

**WOODLAND PARK CITY COUNCIL  
REGULAR MEETING MINUTES  
COUNCIL CHAMBERS, CITY HALL  
MARCH 1, 2007 – 7:00 P.M.**

**1. CALL TO ORDER AND ROLL CALL:** Crane called the meeting to order at 7:00 P.M. Morse called the roll, with the following Council members being present: Mayor Gary Crane, Jon DeVaux, Terry Harrison, Phil Mella, George Parkhurst and Steve Randolph.

**2. PLEDGE OF ALLEGIANCE:** Crane led the audience in the Pledge of Allegiance.

The following Staff Members were also in attendance:

|                                  |                                     |
|----------------------------------|-------------------------------------|
| City Clerk Cindy Morse           | City Attorney Erin Smith            |
| Police Chief Robert Larson       | Public Works Director David Buttery |
| Utilities Director Jim Schultz   | City Planner Sally Riley            |
| Deputy City Clerk Janell Sciacca |                                     |

**3. CEREMONIES, PRESENTATIONS & APPOINTMENTS:**

**A.** Presentation of Keep America Beautiful President's Circle Recognition Award: Mella accepted this recognition for the City's Keep Woodland Park Beautiful program and thanked Riley and others in the community who help with these efforts.

**4. ADDITIONS, DELETIONS OR CORRECTIONS TO AGENDA:** Morse requested an Executive Session of Council be added to the agenda, following agenda item 12, pursuant to CRS 24-6-402(4)(f) to discuss a personnel issue.

**MOTION:** To adjourn to Executive Session, following agenda item 12, pursuant to CRS 24-6-402(4)(f) to discuss a personnel issue. Crane/DeVaux. Motion carried 6-0.

**5. CONSENT CALENDAR:**

**A.** Approve minutes of February 15, 2007 Regular Meeting. **(A)**  
Crane read the Consent Calendar items into the record.

**MOTION:** To approve the Consent Calendar. Parkhurst/Harrison. Motion carried 6-0.

**6. UNFINISHED BUSINESS:** None.

**7. ORDINANCES ON INITIAL POSTING:** None.

**8. PUBLIC HEARINGS:**

**A.** Consider application from Society for Creative Anachronism (SCA) for Special Events Liquor Permit for SCA Event to be held at the Ute Pass Cultural Center located at 210 E. Midland Avenue on Saturday, March 31, 2007. **(QJ)**

Morse reviewed the staff report for Council and the viewing audience, noting that all application fees have been paid and the property was posted by signing as required by law. The public hearing was held without comment.

**MOTION:** To approve the application from Society for Creative Anachronism (SCA) for a Special Events Liquor Permit for March 31, 2007. Harrison/Mella. Motion carried 6-0.

**B.** Consider Ordinance 1074 granting Access, Utility and Drainage Easement across a portion of City Property located at the west end of Midland Avenue known as the Holland Tract and the Kowitz Tract and being a portion of the SE1/4 of the NE1/4 of Section 23, T12S, R69W of the 6<sup>th</sup> P.M. to Edward and Phyllis Shirk, owners of Lot 6, Block 1, Highland Hills Subdivision. **(QJ)**

Schultz reviewed the staff report, the proposed Ordinance and their exhibits. He recommended approving this shared access road and easement noting that it makes cooperative sense. The public hearing was held. Schultz answered Council questions concerning the location of the access road and easement. Schultz distributed an aerial photo detailing the proposed location of the driveway. Randolph questioned the location of the gates. Schultz noted that the lower gates already exist, and noted the proposed upper gates will provide security for the Shirks access road. There being no further comment, the public hearing was closed.

**MOTION:** To approve Ordinance 1074. Parkhurst/Crane. Motion carried 6-0.

## **9. NEW BUSINESS:**

**A.** Consider Letter of Engagement with Philip G. Volpi for City Prosecution Services. **(A)**

Morse reviewed the proposal, noting that Volpi is leaving City Attorney Smith's firm, and is desirous of continuing to provide services for prosecution in Municipal Court. Mella discussed the language in the Letter of Engagement concerning mileage. Smith suggested that the wording be changed to reflect a round-trip. Smith also suggested a change be made to the termination language, providing for a 30-day notice. Smith then noted that her firm's current contract provides that they supervise the prosecution in Municipal Court, and requested that be changed. She suggested that City Council could provide that role. Randolph asked how this could be monitored. Smith suggested an annual report, with additional input provided by the Municipal Judge and the Court staff. She reported she would facilitate that process. Mella supported this type of "review" so long as it is conducted using industry standards. Smith reported that she would rely heavily on the Municipal Judge's input. Randolph inquired whether input from the Judge and Police Chief concerning reviewing the conduct of the Municipal Prosecutor might be viewed as a conflict. Smith reported that realistically the input would evaluate if the system were working. Following discussion, Council concurred to have Smith facilitate this review process on an annual basis, and to include language in the Letter of Engagement that reflects that process.

**MOTION:** To approve Letter of Engagement with Philip G. Volpi for City Prosecution Services, subject to the following changes to be made by Smith; that language regarding mileage be amended to include a round-trip; that language regarding termination be amended to include a 30-day notice; that language be developed regarding the input and role of the Municipal Judge and Court Staff during the annual evaluation of the Municipal Prosecutor; that a copy of the finalized Letter of Engagement be distributed to City Council; and that the Municipal Judge provide City Council with a report within the next 30-45 days. Mella/Parkhurst. Motion carried 6-0.

**B. Discussion relative to 2007 Community Investment Funding. (A)**

Morse provided a brief history of this funding program for Council's information. Crane suggested that Council schedule a work session to consider their policy decision concerning this funding program. Mella asked Smith for direction concerning the legal authority for the City to provide this type of funding. Smith noted that the Colorado Constitution, Article 11, Section 2 prohibits any local government from granting funding to any private corporation. However, she noted that the Colorado Supreme Court has ruled many times on the "public purpose" exception, noting that if funding is provided and furthers a public purpose, the Constitutional prohibition is excepted, and the City's funding program is permissible. Mella supported the work session. Council concurred. Crane reported he would work with Morse and get the work session scheduled.

**10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:** Darwin Naccarato, 410 Craig Court, noted that during discussions concerning Community Investment funding last year, Parkhurst suggested a fee-for-service line item be placed in the City budget to assist with this funding.

**11. REPORTS:**

**A. Mayor's Report:** None.

**B. Council Reports:** Parkhurst congratulated the Courier View on the recent awards they received.

**C. City Attorney's Report:** None.

**D. City Manager's and Department Managers' Reports:** None.

**12. COMMENTS ON WRITTEN CORRESPONDENCE:** None.

**MOTION:** To adjourn to Executive Session pursuant to CRS 24-6-402(4)(f) to discuss a personnel issue. Crane/Parkhurst. Motion carried 6-0.

**RECONVENE REGULAR MEETING AND PLEDGE OF ALLEGIANCE:** Mayor Crane reconvened the meeting at 8:52 P.M. with the above stated members of Council

present. He announced that City Council met in Executive Session from 8:05 P.M. to 8:45 P.M. and requested Executive Session participants announce themselves. Participants included Randolph, Parkhurst, Harrison, DeVaux, Mella, Crane, City Attorney Erin Smith and City Clerk Cindy Morse. Crane reported that Council discussed a personnel issue and stated that no formal action was taken during the Executive Session.

**13. ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:52 P.M.

Recorded by:

\_\_\_\_\_  
Cindy Morse, MMC, City Clerk

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.

\_\_\_\_\_  
Gary Crane, Mayor