

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
April 23, 2009**

CALL TO ORDER	Mayor Novak called a regular meeting of the Northglenn City Council to order on Thursday, April 23, 2009 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.
ROLL CALL	Present were: Mayor Novak, Council members Baker, Parsons, Monroe, Paiz, Miller, and Wieneke.
ABSENT	Council members Downing and Clyne.
STAFF PRESENT	City Manager Simmons, City Attorney Hoffmann, and City Clerk Small.
PLEDGE AND INVOCATION	The Pledge of Allegiance was given followed by the Invocation, which was delivered by Mayor Novak.
<u>AGENDA ADDITIONS AND DELETIONS:</u>	Mayor Novak announced the following addition: <ul style="list-style-type: none">▪ 16. Discussion Items: B. Legislative Issues
<u>PROCLAMATIONS:</u> National Day of Prayer	Mayor Novak read the proclamation proclaiming May 7, 2009 as a National Day of Prayer in the City of Northglenn and presented the proclamation to Ms. Kae Madden, Community Engagement Manager. Ms. Madden announced that a Prayer Day event would be held at the Peace Garden located in E.B. Rains, Jr. Memorial Park at 12:00 noon on May 7 th .
National Law Enforcement Day and National Peace Officers' Memorial Day	Mayor Novak read the proclamation proclaiming the week of May 11 through 16, 2009 as National Law Enforcement Memorial Week and May 13, 2009 as a National Peace Officers' Memorial Day in the City of Northglenn, and presented the proclamation to Police Chief Russ VanHouten. Mayor Novak invited everyone to attend the candlelight vigil in honor of National Law Enforcement Week on May 14, 2009 at 7:00 p.m. in E.B. Rains, Jr. Memorial Park.
Building Safety Week	Mayor Novak read the proclamation proclaiming the week of May 3 through 9, 2009 as Building Safety Week in the City of Northglenn and presented the proclamation to Mr. Jim Hayes, Director of Planning and Development and Mr. Rick Davis, Chief Building Inspector.

**PUBLIC INVITED
TO BE HEARD**

Mayor Novak called for any person wishing to address City Council on any subject not set for public hearing to come forward.

Mr. Bob McCoy spoke about House Bill 1327 regarding urban renewal authorities. Mr. McCoy stated that if the Bill passes, it could end urban renewal in the City and would affect the City's ability to develop blighted shopping centers. Mr. McCoy urged citizens to call the sponsor of the Bill, Senator Lois Tochtrop, to speak against the proposed legislation. Mr. McCoy also spoke about the process for considering water rate increases and Section 11.3(a) of the City Charter. Mr. McCoy stated that he feels utility rates should be set by ordinance as required by the Charter and not by resolution.

Dr. Sean Reif, Ward I, spoke about ways to conserve energy in homes and while driving. Dr. Reif stated that he would like the City to establish a year-round vegetable growing facility, provide more crosswalks and sidewalks throughout the City, provide information on sustainability, expand and improve a layout for a farmer's market, and use renewable energy. Dr. Reif also spoke about qualities he would like a mayor to have and transparency in government.

**CONSENT AGENDA
MOTION TO PASS**

Council member Miller **MOVED** and it was **SECONDED** by Council member Monroe to approve the consent agenda.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Novak, Baker, Parsons, Monroe, Paiz, Miller, Wieneke.

OPPOSED - No one.

ABSENT - Downing, Clyne.

The following item was approved on the consent agenda:

- Minutes of the April 9, 2009 Regular Meeting

PUBLIC HEARINGS:

CB-1686 – 9777 Fred Drive PUD Rezoning

City Clerk Small read the title.

Mr. Jim Hayes, Director of Planning and Development, provided information about the rezoning request for 9777 Fred Drive. Mr. Hayes stated that the rezoning would allow a 12-unit assisted living facility on the property and reported that the Planning Commission had recommended approval of the rezoning with one condition, which was to limit visiting hours to 8:00 a.m. to 8:00 p.m. daily. Mr. Hayes spoke about the opposition that was presented at the Planning Commission's public hearing and provided information about the

Planning Commission's consideration of the final PUD for the property if the rezoning is approved. Mr. Hayes also provided additional information on traffic accidents that have occurred at the intersection of Huron Street and Fred Drive.

There were questions from Council about the number of signatures submitted in opposition to the rezoning and the notice requirements in the Municipal Code. There were questions about the cost impact of the rezoning and traffic signals near the location.

Ms. Katee Valverde, Regional Manager of The Care Group at Arvada Center and The Care Group at Indian Tree, and Ms. Stacey Gunnerson, advisor, presented information on behalf of the applicant. Ms. Valverde submitted documents signed by neighbors and employees of their current facilities for the record, and provided information about the care they would provide. Ms. Valverde stated that she feels the assisted living facility would enhance the community, and stated that the impact on parking and traffic would be minimal.

Ms. Gunnerson spoke about the residents of other care facilities she currently manages and stated there have been no complaints filed by neighbors of the other facilities. Ms. Gunnerson answered questions from Council about parking at the facility, residents' allowance for vehicles, the ingress and egress of the home's windows, the licensure of the facility, and the landscaping of the property.

Mr. Hayes provided information about the building plans that have been submitted for the facility and the uses of the property the rezoning would allow.

Ms. Gunnerson provided a closing statement on behalf of the applicant. Ms. Gunnerson spoke about care facilities for the elderly and residents that need assistance and stated that residential care facilities provide an alternative for those who need such care.

Mayor Novak opened the public hearing and invited anyone wishing to speak "for" CB-1686 to come forward. No one spoke in favor of CB-1686.

Mayor Novak invited anyone wishing to speak "against" CB-1686 to come forward.

Mr. Pete Kuntz, 9766 Fred Drive, spoke against CB-1686. Mr. Kuntz spoke about the requirements for approving the rezoning and submitted signatures from neighbors opposing the rezoning at 9777 Fred Drive.

Mr. Randy Thompson, 9768 Fred Drive, spoke against CB-1686. Mr. Thompson submitted a document regarding his opposition to the rezoning and stated that he is concerned about traffic congestion, safety, and parking in the area.

Mr. Craig Addy, 9770 Fred Drive, spoke in opposition to CB-1686. Mr. Addy stated that he is concerned for the safety of children in the area due to increased traffic from the facility.

Mr. Isaac Munoz, 9772 Fred Drive, spoke against CB-1686. Mr. Munoz stated that he does not want his children to be traumatized by seeing a deceased person being taken out of the home, and also expressed concern about traffic and parking in the area.

Ms. Shirley Porter, 9754 Fred Drive, spoke against CB-1686. Ms. Porter inquired about other facilities that are located on corner lots, the transportation of residents, and whether meals are prepared in the home.

Ms. Judith Evans, 9756 Fred Drive, spoke in opposition to CB-1686. Ms. Evans stated that she feels twelve residents would be too many for the facility, and stated that the home should remain a residence.

Ms. Chris Pettinger, 9650 Fox, spoke in opposition to CB-1686. Ms. Pettinger stated that she is concerned about traffic in the area and asked Council to not approve the rezoning.

Mr. Bob McCoy, 10576 Ura Lane, spoke against CB-1686. Mr. McCoy spoke about the evidence presented in opposition to the rezoning and stated that this is not an appropriate location for this type of business. Mr. McCoy stated that he feels allowing full-time commercial businesses in residential areas adversely affects the City and stated that there is other sufficient property within the City for the facility.

Ms. Gunnerson stated that she feels property values would not be adversely affected by the rezoning, and stated that neighbors would not be traumatized if a resident of the facility passes away. Ms. Gunnerson also answered questions about the frequency of emergency vehicles at the facility.

Mayor Novak called for anyone else wishing to speak on CB-1686. No one came forward and the public hearing was declared closed.

Mr. Hayes provided information about Section 11-37-2(g) of the Municipal Code, and stated that in case of a protest against a zoning change signed by the owners of 20 percent or more of the lots within

100 feet, such zone change shall not become effective except by the favorable vote of three-fourths of the entire voting membership of Council. Mr. Hayes stated that five of the seven properties within 100 feet have voiced opposition to the rezoning request.

City Attorney Hoffmann stated that the Code requires a signed protest. City Attorney Hoffmann stated that the evidence presented during the public hearing qualifies as a signed protest, and approval would therefore require the unanimous vote of the members present.

CB-1687 – Appropriation
Amendment – Bull
Reservoir

City Clerk Small read the title.

Mayor Novak invited anyone wishing to speak either “for” or “against” CB-1687 to come forward. No one came forward and the public hearing was declared closed.

ORDINANCES

Second Reading:

CB-1686 – 9777 Fred
Drive PUD Rezoning

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Parsons to approve CB-1686 on second reading.

MOTION FAILED

There was discussion and the motion **FAILED** due to a lack of the required vote of three-fourths of the entire voting membership of Council.

IN FAVOR - Novak, Parsons, Monroe, Paiz.

OPPOSED - Baker, Miller, Wieneke.

ABSENT - Downing, Clyne.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Monroe to direct the City Attorney to prepare Findings of Fact for CB-1686 – 9777 Fred Drive PUD Rezoning.

MOTION PASSED

There was discussion and the motion **PASSED**.

IN FAVOR - Novak, Baker, Parsons, Monroe, Paiz, Miller,
Wieneke.

OPPOSED - No one.

ABSENT - Downing, Clyne.

RECESS:

The City Council meeting recessed at 8:46 p.m.

Note:

Council member Parsons left the meeting at 8:49 p.m.

RECONVENE:

The City Council meeting reconvened at 9:02 p.m.

CB-1687 – Appropriation
Amendment – Bull
Reservoir

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Paiz to approve CB-1687 on second reading.

MOTION PASSED

There was no discussion and the motion **PASSED**.
IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

ORDINANCES

First Reading:

CB-1688 – Appropriation
Amendment – 2009
Budget Reductions

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Mayor Novak to approve CB-1688 on first reading.

**FRIENDLY
AMENDMENT**

A friendly amendment was accepted to incorporate the attachments as exhibits to CB-1688.

Note:

It was stated that the attachments to CB-1688 would be adjusted to reflect current revenue figures before second reading.

MOTION PASSED

There was discussion and the motion, including the friendly amendment, **PASSED**.
IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

Note:

City Clerk Small stated for the record that the public hearing on CB-1688 would be held on May 14, 2009 in City Hall Council Chambers.

RESOLUTIONS:

CR-49 – Capital Projects
Program Amendment –
Bull Reservoir Outlet &
Liner Emergency Repairs

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Wieneke to approve CR-49 as revised.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

CR-50 – Bull Reservoir
Outlet & Liner Emergency
Repairs Construction
Contract

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Miller to approve CR-50.

MOTION PASSED

There was no discussion and the motion **PASSED**.
IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

CR-51 – W. 99th Avenue
Waterline Improvements

City Clerk Small read the title.

MOTION TO PASS

Council member Miller **MOVED** and it was **SECONDED** by Council member Monroe to approve CR-51.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

CR-52 – Consideration to
Set Public Hearing – Water
Rate Increase Alternative #1

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Wieneke to approve CR-52.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

CR-53 – Consideration to
Set Public Hearing – Water
Rate Increase Alternative #4

City Clerk Small read the title.

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Monroe to approve CR-53.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.
OPPOSED - No one.
ABSENT - Parsons, Downing, Clyne.

DISCUSSION ITEMS

Green Waste Management and Polycart Options

Mr. Norm Bell, Acting Public Works Director, provided information about green waste management and options to assist residents with disposing of summer yard waste and fall leaf collection. Mr. Bell reviewed recommendations for collecting the waste with the automated trash program. Mr. Bell also provided information and displayed three sizes of polycart containers. Mr. Bell stated that a 48-gallon container could be purchased for residents that prefer a smaller cart.

There was discussion about collecting green waste as part of special pick ups, the number of special pick ups annually, the cost and pollution associated with the collection, and options for using or disposing of the waste. There was also discussion about trying to avoid depositing green waste in the landfill and how other communities are handling this type of collection.

It was the consensus of Council to have staff proceed with ordering the 48 gallon size polycarts, and to have staff bring back additional information regarding the management of green waste.

Legislative Issues

Mayor Novak spoke about House Bill 1327 regarding urban renewal authorities, and stated that due to the importance and timing of the legislation, she would like Council to express opposition to the Bill.

There was discussion about the proposed legislation, how it could adversely affect the City, and how it is quickly moving through the State Legislature. It was the consensus of Council to send a letter to the State Legislature formally opposing House Bill 1327.

COMMUNICATIONS **COUNCIL**

Council member Wieneke reported that he had attended the Coffee Market grand opening event and the Adams County Council of Governments (ADCOG) meeting. Council member Wieneke stated that he would like the water level of Croke Reservoir discussed at the next study session.

City Manager Simmons reported that the tentative agenda items for the May 7, 2009 Study Session include a revenue analysis, the Capital Improvements Project (CIP) program, and the Recreation Center.

Council member Miller inquired about a brush fire at Croke Reservoir. Council member Miller also reported on the Ward I meeting that was held recently.

Mayor Novak reported that she had participated in the National League of Cities (NLC) Green Cities Conference and spoke about the information and programs discussed at the conference.

Council member Paiz reported on the Ward I meeting and noted that the residents who attended were in favor of the automated trash program. Council member Paiz reported on the Rocky Flats Coalition of Local Governments and legislation regarding medical benefits for former employees of Rocky Flats. Council member Paiz also reported that she had attended the City's 40th Anniversary event and a Denver Regional Council of Governments (DRCOG) meeting.

Council member Monroe proposed adjusting the start time for the May 14, 2009 meeting to allow attendance at the candlelight vigil in honor of National Law Enforcement Memorial Week at E.B. Rains, Jr. Memorial Park. Council member Monroe reported that Carol Dodge would be running for the School District Board.

STAFF

City Manager Simmons reported on Take Your Child to Work Day and thanked staff for coordinating the event. City Manager Simmons provided information about correspondence from DRCOG regarding the American Recovery and Reinvestment Act (ARRA) and additional projects that may be eligible for funding, which could include the Huron Street project. City Manager Simmons announced that Mr. David Willett has accepted the Director of Public Works position and noted that Mr. Willett would begin on May 18, 2009.

City Attorney Hoffmann reported on a meeting with the Charter Review Committee. City Attorney Hoffmann stated that the Committee had reviewed ballot question language for proposed Charter amendments, and stated that he anticipates bringing forward resolutions regarding the ballot questions for Council's consideration.

PUBLIC INVITED TO BE HEARD

Mayor Novak invited any member of the public wishing to speak on any subject to come forward.

Mr. Bob McCoy spoke about House Bill 1327 and expressed concern about how the Bill would affect the development of shopping centers in the City.

Dr. Sean Reif spoke about being an active participant in public meetings and individuals expressing their opinions. Dr. Reif spoke

about appreciating criticism and stated that it is a right and a privilege to participate in public forums.

Executive Sessions

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Wieneke to adjourn to executive sessions for contract negotiations, legal matters, and personnel matters.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Novak, Baker, Monroe, Paiz, Miller, Wieneke.

OPPOSED - No one.

ABSENT - Parsons, Downing, Clyne.

ADJOURNMENT

The City Council meeting adjourned to the Executive Sessions at 10:26 p.m.

JOHANNA SMALL, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor