

Minutes of the
City Council of the City of Cherry Hills Village, Colorado
Held on Tuesday, March 15, 2016 at 6:30 p.m.
At the Village Center

The City Council held a study session on the Candidate Forum Policy at 6:02 p.m.

Mayor Pro Tem Alex Brown called the meeting to order at 6:32 p.m.

ROLL CALL

Councilors Mark Griffin, Earl Hoellen, Alex Brown, Mike Gallagher, Klasina VanderWerf, and Katy Brown were present on roll call. Also present were Interim City Manager and Public Works Director Jay Goldie, City Attorney Linda Michow, Finance Director Karen Proctor, Human Resource Analyst Kathryn Ducharme, Parks, Trails & Recreation Administrator Ryan Berninzoni, Public Works Project and Right-of-Way Manager Ralph Mason, and City Clerk Laura Smith.

Absent: Mayor Laura Christman

PLEDGE OF ALLEGIANCE

Samantha Flower, Sami Hickerson, Sadie Largan, Siri Barrier, Sophia Larrabee, Anna Sophia Williams, Allie Putze, Ali Leen, Julia Hartman-Teske, Macey Hills, Maddie Castle, Lexy Sullivan, and faculty chaperone/choir director Roberta Hamilton-Griggs from St. Mary's Academy's A Cappella Choir, SAIMARAC, led the Council in the pledge of allegiance and performed the Star Spangled Banner.

AUDIENCE PARTICIPATION PERIOD

Christopher Frandrup, 4100 S. Clermont Street, and his two children explained that they would like to have egg laying hens and bees on their property and were dismayed to learn that they live in one of the Zone Districts that does not allow agricultural use. He noted that they had moved from Minneapolis where hens were allowed on much smaller lots. He indicated that his family had begun a petition in the neighborhood to support changing the Code to allow hens and bees in all Zone Districts.

Mayor Pro Tem A. Brown indicated that staff would prepare a report and return to Council with a follow-up discussion at a future meeting.

CONSENT AGENDA

Mayor Pro Tem A. Brown removed Item 5b. He explained that he had no issues with the agreement and no direct or indirect financial interest, but occasionally worked with the firm and excused himself from the discussion and voting on the agreement.

Councilor Hoellen added that he had questions about item 5b and also removed Item 5c.

Councilor Griffin moved, seconded by Councilor Hoellen to approve the following items on the Consent Agenda:

- a. Approval of Minutes – March 1, 2016

The motion passed unanimously.

ITEMS REMOVED FROM CONSENT AGENDA

Item 5b. Underwriter Engagement Agreement with Stifel, Nicolaus and Company

Mayor Pro Tem A. Brown left the Council Chambers.

Councilor Hoellen questioned if the agreement pre-supposed that the City would issue Certificates of Participation (COPs) and if a governmental immunity clause should be added.

City Attorney Michow replied that the City maintained its immunity without having to include language in the agreement. She added that the City was not obligated to issue COPs and the agreement was only to engage the company.

Councilor Griffin asked if City residents could purchase the City bonds.

David Bell, representative from the company, replied they could.

Councilor K. Brown moved, seconded by Councilor Hoellen to approve the Underwriter Engagement Agreement by and among the City of Cherry Hills Village and Stifel, Nicolaus and Company, Inc.

The motion passed 5 to 0.

Item 5c. Ratification of Settlement Agreement and Full and Final Release by Mike Lee Cooper and the City of Cherry Hills Village

Mayor Pro Tem A. Brown re-entered the Council Chambers

Councilor Hoellen explained that he had no comments and that he had been involved in the process, but because this was a significant transaction for the City he wanted to give other Councilors the opportunity to address any issues.

Councilor Griffin indicated that the agreement was well vetted.

Councilor Gallagher agreed that the City Attorney had done a good job.

Councilor Griffin moved, seconded by Councilor Gallagher to ratify the Settlement Agreement and Full and Final Release by Mike Lee Cooper and the City of Cherry Hills Village

The motion passed unanimously.

UNFINISHED BUSINESS

None

NEW BUSINESS

Public Hearing – Regarding a Request by Erik and Mollie Helen of 1530 East Oxford Lane for a Floodplain Development Permit

Interim City Manager/Director Goldie presented the request by Erik and Mollie Helen of 1530 East Oxford Lane for a Floodplain Development Permit. He noted that Jeremy Dicer from ICON Engineering was present to answer any technical questions. He explained that the applicants proposed to construct a new house on the property

outside of the Special Flood Hazard Area (SFHA). Within the SFHA, the applicants proposed to grade the property and construct stormwater detention facilities and construct a swimming pool and pool decking. The applicant submitted a floodplain development study and a letter from their engineer certifying that the proposed development would cause no rise to the base flood elevations which were included in the exhibits to the staff memorandum. Municipal Code Section 16-17-60 provides procedures and review criteria for Floodplain Development Permits. No structure or land may be constructed, located, extended, converted, altered or improved within the floodplain, unless specifically authorized by the City Council as an exception to the floodplain regulations. An applicant must also demonstrate that the development will not cause a rise in base flood elevations. The review criteria outlined in Municipal Code Sec. 16-17-70 and staff's recommended findings were outlined in Table 1 of the staff memorandum. Staff found that several criteria were not met based on the availability of alternative locations outside of the SFHA for the proposed accessory structure. The Planning and Zoning Commission (P&Z) reviewed the request on January 12, 2016. The Commission voted three in favor and three opposed to a motion for approval. Per the Commission's Rules of Procedure, a tie vote constitutes a recommendation of denial by the Commission. Tonight's meeting was a public hearing. A minimum of 15 days prior to the hearing date, the applicant is required to mail notice of the public hearing to all adjacent property owners via certified mail with return receipt requested and post a notice sign on the property. Notice of the hearing was also published in the February 11, 2016 edition of The Villager newspaper and was posted on the Village Center notice board and Village web site. No public comments had been submitted to the staff prior to distribution of the meeting packet.

Mayor Pro Tem A. Brown asked City Attorney Michow if P&Z's recommendation was advisory only and would be regardless of their vote.

City Attorney Michow confirmed that was correct.

David Foster, attorney for the applicant, introduced his colleagues and explained that the current request was a revision from the first request which had been presented to P&Z in October 2015 and included the home in the SFHA and a SFHA map amendment request. He noted that in response to P&Z's feedback and concerns, the architects had reduced the square footage of the house, moved the footprint, revised the grading, reduced the size of the drive circle and removed all additional accessory structures so that only the pool was now requested to be located in the SFHA. He noted that the main concerns of the P&Z Commissioners who had voted to deny the request had done so because they were against any development in the SFHA. He rejected this position because the City Code provides a path for development within the SFHA which was a Floodplain Development Permit. He noted the City would be going through this same process for the development of John Meade Park. He noted that staff provided comprehensive staff reports but indicated that the report removed the Code sections from their context. He stated that Section 16-17-60 outlined the review criteria for floodplain development permits and used the term "exception". He noted that in the Code the term "exception" was synonymous with the term "variance" under Section 16-3-50. He indicated that one of P&Z's concerns was creation of precedence and Section 16-3-50 specifically stated that one variance did not create precedence for any other variance. He noted that Section 16-17-60 of the Code directed Council to consider all relevant factors in addition to the criteria outlined in staff's memo. He indicated that meant this request should not be reviewed in a vacuum. He provided letters of support from neighbors to the Council as a relevant factor to consider. He indicated that the most important criteria was Section 16-17-60(d)(4)(c) which stated that "Authorization shall only be issued upon:... A determination that the granting of an authorization will not result in increased floodway elevations, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or

conflict with existing local laws or ordinances.”. He noted that staff’s memo stated that this request met that criterion. He added that City Engineer Troy Carman had stated during the P&Z meeting that the request would not result in an increased floodway elevation, would have no impact on the neighborhood, and presented no health or safety concerns from the engineering perspective. He indicated that he believed this was the most important criterion. He stated that the factors identified by the Code did not all have to be met, just considered by Council. He noted that the majority of staff’s objections to the request were based on the availability of alternate locations for the pool. He explained that the alternate locations were located far from the house on an undeveloped portion of the property which involved safety issues, or close to Cherry Hills Country Club and other neighbors which involved safety, privacy and landscaping issues. He added that none of the alternate locations had much value to the property owners, the neighbors or the community. He noted that these were all factors for Council to consider. He indicated that staff’s finding for the criterion in Section 16-17-60(a)(8) stated “Criterion not met. The City Master Plan states: ‘Discourage new structures and improvements to existing structures within a floodplain unless such improvements are in compliance with the Village’s floodplain regulations....’ Staff finds that the intent of this strategy is to explore all possible alternatives to floodplain development, and only when feasible options do not exist for development of the property outside of the floodplain should floodplain development be allowed.” He indicated that he believed staff was misinterpreting the criterion and that this request met the criterion because it was seeking a floodplain development permit. He noted that the following paragraph in staff’s memo was added after the P&Z meeting: “In addition, the Master Plan vision for the Village is defined by a semi-rural character, views and open feel.” He indicated that the proposed location for the pool was more in keeping with the Master Plan than the alternate location in the undeveloped portion of the property which currently served as open space for the neighbors. He noted that the criterion in Section 16-17-60(d)(3) stated “Authorizations shall be issued only upon a determination that the same is the minimum necessary, considering the flood hazard, to afford relief.” He added that staff’s finding stated “Criterion not met. Without the floodplain development permit authorization, the applicants will still be able to construct the main residence as proposed in a large building envelope outside of the SFHA that also meets minimum zoning setbacks.” He indicated that he believed staff had misinterpreted the criterion and that the proposal did meet this criterion by consisting of the minimum to meet the need and that the availability of alternate locations was not a factor for this criterion. He stated that he hoped Council could appreciate and consider how the team had decided how and where to place the home and pool on this lot. He explained that they had considered all the alternatives and had decided that the proposed location was the best place for the pool because it impacted the neighbors and community in the most minimal way. He noted that the criterion in Section 16-17-60(d)(4)(b) stated “A determination that failure to grant the authorization would result in exceptional hardship to the applicant.” He explained that he had met with City Attorney Michow regarding the term “exceptional hardship” in the Code. He noted that the City Code only contained “exceptional hardship” and did not contain “hardship” by itself. He indicated that in Code Section 16-3-50(b)(1) the term “exceptional and unnecessary hardship” was defined as “not generally applicable to other lands or structures in the same zone district because of the unusual configuration of the applicant’s property boundaries, because of unique circumstances related to the location of existing structures thereon, or because of the existence of exceptional topographic conditions thereon.” He explained that this property had an unusual configuration, an unusual road and driveway location, and unusual topographic conditions in the form of the floodplain, and therefore met all three criteria that were options for an exceptional and unnecessary hardship. He added that if Council failed to approve the request that would result in an exceptional hardship for the property owners. He asked the architects to make their presentation.

Mickey Florio, architect for the applicant, explained that in order to illustrate the constraints created by the unusual shape of the lot they had compared the buildable area of 1530 East Oxford Lane to the buildable area of a rectangular lot of the same size. They calculated that 11% of 1530 East Oxford Lane was buildable area, whereas 45% of a rectangular lot of the same size would be buildable area.

Don Ruggles, architect for the applicant, explained that they had considered different orientations for the house and in addition to the unusual lot configuration they had to take into account golf balls being hit from the Country Club on the east side of the property, and the many trees the previous owner had planted that the current owners wanted to preserve. He indicated that the proposed location for the pool was safe, private, beautiful and in keeping with the community.

Councilor Hoellen agreed with Mr. Foster's interpretation that the term "exception" for a floodplain development permit was essentially the same as the term "variance" under the City's Board of Adjustment and Appeals (BOAA) variance procedures. He indicated that a variance was an extraordinary remedy and required that all criteria be met, while acknowledging that the floodplain development permit criteria were factors to be considered by Council. He stated that an extraordinary remedy was only appropriate when there weren't any reasonably feasible alternatives, or in this case alternate locations. He noted that the criterion was not for an alternate location that was optimal, ideal or beautiful, but just reasonably feasible. He added that if there were reasonably feasible alternate locations available, then an extraordinary remedy such as an exception or variance was not warranted.

Mr. Foster noted that the floodplain development permit process was different than the variance process in that the floodplain development permit process involved P&Z and Council and the Code directed these bodies to consider all relevant factors instead of just certain criteria as outlined for the variance process. He indicated his belief that the Code intended more flexibility for P&Z and Council to make a determination on a floodplain development permit request than for the BOAA on a variance request. He noted that the Code did not state "no other available alternatives" for a floodplain development permit. He added that houses in the R-1 Zone District were an average of 10,000 to 12,000 square feet and that R-1 property owners expected to have a pool on their property.

Councilor Gallagher asked if Mr. Foster had done a study and knew how many R-1 properties in the City had a pool.

Mr. Ruggles replied that in his experience designing around 100 homes in the City approximately 40% of new development projects included pools.

Mayor Pro Tem A. Brown asked how many lots had similar challenges of lot configuration and floodplain that this one did.

Mr. Ruggles replied that this was the most challenging lot he had worked on. He added that he did not take lightly making a request for an exception or variance in the City.

Councilor K. Brown noted a suggestion made during the P&Z meeting of moving the driveway that went through the property farther west in order to free up space for the pool on the west side of the house. She asked the applicants if they had followed up on this suggestion.

Mr. Florio replied that after the P&Z meeting they had met with Director Zuccaro who had explained that there would still be a 75 foot front setback on that side of the property so no additional buildable area would be created by moving the driveway.

Councilor Griffin asked what was south of the property in question.

Interim City Manager/Director Goldie replied it was a horse arena.

Councilor Hoellen questioned whether the proposed home could be reconfigured in order to still provide for a 15,000 square foot home while creating more room to place the pool outside of the floodplain.

Mr. Florio replied that in addition to the home they had to fit the stormwater detention facility, the garage, the auto court, and the existing trees in the buildable area outside of the floodplain and there was not room to fit the pool.

Councilor Hoellen questioned whether the installation of an expansive circular driveway, large home as currently designed, retention of specific trees, and installation of a pool where necessary in order to find the reasonable use of the property.

Mr. Foster noted that many R-1 properties had several accessory structures and this property was proposing just one. He added that a pool in the floodplain was not an issue for the flood elevation and would not create a hazard during a flood. He indicated that the floodplain development process should not be easy, but that development in the floodplain was allowed for by the Code through the permit process.

Mayor Pro Tem A. Brown opened the Public Hearing at 7:45 p.m.

Vinny Curran read a statement from David Mosteller of 1401 East Oxford Lane, who lived next door to the property in question. Mr. Mosteller requested that Council approve the request. He noted the odd configuration of the lot and the appropriateness of the plan for the lot and the community. He expressed concern over the loss of privacy and increase in noise for his property if the pool was built in one of the alternate areas on his property line. He noted that residents invested a lot to live in the City and in return expected the qualities that drew them here to be maintained.

Hearing no further comments the Public Hearing was closed at 7:50 p.m.

Councilor Hoellen asked if Council could go into Executive Session in order to receive legal advice.

EXECUTIVE SESSION

City Attorney Michow advised a motion to go into Executive Session pursuant to C.R.S. Section 24-6-402(4)(b) for purposes of seeking legal advice on the pending floodplain development permit request.

Councilor Hoellen so moved, seconded by Councilor K. Brown.

The following votes were recorded:

Gallagher	yes
Griffin	yes
A. Brown	yes
VanderWerf	yes
K. Brown	yes
Hoellen	yes

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

The Executive Session began at 7:53 p.m.

PUBLIC MEETING

The public meeting resumed at 8:01 p.m.

Mr. Foster noted that another neighbor had arrived in support of the request.

Mayor Pro Tem A. Brown re-opened the Public Hearing at 8:02 p.m.

Julie Graebel, 1200 E. Oxford Lane, explained that Don Ruggles understood the community and would not do anything detrimental to the community. She indicated that she had reached out to neighbors about the proposal and had not received any negative comments.

Hearing no further comments the Public Hearing was closed at 8:05 p.m.

Councilor Hoellen commented that Mr. Foster and his associates had made an excellent presentation, but that development into the floodplain rose to a higher level and required a higher exception than a variance granted by the BOAA. He indicated that an exception allowing floodplain development was an extraordinary remedy and only appropriate when there was no reasonably feasible alternative for the use of the property. He stated that in this case he felt that the applicant had reasonably feasible alternatives available to them and therefore there was no basis for granting the exception.

Councilor VanderWerf indicated that she was sympathetic to the request. She noted that placing a pool in the floodplain was not a safety hazard and the alternative locations far from the home would be highly unusual and present safety concerns. She added that the shape of the lot was very unusual and suggested that the appendage may have been used to create the minimum lot size during a subdivision. She indicated that the appendage portion was more useful to the neighbors as undeveloped land than it would be to the property owners as developed. She agreed that development in the floodplain had to meet high requirements and indicated that this situation met those requirements for safety reasons.

Councilor Griffin stated that it was difficult to separate the requirements for a variance from those of a floodplain development request. He agreed with Councilor Hoellen that development in the floodplain rose to a higher level of examination. He agreed that the alternative locations for the pool were undesirable but that the situation did not rise to the level of exceptional hardship. He noted that during the City's flood event last June a pool had flooded with sewage and the property owner had blamed the City for allowing the pool to be built in the floodplain, but it had been constructed prior to the City's strict floodplain development regulations. He indicated that it had been an excellent presentation and he was sympathetic to the challenges of the lot and the owner's property rights.

Councilor Gallagher indicated that the proposed pool location made sense from a design standpoint but that development in the floodplain was the bigger issue. He noted that this was a tough decision and that the alternate locations were not as viable as the proposed location. He stated that he had trouble with approving building of a pool in the floodplain and noted that the owners could have the same house without a pool.

Councilor K. Brown commented that she agreed with the statements already made.

Mayor Pro Tem A. Brown indicated that the lot configuration was highly unusual and that was driving the design challenges that resulted in the request. He stated that development in the floodplain was reserved for the most serious and compelling cases and design preference was not justification for a permit. He acknowledged that the nature of the lot was frustrating.

City Attorney Michow clarified for the record that staff's report and the correspondence provided by Mr. Foster would be made part of the record. She advised that Council provide specific findings of fact with respect to their motion for approval or denial.

Councilor K. Brown moved, seconded by Councilor Hoellen, to deny the floodplain permit development application for 1530 East Oxford Lane based on the findings in Table 1 of the March 15, 2016 staff memorandum and findings by Council that floodplain development permits must meet a very high standard of hardship, the belief that the challenges with this lot are based on the attributes of the lot more than the City's Code, and that the desired plan does not rise to the level of an exceptional hardship as required by the Code.

The motion passed 5 to 1.

Contract for Services with Thoutt Brothers Concrete Contractors Inc. for the 2016 Street Improvement Concrete Replacement Project

Interim City Manager/Director Goldie presented a contract with Thoutt Brothers Concrete Contractors for the 2016 street improvement concrete replacement project. He explained that the City had received six bids for the project. Thoutt Brothers Concrete was the low bid for the 2016 project and the contractor that staff was recommending to City Council for approval. The City had used Thoutt Brothers in the past including the 2011, 2012, 2013 and 2014 projects. Thoutt Brothers had produced a quality product in the past and were familiar with the City's expectations and requirements. Staff was requesting approval of the Contract for Services with Thoutt Brothers Concrete in the amount of \$159,745.00 plus a 10% contingency for a not to exceed amount of \$175,720.00. A portion of the 2016 Concrete Replacement Project included improvements on Monroe Street adjacent to the Denver First Church, but this was not included in this initial contract with Thoutt Brothers. A separate contract for the Monroe Street portion of the Project would be brought to Council at a future date. The cost of the Monroe Street work would be a pass through with no additional funding required by the City.

Councilor Griffin asked about the work that would be done at the intersection of Quincy and University.

Interim City Manager/Director Goldie replied that there were issues with drainage from St. Mary's going west along Quincy to Greenwood Gulch that City staff had been studying for several years. Staff had decided that the best solution would be to keep the drainage water moving north into Greenwood Gulch by redoing the pan across Quincy on the west side of University. He explained that the water would end up in the same place. He noted that the pan could cause a slight slowing in traffic at the intersection because of the additional dip. He explained that the work would be done during one weekend when staff would close the intersection. He noted this would be when school was out and that staff would use signage and letters to notify residents of the project.

Councilor VanderWerf asked about the sidewalks in the City.

Interim City Manager/Director Goldie explained that the City was responsible for maintaining all of the sidewalks along the state highways located in the City. He indicated that staff was replacing individual sidewalk panels as necessary.

Public Works Project and Right-of-Way Manager Mason added that some sidewalk panels on University were over 35 years old and still functional, while some panels on Belleview lasted 10 years or less.

Interim City Manager/Director Goldie explained that the lifetime of the sidewalk panels varied due to several factors, one of which was the newer concrete was not allowed to have the same additives as the old concrete for environmental reasons.

Councilor VanderWerf moved, seconded by Councilor Griffin to approve the contract for services with Thoutt Brothers Concrete Contractors Inc. in the amount of \$159,745.00 plus a 10% contingency for a total maximum expenditure of \$175,720.00 and authorize the expenditure of these funds.

The motion passed unanimously.

REPORTS

Mayor's Report

None

Members of City Council

Councilor Gallagher reported that Parks, Trails and Recreation Commissioner Colleen Dougherty had resigned from the Commission. He added that a landscape design firm for John Meade Park had been chosen and their timeframe was to bid construction documents one year from now, before which they would conduct three to four open houses and the City would go through the floodplain development permit process.

Councilor Griffin reported that the March meeting of the BOAA had been cancelled. He expressed concern over the mail theft issue described in the Police Department's monthly report.

Mayor Pro Tem A. Brown agreed that it was a serious issue and that his mail carrier had recommended that people don't raise their mailbox flags and that the post office would check each box regardless of flag position. He added that the Police Department was doing everything they could to solve the issue.

Councilor K. Brown noted that there was a US Post Office mail box at Quincy and Meade that residents could use instead of putting outgoing mail in their individual mail boxes. She suggested including that information in the Village Crier.

Councilor A. Brown reported that residents were experiencing increased frequency of Quincy traffic blocking the Cherryvale intersection. He thanked the Police Department for installing a "Don't Block" sign, but explained the dangerous situation of cars pulling onto the trail to turn left without checking for trail users first. He indicated the Police Department would be monitoring the intersection. He reported that no headway was being made with CDOT for the new traffic light on Belleview and the \$100,000 budgeted in the Capital Budget for the project would likely not be used this year. He noted that he would be interested in hearing from staff on the possibility of raising chickens and beekeeping on the City's smaller lots.

Councilor Gallagher noted that raising chickens and beekeeping was consistent with the Master Plan, aside from roosters.

Councilor Griffin noted that Cherryridge still experienced issues with traffic on University blocking their intersection and since CDOT had not repaved University the proposed "Do Not Block" signage had not been added to the road.

Interim City Manager/Director Goldie explained that CDOT was not supportive of the proposed signage because they did not want traffic swinging out into the turn lane of St. Mary's and potentially creating a safety issue.

Councilor VanderWerf reported that the dedication event for *Charlo* would probably take place during the first half of June. The Public Art Commission had ordered a large plaque to recognize all the donors to *Charlo* which would be constructed with etched glass. She noted that the plaque would likely hang in the Village Center until a place of honor could be found in the future new administration building.

Councilor K. Brown expressed interest in attending the DRCOG award celebration at the new Westin hotel at Denver International Airport and taking public transportation to get there.

Councilor Hoellen had no report.

Members of City Boards and Commissions

None

City Manager & Staff

Interim City Manager/Director Goldie noted that department monthly reports and unaudited financial statements were included in Council packets. He reported that progress was being made on the agreements for the Hampden/Colorado underpass between Denver, Cherry Hills Village and Arapahoe County. He noted that Denver was taking the lead on dealing with CDOT for the project and therefore DRCOG had asked Cherry Hills Village to amend the TIP grant the City had received for the project to make clear that Denver was taking the lead on the construction. He indicated that the change was administrative only and would not affect the funding of the project.

Board and Commission Member Terms

City Clerk Smith reported that staff was seeking direction from Council on the reappointment of Joshua DiCarlo and Robert Eber to the Parks, Trails and Recreation Commission (PTRC) and John Love to the BOAA. She noted that a recruitment process was not triggered for these members and they had all expressed their desire to continue serving.

Council directed staff to reappoint the members.

City Clerk Smith added that PTRC Commissioner Colleen Dougherty had resigned on March 2nd, leaving a vacancy on PTRC. Staff had posted the vacancy and asked Council to choose two members to conduct interviews to fill the position.

Councilor Gallagher and Mayor Pro Tem A. Brown volunteered to conduct interviews.

City Attorney

City Attorney Michow had no report.

EXECUTIVE SESSION

Councilor Hoellen moved, seconded by Councilor Griffin to move into Executive Session pursuant to: C.R.S. Section 24-6-402(4)(b) for purposes of receiving specific legal advice regarding terms and conditions of a contract; C.R.S. Section 24-6-402(4)(a) for purposes of discussing the purchase, acquisition, or lease of real property for open space and other public purposes; and pursuant to C.R.S. Section 24-6-402(4)(e) for purposes of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations and instructing negotiators concerning city manager position and the purchase, acquisition or lease of real property.

The following votes were recorded:

Griffin	yes
A. Brown	yes
VanderWerf	yes
K. Brown	yes
Hoellen	yes
Gallagher	yes

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

The Executive Session began at 8:41 p.m.

PUBLIC MEETING

The public meeting resumed at 9:48 p.m.

City Attorney Michow suggested that Council move to authorize the Interim City Manager to execute a separation agreement as discussed among Council members in the Executive Session and based on the terms as discussed with Council in Executive Session.

Councilor Griffin so moved, seconded by Councilor VanderWerf.

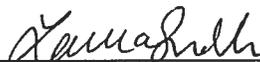
The motion passed unanimously.

ADJOURNMENT

The meeting adjourned at 9:49 p.m.



Laura Christman, Mayor



Laura Smith, City Clerk