

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
and of the Cherry Hills Village Charlou Park 3rd Filing
General Improvement District Board of Directors
Held on Tuesday, January 19, 2021 at 6:30 p.m.
Electronic Meeting

Mayor Russell Stewart called the meeting to order at 6:30 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, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

Councilor Sheldon removed Item 5a from the Consent Agenda.

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

- b. Agreement for Professional Services for Goose Deterrence in John Meade Park and Alan Hutto Memorial Commons
- c. First Amendment of Professional Services Agreement with Colorado Code Consulting and Assignment to Shums Coda Associates
- d. Resolution 5, Series 2021; Approving a Policy Regarding Criminal History Record Information for Noncriminal Justice Purposes Related to Liquor Licensing
- e. Resolution 6, Series 2021; Approving a User Agreement for CBI-CJIS Systems Access for Non-Criminal Justice Agency
- f. Resolution 7, Series 2021; Accepting an Anonymous Donation from a Resident on Behalf of the Cherry Hills Village Police Department

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

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ITEMS REMOVED FROM CONSENT AGENDA

Approval of Minutes – January 5, 2021

Councilor Sheldon noted the minutes reflected statements by Jeri Neff and Eric Jamrich that the City had approached Natalie Anderson about ownership of Quincy Farm returning to her family. He explained while the minutes accurately reflected what was stated during the meeting, the statements themselves were not exactly correct and he wanted to clarify for anyone watching tonight’s meeting. He indicated it was his understanding Mayor Stewart had reached out to Ms. Anderson but not as a representative of the entire Council.

Mayor Stewart agreed the statements were not correct and indicated he had not approached Ms. Anderson. He explained Ms. Anderson had first raised the idea of returning ownership to her family during a site visit at Quincy Farm with Quincy Farm Committee Chair Lucinda Greene and Vice Chair Klasina VanderWerf. He noted it had been a joint discussion and Ms. Anderson had attended many Quincy Farm Committee (QFC) meetings and he had long discussions with her as the representative of the Anderson family. He questioned if it mattered.

Councilor Sheldon agreed it was history now and did not matter. He indicated he was not aware of a discussion between Ms. Anderson and QFC members. He recalled a previous Council meeting when Mayor Pro Tem Brown had asked Ms. Anderson who had initiated contact and Ms. Anderson stated that Mayor Stewart had contacted her. He indicated he wanted to clarify the elected body of the City had not solicited a proposal from Ms. Anderson.

Mayor Stewart agreed that was true.

Mayor Pro Tem Brown noted she had not been at the January 5, 2021 meeting but her impression from the meeting minutes was the residents felt the City was being underhanded because it had approached Ms. Anderson and was now taking that back. She noted it might be difficult to move forward if residents felt the City had acted in that way. She suggested reaching out to those residents and Ms. Anderson to discuss everyone’s understanding of previous events so the process could move forward from a common set of information.

Councilor Sheldon agreed and asked staff to reach out to those individuals and ask them to listen to tonight’s meeting.

Councilor Gallagher agreed and noted Council’s discussion tonight on record would hopefully help clarify the issue.

Mayor Stewart stated he did not think it was that important, but he did not believe the QFC had reached out but rather it was Ms. Anderson who had requested the meeting, and that it was a joint meeting. He agreed with staff contacting those individuals and asking them to listen to tonight’s meeting.

Mayor Pro Tem Brown moved, seconded by Councilor Gallagher, to approve Item 5a.

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

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UNFINISHED BUSINESS

None

NEW BUSINESS

Finalization of City Council Retreat Agenda

City Manager Cramer presented the draft agenda for the February 2, 2021 retreat. He asked for Council direction both on the agenda items and anything they would like to see in the packet. He noted staff planned to circulate the packet on the Wednesday before the retreat.

Councilor Blum suggested adding an item about cell coverage.

City Manager Cramer replied he had discussed that idea with the Mayor and Mayor Pro Tem and they believed a study session would be a better format for that item as it was an ongoing operational effort.

Councilor Blum replied a study session would be fine.

Mayor Pro Tem Brown added they had discussed adding Quincy Farm to the retreat agenda but decided it would be better to leave it as an item on the regular Council agenda that evening in order to provide a more accessible forum for the public outside of work hours and to avoid Council repeating itself.

Councilor Blum requested information about the City's service expansion fees for the last two years be included in the retreat packet, and noted he had research from Greenwood Village he could add to that item.

Councilor Gallagher requested the letter about construction use tax by former councilor Alex Brown be included.

Mayor Stewart requested the memos from the City Attorney's office regarding the Wayfair decision and use tax also be included.

City Attorney Guckenberger noted she was updating the Wayfair memo for the retreat but would also include the past memo for historic purposes. She would also include the memo her office had drafted several years ago regarding tax and nexus.

City Manager Cramer stated City Attorney Guckenberger could join the retreat for the discussions about Wayfair and use tax.

RECESS OF THE CITY COUNCIL TO CONVENE AS THE GID BOARD

Mayor Stewart recessed the City Council Meeting and called to order the Meeting of the Cherry Hills Village Charlou Park 3rd Filing General Improvement District Board.

MEETING OF THE CHERRY HILLS VILLAGE CHARLOU PARK 3RD FILING GENERAL IMPROVEMENT DISTRICT BOARD

Mayor Russell Stewart, serving ex-officio as the GID Chairperson, called the meeting to order at 6:50 p.m.

ROLL CALL OF MEMBERS

The City Council for the City of Cherry Hills Village serving ex-officio as the Board of Directors of the Cherry Hills Village Charlou Park 3rd Filing General Improvement

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District: Mayor Russell Stewart, Mayor Pro Tem Brown, Councilors Randy Weil, Afshin Safavi, Al Blum, Mike Gallagher, and Dan Sheldon were present on roll call.

Absent: none

The administrative staff of the City serving as the administrative staff of the GID: City Manager Chris Cramer, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

CONSENT AGENDA

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

- a. Approval of Minutes – January 5, 2021

The following votes were recorded:

Safavi	yes
Weil	yes
Brown	yes
Stewart	yes
Gallagher	yes
Sheldon	yes
Blum	yes

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

None

ADJOURNMENT

The GID Board meeting adjourned.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 6:52 p.m.

REPORTS

Mayor’s Report

Mayor Stewart thanked Public Works staff for the holiday tree recycling program. He reported he had been contacted by a resident about having the City provide compostable dog poop bags on City trails. He noted Lafayette and Boulder had a compost program for dog poop. He reported he had attended a Tri-County Health Department call and the COVID-19 numbers were improving and the vaccine roll-out

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was going well. He noted there was some discussion at the state level of changing the COVID-19 dial to reduce restrictions. He reported he had attended the January 7th Metro Mayors Caucus call; the January 11th County Commissioners swearing-in ceremony; the January 13th CML Legislative Workshop; and the January 15th CML Policy Committee meeting. He reported he would attend the January 21st Metro Mayors Caucus meeting; the January 22nd CML Executive Board Meeting; and the January 28th Arapahoe County 18th Judicial District judge's appreciation day. He suggested when the City returned to in-person meetings that they invite new County Commissioner Carrie Warren-Gully and new District Attorney John Kellner to speak.

Members of City Council

Councilor Blum had no report.

Councilor Sheldon had no report.

Councilor Gallagher thanked the anonymous donor for their generous donation to the Police Department. He asked about the status of the police foundation.

Chief Tovrea reported former councilor Mark Griffin was working on the paperwork required by the state.

Councilor Safavi asked if the Greenwood Village police foundation's administrative assistant might still help.

Chief Tovrea replied they were interested in helping. She noted the donation had been very generous and those residents were not new donors. She explained she had worked with City Manager Cramer and Director Sager to set up an escrow account for the donation so it could be used for the new body camera project as needed.

Mayor Stewart noted CML was working to have the state fund the body cameras as it was an unfunded mandate.

City Manager Cramer agreed and noted the escrow account allowed the City to be flexible in using the donated funds.

Mayor Pro Tem Brown noted former district attorney George Brauchler was now a prosecutor for the 18th Judicial District. She reported the FAA had released its findings of a neighborhood environmental survey and was accepting comments until March 15th. She explained the survey updated research conducted in the 1970s about what kinds and levels of noise people find annoying. She noted the percentage of people who found low levels of air traffic noise to be highly annoying had increased significantly since the original survey. She added this was in comparison to other types of noise such as vehicular traffic.

Councilor Weil reported DRCOG meeting topics included federal transportation grants for local projects and noted the nearest projects to the City were Santa Fe and I-25/Broadway; links between transportation and the environment; alternate modes of transportation; sustainability; and changing DRCOG's fiscal year to July to June.

Councilor Safavi asked residents to continue COVID-19 precautions as vaccinated people could still carry the disease.

City Manager & Staff

Deputy City Manager/Director Goldie reported Xcel would begin undergrounding their lines on the Quincy section soon. He explained Xcel had not coordinated with Comcast and CenturyLink and had trouble finding a place to underground their lines, and staff would be sure to require coordination for any future undergrounding project. He

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reported he and Parks Coordinator Black met with the John Meade Park contractor who was beginning the corrections to the playground today and they should be done in two weeks. He indicated after the corrections were complete the City would have their playground specialist inspect the playground again before opening it to the public.

Chief Tovrea reported the Police Department remained healthy and several officers had received their first vaccination or had appointments to receive it. She indicated the Police Department had an operations plan for inauguration day tomorrow although they had no intel that anything was expected to occur. She stated unemployment scams were prevalent and were usually associated with mail theft. She strongly urged residents to check their mail every day, arrange for mail hold or pick-up during vacations, and to call dispatch if they saw any suspicious activity. She noted there would be an article in the Crier and the scam warning had been posted on the City's website and social media accounts.

City Manager Cramer reported the City still only had one approved organization for the Five Star Program and applications had gone down significantly throughout the County since the County was moved to level orange on the COVID-19 dial. He stated the Planning and Zoning Commission heard the Denver First Church case and it would be coming to Council next. He indicated procedurally staff planned to modify the process a bit by having first reading of the rezoning council bill as a simple presentation with no discussion or questions, rather just an opportunity for Council to set the public hearing for second reading. He added second reading would have the public hearing. He explained this process would allow Council to hear all the evidence before holding any discussion. He indicated City Attorney Guckenberger had agreed with the legality and best practices of this approach.

Councilor Sheldon noted many of the jurisdictions he worked in conducted their processes this way.

Mayor Stewart suggested revising the Council rules of procedure to incorporate this approach. He agreed staff should not have to do the full presentation at both readings.

City Attorney

City Attorney Guckenberger noted the Charter stated an ordinance could be introduced on first reading by title only or in full text, so it was implied that discussion did not need to occur on first reading. She agreed it would be helpful to clarify this process in the Council rules of procedure for future cases. She agreed unemployment fraud was rampant everywhere.

ADJOURNMENT

Hearing no objection Mayor Stewart adjourned the meeting at 7:22 p.m.

(SEAL)

DocuSigned by:
Russell O. Stewart
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Russell O. Stewart, Mayor and GID Chairperson

DocuSigned by:
Laura Gillespie
98AFD1F52702493...
Laura Gillespie, City Clerk and GID Secretary