

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

AUGUST 9, 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, August 9, 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
Steve Kaverman
Linda Reynolds
Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero
Deputy City and County Manager Charles Ozaki
Deputy City Clerk Tricia Kegerreis
Deputy City and County Attorney Tami Yellico
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) Broomfield Economic Development Corporation Activities Report

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

CITIZENS' COMMENTS

Experience Hosting a Maruko, Japan Student – Tim Schneider

Tim Schneider (1275 West 12th Avenue) reported on his good experience as a host family for one of the students from Maruko, Japan.

Brunner Farm House Report – Paul Madigan

Paul Madigan (13641 Basalt Court) provided an update on progress at the Brunner Farm House, noting donations received and the need for additional volunteer help from the community.

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

(a) July 2005 Status Report on Rocky Flats Activities

National Association of Counties (NACO) Conference – Report – Reynolds and Griep

Councilmembers Reynolds and Griep reported on the classes they attended at the NACO Conference.

Economic Future of Colorado Booklet from University of Colorado – Reynolds

Councilmember Reynolds advised that the Economic Future of Colorado booklet, recently mailed to Council, provides an excellent perspective of Colorado's current financial state.

Prescription Drug Card Provided by National Association of Counties (NACO) – Griep

Councilmember Griep reported on the NACO prescription card, which provides a 20% discount to help uninsured and underinsured individuals.

Metro Mayors and Commissioners Meeting – Report – Griep, Buzek and Stuart

Councilmembers Griep and Buzek and Mayor Stuart reported on the Metro Mayors and Commissioners Meeting. They asked Council to consider a motion to join the support group to solve problems with the Colorado Benefits Management System (CBMS).

Adams County Fair - Charity Beef Show - Buzek and Stuart

Councilmember Buzek and Mayor Stuart reported on their experiences as participants in the Charity Beef Show held at the Adams County Fair.

America on the Move – Report – Stuart

Mayor Stuart reported on possible grants available for health and nutrition awareness.

U.S. 36 Traffic Mobility Organization – Report –Stuart

Mayor Stuart reported that the Traffic Mobility Organization passed a resolution of support for Referendums C and D.

Appreciation Expressed to Host Families of Maruko, Japan Students – Stuart

Mayor Stuart thanked the Broomfield host families who participated in the Maruko student exchange program.

Article in *National Cities Weekly* Authored by Councilmember Buzek – Stuart

Mayor Stuart advised that Councilmember Buzek was a guest columnist for the *National Cities Weekly* regarding his experience at Harvard University's John F. Kennedy School of Government.

COUNCIL BUSINESS

- (a) Public Hearing - Broomfield Event Center Site Development Plan & Amended Subdivision Agreement
Property Location: South & West of U.S. 36 & East of Wadsworth Parkway
Applicant: Wiens Development Group

Resolution No. 2005-102 Approving the Broomfield Event Center Site Development Plan & Authorizing the First Amendment to the Subdivision Agreement for Broomfield Urban Transit Village Filing No. 4 Therefor

Mayor Stuart opened the public hearing at 6:50 p.m. regarding a Site Development Plan and Amended Subdivision Agreement for the proposed Broomfield Event Center. The application is for a 6,000 seat Event Center and options for the associated parking, located on 45 acres, south of West 120th Avenue, west of U.S. 36, and east of the Wadsworth Parkway.

City and County Manager Di Ciero summarized the Staff report for this Agenda item. The Staff report provides the background information regarding the application and also submits the recommendations of Broomfield's Land Use Review Commission.

Planning Director Terry Ware reviewed the vicinity map showing the site's location, reviewed the Staff report, and requested that the Staff memorandum and attachments be included and entered into the public record. Several issues have been raised regarding vehicular circulation to and from the site which impacts the adjacent neighborhoods in relation to the use of the frontage road. He reviewed the issue raised regarding the fast timing of the project and outlined the progression of this area beginning with the adoption of the 1995 Master Plan which identified this area as transit village continuing with the concept review of the Broomfield Urban Transit and the Concept Review of the Arista Development through to the June, 2005, approval by Council of the Final Plat, Subdivision Agreement for the overall Arista Development. There were five years of review for this particular project.

The Plan will also include the Legacy PUD Plan (Moreland property). The current owner of the property is Park 36 Development. The facility, if approved, would be owned by the Broomfield Urban Renewal Authority and managed by the Wiens Frew Management Company. The 187,000 square foot mixed-use entertainment center SDP is consistent with the Arista PUD. The mixed-use includes regional retail, residential units, specialty retail, and office scattered throughout. The maximum building height allowed is 85 feet, and the proposed center is approximately 60 feet in height. The Broomfield Event Center SDP has been amended to eliminate 23 condo units and associated 53 underground parking spaces. He showed the elevations excluding the residential which has been removed from the plan.

Mr. Ware noted that in 2004, FasTracks improvements were approved by the voters. This plan will accommodate the proposed improvements. The slip ramps to the Event Center will be complete in 2007 and those improvements are funded. The bus rapid transit and HOV lanes are unfunded and will be subject to funding.

Under Broomfield Municipal Code (BMC) regulations, 1500 parking stalls are required based on the ratio applied to Entertainment of 1 parking space for 3 seats which was later corrected to 1 parking space for 4 seats. An independent parking analysis was commissioned by the Applicant which concluded that the projected need would be 1806 parking spaces, and the Applicant is providing more than that.

The architecture of the project has been revised but architectural elevations and materials will be consistent. Open Lands are proposed with this project. The approved Arista Subdivision Agreement requires that Parcel AA be developed in coordination with the Event Center. The Amended Subdivision Agreement includes the short & mid-term traffic recommendations included in the traffic analysis. The Applicant requests a variance regarding signage. He reviewed the Land Use Review Commission recommendations as listed in the Staff report.

City Engineer Burt Knight reviewed the overall traffic engineering considerations. The locations focused on were Wadsworth Parkway north of Highway 128, and Old Wadsworth south of the frontage road. He reviewed the graphs noting the traffic impacts generated by the Event Center during peak times. Using the 2015 timeline, the traffic on Wadsworth Parkway will be increased no matter what happens with this site. The charts used to explain the comparison numbers were submitted as part of the public record.

Finance Director Greg Demko summarized the overall financial considerations for the entire Arista project. Overall, the total source of uses for investment within this project is \$458 million. The developer's portion is projected to be \$330 million. There will also be bonds coming from a metro district to finance public infrastructure and the Event Center. The developer will be donating \$3 million worth of land to the Broomfield Urban Renewal Authority (BURA) and in exchange BURA will make improvements to the construction of the facility primarily finishing the practice gym. Broomfield's long range financial plan is determined by the different developments. He reviewed the ratio of return for dollars that would be spend in the Arista development. Because of BURA and tax increment financing, portions of the revenue generated will be pledged to retire the bonds.

Tim Wiens and John Frew, Applicant representatives, reviewed the plans for the project. Mr. Wiens stated that the 1995 Master Plan called for transit oriented development. The plans for the Broomfield Urban Transit Village were presented which set the stage for the mixed-use transit oriented development. In 2002, Wiens Real Estate Ventures became the primary business partner in this Broomfield Urban Transit Village known as Arista. As this project progressed, other plans were filed with the City. In early 2005, the Broomfield Event Center concept was introduced and, through many hours of planning, is now to this point. Payment and risk of the Broomfield Event Center is held with the project and the project developer, and the benefit resides with Broomfield. He also noted that the Colorado Eagles, the hockey team based at the Budweiser Event Center, have filed a motion to dismiss the law suit against the new Event Center.

Mr. Frew noted that the Event Center will be named the Broomfield Event Center. He addressed the issue of parking, advising that a \$1.50 parking fee will be charged with every ticket sold, and explained the reasons for elimination of the condominiums.

Gary Hunter, Commissioner of the Continental Basketball Association (CBA), and Brad Treliving, President of the Central Hockey League (CHL), stated how excited they were about having teams in Broomfield and looked forward to the completion of the Event Center.

Edward Barsocchi of Lowe Enterprises summarized the Site Development Plan, pointing out the retail area; RTD park-n-Ride area; residential; Village Center; parks and open space; office area; and the Event Center. Within the next 30 days, they hope to announce contracts for the residential area. Earthwork and installation of a new water line are in progress now. The heart of the Village expects uses such as restaurants and small shops. Conceptual renderings were shown.

Don Dethlefs, St. Combs Dethlefs Architects (475 Lincoln Street, Denver) reviewed the location of the concept plan. He pointed out the main entry to the Event Center on the northwest side of the building and noted there would also be southwest and southeast entries. The parking level structure will be four levels at full build out with 1600 parking spaces. The pedestrian traffic concept is to walk along Arista Place into the northwest entry which faces the plaza. He explained the regional walks along the east side of the highway. He noted there would be naturalistic landscaping with water conservation in mind and described the building materials that would be used. He explained the plan of the Event Center and how it is organized noting there would be extensive area within the concourse, as well as in the club rooms, for display of art. The concourse will be linked to the practice court. He reviewed the areas where trade shows and community events could be held. The club facilities will be located on the second level and could be rented out. The second level will also contain suites and offices for the CBA, CHL and Event Center. The seats are retractable so that there will be expanded floor seating for concerts.

Tim Romani, President and CEO of ICON Venue Group, identified the members of the construction team. An agenda was developed listing target goals that needed to be completed by fall, 2006. He stated that the projected budget of \$43 million is achievable and the schedule is also achievable. The timeline is approximately fourteen months. He also commented that he enjoyed working with all members of Staff.

Jeremiah Simpson, Walker Parking Consultants, reviewed the parking plan for this development noting the primary purpose was to make sure the parking needs were adequately met for the plan. Considerations had to be made for RTD which needs 750 spaces for use by day-time commuters and 200 spaces available on weekends and evenings. The park-n-Ride is going to be relocated into a parking garage on a shared use basis with the Event Center. The mixed-use development including commercial, retail, office, and residential were other considerations. The duty for Walker Parking Consultants was to recommend a size for the parking garage and suggest how much overall parking is needed for all of these components on a shared use basis. Based on a mathematical model, parking projections were suggested. He reviewed the handout.

Bob Felsburg of Felsburg, Holt and Ulliveg presented the transportation management plan. He reviewed the Traffic Impact Analysis and Traffic Management Plan. He noted changes made by the addition of an Event Center to the Arista project. He reviewed the short-term analysis to 2008; the mid-term analysis to 2015; and the long-term analysis to 2025. The Police Department helped with the Event Center Traffic Management Plan. He expects the plan will need to be adjusted in about two years. He suggested that permanent signage be installed directing drivers to the Event Center and portable signs are needed for direction to the garages. The plan tries to minimize use of the frontage road, but does not prohibit local traffic from using local roads.

Public comments were received from the following individuals: Lisa Sowell (8228 W. 111th Avenue); Mary Bacon (10976 Ammons Street); Michael Ennis (7825 W. 109th Place); James Wojkowiak (8008 W. 111th Avenue); Diane Strong (1295 W. 12th Avenue); Rick Roberts, Broomfield Chamber of Commerce President; Al Wirtes (1026 E. 19th Avenue); Jim Phillips

(7857 W. 110th Drive); Christina Lynn-Craig (1370 Holly Drive West); Peter Crouse (1062 E. 16th Avenue); Eric Jonsen (1370 Snowberry Lane); Tim Schneider (1275 W. 12th Avenue); Luci Smith (10988 Zephyr Street); Dave Downing, Westminster City Engineer; Mike Gordon (2705 W. 115th Drive, Westminster); Lisa Whitsell (231 E. 11th Avenue); Ed Garneau (925 Aberdeen Drive); Karen Campbell (620 Poppy Way); and Bill Austin (1727 Dogwood Court).

A power point presentation was reviewed by residents living along Old Wadsworth south of the project. Questions and comments included: (1) There have been no counters across the road, how has traffic been counted? (2) Concern that traffic will back up and block driveways; (3) Mailboxes are too close to the road, and residents are trying to get the Post Office to move the boxes; (4) Posted speed limit of 45 MPH is too fast, and traffic goes faster than that; (5) Use warning bars to wake up drivers; (6) Install "Hidden Driveways" sign; (7) Discourage traffic signal at Frontage Road and Old Wadsworth because of the grade; (8) Believes there will be more than 33 cars use Old Wadsworth as an exit from the Event Center; (9) Quality of life will be affected; (10) Infrastructure should be in place first; (11) News reported it was a cultural center rather than a sports center; (12) Concern for those drinking at sports events and driving home; (13) Green Knolls residents concerned about traffic impact and the possible use of 108th Avenue from Wadsworth Parkway; (14) Concern regarding travel through the Old Wadsworth railroad underpass; (15) Potential for backups at 103rd and Old Wadsworth - will Broomfield put officers there to control traffic? (16) Concern that the project is being sped through the process; (17) Will be impacted by light, traffic, and noise pollution; (18) One space for every three people does not calculate correctly; (19) This needs to be done in a partnership; (20) The interchange is a regional problem; (21) Traffic should be directed to Wadsworth Parkway; (22) Construction trucks are now going through the railroad tunnel on Old Wadsworth; (23) 112th Avenue overpass should be built first; (24) Flaws in the analysis presented; (25) Church Ranch Road entrance ramp on to U.S. 36 is too short; (26) Prohibit traffic from exiting to Frontage Road with portable closure signs; (27) Westminster City Engineer would like to work with Broomfield on the 45 MPH speed on the frontage road; (28) Westminster and Jefferson County are working on the preliminary design for Improvements to Old Wadsworth; (29) Railroad underpass will be addressed with FasTracks; (30) Why not let the citizens vote on this? (31) Will remember the outcome at the voting booth; (32) Started a website and most comments were negative; (33) Process going too fast - Is Council "in cahoots" with the developer? (33) How can the Urban Renewal Authority own the Event Center? (34) Concern about U.S. 36 exit to Wadsworth; (35) Enlarge Industrial Lane to accommodate Flatiron Crossing traffic; (36) Put off voting on this tonight; (37) What is the life span of this building? (38) Destination places usually have lots of crime and pollution; (39) Services rendered are not worth it; (40) Feasibility study seems to be a biased report and the information not verified; (41) Is this to help the Mall? (42) Can the developer wait another year? (43) Any additional traffic on U.S. 36 is too much; (44) Against the 1200 condominiums; (45) Who pays the bills if Arista can't pay? (46) Feels Council has already made up its mind; (46) Doesn't like the closed door sessions; and (47) Does not want current residents' tax dollars to fund this; (48) Delighted with the Event Center; (49) Looking forward to going to the events; (50) Good for the area because it will bring tourism which is good for long term business growth; (51) Council is thoughtful on all projects including this one; (52) Impressed with the presentation; and (53) Staff requires detail for all projects.

Staff's and developer's responses to Citizens' questions included: (1) BURA has independent bonding authority. The Tabor law does not require this to go on the ballot for a public vote; (2) Life span of an event center is approximately 30-50 years; (3) The developer responded that the teams are available now, so cannot wait another year; (4) Financing is structured so that BURA is risk free. Bond holders will first look to the bank to be paid and then to the letter of credit provided by the developer; and (5) The only tax dollars going to this project are those taxes generated by the Arista development. These revenues will go to retire the bonds.

Council comments, questions and concerns included: (1) Will the Frontage Road stop at the Events Center? (2) What kind of traffic impact did Arista project have on the numbers? (3) Many years before build out occurs so other improvements can be completed; (4) Don't allow Arista construction trucks to use Old Wadsworth; (5) Office and hotel are other uses that could go here which would have a bigger traffic impact on the area; (6) Destination stops help to pay for city and county expenses; (7) Some infrastructure has to be in place before building can begin; (8) Can Staff please explain executive sessions; (9) Broomfield Event Center is a great name, good for name recognition; (10) Council is a form of representative government and decisions are made after a lot of consideration of all materials; (11) Would like to have had a town meeting regarding the Event Center; (12) Why was the Feasibility Study not made public? (13) Concern about the possibility of not selling out the Center; (14) Concern that the Police Department will be busy with traffic concerns; (15) Where does the number "3 in a car" come from? (16) Suggested that a shuttle from Flatiron Crossing Mall could be used to bring overflow parking to the event center; (17) Concern about the number of retail developments being built; (18) Who will pay the overtime for the police conducting traffic control? (19) Concern about the number of DUI's; (20) Different uses suggested for the event center - rodeos - where will livestock be held? (21) What is the projected cost for the 112th Avenue overpass? (22) Look into processing an IGA with Westminster to get the 112th Avenue overpass done; (23) Density has gone down on this project; (24) Event Center would give us economic diversity; (25) This could fill the need for a Conference Center; (26) 120th Avenue is a real concern; (27) Will there be an increase in crime? (28) Is Moreland property part of the Arista project? (29) Concern about 108th and Wadsworth intersection - who will police the traffic? (30) Has heard more positive than negative comments from constituents in Ward 5; (31) The same procedure was used for Interlocken and Flatiron Crossing; (32) Confident with the decisions by Council, manager and staff; (33) All emails and responses received are part of the public record; (34) Concern that construction traffic be kept off Old Wadsworth; (35) Have we received less citizen input on this project? (36) Be sure the process is followed; (37) Will this project meet the minimum number of parking spaces required by the Broomfield Municipal Code? (38) Who will be responsible for capital expenses of the Event Center? (39) Has Staff calculated the revenues that will be generated during the life expectancy of the Event Center? (40) Do we know the pros and cons of building the Event Center ourselves? (41) Did it have to be bid out three times? (42) What if it is built at a cheaper price? (43) What if Wiens Frew Management Company sold? (44) There is no problem with the signage; (45) Infrastructure is normally completed by the developer and the Colorado Department of Transportation does not normally build roads until the need already exists; (46) Council has spent many hours studying this project; (47) The addition of 5% traffic use at the Wadsworth Interchange at the 5 - 6 p.m. peak hour time is a great concern; (48) Sold out events will not be an everyday occurrence; (49) Would like for the pedestrian traffic to be routed along store fronts; (50) Would like the developer to make a contribution to the City's public art; and (51) Work with citizens to the south of the project.

Staff and Developer responses to Council questions include: (1) The Frontage Road will continue through the Arista Development via several different roads; (2) The Arista Development will generate 24,000 daily trips or at full build out it will generate 39,000 daily trips; (3) Council is allowed by State Statute to call for an executive session to discuss negotiations, personnel matters, attorney/client privilege, or for the attorney to give legal advice, no decisions are made; (4) The feasibility study was made public as part of the packet. The developers released the Feasibility Study to the Enterprise, Daily Camera and another newspaper; (5) Very few people go alone in a car to these events; (6) The Operating Agreement calls for the venue to pay for overtime of traffic officers; (7) For rodeo events, pens for animals could be set up in the back; (8) The projected cost for the 112th Avenue overpass is approximately \$20 million; (9) In checking with the Budweiser Event Center, there has been no marked increase in crime; (10) The Moreland property will become part of the Arista project; (11) The intersection of 108th Avenue

and Wadsworth Parkway is in Westminster and will be policed by Westminster; (12) The dirt is being moved around on the project; no dirt is leaving the site. The developer will make sure no construction traffic uses Old Wadsworth; (13) A lot of citizen input has been received, especially via email; (14) This plan will actually provide more than the number of parking spaces required by the Broomfield Municipal Code; (15) Wiens Frew Management Company is responsible for all capital expenses incurred by the Event Center; (16) No projected revenues have been calculated for the life expectancy of the building; (17) Staff does not have the expertise to build an event center themselves; (18) Bidding was done for the construction and a competitive price is expected; (19) If the building is completed for less, the remaining monies can be used to retire the bonds; and (20) The Operating Agreement has a provision that the agreement cannot be assigned without Council's consent.

David Ehrlich, Executive Vice-President of Sports Marketing Group, consultant for the City, reported this was a very good deal for the City. The good points about this deal for the City are: private financing with no risk to the city, but with a revenue-generating opportunity; guaranteed tenancy; 10 days rent free use by the City; keeping the Broomfield name; and the community support. This has many positives.

The public hearing was closed at 12:50 a.m.

Resolution No. 2005-102 was read by title.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-102 BE ADOPTED.

ROLL CALL ON MOTION:

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

THOSE VOTING NO WERE: COUNCILMEMBER ERICKSON

THE MOTION PASSED ON A VOTE OF 9 TO 1.

(b) Public Hearing - Proposed Second Modification to the Service Plan for the Park 36 Metropolitan District (Arista)

Resolution No. 2005-110 Approving the Second Modification to Service Plan for Park 36 Metropolitan District & Providing Other Details in Connection Therewith

Mayor Stuart opened the public hearing at 1:05 a.m. on a resolution approving a second modification to the Service Plan for the Park 36 Metropolitan District for the Arista Development. The Arista Project is a mixed-use retail, commercial, and residential development with an urban transit and pedestrian orientation designed to work with RTD's FasTracks program. In November of 2001, the property owners within the boundaries of the Project voted to form the Park 36 Metropolitan District; and on June 28, 2005, Council approved an ordinance authorizing a Sales and Use Tax Reimbursement Agreement with the Metro District. The Reimbursement Agreement allows for a portion of the sales and use tax revenues generated within the Arista Project to reimburse the City for the cost of constructing new public infrastructure associated with the Project. The Park 36 Metro District has requested a modification to the Service Plan authorizing an increase to the debt limit of the District.

City and County Manager Di Ciero noted that the Agenda memorandum is submitted for the record.

The public hearing was closed at 1:07 a.m.

Resolution No. 2005-110 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-110 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(c) Creating Local Improvement District for the Arista Project

Ordinance No. 1816 Organizing the Arista Local Improvement District in the City & County of Broomfield - First Reading

Resolution No. 2005-117 Relating to the Conduct of an Election in the Arista Local Improvement District in the City & County of Broomfield & Providing Other Details in Connection Therewith

Mayor Stuart introduced consideration of a Local Improvement District for the Arista Project. Local Improvement Districts are permitted by the Broomfield Charter and the Broomfield Municipal Code, and are created to fund local improvements, using revenue generated from within the Local Improvement District boundaries. Currently, Park 36 Investment, LLC is the sole owner of the property within the boundary for the proposed Local Improvement District. Additional properties can be included into the District upon submittal of a petition by the property owner and approval by the City Council.

City and County Manager Di Ciero summarized the Staff report for this Agenda item noting this proposed district would be similar to the Flatiron Improvement District that owns and operates the ZIP shuttle. The District would assist in implementing City Council's established priorities regarding transit oriented development and protecting Broomfield's retail and commercial assets.

Council commented that while Council will serve as the Board of Directors to begin with, the Board membership could change to property owners as this development fills in. The Moreland property is under contract and will be submitted for inclusion into the District.

Ordinance No. 1816 was read by title.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT ORDINANCE NO. 1816 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., AUGUST 23, 2005, IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR AUGUST 23, 2005, FOLLOWING THE PUBLIC HEARING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

Resolution No 2005-117 was read by title.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-117 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

The Urban Renewal Authority meeting was convened at this time.

- (d) Public Hearing - Matters Regarding Six Acres of the Markel Property: Proposed Amendment to Broomfield Master Plan Changing Land Use Projections from Commercial to Neighborhood Residential; Proposed Rezoning from Boulder County Agricultural to Broomfield E-2 (Estate); and Proposed Preliminary Plat, Final Plat, & Subdivision Agreement
Property Location: Northeast Corner of Aspen St. & W. 136th Ave.
Applicant: Markel Family Partnership

Ordinance No. 1814 Rezoning Certain Land Within the City & County Of Broomfield from Boulder County Agricultural to City & County of Broomfield Estate-2 (E-2) which Land is Approximately Located at the Northeast Corner of Aspen Street and West 136th Avenue - Second Reading

Resolution No. 2005-106 Approving an Amendment to the 1995 Broomfield Master Plan Map, Approving a Preliminary Plat, Final Plat & Subdivision Improvement Agreement for Markel Farm Filing No. 1 Located at the Northeast Corner of Aspen Street & West 136th Avenue

Mayor Stuart opened the public hearing at 1:27 a.m. regarding an application for rezoning of six acres of property, owned by the Markel Family Partnership, located at the northeast corner of Aspen Street and West 136th Avenue. The property is currently zoned Boulder County Agricultural. This application is part of an overall plan for the Markel property that includes six new lots for single-family homes on the six acres proposed for rezoning, and the possible purchase of the remaining 32.45 acres for Broomfield open space. The Applicant proposes to rezone the subject portion of the property to the Broomfield Estate-2 Zone District, so that the property may be divided into six lots. A separate discussion will be scheduled for the Council to discuss the acquisition of the open space. A Preliminary Plat, Final Plat, and Subdivision Improvement Agreement are also included with the rezoning request.

Planning Director Terry Ware reviewed the vicinity map showing the site's location and summarized the Staff report for this Agenda item. He noted the areas which would allow residential. The neighborhood has expressed concerns regarding access to the property from 136th Avenue. Volume and speed of traffic and visibility were reasons stated for concern.

Paul Pennock, Applicant representative, stated that this project would consist of seven residential lots. There are three lots that will be accessed from Aspen Street. There are two curb cuts on Aspen Street which will remain. The remaining four lots will be accessed from a private road entering from 136th Avenue. The development is consistent with other developments in the area. The price range for the homes is from \$500,000 to \$800,000 per home. Right-of-way will be donated for a right-turn lane from westbound 136th Avenue to northbound Aspen Street.

Council comments, questions and concerns included: (1) Are there any improvements planned for Aspen Street? (2) Questioned the plans for improvements and widening of Aspen Street; (3) Concern regarding the mismatch of Aspen Street at the 136th Avenue intersection? (4) Has the Fire Department approved this plan on the cul-de-sac? (5) Is there any migration of contaminated ground water in this direction? (6) When will development begin? (7) Where will the horses go? (8) Residents on Aspen Street south of 136th Avenue would rather not see Aspen Street aligned; (9) Will there be a trail on the perimeter? (10) Has the State conducted a water table test? (12) The final plat should be corrected noting Country Estates Filing 3 is to the west of this property, not Filing 1; (13) In 1991 or 1992, the developer of Country Estates Filing #3 gave cash-in-lieu for the widening of the west side of Aspen Street to complete that segment to the Ditch; (14) This plan does not accommodate the Open Space dedication requirement which is required by ordinance; and (15) What happens if Tract A of the Markel Farm parcel never gets developed or brought in as open space?

Staff's and the developer's responses included: (1) Curb and gutter will be installed along Aspen Street at the existing street edge; (2) The alignment of Aspen Street as it is now works well; (3) The Subdivision Agreement allows the developer to make a cash-in-lieu payment of \$126,260 instead of building the improvements along Aspen Street; (4) There is additional right-of-way that will be dedicated for the widening project, however there are no plans at this time to widen Aspen Street; (6) The Fire Department approved the radius of the cul-de-sac, but not the parking spaces on the street; (7) Four environmental site assessments have been done and the contamination is moving to the northeast part of the property, not southwest; (8) Development is expected to begin soon; (9) The neighbor to the east has agreed to take the horses for a couple of years; (10) A sidewalk will be installed along 136th Avenue and Aspen Street, and the next phase will probably address the trail along the ditch; (11) The State has not completed a water table test, but no contamination was found on the southwest portion of the property from local tests conducted; and (12) Staff will add Section 14.4 to the Subdivision Agreement noting that the Public Land Dedication requirement necessary for this subdivision will be addressed through the future subdivision of Tract A of Markel Farms Preliminary Plat; and (11) Section 14.4 can also contain the option of cash-in-lieu-of dedication of public land.

The public hearing was closed at 1:55 a.m.

Ordinance No. 1814 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1814 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, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

Resolution No. 2005-106 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-106, INCLUDING CHANGES TO THE SUBDIVISION AGREEMENT BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (e) Resolution No. 2005-105 Approving the Appointment of Two Members to the Flatiron Improvement District's Independent Board of Directors

This item was moved to the August 23, 2005 Regular Meeting.

- (f) Resolution No. 2005-111 Authorizing & Approving an Agreement with Intermountain Color, Inc. for Incentives to Locate in Broomfield

This item was moved to the August 23, 2005 Regular Meeting.

- (g) Resolution No. 2005-116 Expressing Support for the Passage of Referendums C and D

This item was moved to the August 23, 2005 Regular Meeting.

CONSENT AGENDA

- (a) Approval of Minutes - Regular Meeting of July 26, 2005

This item was moved to the August 23, 2005 Regular Meeting.

- (b) Resolution No. 2005-96 Accepting Certain Public Improvements Associated with The Ridge Apartments

This item was moved to the August 23, 2005 Regular Meeting.

- (c) Ordinance No. 1815 Amending Section 14-08-040, Independent Board of Directors, of the Broomfield Municipal Code to Eliminate the Percentage Requirement of Property Ownership by Directors of Improvement Districts - First Reading

This item was moved to the August 23, 2005 Regular Meeting.

ATTORNEY'S REPORT

No report was given.

MANAGER'S REPORT

No report was given.

SPECIAL REPORTS

- (a) New Federal Funding for Wadsworth Interchange Improvements

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 1:10 a.m.

Those present were: Members Randy Ahrens
Gary Brosz
Vincent Buzek
Lori Cox

Bette Erickson
Clark Griep
Ralph Johnson
Steve Kaverman
Linda Reynolds
Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero
Deputy City and County Manager Charles Ozaki
Deputy City Clerk Tricia Kegerreis
Deputy City and County Attorney Tami Yellico
Various Department Staff Members

- (a) Public Hearing - Proposed Broomfield Event Center Urban Renewal Site Plan
Property Location: South & West of U.S. 36 and East of Wadsworth Parkway
Applicant: Wiens Development Group

Resolution No. 2005-103-UR Approving the Urban Renewal Site Plan for the Broomfield Event Center in the Wadsworth Interchange Urban Renewal Plan

Chairperson Stuart opened the public hearing at 1:11 a.m. regarding a proposed Urban Renewal Site Plan for the Broomfield Event Center, located south and west of U.S. 36 and east of the Wadsworth Parkway. The Applicant, Wiens Development Group, has submitted an application for a 6,000 seat Event Center and options for associated parking.

City and County Manager Di Ciero summarized the Staff report for this Agenda item. The memorandum will be submitted for the record. The information presented for Agenda item 9(a) will be made a part of the record.

Mr. Tim Wiens stated that the Applicant's presentation for Agenda Item 9(a) would be made a part of the hearing for this item.

The public hearing was closed at 11:14 a.m.

Resolution No. 2005-103-UR was read by title.

In response to Council's question, Mr. Frew explained that if the Event Center is not complete by the time the basketball and hockey seasons start, all of the first games will be away games. Using an alternative site is not an option for either league.

MEMBER BROSZ MOVED AND MEMBER COX SECONDED, THAT RESOLUTION NO. 2005-103-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (b) Broomfield Events Center - Proposed Agreements

Resolution No. 2005-120-UR Authorizing a Broomfield Events Center Operations Agreement Between the Broomfield Urban Renewal Authority & Wiens Frew Management Group, LLC.

Resolution No. 2005-119-UR Authorizing the Redevelopment Agreement Between the Broomfield Urban Renewal Authority & Wiens Development Group, LLC

Chairperson Stuart introduced two resolutions dealing with the Broomfield Event Center. Resolution No. 2005-119-UR authorizes a Redevelopment Agreement between the Broomfield Urban Renewal Authority and Wiens Development Group for the planning, engineering, design, and construction of the Event Center. Under this agreement, the Developer assumes the financial risk of completing construction of the Event Center within the constraints of the approved budget. Resolution No 2005-120-UR authorizes an Operations Agreement that outlines revenue sharing between the Wiens Frew Management Group and the Broomfield Urban Renewal Authority. According to the proposed Operations Agreement, the Management Group assumes the risk of all operating losses.

City and County Manager Di Ciero summarized the Staff report for this Agenda item. Paul Benedetti, Counsel to the Broomfield Urban Renewal Authority was present for any questions.

Council questions and comments included: (1) What is the difference in the Operating Agreement presented tonight; and (2) Is this the best agreement we can get?

Staff's response to Council questions included: (1) The Operating Agreement clarifies signage and allows the developer to sell inside signage; and (2) This is the best package at this time.

Resolution No. 2005-119-UR was read by title.

MEMBER JOHNSON MOVED AND MEMBER REYNOLDS SECONDED, THAT RESOLUTION NO. 2005-119-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

Resolution No. 2005-120-UR was read by title.

MEMBER ERICKSON MOVED AND MEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2005-120-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

ADJOURNMENT

The City Council meeting was adjourned at 2:00 a.m.

APPROVED:

Deputy City Clerk

Mayor