

Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, January 17, 2006 at 6:30 p.m.  
At the Village Center

Mayor Doug Scott called the meeting to order at 6:32 p.m.

**ROLL CALL**

Councilmembers Bonnie Blum, Fred Boutin, John Love, Cathy Pomeroy and Doug Tisdale were present on silent roll call. Also present were Community Development Director Eric Ensey, Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Kevin Louis, Parks & Trails Administrator Jay Goldie, City Manager Cheryl Kuechenmeister, City Attorney Thad Renaud, City Attorney Jerry Dahl, and City Clerk Jennifer Pettinger.

Councilmember Wozniak arrived at 6:35 p.m.

**AUDIENCE PARTICIPATION PERIOD**

Mark VanLoucks, 1515 E. Tufts Ave., stated his displeasure at the inability to schedule a meeting with Mayor Scott until January 26th. Mr. VanLoucks asked if public comment would be accepted in regard to the fence ordinance.

Councilmember Wozniak arrived at 6:35 p.m.

Mayor Scott apologized for his scheduling conflicts. Mayor Scott said public comment would be accepted in regard to the fence ordinance.

Councilmember Wozniak noted for the record that Mayor Scott has always been available and responsive to him and the citizens.

Deborah Hruza, 5990 Happy Canyon Road, spoke to Council regarding her concerns with the current fencing ordinance landscape requirements.

Kimberly Velasquez, a representative of John Sie, 21 Sandy Lake, advised Council of Mr. Sie's concern regarding the regulation of gates. Ms. Velasquez asked for the definition of a gate to be included in the ordinance.

Kristine Robertson, 21 Carriage Lane, spoke to Council regarding her inability to install a 7' gate. Ms. Robertson urged Council to allow gates in reasonable proportion to the height of a fence.

Kurt Lochmiller, 1 Carriage Lane, asked City Council's position regarding the U.S. District Court lawsuit that has been filed against the City. Mr. Lochmiller also requested information regarding the estimated cost to defend this lawsuit.

City Attorney Thad Renaud explained the lawsuit that has been filed by the Denver First Church of the Nazarene under the Religious Land Use and Institutionalized Persons Act (RULUPA) in regard to a denial of their development application.

Joe Sloan, Denver Water, encouraged Council to approve the proposed fence ordinance. Mr. Sloan presented to Council Denver Water's plans to replace the fence around their pump station.

Dean Peterson, 3720 E. Quincy Avenue, applauded Council for their action in regard to the proposed fence ordinance. Mr. Peterson encouraged Council to include the impact of vehicles under acts of nature.

Alex Brown, 4285 S. Forest Court, gave Council his comments in writing in regard to the proposed fence ordinance. Mr. Brown requested that in section 16-16-40(b) and 16-16-40(c)(2) a statement be included in regard to applicability and administration of HOA (Homeowners Association) covenants. Mr. Brown suggested the addition of the phrase "good repair" be added to 16-16-40(c)(7). Mr. Brown also requested a clearer standard in regard to adjacent in the proposed fence ordinance. Mr. Brown stated that he was encouraged that traffic calming is on the agenda. Mr. Brown also stated that he has seen an increase in traffic enforcement and appreciates the increase. Mr. Brown stated that he feels traffic enforcement is the first line of defense in traffic calming and the second is for each citizen to obey the traffic rules.

Councilmember Love asked for clarification from Mr. Brown regarding his suggestions for the HOA covenants.

Mary Washburne, 4075 S. Colorado Blvd., stated that she would like to see City Council and Staff embrace the scenic vistas recommendation from the Blue Ribbon Panel. Ms. Washburne stated that she does not want to see 6' fences along Colorado Blvd., Holly Street or Happy Canyon Road.

Debbie Welles, 4950 Sanford Circle West, stated her displeasure that the comments Tracy James made in reviewing the fence ordinance in regard to protecting the scenic treasurers were not incorporated in the proposed fence ordinance.

Chuck Schloss, 801 E. Radcliff Ave., stated that the ideas of the Blue Ribbon Panel aren't congruent to all the citizens.

## **PUBLIC HEARING**

### **Request for Subdivision of Lot 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2, into Two 1-acre Lots (Continuation of Public Hearing to February 7, 2006)**

Mayor Scott stated that City Council could not hear this request since there was not a quorum present at the Planning and Zoning Commission meeting to bring forward a recommendation to the City Council. Mayor Scott requested that this agenda item be continued.

Councilmember Tisdale moved, and seconded by Councilmember Blum, to vacate and postpone item 4a, a public hearing relative to a request for Subdivision of Lot 1, Cherry Hills Farm Subdivision Filing No. 4 Amendment 2 to the February 7, 2006 City Council meeting.

The motion passed unanimously.

### **CB 11-05, A Bill for an Ordinance Amending Section 16-16-10 of the Municipal Code Concerning Definitions and by Repealing and Re-enacting Section 16-16-40 Concerning Fences (Final Reading – Tabled from November 15, 2005 – Public Hearing Closed)**

Community Development Director Eric Ensey presented CB 11-05, A Bill for an Ordinance Amending Section 16-16-10 of the Municipal Code Concerning Definitions and by Repealing and Re-enacting Section 16-16-40 Concerning Fences on Final Reading.

Discussion was held regarding the proposed ordinance.

Councilmember Pomeroy stated her concerns regarding allowing 6' front yard fencing on interior roads. She also stated she would like to see 4' open fencing on all interior fences. Councilmember Pomeroy stated that she would allow 6' fencing along Bellevue Ave., Hampden Ave., Clarkson Ave., and Happy Canyon Road. Councilmember Pomeroy stated that she would like to see existing fences grandfathered in.

Councilmember Boutin asked about measuring the openness of a fence at an angle. Mr. Ensey stated that it appears measuring a fence at an angle would be difficult to implement.

Councilmember Boutin asked for clarification in regard to the landscape requirements. Mr. Ensey explained the landscaping requirement that is in the current code.

Councilmember Love asked for clarification in regard to Southmoor Vista HOA's concerns regarding the landscape requirements.

Deborah Hruza, 5990 Happy Canyon Road, explained her neighborhood's concern with new fence installation landscape requirements along Happy Canyon Road. Ms. Hruza stated that their concerns are due to irrigation difficulties, placement of the drainage ditch and location of the power lines.

Councilmember Tisdale asked if there were traffic counts available. Mr. Ensey stated that there were no traffic counts available. Councilmember Tisdale suggested resources for possible traffic counts.

Discussion was held regarding the proposed ordinance.

Councilmember Tisdale summarized the discussion thus far, noting the following changes.

- On page 2 at the bottom, insertion of vehicular damage and vandalism following acts of nature.
- Page 3, section 7, adding good repair.
- Correct typographical error on page 3 subsection (6) painting should be painting.
- On the bottom of page 3 and the top of page 4 that grandfathering defined as the installation, construction, or repair of more than 50% within a 24 month period.
- Requested more information from Staff regarding traffic counts.
- Changes to applicability and administration recommended by Alex Brown relative to Homeowner Association covenants and easements.
- Defining of entry features in (d)(3).

Council was in agreement to the changes.

Discussion was held regarding courtyard fencing.

Councilmember Boutin suggested that another public hearing be scheduled before the next reading.

Discussion was held regarding front yard fencing.

Council was in agreement to amend the proposed ordinance to restrict front yard fencing (except state highways, Clarkson Street. and Happy Canyon Road) to 4' in height and no more than 25% solid as viewed perpendicular, except for those lots on Quincy Ave., Colorado Blvd., and Holly St. with current 6' fencing can be kept for 20 years. Properties on Clarkson Street. and Happy Canyon Road will be allowed 6' solid front yard fencing if in compliance with the other sections.

Councilmember Tisdale moved, seconded by Councilmember Pomeroy, to table CB 11-05, A Bill for an Ordinance Amending Section 16-16-10 of the Municipal Code Concerning Definitions and by Repealing and Re-enacting Section 16-16-40 Concerning Fences with instructions previously given to Staff along with Section E(1)(a) on page 4 to reflect two options and to allow further public comment. Placement of the revised ordinance be provided as far in advance as reasonable practical no later than February 7, 2006 and that further public comment and final reading be held on February 21, 2006.

The motion passed unanimously.

Discussion was held regarding the Denver Water fence request. Council was in agreement to direct the City Attorney to review what options are available to assist Denver Water.

### **CONSENT AGENDA**

Councilmember Wozniak moved, seconded by Councilmember Blum, to approve the following items on the Consent Agenda:

- a. Approval of January 3, 2006 Minutes
- b. Approval of 2006 Ford Expedition Purchase for the quoted price of \$25,457.00
- c. Award of Contract for Vehicle Towing and Storage Services to B.H. Towing, Inc.
- d. Approval of Intergovernmental Agreement (IGA) with Denver Regional Council of Governments for Elevator and Escalator Inspections

The motion passed unanimously with Councilmember Tisdale abstaining from voting on item 5a. Approval of January 3, 2006 Minutes.

### **ITEMS REMOVED FROM CONSENT AGENDA**

Items 5e and 5f were removed from the Consent Agenda.

- Approval of Mulhern MRE Contract Amendment for the Village Center Project
- Approval of Davis Partnership Architects Contract Amendment for the Village Center Project

### **Approval of Mulhern MRE Contract Amendment for the Village Center Project**

Councilmember Wozniak stated his concerns regarding the Mulhern MRE Contract Amendment for the Village Center Project.

Village Center Project Manager Tim Leonard explained that technically the contract is according to the budget that Council had agreed to, it just had not yet

been formally approved. Mr. Leonard stated that the bulk of the change came with the purchase of the Meade Lane property.

Discussion was held concerning the proposed Mulhern MRE contract amendment.

Councilmember Tisdale asked Mr. Leonard whether if each change Council makes impacts additional costs to the City. Mr. Leonard said yes.

Discussion was held concerning the Mulhern MRE Contract.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve the Mulhern MRE Contract Amendment for the Village Center Project as presented.

The motion passed with a vote of 4 yes and 2 abstained (Love & Pomeroy).

#### Approval of Davis Partnership Architects Contract Amendment for the Village Center Project

Village Center Project Manager Tim Leonard presented the request for approval of Davis Partnership Architects Contract Amendment for the Village Center Project.

Discussion was held concerning the proposed Davis Partnership Architects contract amendment.

Councilmember Tisdale moved, seconded by Councilmember Boutin, to table the approval of Davis Partnership Architects Contract Amendment for the Village Center Project to the February 7, 2006 meeting and to work with Davis Partnership to provide additional rationale for this amendment.

Discussion was held.

The motion passed with a vote of 4 yes and 2 no (Wozniak & Love).

#### **ORDINANCES, RESOLUTIONS AND PLATS**

R02-06, A Resolution Calling an Election on April 4, 2006 Authorizing the Issuance of General Obligation Bonds and the Levy of Property Taxes to Pay Such Bonds; setting the Ballot Title and Content for the Ballot Issue; Providing Other Matters and Ratifying Action Previously Taken Relating Thereto; and Providing the Effective Date of this Resolution

Finance Director Karen Proctor gave an explanation of available funds the City will have access to, if the City proceeds with the Certificate of Participation for the Village Center for possible open space.

Mayor Scott suggested delaying placement of this ballot issue until the November 2006 election.

Discussion was held.

Councilmember Tisdale stated that he was concerned that by postponing the resolution it will be viewed that Council is not being responsive to the Blue Ribbon Panel concerns.

Councilmember Pomeroy echoed Councilmember Tisdale's concerns.

Discussion was held.

Laura Christman, 18 Cherry Lane Drive, stated she was very much in favor of acquiring open space. Ms. Christman stated her concerns regarding the current ordinances regarding open space. Ms. Christman stated she would like Council to address the definition of open space and provide a very limited budget for capital improvements on open space. Ms. Christman also stated her concerns that the City has the right to sell open space. Ms. Christman stated that she feels that under very limited circumstances should the City be able to sell open space with out a vote of the people. Ms. Christman expressed her concerns regarding the subdivision laws where the City can take money in lieu of open space.

Debbie Welles, 4950 Sanford Circle West, thanked Councilmember Boutin and Wozniak for attending a neighborhood meeting. Ms. Welles stated that she agrees with postponing an open space election until November. Ms. Welles also encouraged Council to implement the following steps prior to placing an open space ballot measure before voters.

1. Ensure that a Master Plan and ordinances are in place to protect open space.
2. Survey the community to find out what kind of measure they would support.
3. Structure and acceptable bond and pass it.

Ms. Welles asked the status of the Master Plan review.

City Manager Cheryl Kuechenmeister stated that the RFP's (Request for Proposal) is being prepared and will be mailed tomorrow. Ms. Kuechenmeister stated that the proposals will be due on February 17, 2005.

Klasina VanderWerf, 5250 E. Chenango Avenue, read the resolution that was adopted by the Cherry Hills Land Preserve.

Buck Frederickson, 80 Meade Lane, presented and read his remarks to Council. Mr. Frederickson stated that he is a trustee for Great Outdoors Colorado and that he was advised that as of 3:00 p.m. today no one from Cherry Hills Village has ever contacted GOCO staff about the opportunities available for open space. Mr. Frederickson stated his displeasure at the exclusion from South Suburban and the appeal. Mr. Frederickson also stated his displeasure at Staff for trying to charge citizens a fee to use the horse ring at John Meade Park and the citation his wife received for parking her horse trailer in the same place it has been for the past 23 years. Mr. Frederickson also related his displeasure at the handling of the City Center development and encouraged Council to submit the project and payment for it to the voters. Mr. Frederickson stated that for the first time in his life, he will probably not support an open space matter if placed on the ballot. Mr. Frederickson stated his reasons for not supporting the ballot measure, is that he feels City Council and the City Manager have not demonstrated responsible inclusive government and leadership with priorities identified, understood and followed.

Jeff Welborn, 4901 S. Fairfax Avenue, stated he endorses the statement of the Cherry Hills Land Preserve. Mr. Welborn also stated that he is in favor of this ballot issue not going forward in April. Mr. Welborn said that he feels this ballot issue is premature and may not be necessary. Mr. Welborn stated also that he feels the City needs to be committed to the Blue Ribbon Panel recommendations. Mr. Welborn said that he feels next year we will know more about the costs associated with the exclusion and the new building. Mr. Welborn related his concerns that he has not been listened to and received a response from his letter regarding the Weckbaugh property.

Chris DeMarche, 7 Vista Road, stated his concerns with the lack of strategic vision for the City. Mr. DeMarche encouraged Council to stop the Village Center project. Mr. DeMarche also stated that he feels citizens want parks and open space not a Taj Mahal.

James Tarpey, 5231 Nassau Circle East, stated that he believes there is a lot of preparation that needs to be done before the ballot issue is presented.

Nissa Maddox, Trust for Public Lands, stated that if the City decides to delay or go forward TPL would pledge to help the Village.

Councilmember Tisdale asked for clarification of tabor election dates.

Councilmember Tisdale moved, seconded by Councilmember Love, to disapprove R02 -06, A Resolution Calling an Election on April 4, 2006 Authorizing the Issuance of General Obligation Bonds and the Levy of Property Taxes to Pay Such Bonds; setting the Ballot Title and Content for the Ballot Issue; Providing Other Matters and Ratifying Action Previously Taken Relating Thereto; and Providing the Effective Date of this Resolution.

The motion passed unanimously.

CB01-06, A Bill for an Ordinance Establishing the Parks, Trails and Recreation Commission (First Reading)

Councilmember Wozniak presented CB01-06, A Bill for an Ordinance Establishing the Parks, Trails and Recreation Commission on first reading.

Discussion was held.

Councilmember Tisdale moved, seconded by Councilmember Blum, to approve CB01-06, A Bill for an Ordinance Establishing the Parks, Trails and Recreation Commission on first reading.

Discussion was held.

The following votes were recorded:

Doug Tisdale	yes
Bonnie Blum	yes
John Love	yes
Mike Wozniak	yes
Fred Boutin	yes
Cathy Pomeroy	yes

The motion passed unanimously.

Councilmember Love requested staff costs be presented at second reading.

## **REPORTS**

### **Mayor's Report**

Mayor Scott stated that he is working with Jeff & Martha Welborn to educate the residents in regard to the Village Center project. Discussion was held concerning other steps to take to educate the residents. Council was in agreement to hold a town hall meeting in March.

### **Members of City Council**

The following statement was made by Councilmember Doug Tisdale in regard to the selection of Thad Renaud, Esq. as Cherry Hills Village City Attorney.

“Recently, questions have been raised as to the selection of our City Attorney and the process that was followed. These questions arise, at least in part,

because of the concern that some persons have raised regarding the fact that Thad's law partner, Charlie Kuechenmeister, is married to our City Manager, Cheryl Kuechenmeister. In order to respond fully to those concerns, and to put them to rest, I make this statement. I joined the City Council as a member in April of 2000. At that time, Erin Smith was the Cherry Hills Village City Attorney, having taken over the position from Bob Morris (who, like me and Councilman John Love, had graduated from the University of Michigan).

For various reasons, it was recommended by Mayor Jeff Welborn, shortly after I joined Council, that we initiate a search for a new city attorney. The City went through a comprehensive RFP process. Robert Widener of Gorsuch Kirgis was ultimately recommended by the search committee, which included Councilmembers (and lawyers) Jan Steiert and Ned Giles, as I recall. The selection of Gorsuch was unanimously recommended and unanimously adopted by the City Council, which included Jan, Ned, John Love, Viola Lahana, Bonnie Blum and me, along with Mayor Jeff Welborn.

At the time, I raised the question of Charlie Kuechenmeister's involvement in the law firm with which Bob Widener was a partner, given that his wife was our City Manager. I was assured by the interested parties back in 2000 – and by the most competent legal authorities in the state – that such a relationship did not create a conflict and that it would not interfere with the duties of the City Attorney or the City Manager. As there were a total of four lawyers serving on Council at the time, and as some of this advice came from the premiere City Attorney in the State of Colorado, I agreed. Later, in 2003 Bob accepted the position as in-house city attorney for Centennial, putting us in the position of having to initiate another search.

That search proceeded in earnest throughout the end of 2003 and the first quarter of 2004. All of the established and better known law firms with experts in municipal law were solicited to participate. From the numerous responses received from the many solicited law firms, three were selected for in-depth personal follow-up interviews.

On March 1, 2004, in my office, Councilmember Bonnie Blum, City Manager Cheryl Kuechenmeister and I interviewed Ken Fellman of Kissinger & Fellman (Ken is the Mayor of Arvada), John Hayes of Hayes, Phillips & Maloney, and Randy Funk and Thad Renaud of Gorsuch Kirgis.

After much discussion of the pros and cons, the decision was made to go with Gorsuch Kirgis, on the expressly stated condition – imposed by me – that Thad Renaud would be designated as our Deputy City Attorney. Thad had recently joined the Gorsuch firm as a partner and was working with Randy Funk, who had taken over Village matters from former partner Bob Widener. Later it was decided that Randy would not be working on city business and that Thad would

assume the formal role and title of Cherry Hills Village City Attorney in all respects.

When Thad left Gorsuch with Malcolm Murray and Jerry Dahl and Charlie Kuechenmeister a few months after that, it was decided to keep Thad as our City Attorney. That action was acknowledged by Council in open meeting. I spoke on the record at that time about some of the reasons for selecting Thad Renaud as our City Attorney, and I will repeat some of those comments now on this record.

I was adamant about Thad Renaud being named our city attorney for one principal reason: Thad Renaud was trained, supervised, directed, educated, tutored and counseled by one of the most intelligent, most talented, most skilled, most experienced and most effective municipal attorneys in the history of the State of Colorado. That remarkable teacher was Patricia Claire Brennan Tisdale, Esq.

In order to give credence to that comment – which is not my observation, but rather the observation of the Colorado Municipal League, the organization to which every municipality in the State of Colorado belongs – a word of background is necessary.

Pat Tisdale graduated number three in her class from the University of Denver Law School. Her modest class rank of Number Three was no doubt attributable to the fact that she had two children while in law school. Pat Tisdale studied and wrote published articles in legal journals on the subjects of municipal law and land use throughout her law school career and was an editor of the Law Journal at DU.

This interest in municipal law was not surprising as Pat had been the office manager for the law firm of Brennan & Bibeau in Oakland County, Michigan, a law firm founded by Pat's father, Terry Brennan. Terry Brennan was the acknowledged Dean of the municipal law bar in the state of Michigan. Again, those are not my words; they are the words of a Concurrent Resolution of the State Senate and the House of Representatives of the Michigan State Legislature upon the occasion of Terry Brennan's untimely death at the age of 51.

After graduation from law school, Pat was named the Deputy City Attorney for the City of Arvada for 12 years, also acting as the City Attorney for about two years during that time.

In 1991 she joined the law firm of Holme Roberts & Owen and headed up their newly-established Municipal Law and Land Use Practice Group.

While a partner at Holme Roberts, Pat was selected as the City Attorney for the City of Lafayette, the Town Attorney for the Town of Frisco, Special Counsel for Golden, Special Counsel for Castle Rock, Special Counsel for Parker, and Special Counsel for the City and County of Denver for airport land use and condemnation issues.

She was the Chairman of the City Attorney's Division for the Colorado Municipal League. She was a board member of the Rocky Mountain Land Use Institute. She argued more cases on municipal law and land use and condemnation in the Colorado Court of Appeals and the Colorado Supreme Court than any of us will ever hope to read.

She lectured nationally on municipal law and land use for the prestigious American Law Institute and for the National Institute of Municipal Law Officers. She was awarded more accolades and honors in the fields of municipal law, land use and condemnation than any other Colorado lawyer, living or dead, in modern times. And the annual Patricia C. Tisdale National Symposium on Land Use has been established in her honor by the Rocky Mountain Land Use Institute.

I give you this brief and incomplete background of Pat Tisdale for one principal reason:

Throughout her years at Holme Roberts, when she was doing that work and being given those tributes, Thad Renaud sat at her right hand. Learning. Studying. Training. Emulating.

And that, Ladies and Gentlemen of Cherry Hills Village, is why Thad Renaud is our City Attorney. Thank you."

Councilmember Love stated he was concerned about the cost of the Village Center project and would like Council to look at possible cost reductions.

Discussion was held concerning agenda posting timeline.

Councilmember Boutin reported on a neighborhood meeting hosted by Susan and Jon Tandler.

Councilmember Boutin asked if the Floor Area Ratio will be on the Council's agenda in May. City Manager Cheryl Kuechenmeister said it would.

Police Chief John Patterson gave a report on the City's Emergency Management Response.

### **Members of City Boards and Commissions**

There were no reports.

## **City Manager & Staff**

City Manager Cheryl Kuechenmeister stated that the City has had extensive discussions with Great Outdoors Colorado (GOCO).

Councilmember Tisdale also noted that on his website the information regarding the exclusion has been posted since 2001.

## Departmental Monthly Reports

Departmental Monthly Reports were included in Council packets.

Councilmember Love complimented Community Development Director Eric Ensey for his monthly report format.

## Grant Information

A report on Grant Information was included in Council packets. There were no questions from members of the City Council.

## Traffic Calming

Public Works Director Kevin Louis gave a report on the Traffic Calming Policy.

Discussion was held. City Council was in agreement that if there is an actual documented safety problem that the 80% requirement should be waived and that the City would pay for the improvements. Council requested that Staff to revise the policy and provide a cost estimate for the improvements on Dahlia Street.

Jay Federhart, 4020 S. Dahlia St., stated that a majority of the residents are in favor of traffic improvements along Dahlia Street. Mr. Federhart encouraged Council to pay for the improvements. Mr. Federhart stated that open space is important but living in the Village is nothing if it isn't safe. He also stated that the yellow stripes are not affective.

Laurie Hoffman, 3921 S. Dahlia St., stated she is concerned with the safety of children coming home from the bus stop. Ms. Hoffman thanked the City for installing the stripes and stated they appear to slow down the traffic slightly. Ms. Hoffman suggested providing a sidewalk for safety. Ms. Hoffman stated also that smart traffic signs work well.

Craig Latham, 3900 S. Dahlia St., stated he had heard a lot about safety tonight and encouraged Council to take action. Mr. Latham stated that he felt you can't put a price on a child's life and that he is concerned about the 12 children who live on S. Dahlia Street.

Jeff Welborn, 4901 S. Fairfax, stated that when he was on Council they had looked at this issue and he applauded Council for taking up this issue again. Mr. Welborn suggested Council ask Alex Brown for assistance on traffic calming.

Councilmember Blum addressed the safety concerns on Belleview Avenue.

### **City Attorney**

Councilmember Wozniak moved, seconded by Councilmember Pomeroy, to hold an executive session for the purpose of discussing negotiation strategy and instructing negotiators as authorized by C.R.S. section 24-6-402(4)(e) following the conclusion of the study session.

City Attorney Thad Renaud stated that he would be excusing himself due to a conflict of interest and City Attorney Jerry Dahl would be participating in the executive session.

The following votes were recorded:

John Love	yes
Mike Wozniak	yes
Fred Boutin	yes
Cathy Pomeroy	yes
Doug Tisdale	yes
Bonnie Blum	yes

The motion passed unanimously.

### **EXECUTIVE SESSION**

Council adjourned to an Executive Session at 10:49 p.m.

The Executive Session adjourned at 11:13 p.m.

City Manager Cheryl Kuechenmeister advised Council of her retirement effective March 31, 2006.

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Douglas C. Scott, Mayor

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Jennifer Pettinger, CMC, City Clerk