

City of Castle Pines North, Colorado Minutes

Final/Corrected

REGULAR MEETING OF THE CITY COUNCIL

CPN Community Center

7404 Yorkshire Dr., Castle Rock, CO

September 24, 2008 - 7:00 p.m.

Mayor

Maureen A. Shul

City Clerk

Carl E. Kollmar

Treasurer

Douglas J. Gilbert

City Council

Ward 1

Chris Dooley
Jennifer Havercroft

Ward 2

Chip Coppola
Kim Hoffman

Ward 3

Ron Clark
David Neely

1. ROLL CALL

The meeting of the City Council of the City of Castle Pines North, Colorado, was called to order by Mayor Maureen A. Shul at 7:07 p.m.

Those present were:

Officers: Maureen A. Shul, Mayor
Douglas J. Gilbert, Treasurer
Carl E. Kollmar, City Clerk

Councilmembers: Chris Dooley, Ward 1
Jennifer Havercroft, Ward 1
Chip Coppola, Ward 2
Kim Hoffman, Ward 2
Ron Clark, Ward 3
David Neely, Ward 3

Those absent were:

Officers: None

Councilmembers: None

Also present with Council:

Erin M. Smith, City Attorney
Don Howell, Interim City Manager

PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Council unanimously approved the Agenda with the following changes:

- Item 5b (Resolution 08-34 "APPROVING WITH CONDITIONS THE LOCATION AND EXTENT OF THE AMERICAN ACADEMY CHARTER SCHOOL", moved to Council Business,
- Item 5c (Resolution 08-35 "APPROVING FIRST AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR CITY MANAGEMENT SERVICES WITH CH2M HILL, INC.", removed,
- Discussion of December Council Meeting schedule added to Council Business,
- Discussion with City Attorney on specific legal questions related to CC-20 added to Executive Session, and
- Item 5d (2009 Preliminary Property/Casualty Quotation for the City of Castle Pines North) removed from Agenda pending in-depth review by CH2M Hill and presentation to Council at the September 29, 2008 Council Meeting.

Motion to Approve with Changes: Councilperson Havercroft

Second: Councilperson Hoffman

Approved: Unanimously, 6-0, (Mayor did not vote)

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3. DISCLOSURE OF CONFLICTS OF INTEREST

None submitted.

4. CITIZENS' COMMENTS

Lane Roberts, resident and Castle Pines Athletics organizer, requested Council to direct City Attorney Smith to research legal issues presented by her effort to obtain approval for use of Coyote Ridge Park. Council unanimously approved the request.

Motion to Approve: Councilperson Dooley
Second: Councilperson Havercroft
Approved: Unanimously, 6-0, (Mayor did not vote)

Linda Nuzum, resident, requested City have more communications with residents; publicize the City website (which does not work with Firefox); and improve communications concerning the upcoming ballot issues. She also spoke to Council's decisions and their affect on school mitigation. Mayor Shul responded to all issues raised.

Additional comments by Ms. Nuzum were addressed to CP Athletics. Her experience as past President of the Castle Pines North Master Association, the community and Coyote Ridge Park leads to her opinion that a Public Hearing is required and is the right thing to do.

David Hart, CFO, Douglas County School District, informed Council about Ballot Questions 3A and 3B and handed out paper copies of a PowerPoint presentation. He responded to several questions from Council.

Bill Santos, President, Castle Pines North Metropolitan District, hand-delivered a letter from the District's general counsel dated September 22, 2008 requesting that the City provide a written response (a copy of which is attached as Attachment A to these minutes) and updated Council on the impact financial markets were having on the District's finances, especially with regard to unprecedented increases in bond interest rates.

Discussion followed.

5. CONSENT AGENDA

Council unanimously approved Consent Agenda comprised of Item 5a, Approval of the Minutes of the Regular Council Meeting of September 10, 2008. No changes to the Minutes were noted.

Motion to Approve: Councilperson Clark
Second: Councilperson Havercroft
Approved: Unanimously, 6-0, (Mayor did not vote)

6. COUNCIL BUSINESS

a) December/January Meeting Schedule

Mayor Shul suggested the following regular Council Meeting schedule: December 3rd and 10th, 2008 and January 7th, 14th, and 28th, 2009. City Attorney Smith will draft a resolution for Council. Council passed this motion unanimously.

Motion to Approve: Councilperson Hoffman
Second: Councilperson Havercroft
Approved: Unanimously, 6-0, (Mayor did not vote)

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b) Resolution 08-34 "APPROVING WITH CONDITIONS THE LOCATION AND EXTENT OF THE AMERICAN ACADEMY CHARTER SCHOOL"

Carolyn Freeland gave a PowerPoint presentation based on the American Academy Staff Report from the City's Community Development Department and noted the staff's recommendation for approval with conditions.

Erin Kane, President of American Academy, followed with a PowerPoint presentation and noted the Academy was in agreement with all of the proposed conditions of approval.

Discussion followed. Councilperson Coppola explained that since the documents had arrived to late for in-depth review, he would be voting "No" on the resolution.

City Attorney Smith requested that the Mayor allow for public comment on the resolution. Mayor Shul asked if anyone from the public wanted to comment. There being none, mayor Shul asked for a motion. Council voted to approve Resolution 08-34.

Motion to Approve with Conditions: Councilperson Dooley

Second: Councilperson Neely

Approved: 5-1, Councilpersons Dooley, Havercroft, Hoffman, Clark, and Neely voted "Yes"

Councilperson Coppola voted "No"

(Mayor did not vote)

7. COUNCILMEMBER REPORTS

Councilperson Havercroft reported on the following:

- Stop sign at Hidden Pointe was removed - she requested it be put back.
- Ward 1 Community Meeting is scheduled for Monday, October 6, 2008, 6:00 p.m. at the Daniel's Gate Clubhouse.
- CPN Green Team met September 23, 2008, to continue development of the Trash Company RFP.
- The Master Landscaping Committee met last week, received the overall design, and discussed cost-savings ideas.
- CPNMD approved up to \$200,000 for completion of the Coyote Ridge Trail.

Councilperson Hoffman reported on the following:

- Ward 2 Community Meeting will be held September 25, 2008, 7:00 p.m. at the Community Center. Groups invited include the Library Committee (LC), Daniel's Park Renovation, Douglas County Sheriff's Office (DCSO), South Metro Fire Rescue (SMFR), Douglas County School District, and American Academy (AA).
- Good meetings with CH2M Hill on HOA consolidation.

Councilperson Coppola reported on a number of very helpful and collaborative meetings with the Metro District Task Force. Also, a meeting with the Douglas County School Board was productive.

Councilperson Neely reported:

- Last week's Ward 3 monthly meeting was standing room only. SMFR, AA, DCSO and the LC were in attendance. The on-going CC-20 Survey was discussed.
- 5K Run meeting was held last week. No date for the event has been determined, but will most likely be in early Summer 2009.

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8. CITY PLANNER'S REPORT

Carolyn Freeland reviewed Sam Bishop's Bi-weekly Summary Report for September 8, 2008.

Ms. Freeland was asked about the status of the T-Mobile negotiations and to look into the lack of a median at the Castle Pines Pkwy and Lagae Rd. intersection. She will review and report back to Council.

9. CITY ATTORNEY'S REPORT

City Attorney Smith apologized to Council and American Academy for the later delivery of the Resolution 08-34.

10. CITY CLERK'S REPORT

Clerk Kollmar reported he had received Logic and Accuracy Training provided by the DC Elections Office. Also, the City's Tabor Notice had been submitted and accepted by DC Elections.

Clerk Kollmar along with Councilperson Clark reminded council and audience that due to another long ballot, long lines are anticipated for the General Election. Both encouraged people to apply for and use a Mail-in Ballot.

11. TREASURER'S REPORT

Treasurer Gilbert reported on the following activities:

- Accounting Manager, Scott Stuart, is in training.
- Asset inventory for CIRSA,
- 2009 budget drafts,
- City received its first Sales Tax check from the Dept. of Revenue last week.
- Working with CH2 to establish protocols for bank account access.
- Performing Sales Tax audits,
- Xcel and IREA franchise agreements are in progress.

Treasurer Gilbert responded to questions from Council.

12. CITY MANAGER'S REPORT

Interim City Manager Howell reported the City financial statement was under review and reconciliation and will be presented to Council October 8, 2008. A Public Meeting is planned for September 29, 2008 for a presentation of the initial draft of the City's FY2009 Proposed Budget. A second presentation is scheduled for October 14, 2008 and a third/final presentation will be announced.

The September 29, 2008 presentation includes a full explanation of the budget and Ballot Questions 2D and 2E. A video of the meeting will be placed on the website. To maintain transparency all documents will also be posted on the website. Activities will include an e-mail blast to notify residents.

Discussion followed. Mr. Howell and Treasurer Gilbert responded to questions from Council.

13. OTHER / NEW BUSINESS

Councilperson Hoffman reported a series of emails containing false information was being passed through the community. She requested the person(s) responsible contact Council or the City Manager to receive the correct information. Discussion followed.

Councilperson Neely reported on a communication from a Ward 3 resident about the Master Association funding the incorporation effort. Mayor Shul responded.

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Councilperson Neely then requested Council consider a motion formally dissolving the Castle Pines North Master Association. Discussion followed and Council voted to table the motion, after it was noted that Council likely did not have the authority to take such action.

Motion to Table: Councilperson Dooley

Second: Councilperson Havercroft

Approved: 4-3, Councilpersons Dooley, Havercroft, Hoffman, and Mayor Shul voted "Yes"
Councilpersons Coppola, Clark, and Neely voted "No"

Councilperson Coppola announced he was considering a resolution that would ban an official of the City of Castle Pines North to serve on any association or board within Castle Pines North to avoid the appearance of impropriety. After discussion, Councilperson Coppola withdrew his resolution, but reserved the right to reintroduce it later.

14. EXECUTIVE SESSION

City Attorney Smith requested Council adjourn to an Executive Session:

1) pursuant to Section 24-6-402(4)(b), C.R.S., for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions related to open meeting, open records laws and CC-20; and

2) pursuant to Section 24-6-402(4)(b), C.R.S., for a conference with the City Attorney for the purpose of receiving legal advice on specific legal questions and Section 24-6-402(4)(e), C.R.S., for determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators, both pertaining to Castle Pines North Metropolitan District.

At 9:18 p.m. Council voted unanimously to adjourn to Executive Session.

Motion to Adjourn to Executive Session: Councilperson Havercroft

Second: Councilperson Dooley

Approved: Unanimously, 6-0, (Mayor did not vote)

The Executive Session concluded at 10:39 p.m. at which time Mayor Shul announced the names of those persons who had participated in the executive session and asked if any person who had participated in the executive session believed that any substantial discussion of any matters not included in the motion to go into the executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings Law. There was no response.

Council returned to its Regular Council Meeting.

ADJOURNMENT

The meeting was adjourned at 10:40 p.m. by unanimous consent.

Motion to Adjourn: Councilperson Coppola

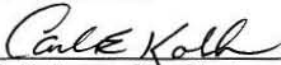
Second: Councilperson Havercroft

Approved: by Unanimous Consent; (Mayor did not vote)

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Minutes submitted:



Carl E. Kollmar, City Clerk

APPROVED:



Maureen A. Shul, Mayor