the Capital Fund was funded by excess General Fund revenues; staff was seeking Council direction on the accounting, budgeting, and reporting of the Capital Fund; staff recommended a separate Capital Fund because it aided in long-term planning, provided clear delineation for tracking of funds, and communicated the long-term capital improvement plan to the community; at Council's direction staff would return with a council bill to update the Capital Fund as a stand-alone fund; proposed language was included as Exhibit B to the staff memo; staff recommended Capital Fund revenues come from the Road and Bridge Fund and Highway User's Tax Fund, with interfund transfers from the Capital Fund at Council's discretion; staff also recommended establishing a Capital Improvement Program Policy.

Councilor Hoellen asked what form the capital improvement program would be.

Director Farmen replied the CIP would be a five to ten year forecast for the entire City including any capital projects, improvements, infrastructure; it would usually also include the funding source.

Mayor Brown asked if the current street replacement plan would become part of the CIP.

Director Farmen confirmed that was correct.

Councilor Hoellen indicated he believed anytime a defined term was used it should be capitalized; he asked about the definition of Capital Improvement.

Deputy City Manager/Director Goldie replied Capital Improvement should include improvements to existing facilities.

Councilor Hoellen stated the term "committed" in the first section of the proposed language should be taken out.

Mayor Brown agreed she would not support anything that established new commitments on General Fund revenues; the City needed funds to remain flexible.

Councilor Hoellen indicated he supported the Road and Bridge Fund and Highway User's Tax Fund as sources of funds for the Capital Fund; interfund transfers from the General Fund should be approved by Council as needed and not automatically.

Director Farmen replied he would work with the City Attorney to draft language explicitly stating General Fund transfers were unrestricted and could be moved back to the General Fund.

Mayor Brown agreed General Fund surpluses should not automatically go into the Capital Fund; it made more sense, helped avoid any perception of misuse of funds, and painted a more accurate picture of the City's financial health.

Councilor Hoellen added language should be added to the whereas clauses stating Council was aware the Road and Bridge Fund and Highway User's Tax Fund would not be enough, and interfund transfers would be approved by Council on an as-needed basis.

Councilor Sheldon agreed General Fund surpluses should not automatically transfer into the Capital Fund.

Councilor Maguire suggested City Council should transfer funds to the Capital Fund based on expected capital improvement project costs over some defined period of time.

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Councilor Hoellen suggested only transferring funds when they were immediately needed.

REPORTS

Mayor's Report

Mayor Brown reported she would meet with the lobbyist, Greenwood Village, and Centennial on Thursday; she had also met with Arapahoe County regarding the 2024 legislative session; she asked for Council feedback on passing a resolution in support or in opposition of Proposition HH as allowed by state law; she stated she would attend the CML District meeting tomorrow.

Members of City Council

Councilor Eber eulogized residents Heidi Hammel and Jim Schmidt; he had attended Coffee with a Cop last week; he would meet with Code Enforcement officers regarding the policy for properties with weed issues; he questioned road names and numbers on private roads; he reported on a property with a drainage issue in his neighborhood and his understanding of City authority over stormwater management; he noted next week was Rosh Hashanah followed by Yom Kippur.

Councilor Hoellen reported several neighborhoods were looking into contracting with security guard companies and would be discussing the issue with the Police Department.

Mayor Pro Tem Weil reported DRCOG had not met since the last Council meeting; the Cherry Hills Farm HOA approved the funds for the Belleview median.

Councilor Sheldon thanked staff for the cell coverage study session; he reported a resident had called him about a drone near their property; he discussed the Charlou HOA block party held in August; Charlou HOA was deciding what to do in terms of security; the CHLP event at Quincy Farm was next week and the Hight Line Canal Conservancy's event was the following week.

Councilor Maguire thanked Chief Lyons for the Town Hall; she reported on a house in her neighborhood that had been under construction since 2018 and she asked about what could be done to encourage completion of construction projects.

Mayor Brown noted Council had discussed that issue recently and Director Workman was going to return to Council with possible ideas.

Councilor Hoellen asked where staff was on revising the City's drone ordinance.

City Attorney Guckenberger replied it was under review for revision.

City Manager & Staff

Director Farmen reported Council would receive the first draft of the proposed 2024 budget in two weeks; he thanked staff and the Council liaisons on all their work.

Chief Lyons reported on the Police Department's use of drones in the City; the investigation regarding the recent crime spree was progressing in a very positive direction; arrests had been made not on the City's cases but as part of the group known to law enforcement; the City's cases involved a lot of digital evidence and records; it was a complex issue to tie certain individuals to certain areas at certain times and building the case collaboratively with other law enforcement agencies; he was in contact with the District Attorney's Office and the other law enforcement agencies; there had

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been no other cases in the City related to that group; with the renewed vigilance of residents since the crime spree there had been almost no burglaries, vehicle trespasses, or auto thefts in the City; the Police Department's new community engagement platform launched last week, www.chvpd.com; new features such as a police blotter and crime map would be added in the future.

Councilor Maguire stated she would notify her mailing list.

Councilor Sheldon suggested posting yard signs with the QR code to sign up.

Mayor Pro Tem Weil asked about the FLOCK cameras in the City.

Chief Lyons explained most of them were owned by the HOAs and allowed access to the Police Department; there were additional City cameras in the proposed 2024 budget; alerts of wanted persons or vehicles went to all officers' phones and computers; the system also had a robust search feature.

Councilor Hoellen asked about vehicles without license plates.

Chief Lyons replied the system currently did not alert regarding vehicles without license plates and the company was working on rectifying that.

Clerk Gillespie reported October 28th would be Drug Take Back and Flu Shot Clinic.

Deputy City Manager/Director Goldie reported he would keep the cell coverage study process moving forward based on Council's direction during the study session.

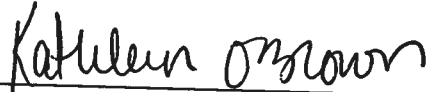
City Attorney

City Attorney Guckenberger had no report.

ADJOURNMENT

The meeting was adjourned at 8:46 p.m.

(SEAL)



Kathleen Brown, Mayor



Laura Gillespie, City Clerk