

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, May 20, 2008 at 6:00 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:02 p.m.

EXECUTIVE SESSION

Councilor Stewart moved, seconded by Councilor Roswell, to hold an executive session for the purpose of receiving legal advice concerning the South Suburban litigation as authorized by CRS §24-6-402(4)(e)

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

The motion passed unanimously.

Council adjourned to an Executive Session at 6:03 p.m.

The Executive Session adjourned at 6:37 p.m.

Mayor Mike Wozniak called the meeting to order at 6:39 p.m.

ROLL CALL

Councilors Harriet LaMair, Klasina VanderWerf, Marcia Frew, Mark Griffin, Mike Wozniak, Scott Roswell, and Russell Stewart were present on silent roll call. Also present were City Manager Eric Ensey, City Attorney Ken Fellman, Finance Director Karen Proctor, Police Chief John Patterson, Public Works Director Jay Goldie, Planning Manager Rob Zuccaro, Interim Parks, Trails & Recreation Administrator Ryan Berninzoni, Crew Chief Ralph Mason, and Administrative Clerk Jessica Sager.

AUDIENCE PARTICIPATION PERIOD

Dennis Coughlin, 3875 South Harrison Street, Cherry Hills Village, CO 80113
Mr. Coughlin stated he was in attendance to support the vacation request of a portion of Mansfield Avenue that City Council would hear later in the meeting. He stated he has spoken with Councilor LaMair about the subject and believes that there is a reasonable compromise for the vacation request. He advised Council that the six homeowners affected by the vacation were willing to take over maintenance of the street if it were vacated. He explained the reasons behind the request were that the six homeowners purchased the lot together and agreed to leave it undeveloped. He mentioned there have been incidents involving vehicles travelling at high rates of speed along that portion of the road and that people have been using the area as a place to hang-out and also as a dumping ground. He stated the homeowners have agreed to leave an easement in case the City would like to construct a bridge over the Highline Canal in that area in the future.

Mayor Wozniak confirmed the request is on the agenda and will be heard later in the meeting. He invited Mr. Coughlin to speak again at that time.

Nicholas Zavodny, 3961 South Bellaire Street, Cherry Hills Village, CO 80113

Mr. Zavodny requested assistance from Council with a noise complaint he has against his neighbors at 4000 S. Ash Street. He stated the neighbor's a/c condenser units are very noisy, but the noise is under the legal decibel limit. He asked Council to consider helping facilitate a conversation between him and his neighbor and added that he was open to any other idea they may have. He presented pictures of the area to Council for their review.

Mayor Wozniak stated Council would review the situation and would do what they could to help address it.

Mr. Zavodny stated he has consulted with a sound engineer but has realized there is some difficulty due to the design of the home.

SOUTH PLATTE WORKING GROUP PRESENTATION

Bob Toll, 53 Willowleaf Drive, Littleton, CO 80127

Mr. Toll presented a power point presentation to Council regarding the implementation of the South Platte Working Group's projects to enhance the South Platte greenway.

Councilor VanderWerf stated the South Platte Working Group has been awarded the DRCOG Ultra Vision Gold Award, which is the highest award in that category.

Mayor Wozniak thanked Mr. Toll for the presentation and stated they would add the South Platte Working Group Statement of Purpose to the agenda for the next City Council meeting.

CONSENT AGENDA

Councilor LaMair moved, seconded by Councilor Roswell, to approve the following items on the Consent Agenda:

- a. Approval of May 6, 2008 minutes
- b. Expenditure of Funds and Contract for Services – Martin and Martin Engineering for the Fairfax Street Waterline Construction Engineering Drawings

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on the Consent Agenda: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS

Preliminary request to vacate a portion of Mansfield Avenue

Director of Public Works Jay Goldie advised Council the City has received a preliminary petition from six individual homeowners to vacate the public right-of-way located on

Mansfield Avenue west of Colorado Boulevard, which is owned by the City. He explained the code requires Council to review the request to determine whether or not there is sufficient merit to justify the preparation a full petition of vacation. Mr. Goldie advised Council there are a number of options available to Council for their consideration:

1. City Council could deny the preliminary request and not allow the petitioners to move forward with the vacation process finding there is no sufficient merit.
2. City Council could approve the preliminary petition and have the petitioners begin the formal process as outlined in the code. In this case, the Planning and Zoning Commission would then hear the formal petition and make a recommendation to City Council. This would not imply the vacation had been approved, it would just move the process forward.
3. Because the right-of-way in the past has been considered as a possible trail connection, the Council could approve the preliminary petition and have both the Parks, Trails and Recreation Commission (PTRC) as well as the Planning and Zoning Commission (P & Z) review the request and make a recommendation to City Council prior to hearing the formal vacation.

Mr. Goldie stated that staff has concerns with completely vacating the right-of-way as it could limit future opportunities for possible trail connections in that area. He recommended the City keep all of its options open when it comes to future trail links, including this stretch of right-of-way. He reiterated that even though there may be no expressed desire for a trail in the area now, there may come a time in the future when this is a desired and viable option. He recommended that a portion of the right-of-way be maintained for a possible trail connection.

Mayor Wozniak asked if staff has a particular portion of the right-of-way they would like to maintain.

Mr. Goldie stated he would work with the homeowners to see what would be the best option for both parties. He said there are some options available in which the homeowners could use landscape screening to lessen the impact on their homes.

Councilor LaMair mentioned she had spoken with Mr. Coughlin and it appears the homeowners are more interested in keeping cars off the road and not people off the trails. She stated the homeowners are not opposed to people using the informal trail in the manner they are used to. She said she would be comfortable with sending the petition back to PTRC and P & Z for further review.

Mayor Wozniak expressed concern that once the City completely vacated the right-of-way, the homeowners would put up a fence or a gate and prevent access.

Councilor Frew questioned how the vacation would affect future homeowners and if the new owners would be responsible for maintaining the right-of-way, if any of the properties were ever sold.

Mr. Goldie clarified that as part of the vacation agreement the homeowners would be granted permanent access.

City Manager Eric Ensey stated there would also be a maintenance covenant filed with Arapahoe County.

Councilor Roswell expressed concern over vacating the entire right-of-way and limiting access to the High Line Canal in that area.

Councilor LaMair reiterated that Council has the option of not vacating the entire right-of-way and could still maintain a ten to twenty-foot easement.

Councilor Roswell stated he was unsure how vacating the right-of-way would prevent some of the issues Mr. Coughlin spoke about.

Councilor LaMair said in her discussion with Mr. Coughlin that the homeowners would prevent access with landscaping and signage.

Councilor VanderWerf stated she believes the City should consider alternate remedies to vacating the right-of-way. She commended the neighbors for purchasing the lot so it could remain undeveloped, thereby enhancing the beauty of the High Line Canal. She stated she would loathe the idea of vacating the right-of-way and believes Council should give it more thought.

Councilor LaMair asked if there would be any savings to the City if they weren't responsible for maintaining the road.

Mr. Goldie stated that gravel roads require three to four times more maintenance than paved roads. He added the City would not lose much funding with the state if it were vacated.

Mr. Coughlin mentioned the homeowners primary concern was to limit car traffic. He stated there is not a safe way for pedestrians to cross the High Line Canal and understands the City's desire to maintain access so a bridge could be built in that area in the future. He said he was unable to see how the City would be giving up anything, but felt the City would be gaining by the homeowners agreeing to maintain that portion of the street.

Councilor Stewart asked Mr. Coughlin what the goal for the homeowners would be.

Mr. Coughlin said they would try to make it look like a private road to mitigate kids hanging out and people dumping their trash.

Councilor LaMair stated that she believed the application merits further consideration and Councilor Roswell agreed.

Councilor VanderWerf questioned what they would deem further consideration.

Councilor LaMair said the application would go before PTRC and P&Z for further consideration to weigh the benefits and potential negatives.

Councilor Stewart stated his views are similar to Councilors Roswell and VanderWerf. He added he is not certain a vacation is necessary and believes the homeowners could partner with the City by using landscaping to make it look like a private road.

Councilor Frew agreed with Councilor Stewart and expressed the need to see more information. She recommended referring the application to PTRC and P&Z.

Councilor Griffin said he would also be in favor of referring the application for further review.

Mayor Wozniak stated he agreed with Councilor Stewart that vacating roads is a very drastic idea. He stated he has concerns with the homeowners installing a gate or fence to block access once the vacation has been granted. He also expressed concern about the Fire Department having enough room to access any of the properties.

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Councilor LaMair stated she too is opposed to a complete vacation of the right-of-way and she recommended the application be sent to PTRC and P & Z for further consideration.

Councilor LaMair moved, seconded by Councilor Frew, to find that the preliminary petition to vacate that portion of Mansfield Avenue from Colorado Boulevard to the High Line Canal possesses sufficient merit to justify further consideration from the applicant's submittal of a formal petition to be considered by City Council at a later time. This finding in no way implies that the vacation will be approved. The formal petition shall first be referred to the Parks, Trails and Recreation Commission and Planning and Zoning Commission for recommendation before the City Council reviews any formal petition.

Councilor VanderWerf recommended looking for other solutions. She expressed concern that the other Commissions may infer Council has approved the application.

City Attorney Ken Fellman suggested they include a provision in the motion asking PTRC and P&Z to look into other alternatives.

Councilor LaMair so moved.

Mayor Wozniak asked for clarification on the motion Mr. Fellman suggested.

Mr. Fellman said it would appear the application has sufficient merit to be considered and that part of the motion can remain.

Councilor LaMair withdrew her earlier motion and Councilor Frew withdrew her second.

Councilor LaMair suggested the homeowners go back and look at alternate solutions and come back to City to discuss those ideas further.

Councilor LaMair moved, seconded by Councilor Stewart, to find that the preliminary petition to vacate that portion of Mansfield Avenue from Colorado Boulevard to the High Line Canal possess sufficient merit to justify further consideration through the applicant's submittal of a formal petition to be considered by the City Council. However, it is the Council's recommendation to the Parks, Trails and Recreation Commission and Planning and Zoning Commission work with the applicant to look at other alternatives to formal vacation of that portion of the Mansfield Avenue previously referred to and their review of this application.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	no

Vote on the Preliminary request to vacate a portion of Mansfield Avenue: 5 ayes. 1 nay.
The motion carried.

Floodplain Development Permit-A request by the Cherry Hills Country Club to retain a bridge constructed over Little Dry Creek and within the designated 100-year floodplain.

Planning Manager Rob Zuccaro presented a request by the Cherry Hills Country Club, 4125 S. University Boulevard, for approval of a floodplain development permit to allow a bridge that was constructed in early 2007 without a permit. He added the bridge is located just north of Quincy Avenue and crosses the Little Dry Creek. It is concrete with brick veneer and replaces a wood bridge that was in the same location.

He stated a hydrology analysis was conducted evaluating the new bridge construction. The analysis indicated there would be a rise in Base Flood Elevations upstream of the bridge if mitigation was not provided. He advised Council that the City's Flood Plain Development Regulations specifically state that authorization for development in the flood plain can not be issued "if any increase in flood levels during the Base Flood Discharge would result."

To mitigate this rise, the applicant has proposed to excavate and grade the overbank areas on either side of the bridge in order to accommodate additional conveyance during flood events. The analysis of the excavation and grading provided by the applicant's engineer shows that the excavation and grading will alleviate the rise in the Base Flood Elevation. Mr. Zuccaro stated the City Engineer has reviewed the applicant's analysis and concurs with the results.

He mentioned the Planning and Zoning Commission reviewed the request on April 22, 2008, and recommended approval with the condition that the applicant's engineer provide a statement and survey of the improvements once constructed. The statement must indicate that the work is in compliance with the hydrology analysis provided with this permit and must also state that the construction of the bridge and grading results in no rise in the Base Flood Elevation.

Mr. Zuccaro advised Council that staff recommends approval with the same conditions as the Planning Commission.

Mayor Wozniak questioned why it would cause a problem if the new bridge was built in the same spot as the existing wooden bridge.

City Engineer Mike Dungan answered that the new bridge has a brick façade that cut down a cross-sectional area through the bridge thus would result in a rise in the base flood elevation. He stated the bridge is both lower at the base and higher along the railing; therefore causing more obstruction in the water.

Matt Lindburg – Cherry Hills Country Club Engineer

Mr. Lindburg stated the brick fascia on the new bridge is the reason for the additional blockage in the floodplain area.

Mayor Wozniak asked if the bridge was a public bridge.

Mr. Lindburg said the bridge is not public and is only used by golf course members.

Mayor Wozniak questioned how the bridge was constructed before a flood plain application was granted.

Mr. Lindburg answered that the new bridge was constructed in the same spot as the old bridge and there wasn't a change to the channel so it wasn't expected that a permit would be required.

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Councilor Roswell expressed his disappointment by the fact that the bridge has already been constructed.

Councilor Stewart said he is always disturbed about floodplain construction, but the construction of a new bridge seems appropriate because of the possible safety issues.

Councilor Roswell moved, seconded by Councilor VanderWerf, to approve the request by the Cherry Hills Country Club for a floodplain development permit to allow the Club to retain the requested bridge that is located within the 100-year floodplain. Such approval shall be subject to the applicant providing a report and topographical survey with 1-foot contours, after the proposed grading is complete, demonstrating that the construction is in accordance with the provided hydrological study and stating that the construction of the bridge and grading results in no rise in the base flood elevation. The proposed floodplain development permit is consistent with the review and approval criteria for such applications as outlined in Chapter 16, Article 17 of the Cherry Hills Village Municipal Code and as described in the "Staff Findings" section of the staff memorandum dated May 20, 2008.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on floodplain development permit: 6 ayes. 0 nays. The motion carried.

Greg DeRosa - General Manager for the Cherry Hills Village Country Club

Mr. DeRosa wanted to convey to the Council that the Country Club did not intentionally violate the floodplain application process. He apologized on behalf of the Country Club and stated they were clearly in the wrong and wants to maintain a good relationship with the City.

Resolution 9, Series 2008; a resolution appointing members to the Board of Adjustment and Appeals

Mr. Ensey reported that Suzy Love's term on the Board of Adjustment and Appeals (BOAA) will expire on May 15, 2008. He advised the Council that Ms. Love is eligible for another three-year term and that the City has also received applications from Mark Johnson and Steven Kohen. He stated that staff has attempted to contact the three applicants to schedule interviews and have been unsuccessful at contacting two of them. He requested the item be tabled until the interviews have been conducted. He mentioned the BOAA does not have a meeting scheduled until August.

Councilor Stewart moved, seconded by Councilor LaMair, to table agenda item 7c.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote to table Resolution 9, Series 2008: 6 ayes. 0 nays. The motion carried.

Resolution 10, Series 2008; a resolution appointing members to the Parks, Trails and Recreation Commission

Mr. Ensey reported there are two current members of the Parks, Trails and Recreation Commission (PTRC) whose terms expire on May 15, 2008. He advised Council that Ms. Gilpatrick submitted an application for re-appointment and the City has also received several other applications. Councilor Frew and Councilor VanderWerf conducted interviews with each of the applicants. Mr. Ensey stated that because the City has not received an application for an interested party in either of the open districts, Council would have to appoint a member to an at-large position.

Councilor VanderWerf commented that it was very gratifying to see the number of applicants and that she and Councilor Frew were coming forward with an unusual recommendation. They recommended appointing two candidates to serve on the Commission and appointing a third candidate as a member at large; contingent on an ordinance change.

Councilor Frew agreed that the quality of the applicants was very high and stated the PTRC has a very heavy workload and it would be a great benefit to have all three candidates on the Commission.

Mayor Wozniak clarified that the change would require an ordinance to be prepared; it would have to be heard on first and second reading. He further stated it would be about a month and a half before the new ordinance could go into affect. He asked if they were prepared to name two applicants at this time.

Councilor LaMair said that some of the PTRC members do not have time to be proactive on certain issues because of the current workload and suggested it would benefit the City to fill the opening with different skill levels.

Mayor Wozniak asked if the Council representative for the PTRC votes on agenda items and suggested it might be better if the representative does not vote.

Mr. Ensey answered that the representative does vote. He further stated if Council desires to appoint a third person, staff would recommend limiting the Council representative as an alternative.

Councilor VanderWerf moved, seconded by Councilor Roswell, to approve Resolution 10, Series 2008, appointing Theresa Gilpatrick and Jim Fairbairn as members of the Cherry Hills Village Parks, Trails and Recreation Commission. She stated Ms. Gilpatrick has brought leadership and commitment to the position as the current Chair for the PTRC. She said that Ms. Gilpatrick has worked hard to provide structure, continuity and organization to PTRC.

Councilor Frew mentioned that Ms. Gilpatrick has a sincere desire to see continuity and the completion to some of the projects she has started.

Councilor VanderWerf said that Mr. Fairbairn was raised in Cherry Hills Village and is very familiar with the area and is interested in the recreation aspect of the PTRC.

Councilor Frew mentioned that Mr. Fairbairn was highly recommended by several participants of the process.

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Councilor Roswell mentioned that Ms. Gilpatrick was a previous neighbor of his and he has known Mr. Fairbairn for fifteen years so he is very pleased with the recommendations.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on: Resolution 10, series 2008: 6 ayes. 0 nays. The motion carried.

Mayor Wozniak suggested Councilors VanderWerf and Frew work with the City Attorney to change the ordinance for an additional member. He recommended they not make the ordinance too restrictive.

Councilor Roswell asked if the application process would be re-opened for the third candidate.

Mayor Wozniak answered that the application process would re-open.

Council Bill 7, Series 2008; a bill for an ordinance amending Chapter 18 of the Municipal Code concerning Building Regulation

Mr. Zuccaro informed Council the proposed amendment specifically addresses and clarifies enforcement of construction time violations. The amendment allows for enforcement of these violations without first providing written notice of the violation and 24 hours notice for construction time violations. He explained that because of the nature of a construction time violation, it is not practical to include a provision for 24 hours notice for the time violation to be brought into compliance. He also explained that this amendment does not preclude staff from providing warnings or notices of violation for construction time violations prior to other more stringent enforcement actions, but does allow reasonable enforcement of the construction time regulations.

Councilor Stewart moved, seconded by Councilor LaMair, to approve CB 07-08, a bill for ordinance amending Chapter 18 of the Cherry Hills Village Municipal Code concerning building regulations as further set out in the staff memo dated May 20, 2008.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on CB 07-08: 6 ayes. 0 nays. The motion carried.

REPORTS**Members of City Council**

Councilor Frew had no report.

Councilor VanderWerf reported that the Anderson Conservation Easement celebration will be held on June 21st from 2-5 p.m. on the Anderson property. She requested the City donate a bronze plaque and present it to Cat Anderson on the day of the event, to be placed at a location of Ms. Anderson's choosing. She thought the City could have the plaque engraved with "these lands have been preserved through the generosity of Catherine H. Anderson."

Mayor Wozniak stated there are modest discretionary funds available and suggested she work with staff to come up with an idea of cost for a plaque.

Councilor Roswell said he has spoken with a neighbor about reviewing the current leash law. He also advised Council that he and Councilor LaMair would be working on the construction time and landscaping issues that were discussed at the retreat. He added that they will be coming forward with an ordinance to form a task force to help look at these issues.

Councilor Stewart mentioned an issue has come up in the Buell Subdivision with regards to the buffer zone. He mentioned there has been no opposition to removing the buffer zone and it appears the Code does not allow for City Council to make changes to the plat. He has mentioned the discrepancy to Mr. Ensey and City Attorney Ken Fellman and asked them to look at amending the Code.

Mayor Wozniak mentioned the buffer zone was discussed at length when the plats were originally presented. He said he has always assumed that because Council approves the plats, that Council was able to change them as well.

Councilor LaMair said she supports what Councilor Roswell said about the construction and landscape issues. She mentioned that she will be attending the next DRCOG meeting. She also requested that Council not lose sight of the priorities that were discussed at the retreat.

Councilor Griffin reported that he was also contacted about a dog issue as well the mansion issue by two of his neighbors. He mentioned that Denver City Council is entertaining an ordinance to give them the ability to impound vehicles for unlicensed drivers and drivers without insurance.

Mayor's Report

Mayor Wozniak reported that he has also been contacted about a dog issue. He said he has also been contacted about the timing of the Master Plan hearings.

Mr. Ensey said the dates are tentative and will be presented at the Planning and Zoning meeting scheduled for May 27th.

Mayor Wozniak stated the Planning and Zoning Commission should try to stick to the deadline and if it appears they are going to postpone the deadline, he would like to attend the next meeting.

Mr. Ensey said the first public hearing will be held at the end of June.

Mayor Wozniak asked how many public hearings would be held.

Mr. Ensey stated there is one public hearing currently scheduled, but it may be continued to another evening if there is a lot of public testimony.

Mayor Wozniak requested staff help put together a format for the public hearing to make sure everyone gets heard. He also requested staff forward the public hearing dates to the Village Crier so they get published in the next edition.

Mayor Wozniak said he attended the Kempe Foundation opening and added the City received recognition for the support given to the foundation.

Mayor Wozniak advised Chief of Police John Patterson that he has received several complaints about the church parking along Jefferson Avenue. He noted that when he went past the church one Sunday there were cars parked along the street while there were numerous available parking spots open in the parking lot and wondered if Chief Patterson could watch that area.

Mayor Wozniak also wanted to follow-up on the priorities Council listed at the retreat. He suggested forming a committee similar to the Citizen's City Center Committee (CCCC) to help come up with recommendations on long-range construction issues. He asked Council what their thoughts were in light of the impending Master Plan which may deal with some of the issues at hand.

Councilor LaMair stated she doesn't believe the Master Plan will deal specifically with construction issues, and that only general statements on land use have been included.

Mayor Wozniak stated he would like the proposed committee to include a council member and no more than four other people that have experience with land use.

Councilor LaMair suggested Council provide details on what they would like the committee to accomplish.

Mayor Wozniak agreed that Council should provide as much information as possible so the committee doesn't have to start from scratch. He said he would create a charge for the next meeting and thought Council could consider that, as well as who they would like to appoint to the committee.

He stated his goal for the year is to get through the Master Plan process and to start implementing the ideas presented by the CCCC for a new Village Center. He requested staff look at the recommendations and come up with a proposal of the steps that need to be taken so it can be put on a future agenda to discuss implementation at a future Council meeting.

Councilor Frew told Council that her husband advises cities on issues such as this and would be willing to work with staff and Council to come up with an initial procedure for funding and implementation.

Councilor LaMair suggested Council come up with a procedure for reviewing recommendations, but is sensitive to funding constraints.

Councilor LaMair suggested Council set aside a large sum of money with a designated percent from the general fund, which may be used to acquire open space. She thought

it may be something Council could look at for the 2009 budget. She recommended working with Councilor VanderWerf and staff to see how that can fit into the 2009 budget.

Mayor Wozniak stated that through the Master Plan hearings they would be able to hear what issues the voters believe are the biggest concern.

City Manager & Staff

Mr. Ensey stated there are seven applicants for the three open positions on the Planning and Zoning Commission and added the applications are included in the Council packets.

Councilor LaMair suggested Council begin interviewing the candidates with the understanding they wouldn't be appointed until the current term ends.

Mayor Wozniak asked Councilor LaMair if she would like to be part of the interviewing team.

Councilors LaMair and Griffin volunteered to help with the interview process.

Mr. Ensey stated the exterior lighting issue would be brought forward at the next meeting.

City Attorney

Mr. Fellman asked Council their opinion on changing the door-to-door solicitation code.

Councilor Stewart stated he doesn't advocate changing the code.

Councilor Roswell said he doesn't see any changes that Council can make according to the law.

Mayor Wozniak agreed with Councilor Roswell and stated the only option would be to install a "No Solicitation" sign.

Councilor Roswell said the only other remedy would be to have the solicitors register with staff, but that would be burdensome and would not have a long lasting affect.

Mr. Fellman also informed Council that he has drafted a proposed policy to allow candidates working for and against ballot issues to introduce the issue and provide information or assistance on how to get more information to voters.

Mayor Wozniak stated he felt uncomfortable with having someone lobby for or against an issue or candidate in a public forum and in turn, asked Mr. Fellman to draft the policy.

Mr. Fellman said the policy doesn't need to be included in the code, but can be adopted on the consent agenda at the next City Council meeting.

EXECUTIVE SESSION

Councilor Stewart moved, seconded by Councilor LaMair, to hold an executive session for the purpose of discussing negotiating strategy and instructing negotiators and receiving legal advice concerning the Davis Partnership mediation as authorized by CRS 24-6-402(4)(b)&(e); and following the conclusion of the executive session, this Council meeting of May 20, 2008 be formally adjourned.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	yes
Marcia Frew	yes
Russell Stewart	yes
Klasina VanderWerf	yes

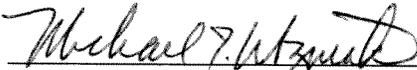
The motion passed unanimously.

Council adjourned to an Executive Session at 9:15 p.m.

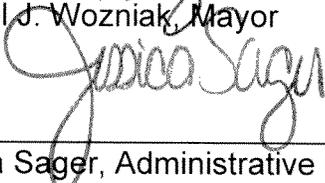
The Executive Session adjourned at 9:47 p.m.

ADJOURNMENT

The regular meeting adjourned at 9:47 p.m.



Michael J. Wozniak, Mayor



Jessica Sager, Administrative Clerk