

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, November 19, 2019 at 6:30 p.m.
At the Village Center

The City Council held a study session at 5:31 p.m.

Mayor Russell Stewart called the meeting to order at 6:33 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 Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Community Development Director Chris Cramer, Parks and Recreation Coordinator Emily Black and City Clerk Laura Gillespie.

Absent: none

PLEDGE OF ALLEGIANCE

The Council conducted the pledge of allegiance.

PROCLAMATION 1, SERIES 2019; JUDGE TURRE

Mayor Stewart welcomed everyone to Judge Turre's retirement celebration. He thanked Wanda Turre for her support of the Judge over the years and presented her with flowers. He invited Judge Welborn to speak.

Judge Welborn indicated Judge Turre became the Alternate Municipal Judge in 1972 and the Municipal Judge in 1978, and had served the City with care and dedication, making the City's small town court a model for others. He noted Judge Turre was only the second Municipal Judge in the history of the City, and the first to hold Municipal Court in the then new Village Center. He indicated Judge Turre always made sure his staff had the skill and motivation to make his court room run smoothly; established early on and maintained the highest standards of judicial excellence, fairness, clarity, courtesy, and respect for those coming before him; defendants left his court room understanding the process and feeling they had been treated fairly. He noted Judge Turre had told him for most people municipal court might be their only interaction with the judicial system in this country and the judge had a duty to make that experience both seem and be both fair and understandable. He added Judge Turre always done his job with good humor and genuine humility. He indicated for the last 45 years Judge's Turre's municipal court had quietly, efficiently and effectively done its job for the community. He stated he and Judge Barsch would do their best to follow in Judge Turre's footsteps and match his stride.

Mayor Stewart read the Proclamation of the City Council designating November 19, 2019 as James E. Turre Day, whereas James E. Turre was appointed as the alternate Municipal Judge for the City of Cherry Hills Village in 1972; and whereas Judge Turre served as the primary Municipal Judge from 1978 to 2019; and whereas, Judge Turre submitted his resignation as the primary Municipal Judge in September 2019; and whereas, Judge Turre has made an extraordinary contribution to the City by presiding over a Municipal Court with a sterling reputation for dispensing justice with integrity, fairness, and compassion; and whereas, the City Council desires to recognize Judge Turre for his great public service and honor him for his significant contributions to the City; now, therefore, the City Council of the City of Cherry Hills Village proclaims that November 19, 2019 be designated as James E. Turre Day in the City of Cherry Hills

RECORD OF PROCEEDINGS

Village. Mayor Stewart presented the proclamation and a plaque recognizing Judge Turre for his service.

City Manager Thorsen noted when he had first started as City Manager, Judge Turre had indicated his expectation that a new court room be built with a separate entrance, and he hoped Judge Turre could be proud of the new building. City Manager Thorsen indicated Judge Turre was an icon of the City.

Chief Tovrea advised words describing the two law enforcement agencies that she had been a part of included integrity, intelligence, initiative, communication, community, service, and accountability. She stated Judge Turre had held people accountable, had made the City safe by his rulings, had helped the Police Department grow and she named Judge Turre as Honorary Chief of the Cherry Hills Village Police Department.

OATH OF OFFICE

City Clerk Gillespie administered the Oath of Office for Municipal Judge Jeff Welborn and Alternate Municipal Judge Karen Barsch.

AUDIENCE PARTICIPATION PERIOD

None

REPORTS FROM CITY BOARDS, COMMISSIONS AND COMMITTEES

None

CONSENT AGENDA

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

- a. Approval of Minutes – November 5, 2019
- b. Resolution 35, Series 2019; Concerning the Formation and Appointment of the 75th Anniversary Committee
- c. Resolution 36, Series 2019; Approving an Intergovernmental Agreement with Arapahoe County for Dispatch Services in 2020
- d. Resolution 37, Series 2019; Updating the Art Display Policy

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

ORDER OF AGENDA

Mayor Pro Tem Brown moved, seconded by Councilor Weil to amend the agenda and proceed with Item 11b.

The motion passed unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Preliminary Petition for the Vacation of Right-of-Way – 4501 S. Vine Way

Deputy City Manager/Director Goldie presented a preliminary petition for the vacation of a bridle trail located on 4501 S. Vine Way for Council's consideration. He explained the current trail was on the west side of the property and did not continue north of the property, although an easement existed, due to the location of Little Dry Creek. He indicated the petition was requesting the current trail be vacated and proposed a new trail be dedicated on the east side of the property bordering S. Vine Way. He explained the vacation of a right-of-way was a legislative and discretionary decision of Council and the process was outlined in Chapter 11, Article V of the Municipal Code and directed if City Council determined a preliminary petition lacked sufficient merit to justify further consideration it shall constitute a legislative finding that the requested vacation was not in the public interest and the petition would be rejected; if City Council determined the preliminary petition possessed sufficient merit to justify further consideration that shall only authorize the further processing of a formal petition for vacation and such decision shall not constitute a finding or imply that the vacation will be approved following such further consideration.

Councilor Gallagher asked for confirmation that the proposed trail was adjacent to S. Vine Way which connected to trails that crossed Little Dry Creek.

Deputy City Manager/Director Goldie confirmed that was correct.

Councilor Gallagher asked about the current bridle trail.

Deputy City Manager/Director Goldie replied the City currently mowed the existing bridle trail and maintained the fence on either side. He noted the trail ended at the north property line and trail users currently had to use the on-street trail. He explained the relationship between the trail easement north of the existing bridle trail and Little Dry Creek was unclear, and the status of a right-of-way easement along S. Vine Way was also unclear. He indicated surveys would need to be done to clarify these issues if Council moved the petition forward.

Mayor Stewart noted the purpose of tonight's meeting was to determine if the petition should be considered further.

Mayor Pro Tem Brown agreed and added Council should not be debating pros and cons tonight. She asked if the City owned right-of-way on the either side of the roadway.

Deputy City Manager/Director Goldie confirmed the City does own right-of-way and the petitioner would have to vacate an additional 15 feet beyond the City's right-of-way. He noted street trails were generally 15 to 16 feet wide.

Councilor Weil indicated he believed there was enough merit for the petition to move forward but noted the importance that the Parks, Trails and Recreation Commission solicit the perspective of the equestrian community. He added it was important that the formal petition detail the cost of all the changes.

Councilor Safavi asked for staff's opinion of the cons of the proposal.

Deputy City Manager/Director Goldie replied he believed the current trail was better if the City could find a way to connect it because walking on a trail following the creek was a more pleasant experience than walking along a road, and also conformed more to the semi-rural nature of the City. He added people could walk on the road now and it was a designated on-street trail on the City's trail map. He noted future partnership with Mile

RECORD OF PROCEEDINGS

High Flood District (MHFD, formerly Urban Drainage and Flood Control District) to repair the erosion on Little Dry Creek was a possibility.

Councilor Sheldon asked what the surface of the trail would be.

Deputy City Manager/Director Goldie replied staff would work with the petitioner on that detail later in the process if Council determined the petition should move forward.

Councilor Sheldon asked for confirmation that the City's right-of-way to the north of the subject property was only 15 feet and therefore the proposed trail bordering the road would taper from 30 feet next to the subject property to 15 feet going north.

Deputy City Manager/Director Goldie replied the new trail would probably bump out into the street to the north of the subject property in order to maintain the mature landscaping in the City right-of-way to the north of the subject property.

Councilor Sheldon inquired about the status of the trail easement to the north of the current bridle trail and the City's ability to make it a usable trail.

Deputy City Manager/Director Goldie replied there might be a road easement next to the known trail easement but more research was needed to determine if it had been vacated in the past. He added mitigation for the erosion of Little Dry Creek and the location of the trail easement relative to Little Dry Creek were other unknown factors.

Councilor Sheldon asked if staff had gotten any proposals for doing a survey.

Deputy City Manager/Director Goldie replied they had not.

Mayor Pro Tem Brown indicated the survey would be part of the formal petition if Council determined the preliminary petition had sufficient merit to move forward.

Councilor Sheldon suggested it would be helpful to have the survey conducted first because if the survey suggested continuation of the existing trail was possible then Council might not move the application forward.

Mayor Stewart noted the issue of that trail connection at this location across Little Dry Creek had been examined by PTRC before and at that time it was determined by City staff that the cost would be prohibitive. He agreed the survey should still be done but indicated the formal petition should be considered by PTRC.

Councilor Sheldon asked if the driveway of the subject property would cross the proposed new trail.

Mayor Stewart replied the house on the subject property would be removed so there wouldn't be a driveway.

Mayor Pro Tem Brown agreed with Councilor Sheldon and indicated she had seen past vacations regretted over the years and encouraged Council to be cautious, but stated that any time a trail was being discussed she believed Council should at minimum get PTRC's input.

Councilor Blum asked what the subject property would be used for.

Mayor Stewart replied the petition stated it would be park like.

Councilor Blum asked how the City would be assured that it would be park like forever.

Mayor Stewart replied PTRC would address that issue and could also talk to the property owner to the north.

RECORD OF PROCEEDINGS

Councilor Blum asked if the trees in the proposed trail would have to be removed.

Deputy City Manager/Director Goldie replied the trees were likely in the City's right-of-way so the dedication would be to the west of those trees and the new trail could go inside those trees.

Councilor Gallagher agreed with Mayor Pro Tem Brown that the petition should be sent to PTRC. He asked what the procedure would be after that.

Mayor Stewart replied the formal petition would go to PTRC, then P&Z, and then back to Council for a final decision.

Mayor Pro Tem Brown asked if the preliminary petition Council was reviewing tonight would go to PTRC and P&Z.

Deputy City Manager/Director Goldie replied if Council determined the preliminary petition had sufficient merit then the petitioners would submit a formal petition to the City which would then be reviewed by PTRC, P&Z and finally Council.

Mayor Pro Tem Brown asked if the formal petition would be a quasi-judicial matter.

City Attorney Guckenberger replied the Code identified the process as legislative and added after review by PTRC and P&Z the proposal for vacation would come before Council in the form of an ordinance for consideration.

Councilor Weil moved, seconded by Councilor Gallagher that the City Council finds that the preliminary petition possesses sufficient merit to justify further consideration and authorizes the further processing of a formal petition for vacation, noting that such decision does not constitute a finding or imply that the vacation will be approved following such further consideration.

The motion carried unanimously.

Public Hearing - Proposed 2020 Budget

Director Sager presented the proposed 2020 budget for Council's consideration. She noted the detail for administrative training had been inadvertently left out of the packet and was available on the dais for Council. She explained the budget had been drafted with three assumptions: the Master Plan update project cost, the worker's compensation policy increase, and the assessed property value. The City had received two RFPs for the Master Plan update and both were under budget. Worker's compensation amounts had been received and were also under budget. The assessed property value would be received from Arapahoe County prior to the December 11, 2019 Council meeting. Other changes since the study session were the health and dental premiums, the Quincy Farm budget, and the renamed High Line Canal storm sewer line item increased to \$15,000. The General Fund was balanced at \$7,420,820 with a projected ending fund balance of \$9,123,321. The projected Capital Fund ending balance was \$4,199,221. Capital Improvement Projects for 2020 included the Belleview Underpass design and improvements, the Glenmoor traffic signal, the John Meade Park/Alan Hutto Memorial Commons construction, the utility undergrounding along Quincy Avenue, the City wide sewer line repair, the Hampden Underpass trail/bridge project, the High Line Canal irrigation installation, the City Master Plan update, and the Quincy Farm Master Plan.

Councilor Blum asked if the Belleview medians maintenance cost was included in the budget.

Director Sager confirmed it was included in the Parks and Recreation Fund.

Councilor Sheldon indicated Director Sager had done a great job on the budget.

RECORD OF PROCEEDINGS

Councilor Gallagher agreed. He asked about the status of the sewer line repair project.

Deputy City Manager/Director Goldie replied the City had posted an invitation for bids. He noted it was a \$1 million project, with some of the cost paid for by the other sewer districts who used the City's trunk lines. He explained that because the project would involve work in residents' backyards, staff was looking for a contractor with community outreach experience.

Mayor Pro Tem Brown explained the reason Council did not have many questions about the budget was each Council member had met with their staff liaison and had reviewed the budget several times prior to tonight. She thanked Director Sager for her work on the budget.

Councilor Weil also thanked Director Sager.

Councilor Safavi indicated he appreciated how the City operated like a small company, being careful with the budget and getting input from all of staff.

Mayor Stewart opened the Public Hearing at 7:23 p.m. Hearing no comments the Public Hearing was closed at 7:24 p.m.

Council Bill 10, Series 2019; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for Fiscal Year 2020 (first reading)

Councilor Blum moved, seconded by Mayor Pro Tem Brown to approve Council Bill 10, Series 2019; A Bill for an Ordinance Adopting a Budget and Levying Property Taxes for the City of Cherry Hills Village, Colorado for Fiscal Year 2020 on first reading.

The following votes were recorded:

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

Vote on the Council Bill 10-2019: 6 ayes. 0 nays. The motion carried.

Council Bill 11, Series 2019; A Bill for an Ordinance of the City of Cherry Hills Village, Colorado Authorizing Appropriations for Fiscal Year 2020 (first reading)

Councilor Blum moved, seconded by Mayor Pro Tem Brown to approve Council Bill 11, Series 2019; A Bill for an Ordinance of The City of Cherry Hills Village, Colorado Authorizing Appropriations for Fiscal Year 2020 on first reading.

The following votes were recorded:

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

Vote on the Council Bill 11-2019: 6 ayes. 0 nays. The motion carried.

RECORD OF PROCEEDINGS

Quincy Farm Committee Vacancy

City Clerk Gillespie explained there was a vacancy on the Quincy Farm Committee (QFC) due to Earl Hoellen's appointment to the Planning and Zoning Commission. She asked for two Council members to review applications and make a recommendation to fill the appointment.

Mayor Pro Tem Brown noted past applicants did not need to be interviewed again.

City Clerk Gillespie agreed.

Mayor Stewart and Councilor Gallagher volunteered to review applications and make a recommendation for appointment.

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 7:27 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 District: 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.

Absent: None

The administrative staff of the City serving as the administrative staff of the GID: City Manager Jim Thorsen, Deputy City Manager and Public Works Director Jay Goldie, City Attorney Kathie Guckenberger, Police Chief Michelle Tovrea, Finance Director Jessica Sager, Community Development Director Chris Cramer and City Clerk Laura Gillespie.

CONSENT AGENDA

Board Member Brown moved, seconded by Board Member Weil to approve the following items on the Consent Agenda:

- a. Approval of Minutes – September 17, 2019

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

None

UNFINISHED BUSINESS

None

NEW BUSINESS

Public Hearing – 2019 and 2020 Proposed Budgets

Director Sager explained a combined public hearing for the 2019 and 2020 GID budgets was required and resolutions approving the budgets would be brought to the GID Board for consideration at the next meeting.

Chairperson Stewart opened the Public Hearing at 7:28 p.m. Hearing no comments the Public Hearing was closed at 7:28 p.m.

ADJOURNMENT

Board Member Sheldon moved, seconded by Board Member Brown, to adjourn the GID Board meeting.

The motion passed unanimously.

RECONVENE MEETING OF THE CHERRY HILLS VILLAGE CITY COUNCIL

The meeting of the Cherry Hills Village City Council reconvened at 7:29 p.m.

REPORTS

Mayor's Report

Mayor Stewart reported he had attended the Metro Mayor's Caucus; had met with former member of the Utility Line Undergrounding Study Committee Paul Stewart, who encouraged Council to take action to underground utility lines in the entire City; and met with the Reserve HOA president about the process of installing security cameras.

Councilor Sheldon asked if Mayor Stewart had put the Preserve HOA president in touch with the company who had installed security cameras for other neighborhoods in the City.

Mayor Stewart confirmed he had and added staff had provided a template agreement. He reported he had met with Denver Water Chief Operations Officer Tom Roode regarding the state water engineer and Denver Water's negotiations with Buell Mansion concerning High Line Canal contract rights; attended the Mayor's Lunch; and attended the Belleview Interchange meeting with City Manager Thorsen where the group was settling on the option of a new interchange at Union Avenue and would like the support of Council.

Councilor Sheldon asked if there had been discussion about the cut through traffic coming from Belleview Station.

City Manager Thorsen replied no destination or origin analysis had been done, just overall traffic numbers.

Councilor Sheldon stated he believed Council needed a thorough understanding of the traffic counts and projections before expressing an opinion about the proposal.

City Manager Thorsen replied staff would arrange to have the traffic consultant attend an upcoming Council meeting. He noted the project would cost \$90 to \$100 million but did not have any identified funding source so it would be years before anything happened. He added the group would like the Council's support but did not need it.

RECORD OF PROCEEDINGS

Councilor Sheldon agreed but noted the residents along Quincy Avenue would be very concerned with the proposal.

Mayor Stewart noted the projections showed an increase in traffic of 13% by 2040 with or without the proposed interchange.

Councilor Blum questioned the projections and indicated his support of having the traffic engineer attend a Council meeting.

Mayor Pro Tem Brown indicated she could not conceive of a situation where Council would support the proposal and agreed the Council's support would likely not matter but Council still wanted to see the data.

City Manager Thorsen explained he had been telling the group for the past year that the City would not support a new interchange at Union Avenue but believed now was an appropriate time for Council to hear about the proposal. He added Council's opinion now might influence the group.

Councilor Gallagher agreed this was a critical time and emphasized Council's responsibility to get input from the community.

Mayor Stewart noted this topic might be appropriate for the Master Plan traffic committee. He reported he attended the CML Mayor's Summit where the topics included transportation funding and the Water Conservation Board. He indicated the FAA had released the Denver Metroplex Final Environmental Assessment and had responded to everyone's comments but had not changed their plan.

Councilor Blum asked if the Mayor knew if the Centennial Airport Community Noise Roundtable (CACNR) would restart its lawsuit against the FAA now that the environmental assessment had been released.

Mayor Stewart confirmed it would be restarted.

Members of City Council

Councilor Blum thanked Director Sager for her great job on the budget and thanked City Manager Thorsen for working with CDOT on the West Middle School flashing lights.

Councilor Sheldon asked staff to provide an update on the Denver Water Hillcrest project at Happy Canyon. He reported he had seen equipment on the east side of Quincy for undergrounding utility lines. He noted the right hand turn from eastbound Quincy onto southbound Happy Canyon was rutted out because of construction trucks cutting the corner and the Public Works department was working on a solution. He suggested including tidbits such as the work on that corner and an update on the Hillcrest site in the Village Crier.

Councilor Gallagher had no report.

Mayor Stewart thanked staff for installing the pedestrian signs at the trail crossings on Holly.

Mayor Pro Tem Brown indicated she would follow up with the CACNR about the lawsuit and report back to Council.

Councilor Weil reported the Police Chief and Commander had attended the Cherry Hills Farm HOA meeting last week and their presentation had been well received; the HOA was concerned about cell reception and had discussed the security shelter; the HOA wanted to explore making the back entrance of Cherry Hills Farm onto Belleview safer after the traffic light at Glenmoor was installed; the HOA was enthusiastic about the improvements to the Belleview medians. He reported he had attended a DRCOG work

RECORD OF PROCEEDINGS

session and would attend the DRCOG meeting tomorrow. He noted regional surveys on transportation priorities showed the most enthusiastic support of transit and studies showed a slowing in population growth.

Councilor Safavi had no report.

City Manager & Staff

City Manager Thorsen reported resident artist Susan Cooper would hang the first art show at the new City Hall next week; the entry sign to City Hall was complete; City offices would be closed next Thursday and Friday for Thanksgiving; the annual Winter Celebration would be held on Friday December 13th; and toys could be donated at City Hall and the Police Department for the annual Toy Drive. He explained the Glenmoor traffic signal project was progressing and Greenwood Village had agreed to pay half of the extra cost, Glenmoor County Club had agreed to pay an additional portion, and the City would pay the remainder; the normal CDOT poles would be installed and the City was working with the contractor to get those delivered as soon as possible. He noted both ponds had been dredged and the fishing piers had begun at John Meade Park and grading had begun at Alan Hutto Memorial Commons. He indicated Denver Water was working on backfilling, internal roads, and fencing at the Hillcrest site.

Councilor Sheldon asked City Manager Thorsen to share a landscaping plan for the Hillcrest site with Council if possible.

City Manager Thorsen added Judge Turre had mentioned the City had outstanding staff.

City Attorney

City Attorney Guckenberger had no report.

EXECUTIVE SESSION AND ADJOURNMENT

Mayor Pro Tem Brown moved, seconded by Councilor Blum to move into Executive session pursuant to Section 24-6-402(4) (b), C.R.S., for the purpose of receiving legal advice from the City Attorney regarding the process for filling a future vacancy in the City Manager position, and upon conclusion adjourning.


The following votes were recorded:

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

Vote on the Executive Session: 6 ayes. 0 nays. The motion carried.

The Executive Session began at 8:05 p.m.

The meeting adjourned at 8:47 p.m.



Russell O. Stewart, Mayor and GID Chairperson



Laura Gillespie, City Clerk and GID Secretary