

MINUTES  
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

JULY 12, 2005

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:08 p.m., Tuesday, July 12, 2005, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Randy Ahrens  
Gary Brosz  
Vincent Buzek  
Lori Cox  
Bette Erickson  
Clark Griep  
Ralph Johnson  
Linda Reynolds  
Walt Spader

Those absent were: Councilmember Steve Kaverman

Also present were: City and County Manager George Di Ciero  
Deputy City and County Manager Charles Ozaki  
City Clerk Vicki Marcy  
City and County Attorney William Tuthill  
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) Update on the Rescheduled Broomfield Trail Adventure - July 23, 2005

Mayor Stuart introduced a presentation regarding the fourth annual Broomfield Trail Adventure. This is an event, celebrated throughout the nation, designed to show how trails can enhance our community's overall quality of life. The Broomfield Trail Adventure was originally scheduled for June 4th. The weather, however, was uncooperative, and the event was rescheduled to Saturday, July 23rd. A volunteer citizens committee worked to organize this event.

Rob Bodine and Annette Ciso, members of the Broomfield Open Space and Trails Committee (OSTAC), reviewed the program for the annual Broomfield Trail Adventure, rescheduled to July 23rd because of heavy rain and cool weather on the original June 4th date. The group is still looking for volunteers for marshals on the route.

Mr. Bodine advised that OSTAC is meeting with Lafayette and Louisville to work on enhancing connectivity between the towns.

(b) Sponsorship Request from The Chamber Serving the Broomfield Area for the Annual Membership Appreciation Picnic

Mayor Stuart advised that the City had received a request from The Chamber Serving the Broomfield Area, inviting Broomfield to help sponsor the Chamber's Annual Membership Appreciation Picnic, in the amount of \$1,000. The request was initially presented to the Council at the June 14th meeting and Council requested additional information.

Rick Roberts, Jean Bruni and Pam Thompson, representing the Chamber Serving the Broomfield Area, requested Council's approval of the request to help sponsor the Chamber's Annual Membership Appreciation Picnic, scheduled for August 11th at East Park in Interlocken. City Council had tabled the request at the June 14th Meeting pending more information. Mr. Roberts advised that the annual picnic is open to member companies' employees and their families.

Following discussion, Council indicated approval of the expenditure by consensus.

(c) Broomfield Economic Development Corporation Activities Report

Don Dunshee, President and Executive Director, distributed and reviewed the Broomfield Economic Development Corporation's activities report.

(d) Congratulations to Ball Corporation for Deep Impact Success

Mayor Stuart introduced an item of interest regarding one of the City's important corporate citizens, the Ball Corporation and Ball Aerospace and Technologies Corporation. The mission of the well-publicized Deep Impact project is to find clues to the formation of the solar system by exploring the nucleus of the Tempel 1 comet. On July 4th, Deep Impact's larger Flyby spacecraft carried a smaller Impactor spacecraft to the Tempel 1 comet and released it into the comet's path for a planned collision. The impactor related close-up images of the comet's surface prior to impact. Following the successful impact, the Flyby spacecraft has been monitoring the ejected material blasted from the crater and documenting the structure and composition of the crater's interior. Professional and amateur astronomers on Earth were able to observe the impact and its aftermath through telescopes, both large and small. In addition, data from the other side of the comet and changes in the comet will be studied.

On behalf of the City Council and the citizens of Broomfield, the Mayor extended congratulations to the employees of Ball Corporation for their initial success with the Deep Impact project. She noted that corporate citizens like Ball are valuable assets which bring pride and prestige to our entire community, and we are fortunate to have them in Broomfield.

CITIZENS' COMMENTS

Broomfield County Commons Open Space Improvements – Judy Enderle

Judy Enderle (1041 Cottonwood Street) expressed opposition to the plans for the Broomfield County Commons Open Space. She stated that she has tried to work within the system, but none of her suggestions has been incorporated into the open space plan. She is concerned that native wildlife is being destroyed. She asked Council to not spend the funds on open space improvements but rather to use the money to buy additional open space and save more prairie dogs.

Need for Assisted Living Facility – Betty Calvin

Betty Calvin (16 Douglas Drive North), speaking on behalf of about 5,000 senior citizens, expressed disappointment in Council's direction to deny an assisted living and adult daycare proposal on 144th Avenue. She asked Councilmembers to do all they can to find a location within Broomfield for this kind of development.

Arista Events Center Proposal – Donald Hoelsken

Donald Hoelsken (15075 Federal Boulevard) stated that he wanted his wife's e-mail input to be made public. He expressed her concerns about future traffic problems at the proposed events center.

CONVENE BOARD OF SOCIAL SERVICES

There was no business for the Board of Social Services.

CONVENE AS BOARD OF HEALTH

There was no business for the Board of Health.

CONVENE AS BROOMFIELD HOUSING AUTHORITY

There was no business for the Broomfield Housing Authority.

COUNCILMEMBER REPORTS

June 2005 Status Report on Rocky Flats Activities – Brosz

Councilmember Brosz discussed the status of activities at the Rocky Flats site. He noted that funding has been authorized for acquisition of mineral rights and for workers' benefits.

Broomfield Community Foundation Bash – Report – Spader

Councilmember Spader reported on the success of the "Broomfield Bash" annual fundraiser for the Broomfield Community Foundation.

J.F. Kennedy School of Government – Report – Buzek

Councilmember Buzek discussed his completion of the John F. Kennedy School of Government at Harvard during the month of June. He noted that the Fannie Mae Foundation had provided a scholarship to him for the session, so no city funds were spent. He had a lot of information on affordable housing, and will be sharing that information with the Manager's Office.

National Association of Counties – Report – Griep

Mayor Pro Tem Griep reported that he had received information from the National Association of Counties (NACO) that the Community Development Block Grants have been allocated Federal funding, though at a lower level. The HOME community housing program has also been funded.

4th of July Activities Report – Stuart

Mayor Stuart reported on July 4th activities, noting the results of the Northglenn Mayor's Raft Race and the Senior Softball Game.

COUNCIL BUSINESS

(a) Public Hearing - Ordinance No. 1813 Adding a New Chapter, 17-72 Historic Preservation, to the Broomfield Municipal Code – Second Reading

Mayor Stuart opened the public hearing at 6:48 p.m. regarding a proposed ordinance which would add a new chapter to the Broomfield Municipal Code regarding historic preservation. The Council, at its Focus Study Session in February, included the implementation of an historic preservation ordinance as one of its priorities for 2005. The Brunner Farmhouse Volunteer Committee is also interested in the City adopting such an ordinance to provide guidelines for reconstruction and restoration of landmarked properties, and to allow for participation in State and Federal historic preservation programs and tax incentives.

City and County Manager Di Ciero reviewed the Staff report noting that at the 2005 Focus Study Session, Council included the implementation of an historic preservation ordinance as one of its priorities for 2005. The proposed Ordinance is similar to historic preservation ordinances of other cities throughout the State, and contains provisions for both the designation and preservation of historically significant sites and properties. The Ordinance also provides for the possible creation of a local Historic Landmark Board and an outline of the Board's functions. Per the proposed Ordinance, Council can either make appointments to the Local Landmark Board or could, itself, serve as the Board.

Councilmember comments and questions included: 1) Discussion of properties within Broomfield which might be considered historically significant; 2) Suggestion that the Ordinance wording state that Council shall serve as the Board or appoint one; 3) Need to ensure that the proposed improvements to the Brunner Farmhouse will be in compliance with an historical designation under the proposed Ordinance; 4) The Board will establish the criteria for designation and preservation; and 5) Preference for the appointment of a separate Board because of the time commitment that will be required.

The public hearing was closed at 7:03 p.m.

Ordinance No. 1813 was read by title.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1813 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER VOTING AYE.

(b) Public Hearing - Broomfield Country Village Continuing Care Retirement Campus - Use by Special Review & Broomfield Master Plan Amendment  
Applicant: William and Associates  
Location: Northeast of Federal Boulevard & West 144th Avenue

Resolution No. 2005-64 Denying an Amendment to the 1995 Broomfield Master Plan Urban Growth Boundary Map and Text and Use by Special Review for Broomfield Country Village on Application by William and Associates Investment Co. Inc., and Making Findings and Conclusions Therefor

Mayor Stuart opened the public hearing at 7:04 p.m. regarding an application for Use by Special Review and proposed amendment to the Broomfield Master Plan for the Broomfield Country Village Continuing Care Retirement Campus. This public hearing was opened at the June 14th Council meeting and continued to June 28th. The public hearing was held on June 28th, and following testimony and public comment, Council directed that the City and County Attorney prepare findings for denial of the application.

Jim Junge, Applicant representative, requested that Council continue action until after the July 19 Study Session to discuss the Wilcox sub-area plan. Based on the outcome of that meeting, the plan for this retirement campus development may be able to be amended rather than an outright denial.

Councilmembers supported the need for this type of facility within Broomfield, and expressed the hope that another location for this development can be identified. The density and location of this application are still concerns.

During discussion, it was clarified that the application is for a Use by Special Review. If this application is denied, there would be no restriction against the Developer resubmitting a revised plan for the same site.

The public hearing was closed at 7:09 p.m.

Resolution No. 2005-64 was read by title.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-64, AS AMENDED, BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER VOTING AYE.

- (c) Public Hearing - Ordinance No. 1806 Vacating a Portion of Carbon Road Right-of-Way - Second Reading  
Applicant: TCR Mountain States LP (Parkway Circle PUD)  
Location: Between S. 96th Street & the Burlington Santa Fe Railroad Right-of-Way

Mayor Stuart opened the public hearing at 7:15 p.m. regarding the proposed vacation of a segment of the Carbon Road right-of-way, between South 96th Street and the Burlington Santa Fe Railroad right-of-way. The vacation of this portion of Carbon Road right-of-way coordinates with Council's approval last month of the Parkway Circle PUD Amendment, Site Development Plan, and Final Plat. The proposed right-of-way vacation is located between the Overlook and Parkway Circle projects. Trains approaching the current crossing at Carbon Road are required to sound their horns. Vacating Carbon Road will eliminate this disturbance for future residents.

Planning Director Terry Ware reviewed the Staff report explaining that this Ordinance was approved on First Reading at the June 14th Meeting. The Parkway Circle PUD Amendment, Site Development Plan, and Final Plat approved at that meeting are based upon the vacation of this

segment of Carbon Road right-of-way. In follow-up to that meeting, the Applicant has resolved adjacent property owners' concerns by providing a secondary/emergency access point to Brainard Drive which crosses the Shirk and Green properties to access South 104th Street.

Councilmember Brosz and Reynolds stated their concern about the need to get a trail access easement across the railroad right-of-way before the road vacation is finalized. Assistant City and County Manager for Community Development Kevin Standbridge discussed the intricacy of working with the railroad to obtain crossing easements. The road vacation was requested to eliminate the railroad's requirement for approaching trains to sound a whistle. It was Staff's intent to move forward with the road vacation so the railroad would abandon the crossing. Following that, Staff would work to establish a trail crossing at that location. If a trail crossing easement is requested prior to the road vacation, the railroad may determine that a warning whistle would still be required.

Further discussion addressed the possibility of a grade separated crossing at that location and a review of the trail system master plan for this area.

The public hearing was closed at 7:43 p.m.

Ordinance No. 1806 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER SPADER SECONDED, THAT ORDINANCE NO. 1806 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER BROSZ SECONDED, A RESTATED SUBSTITUTE MOTION THAT THE PUBLIC HEARING BE POSTPONED TO THE AUGUST 9, 2005 CITY COUNCIL MEETING.

DISCUSSION:

There was additional discussion regarding crossing and trail connection options at this location. Councilmember Cox asked if Council wanted to tie approval of the entire Parkway Circle project to a trail connection requirement at that spot?

ROLL CALL ON SUBSTITUTE MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BROSZ, AND GRIEP

THOSE VOTING NO WERE: COUNCILMEMBERS BUZEK, COX, ERICKSON, JOHNSON, REYNOLDS, AND SPADER

THE MOTION FAILED ON A VOTE OF 3 TO 6.

ROLL CALL ON ORIGINAL MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS AND BROSZ

THE MOTION PASSED ON A VOTE OF 7 TO 2.

- (d) Public Hearing - Becker Property - Rezone from Jefferson County A-1 to Broomfield Estate-1 & Estate-2  
Applicant: Oscar A. Becker  
Location: 11395 & 11415 Wadsworth Boulevard

Ordinance No. 1798 Rezoning Certain Land Within the City and County of Broomfield from Jefferson County Agricultural-1 (A-1) to City and County of Broomfield Estate-1 (E-1) and Estate-2 (E-2) Which Land Is Approximately at Wadsworth Boulevard and Colorado State Highway 36 - Second Reading

Mayor Stuart opened the public hearing at 8:14 p.m. regarding an application for rezoning of 1.86 acres located at the southwest corner of West 114th Avenue and Old Wadsworth Boulevard. The Applicant, Mr. Oscar Becker, would like to subdivide the property into two lots, one for each of the existing houses, and to rezone the new parcels to Broomfield Estate-1 and Estate-2. The property is currently zoned Jefferson County Agricultural A-1.

Planning Director Terry Ware reviewed the location and history of this property.

Ordinance No. 1798 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT ORDINANCE NO. 1798 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER VOTING AYE.

- (e) Request for Policy Direction Re: State Referendums C and D

Mayor Stuart advised that next was a request for policy direction regarding the State Legislature's referral of two measures, addressing TABOR matters, for statewide vote this November. These measures are Referendums C and D.

Referendum C would allow the state government to keep and spend all revenues collected from existing state taxes for the next five years without being subject to the revenue and spending limitations imposed by the TABOR Amendment. Referendum C also sets a new revenue cap at the highest level of state revenue reached during the 5-year period. It requires that the extra revenues be spent on health care, public schools, colleges and universities, and transportation.

Referendum D takes effect only if Referendum C passes. Referendum D authorizes the State to issue over \$2 billion in new multi-year bonds to speed up funding for transportation projects, pension funds for firefighters and police officers, and repairs for public schools and state universities and colleges.

Mayor Stuart advised that Council has a copy of the list of recommended projects should Referendums C and D be approved by the voters. Improvements to the Wadsworth Interchange are included on the list. She disclosed that, based on her personal opinion, she will sign a resolution of support through the Metro Mayors Caucus.

Councilmember comments included: 1) Support for Referendum C as a 5-year "de-Brucing" measure; 2) Support for Referendum D which will provide bond funding for the Wadsworth Interchange Project; 3) Support for the proposals as a workable compromise; 4) Concern about the State's lack of a long-term financial plan, and the need to face higher education funding issues; 5) Comment that Broomfield is in good financial shape because the voters approved a "de-Brucing" measure and escaped the ratchet-down effect of TABOR; 6) Concern that it would be too much government to approve a resolution telling voters how to vote on the measures; 7) Council should advise citizens of the benefits of the measures; 8) This represents a step toward better future financial planning by the State; 9) Opposition to trying to persuade voters or taking a position on the issues; and 10) Council should share the information it has with the voters, and express the reasons these proposals will be beneficial to Broomfield.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER COX SECONDED, THAT A RESOLUTION BE DRAFTED EXPRESSING SUPPORT OF REFERENDUMS C AND D.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROSZ, BUZEK, COX, GRIEP, JOHNSON, REYNOLDS, AND SPADER

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS AND ERICKSON

THE MOTION PASSED ON A VOTE OF 7 TO 2.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Resolution No. 2005-83 Approving an Intergovernmental Agreement with Denver Regional Council of Governments for Continuation of the Shared Elevator Inspection Program for 2005

The recommendation was that Resolution No. 2005-83 be adopted.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER SPADER SECONDED, THAT RESOLUTION NO. 2005-83 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER VOTING AYE.

(b) Approval of Minutes - Regular Meeting of June 28, 2005

The recommendation was for approval of the Minutes of the Regular Meeting of June 28, 2005.

(c) Resolution No. 2005-95 Approving the Purchase of an Inductively Coupled Plasma-Mass Spectroscopy System

The recommendation was that Resolution No. 2005-95 be adopted.

(d) Resolution No. 2005-91 Approving an Agreement with Noraa Concrete Construction Corporation for the Construction of the Interlocken Loop Left Turn Lanes Project

The recommendation was that Resolution No. 2005-91 be adopted.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT AGENDA ITEMS 10(B) THROUGH 10(D) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER VOTING AYE.

ATTORNEY'S REPORT

No report was given.

MANAGER'S REPORT

Power Outages on July 9, 10, and 11, 2005

City and County Manager Di Ciero reviewed the memo distributed to Council regarding recent Xcel Energy power outages. Xcel continues to work on repairing failed equipment and re-design as needed to preclude additional outages. Council requested information from Xcel regarding power impacts when replacement of the feeder line occurs.

Construction Impacts on City Streets – Update

Manager Di Ciero discussed the schedule for completion of several construction projects which are impacting traffic on major arterial streets in Broomfield. Council requested that weekly project updates appear in the “Broomfield Enterprise”.

“Colorado Water for the 21st Century Act” – Interbasin Compact Roundtable Appointment

Deputy City and County Manager Ozaki reviewed a letter received from the Executive Director of the Colorado Department of Natural Resources. The “Colorado Water for the 21st Century Act” establishes a process for State-wide discussions on water use and development and locally based solutions to water management. The letter requests Broomfield to appoint a representative to the Metro Roundtable of the Interbasin Compact Committee Basin Roundtable.

Councilmembers designated Deputy Public Works Director Mike Bartleson as Broomfield’s representative on this Roundtable.

SPECIAL REPORTS

(a) New Carbon Road Water Pump Station - Public Meeting

(b) Parks System Inventory

Councilmembers discussed the next step of conducting an assessment of each park with respect to the existing and needed improvements/amenities.

Councilmember Reynolds suggested that the park names also be reviewed.

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 9:08 p.m.

Those present were: Members Randy Ahrens  
Gary Brosz  
Vincent Buzek  
Lori Cox  
Bette Erickson  
Clark Griep  
Ralph Johnson  
Linda Reynolds  
Walt Spader

Those absent were: Member Steve Kaverman

Also present were: City and County Manager George Di Ciero  
Deputy City and County Manager Charles Ozaki  
City Clerk Vicki Marcy  
City and County Attorney William Tuthill  
Various Department Staff Members

(a) Request for Executive Session Regarding Negotiations for Management and Construction Agreements for the Proposed Events Center Located in the Broomfield Urban Transit Village Area of Broomfield


MEMBER ERICKSON MOVED AND MEMBER BUZEK SECONDED, THAT AN EXECUTIVE SESSION BE HELD FOLLOWING THE COUNCIL STUDY SESSION SCHEDULED FOR JULY 19, 2005, FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO SECTION 24-6-402(4)(E) OF THE COLORADO REVISED STATUTES REGARDING NEGOTIATIONS

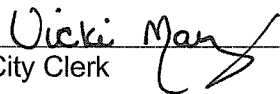
CONCERNING THE MANAGEMENT AND CONSTRUCTION AGREEMENTS FOR THE PROPOSED EVENTS CENTER LOCATED IN THE BROOMFIELD URBAN TRANSIT VILLAGE AREA OF BROOMFIELD NEAR WADSWORTH BOULEVARD AND U.S. 36. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER VOTING AYE.

ADJOURNMENT

The City Council meeting was adjourned at 9:15 p.m.

APPROVED:

  
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Mayor

  
\_\_\_\_\_  
City Clerk