

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

CALL TO ORDER

Mayor Novak called the regular meeting of the Northglenn City Council to order on Thursday, July 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, Downing, and Wieneke.

ABSENT

Council members Miller and Clyne.

STAFF PRESENT

City Manager Simmons, City Attorney Hoffmann, City Clerk Small.

**PLEDGE AND
INVOCATION**

The Pledge of Allegiance was given followed by the Invocation, which was delivered by Mayor Novak.

**AGENDA ADDITIONS
AND DELETIONS:**

Mayor Novak announced the following additions:

- 16. Discussion Items:
 - C. T-Mobile Cell Phone Tower Lease – with possible action – City Manager Simmons
 - D. Fund Balances – Council member Baker
 - E. CIP Procedures Presented to NURA – Council member Downing

PRESENTATIONS:

Fishing Derby Winner

Mayor Novak spoke about the 21st Annual Fishing Derby and stated that this year Tristin Maestes had caught the largest fish out of over 300 participants. City Council joined Mayor Novak to present the mounted fish to Tristin and congratulate him on the catch.

July Neighborhood
Beautification Awards

City Council joined Mayor Novak to present awards to residents for the following categories: yard of the month, water wise yard of the month, long-term home beautiful, and most improved yard.

Those receiving beautification awards for the month of July were: John and Jan Ficke, David and Judith Wilhelm, John Ryder, Loren and Chantal Radke, Ruben and Linda Vasquez, and George and Gail Trujillo.

**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. Dallas Briggs, Ward I, spoke about an email from Kyle Steeno which included a statement naming Mr. Briggs as a person who is moving to close down the Recreation Center. Mr. Briggs stated that he has never met Kyle Steeno, and spoke about his attendance at meetings over the past few years where the Recreation Center has been discussed. Mr. Briggs spoke about costs relating to the Recreation Center and priorities for the City.

Ms. Lori Hoffner, The Second Wind Fund, spoke about youth suicide in Colorado and reported that the 8th Annual Second Wind Walk/Run/Ride fundraising event would be held on September 20, 2009 at the Jefferson County Fairgrounds. Ms. Hoffner spoke about the organization's mission to prevent youth suicide and invited everyone to participate in the event on September 20th.

Mr. Lee Brown, Ward IV, noted that Dallas Briggs had helped distribute information in support of keeping the current recreation facility. Mr. Brown spoke about CR-80 – City Services Cost Effectiveness Evaluation, and the time line for implementing the resolution. Mr. Brown spoke about projected revenues, the use of taxpayers' dollars, and the concept of outsourcing certain services.

FINANCIAL REPORT:

May 2009 Update

Mr. Shawn Cordsen, Finance Director, provided a financial update for the period ending May 31, 2009. Mr. Cordsen spoke about revenue and expenditures for the General Fund, Water and Wastewater Fund, Stormwater Fund, and Sanitation Fund. Mr. Cordsen also reported on cash reserves and the City's investment portfolio.

CONSENT AGENDA
MOTION TO PASS

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

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - Miller, Clyne.

The following items were approved on the consent agenda:

- Minutes of the July 9, 2009 Regular Meeting
- CR-78 – Parks & Recreation Advisory Board Reappointment
– Brian Swinbank

RESOLUTIONS:

CR-75 – November
3, 2009 Coordinated
Election IGAs

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Downing to approve CR-75.

MOTION PASSED

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

CR-76 – Adams County
Open Space Grant
Submission – Skate
Park Funding

City Clerk Small read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Downing to approve CR-76.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Novak, Parsons, Monroe, Downing, Wieneke.
OPPOSED - Baker, Paiz.
ABSENT - Miller, Clyne.

CR-77 – Governor’s
Energy Audit MOU

City Clerk Small read the title.

MOTION TO PASS

Council member Downing **MOVED** and it was **SECONDED** by Council member Parsons to approve CR-77.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Novak, Parsons, Monroe, Paiz, Downing.
OPPOSED - Baker, Wieneke.
ABSENT - Miller, Clyne.

CR-80 – City Services
Cost Effectiveness
Evaluation

City Clerk Small read the title.

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Wieneke to approve CR-80.

MOTION PASSED

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

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

Action Item:
Reconsideration by
Motion of CR-60/Resolution
09-56 Regarding Sewer
Rates and Charges Increase

Council member Wieneke stated that the sewer rates and charges increase had been placed on the agenda to allow Council to take action on the item after receiving information from staff.

City Manager Simmons reported that information had been received from Red Oak Consulting yesterday afternoon, and stated that staff has not had an opportunity to review the information.

There was discussion about delaying the implementation of the sewer rate charges that were previously suspended to August 1, 2009, and it was stated that the sewer charges would be scheduled for consideration at the next regular meeting on August 13, 2009.

MOTION TO PASS

Council member Wieneke **MOVED** and it was **SECONDED** by Council member Paiz to suspend the implementation of the sewer rate changes in Resolution 09-56 to September 1, 2009.

MOTION PASSED

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

RECESS

The City Council meeting recessed at 8:24 p.m.

Note:

Council member Parsons left the meeting during the recess.

RECONVENE

The City Council meeting reconvened at 8:31 p.m.

DISCUSSION ITEMS:

CIP Update

City Manager Simmons reported that staff would be presenting an update on the status of CIP projects, and noted that the information presented would not include a comprehensive financial report. There was brief discussion about the format of the report.

Mr. David Willett, Public Works Director, provided a status report of the following CIP projects: Residential Street Overlay, Malley and

Larson Crosswalk Improvements, Bull Reservoir Outlet and Liner Repair, and the Water Treatment Plant Clearwell Expansion.

It was suggested that staff highlight concerns or note items that are going well in the report. There were questions from Council about the completion of the Malley and Larson Crosswalk Improvements project and the initial powering-up of the Malley Drive crosswalk.

Economic Development
Update

Mr. Jim Hayes, Planning & Development Director, provided information on the following projects and businesses: 104th Avenue Bridge Replacement, Smashburger Restaurant, NGD Cars (formerly known as Northglenn Dodge), Eddie Bauer, and NAPA Auto Parts. Mr. Hayes spoke about tax increment financing (TIF) in certain urban renewal areas and the proposal to suspend the TIF until redevelopment projects are in process in those areas.

City Attorney Hoffmann noted that Adams County had been consulted regarding the suspension of the TIF.

City Manager Simmons provided an update on two properties that were involved in methamphetamine lab investigations. Mr. Hayes provided information about the ownership of the property on Pearl Street and the remediation of the home.

T-Mobile Cell
Phone Tower Lease

City Manager Simmons spoke about correspondence the City received from Md7, LLC regarding the lease agreement for the cell phone tower located within Wyco Park. City Manager Simmons suggested referring the matter to the Finance Committee, and stated that the company had requested a reply regarding the offer by July 31, 2009.

There was discussion about addressing the contract negotiations in executive session. City Attorney Hoffmann stated that the item would be appropriate to discuss in executive session, but is not required.

Mr. Cordsen provided information about the current lease and the offer submitted by Md7, LLC.

There was discussion about the current lease term and the desire to receive more information before considering the offer. It was the consensus of Council to not refer this item to the Finance Committee and to schedule it for further discussion at the next meeting.

Fund Balances

Council member Baker spoke about the decrease in the fund balance since 2001.

There was discussion about the expenditures that affected the fund balance since 2001 and the concept of building up the fund balance in preparation to fund certain projects. There was discussion about the need to rebuild the reserve and the purpose for doing so. There was also discussion about rebuilding the fund balance to have a large reserve or rebuilding the fund balance to allow the City to fund projects with cash.

CIP Procedures
Presented to NURA

Council member Downing spoke about the procedures for CIP projects that were presented to the Northglenn Urban Renewal Authority (NURA) at their meeting last night, and stated that NURA would like to meet with City Council to discuss the issue. Council member Downing reported that the NURA board had questions about the reason for the procedures and stated they were informed that the procedures had been prepared at the direction of Council.

Council member Wieneke spoke about a suggestion he had made regarding the need to formalize arrangements between the City and NURA for work being done on City property.

There was discussion about the process regarding NURA funding projects and City staff managing the projects. There was discussion about the cooperation agreement between the City and NURA and the use of specialized agreements for specific projects or a blanket agreement for all projects.

City Attorney Hoffmann provided information about how the two bodies work together. City Attorney Hoffmann stated that it is NURA's obligation to implement the urban renewal plan, and stated that the formality of how that is accomplished would be up to the City and NURA. It was the consensus of Council to direct the City Attorney and the NURA Attorney to work on the issue.

COMMUNICATIONS
COUNCIL

Council member Wieneke spoke about a change to the State's sales tax service fee that certain vendors are allowed to retain. Council member Wieneke provided information about the number of home rule cities that do not allow the vendor to keep a fee or who have put a cap on the fee. Council member Wieneke suggested changing Northglenn's vendor fee from 1% to 0% or putting a cap on the fee, and noted that the change would result in approximately \$87,000 being remitted to the City per year.

City Attorney Hoffmann noted that the fee does not qualify as a tax policy change under TABOR, and stated the City could change the fee without TABOR implications.

Council member Downing reported on the Historic Preservation Commission's yard sale and stated that this year the Commission would be selling spaces for the event.

Mayor Novak reported that she attended a meeting at the White House on July 13, 2009 for the Office of Urban Affairs, and noted that President Obama mentioned the City of Northglenn twice in his remarks at the event.

Council member Monroe reported that the Youth Commission is working on their skate park fundraising project. Council member Monroe stated that she would like to discuss Amendment 20 regarding medical marijuana regulations at an upcoming meeting. It was stated that this item would be scheduled for a future study session.

STAFF

City Manager Simmons reminded everyone that a study session would not be held on July 30, 2009 because it is the fifth Thursday of the month.

**PUBLIC INVITED
TO BE HEARD**

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

Mr. Dallas Briggs continued his remarks regarding the Recreation Center and addressed the statements made by Kyle Steeno. Mr. Briggs stated he has no personal agenda to either close or keep open the Recreation Center.

Dr. Sean Reif, Ward I, expressed concern about the use of executive sessions. Dr. Reif spoke about Council's attendance at meetings, the Sunshine Law, and hiring practices. Dr. Reif also spoke about signage throughout the City, walkways and bicycle paths, and crime.

Executive Sessions
MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Monroe to adjourn to executive sessions for (1) legal advice pursuant to Section 4.5(d) of the City of Northglenn Home Rule Charter regarding Bull Reservoir; and (2) legal advice pursuant to Section 4.5(d) of the City of Northglenn Home Rule Charter regarding personnel issues.

MOTION PASSED

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

Northglenn City Council
July 23, 2009

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

ADJOURNMENT

The City Council meeting adjourned to the executive sessions at 9:37 p.m.

JOHANNA SMALL, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor