



City of Castle Pines North, Colorado Minutes

REGULAR MEETING OF THE CITY COUNCIL HOA #1 Clubhouse, 7233 Tenby Way, Castle Pines North, CO Thursday, December 17, 2009

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 Shul at 7:08 p.m.

Those present were:

Officers: Maureen A. Shul, Mayor
Douglas Gilbert, City Treasurer

Councilmembers: Jennifer Havercroft, Ward 1
Chip Coppola, Ward 2
Kim Hoffman, Ward 2
Ron Clark, Ward 3

Those absent were:

Officers: Janie Berry, City Clerk, excused

Councilmembers: Chris Dooley, Ward 1, excused
David Neely, Ward 3, excused

Also present with Council: Linda C. Michow, City Attorney
Alan Lanning, City Manager

PLEDGE OF ALLEGIANCE

2. APPROVAL OF AGENDA

The agenda was unanimously approved with no changes.

Motion to Approve: Councilperson Havercroft
Second: Councilperson Hoffman
Approved: Unanimously, 5-0; 2 absent

3. DISCLOSURE OF CONFLICTS OF INTEREST

None submitted.

4. CITIZENS' COMMENTS

Bill Santos, resident and representing Castle Pines North Metro District, read a December 16, 2009 letter from the Metro District into the record regarding the Metro District's position on integration. He thanked Mayor Shul, City Manager Lanning, and Dan Schmick for their cooperative efforts during the past few months.

Mr. Santos also thanked the City's Building Department on their efforts to help with his recent basement refinish.

Dwight Zemp, representing Castle Pines North Metro District, thanked Mayor Shul, Mr. Lanning and Mr. Guth for their efforts on integration. He and the Metro District Board are

committed to integration of services and are looking forward to working with the new Council and Mayor.

Greg Miller, resident – 7256 Arco Iris Lane, spoke in support of integration of the City and Metro District. He and the 200+ signers of his petition urge the City to do what is right thing for our citizens.

Chris Dilg, resident – 7481 Exeter Court, expressed his concerns about the coyote situation and is upset by the City's seemingly slow response. A Coyote Management Plan draft is needed immediately at the January Council meeting. Mayor Shul responded to Mr. Dilg's comments.

Shelley Hamilton-Bruer, resident – 625 Briardale Drive, fully supports this Council's vote tonight to dissolve the CPN Metro District.

5. CONSENT AGENDA

a) Approval of the Minutes of the Regular Council Meeting of October 22, 2009

One correction was noted and will be made. Council unanimously approved the October 22, 2009, minutes.

Motion to Approve with Correction: Councilperson Coppola

Second: Councilperson Havercroft

Approved: Unanimously; 5-0; 2 absent

6. COUNCIL BUSINESS

a) Resolution 09-91 "SETTING FORTH CERTAIN FINDINGS OF FACT AND CONCLUSIONS AS TO THE ELIGIBILITY FOR ANNEXATION OF CERTAIN PROPERTY KNOWN AS THE LAGAE SOUTH ANNEXATION"

Presented by Director of Planning & Zoning Bishop who also provided a background of the annexation-related activities to date. Staff recommended Council approve Resolution 09-91.

Mayor Shul reviewed the process/procedures for the public hearing.

Jake Schroeder, representing the Applicant, A&A Investments, introduced himself, but did not give a presentation. He reserved comments until after the public hearing.

Mayor Shul opened the public hearing and hearing none, closed the public hearing.

Councilperson Clark introduced a motion to "APPROVE RESOLUTION 09-91, A RESOLUTION OF THE CITY OF CASTLE PINES NORTH SETTING FORTH CERTAIN FINDINGS OF FACT AND CONCLUSIONS AS TO THE ELIGIBILITY FOR ANNEXATION OF CERTAIN PROPERTY KNOWN AS THE LAGAE SOUTH ANNEXATION, BASED ON THE FINDINGS AND RECOMMENDATIONS SET FORTH IN THE STAFF REPORT MEMORANDUM DATED DECEMBER 17, 2009."

Mr. Bishop informed Council that a notice of this public hearing has been published for four consecutive weeks. However, due to a change in venue from the CPN Community Center to HOA #1, a notice of the change in venue has been posted at the CPN Community Center. In addition, Public Works Director Guth was at the CPN Community Center from 7:00 – 7:30 p.m. to direct people to the HOA #1 Clubhouse.

There was no further discussion and Council unanimously approved Resolution 09-91.

Motion to Approve: Councilperson Clark

Second: Councilperson Coppola

Approved: Unanimously; 5-0; 2 absent

b) Resolution 09-92 "DESIGNATING PUBLIC PAK/CONTINENTAL AS THE CITY'S INSURANCE PROVIDER"

There was no discussion and Council unanimously approved Resolution 09-92.

Motion to Approve: Councilperson Clark
Second: Councilperson Coppola
Approved: Unanimously; 5-0; 2 absent

c) Resolution 09-93 "APPROVING 2010 HOLIDAY SCHEDULE"

There was no discussion and Council unanimously approved Resolution 09-93.

Motion to Approve: Councilperson Havercroft
Second: Councilperson Hoffman
Approved: Unanimously; 5-0, 2 absent

d) Resolution 09-94 "APPROVING STATEMENT OF EXPENDITURES AND APPROPRIATING FUNDS THEREFORE"

Presented by City Manager Lanning.

Councilperson Clark made a motion to amend Resolution 09-94 by deleting the 2008 Permitting Services item (\$60,221.48) until supporting documents and an explanation are provided.

Councilperson Coppola offered a friendly amendment "the portion that would be supplemental payables to CH2M HILL will be subject to CH2M HILL waiving the interest in the amount of \$28,741.42". Mr. Clark accepted the friendly amendment.

After discussion, Council unanimously passed Resolution 09-94 as amended.

Motion to Approve as Amended: Councilperson Clark
Second: Councilperson Hoffman
Approved: Unanimously, 5-0; 2 absent

e) Resolution 09-95 "RECOGNIZING A VACANCY IN THE OFFICE OF CITY CLERK AS OF JANUARY 11, 2010"

Presented by City Attorney Michow. There was no discussion and Council unanimously approved Resolution 09-95.

Motion to Approve: Councilperson Hoffman
Second: Councilperson Havercroft
Approved: Unanimously, 5-0; two absent

f) Resolution 09-96 "ESTABLISHING RULES OF ORDER AND COUNCIL PROCEDURES"

Presented by City Attorney Michow. After discussion, Council unanimously approved Resolution 09-96.

Motion to Approve: Councilperson Havercroft
Second: Councilperson Hoffman
Approved: Unanimously, 5-0; 2 absent

g) Resolution 09-97 "ADOPTING A CODE OF CONDUCT AND CODE OF ETHICS"

Presented by City Attorney Michow. Several amendments to the language of the code were made by Council. The amended code will be brought back for approval at the next Council meeting.

After discussion, Council approved Resolution 09-97.

Motion to Approve as Amended: Councilperson Hoffman
Second: Councilperson Havercroft
Approved: 3-2; 2 absent

h) Resolution 09-98 "RENEWING AND APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH THE BOARD OF COUNTY COMMISSIONERS OF DOUGLAS COUNTY, COLORADO REGARDING PUBLIC SAFETY AND ANIMAL CONTROL SERVICES"

City Attorney Michow presented the resolution and highlighted the major changes between this IGA and the previous one. After discussion, Council unanimously approved Resolution 09-98.

Motion to Approve: Councilperson Havercroft
Second: Councilperson Hoffman
Approved: Unanimously, 5-0; 2 absent

i) Resolution 09-99

City Attorney Michow presented the two alternate resolutions:

Alternate #1 "REGARDING THE CASTLE PINES NORTH METROPOLITAN DISTRICT"

Alternate #2 "CONDITIONALLY APPROVING THE FORM OF AN APPLICATION FOR DISSOLUTION TO BE FILED WITH THE BOARD OF DIRECTORS OF THE CASTLE PINES NORTH METROPOLITAN DISTRICT"

After discussion Mayor Shul opened the meeting to public comment.

Linda Nuzum, resident – 7402 Pembroke Court – preferred that Council defer this issue to next Council.

Shelley Hamilton-Bruer, resident – 625 Briardale Drive – reported five of the six incoming Council members support dissolution of the Metro District.

Jeffrey Huff, resident – 344 Thornapple Way, recommended this issue be deferred to the new Council which will take up the issue expeditiously.

Councilperson Coppola moved to table Resolution 09-99, Alternate #2, "CONDITIONALLY APPROVING THE FORM OF AN APPLICATION FOR DISSOLUTION TO BE FILED WITH THE BOARD OF DIRECTORS OF THE CASTLE PINES NORTH METROPOLITAN DISTRICT"

Motion to Table: Councilperson Coppola
Second: Councilperson Clark
Approved: Unanimously, 5-0; 2 absent

Councilperson Coppola moved to reconsider Resolution 09-99, Alternate #1, "REGARDING THE CASTLE PINES NORTH METROPOLITAN DISTRICT"
After discussion, Council approved Resolution 09-99, Alternate #1.

Motion to Approve: Councilperson Coppola
Second: Councilperson Clark
Approved: 4-1; 2 absent

j) Resolution 09-101 "CONDITIONALLY APPROVING THE FORM OF AN APPLICATION FOR DISSOLUTION TO BE FILED WITH THE BOARD OF DIRECTORS OF THE CASTLE PINES NORTH METROPOLITAN DISTRICT"

There was no discussion. Council approved Resolution 09-101 without amendment.

Motion to Approve: Councilperson Havercroft
Second: Councilperson Clark
Approved: 3-2; 2 absent

k) Resolution 09-100 "SETTING 2009 AS THE BASE YEAR FOR DETERMINING REVENUE AND SPENDING LIMITATIONS PURSUANT TO ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION"

Presented by City Attorney Michow. There was no discussion and Council unanimously approved Resolution 09-100.

Motion to Approve: Councilperson Havercroft
Second: Councilperson Hoffman
Approved: Unanimously, 5-0; 2 absent

7. COUNCILMEMBER REPORTS

Councilperson Havercroft:

- The January 5th Ward 1 Meeting, 6:00 p.m., will be held at CPN Community Center in conjunction with the community-wide meeting on coyote management.

Councilperson Hoffman:

- Economic Development Council is requesting funds from Council for start-up of website.
- CP Parks Authority – they are entering three months design and review. An RFP for construction is scheduled for March.
- Formally resigned from the Parks Authority. There are now two open positions.

8. CITY ATTORNEY'S REPORT

No report.

9. CITY CLERK'S REPORT

No report.

10. TREASURER'S REPORT

Treasurer Gilbert reported he was still looking for members for the Transparency and Financial Accountability Task Force which will likely become a committee of Council in the future.

11. CITY MANAGER'S REPORT

City Manager Lanning reported a draft copy of the 4th Amendment to the CH2M HILL contract will be in the January 7th Council packet. It will also be emailed to Council.

He reserved additional comments for Executive Session.

Public Works Director Guth responded to Council questions concerning: street lights on Monarch and the Parkway; the planned "No Parking" signs at Monarch for American Academy; and the large chunks of broken concrete between Yorkshire and Forest Park on Castle Pines Parkway. Response time to address roadway complaints should be as quick as possible, not 24-48 hours.

12. MAYOR'S REPORT

Mayor Shul reported on the following scheduled meetings:

- January 7th – Joint City/Metro District meeting,
- January 5th – Coyote management, and
- January 6th – Centennial Airport Roundtable (noise issue)

13. OTHER COUNCIL BUSINESS

At Councilperson Hoffman's request, the \$2,500 line item for the Economic Development Council from the 2009 budget will be placed on the January 7th agenda as a payable.

Mayor Shul asked for final comments from the audience.

Linda Nuzum asked several questions concerning roadway maintenance. Public Works Director Guth and Mayor Shul responded.

Dwight Zemp addressed comments aimed at the Metro District made during the meeting and urged more communication going forward. Mayor Shul responded. Mr. Zemp suggested the City should take the lead in this process.

14. EXECUTIVE SESSION

At 9:26 p.m. Council approved adjourning into 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 the water report update, and
- CRS Section 24-6-402(4)(b), to obtain legal advice from the city attorney concerning the contract with CH2M HILL OMI.

Motion to Adjourn to Executive Session: Councilperson Havercroft
Second: Councilperson Hoffman
Approved: 3-2; two absent

The Executive Session began at 9:34 p.m. and concluded at 9:50 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.

15. ADJOURNMENT

The meeting was adjourned at 9:51 p.m.

Motion to Adjourn: Councilperson Clark
Second: Councilperson Hoffman
Approved: By unanimous consent, 5-0; two absent

Minutes submitted:


By Carl E. Kollmar, Deputy City Clerk
Janie Berry, City Clerk

APPROVED:


Maureen A. Shul, Mayor