

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
June 11, 2012**

CALL TO ORDER Mayor Downing called a regular meeting of the Northglenn City Council to order on Monday, June 11, 2012 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Downing, Mayor Pro Tem Clyne, Council members Snetzinger, W. Dodge, Carrico, C. Dodge, and Wieneke.

ABSENT Council members Brown and Whitman.

STAFF PRESENT City Manager Simmons, City Attorney Hoffmann, and City Clerk Small.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was given.

AGENDA ADDITIONS AND DELETIONS: None.

INTERVIEWS:

Laura Hatcher Ms. Laura Hatcher came forward to be interviewed for a position on the Citizens' Affairs Board. Ms. Hatcher provided information about her background and her interest in serving on the Board.

Antonio Esquibel Mr. Antonio Esquibel came forward to be interviewed for a position on the Planning Commission. Mr. Esquibel provided information about his background and his interest in serving on the Commission.

PRESENTATIONS:

2011 Audit Presentation Johnson, Holscher & Co. Mr. Dean Johnson, Johnson, Holscher & Co., presented information about the 2011 Comprehensive Annual Financial Report (CAFR) to the Council. Mr. Johnson spoke about the information included in the CAFR and the audit process, and reviewed the financial highlights for 2011.

Mr. Johnson addressed questions from Council regarding the auditing firm of Johnson, Holscher & Co., the City's net assets, and component units of the budget.

June Neighborhood Beautification Awards Ms. Jenni Murphy, Community Outreach Coordinator, provided

information about the beautification program and the awards that are given to residents for the following categories: yard of the month, water wise yard of the month, long-term home beautiful, and most improved yard. Council joined Ms. Murphy to congratulate residents receiving awards for the month of June.

Those recognized were: Frank and Mary Wanczyk, Yang Pao Thao, Donald and Anna Grabau, Juanita Miera, Shirley Sutton, the Kargar Family, James and Belinda Bertsch, Mr. and Mrs. Schmidt, Donald and Ruth Powers, Carl and Cherie Dinkel, Duane and Marion Harris, Irma Haggard, and Jon Lee and Jessica Untener.

Economic Development
Update

Mr. Debbie Tuttle, Economic Development Manager, spoke about economic development activities including new businesses, business closures, and vacancy rates for industrial, office, and retail spaces. Ms. Tuttle presented information on unemployment rates and reported on the recent International Council of Shopping Centers (ICSC) Conference she attended with Council members Carrico and Snetzinger and Northglenn Urban Renewal Authority Chair Garner.

Ms. Tuttle answered questions from Council about unemployment rates in Adams County and the vacancy rate for retail spaces.

**PUBLIC INVITED
TO BE HEARD**

Mayor Downing called for any person wishing to address City Council on matters of community interest related to City business not set for public hearing to come forward.

Dr. Sean Reif, Ward I, spoke about communication, resources for expressing feelings, and being a responsible committee member.

FINANCIAL REPORT:

April 2012 Update

Mr. Shawn Cordsen, Finance Director, provided a financial report for the period ending April 30, 2012. 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 Carrico **MOVED** and it was **SECONDED** by Mayor Pro Tem Clyne to approve the consent agenda.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C. Dodge, Wieneke.
OPPOSED - None.
ABSENT - Brown, Whitman.

The following item was approved on the consent agenda:
▪ Minutes of the May 21, 2012 Special Meeting

PUBLIC HEARINGS:

Appeal of Decision –
Non-Renewal of Medical
Marijuana Dispensary
Permit – BotanaCare

Mayor Downing opened the hearing and read a statement regarding the jurisdiction and procedures to be used. There were no objections to the jurisdiction of the City Council or to the form or substance of the proceedings.

City Attorney Hoffmann provided information to the Council about their role as the appellate body to determine whether to affirm or reconsider the City Manager's decision to non-renew/revoke the medical marijuana dispensary permit issued to BotanaCare, LLC, which was based on non-compliance of the requirement that a medical marijuana business must cultivate 70% of the marijuana required for its operation. City Attorney Hoffmann stated that to date the Licensee has not submitted any documentation regarding compliance with the cultivation requirement.

Ms. Christy Ausmus, Special Prosecutor for the City of Northglenn, stated the Licensee is stipulating to the violation and to being in non-compliance with the 70% cultivation requirement, to the notice requirements, and to the jurisdiction of the Council to hear the matter. Ms. Ausmus stated the Licensee is in violation of C.R.S. § 12-43.3-103(2)(b), which requires that a medical marijuana business cultivate at least 70% of the medical marijuana necessary for its operation, commonly referred to as the 70/30 rule.

Ms. Cheri Hackett, BotanaCare, LLC, was placed under oath by the City Clerk. Ms. Cheri Hackett answered questions from Ms. Ausmus and stipulated to the violation of the 70/30 rule, to being in non-compliance with the cultivation requirement, to the waiver of any additional notice requirements, and to the jurisdiction of the City Council.

It was the consensus of Council to accept the stipulation as presented.

Ms. Robin Hackett, BotanaCare, LLC, was placed under oath by the City Clerk and provided testimony regarding BotanaCare's operation as a medical marijuana business. Ms. Robin Hackett asked for an extension to comply with the 70/30 rule and stated there were obstacles beyond their control that prevented compliance with the cultivation requirement. Ms. Robin Hackett provided testimony about the dispensary's medical marijuana research and treatment of patients.

Ms. Ausmus objected to Ms. Robin Hackett's testimony, stating it was irrelevant to the violation and asked that Ms. Robin Hackett provide testimony regarding why the business has not come into compliance with the cultivation requirement.

Ms. Cheri Hackett distributed documents to the Council and stated the materials provided information about the company, the timeline for the operation of the business, the company's involvement in the community, and letters from patients.

Ms. Robin Hackett provided testimony about circumstances that have prevented the dispensary from meeting the 70/30 requirement, including legislation and rule making at the State level, electrical and building code issues, and attempts to enter into business arrangements with other companies and investors. Ms. Robin Hackett stated they are currently cultivating approximately 20% of the medical marijuana necessary for their operation and asked the Council for a six month extension to come into compliance with the 70% cultivation requirement.

There were questions from Council about the Licensee's ability to comply with the 70/30 rule with a six month extension when they were not able to comply with the rule within the last twelve months of operation, the Licensee's statement that the State Medical Marijuana Enforcement Division would be issuing an extension to the business, the Licensee's lack of communication with the City Manager regarding building issues and circumstances that may have prevented compliance, and the status of electrical improvements to the building.

City Attorney Hoffmann confirmed there is no exception to the 70/30 rule in the City's ordinance. City Attorney Hoffmann advised Council on the process for affirming or reconsidering the City Manager's decision and stated that scheduling the findings for consideration at the Council's June 25, 2012 meeting would essentially allow a two week stay in which the Licensee could submit a letter of extension from the State, if issued.

Two individuals provided an offer of proof to identify the nature of their testimony and its relevance. No additional sworn testimony was presented.

MOTION TO PASS

Council member Wieneke **MOVED** and it was **SECONDED** by Mayor Downing to affirm the City Manager's notice of decision to non-renew/revoke the Medical Marijuana Dispensary Permit issued to BotanaCare, LLC and direct the City Attorney to draft findings for consideration at the June 25, 2012 meeting.

Council member W. Dodge stated his family owns a building and leases space to a medical marijuana dispensary and asked Council if there were any objections to him and Council member C. Dodge voting on the motion. It was stated that the Council members do not hold a substantial financial interest in any medical marijuana business and there were no objections from the Council.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, C. Dodge, Wieneke.

OPPOSED - Carrico.

ABSENT - Brown, Whitman.

RECESS:

The City Council meeting recessed at 8:34 p.m.

RECONVENE:

The City Council meeting reconvened at 8:45 p.m.

**ORDINANCES –
FIRST READING:**

CB-1769 – Medical
Marijuana Ordinance

City Clerk Small read the title.

MOTION TO PASS

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Wieneke to approve CB-1769 on first reading.

Council member C. Dodge stated as a property owner she leases space to a medical marijuana dispensary and asked Council if there were any objections to her and Council member W. Dodge voting on CB-1769. It was stated that the Council members do not hold a substantial financial interest in any medical marijuana business and there were no objections from the Council.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C. Dodge, Wieneke.

OPPOSED - None.
ABSENT - Brown, Whitman.

CB-1770 – Sign Code
Amendment – Off-
Premises Advertising

City Clerk Small read the title.

MOTION TO PASS

Council member C. Dodge **MOVED** and it was **SECONDED** by Council member Wieneke to approve CB-1770 on first reading.

**FRIENDLY
AMENDMENT**

A friendly amendment was accepted to revise the message hold time to a minimum of eight (8) seconds.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C. Dodge, Wieneke.

OPPOSED - None.
ABSENT - Brown, Whitman.

CB-1771 – Appropriation
Amendment – Residential
Street Program

City Clerk Small read the title.

MOTION TO PASS

Council member Wieneke **MOVED** and it was **SECONDED** by Council member Carrico to approve CB-1771 on first reading.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C. Dodge, Wieneke.

OPPOSED - None.
ABSENT - Brown, Whitman.

Note:

City Clerk Small stated for the record that the public hearings on CB-1769, CB-1770, and CB-1771 would be held on June 25, 2012 in City Hall Council Chambers.

RESOLUTIONS:

CR-66 – Acceptance
of 2011 Audit

City Clerk Small read the title.

MOTION TO PASS

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Wieneke to approve CR-66.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C.
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Brown, Whitman.

CR-67 – Adams County
Open Space Grant
Acceptance – Danahy
Park Renovation

City Clerk Small read the title.

MOTION TO PASS

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Carrico to approve CR-67.

It was noted that, as referenced in the staff memorandum for CR-67, remaining funding would be utilized for a grant application in the next cycle for the portion of the project that was not awarded funding.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C.
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Brown, Whitman.

CR-68 – 2012 Street
Improvements Contract

City Clerk Small read the title.

MOTION TO PASS

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Carrico to approve CR-68.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, W. Dodge, Clyne, Carrico, C.
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Brown, Whitman.

COMMUNICATIONS:

Council

Council member Snetzinger reported on the Northglenn Arts & Humanities Foundation and stated the Art on Parade unveiling event would be held on June 20, 2012 in E.B. Rains, Jr. Memorial Park. Council member Snetzinger expressed concern about the recent vandalism of two pieces of public art, one of which is scheduled to be dedicated to the City on June 26, 2012. Council member Snetzinger reported on the Foundation's projects including a joint effort with the Historic Preservation Foundation for a summer concert and the

creation of a sculpture garden. Council member Snetzinger also reported the Missoula Children's Theatre would be presenting The Secret Garden on June 30, 2012 at the D.L. Parsons Theatre.

Council member W. Dodge reported on the recent volunteer project to improve the Children's Advocacy Center property, which included painting, landscaping, and installing a new playground. Council member Dodge stated there were over 200 volunteers and recognized the businesses that donated funding and materials. Crossroads Baptist Church was also recognized for the many volunteers they provided for the project.

Mayor Downing reported that VFW Post #7945 would be holding a patriotic rally on Saturday, June 16, 2012 from 2:00 p.m. to 4:00 p.m. at the Veterans Memorial. Mayor Downing reported on the Adams County Economic Development awards luncheon and stated that a voting delegate would need to be designated for the Colorado Municipal League business meeting next week. It was decided that Council member Carrico would serve as the voting delegate.

Mayor Pro Tem Clyne reported that she had attended the Kids' Fishing Derby and had handed out awards to the winners in each age group. Mayor Pro Tem Clyne reported the First Tier Suburbs group would be meeting on June 20, 2012 in the Denver metro area.

Council member Carrico reported she attended the Elks Flag Day event recently along with Council members C. Dodge, W. Dodge, and Wieneke and noted it was a nice event. Council member Carrico announced there is less than one month left to participate in the Kiss Buzz the Burro contest and noted that proceeds would benefit the Northglenn Community Foundation Utility Bill Assistance Program.

Council member C. Dodge reported the Elks Flag Day ceremony was a very nice event. Council member Dodge also expressed concern about the recent sculpture vandalism and thanked staff for responding to the vandalism so quickly.

Staff

City Clerk Small reported the City Clerk's office is serving as a ballot drop-off site for the Primary Election and stated voters may drop off ballots at the Clerk's office Monday through Friday, 8:00 a.m. to 5:00 p.m., on Saturday, June 23rd from 9:00 a.m. to 2:00 p.m., and on Election Day, June 26, 2012, from 7:00 a.m. to 7:00 p.m.

City Manager Simmons sought clarification on the scheduling of upcoming agenda items. It was the consensus of Council to schedule

the Inca Street Property and Goals & Objectives for the June 18, 2012 study session.

PUBLIC INVITED
TO BE HEARD

Mayor Downing invited any member of the public wishing to speak on items previously addressed by Council to come forward.

Dr. Sean Reif, Ward I, spoke about CR-66 – Acceptance of 2011 Audit, CR-67 – Adams County Open Space Grant Acceptance – Danahy Park, the 2013 budget calendar, and the economic development update.

Ms. Laura Hatcher spoke to Council about her interview earlier in the meeting for a membership position on the Citizens’ Affairs Board. Ms. Hatcher spoke about community issues and stated she is eager to help the City improve.

Mr. Brett Kelley, CBS Outdoor, asked for clarification on CB-1770 – Sign Code Amendment – Off-Premises Advertising and whether the ordinance would allow for a single location in the City for off-premises billboard advertising. Mr. Kelley spoke about equal opportunity regarding the placement of signage in the permitted area if CB-1770 is adopted.

ADJOURNMENT

The City Council meeting adjourned at 9:19 p.m.

JOHANNA SMALL, CMC
City Clerk

JOYCE DOWNING
Mayor