

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
February 28, 2008**

- CALL TO ORDER** Mayor Novak called a regular meeting of the Northglenn City Council to order on Thursday, February 28, 2008 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, Downing, Miller, Clyne and Wieneke.
- ABSENT** Council member Paiz.
- STAFF PRESENT** City Manager Krieger, City Attorney Hoffmann, City Clerk Lentz.
- PLEDGE AND INVOCATION** The Pledge of Allegiance was given followed by the Invocation, which was delivered by Council member Parsons.
- AGENDA ADDITIONS AND DELETIONS** Mayor Novak announced the following addition:
 - Executive Session: Personnel Matters following adjournment
- INTERVIEW** Mr. Joe Brown was interviewed for a position on the Planning Commission. Mr. Brown answered questions from Council about his interest in serving on the Commission and his vision for the City.
- PRESENTATIONS:**
Metropolitan Mayors
& Commissioners
Youth Awards
- Mayor and Council joined Ms. Kae Madden, Community Engagement Manager and Ms. Jenni Murphy, Community Outreach Coordinator, to present the Metro Mayors and Commissioners Youth Awards to area students. Ms. Murphy and Ms. Madden provided information about each student's accomplishments and the adversity they have overcome. The students recognized were: Eritzeni Bello, Jamie Britt, Kyle Burgard, Vanessa Cantu, James Gates, Lizbeth Gonzalez, Gabriela Malpica, Belem Martinez, Jodi Martinez, Yolanda Perez, Alexandria Robinson, and Seth Thomas.
- RECESS** The City Council meeting recessed at 7:25 to a reception in honor of the youth award recipients.
- RECONVENE** The City Council meeting reconvened at 7:40 p.m.
- 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. Elias Munoz, Director of Softball for North Metro Little League, and Mr. Todd Sanders, Vice President of North Metro Little League, thanked Council for the work at Rotary Park. Mr. Sanders provided pictures of the ball fields and asked that the City upgrade the condition of the fields to improve player safety. Mr. Munoz also asked Council to improve the condition of the fields and stated that participation in the league would suffer if the fields are not maintained.

Ms. Geraldine Estey, 122 Pike Street, inquired about the City's plans for a recycling program. Ms. Estey spoke about recycling facilities in the area and stated that she feels the City needs to provide receptacles for residents.

Council member Miller spoke about recent events involving City Clerk Lentz. Council member Miller read an anonymous letter that was received by City Clerk Lentz and stated that he feels Council should commit to finding out who had sent the letter.

CONSENT AGENDA
MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Downing to approve items A, B, D and E on the consent agenda.

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - Paiz.

The following items were approved on the consent agenda:

- Special Meeting of February 7, 2008
- Special Meeting of February 7, 2008
- Special Meeting of February 10, 2008
- Regular Meeting of February 14, 2008
- CR-41 – VALE Board Reappointment – Leslie Carrico
- CR-44 – Northglenn Arts & Humanities Foundation Funding
- CR-45 – City Attorney Contract – 1st Amendment

Items Removed from
the Consent Agenda

CR-43 – Planning

Commission Appointment City Clerk Lentz read the title.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Downing to approve CR-43 with the insertion of the name Joe Brown.

MOTION PASSED

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

IN FAVOR - Novak, Parsons, Monroe, Downing, Miller, Clyne.

OPPOSED - Baker, Wieneke.

ABSENT - Paiz.

PUBLIC HEARINGS:

CB-1646 – Recreation
Center Repair

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to speak either “for” or “against” CB-1646 to come forward.

Mr. Chris DeMay, 9913 Alamo Drive, spoke in favor of CB-1646. Mr. DeMay stated that the adoption of this ordinance would confirm the Council’s support of having a full service recreation center in the City for its residents. Mr. DeMay also asked Council to consider investing in improving the facility.

Ms. Marge Carlow, 1540 Dean Drive, spoke against CB-1646. Ms. Carlow stated that she feels Council should delay making a declaration about their intent to repair the recreation center until after the assessment study has been completed. Ms. Carlow stated that the cost and extent of repairs needed is unknown at this time and asked Council to postpone making a declaration about the facility.

Dr. Bill Gillespie spoke in favor of CB-1646. Dr. Gillespie stated that the ordinance could be rescinded at a later date if needed and stated that he feels there is nothing that would prohibit the City from moving forward with repairing the existing recreation center.

Mr. Bob McCoy, Ward IV, spoke in favor of CB-1646. Mr. McCoy stated that the voters who opposed the recreation center bond issue in the November 2007 election were not opposed to keeping the existing recreation center. Mr. McCoy stated that he feels Council should approve CB-1646 to reassure the citizens that the facility will be maintained for the community’s use.

Mr. Elias Munoz, 10737 Livingston Drive, spoke in favor of CB-1646 and asked Council to improve the recreation center for the youth of the community.

ORDINANCES:

Second Reading

CB-1646 – Recreation
Center Repair

MOTION TO PASS Council member Miller **MOVED** and it was **SECONDED** by Council member Downing to approve CB-1646 on second reading.

MOTION TO AMEND Council member Parsons **MOVED** and it was **SECONDED** by Council member Monroe to delete Section 1.

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

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

ORDINANCES:

First Reading

CB-1648 – Supplemental
Appropriation – Baseball
Fields at NWOS and
Rotary Park

City Clerk Lentz read the title.

MOTION TO PASS Council member Monroe **MOVED** and it was **SECONDED** by Council member Parsons to approve CB-1648 on first reading.

MOTION TO AMEND Council member Wieneke **MOVED** and it was **SECONDED** by Council member Clyne to reduce existing projects as necessary and whenever appropriate to find the \$25,000 as an alternative to taking it from the fund balance.

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

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

Northglenn City Council
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CB-1649 – Fabric, Cloth
or Membrane Structure
Zoning Amendment

City Clerk Lentz read the title.

MOTION TO PASS

Council member Clyne **MOVED** and it was **SECONDED** by Council member Downing to approve CB-1649 on first reading.

MOTION PASSED

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

CB-1650 – Skate
Park Funding

City Clerk Lentz read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Mayor Novak to approve CB-1650 on first reading.

MOTION PASSED

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

Note:

City Clerk Lentz stated for the record that the public hearings on CB-1648, CB-1649 and CB-1650 would be held on March 13, 2008 in City Hall Council Chambers.

RECESS

The City Council meeting recessed at 8:40 p.m.

RECONVENE

The City Council meeting reconvened at 8:49 p.m.

RESOLUTIONS:

CR-35 – Croke Reservoir
Grading Wall & Node
Construction GMP #2

City Clerk Lentz read the title.

MOTION TO PASS

Council member Monroe **MOVED** and it was **SECONDED** by Council member Parsons to approve CR-35.

**FRIENDLY
AMENDMENT**

A friendly amendment was accepted to approve CR-35, CR-36 – Croke Reservoir Shoreline Stabilization, and CR-42 – Adams County Open Space Grant Acceptance.

MOTION PASSED

There was discussion and the motion including the friendly amendment **PASSED**.

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

CR-47 – Acting City
Clerk Designation

City Clerk Lentz read the title.

MOTION TO PASS

Council member Wieneke **MOVED** and it was **SECONDED** by
Council member Miller to approve CR-47.

MOTION PASSED

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

PUBLIC HEARING:

Hearing on Possible
Removal of Dr. Sean
Reif from the Planning
Commission

Mayor Novak read an opening statement and reviewed the procedures
to be used for the public hearing.

City Attorney Hoffmann provided information about the proceeding.
He stated that members of the Planning Commission had filed a
complaint against Planning Commission member Dr. Sean Reif and
the City Council had subsequently approved a statement of charges as
attached to Resolution 08-35, Series of 2008. City Attorney
Hoffmann stated that Dr. Reif had received proper notice of the
hearing and spoke about the criteria that Council should consider
relating to the charges against Dr. Reif. City Attorney Hoffmann
asked that Resolution 08-35 including its exhibits be made part of the
record of this proceeding.

Mr. Fritz Glaess, Planning Commission member, provided sworn
testimony about Dr. Reif's behavior at Planning Commission
meetings and derogatory statements Dr. Reif has made to other
Planning Commission members. Mr. Glaess spoke about Dr. Reif's
positions regarding attendance and the use of Robert's Rules of
Order, and stated that he feels Dr. Reif has refused to be less
disruptive at meetings. Mr. Glaess urged Council to remove Dr. Reif
from the Planning Commission.

Ms. Sandra Recor, Planning Commission Vice President, provided
sworn testimony about the Commission's rules and procedures. She
stated that Dr. Reif ignores the practice of following the
Commission's rules and only focuses on Robert's Rules of Order.
Ms. Recor spoke about statements made by Dr. Reif relating to

Chairman DiCarlo's residency and nationality, and stated that the Commission would function more efficiently if Dr. Reif was not a member.

There were questions from Council about the verbal statements made by Dr. Reif and whether or not the meetings are recorded.

Ms. Recor stated that Dr. Reif has questioned Chairman DiCarlo's legal status in the United States and has made comments in an aggressive manner about her ability to serve on the Commission.

Mr. Walt Nawrocki, Planning Commission member, provided sworn testimony about Dr. Reif's actions. He stated that Dr. Reif has made derogatory remarks toward the women that serve on the Commission and has verbally attacked Chairman DiCarlo. Mr. Nawrocki stated that Dr. Reif has questioned Chairman DiCarlo's ability to serve on the Commission because of her citizenship and urged Council to remove Dr. Reif from the Commission.

Mr. Bob Campbell, Planning Commission member, provided sworn testimony about his service on the Planning Commission and stated that he feels Dr. Reif's conduct is disruptive and rude. Mr. Campbell stated that the Commission cannot be productive and viable with Dr. Reif on the Commission.

There were questions from Council about specific comments made by Dr. Reif.

Mr. Campbell stated that he could not quote any comments at this time, but urged Council to listen to the audio of the Planning Commission meetings.

Ms. Sonia DiCarlo, Planning Commission Chairman, provided sworn testimony and evidence relating to the charges against Dr. Reif. Ms. DiCarlo spoke about Dr. Reif's behavior on the Commission and stated that she feels he has acted unethically. Ms. DiCarlo stated that meetings have been adjourned prematurely due to hostility and noted that Dr. Reif has condemned staff members on multiple occasions because they do not live in the City. Ms. DiCarlo stated that Dr. Reif has insulted her personally and has made derogatory comments regarding her gender, nationality and ability to perform on the Commission. Ms. DiCarlo stated the comments are disruptive and affect the progress of the Commission. Ms. DiCarlo stated that the Commission had spoken to Dr. Reif about his behavior, and stated that Dr. Reif has continued to act in a disruptive and unethical manner. Ms. DiCarlo stated that Dr. Reif's behavior is detrimental and asked Council to remove Dr. Reif from the Commission.

There were questions from Council about Dr. Reif's actions involving contact with the City of Thornton, references to neglected duties, and comments made to Chairman DiCarlo about parenting.

Ms. DiCarlo provided information about an incident that Dr. Reif had referred to involving contact with a planner from the City of Thornton and also spoke about Dr. Reif's tendency to speak about issues that do not relate to the item of discussion. Ms. DiCarlo also spoke about the Commission's attempt to address these issues with Dr. Reif in a non-public arena and spoke about a comment that Dr. Reif had made to her in which he stated that she should be concentrating on parenting and not focusing on his actions.

Dr. Sean Reif, Planning Commission member, provided sworn testimony about his beliefs relating to freedom of speech and democracy, and spoke about the City's comprehensive plan. Dr. Reif stated that he had received a letter from the Commission demanding his resignation and stated that he feels that they had violated the open meetings law by discussing and preparing the letter. Dr. Reif spoke about the Chairman's ability to control the meetings and stated that being accused of malfeasance and unlawful behavior is a strong charge. Dr. Reif spoke about his characteristics and stated that he takes pride in being an American.

Mayor Novak asked Dr. Reif to specifically address the charges made against him tonight.

Dr. Reif spoke about Robert's Rules of Order and stated that he feels the Rules are the most efficient way to do business. Dr. Reif stated that he studies each week to obtain knowledge about planning matters and spoke about his practical experience.

There were questions from Council about the Planning Commission's Rules of Order and the use of Robert's Rules of Order.

City Attorney Hoffmann stated that the document referred to is entitled "Rules of Order and Procedure of the Northglenn Planning Commission" dated April 22, 2003 and asked that the document be admitted as part of the proceedings.

Meeting Extension
MOTION TO PASS

Council member Miller **MOVED** and it was **SECONDED** by Council member Downing to extend the meeting past 11:00 p.m.

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - Paiz.

There were questions from Council about Dr. Reif's receipt and understanding of the Commission's Rules of Order and Procedure, references made regarding Dr. Reif's disruptive behavior, and conflicts of interest.

Dr. Reif stated that he had received a copy of the Commission's Rules of Order and Procedure and spoke about incidental motions he has made during the meetings. Dr. Reif stated that he does not have a conflict of interest because his chiropractic business is not located in the City of Northglenn.

There were questions from Council about whether or not Dr. Reif had made the comments as stated by the Commission members.

Dr. Reif spoke about statements he has made about being an American citizen and stated that he did make the comment to Ms. DiCarlo about parenting. Dr. Reif provided a closing statement and stated that he feels the City needs his leadership.

City Attorney Hoffmann reviewed Council's options regarding issuing a written decision on the matter, opportunity for deliberation, and reviewing the material presented tonight.

There was discussion and it was the consensus of Council to take action on the membership of Dr. Reif.

CR-46 – Removal of
Dr. Sean Reif – Planning
Commission Member

MOTION TO PASS

Council member Clyne **MOVED** and it was **SECONDED** by Council member Monroe to approve CR-46 to remove Dr. Sean Reif from the Planning Commission.

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - Paiz.

COMMUNICATIONS
COUNCIL

Council member Downing reported that Mr. Pat Patterson, a founding member of the Historic Preservation Commission, had passed away and noted that a memorial service would be held on March 1, 2008. Council member Downing also inquired about the parties affected by the open meetings law. City Attorney Hoffmann clarified that the

open meetings law applies to the governing body, boards and commissions, and policy making and advisory boards, but does not apply to staff.

Mayor Novak reported that she would be distributing a report from the Governor's Transportation Finance and Implementation Panel regarding a resolution that DRCOG is considering. Mayor Novak stated that she would like Council's input on the issue and would like to schedule the item for discussion on the next Council meeting agenda.

Council member Monroe reported on information she had received from CML regarding the economic stimulus packet and how people who do not file annual income taxes can file to receive the economic stimulus payment from the government. Council member Monroe reported that a long term employee of the Police Department, Ms. Lois Newbold, had recently passed away, and also stated that a Ward II meeting would be held on March 10, 2008 at 6:30 p.m. at the M&O facility.

Council member Clyne reported on the Volunteer Income Tax Assistance (VITA) program that she is working with and stated they are providing free tax preparation assistance to certain residents. She stated that assistance would be offered at the Northglenn Recreation Center and Front Range Community College, and noted that those needing assistance could also call 1-800-906-9887 or log on to www.irs.gov to find other VITA locations in the area.

Council member Parsons reported that she had attended the Renaissance Art event at the Church of Jesus Christ and Latter Day Saints in Northglenn and noted that it was a very nice and well attended event.

Council member Baker reported that he had attended the Fire Board meeting and spoke about the presentation they received regarding preventing bacteria on equipment, staph infections, and Medicare's position on paying for services involving staph infections.

STAFF

City Clerk Lentz stated that she had received a letter from Horizon High School requesting a donation for their after prom event. It was the consensus of Council to donate five Recreation Center punch passes to the event.

PUBLIC INVITED TO BE HEARD

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

Mr. Don Anema spoke about the proposed allocation of funding for a skate park and also spoke about the amount of time it has taken for the City to move forward with building a skate park in the City.

Executive Session

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Miller to adjourn to an executive session for legal consultation and advice and personnel matters.

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - Paiz.

ADJOURNMENT

The City Council meeting adjourned to the executive session at 11:17 p.m.

DIANA L. LENTZ, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor