

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
August 11, 2005**

CALL TO ORDER

Mayor Novak called a regular meeting of the Northglenn City Council to order on Thursday, August 11, 2005 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL

Present were Mayor Novak, Council members Martin, Garner, Goodspeed, Carlow, Tichy, Lindsey, Paiz, Gillespie.

ABSENT

No one.

STAFF PRESENT

City Manager Nelson, City Attorney Phillips, City Clerk Lentz.

**PLEDGE AND
INVOCATION**

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

**PUBLIC INVITED
TO BE HEARD**

Ms. Mary Ellen Kettelkamp, stated she was glad that Councilwoman Garner had removed CR-43 from the agenda. Ms. Kettelkamp spoke about an article in the Sentinel relating to development in Thornton, and also about past City Council campaigns.

Mr. Dave Usechek, 11052 Pinyon Drive, stated he feels the noise from traffic on I-25 from 104th Avenue to 120th Avenue far exceeds the noise from DIA, and feels it violates the City's noise ordinance. He stated the noise impacts the residents, and the current sound barrier fence on I-25 is an eyesore. Mr. Usechek asked Council to help remedy this issue and provide relief to the residents affected by the traffic noise.

Mayor Novak noted the City is currently working with CDOT on an intergovernmental agreement to improve the landscaping in this area. She stated that the reality of a brick sound barrier fence is not likely to happen in the near future because of costs. Mayor Novak stated she feels it is an important issue and the City will continue to work with CDOT for any improvements available.

Ms. Maridee Marks, 11076 Elati Street, spoke to Council about the possibility of CDOT installing a sound barrier fence on I-25. Ms. Marks inquired about beautification projects for the City's entryways along the highway.

Mr. Dallas Briggs, Ward I, stated he is also grateful that Councilwoman Garner pulled CR-43 from tonight's agenda. Mr. Briggs stated he feels residents are expecting a reduction in their water rates, and that revenue from the water rates should be used for

water-related items.

Mr. Wayne Dodge asked Council to pass CR-45 on the consent agenda tonight. Mr. Dodge also spoke about the decrease in the number of special pick-ups and how that has affected the trash dumping at his business.

**AGENDA ADDITIONS
AND DELETIONS**

Mayor Novak announced the following additions:

- 17. Discussion Items
 - B. Investigation
 - C. Agenda Additions and Deletions

CONSENT AGENDA

Mayor Novak stated CR-45 would be removed for discussion.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Councilwoman Garner to approve items A, C, D and E on the consent agenda.

MOTION PASSED

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

IN FAVOR - Novak, Martin, Garner, Goodspeed, Carlow, Tichy, Lindsey, Paiz, Gillespie.

OPPOSED - No one.

ABSENT - No one.

The following items were approved on the consent agenda:

- Minutes of the Regular Meeting for July 28, 2005
- CR-46 – Youth Commission Appointments
- CR-47 – IGA Weld County – November 1, 2005 Election
- SR 05-23 – Greenway Trails Project

**ITEM REMOVED FROM
CONSENT AGENDA**

CR-45 – Special Pick
Up Fees Amendment

City Clerk Lentz read the title.

MOTION TO PASS

Councilwoman Paiz **MOVED** and it was **SECONDED** by Councilman Lindsey to approve CR-45.

Mr. Jim Bowman, Municipal Services Foreman, provided information about the number of special pick ups completed to date.

**FRIENDLY
AMENDMENT**

Councilwoman Paiz asked for a friendly amendment to table CR-45 to the next regular City Council meeting.

MOTION PASSED

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

IN FAVOR - Novak, Martin, Garner, Carlow, Tichy, Lindsey, Paiz, Gillespie.

OPPOSED - Goodspeed.

ABSENT - No one.

PRESENTATIONS:

Dedicated Service
Award

Mayor Novak presented a dedicated service award to Mr. Jon Johnston for his service on the Northglenn Board of Adjustment. Mr. Johnston stated he has enjoyed serving the City on the Board.

PUBLIC HEARINGS

CB-1533 – Farmers
Highline Canal Co.
Rezoning

City Clerk Lentz read the title.

Mayor Novak opened the public hearing on CB-1533.

Mr. Jerry Starling, Special Projects Director and Acting Planning Commission Secretary, stated the property at the northeast corner of Washington Street and Malley Drive had been posted and letters were sent to the surrounding property owners as required by ordinance. Mr. Starling stated the Farmers Highline Canal and Reservoir Company owns the property, and the rezoning would change the current zoning from commercial C-O conditional to commercial C-O conditional, with a change of conditions.

Mr. Starling stated the Planning Commission held a public hearing on the rezoning request on June 14, 2005. He reported that one person spoke in favor, and one person spoke against the rezoning. He stated the Planning Commission voted unanimously to recommend that Council rezone the property with three conditions. Mr. Starling listed the three conditions: 1) The existing parking lot shall not be expanded; 2) Employee and customer access to the building shall be limited to entry on the west side of the building, and 3) Signs installed on the property shall be in conformance with all applicable requirements in Commercial Zones as specified in Section 11-35-7(c) of the Zoning Ordinance except that wall signs shall be limited to six (6) square feet, and free standing, monument signs limited to a maximum of eight (8) square feet with an overall maximum height of four (4) feet.

Mr. Bryce Steel, General Counsel for Farmers Highline Canal and Reservoir Company, stated he is requesting the zoning change for the property located at 725 Malley Drive from Commercial C-O with conditions to Commercial C-O with conditions. He stated they would like to sell the property with a zoning of Commercial C-O. Mr. Steel stated there is no sale pending on the property, and the company has decided to not list the property until the zoning has been changed.

Ms. Mary Ellen Kettelkamp spoke about the property's landscaping, and stated she feels the zoning change should include a condition that the landscaping be completed.

Ms. Maridee Marks also spoke about the landscaping and appearance of the property, and stated she feels the landscaping should be improved.

Mr. Bryce Steel stated the original zoning required the front lawn to be replaced and a sprinkler system installed in the lawn area. He stated this was accomplished in 1980, and the property owner has made efforts to maintain the property to a relatively high standard. Mr. Steel stated the zoning change would not require additional municipal service costs to be incurred, and adequate circulation exists to allow for the property to continue to be used as a commercial location. Mr. Steel stated that at this time, it would not be reasonable to return this property to a residential use.

Mayor Novak called for any other person wishing to address CB-1533 to come forward. No one came forward and the public hearing was declared closed.

CB-1534
Watershed Protection

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1534 to come forward. No one came forward and the public hearing was declared closed.

ORDINANCES

Second Reading

CB-1533 – Farmers
Highline Canal Co.
Rezoning

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Councilwoman Lindsey to approve CB-1533 on second reading.

City Attorney Phillips reviewed the criteria that must be met for zoning changes.

MOTION PASSED

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

IN FAVOR - Novak, Martin, Garner, Carlow, Tichy, Lindsey,
Paiz, Gillespie.

OPPOSED - Goodspeed.

ABSENT - No one.

CB-1534
Watershed Protection

City Clerk Lentz read the title.

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by Councilwoman Carlow to approve CB-1534 on second reading.

MOTION PASSED

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

IN FAVOR - Novak, Martin, Garner, Goodspeed, Carlow, Tichy,
Lindsey, Paiz, Gillespie.

OPPOSED - No one.

ABSENT - No one.

RESOLUTIONS

CR-44 – Ballot Question
(Recall Procedures)

City Clerk Lentz read the title.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Councilwoman
Tichy to approve CR-44.

City Attorney Phillips provided information about the ballot
questions. Council agreed to consider each ballot question separately,
as individual resolutions.

MOTION PASSED

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

IN FAVOR - Goodspeed, Carlow, Tichy, Paiz, Gillespie.

OPPOSED - Novak, Martin, Garner.

ABSTAIN - Lindsey.

ABSENT - No one.

CR-48 – Ballot Question
(Open Meetings Law)

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by
Councilman Goodspeed to approve CR-48.

MOTION FAILED

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

IN FAVOR - Martin, Goodspeed, Lindsey, Paiz.

OPPOSED - Novak, Garner, Carlow, Tichy, Gillespie.

ABSENT - No one.

CR-49 – Ballot Question
(Annual Budget Hearing
Publication)

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Councilwoman
Tichy to approve CR-49.

MOTION PASSED

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

IN FAVOR - Novak, Martin, Garner, Carlow, Tichy, Lindsey,
Paiz.

OPPOSED - Goodspeed, Gillespie.

ABSENT - No one.

CR-50 – Ballot Question
(City Council Representation)

MOTION TO PASS Councilwoman Garner **MOVED** and it was **SECONDED** by Councilman Gillespie to approve CR-50.

MOTION TO AMEND Councilwoman Garner **MOVED** and it was **SECONDED** by Councilman Gillespie to amend the election years in Section 3.4 – Terms of Office to read, “At the November, 2009, Regular Election, four Council members shall be elected at-large.... At the November 2007, Regular Election, four City Council members shall be elected, one from each of the city’s four districts...”

MOTION PASSED There was discussion and the motion to amend **PASSED**.
IN FAVOR - Novak, Martin, Garner, Carlow, Tichy, Paiz, Gillespie.
OPPOSED - Goodspeed.
ABSTAIN - Lindsey.
ABSENT - No one.

MOTION TO AMEND Councilman Goodspeed **MOVED** and it was **SECONDED** by Councilman Lindsey to amend the second to the last sentence of the ballot question to read, “Those candidates for at-large City Council seats receiving the four highest numbers of votes shall be elected to the at-large positions, and the at-large Council member receiving the highest number of votes shall be appointed the Mayor Pro Tem for the succeeding four years.”

MOTION PASSED There was discussion and the motion to amend **PASSED**.
IN FAVOR - Martin, Garner, Goodspeed, Lindsey, Paiz, Gillespie.
OPPOSED - Novak, Carlow, Tichy.
ABSENT - No one.

MOTION FAILED There was discussion and the main motion, as amended, **FAILED**.
IN FAVOR - Garner, Lindsey, Gillespie.
OPPOSED - Novak, Martin, Goodspeed, Carlow, Tichy, Paiz.
ABSENT - No one.

CR-51 – Ballot Question
(City Clerk Position)

MOTION TO PASS Councilman Lindsey **MOVED** and it was **SECONDED** by Councilwoman Paiz to approve CR-51.

MOTION FAILED There was discussion and the motion **FAILED**.
IN FAVOR - Goodspeed, Paiz.
OPPOSED - Novak, Martin, Garner, Carlow, Tichy, Lindsey, Gillespie.
ABSENT- No one.

Northglenn City Council
August 11, 2005
RECESS

The City Council meeting recessed at 8:30 p.m.

RECONVENE

The City Council meeting reconvened at 8:39 p.m.

COMMUNICATIONS
COUNCIL

Mayor Novak read a letter from the Antique Automobile Club of America expressing appreciation for the cooperation and efforts of City staff for the recent antique car show.

Mayor Novak stated CML is asking for a Council representative to serve on the 2005-2006 Policy Committee, and noted that Councilman Lindsey has volunteered to continue serving on the Committee. It was the consensus of Council to appoint Councilman Lindsey as the representative to the 2005-2006 CML Policy Committee.

Mayor Novak reported she had participated in a charity beef show at the Adams County Fair this last weekend and was given a 1332-pound steer to show. She stated several elected officials participated and noted she had won reserve grand champion and municipal grand champion honors.

Councilwoman Garner reported on the National Night Out event. She stated the event was very well organized and there were 44 gatherings throughout the City for the event.

Councilwoman Garner reported the Parks and Recreation Advisory Board is considering proposed rules and regulations for vending in parks. She stated she has a copy of the rules and regulations if anyone is interested in seeing them. She noted the proposed regulations would allow up to five vendors, with no duplication of vended product, to sell goods in the park.

STAFF

City Manager Nelson requested a study session to be held on August 18, 2005 at 6:30 p.m. to discuss Outside Agency Funding, City of Northglenn Reorganization, and Special Pick Up Fees.

DISCUSSION ITEMS
CDBG Funds

Councilwoman Carlow reported on the Community Development Block Grant (CDBG) Committee meeting and provided information about the Washington Street fencing project. Councilwoman Carlow stated Adams County has projected the City to receive \$215,000 in CDBG funding. She stated the Committee recommends using the 2006 funds to continue the fencing project on the east side of Washington Street up to Sylvia Drive. She stated it has been estimated that the fencing project would cost \$180,000, and the Committee is recommending using the remaining \$35,000 for the Northglenn Neighborhood Development Corporation's (NNDC) project for upgrading homes in Northglenn.

Councilwoman Carlow also provided information on a five-year plan the Committee has been working on to plan for funding future projects. She stated a public hearing would be held on September 8, 2005 for the CDBG funding.

There was discussion among Council about projects that could be funded with CDBG funds. It was the consensus of Council to proceed with the two project recommendations from the CDBG Committee.

Investigation

Councilman Gillespie inquired about the status of the financial investigation. He stated he is concerned about the direction of the investigation, and he wants the Sheriff's office to perform a financial investigation to include the City's policies, procedures and oversights, as opposed to a criminal investigation.

Police Chief Russ Van Houten stated he had sent a letter to the Adams County Sheriff requesting investigative services from the Sheriff's office. Chief Van Houten spoke about criminal conduct that could be discovered in the process of an investigation, and provided information about the process for investigating complaints. He also provided information about the correspondence between himself and Sheriff Darr relating to the conduct of the investigation.

Chief Van Houten stated neither he nor Sheriff Darr would have jurisdiction to investigate non-criminal offenses, and the Sheriff has communicated that he will not be conducting another audit for the City, but rather have a forensic accountant review the information and investigate further as appropriate. He stated he has asked the Sheriff to apprise the City of any policies or procedures that are found to be substandard for a governmental entity.

Councilman Goodspeed inquired about expanding the investigation to items other than the three items previously addressed. Chief Van Houten stated he would communicate this concern to Sheriff Darr.

Councilman Gillespie stated he wants employees to be made aware that they can express concerns to the investigators without the fear of retaliation. He stated he is hoping the value of the investigation will be to get a review of the City's policies, procedures, and oversights.

There was additional discussion about the investigation process.

Placement of Agenda Additions and Deletions

Councilman Goodspeed stated he would like any additions or deletions to the agenda done before the public invited to be heard at the beginning of the Council meetings.

Councilman Goodspeed **MOVED** and it was **SECONDED** by Councilman Lindsey to change the order of the agenda by moving the agenda additions and deletions before public invited to be heard.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Novak, Garner, Goodspeed, Carlow, Tichy,
Lindsey, Paiz, Gillespie.
OPPOSED - Martin.
ABSENT - No one.

**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 inquired about the special pick up fees and the trash service budget. Mr. Briggs also spoke about the City's insurance regulations and fees for a curb cut, and expressed concern about the numerous requirements for a small job such as a curb cut.

Ms. Maridee Marks spoke to Council about the special trash pick ups, and ways to regulate the service. She spoke about Colorado University President Hank Brown's actions at the university. Ms. Marks also spoke about salary caps for City employees and property taxes.

Mr. Don Anema, Ward I, spoke about the special pick ups, and stated he feels the City needs to offer this service.

Mr. James Miller, Ward I, spoke to Council about the special pick ups and stated he is in favor of offering the service free of charge. Mr. Miller stated he feels the service helps the appearance of the City.

Ms. Maridee Marks stated she feels the Charter amendments should be considered separately because of their importance.

ADJOURNMENT

The City Council meeting adjourned at 9:40 p.m.

DIANA L. LENTZ, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor