



City of Castle Pines North, Colorado Minutes

Final/Corrected

REGULAR MEETING OF THE CITY COUNCIL

CPN Community Center
7404 Yorkshire Dr., Castle Rock, CO
February 25, 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 7:10 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

Councilmembers: None

City Attorney: Linda C. Michow, excused

Also present with Council: Alan Lanning, City Manager

PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

Council unanimously approved the Consent Agenda with the following changes:

- a) Item 6b – Ordinance 09-03 re Comcast Franchise Agreement - tabled
- b) Item 6c – Resolution 08-58 re Public Safety IGA - moved to the top of Council Business
- c) New Item 6j – add a resolution re Adopting Existing City Task Forces

Motion to Approve Agenda with the Above Changes: Councilperson Havercroft

Second: Councilperson Hoffman

Approved: Unanimously, 7-0, (Mayor voted)

3. DISCLOSURE OF CONFLICTS OF INTEREST

None submitted.

4. CITIZENS' COMMENTS

Leslie H. Lilly, President of Happy Canyon HOA, 4798 North Lariat Dr., Castle Rock, appeared before Council as a member of a group to block the effort by Castle Pines Village to privatize Happy Canyon Road. He solicited support from Council and is looking

for a larger group, such as the City, to take the lead in this effort. He announced there will be a Public Forum on the "North Meadows Extension", April 2, 2009, 5:00 – 7:00 p.m. at Castle View High School.

Warren Lynge, 1029 Snow Lily Ct. and spokesperson for the CPN Library Group, informed Council the effort to bring a library to CPN was still alive and a lease is being negotiated in the Village Square Shopping Center. He also announced the Douglas County Library will hold a Budget Meeting on March 19, 2009, at the Castle Rock Library. The CPN Library Group will be making a presentation at the meeting.

5. CONSENT AGENDA

There were no items on the Consent Agenda.

6. COUNCIL BUSINESS

c) Resolution 08-58 "APPROVING A PUBLIC SAFETY IGA WITH THE DOUGLAS COUNTY SHERIFF'S OFFICE"

City Manager Lanning presented the Public Safety IGA and reviewed the \$40,000 traffic fine limit amendment requested by Council. After discussion, Council unanimously approved resolution with no changes. Signed copies were given to Lt. Troy McCarty of the Douglas County Sheriff's Office (DCSO) to take back to the DC Board of County Commissioners for their approval.

Motion to Approve: Councilperson Havercroft

Second: Councilperson Dooley

Approved: Unanimously, 7-0, (Mayor voted)

a) Ordinance 09-02 "ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES NORTH FOR THE REGULATION OF TRAFFIC AND PARKING" (second reading)

Ordinance 09-02 was unanimously approved with no discussion.

Motion to Approve: Councilperson Clark

Second: Councilperson Neely

Approved: Unanimously, 7-0, (Mayor voted)

d) Resolution 09-17 "APPROVING STATEMENT OF EXPENDITURES AND APPROPRIATING FUNDS THEREFOR"

Council addressed Resolution 09-17 and Resolution 09-27 ("APPROVING FINAL PAYMENT AMOUNT TO ICENOGLER REGARDING THE PROVISION OF LEGAL SERVICES") together as Resolution 09-17.

Councilperson Clark introduced a motion to amend Resolution 09-17 by specifying \$50,000 as the next payment, but not the final payment to Icenogle. The amendment was unanimously approved by Council.

Motion to Amend and Approve \$50,000 Payment to Icenogle: Councilperson Clark

Second: Councilperson Dooley

Approved: Unanimously, 7-0, (Mayor voted)

Councilperson Havercroft introduced a motion to amend Resolution 09-17 by considering, as separate issues, the two payables: 1) \$50,000 for Icenogle and 2) \$786.29 for the CPN Master Association (CPNMA). Further clarification of the CPNMA invoices was provided by Treasurer Gilbert. Council approved the separate payment amendment by unanimous consent.

Motion to Amend and Approve Separate Payments: Councilperson Havercroft

Second: Councilperson Dooley

Approved: by Unanimous Consent, 7-0, (Mayor voted)

Councilperson Havercroft introduced a motion to approve the CPNMA payment of \$768.29. The amendment was approved by Council.

Motion to Approve CPNMA Payment: Councilperson Havercroft

Second: Councilperson Dooley

Approved: 5-0-2, Councilpersons Clark, Coppola, Dooley, Hoffman and Neely voted "Aye"
Councilpersons Havercroft and Mayor Shul abstained

Council then unanimously approved Resolution 09-17 as amended.

Motion to Approve as Amended: Councilperson Dooley

Second: Councilperson Clark

Approved: Unanimously, 7-0, (Mayor voted)

e) Resolution 09-19 "APPROVING DOUGLAS COUNTY INTERGOVERNMENTAL AGREEMENT FOR COLLECTION OF DOUGLAS COUNTY BUILDING USE TAX"

Presented by Treasurer Gilbert. Resolution was unanimously approved with no discussion.

Motion to Approve: Councilperson Clark

Second: Councilperson Neely

Approved: Unanimously, 7-0, (Mayor voted)

f) Resolution 09-24 "APPOINTING ECONOMIC DEVELOPMENT COMMITTEE"

After discussion, Council offered four amendments to the resolution.

Amendment #1 - Councilperson Coppola offered an amendment to Section 1, line 2 to read as follows:

"...consisting of *not less than three members or not more than five members* appointed by the majority of council,...".

Council approved the amendment.

Motion to Approve Amendment #1: Councilperson Coppola

Second: Councilperson Clark

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

Amendment #2 - Councilperson Coppola offered a second amendment appointing Councilpersons Dooley and Neely and City Manager Lanning as the three initial members of the committee.

Council unanimously approved the amendment.

Motion to Approve Amendment #2: Councilperson Coppola

Second: Councilperson Clark

Approved: Unanimously, 7-0, (Mayor voted)

Amendment #3 - Councilperson Hoffman offered an amendment to add the following condition to Section 1, that "*No more than two Councilmembers can serve on the committee at any one time*".

Council unanimously approved the amendment.

Motion to Approve Amendment #3: Councilperson Hoffman
Second: Councilperson Coppola
Approved: 5-2, Councilpersons Coppola, Havercroft, Hoffman, Neely and Mayor Shul voted "Aye"
Councilpersons Clark and Dooley voted "No"

Amendment #4 - Councilperson Hoffman offered an amendment to Section 2 striking the words "issues and plans for" and inserting "*to support and develop businesses within*".

Amendment was defeated.

Motion to Approve Amendment #4: Councilperson Hoffman
Second: Councilperson Coppola
Defeated: 3-4, Councilpersons Havercroft, Hoffman and Mayor Shul voted "Aye"
Councilpersons Clark, Coppola, Dooley and Neely voted "No"

Councilperson Havercroft introduced a motion to table Resolution 09-24 which was defeated.

Motion to Table: Councilperson Havercroft
Second: Councilperson Hoffman
Defeated: 3-4, Councilpersons Havercroft, Hoffman and Mayor Shul voted "Aye"
Councilpersons Clark, Coppola, Dooley and Neely voted "No"

Council then approved Resolution 09-24 as amended.

Motion to Approve as Amended: Councilperson Clark
Second: Councilperson Neely
Approved: 4-3, Councilpersons Clark, Coppola, Dooley and Neely voted "Aye"
Councilpersons Havercroft, Hoffman and Mayor Shul voted "No"

Council then took a five minute break to allow the Mayor to sign the Public Safety IGA for Lt. McCarty.

g) Resolution 09-25 "APPROVING CITY TASK FORCE FORMATION FRAMEWORK"

After discussion, Councilperson Havercroft introduced a motion to strike the words "task force" from the resolution title which was duly seconded by Councilperson Dooley. After discussion Councilperson Havercroft withdrew her amendment from consideration.

Councilperson Coppola then suggested Council consider a new resolution title, "A Resolution of the City Council of the City of Castle Pines North Establishing Guidelines for Committees" which was unanimously approved.

Motion to Approve Title Amendment: Councilperson Havercroft
Second: Councilperson Dooley
Approved: Unanimously, 7-0, (Mayor voted)

Council then approved Resolution 09-24 as amended.

Motion to Approve as Amended: Councilperson Havercroft

Second: Councilperson Hoffman

Approved: 6-1, Councilpersons Clark, Coppola, Havercroft, Hoffman, Neely and Mayor Shul voted "Aye"
Councilperson Dooley voted "No"

h) Resolution 09-26 "APPROVING LEASE AGREEMENT OF CITY OFFICES"

Councilperson Clark spoke in support of moving City offices into the CPN Metro District building and asked Council to consider the expenditure of \$2,250 to Neenan Company for architectural re-design work to determine the actual cost of renovation. Clark will introduce a motion to approve such expenditure during "Other Council Business".

After discussion, Councilperson Dooley moved to postpone Resolution 09-26 to March 12, 2009. Council unanimously approved.

Motion to Postpone Resolution: Councilperson Dooley

Second: Councilperson Clark

Approved: Unanimously, 7-0, (Mayor voted)

i) Resolution 09-27 "APPROVING FINAL PAYMENT AMOUNT TO ICENOGLE REGARDING THE PROVISION OF LEGAL SERVICES"

After discussion, Council agreed to use \$235,703.00 as the settlement counteroffer to Icenogle. Mayor Shul will contact Icenogle. Council approved the resolution as amended.

Motion to Approve Amended: Councilperson Dooley

Second: Councilperson Havercroft

Approved: 6-1, Councilpersons Coppola, Dooley, Havercroft, Hoffman, Neely and Mayor Shul voted "Aye"
Councilperson Clark voted "No"

j) Resolution 09-28 "FORMALLY APPOINTING CITY COMMITTEES"

Councilperson Coppola introduced a resolution formally appointing the following task forces/committees of the City: 1) Safety Task Force, 2) CP Green, 3) Transparency and Financial Accountability, and 4) City/Metropolitan District Working Group.

Council unanimously approved the resolution.

Motion to Approve: Councilperson Coppola

Second: Councilperson Dooley

Approved: Unanimously, 7-0, (Mayor voted)

7. COUNCILMEMBER REPORTS

Councilperson Clark recommended City Manager review the course materials and recorded presentations of the "Water Transactions Seminar" and purchase same for use by Council and citizens. Estimated cost is \$400. Clark also reported on discussions with the CPN Metro District (CPNMD) concerning roadway medians and suggested City Manager Lanning contact Douglas County about using the existing agreement between the County and the CPNMD and modify it for use by the City.

Councilperson Havercroft reported:

- The next Ward 1 meeting is scheduled for Tuesday, March 3, 2009, 6:00 p.m., at the Daniels Gate Clubhouse. Public Works Director Guth will be the featured speaker.
- Graffiti reported in North Lynx and Glen Oaks was effectively removed by the CPNMD. The DCSO suggests a reward be offered to obtain information about the vandalism.

Councilperson Hoffman requested Warren Lyngne draft an outline about the grant process and timeline concerning the CPN Library.

Councilperson Dooley informed Council on the following items:

- Met with Hidden Pointe HOA about solving the scheduling conflict at the CPN Community Center concerning the HOA's monthly meetings and the City Council meetings scheduled for the second and fourth Thursdays. Hidden Pointe graciously agreed to re-schedule their monthly meeting. Dooley requested MaryAnn Vitello send them a thank you note.
- Councilpersons Dooley and Neely and City Manager Lanning will begin holding meetings of the new Economic Development Committee (EDC) of the City. Any suggestions for other committee member nominations please call them. Dooley requested the EDC be placed on the City website.

Councilperson Havercroft requested the CP Green Committee be provided space on the City website.

Councilpersons Clark and Coppola informed Council they voted to postpone consideration of Resolution 09-26 (Approving Lease Agreement of City Offices) because both had many changes to the proposed lease agreement with The Pinnacle.

8. CITY ATTORNEY'S REPORT

No report.

9. CITY CLERK'S REPORT

No report.

10. TREASURER'S REPORT

Treasurer Gilbert reserved his comments for the Executive Session.

11. CITY MANAGER'S REPORT

City Manager Lanning spoke briefly about Council packet development and distribution.

12. MAYOR'S REPORT

Mayor Shul apologized to Council for scheduling a Council Meeting on Maundy Thursday. Accordingly, the following changes will be made for the April 9th Council Meeting: 1) the Study Session has been cancelled, 2) the Regular Council Meeting will begin one hour later at 8:00 p.m., and 3) the agenda will be kept short.

Mayor Shul took the opportunity to thank Kara Choquette, who is leaving CH2M HILL, for her efforts on behalf of the City.

13. OTHER COUNCIL BUSINESS

Councilperson Clark requested Council approve a resolution to pay Neenan Company \$2,250 for the "Preparation of Preliminary Design Drawings for the Conversion of Certain Vacant Space in the Metro District's Building to Office Space for the City of Castle Pines North". The check will be given to City Manager Lanning to pursue the opportunity to consider remodeling the CPNMD for City office space.

Council voted to approve the Resolution 09-29.

Motion to Approve Expenditure: Councilperson Clark
Second: Councilperson Coppola
Approved: 4-3, Councilpersons Clark, Coppola, Dooley and Neely voted "Aye"
Councilpersons Havercroft, Hoffman and Mayor Shul voted "No"

Councilperson Clark also informed Council that Dan Schmick has been promoted to Assistant Director of CPNMD and will take soon over some of Mr. McGrady's responsibilities. Mr. McGrady will be concentrating his efforts on renewable water.

Councilperson Hoffman requested "property transactions" be added to the Executive Session.

Council adjourned to Executive Session at 9:28 p.m. Staff was asked to leave the meeting and not participate in executive session. Councilperson Coppola informed Council that if staff was asked to leave then he would not participate in executive session. Staff was asked to leave, and therefore, Councilperson Coppola left and was not part of the executive session.

14. EXECUTIVE SESSION

Council adjourned to Executive Session pursuant to C.R.S. Section 24-6-402(4)(e), for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators in regard to contracts for audit and financial services and for property transactions.

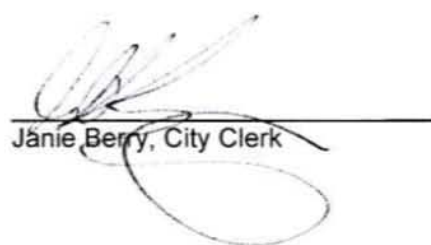
The Executive Session began at 9:38 p.m. and concluded at 10:30 p.m. at which time Mayor Shul announced the names of those persons who had participated in the executive session and asked if any person who had participated in the executive session believed that any substantial discussion of any matters 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

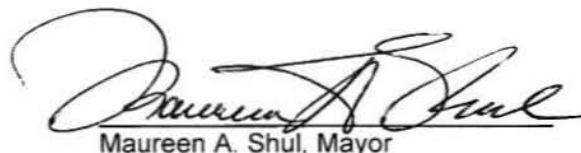
The meeting was adjourned at 10:31 p.m. by unanimous consent.

Minutes submitted:



Janie Berry, City Clerk

APPROVED:



Maureen A. Shul, Mayor