

MINUTES
THORNTON CITY COUNCIL
REGULAR MEETING
JULY 13, 2010

1. CALL TO ORDER - By Mayor Erik Hansen at 7:00 p.m.
2. INVOCATION - Senior Pastor Brian Dare, Calvary Community Baptist Church
3. PLEDGE OF ALLEGIANCE
4. ROLL CALL OF COUNCIL - Those Present were: Mayor Erik Hansen; Councilmember Randy Drennen; Councilmember Lynne Fox; Councilmember Mack Goodman; Councilmember Eva Henry; Councilmember Beth Humenik; Councilmember Steve Lebsock; Mayor pro tem Eric Tade; and Councilmember Val Vigil. Absent - None.

STAFF MEMBERS PRESENT - Jack Ethredge, City Manager; Joyce Hunt, Assistant City Manager; Margaret Emerich, City Attorney; Bud Elliot, Deputy City Manager for Infrastructure; Jeff Coder, Deputy City Manager for City Development; Mike Soderberg, Executive Director for Community Services; Charles Long, Deputy City Manager for Management Services; James Nursey, Executive Director - Police Chief; John Staley, Executive Director - Fire Chief; Chris Molison, Development Director; Chuck Seest, Finance Director; Greg Wheeler, Chief Building Official; Chad McCollum, Fire Marshal; Maria Ostrom, Tax and Investment Manager; Greg Thompson, Current Planning Manager; Tricia Hinton-Potter, Human Resources Manager; Robin Brown, Senior Policy Analyst; Nancy Vincent, City Clerk; and Karren Werft, Deputy City Clerk.

5. APPROVAL OF AGENDA

MOTION WAS MADE BY COUNCILMEMBER MACK GOODMAN AND SECONDED BY COUNCILMEMBER BETH HUMENIK TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY.

6. AUDIENCE PARTICIPATION

A. Presentations

1. A Resolution commending George "Lew" McCain for his service as a member of the Thornton Development Permits and Appeals Board.

Mayor Hansen asked George McCain to come forward.

COUNCILMEMBER LYNNE FOX INTRODUCED, READ IN ITS ENTIRETY AND MOVED TO APPROVE A RESOLUTION COMMENDING GEORGE "LEW" MCCAIN FOR HIS SERVICE AS A MEMBER OF THE THORNTON DEVELOPMENT PERMITS AND APPEALS BOARD. MOTION WAS SECONDED BY COUNCILMEMBER BETH HUMENIK AND PASSED UNANIMOUSLY.

Mayor Hansen presented a plaque of appreciation to George and thanked him for his time and commitment to the City and the citizens of Thornton.

Mr. McCain stated that he has enjoyed living in Thornton for 29 years. He thanked Council and staff.

B. Audience Participation

Brenda Madison, City of Centennial City Clerk and President of the Colorado Municipal Clerks Association (CMCA); along with Kathryn Young, City of Colorado Springs, CMCA Past President; and Laura Bauer, Commerce City, CMCA Vice President; stated that they were present to honor Thornton's City Clerk, Nancy Vincent. She informed Council that Nancy received the President's Award of Special Merit at the International Institute of Municipal Clerk's (IIMC) Conference in May. She presented to Nancy a framed picture of her receiving the award from the International President of IIMC.

Council congratulated Nancy and thanked her for her outstanding service.

Lee Whitner, 12475 Salem Street, Henderson, CO, President of the Thornton Professional Firefighters Local 2376, spoke in favor of the Employee Recognition Act and unions in general.

Alan Lee, 9351 Grant Street, on behalf of the American Federation of State, County and Municipal Employees, encouraged Council to vote in support of the Employee Recognition Act. He asked Council to reconsider that the meet and confer process culminate in a written agreement between the employee organization and the City.

In response to a question by Council, the City Attorney stated anything that culminates in a binding contract would not be in conformance with the Charter where wages and benefits are established by the City Council through adoption of the pay plan every year.

Mike Cutshaw, 3655 E. 128th Place, a recent retiree from the Thornton Fire Department, addressed Council to personally thank them and staff for the opportunity to be a part of the organization.

Mike Violette, Executive Director of the Colorado State Fraternal Order of Police, 1439 Morningside Drive, Longmont, CO, complimented Council on bringing the Employee Recognition Act forward.

C. Staff Reports

None

7. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Henry announced that Senate Bill 156, which gives mobile home park residents rights, has been enacted into law. She reviewed some of the provisions of the new bill. She also noted that Thornton was not in CNN's top 100 cities.

Councilmember Fox thanked everyone who attended the Anythink Library grand opening on Saturday. She also invited the residents of Ward 3 to attend the TRAB meeting tomorrow night at the Thornton Community Center from 6 to 8 p.m.

Councilmember Humenik noted that the Rangeview Library District now has eight libraries. She invited everyone to the Ward 3 Ice Cream Social on Thursday evening at Cherry Park. She also said that Movies in the Park will take place tomorrow evening at the Recreation Center multipurpose fields.

Councilmember Tade invited everyone to the Ward 4 Ice Cream Social on Thursday, July 22.

8. CONSENT CALENDAR

MOTION WAS MADE BY COUNCILMEMBER LYNNE FOX AND SECONDED BY COUNCILMEMBER BETH HUMENIK TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

The City Clerk read into the record the titles of the ordinances contained on the Consent Calendar.

MOTION PASSED UNANIMOUSLY.

THE FOLLOWING DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

- A. Approval of Minutes June 29, 2010, Regular City Council Meeting.
- B. An Ordinance amending Sections 26-393, 26-394, 26-397 and 26-399 of the Thornton City Code increasing the time period within which taxpayers may pay or protest tax assessments, or protest refund denials, and pertaining to protest hearing procedures. (Second Reading)
- C. Monthly Financial Report for May 2010.
- D. An Ordinance amending Sections 38-641, 38-643, 38-645 and 38-646 of the Thornton City Code concerning the regulation of motorized bicycles, neighborhood electric vehicles, and motor vehicles. (First Reading)
- E. An Ordinance amending Subsection 14-7(d) of the Thornton City Code pertaining to the Traffic Violations Bureau and classification of parking violations. (First Reading)
- F. A Resolution approving the City Manager's appointment of Charles M. Seest as the Director of Finance/City Treasurer for the City of Thornton, effective July 6, 2010.
- G. A Resolution adopting the 2010 Housing Master Plan as a supplement to the 2007 Thornton Comprehensive Plan.
- H. A Resolution approving a Memorandum of Understanding between the City of Thornton, the Federal Bureau of Investigation, the U.S. Department of Homeland Security and other Colorado participating law enforcement agencies in the Denver Metro region forming a Metro Gang Task Force.

- I. A Resolution approving an Intergovernmental Agreement among the City of Thornton, Adams County, the cities of Arvada, Brighton, Commerce City, Federal Heights, Northglenn, and Westminster, and Town of Bennett regarding Adams County Collaborative Transportation Planning.

9. PUBLIC HEARINGS

At this time, individuals wishing to provide testimony during the public hearings were sworn in by the City Clerk.

- A. A public hearing regarding an Ordinance amending Chapter 10, Articles I, II, and III, and repealing and reenacting Article IV by adopting by reference the 2009 edition of the following codes: International Building Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, the 1997 edition of the Uniform Code for the abatement of dangerous buildings, the 2008 edition of the National Electrical Code, the 2009 edition of the International Residential Code, the 2007 edition of the Safety Code for Elevators and Escalators, the 2005 edition of the Safety Code for Existing Elevators and Escalators, the 2005 edition of the Safety Standards for Platform Lifts and Stairway Chair Lifts, the 2005 Automated People Mover Standards, the 2009 edition of the International Energy Conservation Code, the 2009 edition of the International Existing Building Code, and local amendments thereto of the Thornton City Code.

The public hearing was opened at 7:37 p.m. The City Manager gave the opening remarks.

Greg Wheeler, Chief Building Official, stated that he was previously sworn. He entered into the record the notice of hearing published in the Northglenn-Thornton Sentinel which was marked as City's Exhibit #1. He also entered into the record a letter from the Home Builders Association (HBA) of Metro Denver which states they have no objections to the proposed amendments. This was marked as City's Exhibit #2. He stated that the HBA is not necessarily in favor of residential sprinklers, but supports the deferred implementation to January 1, 2013. He reminded Council that an in-depth review of the major amendments to the International Codes was made at the Planning Session on June 1 and the June 8 City Council meeting.

Mr. Wheeler highlighted the following key elements that have been amended or added to the Code: 1) inclusion of the definitions of a sleeping room and carbon monoxide detectors; 2) codifying the City's roofing requirements; 3) adding pressure reducing valves to be set at 80 psi; 4) deferring the implementation of residential sprinklers in single-family residences and townhouses to January 1, 2013; 5) adoption of the elevator and escalator standards to be in compliance with the State of Colorado Elevator and Escalator Certification Act; 6) deletion of the scope and administrative sections of the International Codes and incorporating them into the City Code; 7) codifying fees that in the past have been in the Code and historically collected; and 8) maintained the requirement for a six-foot barrier around pools, spas and hot tubs unless they have an automatic or manual locking cover. He noted that the effective date of ordinance would be August 2, 2010.

No one signed up nor wished to speak in support of or in opposition to the proposed ordinance.

The public hearing was closed at 7:41 p.m.

COUNCILMEMBER VAL VIGIL INTRODUCED, READ BY TITLE AND MOVED TO APPROVE AN ORDINANCE ON SECOND READING, WHICH AMENDS CHAPTER 10, ARTICLES I, II, AND III, AND REPEALS AND REENACTS ARTICLE IV BY ADOPTING BY REFERENCE THE 2009 EDITION OF THE FOLLOWING CODES: INTERNATIONAL BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL FUEL GAS CODE, THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE, THE 2009 EDITION OF THE INTERNATIONAL RESIDENTIAL CODE, THE 2007 EDITION OF THE SAFETY CODE FOR ELEVATORS AND ESCALATORS, THE 2005 EDITION OF THE SAFETY CODE FOR EXISTING ELEVATORS AND ESCALATORS, THE 2005 EDITION OF THE SAFETY STANDARDS FOR PLATFORM LIFTS AND STAIRWAY CHAIR LIFTS, THE 2005 AUTOMATED PEOPLE MOVER STANDARDS, THE 2009 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, THE 2009 EDITION OF THE INTERNATIONAL EXISTING BUILDING CODE, AND LOCAL AMENDMENTS THERETO OF THE THORNTON CITY CODE. MOTION WAS SECONDED BY MAYOR PRO TEM ERIC TADE AND PASSED UNANIMOUSLY.

- B. A public hearing regarding an Ordinance amending Sections 10-160 and 10-161 of the Thornton City Code by adopting by reference the 2009 International Fire Code and amendments thereto and repealing Section 10-161.1.

The public hearing was opened at 7:44 p.m. The City Manager gave the opening remarks.

Chad McCollum, Fire Marshal, stated that he was previously sworn. He entered into the record the notice of hearing published in the Northglenn-Thornton Sentinel which was marked as City's Exhibit #1. He noted that the amendments to the 2009 International Fire Code were reviewed by Council at the June 1, 2010 Planning Session and stated that he was present to answer any questions by Council.

No one signed up nor wished to speak in support of or in opposition to the proposed ordinance.

The public hearing was closed at 7:46 p.m.

COUNCILMEMBER BETH HUMENIK INTRODUCED, READ BY TITLE AND MOVED TO APPROVE AN ORDINANCE ON FIRST READING, WHICH AMENDS SECTIONS 10-160 AND 10-161 OF THE THORNTON CITY CODE BY ADOPTING BY REFERENCE THE 2009 INTERNATIONAL FIRE CODE AND AMENDMENTS THERETO AND REPEALING SECTION 10-161.1. MOTION WAS SECONDED BY COUNCILMEMBER MACK GOODMAN AND PASSED UNANIMOUSLY.

10. ACTION ITEMS

- A. An Ordinance amending Section 18-231 of the Thornton City Code to revise the definitions and requirements related to prohibitions on medical marijuana uses in the City of Thornton and Section 26-391 to provide criteria for denial of a sales and use tax business license if the City Code prohibits a use. (Second Reading)

COUNCILMEMBER MACK GOODMAN INTRODUCED, READ BY TITLE AND MOVED TO APPROVE AN ORDINANCE ON SECOND READING, WHICH AMENDS SECTION 18-231 OF THE THORNTON CITY CODE TO REVISE THE DEFINITIONS AND REQUIREMENTS RELATED TO PROHIBITIONS ON MEDICAL MARIJUANA USES IN THE CITY OF THORNTON AND SECTION 26-391 TO PROVIDE CRITERIA FOR DENIAL OF A SALES AND USE TAX BUSINESS LICENSE IF THE CITY CODE PROHIBITS A USE. MOTION WAS SECONDED BY MAYOR PRO TEM ERIC TADE AND PASSED BY A MAJORITY VOTE OF THE COUNCIL AS FOLLOWS:

Ayes: Hansen, Fox, Vigil, Drennen, Henry, Humenik, Goodman, and Tade
Nays: Lebsock

- B. A Resolution amending Attachment 3 of Resolution Number 2008-193 setting certain fees related to the Building Code for the City of Thornton, Colorado.

MOTION WAS MADE BY MAYOR PRO TEM ERIC TADE AND SECONDED BY COUNCILMEMBER BETH HUMENIK TO APPROVE A RESOLUTION AMENDING ATTACHMENT 3 OF RESOLUTION NUMBER 2008-193 SETTING CERTAIN FEES RELATED TO THE BUILDING CODE FOR THE CITY OF THORNTON, COLORADO. MOTION PASSED UNANIMOUSLY.

- C. A Resolution providing Meet and Confer recognition for City of Thornton employees.

The City Manager explained the purpose of the proposed resolution and stated that he believes this is a reasonable policy that is provided in the City Charter.

In response to questions by Council, the City Attorney clarified that the procedure for meet and confer in the resolution is only activated if employees vote for it. She stated that approval of this resolution does not limit future Councils from amending it.

Council discussed the merits of the proposed resolution.

MOTION WAS MADE BY COUNCILMEMBER VAL VIGIL AND SECONDED BY COUNCILMEMBER STEVE LEBSOCK TO APPROVE A RESOLUTION PROVIDING MEET AND CONFER RECOGNITION FOR CITY OF THORNTON EMPLOYEES. MOTION PASSED BY A MAJORITY VOTE OF THE COUNCIL AS FOLLOWS:

Ayes: Fox, Vigil, Henry, Goodman, Tade, and Lebsock
Nays: Hansen, Drennen, and Humenik

11. ADJOURNMENT

MOTION WAS MADE BY MAYOR PRO TEM ERIC TADE AND SECONDED BY COUNCILMEMBER BETH HUMENIK TO ADJOURN THE MEETING AT 8:15 P.M. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,



Karren Werft, Deputy City Clerk

ATTEST:

Mayor at time of approval