

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
September 10, 2009**

CALL TO ORDER

Mayor Novak called the regular meeting of the Northglenn City Council to order on Thursday, September 10, 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, Paiz, Downing, Miller, Clyne and Wieneke.

ABSENT

Council members Parsons and Monroe.

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 Police Chaplain Denis Segebartt.

INTERVIEWS:

Ciara Neill

Ciara Neill was interviewed for a position on the Youth Commission. Ciara provided information about her education and background, and answered questions from Council about her interest in serving on the Commission.

Kyler McClelland

Kyler McClelland was interviewed for a position on the Youth Commission. Kyler provided information about his education and background and answered questions from Council about his interests and how he would like to serve the City.

**AGENDA ADDITIONS
AND DELETIONS:**

Mayor Novak announced the following additions:

- 16. Discussion Items:
 - C. Property Lien – Council member Miller
 - D. Yard Waste – Council member Downing

Mayor Novak stated that CB-1695 – Medical Marijuana Dispensary Regulations would be considered as an ordinance on first reading tonight instead of an emergency ordinance.

PROCLAMATIONS

Constitution Week

Mayor Novak read the proclamation proclaiming September 17th through 23rd, 2009 as Constitution Week in the City of Northglenn.

**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. Ray DeWeese expressed concern about medical marijuana and stated he is opposed to regulating medical marijuana dispensaries in the City. Mr. DeWeese asked Council to impose a \$10,000 minimum license fee and a \$50 fee per ounce of medical marijuana sold by a dispensary.

Dr. Sean Reif, Ward I, spoke about youth being involved in government. Dr. Reif spoke about cleaning up parks and asked the City to not spray honeybees. Dr. Reif spoke about enhancing the City's features, cats and dogs at large, illegal immigrants, and graffiti.

Mr. Glenn Buscietta, EZ Pawn Store Manager, spoke about the activity he has seen outside the Green Medicals business and expressed concern about the number of young people frequenting the business. Mr. Buscietta spoke about the patients that medical marijuana was intended for and the process of acquiring a medical marijuana card. Mr. Buscietta expressed concern about allowing medical marijuana dispensaries in the City and stated that he feels medical marijuana should be dispensed by pharmacists.

Mr. Bob McCoy, Ward IV, spoke about CB-1695 – Medical Marijuana Dispensary Regulations and offered amendments to the ordinance. Mr. McCoy suggested language regarding the limitations on the quantity of marijuana to be dispensed and items relating to security.

Mr. Dan Jalalay stated he is interested in operating a medical marijuana dispensary in the City. Mr. Jalalay spoke about operating procedures of dispensaries and stated that he agrees with the proposed regulations. Mr. Jalalay spoke about complying with the law and the types of patients that are served by medical marijuana dispensaries.

FINANCIAL REPORT:

July 2009

Mr. Shawn Cordsen, Finance Director, provided a financial update for the period ending July 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.

Council inquired about the status of the 2008 audit.

City Manager Simmons provided information about the status of the audit, the deadline for submitting the audit, and scheduling a time for the auditor to present the annual financial report to Council. There

was discussion and it was the consensus of Council to schedule the audit presentation for the October 8, 2009 regular meeting, and to receive a copy of the audit before it is distributed to other agencies.

Mr. Cordsen also provided an update on the implementation of the new financial management system. Mr. Cordsen spoke about the status of training and the scheduled dates to go live with the various components of the system.

CONSENT AGENDA
MOTION TO PASS

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

MOTION PASSED

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

IN FAVOR - Novak, Baker, Paiz, Downing, Miller, Clyne, Wieneke.

OPPOSED - No one.

ABSENT - Parsons, Monroe.

The following items were approved on the consent agenda:

- Minutes of the August 27, 2009 Regular Meeting
- CR-104 – VALE Board Appointment – Brian Park

ORDINANCES:
First Reading

CB-1694 – Supplemental
Appropriation – Justice
Assistant Grant

City Clerk Small read the title.

MOTION TO PASS

Council member Miller **MOVED** and it was **SECONDED** by Council member Downing to approve CB-1694 on first reading.

MOTION PASSED

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

IN FAVOR - Novak, Baker, Paiz, Downing, Miller, Clyne, Wieneke.

OPPOSED - No one.

ABSENT - Parsons, Monroe.

CB-1696 – Elimination
of Sales Tax Vendor Fee

City Clerk Small read the title.

MOTION TO PASS

Council member Downing **MOVED** and it was **SECONDED** by Council member Miller to approve CB-1696 on first reading.

MOTION PASSED

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

IN FAVOR - Novak, Baker, Downing, Miller, Clyne, Wieneke.

OPPOSED - Paiz.

ABSENT - Parsons, Monroe.

CB-1695 – Medical
Marijuana Dispensary
Regulations

City Clerk Small read the title.

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Downing to approve CB-1695 on first reading.

MOTION PASSED

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

Note:

City Clerk Small stated for the record that the public hearings on CB-1694, CB-1695 and CB-1696 would be held on September 24, 2009 in City Hall Council Chambers.

RECESS:

The City Council meeting recessed at 8:26 p.m.

RECONVENE:

The City Council meeting reconvened at 8:35 p.m.

RESOLUTIONS:

CR-99 – Justice
Assistance Grant (JAG)
Acceptance

City Clerk Small read the title.

MOTION TO PASS

Council member Downing **MOVED** and it was **SECONDED** by Council member Miller to approve CR-99.

MOTION PASSED

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

CR-103 – Larson
Park Improvements

City Clerk Small read the title.

MOTION TO PASS

Council member Miller **MOVED** and it was **SECONDED** by Council member Paiz to approve CR-103.

MOTION PASSED

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

DISCUSSION ITEMS

Early Purchase of
Trash Trucks

Council member Wieneke stated that based on the information that has been provided by staff, he would suggest moving forward with the purchase of the trash trucks.

Council member Baker inquired about the planned use of the reserve in the Sanitation Fund. Council member Baker spoke about the design of an enterprise fund and stated he feels the reserve should be returned to the residents.

Mr. Norm Bell, Public Works Superintendent, provided information about the accelerated purchase of the trash trucks and the fund balance in the Sanitation Fund.

There was discussion about establishing a minimum fund balance for the Sanitation Fund. It was the consensus of Council to move forward with the accelerated purchase of the automated trash trucks.

Performance Evaluations

Council member Paiz stated that evaluations need to be completed for the Council employees this year. Council member Paiz stated that she would like the Performance Evaluation Committee to review the evaluation process next year and consider utilizing job descriptions in the process.

There was discussion about the factors and criteria that have been distributed to Council. Council member Paiz asked Council to complete the evaluations and return them by September 17th or 18th. She stated the evaluations would be compiled and discussed in an executive session at the September 24, 2009 regular meeting.

Property Lien

Council member Miller spoke about a communication he received regarding a lien that was filed against a property. Council member Miller stated that due to the circumstances and the amount of the lien, he would like Council to consider removing the lien from the property.

There was discussion about the responsibility of the title company to clear the property's title before the home was sold to the new owner. It was the consensus of Council to have staff contact the homeowner's title company regarding payment of the lien.

Yard Waste

Council member Downing reported that she has received several calls about yard waste and the collection of leaves. Council member Downing inquired about the collection of yard waste and stated that she did not believe it would be limited to a specific time this year.

There was discussion about previous discussion relating to yard waste and Council's desire that yard waste be picked up at any time during the transition period to the automated trash program.

Mr. Norm Bell provided information about trash collection and notices that have been provided to residents regarding yard waste. Mr. Bell stated that it was staff's recollection that residents would be allowed to put out bags of yard waste during the month of November and during all other times they would need to utilize the yard waste center or put the waste material in the polycarts.

There was discussion about how other municipalities handle yard waste, residents who may not be able to get to the yard waste center, and how trash outside the polycarts affects the efficiency of an automated system. There was discussion about the anticipated date of receiving the automated trash trucks, the trash collection ordinance that took effect on September 1, 2009, and how residents are currently setting their trash out for collection. It was the consensus of Council to allow residents to put bags of yard waste outside the polycarts for collection for the balance of the year.

COMMUNICATIONS COUNCIL

Council member Wieneke reported that candidates for City Council had received a request from the Fraternal Order of Police (FOP) asking the candidates to complete a questionnaire and to be interviewed so the FOP could then make an endorsement. Council member Wieneke stated he would not be participating in the event, and stated he does not feel that is a proper role for the FOP.

Council member Miller stated that he is concerned about employees of the City being involved in the endorsement of candidates, and stated that the FOP is not a part of the City. Council member Miller reported that a Ward I meeting would be held on Monday, September 14, 2009.

STAFF

City Manager Simmons stated that the following items are scheduled for the September 17, 2009 study session: RTD FasTracks Update, Parks Naming Policy, and 2010 Budget.

City Attorney Hoffmann spoke about a Colorado Open Records Act (CORA) request that had been received regarding a memorandum from him to Council on proposed medical marijuana dispensary regulations. City Attorney Hoffmann stated that staff does not have the authority to waive attorney-client privilege and asked Council for direction regarding the release of the document.

There was discussion about privileged communications being marked as confidential and the information provided in the memorandum, which was discussed at the last study session.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Downing to waive the attorney-client privilege on the memorandums regarding medical marijuana dispensary regulations.

MOTION PASSED

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

IN FAVOR - Novak, Baker, Paiz, Downing, Miller, Clyne, Wieneke.

OPPOSED - No one.

ABSENT - Parsons, Monroe.

**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 inquired whether the waiver of the attorney-client privilege requires the unanimous consent of the Council, and inquired about the waiver of such privilege for a communication involving only one Council member.

City Attorney Hoffmann stated that he provides legal advice to the Council as a body, and clarified that no individual enjoys the attorney-client privilege.

Dr. Sean Reif spoke about public service, illegal immigrants, and censorship of information. Dr. Reif inquired about the status of the complaint he filed with the Citizens' Affairs Board, and spoke about elected officials performing their duties and representing their constituents. Dr. Reif also spoke about voting in the upcoming election.

Mr. Dallas Briggs, Ward I, stated that information in the Northglenn Connection newsletter explains the trash collection regulations, and expressed concern about residents not reading the information or choosing to not comply with the regulations. Mr. Briggs also spoke about medical marijuana and asked Council to adopt an ordinance that is enforceable.

ADJOURNMENT

The City Council meeting adjourned at 9:43 p.m.

JOHANNA SMALL, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor