

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
November 8, 2007**

- CALL TO ORDER** Mayor Novak called a regular meeting of the Northglenn City Council to order on Thursday, November 8, 2007 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.
- ROLL CALL** Present were: Mayor Novak, Council members Clyne, Garner, Monroe, Paiz, Miller, Parsons and Martin.
- ABSENT** Council member Lindsey.
- STAFF PRESENT** City Manager Krieger, City Attorney Hoffmann, 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 additions:
- Executive Session on legal and contractual matters to follow the Consent Agenda
 - 17. Discussion Items: A. Malley Crosswalk
- SPECIAL WELCOME** Mayor Novak welcomed Boy Scout Pack 311 from Stargate Charter School to the meeting, and noted that the group is working to earn their citizenship badges.
- PRESENTATIONS:**
Honoring Kids Who Painted Bleachers at NWOS
- Council member Garner spoke about the youth that painted the bleachers at the Northwest Open Space (NWOS), and spoke about the volunteer spirit exhibited by the youth. Mayor and Council presented the youth and the parent volunteers with certificates of appreciation for their work on the project.
- Those recognized were: James Hall, Cesar Valenzuela, Skyler Spauer, Chris Sonnier, Nick Sonnier, Samuel Scheie, Zach Sanders, Zeph Sanders, Justin Brandt, Matt Schnitzler, Marcus Mares, Angelo Mares, Michael Durnford, Matt Durnford, Jared Anderson, Devin Lopez, Dakota Talley, Felix Dreiling, Todd and Gia Sanders, Glen and Elain Mares, Ed and Cindy Durnford, Dave Hall, and Debbie Schnitzler. Mr. Frank Torrez, O'Meara Ford, and Mr. Pat Tafoya and Mr. Randy Condello, representing Kwal Paints, were also recognized for the paint and materials they donated to the project.
- Mr. Todd Sanders thanked Council member Garner for her help with the project and also presented the final payment to the City of

Northglenn from the North Metro Little League.

Automated Trash
Collection Pilot Program

City Manager Krieger stated that staff had conducted additional research on an automated trash collection program and asked Council for direction on proceeding with the purchase of automated trash trucks.

Mr. Norm Bell, Maintenance & Operations Expediter, presented information about implementing a pilot program for automated trash collection and curbside recycling in the City. He spoke about costs associated with the purchase of polycarts for the program and the routes that would be incorporated in a pilot program. Mr. Bell spoke about rolling the program out city-wide and reviewed the operational costs, expenditures and a proposed fee structure for the program.

City Manager Krieger noted that staff is not proposing changes to the current fee schedule for the residents in the pilot program. He also provided information on available funding for the pilot program, and reported that staff is working separately on a green component for yard waste.

There were questions from Council about the cost of the automated trash trucks, the frequency of recycling pickups, and residents' concerns about the storage of polycarts.

Trash Truck Purchase
MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Parsons to direct staff to order trash trucks, taking advantage of the 2007 rates, and to bring back appropriate legislation to adjust a change in the 2008 budget.

MOTION PASSED

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

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. Dallas Briggs, Ward I, spoke about the burn days that are reported on the City website, and asked if the City had adopted a burn policy or if the restrictions were voluntary.

Ms. Sharon Tonsager, Relay For Life Chairperson, spoke about the 6th Annual Relay For Life event that was held in September at E.B. Rains, Jr. Memorial Park. She reported that the event raised over \$102,000 for cancer research and thanked City Council for the use of the park for the relay. Ms. Tonsager thanked the Council members

and City employees that participated and asked for Council's support for the 2008 Relay For Life event.

Mr. Bill Gillespie, 930 Claire Lane, spoke about the monthly breakfasts that are held at the Senior Center. He stated that monetary donations would be appreciated for the breakfasts, and asked Council and City staff to participate in the monthly events. Mr. Gillespie also asked Council and Council-elect to work together and to be courteous to one another.

Mr. Lee Brown spoke about the recreation center ballot issue that recently failed and the expense that the issue would have cost residents. Mr. Brown spoke about the existing recreation facility. He stated that he feels the building should be maintained and not demolished, and also expressed concern about future tax increases.

Mr. Ervin Brown, Council Elect, thanked the residents who voted in the recent election and spoke about manipulation in government.

Mr. Chet Truex, Ward I, congratulated Sheri Paiz, Joyce Downing and Gene Wieneke for being elected as Council representatives. Mr. Truex spoke about the City living within its budget, the practice of publishing Council's votes in the Northglenn Connection, and also expressed concern about employee salaries.

Ms. Joyce Downing, Northglenn Build a Generation, spoke about the Rudolph Reading Raffle that is held each year during the Noel Northglenn event. Ms. Downing stated that last year City Council had donated \$300.00 to the event and asked for a monetary donation for the raffle that will be held on November 30, 2007.

Mr. Gene Wieneke apologized for interrupting the meeting during the automated trash presentation. Mr. Wieneke expressed concern about motions being made during presentations, and encouraged Council to add items to the agenda no later than 24 hours prior to the meetings.

FINANCIAL REPORT:

Update/Food Tax Rebate

Mr. Brent Worthington, Finance Director, provided a financial report for the period ending September 30, 2007. Mr. Worthington spoke about revenue and expenditures for the General Fund, Water and Wastewater Fund, and Sanitation Fund. Mr. Worthington reported on fines and forfeitures, sales tax revenue and the City's investment portfolio. Mr. Worthington also spoke about the implementation of the food tax rebate program and the method that will be used to calculate the rebates for qualifying residents.

CONSENT AGENDA
MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Garner 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.

The following items were approved on the consent agenda:

- Minutes of the Regular Meeting of October 25, 2007
- CR-108 – Citizens’ Affairs Board Appointment – Nancy Pfaff

ITEMS REMOVED
FROM CONSENT

AGENDA:

CR-107 – Parks & Recreation Advisory Board Reappointment

City Clerk Lentz read the title.

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Miller to approve CR-107.

MOTION PASSED

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

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

OPPOSED - Garner.

ABSENT - Lindsey.

Executive Session

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Clyne to recess to an Executive Session on legal and contractual matters.

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 8:32 p.m.

RECONVENE

The City Council meeting reconvened at 8:57 p.m.

PUBLIC HEARINGS:

CB-1636 – 120th Avenue Preliminary PUD – Rezoning

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to speak either “for” or “against” CB-1636 to come forward.

Mr. Jim Hayes, Planning and Development Director, spoke about the rezoning request for the property located at 120th Avenue and Grant Street, and provided information about the future use of the site. He stated that CB-1636 would rezone the property from a combination of Commercial C-4 and C-5 to preliminary PUD. Mr. Hayes stated that the Planning Commission had recommended approval of CB-1636 at their meeting on October 9, 2007, and reported that staff also recommends approval of the rezoning request.

CB-1637 – Northglenn
Historic Preservation
Commission Membership

City Clerk Lentz read the title.

Mayor Novak invited any person wishing to speak either “for” or “against” CB-1637 to come forward. No one came forward and the public hearing was closed.

ORDINANCES:

Second Reading

CB-1636 – 120th
Avenue Preliminary
PUD Rezoning

MOTION TO PASS

Council member Parsons **MOVED** and it was **SECONDED** by Council member Monroe to approve CB-1636 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-1637 – Northglenn
Historic Preservation
Commission Membership

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Parsons to approve CB-1637 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.

ORDINANCES:

First Reading

CB-1638 – Renaming
of City Departments

City Clerk Lentz read the title.

MOTION TO PASS

Council member Garner **MOVED** and it was **SECONDED** by Council member Monroe to approve CB-1638 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.

CB-1639 – Employee
Pension Plan Amendments

City Clerk Lentz read the title.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Miller to approve CB-1639 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.

CB-1640 – Police Pension
Plan Amendments

City Clerk Lentz read the title.

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Monroe to approve CB-1640 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.

NOTE:

City Clerk Lentz stated for the record that the public hearings on CB-1638, CB-1639 and CB-1640 would be held on December 13, 2007 in City Hall Council Chambers.

RESOLUTIONS:

CR-102 – 2008
Landfill Services

City Clerk Lentz read the title.

MOTION TO PASS

Council member Garner **MOVED** and it was **SECONDED** by Council member Monroe to approve CR-102.

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-103 – Reach
Center Property Trade

City Clerk Lentz read the title.

MOTION TO PASS

Council member Garner **MOVED** and it was **SECONDED** by Council member Parsons to approve CR-103.

MOTION PASSED

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

**BOARD OF
ADJUSTMENT
APPEAL Case #A-04-07**

Mayor Novak opened the public hearing on the appeal of the Board of Adjustment's decision regarding Case #A-04-07 and read the procedures to be used for the hearing.

City Manager Krieger spoke about the appeal of the Board of Adjustment's decision for Case #A-04-07 involving Discount Drains & Plumbing.

Mr. Rick Davis, Chief Building Official, provided an overview of the incidents involving Discount Drains & Plumbing. Mr. Davis stated that the company had been told to stop work at the site, and spoke about the injuries that were sustained as a result of a trench collapse. Mr. Davis also spoke about the Occupational Safety and Health Administration (OSHA) rules that were violated by the company.

City Attorney Hoffmann asked that the complete packet that was distributed regarding the appeal of Case #A-04-07 be submitted as part of the record.

Mr. Nick Avila, legal counsel for Discount Drains & Plumbing, was placed under oath by City Clerk Lentz. Mr. Avila cross-examined Mr. Davis about his knowledge concerning the issuance of a cease and desist order from the North Metro Fire Rescue District (NMFRD), the disposition of a citation against Discount Drains & Plumbing, the resolution of the OSHA investigation, the company's abatement efforts, and the violations identified by OSHA.

Council questioned Mr. Davis about Discount Drains & Plumbing's failure to meet the OSHA requirement of having a trench-certified or trench-competent person present during their work.

Mr. Mark Tapia, Discount Drains & Plumbing, provided sworn testimony about his plumbing experience and licenses he has obtained. Mr. Tapia spoke about citations he received from OSHA and the health and safety program he developed for future work projects. Mr. Tapia provided testimony about OSHA training classes he has attended and spoke about the procedures he has implemented for his employees as a result of the incident that occurred in Northglenn.

There were questions from Council about warnings issued to Discount Drains & Plumbing by the NMFRD on the day of the incident, Mr. Tapia's knowledge of safety regulations, and the injuries sustained by Mr. Tapia's employee. There were also questions about the case that was dismissed through the fire department, the timing of the City's actions, permits obtained by the company to perform work in Northglenn, and the date that the company was contacted by the homeowner to perform work at the site.

Mr. Avila provided additional testimony about the date of the incident and the breakage of the gas pipe in the trench.

Mr. Davis answered questions from Council about the date and time that the City was notified of the incident and the issuance of a permit to the company. Mr. Davis provided testimony about the City's knowledge of communications between NMFRD and Discount Drains & Plumbing.

City Attorney Hoffmann provided information about Council's options regarding the appeal of the Board of Adjustment's decision to suspend the Contractor's License of Discount Drains & Plumbing for 60 days. City Attorney Hoffmann stated that counsel for the applicant had requested the dismissal notice from the Northglenn Municipal Court for ticket #233829 issued to Mr. Tapia to be entered as part of the record, and stated that it would be appropriate to accept the documentation.

Case #A-04-07

MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Martin to revoke the Contractor's License issued to Discount Drains & Plumbing through the end of 2007, with the understanding that the company could apply for a license after 90 days from today's date.

MOTION PASSED

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

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

OPPOSED - No one.

ABSTAIN - Clyne.

ABSENT - Lindsey.

COMMUNICATIONS
COUNCIL

Mayor Novak spoke about the request from Ms. Joyce Downing regarding the Rudolph Reading Raffle program, and inquired about available funding for a donation.

Rudolph Reading Raffle
MOTION TO PASS

Mayor Novak **MOVED** and it was **SECONDED** by Council member Monroe to donate \$300.00 to Northglenn Build a Generation to be used for the Rudolph Reading Raffle as part of Noel Northglenn.

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.

Council member Monroe reported on Safe Street Halloween. She stated that it was a successful event again this year and thanked the staff that participated. Council member Monroe congratulated the five new police officers that were sworn in tonight and also reported on the Best Buy grand opening event. Council member Monroe reported that the Youth Commission did a great job working with the Parks and Recreation Advisory Board on a skate park project.

Council member Garner thanked the voters that supported her in the recent election, and also thanked the residents of Ward 4 that have supported her and have participated in the community over the last four years.

DISCUSSION ITEMS:

Malley Crosswalk

Council member Clyne stated that she has continued to receive complaints about the safety of the pedestrian crosswalk on Malley Drive. There was discussion about other concerns that have been expressed about the crosswalk.

City Manager Krieger provided information about the items that have been installed to improve the crosswalk. There was discussion and it was the consensus of Council to review other options for improving the visibility and safety of the crosswalk after the first of the year.

**PUBLIC INVITED
TO BE HEARD**

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

Dr. Sean Reif, Ward I, thanked the City for allowing him to be a part of the political process in the recent election, and congratulated Council member Paiz on her re-election. Dr. Reif spoke about the City's comprehensive plan and vacancies on the Planning Commission.

Executive Session

MOTION TO PASS

Council member Garner **MOVED** and it was **SECONDED** by Council member Monroe to adjourn to an Executive Session on personnel matters.

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.

ADJOURNMENT

The City Council meeting adjourned at 10:09 p.m.

DIANA L. LENTZ, CMC
City Clerk

KATHLEEN M. NOVAK
Mayor