

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
March 24, 2005**

CALL TO ORDER

Mayor Novak called a regular meeting of the Northglenn City Council to order on Thursday, March 24, 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 Councilwoman Paiz, Ward I.

**PUBLIC INVITED
TO BE HEARD**

Ms. Maridee Marks spoke about the proposed resolution for research fees for open record requests. She stated that she feels the proposed fees would deter citizen participation in open government and asked Council to table the resolution tonight.

Mr. Don Anema spoke against CR-16 and asked Council to lower the document fee from \$1.25 to 25 cents per page.

Mr. Dave Usechek, 11052 Pinyon Drive, stated that he feels questioning and challenging is healthy for any organization and asked Council to consider everyone's opinion. Mr. Usechek spoke against the proposed resolution for open records research fees and stated the need for keeping information public.

Ms. Patti Campbell distributed a handout regarding document costs for open records and provided information about the fees she has paid to the City for records. She expressed concern about Council's actions when listening to public at meetings. Ms. Campbell spoke to Council about the costs associated with providing food and beverages at their meetings.

Miss Sarah Campbell spoke in opposition of the proposed research fees and stated that she feels City staff should process the records requests in the normal course of business.

AGENDA ADDITIONS

AND DELETIONS

Mayor Novak announced the following additions:

- 8. Presentations:
 - A. (2) Special Presentation
- 16. Discussion Items:
 - A. New Budgeting Process
 - B. Contract Notification
 - C. Community Outreach

CONSENT AGENDA

Mayor Novak stated items B and C would be removed from the consent agenda for discussion.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Councilwoman Garner to approve item A 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 item was approved on the consent agenda:

- Minutes of the Regular Meeting for February 24, 2005 and March 10, 2005

**ITEMS REMOVED FROM
CONSENT AGENDA**

SR 05-09
Washington Street
Arterial ROW Fencing

City Manager Nelson gave a summary of the staff report.

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by Councilwoman Tichy to approve SR 05-09.

MOTION PASSED

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

SR 05-11
Auditor Retention
Clifton Gunderson, LLP

City Manager Nelson gave a summary of the staff report.

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by Councilwoman Tichy to approve SR 05-11.

MOTION TO AMEND

Councilman Goodspeed **MOVED** and it was **SECONDED** by Councilwoman Paiz to amend the contract to a term of one year.

MOTION PASSED

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

IN FAVOR - Martin, Garner, Goodspeed, Lindsey, Paiz,
Gillespie.

OPPOSED - Novak, Carlow, Tichy.

ABSENT - No one.

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - No one.

PRESENTATIONS:

Dedicated Service Award

Mayor Novak presented a dedicated service award to Mr. Lewis Reyes and thanked him for his service to the Citizens' Affairs Board.

Master Municipal Clerks
Academy

Mayor Novak congratulated City Clerk Lentz on her acceptance to the Master Municipal Clerks Academy and presented her with a plaque from the International Institute of Municipal Clerks (IIMC).

Growth in Southwest
Weld County

Mayor Novak provided a presentation about the rapid growth in Southwestern Weld County. She reported on the projected housing units that will be built in the area and how this will affect transportation and air quality in the north metro area. She stated two concerns are that the future demand will exceed roadway capacity and the current roadways are misaligned. Mayor Novak provided information about future planning needs and DRCOG's efforts to work with members of Adams and Weld Counties to prepare for the impacts.

PUBLIC HEARINGS

CB-1509 – Snow & Ice
Removal Amendment

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either "for" or "against" CB-1509 to come forward.

Mr. Dallas Briggs spoke in favor of CB-1509. He provided information about snow and ice removal and stated that he feels safety is the main reason to adopt this ordinance.

Mr. Gary Stribling, 1005 Claire Lane, spoke against CB-1509. Mr. Stribling stated the only change needed would be to enforce the ordinance we currently have.

Mr. Don Anema stated he was neither for nor against the ordinance, but he would like the current ordinance enforced. Mr. Anema noted that he was in favor of increasing the penalties for violations of the

ordinance.

CB-1510 – Final
Development Plan Review

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1510 to come forward.

Mr. Fritz Glaess, Planning Commission Chairman, asked Council to amend CB-1510, Section 11-6.5-4(b), to eliminate one of the 45-day periods for consideration.

CB-1512 – City Seal
Amendment

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1512 to come forward. No one came forward and the public hearing was declared closed.

CB-1513 – Drug
Paraphernalia Amendment

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1513 to come forward. No one came forward and the public hearing was declared closed.

CB-1514 – Tethering of
Dogs & Cats Prohibited

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1514 to come forward.

Ms. Gail Moravetz, 10519 Lafayette Street, spoke against CB-1514. Ms. Moravetz stated that she feels animals should be tethered, as long as they have adequate cover, food and water, to prevent them from running at large.

Ms. Karen Swayze, 11622 Gilpin Street, spoke against CB-1514. She stated she tethers her dog because the animal chews the fence to get out of the yard when she is not home. Ms. Swayze stated her dog is partially deaf and feels it is dangerous for the safety of her dog if she is not able to tether her pet. Ms. Swayze stated that if done correctly, tethering should be an option for pet owners.

Ms. Pat Welch stated she lives in the Huron Heights Subdivision and provided information about a tethered dog in her neighborhood. She stated the dog is chained in the same location without shelter and she feels this ordinance would help protect animals like this one.

Officer Jennifer Wing, Code Enforcement, provided a presentation

about tethering dogs and cats. She stated this ordinance would protect animals and provided statistics on cases regarding tethered animals.

Miss Sarah Campbell spoke in favor of CB-1514. She provided an example of an animal that was tethered in her neighborhood and asked Council to prohibit tethering.

CB-1515 – VALE Program
Assessment Fee Amendment City Clerk Lentz read the title.

Mayor Novak invited any person wishing to address Council either “for” or “against” CB-1515 to come forward. No one came forward and the public hearing was declared closed.

ORDINANCES:

Second Reading

CB-1509 – Snow & Ice
Removal Amendment

City Clerk Lentz read the title.

MOTION TO PASS

Councilwoman Carlow **MOVED** and it was **SECONDED** by Councilwoman Garner to approve CB-1509 on second reading.

MOTION TO AMEND

Councilman Goodspeed **MOVED** and it was **SECONDED** by Councilman Gillespie to change the time limitation to 48 hours and increase the fines up to \$100, and to direct staff to enforce the ordinance.

MOTION PASSED

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

MOTION PASSED

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

CB-1510 – Final
Development Plan Review

City Clerk Lentz read the title.

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by Councilwoman Carlow to approve CB-1510 on second reading.

FRIENDLY

AMENDMENT

Mayor Novak asked for a friendly amendment to amend Section 11-6.5-4(b) by deleting from the third sentence thereof, the clause 'within 45 days of the public hearing and.'

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - No one.

CB-1512 – City
Seal Amendment

City Clerk Lentz read the title.

MOTION TO PASS

Councilwoman Carlow **MOVED** and it was **SECONDED** by Councilwoman Garner to approve CB-1512 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.

CB-1513 – Drug
Paraphernalia Amendment

City Clerk Lentz read the title.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Councilwoman Garner to approve CB-1513 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.

CB-1514 – Tethering of
Dogs & Cats Prohibited

City Clerk Lentz read the title.

MOTION TO PASS

Councilman Goodspeed **MOVED** and it was **SECONDED** by Councilwoman Garner to approve CB-1514 on second reading.

MOTION FAILED

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

IN FAVOR - Martin, Garner, Goodspeed, Gillespie.

OPPOSED - Novak, Carlow, Tichy, Lindsey, Paiz.

ABSENT - No one.

CB-1515 – VALE Program

Assessment Fee Amendment City Clerk Lentz read the title.

MOTION TO PASS

Councilwoman Paiz **MOVED** and it was **SECONDED** by Councilwoman Carlow to approve CB-1515 on second reading.

MOTION PASSED

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

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

OPPOSED - No one.

ABSENT - No one.

RECESS

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

RECONVENE

The City Council meeting reconvened at 8:55 p.m.

ORDINANCES:

First Reading

CB-1516

Business Incentive

Zone Program Amendment

Mayor Novak read the title.

MOTION TO PASS

Councilwoman Carlow **MOVED** and it was **SECONDED** by Mayor Novak to approve CB-1516 on first 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.

CB-1517 – New

Liquor License Notice

City Clerk Lentz read the title.

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by Councilwoman Garner to approve CB-1517 on first reading.

FRIENDLY

AMENDMENT

Councilman Lindsey asked for a friendly amendment to amend the title by the deletion of the phrase ‘ ____ feet of the proposed license premises to the designated neighborhood’ and to amend Section 18-2-10(a) to read ‘the applicant shall mail a notice via United States mail to all Northglenn landowners within the neighborhood designated by the local liquor licensing authority.’

MOTION PASSED

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

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

OPPOSED - Martin, Tichy.

ABSENT - No one.

City Clerk Lentz stated for the record that the public hearings on CB-1516 and CB-1517 would be held on April 14, 2005.

RESOLUTIONS:

CR-16 – Research Fees
Open Records

City Clerk Lentz read the title.

MOTION TO PASS

Councilwoman Carlow **MOVED** and it was **SECONDED** by Councilwoman Tichy to approve CR-16.

MOTION TO AMEND

Mayor Novak **MOVED** and it was **SECONDED** by Councilman Martin to amend the first sentence of Section 1. to read ‘a research and retrieval fee of twenty dollars (\$20.00) per hour shall be charged for all requests made for City records made under the Colorado Open Records Act, C.R.S. 24-72-101, *et. seq.*, for each hour spent following the first two hours spent by City staff.’ To add, after Section 1., the following sentence: ‘Upon receiving a request for access to records, the custodian shall provide an estimate of the research and retrieval fee to be charged.’ Section 3. shall read ‘This resolution shall take effect July 1, 2005.’

MOTION PASSED

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

MOTION PASSED

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

RECESS

The City Council meeting recessed to a meeting of the Liquor Licensing Authority at 9:28 p.m.

RECONVENE

The City Council meeting reconvened at 10:00 p.m.

COMMUNICATIONS

COUNCIL

Councilwoman Tichy publicly apologized to the Campbell and Marks families and anyone else that was present when she said a curse word during a Council meeting.

Councilwoman Garner reported that she had attended the NLC Energy, Environment and Natural Resources Policy meeting and stated she would be sharing the priorities of the committee with Council. She reported the Water Treatment Plant would be having an open house on April 1st from 11:30 to 1:30 p.m. and a Block Captain meeting would be held on April 12th at the Senior Center.

Mayor Novak stated the City would be receiving an award for the NPI program at the DRCOG Annual Banquet on April 13th. She

asked Council to RSVP to Susan Baca if they would be attending the event.

Mayor Novak reported on Community Development Block Grant (CDBG) funding and provided information about legislation to restore the funding program.

STAFF

City Clerk Lentz stated she had received a request from Adams County Social Services asking for donations for their annual foster care banquet on May 6th. It was the consensus of Council to decline the request for funding.

City Attorney Phillips provided information about the City's home rule status and how it applies to the Colorado Open Meetings Law for executive sessions. City Attorney Phillips stated the Northglenn Urban Renewal Authority (NURA) is a separate State-regulated entity and they follow different procedures regarding open meetings and executive sessions.

DISCUSSION ITEMS

New Budgeting Process

Councilman Lindsey stated he would like clarification on the Budgeting For Outcomes program and he would prefer Council to decide if this will be the approved budgeting process to be used.

City Manager Nelson provided a summary about the budgeting process and stated that Council would make all the decisions regarding the percentages or allocations of funds to the goals and objectives that have been set by Council.

There was discussion about the need to understand the process, the benchmarks to be set, and procedure of using an internal process for setting the budget.

Contract Notification

Councilman Lindsey stated that he would like any contract, regardless of the contract amount, copied to Council before it is executed. He asked Council to consider reducing the City Manager's spending authority for contracts and stated that he feels a \$50,000 limit is too high.

City Manager Nelson stated that he takes his role of fiscal agent for the City very seriously and it is his intention to enter into contracts that will help the City meet Council's goals and objectives.

Mr. Bob Eiche, Finance Director, stated the City Manager's spending authority had been increased from \$25,000 to \$50,000.

There was discussion about the spending authority, the City Manager's role and communication among Council.

Contract Notification

MOTION TO PASS

Councilman Lindsey **MOVED** and it was **SECONDED** by Councilman Goodspeed to request that every contract signed by the City Manager, that is not required to come before this body, be sent to each Council member prior to initiation.

MOTION PASSED

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

IN FAVOR - Novak, Martin, Goodspeed, Lindsey, Paiz, Gillespie.

OPPOSED - Garner, Carlow, Tichy.

ABSENT - No one.

Community Outreach

Councilwoman Garner provided an update on the Community Outreach project and asked Council to allow the subcommittee to revisit the proposals because of new information that has been obtained. She asked if any Council members would like to join the subcommittee.

There was discussion about the pros and cons of using the services of Lyle Sumek for this project.

Councilwoman Garner stated that she would notify Council when the subcommittee would be meeting next.

**PUBLIC INVITED
TO BE HEARD**

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

Extend Council Meeting
MOTION TO PASS

Councilman Goodspeed **MOVED** and it was **SECONDED** by Councilman Lindsey to extend the meeting past 11:00 p.m.

MOTION PASSED

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

IN FAVOR - Martin, Garner, Goodspeed, Lindsey, Paiz, Gillespie.

OPPOSED - Novak, Carlow, Tichy.

ABSENT - No one.

Mr. Don Anema inquired about CR-16 and the per-page copy and per-hour research fees addressed in the resolution.

Ms. Maridee Marks accepted Councilwoman Tichy's apology. Ms. Marks spoke to Council about liquor licensing and information she has acquired through open records requests. She inquired about several issues, budget items and contracts. Ms. Marks stated that she would like Council to listen to what citizens want and need.

Mayor Novak stated that information would be brought back to the next Council meeting about the issues addressed by Ms. Marks.

Northglenn City Council
March 24, 2005

ADJOURNMENT

The City Council meeting adjourned at 10:50 p.m. to an Executive Session regarding personnel matters.

DIANA L. LENTZ, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor