

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF GLENDALE, COLORADO

February 7, 2017

Mayor Mike Dunafon led the room in the Pledge of Allegiance.

1. Call to Order and Roll Call. Mayor Dunafon called the regular meeting of the Council to order. Sherry Frame, City Clerk, called roll. The following Council Members were also present: Mayor Pro Tem Doris Rigoni, Scott Brock, Storm Gloor, Dario Katardzic, Lindsey Mintz, and Scott Norquist. City Manager Jerry Peters, City Attorneys Jeff Springer and Matt Giacomini, and members of City Staff also attended the meeting.

2. Approval of Agenda. Council Member Mintz moved to approve the agenda. This particular motion requires no second.

3. Preliminary Staff Matters. There were none.

Waisale Serevi was present at the Council meeting, and Mayor Dunafon introduced him as “one of the most esteemed rugby players who ever lived.”

4. Public Comments. There were none.

5. Consent Items

- a. Minutes of the January 3, 2017 Regular Meeting
- b. Renewal of Hotel and Restaurant Liquor License for Applebee’s Neighborhood Grill and Bar, 410 South Colorado Blvd.
- c. Renewal of Retail Liquor License for YKim Corporation, d/b/a Cherri Plaza Liquors, 4611 & 4605 East Mississippi Avenue
- d. Renewal of Tavern Liquor License for Bavarian Inn Restaurant Incorporated d/b/a Shotgun Willies, 490 South Colorado Blvd.

Council Member Brock moved to approve the consent items. Mayor Pro Tem Rigoni seconded the motion. The motion then passed.

6. Transfer of Ownership for Native Foods Boulder LLC d/b/a Native Foods Café, to NF Colorado, LLC, 680 South Colorado Blvd. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Chief Haskins said the Police Department completed a background check on the application for a transfer of ownership for the hotel and restaurant liquor license for Native Foods Cafe. The license will transfer from Native Foods Boulder, LLC to NF Colorado, LLC d/b/a Native Foods Café. A criminal check was run and showed no current criminal activity for NF Colorado or Michael Olivas. A check with the State of Colorado Liquor Enforcement Section shows no

RECORD OF PROCEEDINGS

February 7, 2017 Minutes
Page 2 of 5

complaints against NF Colorado LLC or Michael Olivas. Based on the investigation and with the consent of the Mayor and City Council, Chief Haskins recommended approval of the transfer of ownership.

Chuck Line, Deputy City Manager, said the business was transferred in September of 2015 and involved the same corporate parties. Unfortunately, the application for transfer was not done in a timely manner. This resulted in non-compliance with liquor code, because the first licensee has not had possession of the licensed premise. Mr. Line said Staff still recommends approval, as all parties are known; thus, ascertaining moral character is not necessary. There have been no liquor license violations during the period. Adam Stapen from Dill and Dill (No. 27506) appeared on behalf of applicant. He said that he and the Native Foods ownership apologize for not filing the transfer paperwork in a timely manner. Michael Olivas also appeared before Council.

Council Member Gloor moved to approve the Transfer of Ownership for Native Foods Boulder LLC d/b/a Native Foods Café, to NF Colorado, LLC, 680 South Colorado Blvd. Council Member Norquist seconded the motion, and the motion passed unanimously.

7. Public Hearing on a Preliminary Site Plan and Special Use Permit for Green Solution at 4151 East Kentucky Avenue. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Chuck Line said the Planning Commission reviewed the site plan in January 2017 and unanimously recommended approval of the site plan and special use permit, with Staff recommendations. Mr. Line said the look of the building will greatly change, but the size, mass, and scale of the building will not. Parking plans, open space of 36%, and building height of 19'8" all comply with City requirements. The only section that does not comply is setback from the street. The City's requirement is a maximum of 20'. The Planning Commission recommended allowing a 44' setback. Staff recommendations include additional grading, building back some landscaping, and Applicant's submittal by final site plan of detailed elevation drawings and a drainage plan showing how the facilities on the northern part of the site integrate into the Home Depot drainage. Mr. Line said Staff recommends approval of the site plan with Staff recommendations.

Co-CEO's Eric Speidell and Kyle Speidell of TGS Management (developer and tenant), Matt Leeth as inhouse council, Todd Mitchem in government relations, and Deborah Snyder from Manhard Consulting all appeared before Council, gave presentations, and answered questions.

The Mayor closed the public hearing. Council Member Mintz moved to approve the Preliminary Site Plan and Special Use Permit for Green Solution at 4151 East Kentucky Avenue, with Staff

RECORD OF PROCEEDINGS

February 7, 2017 Minutes
Page 3 of 5

recommendations. Council Member Katardzic seconded the motion, and the motion passed unanimously.

8. Presentation on Elevator, Electrical and Building Zoning Revisions. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. Chuck Line said the construction codes have not been updated in years. This does not mean the City is not using the most modern, up-to-date codes; the 2012 or 2015 international codes have been used. Mr. Line said Staff will look at these 2015 construction codes for potential adoption: International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, and International Energy Conservation Code. He also recommends looking at the 2015 International Property Maintenance Code, as the prior code only covers houses and no other types of residences.

9. Discussion Item: Review the Next City Council Meeting Agenda. Council reviewed the draft March 7, 2017 meeting agenda. The first reading of the Conveyance Code and 2014 National Electric Code will be added to the agenda.

10. On-Going Updates

a. DRCOG. Council Member Norquist said the Metro Vision 2040 plan was passed, after 18 months of work.

b. Infinity Park. Linda Cassaday, Deputy City Manager and Finance Director, passed out copies of 2016 reports, which show revenue breakdown by month at the Event Center; how bookings break down by new and repeat events; event types; and the percentage of events where AV was upgraded. The Event Center revenues have increased by 46% over the past five years. She said the base rents were \$440,000 in 2016, with another \$300,000 from AV.

11. Department Reports. Nicole Limoges, Executive Director of the YMCA, said the facility had a great start to the year with 124 new members in January – a new record for the facility. The facility also had a record number of visits (9,477 check-ins), which are 741 over from January of last year. Trial hours were tested for the past six months, and some of the added hours will be permanent. Ms. Limoges said Lynn Taylor, Membership Director, was honored at the Chamber event as Ambassador of the Year.

12. Public Comments. There was none.

13. Council Reports. There were none.

14. Other Business.

RECORD OF PROCEEDINGS

February 7, 2017 Minutes
Page 4 of 5

a. Consider Request by Former Council Member Jeff Allen for Indemnification of Legal Defense Costs Regarding IEC Complaint. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

City Attorney Springer reminded Council that former City Council Member Jeff Allen was previously the subject of an ethics complaint filed with the Independent Ethics Commission. Council heard the complaint in June of 2016, and Mr. Springer advised then that the complaint was frivolous and groundless. After hearing the complaint and viewing the complete packet provided by the complaining lawyer against Mr. Allen, Council unanimously voted to dismiss the complaint as frivolous.

Mr. Springer said that in late January 2017, the Independent Ethics Commission issued a statement stating they believe they have jurisdiction to hear matters cities have legislated upon, if the cities have not enacted legislation or code provisions as onerous or restrictive as the constitutional provisions. Mr. Springer said Mr. Allen has engaged the Peters Law Firm. Mr. Peters sent a letter to the City dated February 7, 2017 (distributed to Council) asking that Mr. Allen be indemnified, as the complaint covers the time when Mr. Allen was serving on City Council. Mr. Springer recommended the indemnification of Mr. Allen and suggested adding a limitation of the amount of fees. He said the matter would need to come back to Council for discussion and approval of any extra expense.

Council Member Norquist moved to approve the request by former Council Member Jeff Allen for indemnification of legal defense costs regarding an IEC complaint, with a cap of legal fees of \$50,000. Council Member Brock seconded the motion, and the motion passed unanimously.

15. Items for Press Release. There were none.

16. Executive Session. Mayor Pro Tem Rigoni moved that Council go into Executive Session for a conference with the City Attorney, for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). Council Member Mintz seconded the motion, and the motion passed unanimously.

Mayor Dunafon read the verbage required for Council to enter into Executive Session, including the time, a list of the participants in the session, and the purpose of the session.

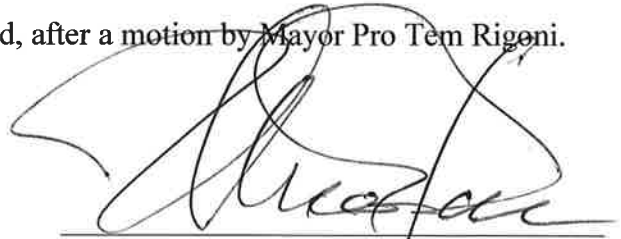
After the conclusion of the Executive Session, Mayor Dunafon again gave the time, the session participants, and asked any person who participated in the Executive Session if they believed any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session in violation of the Open Meetings Law. There were none.

RECORD OF PROCEEDINGS

February 7, 2017 Minutes
Page 5 of 5

17. Adjournment. The meeting was adjourned, after a motion by Mayor Pro Tem Rigoni.

Dated: 3/7/17



Mike Dunafon, Mayor

ATTEST:



Sherry Frame, City Clerk