



# City of Castle Pines North, Colorado Minutes

Final/Approved

Meeting Date: January 7, 2008

## REGULAR MEETING OF THE CITY COUNCIL

CPN Community Center

7404 Yorkshire Dr., Castle Rock, CO

January 7, 2009 - 7:00 p.m.

Mayor

Maureen A. Shul

City Clerk

Janie Berry

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  
Janie Berry, 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

Members: None

Also present with Council:

Erin M. Smith, City Attorney (not present for Executive Session)

Don Howell, Interim City Manager

Alan Lanning, City Manager

### PLEDGE OF ALLEGIANCE

### 2. APPROVAL OF AGENDA

Mayor Shul requested Item 6i (Resolution 09-09) be moved to the top of the Council Business agenda and that Item 6e (Ordinance 09-05) be moved in front of Item 6c (Ordinance 09-03). Interim City Manager Howell requested Item 6b (Resolution 08-58) be removed from Agenda. Council unanimously approved Agenda with those changes.

Motion to Approve with Changes: Councilperson Clark

Second: Councilperson Havercroft

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

### 3. DISCLOSURE OF CONFLICTS OF INTEREST

None submitted.

#### 4. CITIZENS' COMMENTS

*Bruce Thompson*, speaking as a member of the CPN Metro District Board, updated Council on the status of the recent force main rupture which has been fixed quickly and efficiently. He was also pleased with the progress being made on the Lagae Park Location and Extent Plan.

#### 5. CONSENT AGENDA

The Consent Agenda, consisting of Minutes of the September 30, 2008, Special Meeting of the City of CPN Held Jointly with the Board of the CPNMD and Minutes of the Regular Council Meetings of October 8 and October 22, 2008, was approved by Council. Minor corrections were noted and will be made.

Motion to Approve with Changes: Councilperson Havercroft

Second: Councilperson Hoffman

Approved: 5-0-1, Councilpersons Dooley, Havercroft, Coppola, Hoffman and Neely voted "Aye"

Councilperson Clark abstained

(Mayor did not vote)

#### 6. COUNCIL BUSINESS

##### a) Resolution 09-09 "APPROVING THE LAGAE PARK LOCATION AND EXTENT PLAN"

City Planner Bishop presented the resolution. Questions were raised about parking which City Attorney Smith will address by amending the resolution. Council approved the resolution with amendment by unanimous consent.

Motion to Approve with Amendment: Councilperson Dooley

Second: Councilperson Havercroft

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

##### b) Ordinance 08-14 "AMENDING ORDINANCE 08-07 REGARDING BUSINESS LICENSES AND CONTRACTOR LICENSES" (second reading)

Ordinance presented by Interim City Manager Howell. There was no discussion. Council unanimously approved Ordinance 08-14 upon second reading.

Motion to Approve: Councilperson Dooley

Second: Councilperson Havercroft

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

##### c) Ordinance 09-05 "APPROVING A NON-EXCLUSIVE FRANCHISE AND FRANCHISE AGREEMENT WITH THE PUBLIC SERVICE COMPANY OF COLORADO, D/B/A XCEL ENERGY, TO ALLOW THE USE OF CITY STREETS FOR THE PROVISION OF ELECTRIC AND GAS UTILITY SERVICE TO THE CITY AND ITS RESIDENTS" (first reading)

City Attorney Smith introduced Tom Ashburn, Area Manager, Xcel Energy to Council. Smith also delivered Affidavits of Publication of Ordinances 09-03, 09-04, and 09-05 to City Clerk Berry. Ordinance 09-05 was presented to Council by Smith noting that the second reading of the ordinance cannot occur prior to February 10, 2009. Council approved Ordinance 09-05 as presented with no discussion.

Motion to Approve: Councilperson Dooley

Second: Councilperson Havercroft

Approved: 5-0-1, Councilpersons Dooley, Havercroft, Hoffman, Clark, and Neely voted "Aye"

Councilperson Coppola abstained

(Mayor did not vote)

**d) Ordinance 09-03 "APPROVING A NON-EXCLUSIVE FRANCHISE AND FRANCHISE AGREEMENT WITH COMCAST OF COLORADO X, LLC, TO ALLOW THE USE OF CITY STREETS FOR THE PROVISION OF CABLE TELEVISION SERVICE TO THE CITY AND ITS RESIDENTS"** (first reading)

Ordinance presented by City Attorney Smith who reported the ordinance is still under review by Comcast. Smith reviewed the red-line version and other minor changes that have been made. Changes requested by Comcast can be addressed upon second reading which cannot occur prior to February 10, 2009. After discussion, Council approved Ordinance 09-03.

Motion to Approve: Councilperson Dooley

Second: Councilperson Havercroft

Approved: 5-0-1, Councilpersons Dooley, Havercroft, Hoffman, Clark, and Neely voted "Aye"

Councilperson Coppola abstained

(Mayor did not vote)

**d) Ordinance 09-04 "GRANTING A FRANCHISE AGREEMENT BY THE CITY OF CASTLE PINES NORTH, DOUGLAS COUNTY, COLORADO, TO THE INTERMOUNTAIN RURAL ELECTRIC ASSOCIATION, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, PURCHASE, ACQUIRE, LOCATE, MAINTAIN, OPERATE AND EXTEND INTO, WITHIN AND THROUGH SAID CITY, PLANTS, WORKS, SYSTEMS AND FACILITIES FOR THE GENERATION, TRANSMISSION AND DISTRIBUTION OF ELECTRICAL ENERGY BY MEANS OF CONDUITS, WIRES, CABLES, POLES AND STRUCTURES, OR OTHERWISE, ON, OVER, UNDER, ALONG AND ACROSS ALL PUBLIC AND DEDICATED STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, PUBLIC WAYS AND OTHER PUBLIC PLACES IN SAID CITY OF CASTLE PINES NORTH, TO SELL, FURNISH AND DISTRIBUTE SAID PRODUCTS TO THE CITY AND THE INHABITANTS THEREOF"** (first reading)

Ordinance presented by City Attorney Smith who reported minor changes (addressing renewable energy) from the November 25, 2008, version presented to Council. After discussion, Council approved Ordinance 09-04.

Motion to Approve with Changes: Councilperson Hoffman

Second: Councilperson Neely

Approved: 3-2-1, Councilpersons Dooley, Clark, and Neely voted "Aye"

Councilpersons Coppola and Hoffman voted "No"

Councilperson Havercroft abstained

(Mayor did not vote)

**e) Resolution 09-07 "APPROVING THE CASTLE PINES ACADEMY DAYCARE SIPIA"**

Resolution 09-07 was presented by City Planner Bishop. After discussion and several amendments to be addressed by City Attorney Smith, Council unanimously approved the resolution.

Motion to Approve with Amendments: Councilperson Dooley

Second: Councilperson Havercroft

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

**f) Resolution 09-10 "A RESOLUTION ESTABLISHING A PARTNERSHIP OF DOUGLAS COUNTY GOVERNMENTS AMONG THE COUNTY OF DOUGLAS COUNTY, THE CITY OF CASTLE PINES NORTH, THE TOWN OF CASTLE ROCK, THE TOWN OF LARKSPUR, THE CITY OF LONE TREE, THE TOWN OF PARKER, THE DOUGLAS COUNTY SCHOOL DISTRICT, THE DOUGLAS COUNTY LIBRARY DISTRICT, AND THE HIGHLANDS RANCH METRO DISTRICT"**

Council unanimously approved Resolution 09-10 as presented by Treasurer Gilbert.

Motion to Approve: Councilperson Havercroft

Second: Councilperson Hoffman

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

**g) Resolution 09-08 "DESIGNATING A LOCATION FOR POSTING OF PUBLIC NOTICES"**

Resolution 09-08 was presented by Deputy City Clerk Kollmar. After discussion, Councilmember Coppola suggested an amendment to Section 1 replacing "Castle Rock, Colorado 80108" with "Castle Pines North, Colorado 80108".

A motion to call the question was defeated.

Motion to Call the Question: Councilperson Clark

Second: Councilperson Havercroft

Defeated: 3-3, Councilpersons Hoffman, Clark, and Neely voted "Aye"

Councilpersons Dooley, Havercroft, and Coppola voted "No"

(Mayor did not vote)

Council voted to approve the amendment.

Motion to Approve the Amendment: Councilperson Havercroft

Second: Councilperson Dooley

Approved: 4-1-1, Councilpersons Dooley, Coppola, Hoffman, and Neely voted "Aye"

Councilperson Clark voted "No"

Councilperson Havercroft abstained

(Mayor did not vote)

Council then voted to approve Resolution 09-08 with amendment.

Motion to Approve with Amendment: Councilperson Havercroft

Second: Councilperson Dooley

Approved: 4-2, Councilpersons Dooley, Coppola, Hoffman, and Neely voted "Aye"

Councilpersons Clark and Havercroft voted "No"

(Mayor did not vote)

**h) Resolution 09-02 "APPROVING STATEMENT OF EXPENDITURES AND APPROPRIATING FUNDS THEREFOR"**

Resolution 09-02 was presented by Treasurer Gilbert. After discussion, two amendments were offered.

Councilperson Clark made a motion to amend the resolution by removing the CH2M HILL line item and moving it to consideration at the January 14, 2009, Council Meeting or until a further breakdown of the payable is received by Council. The motion was defeated by Council

Motion to Approve with CH2M HILL Amendment: Councilperson Clark

Second: Councilperson Neely

Defeated: 4-2, Councilpersons Clark and Neely voted "Aye"

Councilpersons Dooley, Havercroft, Coppola, and Hoffman voted "No"

(Mayor did not vote)

Councilperson Coppola made a motion to strike the Colorado Municipal League (CML) membership line item from the list of payables pending membership approval by Council and directed City Manager Lanning and Interim City Manager Howell to explore financing.

Motion to Approve with CML Amendment: Councilperson Coppola



Second: Councilperson Havercroft

Approved: 4-3, Councilpersons Havercroft, Coppola, Hoffman voted "Aye"  
Councilpersons Dooley, Clark, and Neely voted "No"  
Mayor voted "Aye" to break the tie

Council then voted unanimously to approve Resolution 09-02 with the CH2M HILL line item reinstated and the CML line item removed.

Motion to Approve with Amendment: Councilperson Havercroft

Second: Councilperson Hoffman

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

## 7. COUNCILMEMBER REPORTS

No reports.

## 8. CITY ATTORNEY'S REPORT

No report.

## 9. CITY CLERK'S REPORT

Deputy City Clerk Kollmar reported that City Clerk Janie Berry will be sworn in at the Douglas County Clerk and Recorder's Office, Friday, January 9, 2009, at 4:00 p.m.

## 10. TREASURER'S REPORT

Treasurer Gilbert reported on the following activities:

- Financials for 2008,
- Developing new financial format for 2009,
- Payments from Douglas County for Use Taxes from autos,
- Sales Taxes are holding steady at \$65,000 to \$70,000 per month, and
- Performing sales tax audits.

## 11. CITY MANAGER'S REPORT

Interim City Manager Howell reported on the CPNMD build-out project and that City Planner Bishop's Bi-Weekly Community Development Report will be available at next Council Meeting.

## 12. MAYOR'S REPORT

Mayor Shul reminded Council that she was still working on the Council Retreat which will probably be held in two sessions. Dates and location will be available soon.

Mayor Shul also reported the University of Denver is offering a seminar on "Home Rule" on January 30, 2009. Registration deadline is January 23, 2009.

## 13. OTHER COUNCIL BUSINESS

None

At 9:00 p.m., Mayor Shul requested Council adjourn to Executive Session. Council approved by unanimous consent.

Mayor Shul requested Council adjourn to Executive Session pursuant to Section 24-6-402(4)(e), C.R.S., for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, related to the IGA with Douglas County Public Works for Snow Removal, a contract for legal services, and contractual matters relative to storm water management.

The Executive Session began at 9:09 p.m. and concluded at 9:30 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

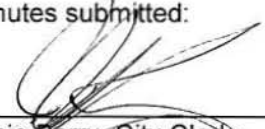
The meeting was adjourned at 9:31 p.m. by unanimous consent.

Motion to Adjourn: Councilperson Clark

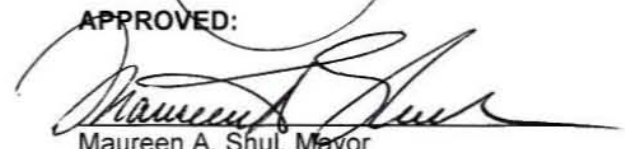
Second: Councilperson Neely

Approved: by unanimous consent, 6-0, (Mayor did not vote)

Minutes submitted:

  
\_\_\_\_\_  
Janie Berry, City Clerk

APPROVED:

  
\_\_\_\_\_  
Maureen A. Shul, Mayor