

RECORD OF PROCEEDINGS

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, February 3, 2009 at 6:30 p.m.
At the Village Center

Mayor Mike Wozniak called the meeting to order at 6:33 p.m.

ROLL CALL

Councilors Alex Brown, 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, City Attorney Ken Fellman, 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**David Charles - 64 Charlou Cir.**

Mr. Charles said he has been impacted by the Denver West Fence issue. He said he and his neighbors received notification recently that the fence would be torn down. He added that City Manager Eric Ensey has been a tremendous help throughout the process and thanked Mr. Ensey for his extra effort.

Wes Segelke – 2800 S. University Blvd.

Mr. Segelke addressed the issue of the land dedication fee. He asked the Council to consider how the fee is calculated and said the proposed fee is not fairly attributable to each homeowner depending on the size of lot they own. He stated the Council should discuss some flexibility in how the amount is calculated.

Dan Conway – 3982 S. Holly St. – THK Associates

Mr. Conway discussed the issue of the land dedication fee. He said he represents the owners of two of the largest lots in the Village. He added these homeowners are strongly in opposition of the 10% land dedication fee. He said there is no economic reasoning for this proposal. He asked the Council to consider the significant impact this proposal would have on large property homeowners.

PRESENTATION**Donaldo Visani, OLC Architecture – 616 E. Speer Boulevard, Denver;
Presentation on the recently completed Infinity Park Village at Glendale project**

Mr. Visani shared with the Council details of the process and challenges of creating a new infrastructure for the City of Glendale.

Mayor Wozniak asked how the city began their process.

Mr. Visani stated the City of Glendale began with a Request for Proposal (RFP) and added their Mayor Pro Tem took an active role with staff to help the process go smoothly. He said there was a lot of communication and added there was a lot of project management through their city staff.

Mayor Wozniak asked Mr. Visani to discuss the finances of the project.

Mr. Visani said the City of Glendale had some unused Open Space funds from Arapahoe County and added they held an election for a lodger's tax as well.

Mayor Wozniak said Mayor Hart of the City of Glendale welcomed the Council to stop by for a visit. He also mentioned the design maximizes the health and wellness of the people who utilize the building.

Residential Development Standards Committee (Andy Nielsen, Peter Savoie, Steve Szymanski, Tracy James, Linda Behr)– Update status of the committee's progress to date

Andy Nielsen, Residential Development Standards Committee (RDSC) Chair, stated the Committee began with a kick-off meeting to identify a list of residential development issues and to establish a roadmap for the Committee.

Mr. Nielsen stated the RDSC has reviewed and discussed documents assembled by City staff regarding work that had been done thus far by City staff, the Master Plan, and the resolution outlining the duties charged to the Committee.

Mr. Nielsen added the committee has met with focus groups of concerned individuals and homeowners, local builders, and the Cherry Hills Village Land Preserve.

Mr. Nielsen stated the RDSC has reviewed and discussed examples of residential development issues in the Village. He mentioned the Committee is continuing to work on establishing a prioritized list of development issues for focused actions, developing and discussing a list of possible actions, and planning to meet with the Council to confirm the direction they would like the Committee to take.

Mr. Nielsen said the RDSC has established the following priorities:

- Setbacks
- Home size
- Building height
- Landscaping preservation
- Open Space and views
- Sustainability
- Grading

Mr. Nielsen outlined the following list of potential actions to be taken:

- Revised setbacks
- Floor area ration limits
- Façade length limits
- Height limit modifications
- Bulk plane limits
- Preservation of mature landscaping
- Mandatory open space requirements
- LEED or other Green building requirements

Steve Szymanski said the Committee realizes they were also charged with discussing construction related issues and added their priorities thus far have been the character of the Village. The feel of the Committee is that this is not a singular, physical solution change, rather a physical, political, and market solution that would be looked at in all parts.

Mayor Wozniak asked if the Committee has an idea of timing on their list of priorities.

Mr. Nielsen stated they would like to submit an article to the Village Crier; as well as extend an invitation to the community to solicit input on selected potential actions and for more discussion.

Mayor Wozniak asked that the Committee not overlook those issues as they have an effect on each of the zone districts. He stated the desired end result would be for the Committee to provide a list of recommendations for each zone district, whether they be modest or rather detailed. He said the RDSC has gotten a great start.

Councilor LaMair thanked the Committee for all of their hard work.

CONSENT AGENDA

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

- a. Approval of Minutes – January 6, 2009
- c. Resolution 2, Series 2009; adopting new tap fees for the sanitary sewer systems owned and operated by the City

The following votes were recorded:

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

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

ITEMS REMOVED FROM CONSENT AGENDA

The following items were removed from the Consent Agenda:

Purchase Order – Public Works Grader

Councilor Griffin pulled the item to recuse himself from the vote as his employer is a participant in the contract being discussed.

Mr. Goldie stated this is being done a little differently than similar contracts have been done previously. He said staff is working with the City Attorney to discuss the lease options and what is best for the City. He mentioned the City has had some difficulty finding an acceptable lease agreement, but added he is confident one will be found. Mr. Goldie added that due to the time frame and the immediate need for this piece of equipment, staff is asking for approval to sign the purchase order to get the equipment ordered and then work through the details of the leasing options.

Mayor Wozniak stated he is concerned with approving a purchase order without the lease agreement details being finalized.

Councilor Brown stated the motion doesn't limit who the City is in negotiation with for a lease agreement. He asked if there are other people the City can work with.

Mr. Goldie stated they have met with three banks and there are many other options. He said they have chosen to work with Wells Fargo because they have local representatives.

Councilor Brown asked how staff arrived at a three year lease.

Mr. Goldie said they looked at what was an affordable number for the budget.

Mayor Wozniak asked if Mr. Fellman is comfortable with approving a purchase order without the lease agreement being finalized.

Mr. Fellman said the equipment would not be ordered until the lease purchase agreement is finalized. He said there are a few legal issues that he would like to see modified in the lease agreement, but said staff is asking for approval contingent upon the language issues being worked out.

Mayor Pro Tem Stewart moved, seconded by Councilor Brown to authorize staff to proceed with negotiating the Purchase Order for the acquisition of a Volvo G946 Motor Grader at a price not to exceed \$188,490.45.

The following votes were recorded:

Scott Roswell	yes
Harriet LaMair	yes
Mark Griffin	recuse
Alex Brown	yes
Russell Stewart	yes
Klasina VanderWerf	yes

Vote on the Consent Agenda: 5 ayes. 0 nays. 1 recuse. (Councilor Griffin). The motion carried.

Approval of January 20, 2009 Minutes

Mayor Pro Tem Stewart asked that the following statement replace the first paragraph under the "Portion of E. Union Avenue R.O.W. Discussion" on page six.

"Mayor Pro Tem Stewart said that anyone seeking to vacate a road must make a compelling showing of need. He added that he is not persuaded that this proposal as presented will be able to carry that burden".

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to approve the January 20, 2009 minutes as amended.

The motion passed unanimously.

UNFINISHED BUSINESS

Council Bill 1, Series 2009; amending Section 11-2-90 of the Municipal Code concerning permit fees for work in the right-of-way (final reading).

Director of Public Works, Jay Goldie, presented Council Bill 1, Series 2009. Mr. Goldie said there has not been an increase in permit fees since 2004. Staff believes the current fees are much lower than they need to be in order to administer these permits; as well as to help recoup some of the cost for maintenance. He said the only change to

the council bill since the first reading was additional language clarifying the difference between a major and minor installation.

Mayor Wozniak asked how staff determines the width of a proper street cut.

Mr. Goldie stated the width is generally 4'x15' and added a certain width must be done in order to make a cut proper. He said that number would probably be doubled so it would be at least 8' wide so a paver could access the street to do the work.

Mayor Pro Tem Stewart stated the proposed fees reflect a true cost and said he felt the City is doing what should be done to cover its costs.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell, to accept on final reading, Council Bill 1, Series 2009; an ordinance to amend Section 11-2-90 of the Cherry Hills Village Municipal Code concerning the fees for working within the City rights-of-way and also moved to accept changes and modifications made to the Construction and Excavation Standards adopted by the City as outlined in the staff memorandum dated February 3, 2009.

The following votes were recorded:

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

Vote on CB 01-09: 6 ayes. 0 nays. The motion carried.

NEW BUSINESS

Council Bill 2, Series 2009; amending Chapter 17 of the Municipal Code, concerning Subdivisions, by amending Section 17-3-30 concerning the dedication of land to the City in connection with the subdivision of land (first reading)

Parks, Trails, and Recreation Administrator Ryan Berninzoni presented Council Bill 2, Series 2009. Mr. Berninzoni stated Council directed staff to create a bill amending the dedication of land to the City in connection with the subdivision of land. The staff memo includes the reasons why the Parks, Trails, and Recreation Commission (PTRC) feels the land dedication fee should go from 7.5% to 10%. He said Ms. Jane Soderberg with the PTRC is present to answer questions as well.

Mayor Wozniak asked if there has been any discussion related to different treatment of different zone districts.

Mr. Berninzoni stated discussion was held by the PTRC, but added it was determined, by Deputy City Attorney David Foster, that a blanket amount would be in the best interest of the City.

Mayor Pro Tem Stewart questioned whether land dedication was deducted from the entire parcel of the property owner.

Mr. Goldie explained that landowners still get to claim it as their acreage if the dedication is done as an easement and not a fee simple dedication of land.

City Manager Eric Ensey said the Crescent Gardens Subdivision is an example of this situation. He explained the open space buffer easement along Quincy Avenue and the trail easement on the western side of that property that was part of the land dedication.

Mayor Wozniak asked where the additional land would have come from in the Crescent Gardens Subdivision.

Mr. Ensey said there are a couple of different options the land could have come from, including increasing the open space buffer and/or cash-in-lieu.

Mayor Wozniak stated PTRC did not want to do a cash-in-lieu option because they did not want the money. He asked whether the houses would have needed to be repositioned if 10% of that land would be dedicated.

Mr. Ensey said that the setback is still taken from the property line. Therefore it would not have impacted the house.

Mayor Wozniak said he is trying to explore the pros and cons of the item as well as take into account Mr. Foster's recommendation to keep a consistent amount.

Mr. Fellman informed the Council that he and Mr. Foster misunderstood the direction and initially advised treating all property owners the same. He said the misinterpretation initially made was that the request was for a percentage of dedication per lot to be imposed at the time of development; as opposed to per subdivision, which would be imposed at the time of subdivision creation and could appear anywhere on the property and then have the subdivision lots developed after that time. After further clarification, he and Mr. Foster changed their opinions and found it would be appropriate to treat larger parcels differently from smaller parcels that are going to be subdivided. He said it could go either way.

Councilor LaMair spoke to Mr. Conway's remarks during public comment. She stated the Village often looks at easements for trails and not a large open space park scenario and she added there is more than a sufficient amount of land with a 7.5% or 10% discussion to do something of that nature.

Mr. Conway said there are many issues to consider when an ordinance is changed. He stated there are only two pieces of significant sized parcels left in the Village and he asked how much study has gone into this subject. He mentioned the Council is discussing extremely valuable real estate and stated the Council needs to look at the issue in its entirety.

Mayor Wozniak stated the PTRC did study and make a recommendation to the Council. He said the Council has considered the issue and said there are different ways the process can be handled. He said originally there were ordinances that set out specific percentages or fees per acre.

Mr. Conway said a change in the ordinance is not appropriate at this time.

Mayor Wozniak said the practical reality is that there is a negotiation when the City has gone through subdivisions in the past. The City attempts to work with the developer of a property to figure out where a trail or easement might be beneficial. He mentioned the Crescent Gardens subdivision is an exception because the trail that was dedicated doesn't lead and connect to another piece of open space. He said the real issue before the Council is whether the 7.5% is an appropriate amount or if it should be changed to

10%. The 7.5% has been in effect for many years, but added there is enough authority from other jurisdictions that state 10% is not too high.

Councilor Brown asked how the percentage amounts correlate, what the sums represent, and if the City had ever gone above the 7.5%.

Mr. Berninzoni stated there was an ordinance in 1982 which indicated a 10% fee, he added the fee was 7.5% between 1992 and present time.

Mr. Goldie said there were a number of years when the ordinance read 0.06% of each lot divided.

Councilor VanderWerf stated the general consensus is that the highest and best use of property is to develop it to its maximum potential. However, more thoughtful studies show that the highest and best use can be done with open space as well because lots become more valuable when they are adjacent to open space. This is a city that is identified as being open and having a semi-rural feel and increasing the percentage of open space at the time of subdivision makes a lot of sense. She mentioned that when a property is being subdivided and there doesn't seem to be 10% of valuable land dedication, a smaller amount is taken.

Councilor LaMair asked for more of a background on legal issues related to this issue.

Mr. Fellman said he would circulate the requested information to the Council again.

Councilor LaMair said she would like to see a summary of what other communities have done.

Mayor Wozniak stated he is not sure about taking a lesser amount for the cash-in-lieu amount with regard to invaluable land. He said he would be more comfortable with the language saying "up to" 10% and would vote that way if he could as it gives the PTRC and the Council more flexibility under circumstances that merit it.

Councilor VanderWerf agreed with the value, but asked how it would affect the cash amount.

Mayor Wozniak said it would still be capped at 10%.

Councilor Brown said it seems the minimum is always the maximum. If that is changed to "not greater than", it could end up being 2% or 3%.

Mayor Wozniak said Councilor Brown is correct and added there may not be anything wrong with that scenario depending on the situation.

Councilor LaMair said the idea behind the concept is that open space is lost with more density and therefore more open space is desired. If there isn't appropriate open space on the property, public policy says the City gets the money. She said she would be opposed to anything that would reduce the amount to a 2-3% figure.

Mayor Wozniak says the current language doesn't allow for any flexibility.

Councilor LaMair said they should look at verbiage that gives the Council flexibility but doesn't reduce the amount.

Mr. Fellman clarified to the Council the only thing that is changing is the amount from 7.5% to 10%. Currently, if the ordinance goes unchanged, it means the flexibility the City has is land or cash that equals 7.5%. He reminded the Council that the more flexibility put into the language the more vague the standards are going to be as to why the City chose different amounts for different property owners. He stated it then increases the range of arguments someone might make. He strongly discouraged the Council from leaving it open to negotiation and explained there are very few, if any, communities that leave it open to negotiation.

Mayor Pro Tem Stewart said there could be problems if the City began negotiating. He asked staff to research the history of when and why the City had a 10% amount and then changed it.

Mr. Berninzoni stated he pulled the meeting minutes relating to the 10% dedication, but found the minute details were very vague.

Mr. Ensey said he remembered legal advice and discussion being held at the time that 10% was excessive, which is when the City changed the 10% requirement to a "percentage per lot" situation and then a different City Attorney had a different opinion and ultimately it was a policy change due to a difference in opinions over time.

Mayor Wozniak asked when the 0.06% was in effect.

Mr. Ensey said it had been recent.

Mr. Goldie stated the 7.5% amount went into effect in 2004.

Mayor Pro Tem Stewart said he is not interested in the history of cash-in-lieu options, but is more interested in situations where the PTRC felt 7.5% was not enough or that they wish they had more to complete a trail, or other similar situations.

Mayor Wozniak opened public comment.

Mr. Conway stated the City can't look at other communities and their open space dedication requirements because they are trying to accomplish different things with a different density. He also said a 30% increase in the amount of open space dedication for those property owners with larger properties means millions of dollars to those property owners.

Mike Pharo-Land Planning Consultant

Mr. Pharo said he was representing Mr. Jerry Peterson of 3 Lynn Road. He said Mr. Peterson owns 5.4 acres. He agreed with Mr. Conway's comments. He informed the Council they have been trying for over a year to subdivide and have not been able to get the approval to do so. He said the issue is with an existing 5 acre platted lot. The PTRC does not see any open space needs in this area. He asserted the PTRC only wanted 480 sq. ft of land and agreed to a number for cash-in-lieu for what they considered to be an equitable deal believing it was in conformance with the ordinance. He asserted that staff has determined that it is not in conformance with the ordinance and Mr. Peterson has been unsuccessful in proceeding with their application. He stated that a 10% dedication is a significant situation on large land because when you try to apply those rules on a platted lot, as it becomes onerous and a huge amount of money. He urged the Council to follow a blanket mathematical process.

Jerry Peterson – 3 Lynn Road

Mr. Peterson said he has been a resident since 1994 and owns 5.5 acres of land. He said he would like to put a straight line down the middle of his property in order to obtain two 2 1/2 acre lots. He estimated, one year ago, the value of the land at 3.8 million dollars and mentioned that if you had a 7.5% appraised value, he would have to give the Village as much as \$350,000 in cash. He asked the Council what justification the Village has for him to divide a straight line through his property when he was the purchaser of and has maintained the property.

Mayor Wozniak stated the Village has had a land dedication fee for many years. These fees go back to police, fire, street maintenance, etc. He said that when people subdivide, there are more demands put on the City and that is how the land dedication fee came forward.

City Attorney Ken Fellman advised the Council against discussing the particulars of this application as it is a current application under review and most likely will be presented to the Council at a future public hearing.

Jane Soderberg – Parks, Trails, and Recreation Commission Co-Chair

Ms. Soderberg said the land dedication fee was included in and supported by the master plan survey.

Laura Christman-18 Cherry Hills Dr.

Ms. Christman addressed the issue of trails. She said she has not seen any evidence that properties have suffered because of a trail system. She stated there has been an increase in value due to the trail system.

Councilor Roswell moved, seconded by Councilor LaMair to approve Council Bill 2, Series 2009 on first reading, a bill for an ordinance amending Chapter 17 of the Municipal Code, concerning Subdivisions, by amending Section 17-3-30, concerning the dedication of land to the City in connection with the subdivision of land based on staff's memo.

Mayor Pro Tem Stewart said the current ordinance actually seems to address fee simple land dedication and that recent subdivisions have included mainly easements, which is valued differently. He said the City is more interested in obtaining trails to complete the system, of which a fee simple land dedication may not be appropriate. He wondered if the City could take easements that it would want at up to 10% of the land and then the cash-in-lieu would be for the easement value instead of the fee simple value.

Mayor Wozniak said the appraisal values would be different than land dedication values and it may be something to explore.

The following votes were recorded:

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

Vote on CB 02-09: 6 ayes. 0 nays. The motion carried.

Mayor Wozniak asked for the following items to be brought forward for the second reading of Council Bill 02-09:

- Re-submit memorandum from City Attorney on legalities of open space dedication requirements
- Staff to include the comparison of various jurisdictions
- Staff and the City Attorney to analyze Mayor Pro Tem Stewart's comments concerning easements and fee simple dedication

REPORTS

Mayor's Report

Mayor Wozniak had no report.

Members of City Council

Councilor Brown said he had a meeting with staff about the Request for Proposal for some technical assistance for the Village Center planning process. They came up with a list of specific work that needs to be done and they would be preparing a document with the information discussed. He mentioned he would like to explore an ordinance or resolution that would create communication between the City and homeowners associations that would get them to register with the City. This would help keep the City aware of situations such as architectural change or redevelopment that may be going on in surrounding Homeowners Associations. The City doesn't usually learn about those types of situations until a permit has been issued. He added it would be similar to what other communities do in notifying the public that something is being considered. He said he would work on the proposal and bring it forward to the Council.

Mr. Ensey said staff would work on this proposal with Councilor Brown.

Councilor VanderWerf said the South Suburban Park Foundation is planning a special event in May that includes a 5k walk along the new trail section of Dry Creek. She added it would be tied into the Mayor's Wellness Initiative.

Councilor Roswell said he would be meeting with the South Metro Fire Rescue to discuss the Village Center.

Mayor Pro Tem Stewart said the final South Suburban brief was filed on Friday, January 30th and asked staff to post it on the City website.

Councilor LaMair said there is an emergency meeting scheduled with DRCOG to discuss the federal stimulus package and the Faster Bill.

Mayor Wozniak said there is also an emergency meeting with the Metro Mayors Caucus to discuss the Faster Bill as well as new toll booths.

Councilor LaMair said she would like to bring forward the Open Space Fund discussion at the next meeting.

Councilor Griffin said his first BOAA meeting was canceled. He also asked who would be attending the Coyote Symposium and stressed the importance of the Council's attendance.

Mr. Griffin added that Mr. Goldie and the Public Works department are working hard to replace the broken splash pans in his neighborhood and expressed his appreciation for the professionalism of the project.

Members of City Boards and Commissions

There were no reports.

City Manager & Staff

Mr. Ensey stated the Denver West fence did not come down on January 26th as indicated. He informed Council that staff found documentation from the Metro Goldsmith District, stating a portion of "new Charlou" is located within Cherry Hills Village, however the "old Charlou" area is still being determined as it appears some of it is on the Denver side. He added there is still work to be done and discussions to be held with homeowners in the old Charlou area.

He mentioned there is one property owner who is interested in doing a survey of his property, but he does not know if and when he will do so.

City Attorney

Mr. Fellman stated he and Councilor Roswell have been in touch and had discussions with a property owner who would like to put an addition on his home that is currently in the flood plain. He said Urban Drainage is currently revising the floodplain maps for Arapahoe County and once the revisions are completed, the property owner would no longer be in the floodplain.

Mr. Fellman said that because the property would no longer be in the floodplain, the homeowner has asked if there is any way he can proceed before the official decision is made to take it out of the floodplain, with the understanding it is going to change but would take approximately a year to finalize. Urban Drainage has indicated the revision would result in his home no longer being in the floodplain, but added they would not make a guarantee that the map revision would be approved.

Mr. Fellman stated he said the City could prepare a document that would put all the risk on the property owner based on the assumption the floodplain map is changed and if it turned out the property was still in the floodplain. The property owner would then have to make significant changes to his project.

Mr. Fellman added Urban Drainage could not come back to the City and say it shouldn't have been approved, but he said the Federal Emergency Management Agency (FEMA) regulates the Flood Insurance Program and rates each community. Improvements permitted by the City within the floodplain could result in an increase to the floodplain insurance rate assessed to residents of the City. However, he added that this is generally only done when there have been significant and repeat violations.

Mr. Fellman stated this option is likely not something that would get the City in trouble with the FEMA. He added he thinks the map revision will ultimately be approved by FEMA and will show the property owner's land no longer in the floodplain. He stated he could draft something and present it to the homeowner.

Councilor LaMair said she remembered a similar situation and asked if anyone remembered that.

Mr. Ensey said there have been some floodplain development permits that have actually gone through the FEMA process in order for individual property owners to adopt the proposed map revision that FEMA is reviewing. He said they are very close to getting the document finalized and approved by FEMA.

Councilor LaMair expressed her concern about this setting a precedence that may get the City in trouble in the future.

Mayor Wozniak said Mr. Fellman has determined the City is adequately protected.

Councilor Roswell said he understands the procedural interest of the matter, but added it is a viable solution for this resident and would have to look at any future cases to determine the viability of those scenarios.

Mayor Pro Tem Stewart asked if Council action is needed.

Mr. Fellman said a formal motion by the Council is not needed. However, he would request direction from the majority of the Council to move forward.

Mayor Pro Tem Stewart said it sounds like the right thing to do and the Council would be acting as if the new map is the one that would be in effect. He added if the homeowner is willing to take the risk, it seems like a reasonable request. A majority of Council concurred. Councilor LaMair said she is opposed to it.

Mr. Fellman reminded the Council of a discussion held regarding the 2008 IGA with the County for dispatch services. He said he spoke with the County Attorney and clarified the two year stipulation is if there is a "claims-made policy." He said he is working with Human Resources Analyst Kerri Losier and they will determine what the verbiage for the Intergovernmental Agreement will be.

Mr. Fellman informed the Council that one year ago his contract was approved, but the City does not have a signed contract. He said the contract was only for one year and asked the Mayor to sign the 2008 contract; he added he would bring the 2009 amended contract to the next meeting.

Mayor Wozniak stated Councilor Brown agreed to write a "Councilmember's View" article for the Village Crier. He said the article would detail the processes of building a new Village Center with an emphasis on community involvement and communication.

EXECUTIVE SESSION

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair, to hold an executive session for the purpose of receiving legal advice from the City Attorney concerning a pending legal matter pursuant to the provisions of C.R.S. § 24-6-402(4)(b), concerning a prior City land use approval and for the purpose of discussing personnel matters pursuant to CRS §24-6-402(4)(f), concerning staff annual evaluations to be immediately followed by the adjournment of the regularly scheduled meeting.

The following votes were recorded:

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

The motion passed unanimously.

Council adjourned to an Executive Session at 9:09 p.m.

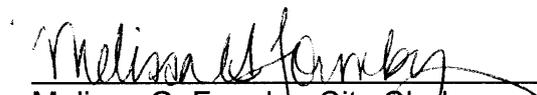
The Executive Session adjourned at 9:55 p.m.

ADJOURNMENT

The meeting adjourned at 9:55 p.m.



Michael J. Wozniak, Mayor



Melissa G. Formby, City Clerk