

# ***City Council Meeting Minutes***

**January 22, 2024  
Library Meeting Room  
951 Spruce Street  
6:00 PM**

**Call to Order** – Councilmember Fahey the meeting to order at 6:07 p.m. **Roll Call** was taken and the following members were present:

**City Council:**     ***Mayor Chris Mayor Leh (arrived 6:15 pm)***  
                          ***Mayor Pro Tem Caleb Dickinson (arrived 6:10 pm)***  
                          ***Councilmember Deborah Fahey***  
                          ***Councilmember Barbara Hamlington***  
                          ***Councilmember Dietrich Hoefner***  
                          ***Councilmember Judi Kern***

**Staff Present:**   ***Jeff Durbin, City Manager***  
                          ***Samma Fox, Deputy City Manager***  
                          ***Meredyth Muth, City Clerk***

**Others Present:** ***Sam Light, Colorado Intergovernmental Risk Sharing Agency***

## **BIENNIAL ETHICS & QUASI-JUDICIAL TRAINING**

City Manager Durbin noted the Home Rule Charter requires Councilmembers take this training every two years. Sam Light gave a presentation on City Council ethics, quasi-judicial processes, and procedures.

Light noted this training is meant to help minimize risk of councilmembers in the course of their duties. He reviewed the role of government officials, the need for good process, and the job duties of a councilmember. He noted the importance of good governance through openness and transparency, fairness, predictability in the process, and respect.

He reviewed the use of email and social media as a public official. He reminded Councilmembers not to use email in the place of a public meeting.

Light reviewed ethics rules from the City's Home Rule Charter and state law as well as other ethical issues that can arise. He reviewed willful and wanton conduct and how it can result in the loss of governmental immunity and create personal liability. He reminded Councilmembers they may not interfere with the City Manager's oversight of

employees. The Council may only give direction to those employees that directly report to the Council.

Light reviewed the quasi-judicial rules related to land use applications and public hearings including maintaining due process, not having ex parte communications, and making your decision based only on the relevant criteria. He noted that maintaining due process is the best way to keep from having a decision challenged. He gave suggestions on how to create a good hearing record that is defensible.

Light gave suggestions on meeting process including dealing with discord, using courtesy, and being respectful.

**DISCUSSION/DIRECTION – CITY COUNCIL EXPECTATION SETTING**  
*rescheduled from 1/9/24*

City Manager Durbin noted expectation setting is not something the Council has to do but may choose to do as a way to clarify processes and hold each other accountable.

**Public Comments**

Sherry Sommer, Louisville, stated she would like the document to include more clarity on how the public and Council interact. She would like the Council to take public comment at multiple times during a meeting, particularly longer meetings. She would like it prescribed in the Rules of Order.

Mayor Leh asked if the Council would like to consider formalizing such a document and if these are the expectations the group wants to want to agree to.

Councilmember Kern stated she does not think this is necessary. The Council works well together and can resolve issues without adopting such a document. She feels members can hold each other accountable and work together respectfully without formalizing such a document. She is concerned that adopting such a document is sending a message to the residents that the Council can't work together.

Councilmember Hoefner stated he largely agreed with Councilmember Kern. If there are items that the Council does want to adopt they can be added to the Rules of Procedure.

Councilmember Dickinson stated there are benefits to having a formal resolution so people can point to it for a clear understanding of how processes should work; however a lot of these are difficult to enforce. In general, he agreed a formal resolution may not be needed. He would like some guidelines that everyone agrees to but perhaps not require a resolution. He would like to consider setting a generally accepted end time of meetings.

Councilmember Hamlington stated she likes the concepts in the document, particularly accountability, transparency, and process. Perhaps have an acceptable set of meeting rules and determine a goal end time for meetings.

Mayor Pro Tem Fahey agreed that perhaps this doesn't need a resolution it can just be guidelines.

Councilmember Kern would like to consider more options for public comment.

Councilmember Leh agreed having a predictable ending time of meetings makes sense.

Councilmember Hoefner stated he thinks that creating too complicated a process could be problematic and the existing Rules of Procedure include enough leeway and will work as currently written.

Councilmember Leh agreed but noted that may not bring clarity for the public.

Members discussed options for meeting end times and a process for this.

Members agreed to keep meeting breaks to five minutes.

Members agreed to an 8 pm check in at meetings to determine how many more items will be handled during a meeting. Any councilmember can make a motion to adjourn at any time and there would be a vote to continue or adjourn, but no hard stop was set for meetings.

Members asked staff to create Council guidelines to consider and determine the best place to include that information.

City Manager Durbin asked if Council would like some process around how emails to Council are handled. Staff will bring that back for consideration.

Councilmember Dickinson stated he understands that residents can get frustrated with the limited ability to give public comments, but he noted that residents are giving evidence but there is no practical way have an ongoing conversation during a meeting

Members asked staff to look at options on how public comments could be taken.

## **ADJOURN**

Members adjourned at 9:33 pm.

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Christopher M. Leh, Mayor

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Meredyth Muth, City Clerk