

**RECORD OF PROCEEDINGS**

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, September 16, 2008 at 6:30 p.m.  
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:34 p.m.

**ROLL CALL**

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

Absent: None

**AUDIENCE PARTICIPATION PERIOD**

There was no one from the audience who wished to speak.

**CONSENT AGENDA**

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

- 4a - Minutes – September 2, 2008
- 4c - Resolution 17, Series 2008; a resolution concerning the establishment of the Residential Development Standards Committee and the assignment of duties and responsibilities
- 4e - Cherry Hills Village Investment Policy

The following votes were recorded:

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

Vote on the Consent Agenda: 5 ayes. 0 nays. The motion carried.

**ITEMS REMOVED FROM CONSENT AGENDA**

The following items were removed from the Consent Agenda:

**Item 4b - Bench Donation – Barbra Braucht**

Mayor Wozniak pulled item 4b for discussion. He asked where the engraving would be placed on the bench.

Parks, Trails, and Recreation Administrator Ryan Berninzoni stated there would a plaque placed on top of the bench.

Mayor Wozniak said he thought there was a policy requiring a minimum of \$5000 for the dedication of a bench.

City Manager Eric Ensey stated there is not a formal policy for a bench dedication. He added that \$1000 is sufficient to cover the cost of maintenance.

Mayor Wozniak requested that the Parks, Trails, and Recreation Commission come up with a formal policy for bench dedications.

Councilor LaMair moved, seconded by Councilor VanderWerf, to approve the Bench Donation for Barbra Braucht.

The motioned passed unanimously.

Item 4d - Resolution 18, Series 2008; a resolution appointing members to the Residential Development Standards Committee

Mayor Wozniak moved Resolution 18, Series 2008 to the Reports section so the item could be further discussed.

**UNFINISHED BUSINESS**

John and Anna Sie (21 Sandy Lake Road) – Vacation/Dedication of a Public Trail

- (i) Council Bill 17, Series 2008; a bill for an ordinance for the vacation of a trail easement (*final reading, public hearing*)
- (ii) Resolution 19, Series 2008; a resolution accepting the dedication of a non-motorized trail easement

Director of Public Works Jay Goldie presented CB 17-08, a bill for an ordinance for the vacation of a trail easement.

Mr. Goldie stated there have been no changes to Council Bill 17-08 or Resolution 19-08 since the first reading.

Mr. Goldie informed the Council that residents, John and Anna Sie, are requesting the City allow them to vacate a two-foot portion of the bridle path that runs to the south of their property at 21 Sandy Lake Road. He mentioned this request also includes the dedication of an additional two feet of bridle path on the most westerly portion of their property on this same bridle path, trail #3930.

He added the Sies would be donating the two-foot portion back to the City along with a cash settlement in the amount of \$4,862.00 to make up the difference due to the loss of 200 square feet of trail.

Mayor Pro Tem Stewart asked if the title of the Ordinance could be changed to help with clarification as it seems to be confusing.

Mr. Ensey stated the motion could reflect a title change.

Mayor Wozniak opened the public hearing.

No one from the audience wished to speak.

Mayor Wozniak closed the public hearing.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell, to approve CB 17-08, a bill for the vacation of a portion of trail easement at trail easement #3930 at 21 Sandy Lake Road and also amending the subject of the bill to read "vacation of a portion of trail easement at 21 Sandy Lake Road."

The following votes were recorded:

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

Vote on CB 17-08: 5 ayes. 0 nays. The motion carried.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell, to approve Resolution 19, Series 2008, a resolution accepting the donation of a non-motorized trail easement on the property of 21 Sandy Lake Road.

The following votes were recorded:

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

Vote on Resolution 19-08: 5 ayes. 0 nays. The motion carried.

### **NEW BUSINESS**

Susan Halstedt (1717 E. Stanford Avenue) – Floodplain Development Permit to allow replacement of a pedestrian bridge and bank stabilization in the designated 100-year floodplain (public hearing).

Planning Manager Rob Zuccaro presented the floodplain development permit for Susan Halstedt (1717 E. Stanford Avenue) to allow replacement of a pedestrian bridge and bank stabilization in the designated 100-year floodplain.

Mr. Zuccaro stated staff is presenting a request by Susan Halstedt, of 1717 E. Stanford Avenue, for approval of a floodplain development permit to allow the replacement of a pedestrian bridge over Little Dry Creek and the addition of bank stabilization materials along the creek banks.

The existing bridge was installed on the property some time prior to 1972 and is in need of repair because erosion has exposed the existing bridge abutments. The bridge is used to access a small portion of the applicant's property on the north side of the creek. The proposed erosion control along the creek banks is to protect the bridge abutments and to control erosion along other portions of the creek on the applicant's property.

A hydraulic analysis was provided by the applicant, which indicates the renovations will not cause an increase in the base flood elevations. The City Engineer has reviewed the report and concurs with its findings.

Mr. Zuccaro stated the Planning and Zoning Commission reviewed the request at their August 26<sup>th</sup> meeting. The Commission voted unanimously to recommend approval of

the application with the condition that the applicant's engineer provide a statement after the work is complete that the construction was completed in accordance with the hydraulic study and that the grading will cause no rise in the Base Flood Elevation (BFE).

In closing, Mr. Zuccaro said that staff recommends approval and concurs with the proposed condition.

Councilor LaMair asked what will happen to the natural habitat and wildlife during the construction.

Mr. Zuccaro stated the work is being covered by a 404 permit through the Army Corps of Engineers and that permit type usually involves reviewing environmental impacts.

Councilor VanderWerf asked if it would be acceptable for someone else who had property on both sides of Little Dry Creek to put in a bridge.

Mr. Zuccaro said it would be allowed if their hydraulic report met all of the City's standards.

Mayor Wozniak stated that anyone wanting to build a bridge within a floodplain has to follow the City's requirements. He also asked who created the map for exhibit A.

Mr. Zuccaro said the map was obtained online from Arapahoe County, but said the City does not rely on this map for determining floodplain elevation.

Mayor Wozniak asked what the City relies on when it comes to determining the floodplain elevation.

Mr. Zuccaro said the City relies on the Federal Emergency Management Agency (FEMA) and their maps.

Ms. Susan Halstedt – 1717 E. Stanford Avenue, floodplain development permit applicant

Ms. Halstedt told Council she is available to answer their questions. She also clarified that they do have the 404 permit from the Army Corps.

Mayor Wozniak asked what kind of materials would be used for the new bridge.

Ms. Halstedt said the bridge would essentially be kept the same and in the same place. She added they are looking for a low profile bridge that will resemble the current bridge.

Mayor Wozniak asked if the engineering analysis includes bank stabilization.

Ms. Halstedt said it does include bank stabilization.

Mayor Wozniak opened the public hearing.

There was no one from the audience who wished to speak.

Mayor Wozniak closed the public hearing.

Councilor Griffin recused himself from the vote due to his relationship with the applicant.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell, to approve the request by Susan Halstedt for a floodplain development permit to allow replacement of a

pedestrian bridge and bank stabilization in the designated 100-year floodplain for the property located at 1717 E. Stanford Avenue. Such recommendation of approval shall be subject to applicant's engineer providing a statement, after the work is completed, indicating that the construction of the bridge and bank stabilization were done in accordance with the hydraulic study and will result in no rise in the base flood elevations. 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 September 16, 2008.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	recused
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on the request by Susan Halstedt for a floodplain development:  
4 ayes. 0 nays. The motion carried.

Cherry Hills Country Club (4125 S. University Boulevard) – Floodplain Development Permit to conduct golf course renovations within the designated 100-year floodplain (public hearing)

Mayor Wozniak entered into the record that he had a discussion with regard to the Country Club recently, but it did not have anything to do with the floodplain application.

Mr. Zuccaro presented the floodplain development permit for Cherry Hills Country Club (4125 S. University Boulevard) to conduct golf course renovations within the designated 100-year floodplain.

Mr. Zuccaro explained that staff is presenting a request by the Cherry Hills Country Club, 4125 S. University Boulevard, for approval of a floodplain development permit to allow renovations to the golf course.

The renovations will include grading changes throughout the course, cart paths, and an update to the irrigation system. The Little Dry Creek and Greenwood Gulch floodplains run through the golf course and there are three areas where the proposed renovations fall within the floodplains.

A hydraulic analysis was provided by the applicant, which indicates that the renovations will not cause an increase in the base flood elevations. The City Engineer has reviewed the report and concurs with this finding.

Mr. Zuccaro informed Council the Planning and Zoning Commission reviewed the request at their August 26<sup>th</sup> meeting. The Commission voted unanimously to recommend approval of the application. Two conditions were included in their recommendation. The first was that the applicants provide a letter from the Army Corps of Engineers stating that all required 404 permits have been obtained for the project.

The second condition is that the applicant's engineer provide a statement after the work is complete that the construction was completed in accordance with the hydraulic study and that the grading will cause no rise in the BFE's.

Mr. Zuccaro said that staff also recommends approval of the request with the same condition that a statement be provided by the applicant's engineer after the work is completed certifying that the work was in compliance with the hydraulic study.

Mayor Wozniak asked if the September 4, 2008 letter from the Army Corps of Engineers stated the applicant met the required contingencies.

Mr. Zuccaro stated the applicant did meet the contingencies and the letter confirmed that.

Mayor Pro Tem Stewart asked if the applicant's work changed.

Mr. Zuccaro said they changed the scope of work slightly and they did provide an extension letter confirming the change of work still met with all of the requirements.

Mayor Wozniak asked if this application is before Council because there is work being done in the floodplain.

Mr. Zuccaro stated that golf course renovations do not require a building permit. He added that because portions of the course are in the floodplain this application is required.

Mayor Wozniak opened the public hearing.

No one from the audience wished to speak.

Mayor Wozniak closed the public hearing.

Mayor Pro Tem Stewart said he was pleased that the scope of work is in compliance with the master plan and the report has met all of the criteria.

Councilor Roswell thanked the Country Club for coming before Council prior to the work being started.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to approve the request by the Cherry Hills Country Club for a floodplain development permit to allow golf course renovations that are located within 100-year floodplain. Such recommendation of approval shall be subject to the following condition:

- The applicant's engineer shall provide a statement, after the work is completed, indicating that the golf course renovations were done in accordance with the hydraulic study and will result in no rise in the base flood elevations.

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 April 22, 2008.

The following votes were recorded:

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

Vote on the request by the Cherry Hills Country Club for a floodplain development permit: 5 ayes. 0 nays. The motion carried.

## **REPORTS**

### **Mayor's Report**

Mayor Wozniak said he met with Chief Patterson to discuss the Police Department's budget. He thanked the Police Department for their hard work during the Democratic National Convention.

He commended Ms. Proctor for all of her hard work with the Investment Policy and the preparation of the 2009 budget.

Mayor Wozniak informed the Council that the City has received Councilor Frew's resignation and will bring a proposal forward as to how to move forward prior to the next meeting. He said he and Councilor Roswell have met with a couple of interested parties and he wished Ms. Frew the best with her family. He added that she is disheartened to have to resign.

### **Members of City Council**

Councilor VanderWerf informed Council she attended the Parks, Trails, and Recreation Commission meeting in Councilor Frew's absence. She said the Committee is very busy and they have a lot on their plate.

Councilor Roswell stated he would be meeting with Dan Qualman of the South Metro Fire District and Greenwood Village City Councilor Presley to discuss the traffic report that pertains to Glenmoor and Franklin Street.

Mayor Pro Tem Stewart said he had a productive meeting with Mr. Frederickson concerning the South Suburban issue. He said the South Suburban appeal is proceeding and briefs will be due in the next several months. He also indicated that he has been drafting proposed minor amendment to the Code that would provide Council the authority to approve minor plat amendments.

Councilor LaMair said she met with Mr. Ensey and Mr. Zuccaro to discuss the Community Development budget.

Councilor Griffin stated he met with Karen Proctor to review and revise the Investment Policy. He commended Ms. Proctor for her hard work and expertise. He also said he is beginning to work on the budget process with Ms. Proctor.

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

There were no reports.

### **City Manager & Staff**

#### **Financial Reports**

The Financial Reports were included in Council packets. There were no questions from members of the City Council.

### Departmental Monthly Reports

Departmental Monthly Reports were included in Council packets. There were no questions from members of the City Council.

### Distribution of Draft 2009 Budget and scheduling of upcoming budget study sessions

Mr. Ensey said the budget draft report was given to the Council for their review. He said the budget study session will be held on October 7<sup>th</sup> and the first reading and public hearing for the 2009 budget will be held on October 21<sup>st</sup>.

### Discussion on proposed paid time off, short term disability, extended sick leave and leave donation program

Ms. Proctor informed Council that staff has recently done extensive research regarding a change to Paid Time Off (PTO), Short Term Disability (STD), Extended Sick Leave (ESL) and donated leave programs.

Some of the reasons staff began looking at making these changes are:

- Under the current leave benefits program, employees accrue excessive amounts of sick leave in lieu of offering a short term disability benefit. This results in significant financial liability to the City.
- PTO helps control unscheduled absences.
- Many employers have changed to a PTO program; therefore it is a good recruiting and retention tool.
- It allows employees more control in managing their leave time.

She added that an extended sick leave (ESL) bank is being proposed to allow current employees to retain their previously accrued sick leave rather than losing it. The ESL bank will only be accessible under limited circumstances as outlined in the staff memo. She said the ESL would not be cashed out at separation of employment.

Ms. Proctor also told Council about a voluntary donated leave program being proposed in which an employee could donate a small amount of his/her accrued PTO to another employee who has exhausted all of his/her available time.

She explained that at the time of conversion to the new PTO program, there will be some costs to the City for payout of accrued sick leave to approximately six employees and a small amount of vacation time. However, staff estimates an annual cost savings to the City under the proposed leave benefits plan.

In closing, Ms. Proctor stated that staff is presenting this proposal for Council discussion and consideration. If the Council desires to implement any or all of the suggested benefits, staff will prepare a resolution and policy statement for an upcoming Council meeting.

Mayor Wozniak asked what the cost of this program would be with regard to the employees who will receive a pay out.

Ms. Proctor said that under the current policy employees who were here prior to 1996 were allowed to accrue an unlimited amount of vacation and sick leave. There are six employees who have been here for 15 years or more so they would receive a 50% pay out equal to approximately \$80,000. In addition, there would be a pay out of approximately \$5,000 in vacation time.

Mayor Wozniak asked if donating leave time to employees is common and if it is a positive benefit.

Ms. Proctor stated it is a positive benefit and she does not foresee any issues with employees asking someone else to donate their time. She added that people have offered to give their time when it is needed.

Councilor VanderWerf said her experience with the donated leave program has been very positive.

Councilor Roswell applauded the initiative of going to a PTO program. He feels the program is attractive and helps to obtain and retain employees. He said he would like to work with Karen to tweak some aspects of the program.

Mayor Pro Tem Stewart asked if Greenwood Village was included in the research.

Ms. Proctor stated Greenwood Village did not respond to the research request when asked.

Mayor Pro Tem Stewart asked how many sick leave hours were banked and used in the last year.

Ms. Proctor said she did not have those numbers available, but would provide Council with that information at the next meeting.

Mayor Wozniak asked that the PTO program be placed on the next agenda.

Deputy City Attorney Nancy Cornish stated her firm could help to revise the language and offer suggestions. She also said the program is very common and the legalities seem fine. She said they could do a thorough analysis if needed.

Councilor Roswell stated he would be happy to work with Ms. Proctor on the program.

#### Denver West fence project; Goldsmith Metropolitan District

Mr. Goldie informed the Council that for a number of years the City has received phone calls and letters concerning the fence that runs from Quincy Avenue to Belleview Avenue on the City's east boundary line. The fence was installed approximately 25 years ago by the Goldsmith Metropolitan District who owns the property on which the fence sits. This property is not within the City of Cherry Hills Village. Additionally, at no point along the fence is there any public property on the Cherry Hills Village side of the fence.

He mentioned the City recently received a letter from Judith Trimble who lives at 6499 Plateau Drive concerning this issue. In response to this letter, staff contacted Mr. Doug Scott, General Manager of the Goldsmith Metropolitan District to inquire about the repair of this fence. Mr. Scott informed staff that the fence was installed by the District on its own accord, and not through any formal IGA or other agreement with the City of Cherry Hills Village, or the homeowners that border this property. He said the Board of Directors have decided they no longer wish to spend the funds to maintain this fence as it is of little or no use to the residents of their District. As complaints are received, the District will remove sections of the fence as they come into disrepair.

In conclusion, Mr. Goldie said staff has researched this issue and can find no agreement with the Goldsmith Metropolitan District concerning this fence. In the past,

the City helped residents who voiced maintenance concerns about the fence by simply contacting the Goldsmith Metropolitan District. It now appears that Goldsmith is no longer willing to maintain this fence and the District will slowly remove it as it deteriorates. He added that Mr. Scott said the District may be willing to split the cost of maintenance or the installation of a new fence with either the City or the adjacent property owners if either was willing to talk. Staff is seeking direction on how City Council would like to proceed, as each year a number of residents turn to the City for help with this issue.

Councilor LaMair asked how close the fence is to the private property owners' property lines.

Mr. Goldie stated it is so close that the homeowners use it as their fence.

Mayor Wozniak said he remembers that previously Goldsmith repaired the fence voluntarily. He said there are three options Council should discuss; agree to assist with the cost of the replacement, the City takes over the maintenance of this fence, or the homeowner is solely responsible for the fence. He asked Mr. Goldie to look for an agreement again.

Mayor Pro Tem Stewart stated the homes in this area are more than 25 years old.

Councilor VanderWerf stated the fence means a lot to the homeowners.

Mayor Pro Tem Stewart asked if there is a Homeowners Association (HOA) in that area.

Mr. Goldie said the Charlou HOA covers the north end of the area and said the rest are individual property owners with no organization.

Councilor Griffin asked how tall the fence is and what it is made out of.

Mr. Goldie said it is an eight-foot fence and is made of boards.

Councilor Roswell said the homeowners would only be allowed to put up a six foot fence now.

Councilor LaMair stated the City should initiate a conversation with the homeowners.

Mayor Wozniak recommended the City help with the situation, but said the City should not be responsible financially. He recommended a letter be sent to the homeowners with their options.

#### Sanitary sewer line inspection report

Mr. Goldie informed Council that at the January 15, 2008 City Council meeting, an expenditure of funds was approved for a survey and inventory of the three sanitary sewer districts the City currently owns and operates; Cherry Hills Rancho, Cherrymoor and Cherryridge. He said the analysis is now complete and an executive summary has been prepared which outlines all of the issues that were discovered during this evaluation. The estimated cost to bring the sanitary sewer systems up to standard, so the City can turn the systems over to another provider, is between \$650,600 and \$1,089,900. If the City decides to keep these sanitary sewer systems, the repairs will still be necessary at some point in the future.

He mentioned that staff has not had time to do an in depth evaluation of the full report at this time. Staff will work with the Cherry Hills Village Sanitation District to go through

the entire report. Staff will come back to City Council at a later date with a recommendation on how to proceed with this project.

Mr. Ensey stated these are fixes the City will need to make in the immediate future whether the sanitary districts are kept or not.

Mayor Wozniak said he is disappointed the system is in such bad shape.

Councilor Griffin asked if the manholes are sinking.

Mr. Goldie said some are sinking, some don't seal properly, and some are buried five feet deep.

Councilor Griffin asked if the sewer lines are collapsing.

Mr. Goldie said that some were collapsing, and that some were getting fast and turbulent flows, and therefore, not flowing properly.

Councilor Griffin said he was under the impression the Cherry Hills Farms sanitation system hooked into the Cherry Hills Village system.

Mr. Goldie said all the sewer systems piggyback each other, but once it flows into the next sewer district it becomes the responsibility of that district.

Mayor Wozniak asked if an engineering analysis needs to be done, and asked if the City has the money in the budget.

Mr. Goldie said there are currently not enough funds in the budget and homeowners may need to be assessed with a small fee.

Mr. Ensey recommended the financials be discussed during the budget process.

Mayor Wozniak stated it is crucial to have the budget in place, as well as a significant reserve for these types of repairs and issues.

Councilor LaMair asked what our relation is to Cherry Hills Village Sanitation District (CHVSD).

Mr. Goldie said they are a separate entity and the City has no relationship with them.

Councilor LaMair asked if the City would like to work with the CVHSD on this project.

Mr. Goldie said it makes sense for the CHVSD to run all of these other districts as they are the largest district and they have the expertise and knowledge of these systems.

Councilor LaMair asked what year the City took over Cherry Hills Rancho, Cherrymoor, and Cherryridge.

Mr. Goldie said it was the mid-1990s.

Councilor LaMair said she is not comfortable taking all of the funds out of the general fund budget for this project. She asked if there was a review of the quality of the sewer lines and the upcoming maintenance that would be required when the City took over the districts.

Mr. Goldie said they did not do as in depth of a study as the City did to ensure the lines were in the shape they should have been. He also said the maintenance has never been done the way it should have been. He informed Council the City has about \$850,000 of reserves in the water/sewer fund, and that he is working with Ms. Proctor to figure out how much of that fund is water and how much is sanitary sewer.

Councilor VanderWerf asked if the CHVSD has the capability to assess fees.

Mr. Goldie said they are able to assess a fee as long as it is not a tax.

Mayor Wozniak said this issue has come up previously and they used some of the general fund monies for the purpose of maintenance. He asked what other sewer districts the City has.

Mr. Goldie said we only have the three being discussed.

Councilor LaMair asked if there are other small neighborhoods that are not part of a district.

Mr. Goldie said they are all in Special Districts.

Mayor Wozniak requested this issue be allowed at least one hour for discussion within the next three meetings.

Mr. Goldie also mentioned there is approximately \$124,000 in repairs currently being done at the Cherry Hills Country Club golf course. He recommended doing the City's repairs at the same time as the golf course repairs.

Resolution 18, Series 2008; a resolution appointing members to the Residential Development Standards Committee

Mayor Wozniak informed Council that he and Councilors LaMair and Roswell interviewed a large group of people and had a wonderful pool of candidates. He said that because of the number of exceptional candidates, they decided to appoint five members to the committee.

The interview committee recommended appointing the following:

Mr. Andrew Nielsen  
Mr. Steve Szymanski  
Mr. Peter Savoie  
Ms. Linda Behr  
Ms. Tracy James

Mayor Wozniak asked staff to change the resolution to reflect five members. He also asked who on Council was interested in sitting on this committee as the Council Liaisons.

Councilors Roswell and VanderWerf stated they would like to sit as liaisons to this committee. Councilor LaMair stated she would like to attend the meetings as opposed to being a liaison.

The Council discussed the applicants and their qualifications.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to approve Resolution 18, Series 2008 appointing members to the Residential Development Standards Committee including in section one, the names Andrew Nielsen, Steve Szymanski,

Peter Savoie, Linda Behr, Tracy James and as Council liaisons Councilors VanderWerf and Roswell.

The motion passed unanimously.

### **City Attorney**

Ms. Cornish shared with the Council that City Attorney Ken Fellman was elected to the presidential seat to the National Association of Telecom, which is a national organization that is very active in advocating for local government in the telecom world.

### **EXECUTIVE SESSION**

Councilor LaMair moved, seconded by Mayor Pro Tem Stewart, to hold an executive session for the purpose of discussing negotiating strategy and instructing negotiators and receiving legal advice concerning the South Suburban litigation as authorized by CRS §24-6-402(4)(b)&(e) and following the conclusion of the executive session, this Council meeting of September 16, 2008 be formally adjourned.

The following votes were recorded:

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

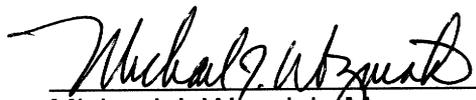
The motion passed unanimously.

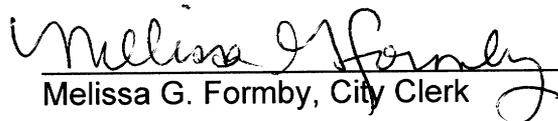
Council adjourned to an Executive Session at 8:03 p.m.

The Executive Session adjourned at 8:46 p.m.

### **ADJOURNMENT**

The meeting adjourned at 8:46 p.m.

  
 Michael J. Wozniak, Mayor

  
 Melissa G. Formby, City Clerk