

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, September 21, 2021 at 6:30 p.m.
City Hall

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

Mayor Russell Stewart called the regular meeting to order at 7:28 p.m.

ROLL CALL

Mayor Russell Stewart, Mayor Pro Tem Katy Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call. Also present were City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Finance Director Jessica Sager, Police Commander Pat Weathers, Parks and Recreation Coordinator Emily Black, and City Clerk Laura Gillespie.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

AUDIENCE PARTICIPATION PERIOD

Earl Hoellen, 3 Vista Road, wanted to address the Mayor's comments at the last Council meeting and during tonight's study session that the City was in financial difficulty because of a list of priorities that the Mayor said the City could not fund, including undergrounding utility lines, cell service, City sewer system upgrades, High Line Canal expenses, improving park maintenance, and body cams for the Police Department; he indicated the body cams were a mandated priority but his understanding was the current plan was to lease the body cams and the lease was included in the 2022 proposed budget; sewer upgrades were currently being fully funded through a separate enterprise fund; none of the other items had been determined by Council to be priorities, although they were worthy of consideration and might become priorities in the future if Council decided they were; the financial plan put in place for the City Hall, Public Works, and John Meade Park capital projects was undertaken with the understanding that new capital projects would have to be postponed until new funding could be found; the financial plan included significant funding for Quincy Farm and had been working, and the City's financial reserves and condition had been improving each year; it was disingenuous to continue to assert that the City was in financial difficulty because it might not be able to undertake new projects that had not been mandated and determined by Council to be priorities; it was within Council's purview to prioritize any of those projects or others, but it would also be incumbent upon Council to fund those projects with transparency and with the baseline of the current status of the City and its financial condition, which in his opinion was very good; he asked why Council did not direct staff to move 1 mill from the Parks and Recreation Fund to the Capital Fund, which would provide more flexibility to the City but would not impact the other financial issues under discussion.

Linda Behr was not present.

Joan Geiser was not present.

Jenn Diffendal indicated she volunteered for the Police Department but was not speaking for the Police Department; she volunteered for the Police Department because of safety concerns, transparency, and accountability; three years of no City activity on the Quincy Farm issue was a long time; tonight was the first public comment since the

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Save Quincy movement; it had been too long; she had voted for each Council member and they had not done what the community had asked them to do; she was holding them accountable to make a decision; the Cherry Hills Land Preserve (CHLP) proposal was not sustainable because they could not come up with the financing; the City did not have the resources to pay for Quincy Farm long-term, especially in the age of COVID-19; she expressed concern about crime on Quincy and the impact opening Quincy Farm to the public would have on safety; it was important to make these decisions holistically; the Council was judged on how they effectively managed the City resources; the most important resource was time, and she believed it had been wasted; the Mayor set the agenda and could add a decision to tonight's agenda; she questioned limiting public comments to three minutes at tonight's meeting; safety and the City's first responders should be prioritized in the budget over beautification; she emphasized the importance of accountability and transparency; she urged Council to make a decision.

Michael McAllister, 4140 E. Quincy Avenue, stated he lived adjacent to Quincy Farm and had bought the property last July; he was thrilled that something would be happening with Quincy Farm; he was part of a neighborhood group that was well connected with Natalie Anderson; as an outsider he was disappointed to see Council sidestep the process when there was a willing and able financial partner, and their proposal was just disregarded, that was short-sighted; regardless of the City's financial situation, it put a question mark on the credibility of Cherry Hills Village City government; he expressed concern with maintenance of the property and the money that would be needed; CHLP was good at what they did but they were not about bringing financial resources; grant writing processes were long and cumbersome; he expressed concern with losing the historical significance of the property if the City did not have the financial resources to manage the property and removed a lot of the buildings; he hoped Council could work with the community swell that had happened, even if it was a bit of a fear campaign, at least it had gotten people to pay attention; he thanked Council for what they did; he would be willing to get more involved; he asked Council to involve the adjacent neighbors in whatever structure was used to make decisions about Quincy Farm going forward.

Debbie Welles, 4950 Sanford Circle West, thanked Council for their work; she thought it was unfortunate that one of the proposals for Quincy Farm was taken off the table before it had a chance to be heard fully by the community; Cherry Hills Village had struggled with Quincy Farm for at least 10 years; she had served on the Quincy Farm Visioning Committee; she hoped the City would not still be struggling in another 10 years; it had not been good for the Farm, the neighbors, or the citizens; rather than oscillating between visions, she would like to see the City set up a forum for the community to really understand the CHLP and the Anderson visions; they were both remarkable and they should celebrate getting two proposals; they needed to celebrate having received an amazing gift and it was incumbent upon them to figure out how to deal with it in a way that the citizens and Council could feel good about; right now there were a lot of bad feelings; they were a small community; it was a travesty; she recommended this issue be put to a vote of the people; she admired the CHLP's passion but did not understand how they or the City would raise the kind of money required to maintain Quincy Farm; the Anderson proposal had a deep commitment to Cat's vision and the conservation easement; she grew up with Cat; the Anderson proposal came with a sizable commitment of funding much of which was available now; in contrast the CHLP proposal came with high hopes and a promise to try to raise money, which was a different level of stability; there was no guarantee of continuity from the CHLP board of volunteers; she hoped the Andersons would still consider an opportunity to work with the Village; she asked Council to consider putting the future of Quincy Farm to a vote of the people.

Laura Christman, 18 Cherry Lane Drive, referred to Mayor Pro Tem Brown's questions during the study session about structure and to Katie Agron's frustrations expressed at the last Council meeting, and indicated that the City's strict structure did not accommodate volunteers and in-kind contributions, for good reason, and City staff

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justifiably did not want to be managing volunteers or overseeing in-kind contributions because the City did not want to take on that level of responsibility; that is where the CHLP became important and where an MOU was not enough; Council would need to enter into agreements to allow donors to create volunteer efforts, make in-kind contributions, and/or cash donations without having to go through an extensive City process; it needed to be streamlined; for example the City could give permission to fix up the Farm to a certain level; she had the financial wherewithal to be a significant donor; she was willing to put forward \$100,000 over a couple of years toward the restoration of the East side to make it at least work for the neighbors; the neighbors were absolutely right, the weed situation was atrocious and inexcusable; they could work together; she had an agricultural background and CHLP had access to restoration experts, so at least the pasture portions, the fences, and the historic arena for Pony Club could be renovated for minimal cost to get it going; if it turned out that did not work, there would be grass; an upgrade was needed quickly to get through the next couple of years, with an agreement with CHLP to motivate people to donate; if it was too difficult to make donations then they would not happen.

Gordon Rockafellow, 4200 E. Quincy Avenue, noted his property was surrounded on three sides by Quincy Farm so he was very familiar with Quincy Farm; he indicated the process that eliminated the Anderson proposal was misguided, lacked transparency, and should be reversed; both proposals had good ideas but the Anderson proposal was totally funded; he asked why it was disregarded; he did not believe it was very important who held title to the land; he asked Council to reverse their decision to disregard the Anderson proposal and ask the Anderson family to reinstate their proposal; the City also needed to conduct public education so the citizens understood both proposals; if the City did not do that then a citizens committee would do it instead; these were important steps for Council to take to avoid going down the path of another roundabout or maintenance yard.

Joan Geiser, 17 Huntwick Lane, stated she and her husband had first moved to the Village in 1980 and had just moved back after being gone for six years; she had not been urged by anyone to say anything; she wished she had time to go through the volume of reading available online; she had attended tonight because she had heard the City was considering changing the title and she objected to that; the land had been a gift in perpetuity to the City and by extension the residents; she was impressed by CHLP's presentation during the study session, they had a deep well, experience, knowledge, and commitment, and probably did have the ability to raise the funds; Quincy Farm was not going to bankrupt the City; many citizens did not know that this controversy was going on; if they knew she thought they would be jumping to the cause; it would be a shame if the City did not give such an organized group with such talent a chance; Quincy Farm ownership and development by the City was in its infancy; she did not think the City needed to worry about crime related to opening Quincy Farm; she had not heard any complaints about the programming CHLP had already done at Quincy Farm; if the property were to be put up for sale there would be a lot of people interested in buying it but that was not the direction the City should go; giving the property away would reduce any motivation for other donations in the future; she urged Council to give CHLP a chance.

Kevin Schwall, 5240 Nassau Circle East, thanked Council for clarifying the City's position on ownership; maintaining ownership was an excellent choice; he noted Mayor Pro Tem Brown had stated during the study session that the Parks and Recreation Fund would have a \$16 million surplus in twenty years, but no one wanted this project to take twenty years; Quincy Farm accounted for about a quarter of the City's park land so he suggested looking at what could be done with a quarter of the Parks budget over the next decade or so; that schedule could be given to CHLP as a challenge and would provide motivation for donors.

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REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

None

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

REPORTS

Mayor's Report

Mayor Stewart reported he attended the CML district meeting in Thornton; he attended the Mayor's Day in Pueblo; he hosted and attended the Mayors Munch; he attended the CML district meeting in Akron; he attended the CML district meeting in Rockvale; he attended the Arapahoe County Open Space Shareback ceremony with Councilor Weil and City Manager Cramer, and accepted the Our Progress Takes Flight award for the High Line Canal underpass project along with the High Line Canal Conservancy and Denver; he noted the Arapahoe County Open Space Sales Tax ballot issue would be on the November ballot to reauthorize the sales tax and change the formula to allow more funding for maintenance; and he would attend the CML Conference this week along with Councilor Weil and City Manager Cramer.

Members of City Council

Mayor Pro Tem Brown noted it seemed people had not heard or not understood the nature of the discussion at the last Council meeting; it was her understanding of the Municipal Code that the City could not give the title of Quincy Farm away; the decision was not made lightly; the Council did not remove any proposal from consideration; everyone who submitted a proposal was given an opportunity to revise their proposal and resubmit it; Ms. Anderson did not submit a revised proposal and her original proposal was not legally feasible, and that is why it was not considered at tonight's meeting. She indicated it seemed there was some consensus on Council to move forward; she suggested Council provide direction to staff to update the draft Memorandum of Understanding (MOU) with the Cherry Hills Land Preserve (CHLP), based on the current circumstances, and to cover the four areas the CHLP specifically mentioned: allow them to build awareness of Quincy Farm, to open a farm-like campus on the East side and continue to do programming, to work with Colorado Open Lands to clarify appropriate uses, and to hire a grant writer to solicit funds for Quincy Farm. She suggested Council should review the cost estimates that City staff had so diligently put together and decide what they were comfortable committing to for the next three to five years; determine which items they wanted to address, what they thought the City could afford, and if they were able to get grant funds then even better. She added Council needed to determine how the interaction and governance with CHLP would work without requiring that every decision be approved by Council, but rather by a committee or board. She indicated Mr. Hoellen made a good point about the 1 mill transfer between the Capital Fund and Parks and Recreation Fund and stated the Council's

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budget study session in October should include a discussion about that impact on the City budget and long-range financial forecast.

Mayor Stewart agreed a discussion about that issue was appropriate.

Councilor Blum agreed with Mayor Pro Tem Brown's suggestions and added some capital improvements might be needed to the East side in order for the CHLP to open a farm-like campus. He noted he had recently toured the property with Councilor Gallagher and Deputy City Manager/Director Goldie. He thanked Director Sager for doing another outstanding job on the budget, and indicated Council could discuss capital improvements needed for Quincy Farm at the October budget study session.

Councilor Sheldon apologized for missing the last meeting, he had a death in the family; he wished he had been at the last meeting and he was opposed to amending the RFP; he thought that action was improper and equivalent to moving the goal posts; he would have debated the legalities related to transferring title with Mayor Pro Tem Brown; his no vote along with Councilor Safavi would not have changed the outcome, which was ok and that was why they had a democracy; in the future if Council scheduled a meeting to hear the public, its constituents, or a benefactor wanting to make a proposal, they needed to let that process happen; he was in favor of moving the process forward now and agreed with Mayor Pro Tem Brown's suggestions.

Councilor Gallagher agreed with Mayor Pro Tem Brown's suggestions for the MOU with CHLP. He noted Council kept hearing the uses determined the funding needs and everyone agreed the process needed to move forward; he suggested staff work with CHLP to prioritize activities, then prioritize the maintenance, determine the costs, and reprioritize, with uses driving the action; an MOU was very important; he asked staff to work with CHLP to give Council a report on how to best activate the West side; he agreed there was ambiguity in the conservation easement; the West side was constrained by limited use; the property had not been used for the last couple years and that needed to change for the citizens; he asked for a report on the best way to have indoor meeting areas for activities be it in the Main House or on the East side, the accessibility of the barn; the City should include consideration of the Hopkins House in the discussions they had now to plan for use after the lease ended in December 2022; he asked for the options of where a caretaker would live, on the East side or in the Hopkins House; he asked for a plan for the security of the property, specifically for the two living quarters, were they in good shape, what was needed to improve them, what would be a reasonable cost to upgrade the security for the Farmhouse and the Hopkins House; he asked for a plan to get the Barn up to Code, what would it cost and where did that fit into the overall scheme of uses and spending funds; he asked for a report of the interest with the Arapahoe County Mounted Police, asked staff to have discussions with them on that potential use of Quincy Farm and prioritize that in Council's discussions, who would fund it, what was the timeframe, what was the accessibility; he asked for a report to help Council understand the costs of having a bathroom inside the Big Barn; it was important to preserve the natural resources, specifically the pond, and figuring out where that fit in the priorities.

Mayor Stewart indicated the starting point for use of the West side would be Colorado Open Land's letter to the City, and he believed their main objection had been that the proposed use had been unsupervised.

Councilor Weil agreed with the comments that had been made regarding Quincy Farm; he stated he did not see it as a one or two year budget issue but rather a long-term issue; the Master Plan would take a bigger picture view and help Council prioritize and allocate resources; rather than wait for the Master Plan he thought all of Council agreed with starting on Quincy Farm now; he suggested staff constrain planning to the highest priorities, the low hanging fruit, in order to get some traction and have some impact. He thanked Deputy City Manager/Director Goldie for his work getting CDOT approval to remove the turn pocket on Belleview and working with the HOA on the project. He

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reported the last DRCOG meeting was spent discussing greenhouse gas emission rule making. He congratulated staff on the Arapahoe County Open Space Shareback award for their contribution to the Hampden Underpass project. He asked staff to bring information on 90 Meade Lane to a future meeting for Council discussion, noting if it was not a good addition to the park then the City had a significant asset that could be repurposed financially to help with Quincy Farm. He agreed a thorough discussion about the 1 mill transfer was needed if the issue was not complete.

Councilor Safavi reported he met with Chief Tovrea to review the 2022 draft budget and he thanked the team for their careful management of City finances. He echoed Councilor Sheldon's comment that Council should move forward with the Quincy Farm process even if he did not agree with how they got here; he agreed with Mayor Pro Tem Brown's suggestions about the next steps for working with the CHLP; he stated he would like to see CHLP's fundraising numbers on a quarterly basis; he thanked staff for the cost estimates they had put together; once the City had a better idea of how much funds could be raised then they could determine what options they could afford to implement; Council should not make any decisions about removing any buildings at Quincy Farm for at least the next six months until they had a better idea of the funding amounts.

Mayor Pro Tem Brown agreed and indicated she did not believe anyone on Council thought any buildings at Quincy Farm should be removed.

Mayor Stewart agreed and added all of the structures were historically significant, especially the 1930's era. He asked if the City's revenue from building permits was the highest ever this year.

City Manager Cramer confirmed that was correct and noted expenditures were also higher because building permit fees were tied to costs for the City's consultants to perform plan reviews and inspections.

City Manager & Staff

City Manager Cramer indicated there seemed to be broad consensus among Council for staff to start working on Quincy Farm, with the understanding that Council was not voting on this issue tonight; staff would begin updating the draft MOU with the CHLP and that could be considered by Council apart from other Quincy Farm topics; some issues would also have to be addressed in agreements since the MOU was not legally binding; staff would begin work on a short-term program to allow the community to see progress and allow activation in addition to what the CHLP was already doing, which would likely require some capital expenditures to upgrade facilities on the property; staff would begin to work on the additional maintenance of the property including weed mitigation, trees, and upkeep of facilities; these steps would demonstrate from Council to the community that the project was moving forward with concrete actions. He agreed with the comments made during the study session about the importance of mission and vision. He recommended Council discuss the mission and vision with CHLP; then discuss priorities; then more specific discussions could be had about the budget; then a long-term contract with CHLP could be discussed. He noted legal issues such as roles and responsibilities, liability, and insurance would need to be worked out in an agreement; Denver's contract mentioned during the study session was a good starting point.

Councilor Weil suggested using the MOU for a year or so before entering into a contract.

Mayor Pro Tem Brown agreed but indicated there might be issues such as insurance and liability that could only be addressed in a legally binding document. She suggested any legal agreement be limited to the CHLP's proposal which was three years.

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Mayor Stewart added there could be several small contracts covering the various issues. He agreed with Mr. Hoellen's comments that no capital expenditures should be made without a contract.

City Manager Cramer agreed with Councilor Weil and stated that had been his intent. He noted the short-term steps of an MOU and smaller contracts would also allow the City to be more thoughtful with the long term vision and priorities especially as it related to cost and programming; establishing some of these elements on the front end would allow staff to explore Councilor Gallagher's concerns; staff had a lot of information that might answer Councilor Gallagher's questions already. He indicated Council could take some short-term steps including an MOU, some small contracts, and an increased maintenance budget for next year, in order to allow for priority setting and longer term contracts.

Councilor Sheldon asked about the increased budget for next year.

City Manager Cramer clarified staff proposed an additional \$50,000 on top of the existing budget.

Councilor Safavi indicated Council and now the CHLP had to hold themselves accountable with some timelines.

City Manager Cramer agreed and asked when Council would like to have a follow-up discussion about Quincy Farm to solidify the overall approach, noting staff would not have time to put much together for the October 5th meeting, and there was no quorum for October 19th.

Council agreed to place Quincy Farm as a discussion item on the October 5th and November 2nd regular meeting agendas.

City Manager Cramer confirmed the Anderson Family proposal was no longer under consideration and therefore the site visit planned for October 6th would be cancelled and recommended the October 13th site visit with CHLP be postponed as the original intent was to compare proposals. He indicated staff was available if individual Councilors wanted to visit Quincy Farm.

Council agreed.

Councilor Safavi asked staff to send a formal letter to the Anderson Family thanking them for their proposal.

City Manager Cramer replied he had been in contact with Natalie Anderson but would be happy to send a formal letter. He reported he would be at the CML Conference this week. He reminded everyone the Master Plan Open House would be September 29th and the Exotic Car Show would be October 2nd.

Councilor Sheldon asked for an update on the Quincy undergrounding project.

Deputy City Manager/Director Goldie replied Xcel's subcontractor had extended their right-of-way permit and had told staff they would start the trenching before the end of the month.

City Attorney

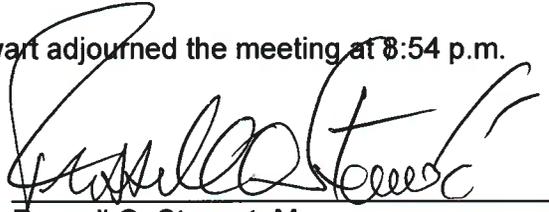
City Attorney Guckenberger reported she would also be at the CML Conference.

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ADJOURNMENT

Hearing no objection Mayor Stewart adjourned the meeting at 8:54 p.m.

(SEAL)



Russell O. Stewart, Mayor



Laura Gillespie, City Clerk