



CHERRY HILLS VILLAGE
COLORADO

2450 E. Quincy Avenue
Cherry Hills Village, CO 80113
www.cherryhillsvillage.com

City Hall
Telephone 303-789-2541
FAX 303-761-9386

Parks, Trails and Recreation Commission Agenda
Thursday, March 11, 2021 at 5:30 p.m.

This meeting is being held electronically with no in-person attendance at City Hall.

To provide oral comments during Audience Participation: Please email Parks and Recreation Coordinator Emily Black **by 4:30 p.m. on March 11th** at eblack@cherryhillsvillage.com with your full name and home address. You will receive an email with the electronic meeting information.

To watch the meeting (no participation):

- 1) City website – [City Council Videos, Agendas, Packets, Minutes](#)
 - 2) City YouTube channel – [City of Cherry Hills Village YouTube](#)
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1. Call to Order
 2. Roll Call of Members
 3. Audience Participation Period (limit 5 minutes per speaker)
 4. Consent Agenda
 - a. Approval of Minutes – February 11th, 2021
 5. Unfinished Business
 6. New Business
 7. Reports
 - a. Chair
 - b. Commissioners
 - c. Staff
 8. Adjournment

Following the regular meeting, PTRC will reconvene for a training regarding meeting procedure. To attend the training, please email Parks and Recreation Coordinator Emily Black at eblack@cherryhillsvillage.com to receive the electronic meeting information.

Notice: Agenda is subject to change.
If you will need special assistance in order to attend any of the City's public meetings, please notify the City of Cherry Hills Village at 303-789-2541, 72 hours in advance.

Minutes of the
Parks, Trails & Recreation Commission of the
City of Cherry Hills Village, Colorado
Held on Thursday, February 11, 2021 at 5:30 p.m.
The meeting was held electronically

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, Vice-Chair Fred Wolfe, Commissioners Rob Eber, Aron Grodinsky, Kate Murphy, Tory Leviton and Chelsea Scott. Also present were Emily Black, Parks and Recreation Coordinator, Jeff Roberts, Parks Operations Supervisor, Jay Goldie, Deputy City Manager/Director of Public Works, Ethen Westbrook, Community Development Clerk, and Pamela Broyles, Administrative Assistant.

CONSENT AGENDA

Commissioner Robert Eber moved, seconded by Commissioner Leviton to approve the following items on the Consent Agenda:

1. Approval of Minutes as amended – January 14, 2021

The motion passed with 7 ayes.

E-Bike Introduction

Coordinator Black provided a brief history of the origin of the e-bikes issue and a review of what PTRC has already learned and discussed. She stated that City Council directed PTRC, in conjunction with City staff to research section 11-3-80 of the Municipal Code which pertains to motorized vehicles and to consider developing a policy for appropriate use of motorized vehicles on City trails and public spaces.

Coordinator Black noted that all of the public comment for this meeting, including emails and letters, was provided to PTRC and posted on the City's website for public viewing.

Coordinator Black described the three classes of e-bikes and the difficulty in differentiating an e-bike from a regular bike. She explained that under Colorado Law, Class I and Class II e-bikes are classified as bicycles and have the same rights as regular bicycles. Class III e-bikes are only allowed on public roadways and operators must be 16 years-of-age or older. The law also gives local governments the authority to allow or to prohibit Class I and Class II e-bikes on trails. She explained that the City's current Municipal Code prohibits all motorized vehicles on trails with the exception that if any motorized vehicle is being used as a mobility device they are allowed.

Coordinator Black explained that the majority of municipalities around the metro area are permitting Class I and Class II e-bikes on trails with the exception of Cherry Hills Village and Greenwood Village where motorized vehicles are prohibited.

Coordinator Black stated that based on this information staff's recommendation is for the Commission to suggest a preliminary proposal to change the Code to allow Class I and Class II e-bikes to include bridle trails or to limit their use to the High Line Canal Trail only. She noted that PTRC will make a recommendation to City Council and Council will ultimately decide whether to change the Municipal Code.

Ms. Black outlined possible options for the Commission:

- Recommend a proposal to change the Code to allow Class I and II e-bikes on bridle trails
- Recommend that e-bikes are permitted on the High Line Canal Trail only
- Recommend keeping the existing Code language which prohibits all motorized vehicles including e-bikes on all trails

Ms. Black noted that if PTRC recommends a change to the Municipal Code, the item will continue to a future meeting to discuss Code language. If PTRC recommends no change to the Municipal Code, the item will move forward to City Council.

High Line Canal Conservancy – Harriet LaMair

Ms. Harriet LaMair, Executive Director of the High Line Canal Conservancy and resident of Cherry Hills Village stated that the use of e-bikes was not front and center during the Conservancy's comprehensive planning of the High Line Canal. She said it is important to consider how fast technology is changing when making decisions.

Director LaMair shared that the High Line Canal Conservancy was formed six years ago and has developed a relationship with Denver Water and local jurisdictions to create a plan for the High Line Canal. She defined the Canal's original purpose as a historical agricultural irrigation channel, but due to the region's growth and water scarcity the need for urban green space demands that the Canal be repurposed as a regional greenway. She said all of the jurisdictions including Denver Water endorse the Conservancy's collaborative plan and it is important to note that the High Line Canal is a regional trail.

Director LaMair said the Conservancy is deeply committed to ensuring the Canal is accessible, safe, and enjoyable for the widest variety of trail users. She said the Conservancy is paying attention to national best practices with the increase in electric assisted bicycle use throughout the country. She noted that through agreements the Canal is currently being managed as a public/private collaborative partnership, meaning current agreements are in place with Denver Water and local jurisdictions that have certain rights and responsibilities. She said they understand that local control is very important when looking at the use of e-bikes and speeds. She pointed out that Denver Water currently

does not limit the use of e-bikes on the Canal and considers them to be a known exemption.

Director LaMair stated that the Conservancy respects and supports local authority and how the citizens would like the High Line Canal in their section to be managed. She said the Conservancy receives numerous calls about safety and etiquette concerns related to bicycle speeds and it is important to point out that these calls are not exclusive of e-bikes. She said they are dedicated to educating users about best trail etiquette and the Conservancy will launch a 71-mile “Share the Trail” campaign this spring. She said they support local enforcement of speed along the Canal and other trail rules to create a safe environment for all users along the Canal. Ms. LaMair concluded that the Conservancy will continue to focus on keeping the Trail accessible to all users and future considerations of a Canal-wide policy might be needed in the future. She said this would involve all jurisdictions and local input including parks and trails.

Commissioner Wolfe asked if the Conservancy’s first choice would be that all jurisdictions along the 71-miles of the High Line Canal would allow e-bikes so that users could travel without any interruptions.

Director LaMair responded that the Conservancy respects local control and enforcement but acknowledged that it may become harder to enforce as they emerge as a regional trail. She said they may want to move toward managing the Canal regionally in the future to make it easier.

Commissioner Eber maintained that if there is no uniformity and the City does not change the Code to allow e-bikes, then there is a major problem with the ability to go the entire 71-miles on the Canal. He asked from a planning perspective if this would become an unacceptable burden to the Conservancy.

Director LaMair responded that the Conservancy understands that the Canal is a regional trail, and that part of its beauty is the uniqueness of each section. She noted that speed limits along the Canal are different depending on where you are and at this time the Conservancy is not taking a position on e-bikes. However, she said it would be difficult to enforce one section of the Canal not allowing certain things and may create a burden on the Police Department.

Commissioner Eber acknowledged the difficulty with enforcement on the High Line Canal, but he said the roads that do allow e-bikes are only a few miles away so it is not a huge impact to the High Line Canal as a whole. He thanked Ms. LaMair and the Conservancy for respecting local input and control.

Chair Dahl asked Director LaMair if she has been in any meetings or discussions with other jurisdictions where e-bikes were discussed in relation to the High Line Canal.

Director LaMair responded that discussions so far have been anecdotal. She said the Canal Collaborative will start meeting after the final Memorandum of Understanding is signed and she believes this will be an important topic for the group to discuss.

Chair Dahl referenced Director LaMair's comment that there has been an increase in the amount of phone calls they are receiving regarding bicycles and speeding. She asked if people are differentiating between e-bikes and bikes or are they just making general comments about speeding on the High Line Canal.

Director LaMair responded that callers will point out e-bikes on occasion but there is not a distinction that there are more calls about e-bikes than other bicyclists.

AUDIENCE PARTICIPATION PERIOD

Keith Bierman
5430 Nassau Circle East

Mr. Bierman reported that several years ago he gave up his car and has averaged about 16,000 miles on his bicycles since, primarily using an e-bike. He said he would like the City to consider allowing e-bikes. He stated that with regard to the speed issue he is continually passed by regular bikes and that just because a machine is capable of going at a high rate of speed it does not mean that the operator has to go that fast. He used the analogy that cars would not be allowed anywhere near schools if that were the case. He said he does endorse appropriate speed limits and enforcement, but he believes it is a red herring to conflate that with an e-bike. He also pointed out that since his e-bike has a speedometer, and his regular bike does not, he is often faster on the trails with his non-assisted bike because he is not aware of how fast he is going. He strongly advised the City to normalize the rules on the High Line Canal and keep all trails in the Village the same with the difference being a posted speed limit. He also suggested that the Police Department should get e-bikes of their own for patrol purposes and have them deregulated so they can go faster.

Luzon Kahler
Declined to provide address

Ms. Kahler stated that her family moved here in 2019 and even prior to purchasing a home she frequently brought her children to the City to enjoy John Meade Park and the trails. She said what attracted them to Cherry Hills above all else was the trails as there are so few opportunities for children to play in nature anywhere near a city. She said they are on the trails almost daily and their walks have evolved from exercise driven walks to nature hikes, strolls and scavenger hunts with their children. She said that her children are exploring when they are on the trails and it is such a gift to have the opportunity to enjoy nature and not be fearful. She understands that e-bikes make biking easier for people who need assistance, but her fear is that if e-bikes are allowed particularly on bridle trails then it will no longer be safe for children to explore freely. She noted that they do not use the High Line Canal because of speeding bicyclists so to have the bridle trails is a priceless gift. She voiced that she is strongly opposed to allowing e-bikes on bridle trails and hopes the City will also think of its youngest population when making a decision. Ms. Kahler also commented that if a bike has a motor on it then what is the harm in asking them to take a longer route on the roads versus the trails.

James Kahler
Declined to provide address

Mr. Kahler stated that he expressed the same views as his wife Luzon.

Shari Leigh
4213 S. Colorado Boulevard

Ms. Leigh stated that bikes are going too fast on the trails and everyone should be concerned. She said she has heard the comments that e-bikes are here to stay and people need to adapt to the new technology. For these two reasons she does not think the City should allow e-bikes on any of its trails. She stressed that she is adamantly against e-bikes for many reasons, but one concern is the concept of controlling speed and not being able to distinguish between the different types of e-bikes. She said Class I, II and III e-bikes were talked about tonight but there are e-bikes that can now go 50mph and it is only a matter of time before they go 70mph. She noted that e-bikes were developed years ago and what made them popular was Japan and China where traffic is completely out of control. She expressed concern that a bike going 28mph does not mesh well with a walker going 3mph, a runner going 6mph, a typical bike rider going 6-10mph or a horseback rider going 8mph. She referred to research conducted by the National Institute for Transportation in Communities and they reported that over 40% of e-bike owners in the United States have e-bikes for commuting. She said that means they want to go fast. She said there are a lot of housing developments including apartments and condos going up around Cherry Hills Village and if e-bikes are allowed the High Line Canal will become one big commuter byway from the Tech Center to downtown and that is very frightening to her. She said her family moved to Cherry Hills Village because of the access to the High Line Canal and all the trails that she utilizes to walk, run, ride bike, cross country ski and ride her horse. She said by allowing e-bikes the City is opening the door to any e-vehicle that can go as fast as an e-bike. She also noted that it is not just young people using e-vehicles to go fast as she has witnessed seniors speeding on e-bikes. She cautioned that once you allow something you can't take it back.

Stuart Kritzer
34 Sedgwick Drive

Mr. Kritzer reported that he and his wife have lived in the Village for 27 years and their reason for buying the house is that it backs up to the High Line Canal. He shared that the High Line has always been a part of their family culture where they raised their children and where their grandchildren now visit. He noted that they are part of a rapidly growing demographic of active senior citizens and e-bikes offer a very special place for seniors with the difference between being limited to short walks and going out for a more vigorous exercise experience. He said in addition to being a senior citizen he has a disability, and his e-trike allows him to get out and exercise. He said he wishes he had the ability to go out for a run or to ride a horse but he can't, and the e-trike makes a huge difference in his quality of life. He also brought up that he is confused with some of the arguments that were raised. He believes the issue of speed is not a function of the

capability of the vehicle but is a question of who the operator is. He said the biggest threat he has seen is not e-bikes or e-trikes but people on two-wheel bikes going really fast. He said he and his wife use proper etiquette when passing people on the trails by warning them in advance and people should not confuse the potential for speed with the actualization of speed. He concluded that if you post the speeds and people observe the speeds then there shouldn't be a problem.

Janet Kritzer
34 Sedgwick Drive

Mrs. Kritzer said she seconds everything her husband Stuart said and what Keith Bierman said. She shared that she has two e-bikes and it has changed her life as she rides every day and can travel longer distances. She noted that she is always passed by people that are going too fast on regular bikes. She suggested that the City post 15mph speed limit signs as often as possible on the High Line Canal and bridle trails. She said she uses the bridle trails to cut through because she does not want to ride on the street near cars. She agrees with keeping speeds down but stressed that speed has nothing to do with electric assist but is about courtesy. She said Covid has increased biking immeasurably to the good of everybody and we need to keep it consistent throughout the trail system.

Adam Taylor
GoodTurn Cycles
7301 S. Santa Fe Drive
Littleton, Colorado

Mr. Taylor shared that he is not a resident of Cherry Hills Village, but he does serve many residents in the Village through his bike shop in Littleton. He concurred with the comments from Mr. Bierman and the Kritzer's that e-bikes have the ability to open up access to riders who may not be able bodied. He said he has sold hundreds of e-bikes over the past five years and he believes there is a misconception about who an e-bike rider is. He stated that typically in the industry an e-bike rider is anyone over the age of 55 with the income and means to purchase a more expensive bicycle. He said those riders are typically riders who can't ride a traditional bike for various reasons. He referenced a study done in Boulder that showed e-bikes have no appreciable increase in speed on average as a traditional bike. He said he believes the speed issue is not an equipment issue but is a person issue. Mr. Taylor pointed out that in August 2019 the Secretary of the Interior defined e-bikes within the 3-class system and ruled that Class I, II and III e-bikes are allowed anywhere a traditional bike is allowed. He said the e-bike industry is growing significantly as more people realize the joys of riding an e-bike. He believes Cherry Hills Village should get on board with the federal and state trend so they are not stripping away the option for people who would otherwise not be able to enjoy the trails.

Michael Tralla
72 Glenmoor Drive

Mr. Tralla shared that he has lived in the Village in three different locations since 1985 and there is probably not a trail that he has not traversed on foot or by bike. He stated that Cherry Hills Village is different from any other City and should be treated as such. He indicated that part of why people live here is because of the tranquility and pastoral nature of the region and that should not be overlooked. He voiced his surprise that someone not living in the Village had the opportunity to render an opinion on what happens in the Village when this discussion is about people who live here and are vested in the community. He noted that people have already expressed concerns with navigating the trails with cyclists and he does not believe speed can be enforced. He suggested that the idea of putting police officers on trails with faster e-bikes to patrol the trails is not going to happen. He said all of the neighbors that he has discussed e-bikes with are opposed to introducing a motorized vehicle to this area. He reiterated that it is about the tranquility and the ability to appreciate the areas around us. He noted that as a physician he knows a little bit about exercise and the concept that e-bikes provide exercise is rubbish. He stated that no one will be able to control these bikes once they are out there.

Scot Kelley
5275 Sanford Circle East

Mr. Kelley reported that he has been a resident for about 10 years. He said his family uses the Canal several times throughout the year to walk, ride, run and cross-country ski and they believe the beauty of the High Line Canal would be greatly diminished by allowing motorized vehicles. He shared that the Village is a unique place where people use the trails to get away from the hustle and bustle of the city and to connect with nature. He suggested that anytime you give people more horsepower you are increasing the potential for people to break speed limits and decrease public safety along the High Line Canal and other trails. He said his family would like to see the High Line Canal stay as it is and not become a motorized trail system.

Howard Sherr
210 Summit Boulevard

Mr. Sherr shared that he has lived in the Village for 40 years and he is a cycling enthusiast. He said he rides on the trails to get away from cars and because of the tranquility as several people have emphasized. He said he travels around 10-12mph on City trails, but he will get up to 20mph when he rides on the road. He stressed that it is important to emphasize the distinction between the High Line Canal and the other trails. He said the City's trails are not designed or maintained to go 20mph. He stated that in his experience the bike itself does determine the speed and in all the time he has spent on the trails he has never passed an e-bike because they are going so fast. He also noted that e-bikes weigh around 60 pounds and the people who are riding them don't frequently address courtesy issues. He did point out that as a cyclist enthusiast he has also been passed by dangerous pedal cyclists. He agrees it is a problem, but he thinks speed is attracted to the e-bikes more than the pedal bikes. His recommendation is not to allow them on trails but said if the City does allow e-bikes they are going to have to enforce the speed which means hiring police or someone else to monitor speeds or they will see an increase in injury and a decrease in enjoyment.

Parks & Trails Commission
2/11/2021

Judith Judd
3 Cantitoe Lane

Ms. Judd stated that she is not a denier of e-bikes, but she believes there is a need for clarification in that the jury is still out on how e-bikes should be managed in different locations and jurisdictions. She referenced how some states regulate e-bikes and pointed out that Colorado's most recent statute is a 2019 statute that was proposed by the biking industry through the "Vulnerable Road Use Act." She said it does allow jurisdictions to control whether e-bikes are allowed on their trails, so they do recognize that they are not appropriate for every situation. She commented that the City of Greenwood Village is no longer considering allowing e-bikes as the Director of Parks and Recreation told her that they have no plans to change anything. She said that they are sticking with the same prohibition as Cherry Hills Village. She also pointed out that South Suburban's compromise for e-bikes is to put a 15mph speed limit along the High Line Canal and she believes this only creates an enforcement problem. She said Colorado Springs has done extensive research on e-bikes and they decided not to allow e-bikes on any natural surfaces as did Summit County. She stated that over 100 Cherry Hills Village citizens wrote in on this issue and 75%-78% of them said they are opposed to e-bikes. She suggested that the Commission say that this is not the time to jump into this issue as there needs to be a lot more coordination with the High Line Canal Conservancy to see where this is going. She also suggested the City could look into getting a grant for a bike path to provide a place for speed on the High Line Canal.

Kathleen Crapo
4650 S. Forest Street

Ms. Crapo shared that she has lived in the Village for 25 years and her family uses the High Line Canal every day the weather permits. She said one of the beauties of COVID-19 has been the increased use of the trails by families and neighbors, but along with that there has been a huge influx of bikers. She said she frequently has to move out of the way of speeding bikers, but it is difficult when the trail has snow and ice on it. She described Cherry Hills Village as a small part of the trail that provides a beautiful and safe trail. She said she is opposed to allowing any kind of electric bike. Ms. Crapo shared that she can see the bridle path leading to the High Line Canal Trail from her kitchen window and every day she sees more fast bikes riding on the bridle trail creating a safety issue for other people. She asked the Commission to consider if this is what Cherry Hills Village really needs.

Laura Christman
18 Cherry Lane Drive

Ms. Christman reported that she is an expert within the real estate industry on the Americans with Disabilities Act (ADA). She said the ADA does permit people with a mobility/disability to use a mechanized vehicle that would include an e-bike or an e-trike. She said none of these types of vehicles are prohibited in Cherry Hills Village because the City does comply with the ADA. She mentioned that people can display a disability

parking tag to avoid people asking them questions, but they are not required to. Ms. Christman stated that accessibility for people with a disability is not the issue, but what is the issue is who else would be using the trails. She referenced the comment made earlier that most people who buy e-bikes are 55 years or older and she agrees with that statement because e-bikes are expensive. She said what was not reported was that e-bike rental is proliferate throughout the Denver metropolitan area. She encouraged people to go to the "Pedego" site that rents e-bikes and watch a film about how much fun it is to rent an e-bike and the site quotes "take off like a rocket." She stated that the primary users of e-bikes are renters and they can be very young in age. She said this is an issue and she would argue that the consideration of e-bikes prior to the opening of the High Line Canal underpass into Denver is premature. She said the City needs to know what the issue is with its current bikers before they add a layer of e-bike users who are not staying on the trails that currently permit e-bikes. She also brought up that horses are not permitted on the High Line Canal north of Hampden and that is understandable because the trails are asphalt and people are going fast. She said south of Hampden are unpaved trails and having differences on how the trails are used is ok.

Dale Boller
3901 S. Cherry Street

Mr. Boller reported that he and his wife moved from California to the Village 24 years ago with their kids. He said his bicycle habit started in California and continued in Colorado where he rode pedal bikes on every road and trail in town for thousands of miles on unparallel terrain amidst powerful scenery that provided him amazing freedom. He said any City in the country would love to have a High Line Canal and the trails it sprouts. He stated that use of this treasure first came into question for him in July 2020 when he was researching and test riding e-bikes while healing from a hip replacement. He said his muscles needed the motor-assist to help pedal up the many local hills with significantly less pain and thus getting the exercise that every doctor endorses and in his case orders. He said he began to think about the e-bike situation and started studying what he saw on the Canal every day. He specified that when reviewing e-bikes one has to remember that it is always the rider not the bicycle, the human not the machine. He pointed out that bicycles don't stop at stop signs and they exceed 15mph on the High Line Canal while weaving between families with kids and strollers without warning. He said all of these violations are rampant and unenforceable and have nothing to do with the make, model, or power mode of the machine, but are the result of the rider's ignorance or selfishness. He observed that there will be reckless and unsafe riders who break the rules on pedal bikes as well as e-bikes yet the restriction applies to only one. He said he considers it a privilege to ride on the High Line Canal and other trails and there is no law that says you can but there is one that says you can't. He used the example that cars and motorcycles that can reach 160mph are inherently dangerous, but they are not singled out for performance and denied access to highways open to other vehicles. He said the analogy is that is what the City appears to be doing.

Virginia and Andy Love
1 Tamarac Lane

Mrs. Love stated that she and her husband are requesting that the City not allow e-bikes on bridle paths and trails. She observed that there is a difference with e-bikes in that they do create more noise on acceleration and when braking. They both believe this is not compatible with the other uses on the trail and the things they value about the High Line Canal. Mrs. Love shared that they are equestrians, and it is sporting on many of the trails to keep other users, strollers, and pedestrians safe when regular bikes are cutting in and out. They believe adding more vehicles that go faster and make an odd noise around horses is a safety issue and if the community is trying to maintain the pastoral feel of the Village e-bikes are not the way to do that. Mrs. Love referenced the three potential recommendations for Council and suggested adding the option to allow e-bikes only on paved bike paths. She said they fear the High Line Canal could become a commuter route with the opening up of the Colorado and Hampden underpasses.

Mr. Love added that Cherry Hills Village sees itself as a retreat and an exceptional place embodying the American West. He said horses are a fundamental part of that and when he moved here 42 years ago horses were on the majority of his neighbor's properties. He said it is not that way anymore but there are still horses on the trails. He shared that they ride horses throughout the year, but it is becoming more problematic to do so with the density of bicycle use on all of the trails. He believes that adding an additional opportunity with e-bikes is a mistake.

Mark Griffin
3236 Cherryridge Road

Mr. Griffin said he agrees with other speakers that Cherry Hills Village is a very special place. He shared that he lives on a bridle path and was on City Council for eight years. He said Council used the City's Master Plan as a guiding principle. He stated that the bridle trails are for equestrian and pedestrian use and he is against allowing motorized vehicles of all types. He said he is starting to see motorized vehicles come by his house and shared a recent incident where 4-5 e-bikes with 2 gas powered dirt bikes in the middle of the pack were on the bridle trail and were jumping a spillway behind his neighborhood. He also witnessed someone driving down the bridle trail in a golf cart. He said his point is that if electric vehicles are allowed on the bridle trails and the High Line Canal it is going to open up Pandora's Box. He noted that he also rides horses and he is unable to ride on the High Line Canal because of the huge traffic problems. He suggested the City needs to coordinate with the City of Greenwood Village and make a unified effort to preserve the sanctity of the City.

Lin Merage
Declined to provide address

Ms. Merage shared that she has lived in Cherry Hills Village for 25 years in three different locations that were all adjacent to bridle paths. She said she also enjoys the quiet trails with her family members. She commented that the trails have become a great social opportunity for people out walking with their family, walking their pet, or riding. She expressed concern that the combination of e-bikes with walkers, runners, children, pets, and horseback riders on a narrow path could be a problem. She said her experience has

been that not all bikers slow down, and she often sees people having to step aside to let bikers go by. She believes e-bikes will create a new challenge on roads as she has witnessed bikers whiz straight through stop signs on Holly and Quincy without stopping. She sees e-bikes being a challenge when people are coming in and out of their driveways and when pedestrians have to cross a roadway to connect to another trail. Ms. Merage is also concerned that people are driving their cars down her street 3-4 times a day with bikes on a bike rack looking for parking. She said this has created privacy and safety concerns. She said she does sympathize with people who desire to use the trails for e-bikes, but she agrees with previous comments that there are other avenues that can be used such as University and Holly.

Gary Judd
3 Cantitoe Lane

Mr. Judd reported that his property backs up to the High Line Canal. He strongly recommended that the Commission keep the existing code language. He said the safety issues are just beginning as e-bike sales are exploding across the country. He believes the community would be making a mistake to think they could open it up now and address the issues later. He referenced an article he cited in his letter to PTRC that states “Injuries with pedestrians are three times more serious with e-bikes than regular bikes.” He said it is a result of speed and weight as e-bikes weigh more and take longer to stop and with a combination of additional speed it creates an issue of safety that the City of Cherry Hills Village should not entertain or invite onto its trails. He said he was pleased to read in the last PTRC minutes that new signage will appear this summer and he believes signage is part of the enforcement issue. He said he hopes the signs are large enough and that they emphasize speed limits and the ban of e-bikes or motorized vehicles in Cherry Hills Village. He stated that he does not agree with changing the Code because enforcement is difficult, and that it is a false way of thinking. He stated that the City needs to deal with enforcement in many ways and signage is the first step.

End public comment.

Chair Dahl thanked all of the speakers on behalf of the Commission for sharing their position and opinions.

UNFINISHED BUSINESS

a. Motorized Vehicles on Trails – E-Bikes

Chair Dahl referenced the three possible recommendations that the City has drafted. She stated that the Commission can decide not to make a recommendation and can request that City staff come back with new Code language. She said the Commission can also decide not to change anything at this time. She reiterated that PTRC can only make a recommendation to City Council and Council will ultimately make the final decision.

Co-Chair Wolfe reported that there were 117 letters sent to the Commission and of the 117 letters, 91 or 78% were against allowing e-bikes on the trails and 26 letters or 22%

were in favor of allowing e-bikes on trails. Mr. Wolfe shared that at one time he thought e-bikes could be confined to the High Line Canal. He said he walks the trails every day and he has run into e-bikes, golf carts, hoverboards and a scooter on the natural trails. He said he has stopped all of them and informed them that no motorized vehicles are allowed on the trails and they have no idea what he is talking about. He stated that he has changed his position in that he does not think that e-bikes should be allowed on any of the natural surface trails in the Village including the High Line Canal. He said there are plenty of paved bike paths adjacent to Quincy, Holly, Colorado, and University that e-bikes can operate on. He said it is important to preserve the quiet, sanctuary environment of the Village. He acknowledged that at some point the bicycle issue needs to be addressed, but he does not want to co-mingle the regular bike issue with the e-bike issue at his time.

Commissioner Murphy stated that after reading the letters and listening to the speakers she suggested that the City establish a permitting system for people who are handicap or disabled in some way. She said she does not want to preclude people who use e-bikes as their mechanism for exercise and enjoyment of the trails. She suggested people could be granted an annual permit every year that could be a sticker they put on their bike.

Commissioner Leviton said he likes Commissioner Murphy's idea of a permit and he thinks the wording should be changed in section 11-3-80 of the Code to accommodate for the 22% of speakers who stated that e-bikes have enriched their lives. He said he would like to find a way to allow those individuals to use their e-bike and not criminalize them. He also suggested that the best move might be to do nothing for a few years until more information and opinions evolve.

Coordinator Black clarified that if someone is using a motorized vehicle right now as a mobility device and they are stopped by an enforcement officer, they only need to state that it is a mobility device to provide credible assurance under the ADA. She noted people are not required to somehow prove that they have a disability. She said the Commission needs to be sensitive to that fact and a permitting system that creates an additional hurdle may not be legal.

Commissioner Scott shared that this has been a complex issue and she is coming from a perspective that she is a mother with young children so she understands the concerns about safety. She said she is also a person with aging parents whose physical abilities can change with time. She said she enjoys using the trails with her family and is sensitive to all sides. Ms. Scott commented that several thoughtful points have been made that she had not considered, mostly the ability to enjoy the trails and outdoors with e-bikes. She said after hearing everyone's viewpoints on e-bikes she thinks Cherry Hills Village is a very special place and just because there are things that may or may not be permissible on the trails doesn't mean that they are not supported. She said she believes e-bikes are not a bad thing and they have a place, but she does not think that they have a place on the bridle trails and she does not necessarily believe that Class I and Class II e-bikes need to be permitted on trails in general. She said her position is to approve the third recommendation that would keep the Code as it is right now. She voiced concern that opening up this issue would permit a series of other issues and no one knows what those will be. She shared her experience with growing up in New York and watching electric

scooters come up the chain and faster bikes for delivery purposes and all the complexities that they created with the traffic. She said she recognizes that this is a different issue, but it is related in that things come about that can't be anticipated. Her recommendation is to keep the Code as is.

Commissioner Eber reported that it is clear from the letters and comments that parks and trails are sacred spaces within the Village used for nature, recreation, equestrian uses and even transportation uses. He shared that Boulder was just starting to do a pilot study on its trails when PTRC started looking into e-bikes two years ago and he attended several of those meetings to get a feel for what was going on. He said it is important to him to clarify that he was confused by some of the comments that e-bikes are motorized by definition and we oppose motorized things therefore we oppose e-bikes. He noted that outside of Cherry Hills Village the state law is that an e-bike is not a motorized vehicle unless localities want to do something more than the state law. He used the example that if you had the same discussion in Denver it would be that an e-bike is not a motorized vehicle. He said the fact that Cherry Hills Village has been more restrictive than state law is what has gotten a lot of this discussion started. He noted that many of the people who were in opposition of e-bikes based it on the following:

- Safety and speed
- The definition of a motor vehicle and the fact that it creates a slippery slope to all electronic equipment
- It is inconsistent with the Master Plan
- It is inconsistent with the semi-rural nature of Cherry Hills Village.

He said the people in favor of e-bikes based it on the following:

- The same concerns exist with a pedal bicycle
- The need for the elderly or people with disabilities to make use of the trails

Commissioner Eber stated that he is sympathetic about limiting people from the trails because of their limitations especially people who may not fall under the ADA guidelines as being disabled but are not able to use the trails without the assistance of an e-bike. He said he believes that all the people who brought up physical limitations tonight are able to make use of the trails. Mr. Eber also shared his concern that elderly or physically limited riders don't have the ability to control their bicycles in an emergency situation. He brought up that Bicycle Colorado recently presented data to the Commission that there were not more injuries or safety issues as a result of e-bikes, but the Commission has been provided with different data that show there are issues with e-bikes. He expressed that based on the number of people in opposition and the data in opposition of e-bikes he needs to lean towards the idea of being conservative in allowing e-bikes on our trails. He recommended keeping the existing Code language, which prohibits motorized vehicles on trails. Mr. Eber acknowledged that e-bikes are on City trails and he warned people to be careful about vigilante enforcement and confronting people for safety purposes.

Commissioner Grodinsky reported that he has a family of five and they own several bikes between them none of which are e-powered. He stated that he needs to take the side of

the minority in this discussion as he respectfully disagrees with some of the points made at this meeting. He pointed out that the positive side of Covid is that it has brought more people out to appreciate the trails and this has brought a lot of recognition to what increased volume can lead to regardless of the mode of transportation. He believes there is some fear factor playing into this discussion and e-bikes are being demonized in totality whether or not its deserved. Mr. Grodinsky shared that after having hip surgery in May part of his rehabilitation was to ride his bike and when the hills came up he wished he was on an e-bike. He said his observation has been that bikes passing him almost 100% of the time are road bikers going 25-30mph who are racing through the trails as part of their 25-mile daily exercise routine. He believes it is a fallacy that there is an increased demand of e-bikers waiting for the City to open the floodgates and allow them onto the trail system. He does not believe that the High Line Canal Trail is going to suddenly be used for commuters who use e-bikes as it is a meandering trail relative to going down Colorado and over to Holly as a way of going north and south. He stated that the real issue is that there has to be an education process and some sort of enforcement of speed and etiquette for all cyclists on the trail. He believes the Commission should make a determination on what should and should not be allowed and incorporate that with an education program and partnership with the High Line Canal Conservancy. Mr. Gordinsky made the following recommendation:

- Allow Class I and Class II e-bikes on paved and gravel surfaces and prohibit Class III e-bikes whatsoever
- Prohibit Class I and Class II e-bikes altogether on bridle trails
- Include temporary enforcement to encourage learned behavior over time.
- Add some language around allowing Class I and Class II e-bikes on the rest of the trails and enforce some sort of speed limit and education program.

Chair Dahl reported that she sees bike speed and e-bikes as two separate issues. She believes there is a speed issue that is not particular to e-bikes only. She noted that one of the overwhelming sentiments she heard from the majority of residents is they want to keep the tranquility and not have anything motorized on the trails. She said reading the letters and listening to everyone caused her to really think about the Commission's role to find out what residents want and what they want for the community. She said she doesn't disagree with Commissioner Grodinsky that there are e-bikes on the trails, but her opinion is that the Commission is to look at what the residents want and to preserve that tranquility in the Village. She said her position is to say no to e-bikes and she does not think that anyone on the Commission is recommending that e-bikes be allowed on bridle trails. She said what she is hearing from the Commissioners is to either make no changes to the Code or make a change that would allow Class I and Class II e-bikes on paved and gravel only.

Coordinator Black provided some clarification based on comments from the two Sergeants at the last meeting that e-bikes are already permitted on paved bike lanes immediately adjacent to the road. She said this discussion is for paved trails that are away from the road.

Commissioner Scott asked what the consequences would be for riding an e-bike on a City trail if the Commission recommends keeping the existing Code language.

Coordinator Black replied that e-bikes are difficult to tell apart from regular bikes so it would require some training for Code Enforcement Officers. She said it is unclear at this time how it would be enforced.

Commissioner Scott suggested that if people perceive that e-bikes are not allowed on the High Line Canal in Cherry Hills Village and it is enforced in some way, that over time people will start to understand.

Commissioner Leviton brought up that he does not like the word handicapped in the Code as it can be used in a derogatory way and he would like to have it changed.

Coordinator Black responded that the City does keep a record of items that need to be changed in the City Code and she does have this on her list because the language is outdated.

Commissioner Scott moved, seconded by Vice-Chair Wolfe to recommend keeping the existing Code language as is, prohibiting the use of motorized vehicles on all trails.

The following votes were recorded:

Dahl	aye
Wolfe	aye
Murphy	aye
Eber	aye
Leviton	aye
Scott	aye
Grodinsky	nay

The motion passed with 6 ayes and 1 nay.

Coordinator Black concluded that this item will not come back to PTRC since they voted not to make any changes. She said the discussion will move forward to City Council at a future date. She confirmed that all of the letters that were submitted to PTRC will be forwarded to City Council.

NEW BUSINESS

a. Alan Hutto Memorial Commons Use Policy

Coordinator Black shared that the Alan Hutto Memorial Commons parcel was dedicated to the City in memory of Alan Hutto who attended Cherry Hills Village Elementary School. She said the purpose of the donation was for the City to create an amphitheater as a performance space that would honor Alan's memory because he loved entertaining his family with plays and performances. She said the City has constructed a terraced

grass amphitheater in accordance with the stipulations. Ms. Black noted that there is no permanent lighting installed onsite and electricity is available, but the outlets are enclosed so staff would have to unlock them. She stated that Council has asked that both PTRC and the Art Commission collaborate on guidelines for use of the space.

Coordinator Black stated that City staff has drafted an initial policy and they are looking for PTRC's feedback on the concepts that are presented in the policy rather than wordsmithing the policy. She said PTRC and the Art Commission could schedule a joint meeting in the future, but staff wants to make sure that PTRC is on board with the types of uses and types of events that are being permitted. She said the final step will be presenting the policy to City Council after the final draft is reviewed by the City Attorney.

Coordinator Black informed the Commission that language will be added to the policy about lighting that should be consistent with the restrictions that are currently in the Code for temporary lighting.

Commissioner Leviton stated that he likes the initial policy, but he would like to see more language regarding the parameters of what kind of recreational activities will be allowed.

Commissioner Eber reported that he is a fierce defender of the City's property rights and he believes the City should have strong authority to keep others from unfairly using City property when it is not appropriate. He said the City should have the authority to make absolute use of its property when it is in the interest of the municipality to do so and he feels strongly that limitations on the use of Alan Hutto Commons should be narrow if any. Mr. Eber stressed that he is not in favor of putting limitations on hours as he wants to make sure the City has the utmost ability to make use of this property. He said he understands that concerns with noise is one of the factors, but he pointed out that this is the City's central park, and the community needs to be able to use it.

Commissioner Eber said his number one comment is that the proposed 8:00 p.m. cutoff time is too early. He said he believes the purpose is to keep things quiet, but he pointed out that City Parks are currently open until 11:00 p.m. He proposed that the cutoff time for noise be 9:00 p.m. He believes that there will be a lot of events that start at 6:00 p.m. and ending at 8:00 p.m. is unreasonable. His other concern is that he does not want to turn Alan Hutto Commons or other parks into rental properties. He said the application fee of \$25 is incredibly cheap for someone who is looking for a place to have a foundation meeting every week. He acknowledged that the City does not see a lot of requested reservations for its open spaces right now, but he can see it becoming highly sought after and he does not want that to happen for the wrong purposes. He believes that Alan Hutto Commons should be highly used for things like school performances, after school discussions and political forums, but it should not become a Cherry Hills Village conference facility for \$25. He said he is also nervous about the word "Celebrations" in the second paragraph of the proposed policy. He brought up his concern with the term fundraising and people wanting to take advantage of the property for their own foundations and fundraising purposes. He does not want to see public spaces become privatized and suggested a hugely tiered rental system if the City is going

to allow fundraising for the simple fact they are doing something to raise money for their particular event and the City should not be giving away its property to help other people make money. He said the application fee should be far greater than \$25 if used for those types of purposes. He also thinks that reservations should have limitations and should be for a block of time and not all day. He believes there is an opportunity to reserve sections of Alan Hutto where events could be held simultaneously. He would also like to see the set-up and clean-up times incorporated into the reserved time instead of separated

Chair Dahl commented that she has young children and people have jobs so if there is an event held every night until 9:00 p.m. it would be very disruptive to neighbors and she believes an 8:00 p.m. cutoff is better. She said she understands that the City does not have this issue right now, but they need to plan for the future with respect to the neighbors. She asked Ms. Black if she was asking for a decision from the Commission or just feedback.

Coordinator Black responded that she is looking for feedback that she can then take to the Art Commission.

Commissioner Scott said in speaking from experience with Arapahoe County Tennis Club there have been issues that have come up over the years with regard to rentals and having events. She said neighborhood complaints are definitely a concern, so communication is important to get ahead of those issues. She said there have also been cleanup issues in the past and she recommended a deposit or cleanup fee be assessed. She referred to the lighting issues with Kent Denver in the recent past.

Coordinator Black responded that the City does require a \$120 deposit for events so if a space is left a mess the City could keep that deposit for the staff time it would take to clean the area.

Commissioner Scott asked if the City and Cherry Hills Village Elementary School will have any priority on events.

Coordinator Black replied that the policy was written with an eye for being friendly to the schools. She confirmed that the City does have first priority in City spaces.

Commissioner Eber responded to Chair Dahl's comment about hours and said rather than looking at hours the City Code already has noise limits that must be followed. He said living next to a park that gets used every night is the price you pay so the City can use its park system for maximum use. He said his preference would be to make use of the noise ordinance that is in place already because it applies to everyone the same.

Commissioner Grodinsky asked what the hours are for the Outdoor Movie Night event.

Coordinator Black responded that the Movie Night event was held on the John Meade Park side and not the Alan Hutto Commons side. She said the movie can't start until dark and the event has typically gone until around 9:30 p.m. with clean-up lasting until about 10:00 p.m.

Commissioner Grodinsky commented that to Commissioner Eber's point a park is a park and why can you have an event at one location in the City but not at Alan Hutto. He agrees that the 8:00 p.m. cutoff, especially in the summer months, seems artificially limiting and he would be in favor of pushing that time out.

Commissioner Murphy stated that she agrees there will be opportunities and events that will run past 8:00 p.m. She commented that it is a beautiful Park that was paid for with taxpayer dollars and she believes it should be enjoyed and used to the full extent. She said she does not want to limit events because of an 8:00 p.m. ordinance.

Vice-Chair Wolfe commented that a lot of care needs to be given when picking a movie for the Movie Night Event so it is appropriate for children of all ages.

Commissioner Eber clarified that his point is that the hours of the event may be different than the time with which you can have amplified sound. He said for instance, if there is an event and amplified sound is turned off at 9:00 p.m. the park is still open until 11:00 p.m. and the event can go until 11:00 p.m. it just has to be unamplified.

Chair Dahl confirmed that the Commission's response is that they do not want restrictions on the time in Alan Hutto Commons. She asked Ms. Black if she wants to take these comments to the Art Commission and then come back to PTRC.

Ms. Black thanked the Commission for their input and said she would take their comments to the Art Commission and would keep them informed on next steps.

REPORTS

a. PTRC Chair Report

Chair Dahl had nothing to report.

b. Commission Members Report

Vice-Chair Wolfe reported on three issues he sees on the trails including e-bikes, dogs off leash and poop bags being left on the trails. He said the signage for requiring dogs on leash and picking up after your dog are confined to the three major parks and the entrances to the High Line Canal. He said he has identified 52 other locations where people enter the trails where there are no signs at all. He is proposing that signs be added to many entrances that specifically say your dog must be on a leash, please pick up your poop bags and no e-bikes are allowed on trails. He said he will work on a prototype sign that could be put up as a reminder to people to follow the rules. He said the City also needs to add a few trash cans.

c. Staff Report

Coordinator Black reported that the construction on the underpass is moving right along and they are scheduled to receive delivery and installation of the new foot bridge across the High Line Canal at Hampden Avenue on Wednesday.

ADJOURNMENT

The meeting adjourned at 8:26 p.m. The next PTRC meeting is scheduled for March 11th at 5:30 p.m.

Stephanie Dahl – Chair

Emily Black
Parks and Recreation Coordinator

Pamela Broyles
Administrative Assistant



**CHERRY HILLS VILLAGE
COLORADO**

2450 E. Quincy Avenue
Cherry Hills Village, CO 80113
www.cherryhillsvillage.com

City Hall
Telephone 303-789-2541
FAX 303-761-9386

MEMORANDUM

TO: MEMBERS OF THE PARKS, TRAILS, AND RECREATION COMMISSION

FROM: EMILY BLACK, PARKS AND RECREATION COORDINATOR

SUBJECT: TRAINING

DATE: MARCH 11, 2021

Please review the attached items in preparation for our training with City Attorney Kathie Guckenberger, taking place immediately following the regular March 11, 2021 meeting.

EXHIBITS

- Exhibit A: Rules of Procedure - Parks, Trails, and Recreation Commission (Dec. 12, 2018)
- Exhibit B: Municipal Code Chapter 2, Article VIII – Parks, Trails, and Recreation Commission
- Exhibit C: Municipal Code Chapter 2, Article IX – Code of Ethics
- Exhibit D : Municipal Code Chapter 11, Article V – Vacation of Public Rights-of-Way

**RULES OF PROCEDURE OF
THE CITY OF CHERRY HILLS VILLAGE
PARKS, TRAILS AND RECREATION COMMISSION
Adopted October 3, 2006
Amended December 12, 2018**

Article I. Adoption and Amendment of Rules

These Rules are adopted in accordance with Section 2-8-30(c) of the Municipal Code and shall govern the procedures of the Parks, Trails and Recreation Commission. These Rules may only be amended upon adoption and approval of the City Council in accordance with Section 2-8-30(c) of the Municipal Code.

Article II. Name of the Commission

The name of the Commission shall be the Parks, Trails and Recreation Commission.

Article III. Purpose of the Commission

a) The Parks, Trails and Recreation Commission has been established to advise City Council on matters related to parks, trails, recreation and open space within the community. The Commission shall meet at the direction of City Council for the following specific reasons:

- (1) To make recommendations with the purpose of improving and maintaining the City's park and open space system consistent with the provisions of Chapter 11, Article III of the Code;
- (2) To evaluate and make recommendations concerning the acquisition of additional trails, trail connections, pocket parks, wildlife refuge areas, protected view areas, open space parks and recreational parks;
- (3) To make recommendations with the purpose of protecting and maintaining the streams and water features that exist in the City;
- (4) To review and make recommendations on the Recreation Reimbursement Program to meet the recreation needs of the community;
- (5) To make recommendations to the Planning and Zoning Commission concerning the adoption of that portion of a Master Plan concerning park and trail development;
- (6) To recommend annual budget priorities to the City Council for capital projects related to parks, trails, open space and recreation;
- (7) To develop and recommend an annual recreation and event program and budget to the City Council; and

- (8) To recommend long-range financing plans for open space acquisition;
- b) The Commission shall meet in accordance with the provisions of the Municipal Code to:
 - (1) Review and make comments and recommendations on preliminary plat subdivision development applications concerning the dedication of land, in accordance with Chapter 17 of this Code; and
 - (2) Act in accordance with any other duties as required by other provisions of this Code as enacted by the City Council from time to time.
- c) In addition, the Parks, Trails and Recreation Commission shall have such other duties as assigned by the City Council, by motion, from time to time.

Article IV. Membership and Terms

- a) The Parks, Trails and Recreation Commission shall consist of seven (7) members: one (1) from each Council district; and one (1) member appointed by the City Council on an at-large basis; provided, however, that if the City Council is not reasonably able to appoint one (1) member from each Council district, the City Council may appoint one (1) or more members of the Commission on an at-large basis. Each member shall have one (1) vote.
- b) On the date of appointment, each member shall be a resident of the City for at least three (3) years immediately preceding the date of appointment. Each member shall be a resident of the district on the date of appointment and throughout his or her term of office. Each member shall be appointed by the City Council. The term of each member shall be three (3) years, and the terms shall be staggered.
- c) Terms of office shall expire on the third Tuesday of May in each respective year.

Article V. Officers

- a) The members of the Commission shall annually elect from their membership a Chair and a Vice Chair. The election of a Chair and Vice Chair shall be held at the first regular meeting following the third Tuesday of May. No member of the Board shall hold the same office for more than two successive years (24 months).
- b) Upon nomination and second by any Commission member, a nomination for Chair shall be considered. A majority voice vote of members present and constituting a quorum shall be required to elect a Chair. If the prevailing candidate is present and does not

decline, the new Chair will assume office immediately. The same procedure will be utilized in the election of the Vice Chair.

- c) In the election of officers, each Commission member shall be entitled to only one vote. There shall be no proxy voting.
- d) In the event that the duly-elected Chair becomes unable to complete their term of office, the Vice Chair shall automatically assume the position of Chair until the completion of the term, and a new Vice Chair shall be elected at the next regular meeting in accordance with the provisions of these Rules. In the event that the Vice Chair is unable to complete the term, an election shall be held at the next regular meeting to fill the vacancy. Said election shall be in accordance with the provisions of these Rules.

If neither the Chair nor the Vice Chair is present, any member in attendance shall call the meeting to order, and the Commission shall immediately elect by majority vote of members present and constituting a quorum a Chair Pro-Tem to preside at the meeting. The entrance of the Chair or Vice Chair terminates such office.

Article VI. Duties of Officers

Chair: It is the responsibility of the Chair to conduct formal Parks, Trails and Recreation Commission meetings in accordance with accepted principles of decorum, applicable laws of the State of Colorado including the Colorado Open Meetings Law and City of Cherry Hills Village, and the rules of order adopted in these Rules. The Chair shall be a voting member of the Commission and is accorded the same rights and privileges accorded other members of the Commission.

Vice Chair: In the event that the Chair is temporarily unable to act due to the absence from the City, illness, conflict of interest in any matter coming before the Commission, or any other cause, the Vice Chair shall act in the Chair's place. In this instance, the Vice Chair shall be accorded the same privileges and responsibilities as the Chair.

Article VII. Compensation

Members of the Commission shall receive no compensation. Commissioners may be reimbursed for pre-authorized expenses incurred in the discharge of their duties upon submission of a proper claim to the Parks and Recreation Coordinator.

Article VIII. Quorum and Voting Requirements

A quorum of the Commission shall be present in order to conduct any meeting of the Commission. A quorum shall consist of four (4) members. Any recommendation or other official action of the Commission shall require the affirmative vote of a majority of the Commission members present, voting, and constituting a quorum.

Article IX. Removal of Members

The members of the Commission shall be subject to removal by action of the City Council. The Council shall make appointments to fill vacancies for unexpired terms. Any member of the Commission absent for three consecutive regular meetings or four regular meetings during a calendar year without being excused by the Commission may be removed by City Council.

Article X. Meetings

Regular meetings will be held once a month in the City Council chambers or such other location as agreed by the Commission members. The meeting night shall be the 2nd Thursday of every month at 5:30 p.m. or at such other time as approved by unanimous vote of the entire Commission. Meetings may be cancelled if there are no agenda items. In the event of a conflict with holidays or other events, the Chair may change the date with proper notice. All meetings shall be open to the public.

Article XI. Correspondence

The agenda for each meeting of the Commission shall be set by the City Manager or their designee. Commission members shall receive an agenda and packet of corresponding materials no later than the Monday prior to a regularly scheduled meeting.

Article XII. Conduct of Meetings

The Commission shall conduct meetings in a manner it deems efficient, and at each regularly scheduled meeting:

- a) The Chair shall call the meeting to order and determine whether a quorum exists.
- b) Minutes of the previous meeting shall be reviewed, and may be adopted as written, or corrected, by a majority vote of the Commission members. Staff will provide a copy of the minutes to be approved in agenda packets.
- c) The Chair shall conduct the business as presented on the agenda.
- d) Audience Participation:
 - 1) The Chair shall request that any member of the public who wishes to speak identify themselves and provide complete addresses.
 - 2) The Chair shall allow any member of the public adequate opportunity to be heard on any issue within the Commission's jurisdiction and charge. The Chair in its discretion may limit the time allowed for discussion.
 - 3) After presentation by any member of the public, the Commission may vote to make a recommendation to the City Council, make no recommendation to City Council, or

to conduct further investigation on any proposed recommendation.

- e) Staff may make a recommendation concerning any matter coming before the Commission.
- f) Conflicts of Interest:
 - 1) Any Commission member, who actually or potentially has a conflict of interest concerning any recommendation before the Commission or whose participation would otherwise violate the appearance of fairness, shall disqualify himself or herself from voting or participating in the discussion and in any motion concerning such recommendation. When a Commission member has been so disqualified, the member shall neither sit on nor preside over the Commission during the discussion and voting on the matter.
 - 2) A potential conflict of interest or violation of the appearance of fairness exists when a Commission member has a direct or indirect interest in any business or undertaking which may be directly and substantially affected to its economic benefit or detriment by a decision to be made by the Commission; provided, however, that no benefit or detriment that is common to that of the general public shall constitute a conflict of interest or violation of the appearance of fairness for purposes of this Article.
- g) Any question or issue regarding the proper procedure for conducting business at any Parks, Trails and Recreation Commission meeting which is not resolved by the foregoing Rules of Procedure of the City of Cherry Hills Village Parks, Trails, and Recreation Commission shall be resolved by reference to the relevant portions of Robert's Rules of Order.
- h) Subcommittees are created via the vote of the Commission.
- i) Public Hearings shall be conducted in accordance with the City Council Rules of Procedure.

City of Cherry Hills Village Municipal Code

Chapter 2

ARTICLE VIII - Parks, Trails and Recreation Commission

Sec. 2-8-10. - Purpose.

- (a) The Parks, Trails and Recreation Commission has been established to advise City Council on matters related to parks, trails, recreation and open space within the community. The Commission shall meet at the direction of City Council for the following specific reasons:
 - (1) To make recommendations with the purpose of improving and maintaining the City's park and open space system consistent with the provisions of Chapter 11, Article III of this Code;
 - (2) To evaluate and make recommendations concerning the acquisition of additional trails, trail connections, pocket parks, wildlife refuge areas, protected view areas, open space parks and recreational parks;
 - (3) To make recommendations with the purpose of protecting and maintaining the streams and water features that exist in the City;
 - (4) To review and make recommendations on the Recreation Reimbursement Program to meet the recreation needs of the community;
 - (5) To make recommendations to the Planning and Zoning Commission concerning the adoption of that portion of a Master Plan concerning park and trail development;
 - (6) To recommend annual budget priorities to the City Council for capital projects related to parks, trails, open space and recreation;
 - (7) To develop and recommend an annual recreation and event program and budget to the City Council; and
 - (8) To recommend long-range financing plans for open space acquisition;
- (b) The Commission shall meet in accordance with the provisions of this Code to provide recommendations to the City Council on:
 - (1) To review and make comments and recommendations on preliminary plat subdivision development applications concerning the dedication of land, in accordance with Chapter 17 of this Code; and
 - (2) To act in accordance with any other duties as required by other provisions of this Code as enacted by the City Council from time to time.
- (c) In addition, the Parks, Trails and Recreation Commission shall have such other duties as assigned by the City Council, by motion, from time to time, except that nothing herein shall permit the Parks, Trails and Recreation Commission to assume powers expressly reserved for the City Council. (Ord. 02 §1, 2006)

Sec. 2-8-20. - Members; appointment.

The Parks, Trails and Recreation Commission shall consist of seven (7) members: one (1) from each Council district; and one (1) member appointed by the City Council on an at-large basis; provided, however, that if the City Council is not reasonably able to appoint one (1) member from each Council district, the City Council may appoint one (1) or more members of the Commission on an at-large basis. Each member shall have one (1) vote. (Ord. 02 §1, 2006; Ord. 10 §1, 2008)

Sec. 2-8-30. - Terms of office; organization.

- (a) District Members: On the date of appointment, each member shall be a registered elector of the City for at least three (3) years immediately preceding the date of appointment. Each member shall be a resident of the district on the date of appointment and throughout his or her term of office. Each member shall be appointed by the City Council. The term of each member shall be three (3) years, and the terms shall be staggered. Initial appointments shall be as follows:
 - (1) Districts 1 and 2 shall be appointed for one-year terms.
 - (2) Districts 3 and 4 shall be appointed for two-year terms.
 - (3) Districts 5 and 6 shall be appointed for three-year terms.
- (b) Terms: Terms of office shall expire on the third Tuesday of May in each respective year.
- (c) Rules of Procedure: The Commission shall operate in accordance with Rules of Procedure adopted by the City Council. (Ord. 02 §1, 2006; Ord. 10 §2, 2008)

Sec. 2-8-40. - Meetings.

Meetings shall be held at the direction of the City Council or in accordance with provisions of this Code. The City Council shall provide in the Commission's Rules of Procedure for the time and place of its regular meetings. (Ord. 02 §1, 2006)

City of Cherry Hills Village Municipal Code

Chapter 2

ARTICLE IX - Code of Ethics

Sec. 2-9-10. - Applicability.

This Article shall constitute the code of ethics for City personnel. It applies to all full-time and part-time elected or appointed officials and employees, whether compensated or not, including those of any separate board, commission, committee, authority, corporation or other instrumentality appointed or created by the City. The word *City* in this Article shall include these separate entities. (Ord. 02 §1, 2007)

Sec. 2-9-20. - Definition of personal interest.

For the purposes of Sections 2-9-30 and 2-9-40 below, *personal interest* means a direct financial interest of the official or employee, or a direct financial interest of the official's or employee's spouse or child living in the same household, in the matter to be voted upon, regulated, supervised or otherwise acted upon in an official capacity. *Personal interest* shall not include proposing or voting on matters affecting one (1) or more residential districts, or on other ordinances, regulations or policies of general applicability. (Ord. 03 §1, 2009)

Sec. 2-9-30. - Disclosure of personal interest by official with vote.

An official with the responsibility to vote on a measure shall disclose during the meeting at which the vote takes place, before the vote and so it appears in the minutes, any personal interest that affects or that would lead a reasonable person to infer that it affects the official's vote on the measure. In addition, the official shall recuse himself from voting on the measure and refrain from influencing other members, except if necessary for a quorum and as permitted by law. (Ord. 02 §1, 2007)

Sec. 2-9-40. - Disclosure of personal interest in nonvoting matters.

An official or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of the discretion shall disclose, before the exercise of the discretion when possible, the interest on a form provided by and filed with the City Clerk. In addition, the official or employee may, to the extent allowed by law, charter, ordinance or policy, recuse himself from the exercise of discretion in the matter. (Ord. 02 §1, 2007)

Sec. 2-9-50. - Acceptance of gratuities, etc.

An official or employee may not accept, directly or indirectly, any money, gift, gratuity or other consideration or favor of any kind from anyone other than the City:

- (1) For the performance of an act, or refraining from performance of an act, that he would be expected to perform, or refrain from performing, in the regular course of his duties; or
- (2) That might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing City business. (Ord. 02 §1, 2007)

Sec. 2-9-60. - Use of information.

- (a) An official or employee may not disclose, except as authorized by law, any information obtained in his official capacity or position of employment that is made confidential by the City code, state or federal law.
- (b) An official or employee may not use or disclose information obtained in his official capacity or position of employment with the intent to result in financial gain for himself or any other person or entity. (Ord. 02 §1, 2007)

Sec. 2-9-70. - Use of City time, facilities, etc.

- (a) An official or employee may not use or authorize the use of City time, facilities, equipment or supplies for private gain or advantage to himself.
- (b) An official or employee may not use or authorize the use of City time, facilities, equipment or supplies for private gain or advantage to any private person or entity, except as authorized by a legitimate contract or lease that is determined by the governing body to be in the best interests of the City. (Ord. 02 §1, 2007)

Sec. 2-9-80. - Use of position or authority.

- (a) An official or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City.
- (b) An official or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the Charter, general law, ordinance or City policy. (Ord. 02 §1, 2007)

Sec. 2-9-90. - Outside employment.

A compensated official or compensated employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty of the City position or conflicts with any provision of the City's Charter, Code, ordinance or policy. (Ord. 02 §1, 2007)

Sec. 2-9-100. - Ethics complaints.

- (a) The City Attorney is designated as the ethics officer of the City. Upon the written request of an official or employee potentially affected by a provision of this Article, the City Attorney may render an oral or written advisory ethics opinion based upon this Article and other applicable law.
- (b)
 - (1) Except as otherwise provided in this Subsection, the City Attorney shall investigate any credible complaint against an appointed official or employee charging any violation of this Article, or may undertake an investigation on his own initiative when he acquires information indicating a possible violation and make recommendations for action to end or seek retribution for any activity that, in the City Attorney's judgment, constitutes a violation of this code of ethics. The City Attorney may request that the City Council hire another attorney, individual or entity to act as ethics officer when he has or will have a conflict of interests in a particular matter.
 - (2) When a complaint of a violation of any provision of this Article is lodged against a member of the City Council, the City Council shall either determine that the complaint has merit, determine that the complaint does not have merit or determine that the complaint has sufficient merit to warrant further investigation. If the City Council determines that a complaint warrants further investigation, it shall authorize an investigation by the City Attorney or another individual or entity chosen by the City Council.
- (c) The interpretation that a reasonable person in the circumstances would apply shall be used in interpreting and enforcing this code of ethics.
- (d) When a violation of this code of ethics also constitutes a violation of a personnel policy, rule or regulation, the violation shall be dealt with as a violation of only the personnel provisions and not as a violation of this Article. (Ord. 02 §1, 2007)

Sec. 2-9-110. - Violations.

An elected official or appointed member of a separate City board, commission, committee, authority, corporation or other instrumentality who violates any provision of this Article is subject to punishment as provided by the City Charter, Code or other applicable law and, in addition, is subject to censure by City Council. An appointed official or an employee who violates any provision of this Article is subject to disciplinary action. (Ord. 02 §1, 2007)

City of Cherry Hills Village Municipal Code

Exhibit D

Chapter 11

ARTICLE V - Vacation of Public Rights-of-Way

Sec. 11-5-10. - Purpose.

The purpose of this Article is to establish a uniform procedure for the vacation of interests in rights-of-way owned or otherwise held by the City and to supplement the procedures for vacation of rights-of-way provided by Title 43, Article 2, Part 3, C.R.S.

(Prior code 8-4-1; Ord. 5, 2001)

Sec. 11-5-20. - Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Interested person means the owner of property contiguous to or served by a right-of-way that is the subject of a petition for vacation submitted in accordance with this Article.

Petitioner means an interested person submitting a petition for vacation of a right-of-way as permitted by this Article.

Right-of-way includes any platted or designated public street, alley, lane, parkway, avenue, road, easement including utility easements and pedestrian or equestrian trail easements, or other public way, whether or not it has been used as such, owned by the City.

(Prior code 8-4-2; Ord. 5, 2001; Ord. 9 §1, 2003)

Sec. 11-5-30. - City Council authority.

- (a) The City Council is authorized to vacate all or any portion of a right-of-way in accordance with this Article upon the petition of any interested person or upon the City's own initiative. The vacation of a right-of-way shall be a legislative and discretionary decision of the City Council.
- (b) The City Council may impose reasonable conditions upon the vacation of any right-of-way, including but not limited to:
 - (1) The payment of consideration by the landowners receiving benefit from the vacation;
 - (2) The approval of a subdivision plat in accordance with Chapter 17 of this Code documenting the vesting of the ownership interests resulting from the vacation of a right-of-way; and/or
 - (3) The imposition of a deed restriction or other form of covenant upon the vacated right-of-way as may be deemed necessary or desirable by the City Council to protect the public health, safety or welfare.
- (c) The City Council may reserve, except or otherwise create and retain one (1) or more easements within any right-of-way vacated pursuant to this Article.

(Prior code 8-4-3; Ord. 5, 2001)

Sec. 11-5-40. - Petition.

- (a) Preliminary petition for vacation.

- (1) Any interested person may submit to the City Manager a written preliminary petition requesting that the City Council consider the vacation of a right-of-way located within the City. At a minimum, the petition shall include the name, address and telephone number of the petitioner, together with a general description or illustration of the right-of-way proposed for vacation and all properties contiguous to or served by such right-of-way. A preliminary petition shall not be required for a City-initiated vacation.
 - (2) The City Manager shall inform the City Council of the City Manager's receipt of a preliminary petition at a regular meeting of the City Council. The City Council shall, following an administrative review of the preliminary petition, determine whether the requested vacation possesses sufficient merit to justify the petitioner's preparation and submission of a formal petition and the processing of such formal petition in accordance with this Article. The City Council's decision that a preliminary petition lacks sufficient merit to justify further consideration shall constitute a legislative finding that the requested vacation is not in the public interest and that the petition is rejected. The City Council's decision that a preliminary petition possesses sufficient merit to justify further consideration shall only authorize the further processing of a formal petition for vacation; such decision shall not constitute a finding or imply that the vacation will be approved following such further consideration.
- (b) Formal petition for vacation.
- (1) In the event that the City Council determines that a preliminary petition possesses sufficient merit to justify further consideration, the petitioner may prepare and submit a formal petition for vacation to the City, at the petitioner's cost and expense, containing the following:
 - a. An application letter signed by the petitioner requesting the City's approval of the right-of-way vacation and generally describing the reasons for the vacation;
 - b. A nonrefundable application fee as set by resolution of the City Council. In addition, the petitioner shall deposit with the City ten thousand dollars (\$10,000.00) or such other amount determined by the City Manager based upon the City Manager's estimate of the City's cost and expense associated with the processing of the petition. The deposit shall be applied toward the petitioner's payment of the City's planning and engineering review services, attorney review fees, plat recordation fees, appraisal fees and other costs and expenses incurred by the City and made necessary as a result of the City's processing of the petition. The deposit shall be administered in accordance with the provisions of Subsection 17-3-20 of this Code;
 - c. A complete legal description of the right-of-way proposed for vacation;
 - d. A survey of the right-of-way proposed for vacation and of all property located within two hundred fifty (250) feet of the boundaries of such right-of-way prepared by a Colorado licensed land surveyor. The survey shall include a written certification signed by the surveyor certifying to the City the survey's accuracy and conformance with applicable law. Such survey shall illustrate or include a description of:
 1. Both the existing right-of-way and the resulting vesting of the ownership of such right-of-way pursuant to Section 11-5-60 below in the event the vacation is approved by the City Council;
 2. All easements within the right-of-way and the location of all existing utilities within, above or below the right-of-way; and
 3. The location of all physical improvements within the right-of-way and, where applicable, the portion of the right-of-way used by the petitioner, other owners of property served by the right-of-way and the general public; and
 - e. A current commitment for title insurance ("title commitment") identifying the current ownership interests in the right-of-way proposed for vacation, together with liens, encumbrances and restrictions thereon, if any, prepared by a Colorado title insurance company. The title commitment shall be accompanied by a copy of each recorded lien,

encumbrance and restriction identified in the title commitment. The petitioner may be required by the City to obtain a policy of title insurance based on the title commitment as a condition of approval of the requested vacation;

- f. A written description, including sketch drawings, of the planned use of the right-of-way proposed for vacation and a description of the means of access to all properties affected by the proposed vacation; and
 - g. A list of the names and mailing addresses of all owners of property within five hundred (500) feet of the right-of-way proposed for vacation as their names and addresses appear on record with the County Assessor's office. The list shall be accompanied by a statement signed by the petitioner certifying that: 1) the list was prepared not more than thirty (30) days prior to the date of submission of the formal petition to the City; and 2) the list accurately identifies the information concerning ownership available from the County Assessor's office.
- (2) The City Manager may commission the preparation by a Colorado licensed real estate appraiser of a written appraisal of the fair-market value of the right-of-way proposed for vacation. The expense of such appraisal shall be paid from the petitioner's deposit required by Subparagraph (1)b above unless otherwise directed by the City Council.
 - (3) The City Manager or the City Council may modify or waive all or any requirement of a formal petition imposed by Paragraph (1) above and may request additional information deemed necessary by the City to permit the City's thorough review of the merits of the proposed right-of-way vacation.
 - (4) The City may initiate a petition for vacation by motion or resolution of the City Council. Prior to processing a City-initiated petition for vacation of a right-of-way, the City Council shall consider and decide the applicability of the requirements of a formal petition as provided in Paragraph (1) above. A City-initiated petition shall be processed in accordance with Section 11-5-50 below.

(Prior code 8-4-4; Ord. 5, 2001; Ord. 9 §1, 2003; Ord. 7 §16, 2004; Ord. 2, §14, 2020)

Sec. 11-5-50. - Procedure.

- (a) After the City receives a complete formal petition for vacation of a right-of-way, the City Manager shall schedule a public meeting before the Planning and Zoning Commission to consider the petition. The Planning and Zoning Commission shall provide recommendations to the City Council for action on the proposed vacation and include, where appropriate, any conditions necessary or desirable to protect the public health, safety and welfare. The petitioner shall give notice of the public meeting.
- (b) If a right-of-way proposed for vacation affects a trail easement, the Planning and Zoning Commission shall obtain recommendations from the Parks, Trails and Recreation Commission before making recommendations to the City Council. The City Manager shall schedule a public meeting before the Parks, Trails and Recreation Commission to consider the petition. The petitioner shall give notice of the public meeting.
- (c) After the Planning and Zoning Commission considers the petition, the City Attorney shall prepare an ordinance to vacate the right-of-way. If the Planning and Zoning Commission recommends approval or conditional approval of the petition, the ordinance shall be in a form consistent with the Planning and Zoning Commission's recommendations.
- (d) After the Planning and Zoning Commission has acted on a petition, the City Manager shall schedule the ordinance for first reading before the City Council. If approved on first reading, the ordinance, together with the petition, shall be scheduled for second reading and consideration at a public hearing before the City Council. The petitioner shall give notice of the public hearing.
- (e) After the public hearing, the City Council shall reject the ordinance or approve the ordinance with amendments. The City Council may, in its discretion, continue the public hearing and postpone a final decision if it determines that additional information would assist in its deliberations.

- (f) No ordinance vacating a right-of-way shall be approved unless the City Council finds the following:
 - (1) For the vacation of any right-of-way, that the vacation serves the public interest; and
 - (2) For the vacation of a right-of-way that provides vehicular access to property, that the vacation will not leave any property without an established public road or private access easement connecting with another established public road.

(Prior code 8-4-5; Ord. 5, 2001; Ord. 09 §1, 2007)

Sec. 11-5-55. - Notice.

- (a) The petitioner shall provide notice of any public meeting required by this Article by depositing letters in certified United States mail, at least twenty (20) days before the date of the meeting, addressed to all owners of property identified under Subparagraph 11-5-40(b)(1)g. The letter shall state that the petitioner is requesting the vacation of a right-of-way, the date, time and place of the meeting and describe or illustrate the right-of-way proposed for vacation. The petitioner shall deliver to the City, prior to the public meeting, evidence from the United States Postal Service of the certified mailing of the notice letters.
- (b) The petitioner shall provide notice of any public hearing required by this Article by the posting of one (1) notice sign in a conspicuous location within the right-of-way described in the petition for vacation at least twenty (20) days before the date of the hearing. The notice sign shall be provided by the City and bear a caption "NOTICE OF PUBLIC HEARING," with each letter of the caption at least two (2) inches in height, shall state the date, time and place of the public hearing, shall state that the petitioner is requesting the City's vacation of a right-of-way and shall describe or illustrate the right-of-way proposed for vacation. The petitioner shall also provide notice of the public hearing by depositing letters in certified United States mail, at least twenty (20) days before the date of the hearing, addressed to all owners of property identified under Subparagraph 11-5-40(b)(1)g. The letter shall state that the petitioner is requesting the vacation of a right-of-way, the date, time and place of the hearing, and describe or illustrate the right-of-way proposed for vacation. The petitioner shall deliver to the City, prior to the public hearing, evidence from the United States Postal Service of the certified mailing of the notice letters.

(Ord. 09 §2, 2007)

Sec. 11-5-60. - Effect of vacation of right-of-way.

For any right-of-way vacated in accordance with this Article, the ownership of the City's vacated interest in a right-of-way shall vest as follows:

- (1) For a roadway as such term is defined by Section 43-2-301(3), C.R.S., ownership of the City's vacated interest shall vest in accordance with the provisions of Section 43-2-302, C.R.S.; or
- (2) For an easement not within the definition of Section 43-2-301(3), C.R.S., ownership of the City's vacated interest shall vest with the then-current owners of the underlying fee simple estate, as their ownership interests may appear.

(Prior code 8-4-6; Ord. 5, 2001)