

**CITY OF NORTHGLENN  
CITY COUNCIL MINUTES  
May 20, 2013**

**CALL TO ORDER** Mayor Downing called a special meeting of the Northglenn City Council to order on Monday, May 20, 2013 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 Brown, Whitman, Carrico, C. Dodge, and Wieneke.

**ABSENT** Council members Snetzinger and W. Dodge.

**STAFF PRESENT** Acting City Manager Willett, City Attorney Hoffmann, and Deputy City Clerk Andrews.

**PLEDGE OF ALLEGIANCE** The Pledge of Allegiance was given.

**AGENDA ADDITIONS AND DELETIONS:** None.

**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. No one came forward.

**CONSENT AGENDA MOTION TO PASS** Council member Brown **MOVED** and it was **SECONDED** by Council member Carrico to approve the consent agenda.

**MOTION PASSED** There was no discussion and the motion **PASSED**.  
IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C. Dodge, Wieneke.  
OPPOSED - None.  
ABSENT - Snetzinger, W. Dodge.

The following items were approved on the consent agenda:

- Minutes of the May 13, 2013 Regular Meeting
- CR-58 – Parks & Recreation Advisory Board Reappointment – Terry Wadding
- CR-59 – Youth Commission Reappointment – Greyson Monroe

**PUBLIC HEARINGS:**

CB-1798 – Webster  
Lake Promenade PUD

Deputy City Clerk Andrews read the title.

Mayor Downing opened the public hearing on CB-1798 – Webster Lake Promenade PUD.

Mr. Brook Svoboda, Director of Planning and Development, presented the rezoning application submitted by Hawkins Development, LLC for the property located at 120<sup>th</sup> Avenue and Grant Street, and stated the request is for a change of zoning from Commercial (C-5), Administrative and Professional Zone (C-0), and Open Zone (O-1) to Planned Unit Development (PUD) for the construction of Webster Lake Promenade, a retail center. Mr. Svoboda stated the rezoning is being presented in conjunction with the Final Plat, Vacation of Community Center Drive, and the 1<sup>st</sup> Addendum to the Redevelopment Agreement between Hawkins Development, LLC, Northglenn Urban Renewal Authority (NURA), and the City of Northglenn. Mr. Svoboda provided an overview of the property and the proposed development project and reviewed the case analysis for the rezoning application. Mr. Svoboda advised Council that the Planning Commission unanimously recommended approval of the Webster Lake Promenade PUD.

Mr. Svoboda addressed questions regarding signage, public art that will be displayed at the retail center, and drainage.

Mr. Kevin Hawkins, Hawkins Development, LLC, expressed gratitude for the partnership with NURA and the City of Northglenn and offered to answer any questions regarding the project. No questions were posed.

Mayor Downing called for anyone wishing to speak either “for” or “against” CB-1798 to come forward. No one came forward and the public hearing was declared closed.

CB-1799 – Vacating  
Community Center Drive

Deputy City Clerk Andrews read the title.

Mayor Downing opened the public hearing and called for anyone wishing to speak either “for” or “against” CB-1799 to come forward. No one came forward and the public hearing was declared closed.

CB-1800 – Appropriation  
Amendment – CIP  
Carryover

Deputy City Clerk Andrews read the title.

Mayor Downing opened the public hearing and called for anyone wishing to speak either “for” or “against” CB-1800 to come forward. No one came forward and the public hearing was declared closed.

CB-1802 – Amending  
Chapter 16, Article 2

Deputy City Clerk Andrews read the title.

Mayor Downing opened the public hearing and called for anyone wishing to speak either “for” or “against” CB-1802 to come forward.

Mr. Preston Gibson, Xcel Energy, expressed opposition to CB-1802 and provided a handout to Council suggesting alternative language to Section 16-2-2(t) of the proposed ordinance related to on-site supervision. Mr. Gibson stated that, while some of the work in public rights-of-way is performed by Xcel Energy, subcontractors and independent contractors are often utilized for larger projects. Mr. Gibson stated that per a franchise agreement between Xcel Energy and the City of Northglenn, effective until 2019, Xcel Energy is ultimately responsible for the quality of work on all such projects, regardless of whether subcontractors or independent contractors are employed. Mr. Gibson stated that Xcel Energy holds an annual performance bond and many subcontractors hold annual performance bonds as well. Mr. Gibson briefly discussed concerns regarding on-site project management requirements.

Mr. Dudley Spiller, Counsel to Xcel Energy, was present to also speak against CB-1802. Mr. Spiller reiterated that, per the franchise agreement between Xcel Energy and the City of Northglenn, Xcel Energy is ultimately responsible for any issues caused by subcontractors under their direction. Mr. Spiller stated that requiring subcontractors or independent contractors to obtain individual performance bonds would cause increased costs to Xcel Energy and to all of their customers.

Acting City Manager David Willett stated the proposed ordinance is intended for right-of-way preservation. Mr. Willett expressed concern regarding quality assurance and quality control protocols and explained that the last annual bond paperwork provided by Xcel Energy was dated 2009.

City Attorney Hoffmann addressed Xcel Energy’s request to delete certain language in Section 16-2-2(t) of the proposed ordinance related to on-site supervision. Attorney Hoffmann advised that the language, as drafted by counsel and proposed by City staff, is directly related to the proposed bond requirements and is appropriate. Attorney Hoffmann stated the proposed ordinance, as written, gives the City of Northglenn discretion to require subcontractors or

independent contractors to obtain separate performance bonds.

Mr. Norm Bell, Acting Director of Public Works, provided information regarding Xcel Energy's annual bond, confirming that the last record is dated November 16, 2009. Citing examples such as un-restored landscaping, utility locate potholes, and damage to infrastructure in public rights-of-way, Mr. Bell explained that there have been several issues with work completed by subcontractors over the last two years. Mr. Bell stated the proposed ordinance is not directed specifically at Xcel Energy, but rather at any entity working in public rights-of-way. Mr. Bell stated the ordinance would not restrict the capability of contractors to post an annual bond, but would allow the City to ensure that all subcontractors and independent contractors are properly bonded as well.

Mr. Gibson addressed some specific concerns regarding a current project on Community Center Drive, and stated that Xcel Energy is in the process of rectifying issues. Mr. Gibson again spoke against CB-1802, reiterating that Xcel Energy is subject to a franchise agreement and additional bonding requirements would ultimately result in additional cost to utility customers.

Mayor Downing called for anyone else wishing to speak either "for" or "against" CB-1802 to come forward. No one came forward and the public hearing was declared closed.

CB-1803 – Amending  
Chapter 16, Article 7

Deputy City Clerk Andrews read the title.

Mayor Downing opened the public hearing and called for anyone wishing to speak either "for" or "against" CB-1803 to come forward. No one came forward and the public hearing was declared closed.

**ORDINANCES –**  
**SECOND READING:**

CB-1798 – Webster  
Lake Promenade PUD

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Brown to approve CB-1798 on second reading.

**MOTION PASSED**

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

IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge.

OPPOSED - Wieneke.

ABSENT - Snetzinger, W. Dodge.

CB-1799 – Vacating  
Community Center Drive

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Brown to approve CB-1799 on second reading.

**MOTION PASSED**

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

IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Snetzinger, W. Dodge.

CB-1800 – Appropriation  
Amendment – CIP  
Carryover

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member Carrico **MOVED** and it was **SECONDED** by Council member C. Dodge to approve CB-1800 on second reading.

**MOTION PASSED**

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

IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Snetzinger, W. Dodge.

CB-1802 – Amending  
Chapter 16, Article 2

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member Brown **MOVED** and it was **SECONDED** by Council member Whitman to approve CB-1802 on second reading.

**MOTION PASSED**

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

IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico,  
Wieneke.

OPPOSED - C. Dodge.

ABSENT - Snetzinger, W. Dodge.

CB-1803 – Amending  
Chapter 16, Article 7

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member Carrico **MOVED** and it was **SECONDED** by Council member C. Dodge to approve CB-1803 on second reading.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.  
OPPOSED - None.  
ABSENT - Snetzinger, W. Dodge.

**RESOLUTIONS:**

CR-27 – North Metro Fire  
District MOU for Blood  
Specimen Collection  
Services

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Mayor Pro Tem Clyne **MOVED** and it was **SECONDED** by Council member Wieneke to approve CR-27.

Acting City Manager Willett provided a summary of CR-27.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.  
OPPOSED - None.  
ABSENT - Snetzinger, W. Dodge.

CR-53 – Safebuilt  
Professional Services  
Agreement

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Mayor Downing **MOVED** and it was **SECONDED** by Council member Wieneke to approve CR-53.

Acting City Manager Willett provided a summary of CR-53.

**MOTION PASSED**

There was discussion and the motion **PASSED**.  
IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.  
OPPOSED - None.  
ABSENT - Snetzinger, W. Dodge.

CR-54 – Mile High Sign  
License Agreement

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member Carrico **MOVED** and it was **SECONDED** by Council member Brown to approve CR-54.

Acting City Manager Willett provided a summary of CR-54.

**MOTION PASSED**

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

IN FAVOR - Downing, Brown, Whitman, Carrico, C. Dodge,  
Wieneke.

OPPOSED - Clyne.

ABSENT - Snetzinger, W. Dodge.

CR-55 – Terminal Reservoir  
Outlet Structure Repair

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member Carrico **MOVED** and it was **SECONDED** by  
Council member C. Dodge to approve CR-55.

Acting City Manager Willett provided a summary of CR-55.

**MOTION PASSED**

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

IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Snetzinger, W. Dodge.

CR-56 – Mediation  
Program

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member C. Dodge **MOVED** and it was **SECONDED** by  
Council member Carrico to approve CR-56.

Acting City Manager Willett provided a summary of CR-56.

**MOTION PASSED**

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

IN FAVOR - Downing, Clyne, Brown, Whitman, Carrico, C.  
Dodge, Wieneke.

OPPOSED - None.

ABSENT - Snetzinger, W. Dodge.

CR-57 – Webster Lake  
Promenade Final  
Subdivision Plat & 1<sup>st</sup>  
Amendment to Webster  
Lake Promenade  
Redevelopment Agreement

Deputy City Clerk Andrews read the title.

**MOTION TO PASS**

Council member Carrico **MOVED** and it was **SECONDED** by  
Council member Whitman to approve CR-57.

Acting City Manager Willett provided a summary of CR-57.

**MOTION PASSED**

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

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

**DISCUSSION ITEM:**

Draft 2014 Budget  
Calendar

Mr. Jason Loveland, Director of Finance, introduced the Draft 2014 Budget Calendar and highlighted key dates.

**COMMUNICATIONS:**

Council

Council member C. Dodge thanked all that attended and volunteered at the World's Largest Ice Cream Sundae, noting that it was a successful event with a lot of fun activities.

Council member Carrico stated that she attended the Law Enforcement Memorial hosted by the Northglenn Police Department and complimented all involved in planning the event. Council member Carrico reported the Northglenn Senior Organization (NSO) is hosting a "Dine and Donate" event at Cinzetti's on June 13<sup>th</sup> and stated that 10% of all lunch and dinner proceeds will benefit the Senior Hub. Council member Carrico stated the Northglenn Police Department and the Northglenn Community Foundation will be partnering with A Precious Child on a backpack and school supply drive starting on June 15<sup>th</sup> and continuing through July.

Mayor Pro Tem Clyne announced that the City has been awarded an Adams County Open Space Grant for the Recreation Center locker room renovations.

Mayor Downing spoke about the ribbon cutting event at Demi's Treasures and Thrift Store that she had attended. Mayor Downing also reported the Adams County Historic Society will be hosting a tribute to military veterans on June 9<sup>th</sup> at 2:00 p.m.

Council member Whitman thanked Cold Stone Creamery, Council members Carol and Wayne Dodge, and other sponsors for their participation in the World's Largest Ice Cream Sundae event. Council member Whitman also announced that Kerry Glenn, Coordinator of Northglenn High School's STEM Program, has been appointed to the Anythink Library Board of Trustees.

Mayor Pro Tem Clyne reminded all that there will be a Ward III meeting on June 25<sup>th</sup> at 6:30 p.m. at the Senior Center.



Staff

Acting City Manager Willett updated Council on future agenda items.

City Attorney Hoffmann advised Council that the agreement with the new City Manager has been finalized with a start date of July 29<sup>th</sup>. Attorney Hoffmann suggested that the following two items be added to the agenda for the second study session in June: adult use marijuana and pet stores/puppy mills. Attorney Hoffmann advised that he is monitoring issues surrounding the available bed count at the Adams County Jail. Attorney Hoffmann answered questions regarding firearm safe rebates and issues surrounding Xcel Energy's ban on the hanging of banners on light poles.

**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. No one came forward.

**ADJOURNMENT**

The City Council meeting adjourned at 8:29 p.m.

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LISA ANDREWS, CMC  
Deputy City Clerk

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JOYCE DOWNING  
Mayor