

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
April 28, 2011**

CALL TO ORDER Mayor Downing called a regular meeting of the Northglenn City Council to order on Thursday, April 28, 2011 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Downing, Council members Snetzinger, Paiz, Brown, Baker, Clyne, Carrico, Dodge, and Wieneke.

ABSENT No one.

STAFF PRESENT City Manager Simmons, City Attorney Hoffmann, and City Clerk Small.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was given.

AGENDA ADDITIONS AND DELETIONS: There were no additions or deletions to the agenda.

PROCLAMATIONS:
Municipal Clerks Week Mayor Downing read a proclamation proclaiming the week of May 1st through 7th, 2011 as Municipal Clerks Week and presented the proclamation to City Clerk Johanna Small. Ms. Small thanked Council for the proclamation.

National Day of Prayer Mayor Downing read a proclamation proclaiming May 5, 2011 as a City-Wide Day of Prayer in the City of Northglenn and presented the proclamation to Ms. Jenni Murphy, Community Outreach Coordinator. Ms. Murphy invited everyone to attend a Prayer Day service at Crossroads Baptist Church on May 5th at 7:00 p.m.

National Law Enforcement Week Mayor Downing read a proclamation proclaiming the week of May 15th through 19th, 2011 as National Law Enforcement Memorial Week and May 15, 2011 as National Peace Officers' Memorial Day in the City of Northglenn, and presented the proclamation to Lt. Commander Jim May. Lt. Commander May invited everyone to attend a Candlelight Vigil on Wednesday, May 18, 2011 at 7:00 p.m. in E.B. Rains, Jr. Memorial Park.

PRESENTATIONS:
Tree City USA Mr. Keith Wood, Colorado State Forest Service, stated that the City of Northglenn had been awarded the Tree City USA designation for

the 21st year and provided information about the Tree City program. Mr. Wood congratulated the City and presented the Tree City USA award to Mr. Joel Szymanski, City Arborist, and Mr. Allan Duckworth, Parks Maintenance. Mr. Szymanski thanked Council for supporting the tree program.

Transportation
Planning Update

Mr. Jim Hayes, Planning and Development Director, provided information about Regional Transportation District (RTD) projects including the West Call 'n Ride service and the FasTracks project. Mr. Hayes spoke about the financial plan for FasTracks and provided an update on the North Area Transportation Alliance (NATA). Mr. Hayes also spoke about the application for a Transportation Management Organization (TMO), Colorado Department of Transportation (CDOT) projects, and the Federal Aviation Administration's environmental assessment project.

There was discussion about the I-25 improvements project, plans for noise mitigation along the corridor, and funding for the FasTracks project.

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.

Mayor Downing addressed Dr. Reif. Mayor Downing stated that she and the Council appreciate Dr. Reif's participation at public meetings, but stated that personal attacks and threats will not be allowed during Council meetings, other board and commission meetings, or any other public meetings. Mayor Downing stated that if any members of the Council or of other boards and commissions feel genuinely threatened by Dr. Reif's statements, his conduct may be a criminal violation of Colorado law.

Dr. Sean Reif, Ward I, spoke about Northglenn Urban Renewal Authority (NURA) meetings being cancelled, the Sunshine (Open Meetings) Law, and the use of executive sessions. Dr. Reif spoke about the consideration of the 2009 International Building Codes and conduct of elected officials.

Ms. Marge Carlow, Event Chair of the Webster Lake Relay For Life, spoke to Council about the Relay For Life event, which raises funds for the American Cancer Society. Ms. Carlow thanked City Council for their support of the event and the use of E.B. Rains, Jr. Memorial Park for the relay. Ms. Carlow spoke about the fundraising goal for the 10th Annual Relay For Life, which will be held on September 10th

and 11th, 2011 and invited everyone to attend the upcoming First Annual Cancer Survivor Social on Tuesday, May 10, 2011 at 6:30 p.m. at the Northglenn Recreation Center. Ms. Carlow stated she can be reached at 303-452-0264 to RSVP for the social or if anyone would like more information.

CONSENT AGENDA
MOTION TO PASS

Council member Carrico **MOVED** and it was **SECONDED** by Council member Clyne to approve the consent agenda.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, Paiz, Brown, Baker, Clyne, Carrico, Dodge, Wieneke.

OPPOSED - No one.

ABSENT - No one.

The following items were approved on the consent agenda:

- Minutes of the April 14, 2011 Regular Meeting
- CR-42 – Parks and Recreation Advisory Board Appointment
– Terry Wadding

PUBLIC HEARINGS:

CB-1747 – Appropriation
Amendment – CIP
Carry-Over

City Clerk Small read the title.

Mayor Downing invited any person wishing to speak either “for” or “against” CB-1747 to come forward.

Dr. Sean Reif, Ward I, spoke against CB-1747. Dr. Reif expressed concern about municipal spending, utilizing current equipment, and transparency in government.

Mayor Downing called for any other person wishing to speak either “for” or “against” CB-1747 to come forward. No one came forward and the public hearing was declared closed.

CB-1748 – Supplemental
Appropriation – Water
Rights Purchase

Mayor Downing invited any person wishing to speak either “for” or “against” CB-1748 to come forward.

Mr. Shawn Cordsen, Finance Director, stated that a word had been omitted in the staff memorandum for CB-1748, which resulted in a sentence stating that CB-1748 would violate the City Charter. Mr.

Cordsen clarified that the adoption of CB-1748 would not violate the City Charter.

Dr. Sean Reif, Ward I, spoke against CB-1748. Dr. Reif spoke about the cost of utility service, water rate increases, and municipal spending.

Mayor Downing called for any other person wishing to speak either “for” or “against” CB-1748 to come forward. No one came forward and the public hearing was declared closed.

ORDINANCES:

Second Reading

CB-1747 – Appropriation
Amendment – CIP
Carry-Over

MOTION TO PASS

Mayor Downing **MOVED** and it was **SECONDED** by Council member Clyne to approve CB-1747 on second reading.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Downing, Snetzinger, Paiz, Brown, Baker, Clyne,
Carrico, Dodge, Wieneke.
OPPOSED - No one.
ABSENT - No one.

CB-1748 – Supplemental
Appropriation – Water
Rights Purchase

MOTION TO PASS

Council member Clyne **MOVED** and it was **SECONDED** by Council member Carrico to approve CB-1748 on second reading.

MOTION PASSED

There was discussion and the motion **PASSED**.
IN FAVOR - Downing, Snetzinger, Paiz, Brown, Baker, Clyne,
Carrico, Dodge, Wieneke.
OPPOSED - No one.
ABSENT - No one.

ORDINANCES:

First Reading

CB-1749 – Massage
Parlor Licensing

City Clerk Small read the title.

MOTION TO PASS

Council member Clyne **MOVED** and it was **SECONDED** by Council member Paiz to approve CB-1749 on first reading.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, Paiz, Brown, Baker, Clyne,
Carrico, Dodge, Wieneke.

OPPOSED - No one.

ABSENT - No one.

Note:

City Clerk Small stated for the record that the public hearing on CB-1749 would be held on May 12, 2011 in City Hall Council Chambers.

RESOLUTIONS:

CR-41 – 2011 Parks &
Recreation Master Plan

City Clerk Small read the title.

MOTION TO PASS

Council member Clyne **MOVED** and it was **SECONDED** by Council member Carrico to approve CR-41.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, Paiz, Brown, Baker, Clyne,
Carrico, Dodge, Wieneke.

OPPOSED - No one.

ABSENT - No one.

CR-43 – 2011 Dump
Truck Bed & Sander
Replacement

City Clerk Small read the title.

MOTION TO PASS

Council member Clyne **MOVED** and it was **SECONDED** by Council member Snetzinger to approve CR-43.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, Paiz, Brown, Baker, Clyne,
Carrico, Dodge, Wieneke.

OPPOSED - No one.

ABSENT - No one.

CR-44 – City Manager
Stipend

City Clerk Small read the title.

MOTION TO PASS

Council member Paiz **MOVED** and it was **SECONDED** by Council member Brown to approve CR-44 with an additional fourth whereas allowing the City Manager to receive an additional, retroactive stipend for 2010.

MOTION PASSED

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

IN FAVOR - Downing, Snetzinger, Paiz, Brown, Clyne, Carrico,
Dodge.

OPPOSED - Baker, Wieneke.

ABSENT - No one.

DISCUSSION ITEMS:

Massage Parlor Zoning

Mr. Jim Hayes, Planning and Development Director, provided information about massage businesses relating to the zoning ordinance and identified the zones in which massage businesses would be allowed or prohibited.

City Attorney Hoffmann stated that the zoning designation would apply whether the massage service is being provided by a licensed massage parlor or a massage business that is exempt from the licensing requirements.

There was discussion about the location of massage businesses in industrial zoned areas and the interpretation of the zoning ordinance.

COMMUNICATIONS:

Council

Mayor Downing read a memorandum to City Council providing notification of her intent to seek removal of NURA Commissioner Bob McCoy based on a memorandum from NURA regarding charges of inefficiency and misconduct. Mayor Downing stated that following tonight's meeting she will ask the City Manager, in conjunction with the City Clerk's Office, to provide a copy of the memorandum to Commissioner McCoy and the NURA Board and to provide notice of a hearing on the matter to be held at a special meeting on May 31, 2011 at 6:00 p.m.

Council member Snetzinger reminded everyone that the deadline to apply for assistance for the Brothers Redevelopment Paint-a-Thon is June 15, 2011, and stated that applications are available at City Hall or from Brothers Redevelopment.

Council member Paiz reported on a Rocky Flats workshop she attended. She stated the meeting was very informative and she met several of the activists for the Rocky Flats area. Council member Paiz reported that she attended the Skate Park groundbreaking event and also inquired about the status of a request from the Citizens' Affairs Board (CAB).

Council member Brown reported on the Planning Commission and a public hearing that was held regarding the TH Automotive rezoning application. Council member Brown also noted that an applicant for the Planning Commission would be interviewing with Council at the next meeting.

Council member Baker inquired about the different hearing date referenced in the Mayor's memorandum to Council regarding the removal of NURA Commissioner McCoy. Mayor Downing stated

that the date of May 31st had been chosen to accommodate Commissioner McCoy's attorney.

Council member Clyne reported that the Finance Committee had met with the auditor regarding the status of the 2010 Audit and noted that the audit should be ready to be presented to Council in late May or early June.

Council member Carrico reported that the Utility Assistance Program is moving along well and stated that the Northglenn Community Foundation would be participating in the July 4th Fun Run. Council member Carrico reported on the Anythink Library's My Summer Program and stated that the North Metro Fire Rescue District is reminding everyone to exercise safety around windows in homes.

Council member Dodge reported that she had attended the Don Anema Memorial Skate Park groundbreaking event. Council member Dodge encouraged the public to visit Pho 104 Vietnamese Restaurant, which is located in the Northglenn Marketplace, and urged everyone to support local Northglenn restaurants.

Council member Wieneke provided notice that he will seek to rescind CR-44 – City Manager Stipend at the next Council meeting.

Mayor Downing commended staff for the presentations they provided at the Earth Day event at Leroy Drive Elementary School and announced that the Police Department's 2nd Annual Pharmaceutical Take Back Day would be held on Saturday, April 30, 2011. Mayor Downing asked if any members of Council would be interested in participating in the Adams County Fair Parade on July 30, 2011.

Staff

City Manager Simmons stated that the NURA Board had taken action to cancel their meetings until the matter involving Commissioner McCoy has been resolved. City Manager Simmons reported that the CAB had submitted a recommendation and findings regarding garage sales and staffing of Neighborhood Services Officers. It was the consensus of Council to review the CAB's proposal at a study session.

City Manager Simmons distributed information regarding the recycling survey and stated that, based on the results, staff is ready proceed with the implementation of the curbside recycling program. There was discussion about the timeline and approval of costs of the program. City Manager Simmons stated the item would be scheduled for the next study session.

City Manager Simmons announced that Police Chief Russ VanHouten will be retiring on June 17, 2011. City Manager Simmons expressed his appreciation of Chief VanHouten's 35 years of service to the City and stated that Lt. Commander Jim May will assume the interim Chief position upon the retirement.

City Attorney Hoffmann stated that the memorandum read by the Mayor concerning the removal of NURA Commissioner McCoy qualifies as the notice necessary under Section 4.2 of the City Charter for notice by the Mayor to call a special meeting. City Attorney Hoffmann thanked Council for scheduling a special meeting on May 31, 2011 to accommodate Commissioner McCoy's attorney. City Attorney Hoffmann provided clarification regarding statements made by Dr. Sean Reif, and stated that the Open Meetings Law requires Northglenn, as a local public body, to post notices for meetings of three or more members pursuant to C.R.S. § 24-6-402(2)(b). City Attorney Hoffmann noted that he also attended the Skate Park groundbreaking event and stated that he had referred members of the public who were asking for a skate park at a meeting in Weld County to the Northglenn Youth Commission.

**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.

Dr. Sean Reif spoke about the item regarding the removal of NURA Commissioner McCoy, public comment, and CB-1749 – Massage Parlor Licensing.

Ms. Stacy Voigt spoke about the item regarding the removal of NURA Commissioner McCoy. Ms. Voigt expressed concern about a lack of transparency of the Board and stated she feels there is not enough evidence to remove Commissioner McCoy from his position.

ADJOURNMENT

The City Council meeting adjourned at 8:51 p.m.

JOHANNA SMALL, CMC
City Clerk

JOYCE DOWNING
Mayor