

**RECORD OF PROCEEDINGS**

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Minutes of the  
City Council of the City of Cherry Hills Village, Colorado  
Held on Tuesday, June 19, 2012 at 6:30 p.m.  
At the Village Center

Mayor Doug Tisdale called the meeting to order at 6:30 p.m.

**ROLL CALL**

Mayor Doug Tisdale, Councilors Mark Griffin, Russell Stewart, Scott Roswell, Klasina VanderWerf, and Harriet LaMair were present on silent roll call. Also present were City Manager John Patterson, City Attorney Ken Fellman, Public Works Director and Deputy City Manager Jay Goldie, Finance Director Karen Proctor, Community Development Director Rob Zuccaro, Police Chief Michelle Tovrea, Human Resource Analyst Kathryn Barlow, Parks, Trails & Recreation Administrator Ryan Berninzoni, and City Clerk Laura Smith.

Alex Brown arrived at 6:31 p.m.

Absent: none

**AUDIENCE PARTICIPATION PERIOD**

Rob Ganger of 3240 Cherryridge Rd asked Council to reconsider the City's coyote policy to kill coyotes on sight. He explained that his family dog had been killed by coyotes. He indicated that the City's current policy was ineffective and created a welcoming habitat for coyotes. He noted that there were dozens of documented coyote attacks on humans in surrounding areas, and expressed his hope that the City would not wait for a human to be attacked in the City before revising their management plan.

Mayor Tisdale thanked Mr. Ganger and indicated his empathy with Mr. Ganger's situation. He noted that coyote management had been a topic during the Council's recent mini-retreat and assured Mr. Ganger that Council was aware of the issue.

Kevin Ehlers, attorney for Mike Cooper of 10 Viking Drive, indicated that Council Bill 9, Series 2012 regulating short-term rentals was overkill and would cause more damage than the nuisance it sought to correct. He explained that Mr. Cooper required the income generated from renting his home on a short-term basis in order to make his mortgage payments and keep his home. He explained that Mr. Cooper lived in the house when he did not have renters and was still an active resident of the City. In 2011 he spent about 50% of the time living in the home and 50% of the time renting it. He noted that many residents would likely take advantage of renting their homes on a short-term basis during events like the Democratic National Convention or golf tournaments at Cherry Hills Country Club. He indicated that Mr. Cooper would be grandfathered in to the new regulation.

John Moorhead of 26 Viking Drive explained that he was a neighbor of 10 Viking Drive and that the property was being run as a commercial enterprise. He stated that it was often difficult to believe that the rentals were limited to a single family, and that the renters were often loud and disruptive to the neighborhood. He indicated his support of Council Bill 9, Series 2012 and noted that he was sure many of neighbors supported the bill as well.

Mayor Tisdale thanked Mr. Allen and Mr. Moorhead and indicated that Council would take their comments into account. He noted for the record that Council had received

emails in support of the Council Bill from Kathy Tyree of 32 Viking Drive, Douglas Sawyer of 22 Viking Drive, and Marian and Patrick Beirne.

### **CONSENT AGENDA**

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

- a. Approval of Minutes – June 5, 2012

The motion carried unanimously.

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

None

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **City Council Rules of Procedure**

City Clerk Smith presented draft rules of procedure for Council's consideration. She explained that the draft rules were based on those from other municipalities and had been amended based on Council's discussions and input from Mayor Pro Tem Stewart and Councilor Brown.

Mayor Tisdale indicated that he had several edits to the draft. He noted that Article 1, Section 1 should refer to Section 2-2-10 of the Code instead of Section 2.2. He questioned the statement in Article 3, Section 1 that the Mayor is not counted for the purposes of establishing a quorum.

Councilor Roswell noted that in the absence of the Mayor, the Acting Mayor is counted to establish a quorum and receives a vote.

Mayor Pro Tem Stewart indicated that the Mayor could not vote except in the case of a tie, and thus is not counted for the purposes of establishing a quorum.

Mayor Tisdale corrected Article 3, Section 2 to read "An organizational meeting shall be held at..." and Article 3, Section 3, Subsection A to read "Regular meetings of the City Council shall be scheduled for..." and that the language of Article 3, Section 3 be changed to provide Council with more flexibility as to where Council meetings would be held. He suggested that a phrase such as "or at such other venue as Council shall select" be added.

Councilor Roswell added that the section should be amended to allow meetings to be cancelled or rescheduled in the event of lack of quorum or agenda items.

Mayor Tisdale corrected Article 3, Section 6, Subsection B to read "The motion shall be approved by a 2/3 majority of the Council members present on roll call."

Councilor Griffin asked about Article 3, Section 6, Subsection C.

Mayor Tisdale and Mayor Pro Tem Stewart confirmed that Council was allowed to instruct negotiators, discuss strategies, and seek advice in negotiations in executive session, but was not allowed to take action in executive session pursuant to the Open Meetings Law.

Mayor Tisdale corrected Article 3, Section 8 by the addition of Sections 5.1 and 5.5 of the Charter to the reference at the end of the section. He corrected Article 3, Section 14 to read "If a member of Council has a personal, financial or other conflict of interest, or appearance thereof that..." He asked if audio recordings of Council are available on the city website as described in Article 3, Section 15.

City Clerk Smith confirmed that they are.

Mayor Tisdale corrected Article 7, Section 1 to read "The City shall pay or reimburse the Mayor and Council members for necessary bona fide expenses..." and "The City will pay or reimburse the Mayor and Council members for travel expenses..." He added a reference to Sections 3.6 and 5.3 of the Charter. He noted that staff had asked for Council's direction on Article 4, Section 2. He explained that the amendments suggested by Councilor Brown would supplement the process established by the Charter, which provides that an ordinance may be introduced by title only or by full text on first reading. He asked Councilor Brown to explain his thoughts related to Article 4, Section 2.

Councilor Brown noted that Mayor Pro Tem Stewart had valid concerns about the changes. He explained that there are occasions when a proposed ordinance comes before Council on first reading without being previously discussed and only two readings provided minimal public notice and awareness. Having a discussion about a proposed ordinance prior to first reading would provide more opportunity for public awareness and input. Furthermore a report prior to first reading would provide an opportunity for Council to receive more background and explanatory information from staff. He explained that based on this discussion Council may decide not to move forward on a proposed bill, and avoid a first reading which the public perceives as an official action.

Mayor Pro Tem Stewart indicated he had concerns about the language making the discussion prior to first reading a requirement instead of an option. He asked if the discussion would be in the report section of the meeting.

Councilor Brown replied that he had imagined it would be under new business.

Mayor Pro Tem Stewart indicated that this would essentially create three readings, as the proposed bill would have to be included in Council packets in order to prepare Council for discussion and noticed to give Council the option of having first reading. He stated that he preferred to follow the Charter and Code and support the intent of two readings. He suggested that the wording be changed so that circulation and discussion of the bill prior to first reading was suggested but not mandatory in order to avoid the legal loophole that might make an ordinance that was not discussed prior to first reading invalid.

Councilor VanderWerf expressed her support of having a discussion prior to first reading.

Councilor Roswell indicated that he thought the current procedure was sufficient.

Councilor LaMair stated that she believed creating the rules of procedure was a helpful process and would be valuable, especially to new members of Council. She supported Mayor Pro Tem's addition.

Councilor Griffin indicated that Councilor Brown's addition was a thoughtful approach.

Mayor Pro Tem Stewart indicated that Sections 2 and 3, Article 6 be amended to delete the wording after "prior to the meeting." He noted that there was nothing in the Charter of Code to support the distinction between excused and unexcused absences.

Councilor LaMair asked if the rules of procedure included any regulation related to the number of absences allowed.

Mayor Tisdale replied that there was no such regulation in the rules of procedure, the Charter, or the Code.

Councilor Brown noted that there was discretionary authority given to the Council to remove a member.

Mayor Tisdale agreed that there were provisions to remove the Mayor or a Council member but that they required all six Council members to vote in favor of removal in the case of the Mayor and five in the case of a Council member.

City Attorney Fellman suggested that Article 7, Section 2 be corrected to read "...the Mayor or Council members..." and that "and notice provided in accordance with applicable law" be added to Article 3, Section 3.

Mayor Tisdale added that Section 2, Article 3 should be amended to allow meetings to be cancelled at the Mayor's discretion due to lack of agenda items or quorum.

City Clerk Smith suggested that additional language should be added specifying that Council was required to meet at least once per month according to the Charter. She also asked for clarification on Section 2, Article 4.

Mayor Tisdale indicated that it should be amended so that the discussion prior to first reading would be advisory only. He advised staff to work with Mayor Pro Tem Stewart on the exact wording. Mayor Tisdale directed staff to make the edits as discussed tonight and bring the rules of procedure to the next meeting for final approval from Council.

Council Bill 9, Series 2012: A Bill for an Ordinance Amending Section 16-1-10 and 16-5-10 Concerning the Short-Term Rental of Single-Family Dwellings and Rental of Single-Family Dwellings for Commercial Use (first reading)

Director Zuccaro presented Council Bill 9, Series 2012 on first reading. He explained that the proposed ordinance would establish a definition of short-term rental as the rental of a single-family dwelling for less than 90 days, would prohibit short-term rental of single-family dwellings, and would prohibit advertising or rental of single-family dwellings for any period of time for the purpose of holding a party, special event, social gathering, wedding or similar use. This topic was discussed at the February 21<sup>st</sup> and March 20<sup>th</sup> City Council meetings. Short-term rentals were identified as a concern due to the impact they may have on the character of the City and the potential for uncontrolled parking, traffic, loud noise, and high occupant turnover. The City's current Code does provide specific regulations on short-term rentals. He indicated that the Planning & Zoning Commission (P&Z) had reviewed the proposed ordinance at their May 8<sup>th</sup> and June 12<sup>th</sup> meetings, and recommended approval of the proposed

ordinance. He noted that the proposed ordinance as recommended by P&Z was stricter than other municipalities in its definition of short-term rental, and also did not include any exceptions to the prohibition.

Mayor Pro Tem Stewart noted that the proposed ordinance would allow four rentals of 90 days per year. He asked why P&Z did not include any exceptions to the prohibition of short-term rentals.

Director Zuccaro replied that P&Z discussed what length of time to use in defining a short term rental and whether to allow any exceptions. He commented that these were policy decisions that would affect how strict the regulations were.

Mayor Tisdale noted that draft minutes from the P&Z meeting during which the proposed ordinance was discussed were not included with the staff memo.

Director Zuccaro replied that there had not been sufficient time since the P&Z meeting for staff to prepare draft minutes. He explained that staff had presented P&Z with a draft ordinance that defined short-term rentals as 30 days or less and that allowed for two exceptions per year. He noted that the Commissioners had been concerned with preserving the character of the neighborhood when making their recommendations.

Councilor VanderWerf indicated that she would like there to be one exception per year to the prohibition on short-term rentals. She asked what the consequence would be to residents who violated the proposed ordinance.

Director Zuccaro replied that if adopted the proposed ordinance would be integrated into the Zoning Code and any violation would be subject to the penalties outlined in Article IV of Chapter 1 of the Code. The penalty was a fine of up to \$1,000 per day of violation and a misdemeanor charge with up to a year of jail time.

Mayor Tisdale noted that there was a grammatical error in the third Whereas clause of the proposed ordinance. He also commented that the proposed ordinance defined short-term rental as "a single-family dwelling unit", and that this was not a term used anywhere else in the Code. He suggested that the proposed bill should use the phrase "single-family dwelling" or "dwelling unit", or both. He indicated that there were two aspects of the proposed bill. The first was a prohibition on commercial use of a property as an event center, which he believed all of Council was concerned about. The second was the time period used to define a short-term rental and any exceptions to the prohibition of short-term rentals.

City Attorney Fellman noted that "single-family dwelling" was a subset of "dwelling unit". He suggested that "dwelling unit" be used for the definition in Section 16-1-10. He noted that Section 16-5-10 addressed "single-family dwelling" in its current language. He indicated that he would take a close look at the language prior to second reading.

Mayor Pro Tem Stewart indicated that "single-family dwelling" was the more appropriate term to use for the definition in Section 16-1-10.

Mayor Tisdale agreed that "single-family dwelling" should be used for Section 16-1-10. He asked if the prohibition of short-term rentals in Section 16-5-10 should be emphasized by the addition of "to a third party".

City Attorney Fellman indicated that the addition of "to a third party" would be redundant. He indicated that he was comfortable that the proposed language would give the City Prosecutor and the Police Department the necessary tools to enforce the prohibition.

Mayor Pro Tem Stewart noted that the City also had the Home Occupation Code, and agreed that the proposed language would be sufficient to prohibit short-term rentals.

Councilor VanderWerf suggested that an additional Whereas clause could be added to emphasize Council's concern with commercialization.

Mayor Tisdale asked City Attorney Fellman to address Mr. Aller's assertion that Mr. Cooper would be grandfathered into the proposed ordinance.

City Attorney Fellman replied that he preferred not to engage in legal discussion during a Council meeting. He noted that residential uses are the only uses allowed in a single-family residential district under the current Code, and the information collected by staff and presented tonight by Mr. Cooper's attorney about the use of that particular property suggest that the property is not being used solely for residential purposes but that it is being used for commercial purposes to generate income. He indicated that there was a current violation under the City Code and that the proposed ordinance sought to strengthen the language prohibiting commercial use of a residential property.

Mayor Tisdale indicated that the proposed ordinance and Council's discussions applied to the entire City and were not intended to constitute special legislation affect any single location. He asked that Council address the rental aspect of the proposed bill.

Councilor LaMair commented that defining short-term rental as 90 days and not allowing any exceptions was extreme. She agreed that an event center was not an appropriate use for the City, but noted that residents should be allowed to get value out of their property. She suggested that the definition be shortened to 30 days and that two exceptions allowed per year with additional language to prevent the exceptions from being events.

Councilor Roswell indicated that he supported the proposed bill as it was presented, with the 90 day definition. He stated that this issue was not limited to one neighborhood in the City but was applicable to the entire City as well as other municipalities. He noted that it had been well vetted and recommended by P&Z.

Councilor VanderWerf asked if anyone was aware of another property that was being rented on a short-term basis as defined by the proposed ordinance.

Councilor Roswell replied that the public had notice of consideration of the proposed bill by Council and P&Z during multiple meetings and that no one besides Mr. Cooper and his council had expressed opposition to the bill.

Councilor Griffin indicated that he believed in the right to peaceful enjoyment of one's property, and in the right to use one's property as long as it does not negatively impact neighbors. He agreed that the proposed bill had been well vetted. He indicated that he was concerned with spending hours of Council, P&Z and staff time drafting and discussing legislation to control a problem that may be resolvable at the staff level without legislation. He stated that if a staff level resolution could not be achieved then Council would have to act through legislation.

Councilor LaMair agreed that the issue of commercial use needed to be addressed, but noted that many residents utilized short-term rentals in the City when they were doing renovations on their own home. She noted that the proposed bill would prohibit this and that many other municipalities defined short-term rental as 30 days. She indicated that information about how P&Z had decided to define short-term rental as 90 days would be helpful.

Mayor Tisdale allowed public comment on the issue.

Mr. Ehlers clarified that Mr. Cooper of 10 Viking Drive would be grandfathered only for those uses of his home that were allowed under the current Code, such as weekly rentals to single families. He noted that Mr. Cooper had not received any complaints about his renters from 2009 when he began to rent his home to a March 2012 letter from Director Zuccaro which indicated that Mr. Cooper's use of his residence may be in violation of City Code. He indicated that Mr. Cooper communicated with the Police Department and was informed that there were no complaints until recently. He suggested that most if not all of the neighbor's concerns could be addressed without adopting such strict legislation. He stated that he and his client were not asking Council to adopt anything that would allow an event center. He assured the Council that Mr. Cooper would no longer advertise his home as a center for events.

Mr. Moorhead indicated that he was stridently against weekly rentals, and that such use of the property was closer to a hotel than a single family residence and would also be a commercial use of the property. He noted that the proposed bill was a necessary clarification to the City Code. He explained that the neighbors had been bothered by Mr. Cooper's renters for years but had been accommodating. He noted that he had called the Police Department to complain about renters. He warned that the issue would come up in other neighborhoods.

Mayor Tisdale asked Director Zuccaro to report on staff's communications with Mr. Cooper.

Director Zuccaro reported that staff sent a letter to Mr. Cooper and that he and Commander Weathers had each had a phone conversation with Mr. Cooper explaining the City Code and City expectations.

Councilor LaMair noted that North Miami Beach, FL prohibits rentals more than three times a year, but does not impose any restrictions on the length of time of those three rentals.

Director Zuccaro indicated that North Miami Beach did prohibit short-term rentals of less than 90 days. He noted that the other cities he had researched defined short-term rental as 30 days or less.

Councilor LaMair noted that a limit on short-term rentals would be preferable to a permit process in order to save staff time, but that some flexibility should be added.

Mayor Pro Tem Stewart indicated his support of the proposed ordinance with clarification on "dwelling unit" vs. "single family unit" in the definition section. He stated that his preference would be to do away with the duration as part of the definition and simply allow two or three rentals per year, regardless of their duration.

Councilor LaMair noted that a home on Dahlia Street was often rented to residents who are remodeling their home or soon-to-be residents who are in the process of looking for a house to buy. She indicated that she approved of Mayor Pro Tem Stewart's suggestion of allowing three rentals per year with no limit to duration.

Councilors VanderWerf and Brown indicated their agreement with Mayor Pro Tem Stewart.

Mayor Pro Tem Stewart indicated that a limit such as 90 days or 30 days would have the potential to be challenged legally if the renter did not complete the term of the lease,

whereas allowing a certain number of rentals per year without limiting duration would be simpler.

Councilor VanderWerf noted that the ordinance would prohibit the rentals from being used for events, regardless of how the rentals were allowed or defined.

Councilor Roswell indicated that the problem was not only the commercial aspect of short-term rentals, but the transient nature of the renters. He noted that the property Councilor LaMair mentioned on Dahlia St. was usually rented for longer periods of time. He stated that any exceptions to the prohibition would expose the neighborhood to transient renters that was not appropriate to a single-family residential neighborhood. He indicated that the 90 day time frame would allow neighbors to have time to recognize and get to know renters. He noted that transient renters did not have respect for neighbors. He supported the 90 day definition with no exceptions and emphasized that the ordinance was recommended by P&Z and had been well vetted.

Councilor VanderWerf expressed concern that the proposed ordinance would penalize residents who had not abused short-term rental.

Councilor Roswell noted that this was only first reading of the bill. He indicated that he was unaware of other properties in the City that were rented on a weekly basis.

Mayor Tisdale noted that it was difficult to argue that two or three exceptions per year to the short-term rental prohibition constituted a commercial use of the property, as opposed to a consistent pattern of advertisement which was clearly a commercial use. He indicated that this topic had not been on the agenda as proposed legislation prior to tonight's meeting.

Councilor Roswell noted that this topic had been on several City Council agendas under the Reports section, and the proposed bill was noticed on the P&Z agenda. He emphasized that the bill had come through the normal process.

Mayor Tisdale indicated that the proposed bill needed to be amended.

Councilor Roswell stated that it could be passed on first reading and amended for second reading.

Councilor Brown agreed with Councilor Roswell that every major element of the proposed ordinance had been a topic of previous discussion.

Mayor Pro Tem Stewart agreed with Councilor Roswell that the bill should be passed on first reading and amended for second reading.

Mayor Pro Tem Stewart moved, seconded by Councilor Roswell to approve Council Bill 9, Series 2012 on first reading; A Bill for an Ordinance amending Municipal Code Sections 16-1-10 and 16-5-10 concerning the short-term rental use of single-family dwellings and rental of single-family dwellings for certain commercial uses as outlined in Exhibit A to the staff memorandum prepared and dated June 19, 2012 with the further amendment that the City Attorney examine the bill to ensure that the Council use the term "single-family dwelling" and not "dwelling unit" and adjust the definitions accordingly and make a topographical correction at the end of the third Whereas clause to read "prohibited".

City Attorney Fellman asked for clarification from Council on the number of days that defined a short term rental and any exceptions so that staff could prepare for second reading.

Mayor Pro Tem Stewart indicated that the motion was to approve the bill as is, with the 90 day definition and no exceptions.

Councilor LaMair moved, seconded by Councilor VanderWerf to amend the motion to define a short-term rental as 45 days instead of 90 days.

The amendment to the motion was tied 3 for and 3 against. Mayor Tisdale voted against. The amendment to the motion failed.

The following votes were recorded for the main motion:

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

Vote on the Council Bill 9-2012: 6 ayes. 0 nays. The motion carried.

## **REPORTS**

### **Mayor's Report**

Mayor Tisdale reported that a discussion topic at the last Metro Mayor's Caucus had focused on the Denver Aerotropolis. He noted that Cherry Hills Village's proximity to the I-25/225 intersection made them a stakeholder in the discussions. He reported that he had attended the Arapahoe County Open Space event last Friday along with several Council members and City staff. The City had received an award at the event. Mayor Tisdale noted that he had attended the Police Department's roll call and had met with Municipal Judge James Turre last week. He commented that he had now met every member of the City staff. He stated that he would be attending the Colorado Municipal League annual meeting in Breckenridge along with the City Manager and City Attorney. He noted that he had requested that staff include a Budget Impact Statement in all staff memos from now on.

Mayor Tisdale reported that he was forming a taskforce to review the Municipal Court fine schedule, which Section 7.1 of the Charter directed the City Council to establish. He asked for two volunteers from Council to participate in the taskforce.

Councilor Roswell and Mayor Pro Tem Stewart volunteered.

Mayor Tisdale polled the Council to determine if there would be a quorum for the July 3<sup>rd</sup> meeting. There was not, and Mayor Tisdale directed that the July 3<sup>rd</sup> meeting be cancelled, and that the next regularly scheduled meeting would be July 17<sup>th</sup>.

Mayor Tisdale indicated that Council needed to determine a different meeting time when a quorum would be present between July 2<sup>nd</sup> and July 10<sup>th</sup> in order to hold a public hearing for a special event liquor permit application for an event at Kent Denver on July 21<sup>st</sup>. He noted that the public hearing would be cancelled if the City did not receive any protests of the application by Friday, June 29<sup>th</sup> at 4:30 p.m. It was determined that the public hearing would be scheduled for Monday, July 9<sup>th</sup>.

Councilor LaMair noted that she would be absent on July 17<sup>th</sup>.

## **Members of City Council**

Councilor Griffin had no report.

Councilor LaMair had no report.

Mayor Pro Tem Stewart had no report.

Councilor Roswell indicated that he had called the Police Department with a noise complaint in his neighborhood but that the officer had allowed the noise to continue. He asked that a report be given at the next meeting by Chief Tovrea to clarify the City's noise ordinance and police officers' authority to address noise issues.

Councilor Brown commented that the Code specified decibel levels, but also allowed for the officer's judgment.

Mayor Tisdale noted that the noise ordinance was revised in conjunction with the nuisance lighting ordinance when he was on Council, and that the decibel and light meter aspects were included because an officer's judgment was an unenforceable standard.

City Attorney Fellman noted that he would have to research the issue before commenting.

Councilor VanderWerf reported that there was a property that was grandfathered into the lighting ordinance and the resident had many bright lights on the property that would not be allowed under the lighting ordinance. She noted that Director Zuccaro was aware of the issue and had spoken with the homeowner, but wondered if the ordinance should be adjusted to address these situations.

Mayor Tisdale noted that the nuisance code would still apply to lighting in this situation.

Councilor VanderWerf replied that the neighboring homes were at different heights.

Mayor Tisdale stated that it was an issue for consideration and suggested that patrolling police officers could inform the Community Development Director of any nuisance lighting issues.

Councilor Brown had no report.

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

Mayor Tisdale noted that a memo from the Parks, Trails and Recreation Commission (PTRC) was on the dais for Council. He reported that he and Councilor LaMair would be meeting with PTRC Chair Jane Soderberg and Commissioner Katy Brown.

Councilor LaMair noted that at the June 2<sup>nd</sup> Mini-Retreat Council had discussed scheduling joint sessions between Council and the Boards and Commissions as well as encouraging participation of the Board and Commission members in City Council meetings. She asked Council members to direct any comments regarding PTRC's actions or work to herself and Mayor Tisdale.

## **City Manager & Staff**

City Manager Patterson reported that monthly reports and unaudited financial reports were available in Council packets. He noted that the Cherry Hills North HOA would have their annual meeting at the Village Center tomorrow night. He reported that he and Director Goldie had met with Xcel Energy regarding staff concerns with various projects in the City. He stated that the City would host several dignitary visits over the next week. He commented that an article written by Crew Chief Ralph Mason about the City's snow removal program that had been published in Colorado Municipalities and was included in the Public Works monthly report. He advised Council that there would be a topping-off party for the joint public safety facility on June 28<sup>th</sup>.

Councilor Roswell asked about neighbors' reactions to the new building.

City Manager Patterson replied that the City had received only one complaint, from Mr. Decidue who had noted that the corner of the building was much closer to Meade Lane than he thought it would be.

Mayor Tisdale noted that City Clerk Smith had prepared a memo regarding the November 2012 election, and recommended that the City wait to put Charter amendments on the November 2014 ballot when the City would have its regular municipal election. He asked if Council agreed with waiting until the November 2014 election.

Council agreed.

#### **City Attorney**

Mayor Tisdale noted that City Attorney Fellman had provided Council with an attorney-client privileged memo related to a funeral and church protest bill for future consideration. He asked if City Attorney Fellman had anything else to report.

City Attorney Fellman replied that he had no other report.

#### **ADJOURNMENT**

Mayor Tisdale noted that only the Mayor, Council members, the City Attorney, the Human Resources Analyst, and the attorneys and representatives from CIRSA would be present for the executive session.

Mayor Pro Tem Stewart moved, seconded by Councilor LaMair to proceed into Executive Session pursuant to C.R.S. 24-6-402 (4)(b) and (e) for conferences with attorneys for the City for the purposes of receiving legal advice on specific legal questions, and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators, and further that immediately upon conclusion of the executive session to be adjourned.

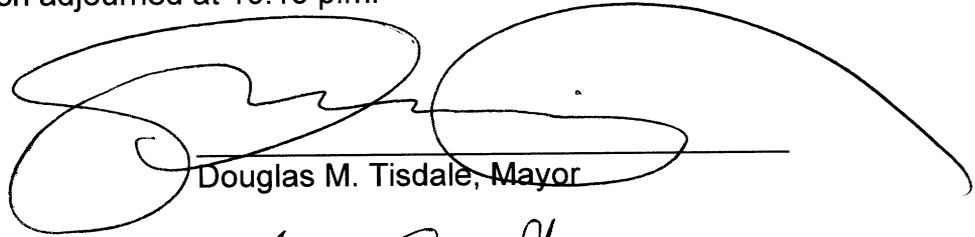
The following votes were recorded:

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

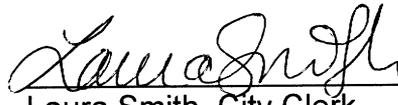
Vote on the Executive Session: 6 ayes. 0 nays. The motion carried.

The meeting adjourned into executive session at 8:40 p.m.

The executive session adjourned at 10:15 p.m.

A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Douglas M. Tisdale, Mayor

A handwritten signature in black ink, appearing to read 'Laura Smith' in a cursive script.

Laura Smith, City Clerk