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## RECORD OF PROCEEDINGS

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Minutes of the  
Parks, Trails & Recreation Commission of the  
City of Cherry Hills Village, Colorado  
Held on Thursday, October 14, 2021 at 5:30 p.m.

### **PARKS, TRAILS AND RECREATION COMMISSION REGULAR MEETING**

Chair Stephanie Dahl called the meeting to order at 5:37 p.m.

#### **ROLL CALL**

Chair Stephanie Dahl, Co-Chair Tory Leviton, Commissioners Robert Eber, Fred Wolfe, Kate Murphy and Aron Grodinsky. Also present were Emily Black, Parks and Recreation Coordinator, Jeff Roberts, Parks Operations Supervisor, Jessica Sager, Director of Finance and Administration, Kathie Guckenberger, City Attorney, and Pamela Broyles, Administrative Assistant.

Commissioner Aron Grodinsky joined the meeting at 5:50 p.m.

Absent: Commissioner Chelsea Scott

#### **PLEDGE OF ALLEGIANCE**

The PTRC conducted the Pledge of Allegiance.

#### **AUDIENCE PARTICIPATION**

There was no audience participation.

#### **CONSENT AGENDA**

Co-Chair Tory Leviton moved, seconded by Commissioner Rob Eber to approve the following items on the Consent Agenda:

1. Approval of Minutes – September 9, 2021

The motion passed unanimously.

#### **UNFINISHED BUSINESS**

There was nothing to report.

#### **NEW BUSINESS**

- a. Relocation of *Crew* series to John Meade Park

Director Sager reported that PTRC is being asked to consider a request from the Cherry Hills Village Art Commission for relocation of the *Crew* series pieces. She noted that the sculptures are currently located at the southeast corner of Quincy and Holly. She said the Commission has discussed relocating the sculptures since 2018 and decided to hold off on requesting permission until after the John Meade Park redevelopment was complete. She said now that the Park has reopened the Commission would like to relocate the series to the area between the southeastern pond that is closest to the horse arena and the gravel parking lot. She explained that if the request is approved tonight, the next step is to take the request to City Council for final approval.

## RECORD OF PROCEEDINGS

---

Director Sager announced that Commissioner Shenley Smith with the Cherry Hills Village Art Commission is available for questions.

Art Commissioner Smith shared that the Art Commission is hoping to have a location with more space for the series and a place that is more visible to trigger a conversation about adventure and space. She said the Art Commission agrees that the park would be the perfect place for people to enjoy the series. Ms. Smith noted that the artist is nationally known.

Commissioner Eber commented that PTRC has interacted with the Art Commission in the past to discuss how they can work more smoothly on requests that come before PTRC. He said the purpose was so the Art Commission does not go through efforts that they think are appropriate and then come to PTRC to discover that they might not like the proposal. He said they also talked in the past about having art in John Meade Park and based on the Master Plan people expressed that they do not want a lot of art in the park. He said he does not think this is the smoothest way to have the proposal come before the Commission. He noted that he has also heard comments that people are not in favor of the proposed pieces. He expressed that it is hard for PTRC to evaluate the quality of art and the Art Commission are the experts, but he feels there has not been a lot of discussion on whether putting art in city parks is the right thing to do.

Chair Dahl emphasized that the Commission is being asked to consider approving the relocation of the *Crew* series to John Meade Park and she suggested that PTRC could have future discussions on how the transition of art works.

Commissioner Wolfe asked if children are allowed to play on the series pieces.

Art Commissioner Smith replied that children are allowed to touch them, but the artist would prefer that people don't climb on them. She said the Art Commission intentionally chose a space away from the playground area so they do not look like play pieces.

Commissioner Wolfe cautioned that with the proximity to the park he believes children will climb on the pieces.

Art Commissioner Smith noted that the Commission has anticipated that and when they move the pieces they will be refurbished and sturdy enough to handle exposure to children.

Commissioner Wolfe asked if the *Crew* series is temporary or if it is a permanent piece.

Art Commissioner Smith responded that the City owns the series and it is part of its permanent portfolio.

Art Commissioner Smith noted that residents have reached out to the Art Commission and requested that a more traditional piece of art be placed in the park. She said the Commission has been fundraising and looking for a piece to honor the park, and the *Crew* series is a side piece that the Commission feels the Park can accommodate. Ms. Smith pointed out that the Art Commission pays an art consultant to advise the Commission on whether art is worthy and provides the background of the artist so the pieces that are donated are significant pieces. She said even if person does not like a piece of art it serves a purpose in a community as it can encourage communication.

Commissioner Wolfe commented that art is subjective, and he hopes the City takes a slower approach as he does not feel that there needs to be art in every piece of open space in the Village. He said the nice thing about Cherry Hills Village is the open space and parks and he does not think they need to have art.

## RECORD OF PROCEEDINGS

---

Chair Dahl asked if the Art Commission plans to place a different piece at the corner of Holly and Quincy.

Art Commissioner Smith said the Commission has no plans to replace the *Crew* series with other art at this time.

Co-Chair Leviton expressed that so long as the pieces are not fenced off and it is expected that people will interact with them then he thinks it would be a good location.

Art Commissioner Smith confirmed that the pieces will not be blocked off and the Commission feels that the Park is large enough to absorb the pieces.

Commissioner Eber asked if PTRC approved a specific area for art in the Master Plan.

Coordinator Black responded that there is not a specific area designated. She reminded PTRC that the Art Commission does have money budgeted for next year for an art piece in John Meade Park and PTRC will work with them to decide on a piece. She said the proposal tonight is to decide whether to allow the *Crew* series to be relocated in the park.

Commissioner Murphy commented that she would prefer to see funds go towards more recreation in the park to attract more people versus purchasing more art.

Coordinator Black clarified that the Art Commission has its own budget. If PTRC would like to add another amenity to the park, that is a separate Parks budget; it is not a question of "either-or".

Tory Leviton moved to recommend that City Council approve relocation of the *Crew* series pieces to John Meade Park, in the area between the southeastern pond and the gravel parking lot, south of Meade Lane and northwest of the equestrian arena.

Motion failed for lack of a second.

Commissioner Murphy suggested that if art is going to be located in the park it should be an interactive piece and something that kids can climb on.

Chair Dahl agreed and added that the park is designed as a natural habitat where children can climb and jump. She is concerned that without signage or a barrier children will be climbing and jumping all over the pieces.

Director Sager noted that the artist is aware that children will climb on the pieces, but he wanted to separate them from the playground.

Commissioner Wolfe asked what the diameter of the holes are on each piece and if the holes are deep enough for people to put trash in them.

Coordinator Black replied that there is more of a divot than a hole on the art pieces.

Commissioner Eber said he would like to understand the process that the Art Commission went through in recommending that the art be relocated and that it should move to this location versus somewhere else.

Director Sager replied that the Art Commission felt that no one was viewing the art on the corner of Quincy and Holly and they believe the Park will be a more visible location. She said she is not sure if other locations were considered.

## RECORD OF PROCEEDINGS

---

Commissioner Grodinsky suggested that when thinking about various locations for the series the corner of Clarkson and Quincy comes to mind because there is a lot of traffic coming in and out. He said the corner of Quincy and Happy Canyon is also a good location where kids will not be climbing on them.

Director Sager noted that the Art Commission's consultant walked John Meade Park with Parks Operation Supervisor Jeff Roberts and chose the proposed location. She said the Art Commission has some locations in mind for their art on loan program such as the southwest and northwest corner of Quincy and University.

Commissioner Eber asked if there are other locations within John Meade Park that are potential places to have art. He said at some point PTRC will have to decide what the limit is on art. He referred to John Meade Park as the City's most prestigious park and he wants to make sure that the art placed in the park is of the caliber to be in the City's most central park. He said he is not sure that the *Crew* series piece fits that description. He asked if the Art Commission feels that this is a great piece from a great artist that deserves a central location or if the Art Commission considered a better piece for this location.

Art Commissioner Smith responded that the Commission is in the process of looking for a significant traditional piece to put in the park. She said the *Crew* series is a piece of art that the City owns and the park is a more appropriate venue. She said the art consultant recommended that the pieces should be in a big enough area to look like they fell from the sky.

Commissioner Wolfe asked if the *Crew* series came before PTRC for approval before it was donated.

Coordinator Black responded that the Art Commission can accept donated pieces of art for the rights-of-way without PTRC's approval.

Chair Dahl asked PTRC to remember that although there is an overlap with the Art Commission and PTRC each Commission has their own job and their own expertise.

Chair Dahl stated that she understands the piece needs more space, but she asked if the Art Commission believes this is where this piece should go or should they wait for another piece of art for the park.

Art Commissioner Smith responded that the Art Commission walked the park and felt that it was a great space for the *Crew* series. She also pointed out that the Art Commission receives offers to donate art all the time and Commission Members vote to determine if the art is worthy. She said the Commission will not be coming to PTRC with a lot of art that has been donated to be placed all over the Village. She explained that this series is something the Art Commission determined was significant by a worthy artist and accepted the donation.

Commissioner Wolfe asked for clarification on the Art Commission's schedule for accepting art.

Art Commissioner Smith responded that they generally do the sculpture on loan where the art is displayed for two years to give the residents exposure to different pieces. She said they have also purchased permanent pieces such as the piece in front of City Hall that is on the permanent portfolio of art.

Commissioner Grodinsky asked if the Art Commission considered Three Pond Park as there is a lot of open space.

## RECORD OF PROCEEDINGS

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Chair Dahl said she likes the idea of putting the series at Three Pond Park.

Art Commissioner Smith responded that PTRC can decide that John Meade Park is not the appropriate location, and the Art Commission can look for another spot. She said the goal is to make the residents happy.

Commissioner Wolfe asked if the pieces can be moved and rolled around.

Art Commissioner Smith replied that they will be secured and not able to be moved.

Coordinator Black confirmed that all three pieces will be placed in native grass in the Park.

Commissioner Eber asked Parks Supervisor Roberts if the pieces would interfere with maintenance in the Park.

Supervisor Roberts responded that they will not impact maintenance.

Commissioner Eber suggested that the series would fit better at Alan Hutto Commons that is geared towards a younger audience to generate communication.

Supervisor Roberts cautioned that once grass is established at Alan Hutto Commons the plan is not to mow more than a couple passes next to the trail and to leave the outer areas more natural. He said the pieces might get hidden by the grass.

Commissioner Murphy said she would like the opportunity to visit the location where the art is currently located to have a better understanding before making a decision. She suggested that the agenda item be tabled.

Coordinator Black noted that the item is scheduled to go before City Council at its next meeting and she encouraged PTRC to give the Art Commission some direction this evening.

Commissioner Wolfe said he would also like to table the discussion until he has a chance to look at the art.

Commissioner Eber noted that the Commission does not have to decide this evening and they can vote to table the discussion.

Art Commissioner Smith stated that she feels the Commission is resistant and she agreed it is the right decision is to table the discussion.

Commissioner Fred Wolfe moved, seconded by Commissioner Aron Grodinsky to table the discussion on the *Crew* series until the Commission has had a chance to view the series before the next PTRC meeting on November 11<sup>th</sup> and suggest that the Art Commission also consider Three Pond Park as an alternate location for the series.

The following votes were recorded:

Dahl	aye
Wolfe	aye
Murphy	aye
Leviton	aye
Grodinsky	aye
Eber	abstained

The motion passed with 5 ayes and 1 abstention.

Parks & Trails Commission  
10/14/2021

## RECORD OF PROCEEDINGS

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b. Municipal Code Updates: Chapter 11, Article III – City Property, Parks and Rights-of-way

Coordinator Black reported that PTRC reviewed the proposed Code changes at its June meeting. She said PTRC recommended allowing wading in the splash area at John Meade Park and in Woodie Hollow Park and did not recommend changing the Park hours to dawn to dusk. She stated that the hours in the suggested Code will remain 6am to 11pm. Ms. Black said she worked with City Attorney Guckenberger to draft appropriate Code language based on PTRC's recommendations and to also update some of the other sections with minor changes.

Ms. Black reviewed the following substantive Code changes:

1. Sec. 11-3-70. Swimming or wading prohibited

Proposed change is to allow wading in the splash area at John Meade Park and Little Dry Creek in Woodie Hollow Park. Staff plans to install signage in both areas in accordance with the new Code language once it is approved by City Council.

2. Sec. 11-3-90. Parking or Camping

Proposed change is to clarify that parking is to be contained in designated parking areas. The proposed change also removes the requirement to obtain a permit prior to setting up a table in a park or along a trail.

Staff is also requesting feedback from PTRC on whether park users need a permit to bring a grill and have a cookout without an event permit. The existing Municipal Code language states that barbecues and grills are not allowed in any park or trail without obtaining a permit from the City Manager.

3. Sec. 11-3-120. Alcoholic beverages

Based on City Council's discussion at its July 20, 2021 study session, this section has been updated to include an exception to allow alcohol at specific events held by the City in John Meade Park and Alan Hutto Memorial Commons. Alcohol will continue to be prohibited in all other situations in parks and on trails. Third parties will not be allowed to pull a permit to have alcohol in those spaces.

The Commission discussed the following:

Commissioner Eber asked if a permit for a barbecue grill is issued does it restrict where the barbecue can be set up such as on a hard surface.

Coordinator Black responded that the language is not that specific right now to limit a barbecue to the Park shelter.

The Commission expressed concern about fire danger.

Commissioner Eber suggested allowing a solar oven that would eliminate fire danger.

Chair Dahl stated that she believes even if a permit is given for a grill the City needs to restrict where grills can be placed. She also believes because alcohol is not allowed in the Parks a permit should be required for grills as this gives the City the opportunity to educate people that no alcohol is allowed in City parks.

Commissioner Grodinsky said he would be in favor of banning grills altogether because he does not think it is something people in the community care about.

## RECORD OF PROCEEDINGS

---

Commissioner Eber stated that because the City does not provide installed grills in specific areas he believes the fire danger is too much of a risk and they should not exist in Parks.

Commissioner Eber referred to the alcoholic beverages section and previous discussions by PTRC on how to get more people into the Park. He believes that giving the City the only right to have alcohol at City functions is a compromise that excludes opportunities for people to come to the Park. He suggested that allowing alcohol at City events should be a first step and he would like to see a placeholder to consider other options in the future.

Commissioner Grodinsky pointed out that a big distinction with parks that are providing these facilities is that they have sporting events which the Village has made the decision not to have.

Coordinator Black summarized that based on PTRC's feedback the Code pertaining to grilling should remain the way that it is.

Chair Dahl asked City Attorney Guckenberger if there is anything written to guide the City if it decides to make an exception and grant a grill permit.

City Attorney Guckenberger responded that the Code provision states that a permit is required from the City Manager. She said there is also a delegation to the City Manager in Sec. 11-3-50 that states the City Manager is authorized to promulgate administrative policy and rules for public parks and trails. She said it allows the City Manager to adopt a policy that addresses these things and allows it to be more flexible but documented.

Commissioner Eber questioned whether the Commission wants the City Manager to have that discretion or does the Commission want to say no fires in the park, suggesting this Code section remain as-is.

City Attorney Guckenberger pointed out that there is another revision in Sec. 11-3-90 that clarifies the parking prohibition to allow it in areas permitted for public parking, so if the Commission suggests "no changes", this change would not be included.

Coordinator Black noted that the City has not received any requests for permits to have a grill, but having the new park shelter could change that.

Commissioner Eber stressed that if the City Manager is given the discretion to allow grills, there needs to be specific criteria such as the grill needs to be on a hard surface and a fire extinguisher must be present to address the fire risk.

The Commission agreed on the following Code changes for each section:

Sec. 11-3-70. Swimming or wading prohibited

The Commission agreed on the proposed Code changes.

Sec. 11-3-90. Parking or camping

Commissioner Wolfe asked if the proposed Code change addresses homelessness issues. He said for instance, can someone sleep in the Park.

City Attorney Guckenberger replied that she checked with the Chief of Police and the Chief confirmed that this is not an issue right now and she is satisfied with the way the Code is written. She stated that camping is a hot issue right now in metropolitan areas and the subject of a lot of litigation. She said she has analyzed the provisions in the Code Parks & Trails Commission

## RECORD OF PROCEEDINGS

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and she has no reason to believe that the Code as written with the revisions is in violation, and the Chief of Police is satisfied with it for their enforcement needs.

The Commission discussed the proposed Code language to require a permit to “Make, or allow to burn, a fire or to cook by any means.” They agreed to leave the language as is.

### Sec. 11-3-120. Alcoholic Beverages

Commissioner Eber noted that the Commission’s stance was to have the language on alcohol in John Meade Park and Alan Hutto to be broader and not limited to City events.

Coordinator Black agreed to include that comment in the memo when she presents the Code changes to City Council.

Commissioner Aron Grodinsky moved, seconded by Co-Chair Tory Leviton to recommend that City Council adopt changes to Chapter 11, Article III of the Cherry hills Village Municipal Code as outlined in Exhibit A.

The motion passed unanimously.

### **REPORTS**

#### a. PTRC Chair Report

Chair Dahl requested that Coordinator Black put together an outline of the results from the Master Plan Survey specifically on items that are applicable to PTRC so the Commission can focus on what residents want.

Commissioner Dahl thanked staff for their work on the 75<sup>th</sup> Anniversary Event.

#### b. Commission Members Report

Commissioner Eber reported that the Citizens Advisory Task Force meeting was rescheduled for November 10<sup>th</sup>. The meeting is to allow people to give comments for the Master Plan.

Coordinator Black informed the Commission that a copy of the Master Plan survey was mailed to every household in the Village

Commissioner Eber thanked staff for a great Car Show event. He said it was good to see the Community come together and enjoy interacting with other people.

Commissioner Eber commented that he has witnessed several locations in the Village with apple trees full of fruit. He voiced his disappointment in the waste of fruits and vegetables not being picked before the frost. He suggested starting an initiative with some programming such as a notice from the City educating and encouraging people to harvest fruits and vegetables.

Commissioner Wolfe reported that he worked with Parks Supervisor Roberts to determine where to put the signs for the Woodie Hollow Park Trail. He said the signs have been ordered and the posts will go up next week. He said he has started to work on signage for the Cherry Trail.

Commissioner Eber reiterated that he would like the Commission to consider formalizing other trails so all pieces of the Village have trails.



## RECORD OF PROCEEDINGS

---

Co-Chair Leviton reported that he manned a table for PTRC at the Cherry Hills Land Preserve's trail walk event. He said he also attended a Denver Parks and Recreation Zoom outreach for programming ideas. He said he hopes to add more diversified programming in the Village.

Chair Dahl reiterated that the Master Plan process would show PTRC what residents want in terms of recreation, and asked staff to present the results once they are received. She brought up the process of considering art and feels that there is a better way to work with the Art Commission versus them coming to PTRC after they pick the art.

Coordinator Black confirmed that staff had discussed ways for the two Commissions to work together with joint meetings starting early in the process in order to choose the main piece for John Meade Park.

The Commission communicated that they would have preferred more background information on why the specific location was chosen and they would have preferred to have been presented with other options.

Commissioner Eber said it is important to understand that PTRC may not be involved in picking the art, but PTRC is the citizen advisory group for what happens in parks. He said theoretically if the Art Commission has the discretion to pick the art and PTRC has the discretion to pick the location it takes out the discussion on whether PTRC likes the art or not and focuses on whether it is the right location. He also commented that the City's parks were designed to be natural parks and he is not sure Three Pond Park is the appropriate place to put the *Crew* series.

Coordinator Black responded that if the Commission is not going to accept the series in any park, then that feedback should be given to the Art Commission.

Chair Dahl voiced that if PTRC is only to decide if a piece can go in the Park versus do they like the piece, does it fit with the aesthetics or do they like how it integrates with the Park, then that is a whole separate discussion. She said the Commission needs to know if it is their option to say they do not want the piece in the park.

Coordinator Black stated that she should have presented all available options to PTRC in the memo. She confirmed that PTRC does have the discretion to suggest other locations within the park or in a different park, or motion that they would not like the piece to be placed in any park.

Commissioner Murphy expressed that she would prefer the parks kept natural and no art be placed in the parks.

The Commission stressed the importance of being involved early on in choosing the location and the piece that will be placed in John Meade Park. They also expressed their respect for the work the Art Commission does.

Coordinator Black reminded the Commission that putting art in John Meade Park was discussed at the beginning of the John Meade Park master planning process. She said art for the park was contemplated at the beginning of planning, and it was discussed that the Art Commission and PTRC would work together to place an art piece.

### c. Staff Report

Coordinator Black informed the Commission that the Winter Celebration has been cancelled due to Covid risks.

## RECORD OF PROCEEDINGS

---

Commissioner Eber encouraged the Commission to think about how the Winter Celebration can be reconfigured and what activities can be added.

Coordinator Black reported that the Planning and Zoning Commission “reluctantly” approved the Cantitoe Trail Vacation and it passed 3 to 1. She said their recommendation for approval will go before City Council on November 2<sup>nd</sup> and November 16th.

i. Quincy Farm Process

Coordinator Black reported that she gave a presentation to City Council on September 21<sup>st</sup> with Deputy City Manager Jay Goldie regarding a menu of options and possibilities for Quincy Farm. She said the Cherry Hills Land Preserve also presented options that evening. She clarified that City Council did not make any decisions and their consensus at the meeting was to start working with the Cherry Hills Land Preserve on a Memorandum of Understanding (MOU). She said staff has begun working with the Cherry Hills Land Preserve on the MOU.


### ADJOURNMENT

The meeting adjourned at 7:18 p.m. The next PTRC meeting is scheduled for November 11th at 5:30 p.m.



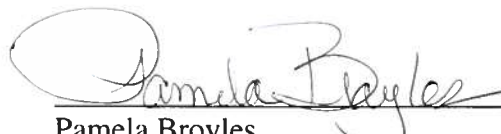
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Chair Stephanie Dahl



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Emily Black  
Parks and Recreation Coordinator



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Pamela Broyles  
Administrative Assistant