

**CITY OF NORTHGLENN  
CITY COUNCIL MINUTES  
June 8, 2006**

**CALL TO ORDER**

Mayor Novak called a regular meeting of the Northglenn City Council to order on Thursday, June 8, 2006 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

**ROLL CALL**

Mayor Novak, Council members, Clyne, Garner, Monroe, Paiz, Miller, Parsons, Martin.

**ABSENT**

Council member Lindsey.

**STAFF PRESENT**

Interim City Manager Cullen, City Attorney Phillips, City Clerk Lentz.

**PLEDGE AND  
INVOCATION**

The Pledge of Allegiance was given followed by the Invocation, which was delivered by Police Chaplain Father Tom Coyte.

**AGENDA ADDITIONS  
AND DELETIONS**

Mayor Novak announced the following addition:

- 9. Presentations: D. Water Supply – David Allen

**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. John Huber, 1004 Malley Drive, spoke about his driveway. He stated it is a blacktop driveway and inquired about the regulation that would require him to replace it with a concrete driveway. Mr. Huber also spoke about street repairs.

Mayor Novak provided information about the federal guidelines that require improved surfaces for driveways and the ordinance that was adopted by City Council that established approved driveway surfaces.

Mr. Dallas Briggs asked why the City is not aggressively looking for new water sources. Mr. Briggs also asked for clarification on CB-1570 regarding payments made from the City's general fund.

Mr. David Allen, Water and Environmental Services Manager, stated the City is currently working on a long-term integrated resources study that would identify long-term water supply needs. He stated the City would consider all opportunities to purchase water rights while continuing to develop a long-term strategy.

Mr. Raymond DeWeese, 10870 Larry Drive, asked Council to eliminate the last tier that is used to calculate water bills. He spoke about code enforcement and vacant lots that are not maintained. He inquired about a specific City fund for street repairs. Mr. DeWeese stated that as a resident of Ward I, he is asking Council member Miller to resign his position on City Council.

Ms. Kim Boswood, 2775 E. 107<sup>th</sup> Court, spoke about the charges against Council member Miller and stated she feels Council needs to allow Council member Miller due process and let the residents of Ward I decide if they want Council member Miller to continue in office.

Ms. Maridee Marks spoke about Council member Miller and stated she feels he is an asset to City Council and is able to represent the citizens of Ward I. Ms. Marks also spoke about water supply needs and the process of gathering community input on projects.

Mr. Michael Cohen stated he is a private attorney representing Council member Miller. Mr. Cohen spoke about the charges against Council member Miller and the plea that was entered in the case. He provided information about domestic violence cases and stated that Council member Miller had not been convicted of the charges. Mr. Cohen stated that Council member Miller has no intention of resigning his position on City Council.

Mr. Randy Saucedo, Advocacy Director for the Colorado Coalition Against Domestic Violence, spoke about the seriousness of domestic violence crimes and the guilty plea Council member Miller entered to the charges.

Ms. Yolanda Gotier, Executive Director of Alternatives to Family Violence, spoke about domestic violence cases. She asked the community to hold Council member Miller accountable by asking him to resign from his position on City Council.

Mayor Novak read a statement endorsed by Council members Parsons, Martin, Garner, Monroe, and herself, which stated that Council member Miller had pled guilty before a judge in Adams County Court to charges of harassment, criminal tampering and domestic violence. The statement expressed concern about Council member Miller's actions and requested the immediate resignation of Council member Miller.

Council member Miller stated that he would not resign his seat on Council.

**MOTION TO PASS**

Council member Garner **MOVED** and it was **SECONDED** by Council member Parsons to ask Council member Miller to resign his seat on Council based on his recent guilty plea of harassment,

criminal tampering and domestic violence in Adams County Court on June 4, 2006.

**MOTION PASSED**

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

IN FAVOR - Novak, Garner, Monroe, Parsons, Martin.

OPPOSED - Clyne, Paiz.

ABSENT - Lindsey.

ABSTAIN - Miller.

**PRESENTATIONS:**

Dedicated Service Award

Council members Monroe and Paiz joined Mayor Novak to present a dedicated service award to Breana Romero for her service to the Youth Commission. Ms. Amanda Norconk, Recreation Programs Supervisor, also presented Breana with a photo collage in appreciation of her service to the Commission.

Devereux Cleo Wallace

Mr. Bentley Smith, Executive Director of Devereux Cleo Wallace, presented information about the mental health services provided at their facility. He stated they provide residential treatment for persons ages 8 through 21, and are expanding their program to provide additional services to more children in Colorado. Mr. Smith provided information about a federal mandate to reform the use of Medicaid funds in the state. Mr. Smith invited Council or any member of the community to visit the facility for a tour, and stated he would like to gain Council's participation to raise awareness of the mental health needs in Colorado.

Board of Adjustment

Mr. Gene Wieneke, Board of Adjustment Secretary, came forward to speak about the appeal of a Board of Adjustment case.

City Attorney Phillips provided information about the appeal process. He stated Council would not be discussing the merit of the case tonight, and would only decide if they would hear the appeal.

Mr. Wieneke stated he feels the application for review is not in order. He stated the Board of Adjustment had not acted contrarily to the attorney's opinion, but had instead made a modification per the code when making its decision on the case.

Water Supply Conditions

Mr. David Allen, Water and Environmental Services Manager, gave an update on the City's water supply conditions. He addressed the water supply demand, the impact of the demands on the water supply, and the possibility of implementing mandatory water restrictions. He spoke about water production and provided information on the snow pack and precipitation to date. Mr. Allen presented information about the water supply stored in Standley Lake, and stated that at this time staff would recommend to initiate voluntary water restrictions and to increase education about water conservation. He stated he would provide an update on the water supply conditions in July and mandatory restrictions could be

considered at that time.

**MOTION TO PASS**

Mayor Novak **MOVED** and it was **SECONDED** by Council member Paiz to support staff recommendations as outlined in the presentation that included an aggressive conservation campaign and monitoring situation with a July 21<sup>st</sup> update.

**MOTION PASSED**

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

IN FAVOR - Novak, Clyne, Garner, Monroe, Paiz, Miller,  
Parsons, Martin.

OPPOSED - No one.

ABSENT - Lindsey.

**RECESS**

The City Council meeting recessed at 8:12 p.m.

**RECONVENE**

The City Council meeting reconvened at 8:22 p.m.

**ECONOMIC  
DEVELOPMENT**

Update

Mr. Curt Childress, Community Vitality Manager, provided information about economic development that included an update on Century Theatres, MotoSpa, Floyd's Barber shop and the Vitamin Shoppe. Mr. Childress stated the owners of the Mervyn's building would be approaching Council on June 22<sup>nd</sup> to speak about the use of the building. Mr. Childress stated they are working with the developers for the 120<sup>th</sup> Avenue and Grant redevelopment area on the selection of planners for the project. He spoke about the status of the Northglenn Neighborhood Development Corporation's (NNDC) projects and the final phase of the DIA noise mitigation plan. Mr. Childress also spoke about the FasTracks Task Force meetings and the efforts to gain community involvement in the 120<sup>th</sup> Avenue and Grant redevelopment project.

Council member Monroe inquired about the waiting list for the DIA noise mitigation plan.

Ms. Elaine Rhodes, Administrative Technician, provided information about the plan's boundaries and the factors used to determine an applicant's eligibility for funding. Ms. Rhodes spoke about the waiting list that would be used if the City receives additional funding for the noise mitigation plan.

Council member Garner stated she was impressed with the Prime West/Zing developer partnership for the 120<sup>th</sup> Avenue and Grant development area. She stated the community meeting on design concepts for the redevelopment area that was held on Tuesday was well attended and the citizens had many good ideas.

Mayor Novak inquired about communication between the FasTracks Task Force and the Regional Transportation District (RTD). Mr.

Childress stated RTD representatives would be invited to attend the Task Force meetings. He stated the information from the Task Force would be compiled, presented to Council and then submitted to RTD. There was discussion about the importance of the Task Force and the FasTracks project.

**CONSENT AGENDA**  
**MOTION TO PASS**

Mayor Novak **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, Clyne, Garner, Monroe, Paiz, Miller  
Parsons, Martin.

OPPOSED - No one.

ABSENT - Lindsey.

ABSTAIN - Clyne (Approval of Minutes only).

The following items were approved on the consent agenda:

- Minutes of the Regular Meeting for May 25, 2006
- CR-79 – Youth Commission Reappointment – Carter Erickson
- CR-81 – Senior Citizen’s Commission Appt. – George Reichert

**PUBLIC HEARINGS**

CB-1566

Transfer of Appropriations  
Amendment

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1566 to come forward. No one came forward and the public hearing was closed.

CB-1567 – Annual

Budget Hearing Notice

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1567 to come forward. No one came forward and the public hearing was closed.

CB-1568 – Youth Group

Sales Tax Exemption

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1568 to come forward. No one came forward and the public hearing was closed.

**ORDINANCES:**

**Second Reading**

CB-1566

Northglenn City Council  
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Transfer of Appropriations  
Amendment

City Clerk Lentz read the title.

**MOTION TO PASS**

Council member Paiz **MOVED** and it was **SECONDED** by Council member Monroe to approve CB-1566 on second reading.

**MOTION PASSED**

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

CB-1567 – Annual  
Budget Hearing Notice

City Clerk Lentz read the title.

**MOTION TO PASS**

Council member Garner **MOVED** and it was **SECONDED** by Council member Martin to approve CB-1567 on second reading.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Novak, Clyne, Garner, Monroe, Paiz, Miller,  
Parsons, Martin.  
OPPOSED - No one.  
ABSENT - Lindsey.

CB-1568 – Youth Group  
Sales Tax Exemption

City Clerk Lentz read the title.

**MOTION TO PASS**

Council member Monroe **MOVED** and it was **SECONDED** by Council member Garner to approve CB-1568 on second reading.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Garner, Monroe, Miller, Parsons, Martin.  
OPPOSED - Novak, Paiz, Clyne.  
ABSENT - Lindsey.

**ORDINANCES:**

**First Reading**

CB-1570 – Supplemental  
Appropriation – Land  
Purchase

City Clerk Lentz read the title.

**MOTION TO PASS**

Mayor Novak **MOVED** and it was **SECONDED** by Council member Garner to approve CB-1570 on first reading.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Novak, Clyne, Garner, Monroe, Parsons, Martin.  
OPPOSED - Paiz, Miller.  
ABSENT - Lindsey.

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CB-1571 – Rezoning of  
2295 E. 120<sup>th</sup> Avenue

City Clerk Lentz read the title.

**MOTION TO PASS**

Council member Garner **MOVED** and it was **SECONDED** by Council member Parsons to approve CB-1571 on first reading.

**MOTION PASSED**

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

Note:

City Clerk Lentz stated for the record that the public hearings on CB-1570 and CB-1571 would be held on June 22, 2006 in Council Chambers.

**RESOLUTION:**

CR-77 – Executive Session  
Meeting Procedures

City Clerk Lentz read the title.

**MOTION TO PASS**

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

**MOTION PASSED**

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

CR-78 – Transfer of  
Funds to Water Fund

City Clerk Lentz read the title.

**MOTION TO PASS**

Council member Garner **MOVED** and it was **SECONDED** by Council member Paiz to approve CR-78.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Novak, Clyne, Garner, Monroe, Paiz, Miller,  
Parsons, Martin.  
OPPOSED - No one.  
ABSENT - Lindsey.

CR-80 – VALE Board  
Grant Acceptance

City Clerk Lentz read the title.

**MOTION TO PASS**

Council member Monroe **MOVED** and it was **SECONDED** by Council member Garner to approve CR-80.

**MOTION PASSED**

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

IN FAVOR - Novak, Clyne, Garner, Monroe, Paiz, Miller,  
Parsons, Martin.  
OPPOSED - No one.  
ABSENT - Lindsey.

## **FINANCIAL REPORTS**

### Update

Mr. Brent Worthington, Finance and Internal Support Solutions Manager, presented financial information for the period ending April 30, 2006. He spoke about revenue including sales tax, and fines and forfeitures and stated that expenditures are below projections for the year. Mr. Worthington also presented figures for actual revenue and expenditures compared to projections for the Water and Wastewater Fund and the Sanitation Fund. He presented a summary of the City's investment portfolio and spoke about the status of the 2005 audit. Mr. Worthington stated a draft of the audit would be distributed to Council as soon as it is complete, and he anticipates that the audit could be submitted to Council for approval at the July 13<sup>th</sup> Council meeting.

There was discussion about the process for reviewing the draft audit prior to the presentation of the audit at a Council meeting. Mr. Worthington provided information about deadlines for approving the audit. It was the consensus of Council to have the Finance Committee review the draft audit, and to schedule the audit to be reviewed by Council at the July 6<sup>th</sup> study session.

Mr. Worthington spoke about the revenue that would be lost after the Albertson's on 104<sup>th</sup> Avenue closes and the impact the City expects from the closure. Mr. Worthington also reviewed the 2007 budget process.

Council member Clyne expressed concern about staff not sharing information with the Finance Committee.

### **RECESS**

The City Council meeting recessed at 9:27 p.m.

### **RECONVENE**

The City Council meeting reconvened at 9:34 p.m.

## **COMMUNICATIONS** **COUNCIL**

Council member Parsons reported that she and Council members Garner and Monroe had participated in the Commerce City Memorial Day Parade, and stated the parade was very well attended.

Mayor Novak reported she had attended the Fishing Derby on Saturday and stated there were 275 participants at the event. She thanked Steven Stokes and staff for doing a fantastic job on the event. Mayor Novak reported she had attended the block captains meeting on Tuesday where the Police Department presented information about the Clean Sweep program.



Council member Paiz spoke about the Youth Commission and stated that she has appreciated being able to watch the youth grow through their service to the Commission.

Council member Monroe reported on the Youth Commission meeting, the block captains meeting and the 120<sup>th</sup> Avenue and Grant development design concepts meeting on Tuesday. She stated the Youth Commission is a wonderful group and she enjoys working with them.

Council member Garner reported she attended the Senior's recognition luncheon on April 24<sup>th</sup> and stated the Senior Commission is gearing up for the Senior Games that will be held June 21<sup>st</sup> through 24<sup>th</sup>. She stated the Commission would also be hosting the Local Heroes Barbeque on June 16<sup>th</sup> near the horseshoe pits behind the Recreation Center. Council member Garner stated the Senior Picnic, which Council sponsors, would be held on June 30<sup>th</sup>. Council member Garner reported that the Rangeview Library would be holding a public hearing on June 12<sup>th</sup> at 6:00 p.m. at the Thornton library branch regarding the closure of the Perl Mack library.

Council member Clyne stated she and Council member Martin had a meeting with residents regarding the common fencing along the back of the Wagon Road Park 'n Ride. She stated the City's grant writer is looking for grant opportunities that could help with the fencing issue and stated she has spoken to other municipalities about funding for similar projects. Council member Clyne reported the Parks and Recreation Advisory Board is gearing up to work on the CIP schedule, and the Arts and Humanities Foundation's unveiling event for the Art on Parade sculptures would be held on June 28<sup>th</sup> at 6:30 p.m.

**STAFF**

Interim City Manager Cullen asked Council to consider granting Monday, July 3<sup>rd</sup> as an employee appreciation holiday since the July 4<sup>th</sup> holiday falls on a Tuesday.

**MOTION TO PASS**

Council member Miller **MOVED** and it was **SECONDED** by Council member Parsons to close City Hall on July 3<sup>rd</sup> and recognize it as an employee appreciation holiday.

**MOTION PASSED**

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

IN FAVOR - Novak, Clyne, Garner, Monroe, Paiz, Miller,  
Parsons, Martin.

OPPOSED - No one.

ABSENT - Lindsey.

Ms. Cullen spoke about the issue of NURA funding a parking garage structure for the 120<sup>th</sup> Avenue development. She stated no decision would be made on the garage until after a site plan has been completed and a financial performance is conducted to ensure that it is a

good business decision. Ms. Cullen reported that the Housing Task Force would be meeting on June 14<sup>th</sup> and invited Council to attend the meeting.

City Attorney

City Attorney Phillips stated that he would be celebrating 25 years as the Northglenn City Attorney one week from today. He stated that with Council's permission, he would like the July 13<sup>th</sup> regular Council meeting to be his last meeting. City Attorney Phillips stated he would continue to be a resource and the City would continue to be well-represented by Corey Hoffmann and Jeff Parker. He noted that he would continue to be the attorney for the Southeast Quadrant project and Cease and Desist order.

Mayor Novak thanked City Attorney Phillips for his service throughout the years and asked Council to consider a date so an appropriate sendoff could be scheduled.

Ms. Cullen stated a study session would be held on June 15, 2006 for the purpose of discussing the proposed Aquatics Facility project and a funding proposal from Adams County.

**DISCUSSION ITEMS:**

Driveway Ordinance

Mayor Novak stated that Council had adopted an ordinance in 2005 that established approved driveway surfaces and stated that asphalt was excluded as an approved surface at that time.

Council member Garner inquired about grandfathering asphalt driveways or repealing the portion of the existing ordinance that excludes asphalt as an approved surface. There was discussion about the appearance of asphalt driveways and the option of grandfathering in asphalt driveways but not allowing them to be installed in the future.

City Attorney Phillips provided information about a ruling by the Colorado Court of Appeals stating that amortization periods for nonconforming uses and structures are prohibited by State law, and that the law also applies to home rule municipalities. He stated that because of that, the asphalt prohibition in the existing driveway ordinance is not currently enforceable because the asphalt driveway was legal when it was first installed. City Attorney Phillips suggested that Council make a policy decision and that the decision could be revisited once the Colorado Supreme Court has ruled on the JAM Restaurant, Inc. v. City of Longmont case.

**APPEAL TO**  
**COUNCIL OF BOARD**  
**OF ADJUSTMENT**  
**CASE V-1-06**

City Attorney Phillips provided information about the appeal process for Board of Adjustment rulings. He stated that if Council elects to

hear the appeal, Council would need to review the record in the next couple weeks and then hold an executive session for quasi-judicial deliberations to discuss whether Council would like to reverse, affirm or remand the case.

**MOTION TO PASS**

Council member Garner **MOVED** and it was **SECONDED** by Council member Martin to hear the appeal of the Board of Adjustment case.

**MOTION PASSED**

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

IN FAVOR - Novak, Clyne, Garner, Monroe, Paiz, Miller,  
Parsons, Martin.

OPPOSED - No one.

ABSENT - Lindsey.

**PUBLIC INVITED  
TO BE HEARD**

Mr. Dallas Briggs spoke about asphalt driveways and stated he feels a grandfather clause should be allowed if the driveway has been maintained.

Ms. Maridee Marks inquired about funding that NURA would need to pay back to the City and also inquired about the proposed Aquatics Facility project. She spoke about the location of trash cans and construction trucks that have been on her street. Ms. Marks spoke about the former PR firm's actions and expressed concern about Council representation.

Mayor Novak encouraged Ms. Marks to attend the study session on June 15<sup>th</sup> to hear about the Aquatics Facility project. Council member Clyne stated she is concerned about the appearance of the neighborhood east of E.B. Rains Jr. Memorial Park where trash containers are visible throughout the area.

Dr. Sean Reif, 3000 E. 112<sup>th</sup> Avenue, stated he is the past president of the Homestead homeowners association and currently serves on their architectural review committee. He stated shrubs and mature trees have been installed along 112<sup>th</sup> Avenue to help mitigate the sound from the roadway, and also spoke about xeriscaping in the area. Dr. Reif reported that a water feature for children would be installed at E.B. Rains, Jr. Memorial Park as a result of a grant project from the Northglenn Thornton Rotary Club.

Mr. Henry Vera spoke about his neighbor who was told he could not use non-City dumpsters. He also spoke about code enforcement and City politics, and stated he feels he and his property have been treated unfairly. Mr. Vera stated he would like Council to work more with people and inquired about the City's permit for the sewer project.

Mr. Rick Davis, Chief Building Official, stated that private companies must have a right-of-way permit to place dumpsters in the

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right-of-way due to liability issues. Mr. Davis stated the City has a permit for the sewer line project.

**ADJOURNMENT**

The City Council meeting adjourned at 10:49 p.m. to an executive session regarding personnel matters.

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DIANA L. LENTZ, CMC  
City Clerk

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KATHLEEN M. NOVAK  
Mayor