

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

AUGUST 23, 2005

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:06 p.m., Tuesday, August 23, 2005, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Randy Ahrens
Gary Brosz
Vincent Buzek [Arrived during Item 9(a)]
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
City Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) Senior Services Award

Mayor Stuart introduced a report regarding an award received by the Broomfield Senior Services program at the Colorado Association of Senior Centers annual conference in Greeley. Senior Services received the 2005 Outstanding Program of the Year Award for the Freedom to Ride senior transportation education program, a program which teaches and encourages senior citizens to use public transportation.

Suzanne Bazinet, Senior Services Supervisor, displayed the Award and reviewed the Freedom to Ride program.

Mayor Stuart noted that Broomfield has a great public transportation network, and this program has helped many of our senior citizens to meet their transportation needs.

(b) 2005 Broomfield Days

Mayor Stuart introduced a report regarding the events planned for Broomfield Days, scheduled this year for Saturday, September 17th. This day is always filled with fun events for the family, beginning with the Lions Club's annual pancake breakfast and ending with the concert and dance in Midway Park. Broomfield is honored to have Councilmember Ralph Johnson and his wife, Edie, as Grand Marshals for this year's parade. Mr. Johnson has served on the City Council since 1988, and has been a true champion for the citizens of Broomfield these many years.

John Ferraro, Director of Recreation Services, and Dana Cabot, Recreation Manager, presented information on the activities planned for Broomfield Days.

Mayor Stuart stated that Broomfield Days is a wonderful end-of-summer gathering for the community and, on behalf of the City Council, invited all Broomfield citizens to attend and enjoy the day.

(c) Report Regarding the Healing Field

Mayor Stuart introduced a report regarding The Healing Field, which Broomfield will be hosting this year. The Healing Field is a memorial to the victims of 9/11 and the casualties of our war with Iraq.

Tom Deland, Chief of Police, and Kent Davies, Emergency Manager, reviewed the planned events and acknowledged the local sponsors. Joleen Reefe, Public Education Coordinator, advised of the volunteer opportunities available.

Mayor Stuart advised that Broomfield is honored to host the Healing Field this year, and encouraged all citizens to take part in the events planned to memorialize the victims of 9/11 and the casualties of war.

CITIZENS' COMMENTS

Brunner Farmhouse Improvements Report – Paul Madigan

Paul Madigan (13641 Basalt Court) provided an update on progress at the Brunner Farmhouse.

CONVENE BOARD OF SOCIAL SERVICES

The meeting of the Board of Social Services was convened by Chairperson Stuart at 6:34 p.m.

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

Those absent were: Member Vincent Buzek

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) Resolution No. 2005-118-BSS Acknowledging Review of Expenditures and Electronic Benefit Transfers for June, 2005

Chairperson Stuart introduced proposed Resolution No. 2005-118-BSS, acknowledging review of expenditures and electronic benefit transfers for the month of June, 2005.

Resolution No. 2005-118-BSS was read by title.

MEMBER REYNOLDS MOVED AND MEMBER COX SECONDED, THAT RESOLUTION NO. 2005-118-BSS BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

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

Literacy Programs Report – Reynolds

Councilmember Reynolds reported on upcoming programs to be offered by the Library.

Economic Future of Colorado Report – Colorado Economic Futures Panel – Reynolds and Kaverman

Councilmembers Reynolds and Kaverman encouraged citizens to read the report from the Colorado Economic Futures Panel regarding the State's financial crisis.

Broomfield Community Foundation – Report – Spader

Councilmember Spader reported on recent Broomfield Community Foundation grant awards.

Russian Delegation Visit – Report – Griep

Councilmember Griep reported on the visit to Broomfield by a delegation of Russian business people.

Hank Brown, University of Colorado President, Meeting with Broomfield Economic Development Corporation Members and Front Range Community College – Report – Griep

Councilmember Griep reported on his attendance at the meeting hosted by the Broomfield Economic Development Corporation with Hank Brown, University of Colorado President, and the President of Front Range Community College.

Colorado Counties, Inc. District Meeting – August 25, 2005 – Griep

Councilmember Griep reported that the Colorado Counties, Inc. District Meeting will be held in Broomfield for the first time on August 25, 2005.

COUNCIL BUSINESS

- (a) Public Hearing - Anthem Filing No. 8 - Site Development Plan (SDP), Final Plat (Replat), Preble Creek PUD Text Amendment No. 3 & Subdivision Improvement Agreement and Vacation of Previously Dedicated Rights-of-Way (Preble Creek Filing No. 2)
Applicant: Don Guerra, Pulte Home Corporation
Location: South of State Highway 7 & East of (future) Lowell Boulevard

Ordinance No. 1789 Vacating a Portion of the Preble Creek Filing No. 2 Right-of-Way - Second Reading

Resolution No. 2005-114 Approving Anthem Filing No. 8 Site Development Plan and Final Plat, and Preble Creek PUD Text Amendment No. 3, Authorizing the Subdivision Improvement Agreement Therefor

Mayor Stuart opened the public hearing at 6:45 p.m. regarding a Site Development Plan, Final Plat, and PUD Text Amendment for Anthem, Filing No. 8. This project consists of 93.3 acres, located south of State Highway 7 and east of the future Lowell Boulevard. The Applicant proposes a re-design of 203 single-family residential units previously approved in the Preble Creek PUD Plan.

Planning Director Terry Ware submitted the Staff report into the record and reviewed the location and Master Plan land use designation for the property. He reviewed the Master Plan text amendment needed to allow the redesigned plan providing higher-end housing products. Variances are requested for eave and deck encroachments, interpretation of side setback requirements for side-loaded garages, and building heights for walkouts and garden level homes.

Don Guerra, Pulte Homes, was present to respond to questions and comments.

Councilmember comments, concerns and questions included: 1) Compliment on the quality of the proposed housing; 2) Clarification that Council has the latitude to consider each of the Anthem plans based on its own merits; 3) Question about the length of the cul-de-sacs; 4) Request for clarification regarding whether variations will be applicable to every lot; 5) Trail connections are very well done; 6) Question about gates along the rear fence line to allow access to the open space; 7) Question regarding abandonment of wells; 8) Concern about ensuring commercial as well as residential development; 9) Need to correct Page 38 of the plans which indicate Weld County rather than Broomfield County; and 10) Support for the amended plan with fewer units on larger lots which makes the project better.

Applicant representatives Don Guerra and Bob Eck responded to questions as follows: 1) Cul-de-sac lengths meet City standards; 2) The variations would be available for every lot, but would not be needed on each lot; 3) Explanation of the maintenance plan with respect to the natural areas; 4) A variety of accesses to the open space have been provided without gates from the private yards; 5) Abandonment of the wells has been consistent with Code requirements; 6) There has been a high level of interest in commercial development, and the underlying agreement for Anthem has a concurrency provision requiring commercial development as the residential development occurs; and 7) The Weld County notation will be corrected.

City Attorney Tuthill clarified that changes to the Subdivision Agreement have been made which differ from some statements in the Staff report with respect to delivery of covenants and responsibility for maintenance of paved sidewalks and trails.

The public hearing was closed at 7:35 p.m.

Ordinance No. 1789 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER COX SECONDED, THAT ORDINANCE NO. 1789 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, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

Resolution No. 2005-114 was read by title.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-114 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (b) Public Hearing - Anthem Filing No. 7 - Site Development Plan, Final Plat & Subdivision Improvement Agreement Applicant: Pulte Home Corporation
Location: South of State Highway 7 & West of Lowell Boulevard

Resolution No. 2005-113 Approving Anthem Filing No. 7 Site Development Plan, Final Plat and Subdivision Improvement Agreement, Authorizing the Subdivision Agreement Therefor

Mayor Stuart opened the public hearing at 7:36 p.m. regarding an Application for approval of a Site Development Plan, Final Plat, and Subdivision Improvement Agreement for Anthem Filing No. 7, located south of State Highway 7 and west of the future Lowell Boulevard. The Applicant proposes 152 single-family detached, age-restricted houses on approximately 67 acres of property.

Planning Director Ware submitted the Staff report into the record, and reviewed the site location. The plan is consistent with the Master Plan and the Sub-Area Plan, and information presented with the Filing No. 8 plan is application to this plan. The Applicant has complied with the requests to provide a 5-foot trail between Tracts B and A, and to remove the variance request to allow architectural appurtenances to encroach into side setbacks.

In response to Council questions and concerns Don Guerra, Pulte Homes, reviewed the location of the airport flight path and the avigation easement. They have located the unprogrammed, open areas on more level ground with the passive areas located on the higher grades. The qualification for an age-restricted community allows a maximum population of 20% below age 55. This development has self-imposed a 90% requirement of age-qualified population. There will be less lighting on the internal streets. In the area of lots accommodating the 65-foot width residences, the houses will be staggered, and different color palates and housing styles used to mitigate the impact of three-car garages.

Assistant City and County Manager for Community Development Kevin Standbridge advised that the well abandonment and pipeline removal process has been done in conformance with the Broomfield Municipal Code. He clarified that the floor plans have been included for illustrative purposes only, and the interior floor plan may be modified without amending the Site Development Plan.

The public hearing was closed at 8:01 p.m.

Resolution No. 2005-113 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER BROSZ SECONDED, THAT RESOLUTION NO. 2005-113 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(c) Public Hearing - Ordinance No. 1816 Organizing the Arista Local Improvement District in the City and County of Broomfield – Second Reading

Mayor Stuart opened the public hearing at 8:22 p.m. regarding a proposed 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. The boundary for the Local Improvement District is proposed to be the property under current ownership of the Park 36 Investment, LLC. Presently, this is the southern part of the Arista project including the new Event Center, although additional properties may be proposed to be added at a later date.

City and County Manager Di Ciero summarized the Staff report, noting that the Developer of the Arista project has petitioned Broomfield to create a Local Improvement District (LID). Local Improvement Districts are created to make local improvements using revenue generated from within the local area benefiting from the improvements. The boundary of the proposed district includes the Park 36 property which includes the site of the Event Center. This district would have the authority to establish a 0.2% sales tax within its boundary. The structure and legal foundation of the proposed district are similar to those of the Flatiron Improvement District which provides transit services in the Flatiron Crossing District.

Mr. Di Ciero clarified that Council would serve as the District Board initially with the intent to appoint future property owners as board members.

Councilmember Griep expressed concern about retail overbuilding along that corridor, which could pull business away from existing businesses within the core area of Broomfield.

The public hearing was closed at 8:26 p.m.

Ordinance No. 1816 was read by title.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT ORDINANCE NO. 1816 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE.

ROLL CALL ON MOTION:

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

THOSE VOTING NO WERE: COUNCILMEMBER GRIEP

THE MOTION PASSED ON A VOTE OF 9 TO 1.

(d) Public Hearing - Resolution No. 2005-132 Approving the Service Plan for Northlands Metropolitan District and Providing Other Details in Connection Therewith

Mayor Stuart opened the public hearing at 8:23 p.m. regarding a Service Plan for the proposed Northlands Metropolitan District. The Northlands Metropolitan District is proposed to be formed by a vote of the property owners within the proposed district on November 1, 2005. Council's approval of a Service Plan is a prerequisite to the November election. The purpose of the District is to finance the construction of public improvements for the Northlands project, a "life-style" retail project, located at the northwest corner of State Highway 7 and I-25.

City and County Manager Di Ciero summarized the Staff report. The Northlands project developer, Alberta Partners, wishes to create a metropolitan district to issue bonds in order to finance the costs of infrastructure for the project. The Service Plan for the district has been submitted to Broomfield for review. The project is within the North Park West Urban Renewal District. On December 14, 2004, the Urban Renewal Authority approved a Redevelopment and Reimbursement Agreement for the project for reimbursement of up to \$30,580,768 for public infrastructure using 50% of the City 3.5% sales tax. The shared revenues will support the planned issuance of Metropolitan District bonds needed to finance infrastructure related to supporting the retail project. The total amount of bonds authorized by the Service Plan is \$70,880,000. Hahn Smith and Walsh, Broomfield's Special Bond Counsel, has submitted a memo which states that the "bonds or other obligations issued by the District will never constitute obligations or debt of the City and County" of Broomfield.

Kristen Bear, Attorney for The Northlands, reviewed the plans for the district which will provide a financing vehicle for the public improvements for the development. The district mill levy will be limited to 40 mills. The plan is to submit the question for a November 5, 2005 election. The only voter will be the current owner of the property.

Deputy City and County Manager Ozaki discussed the ratio of revenues to expenditures projected for this project. Master plans for the State Highway 7 corridor will be coming before City Council.

Following discussion regarding maintenance responsibilities, Staff clarified that the improvements will be subject to the normal acceptance process. Maintenance responsibility will remain with the District until such time as City Council agrees to accept the improvements. The Service Plan will be amended to clarify the wording regarding maintenance responsibilities.

Councilmember Kaverman requested an annual report on the financial plan ratio City-wide as part of the budget process.

The public hearing was closed at 8:47 p.m.

Resolution No. 2005-132 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-132 BE ADOPTED, SUBJECT TO CHANGING LANGUAGE IN THE SERVICE PLAN TO REFLECT THAT THE METROPOLITAN DISTRICT MAY TRANSFER IMPROVEMENTS AND MAINTENANCE RESPONSIBILITIES TO BROOMFIELD ONLY UPON THE CONSENT AND ACCEPTANCE BY BROOMFIELD. 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. Following adjournment of the Urban Renewal Authority Meeting, the Council Meeting was reconvened at 8:55 p.m.

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

Mayor Stuart advised that at the June 28, 2005 Council meeting, Council discussed the State Legislature's referral of two measures for a statewide vote in November that address TABOR matters. These measures are Referenda C and D. Referendum C allows state governments to keep and spend all revenues collected from existing state taxes over the next five years without being subject to the revenue and spending limitations of the TABOR amendment. In addition, Referendum C sets a new spending cap at the highest level of state tax revenue reached during the five-year period. Referendum D takes effect only if Referendum C passes. Referendum D authorizes the State to issue just over \$2 billion in new multi-year bonds to accelerate funding for transportation projects, police and firefighter pension funds, and repairs to public schools, colleges and universities. Council directed Staff, at the July 12th Council meeting, to prepare a resolution of support for Referenda C and D.

Council comments and concerns included: 1) Importance of the funding for the Wadsworth Interchange which is part of the financing package authorized by Referendum D; 2) Concern that Council should not tell citizens how to vote; 3) Need for the State to establish a long-range financial plan; 4) Support for the resolution as a statement of Council's position; 5) Support for the measures as a bi-partisan compromise for a short-tem fix to allow the State to work out a long-term plan; 6) Broomfield voters approved a similar measure shortly after TABOR took effect; and 7) Lack of knowledge among citizens regarding the ratchet effect of TABOR.

Resolution No. 2005-116 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER KAVERMAN SECONDED, THAT RESOLUTION NO. 2005-116 BE ADOPTED.

ROLL CALL ON MOTION:

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

THOSE VOTING NO WERE: COUNCILMEMBERS ERICKSON AND GRIEP

THE MOTION PASSED ON A VOTE OF 8 TO 2.

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

Mayor Stuart introduced consideration of a proposed incentive agreement with Intermountain Color regarding the possible relocation of their printing operations to Broomfield. Under the proposed agreement, Broomfield will rebate to Intermountain Color 50% of the 3.5% use tax paid on building and construction materials, and 50% of the City personal property tax paid over four years. This is similar to provisions of other previously adopted incentive agreements.

Resolution No. 2005-111 was read by title.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT RESOLUTION NO. 2005-111 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (g) Resolution No. 2005-136 Removing Randy Gilmore as a Regular Member of the Land Use Review Commission and Appointing Archie Lind as a Regular Member of the Land Use Review Commission

Mayor Stuart introduced consideration of a request from the Land Use Review Commission to remove a member of the Commission and appoint a successor. Council had a copy of the letter from the Land Use Review Commission, dated July 11, 2005, requesting that Randy Gilmore be replaced due to non-attendance at meetings, and that the Alternate, Archie Lind, be appointed as his successor. Council's Procedure and Rules of Order states, in part, that "*when a regular citizen member of a board or commission resigns or is removed prior to the end of his or her term, the alternate member, if any, shall automatically fill the vacancy for the remainder of the regular citizen member's term.*" Staff prepared a draft resolution which would remove Mr. Gilmore from the Land Use Review Commission, should Council wish to act in that regard.

Councilmembers discussed whether to proceed immediately with procedures to appoint an alternate member to the Land Use Review Commission rather than wait for the annual appointments process for all boards and commissions which begins in October. After discussion, the majority consensus was not to proceed with an immediate appointment process.

There were no public comments regarding the proposed resolution.

Resolution No. 2005-136 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-136 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

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

Mayor Stuart introduced consideration of appointments to the Flatiron Improvement District's Board of Directors. The Flatiron Improvement District was created to fund, operate, and maintain transportation improvements, including the ZIP Shuttle System, in the Flatiron Mall area.

The District is administered by a five-member independent Board of Directors, appointed by the City Council, including a voting representative from the City Council. Councilmember Kaverman is the current representative on the Board. Two vacancies were recently created with the resignations of Rich Gundersen of Developers Diversified Realty – Flatiron Marketplace; and Ken Tribbey of Midcities – Mainstreet at Flatiron. The Board has recommended Greg Pauley, Regional Property Manager with Developers Diversified Realty – Flatiron Marketplace, to succeed Mr. Gundersen and to complete the balance of his term through 2006. The Board has also recommended Chris Miller, President of Flatiron Owners’ Association – Mainstreet at Flatiron, to succeed Mr. Tribbey and to complete the balance of his term through 2008.

Councilmember Kaverman noted that proposed Ordinance No. 1815 scheduled as Consent Agenda Item 10(e) is a housekeeping amendment to the Municipal Code to expand the scope of eligibility for board membership.

Resolution No. 2005-105 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2005-105 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (i) Request for Direction Regarding the Potential Purchase of the 46.6 Acres Immediately Southwest of West 160th Avenue & Huron Street for Public Open Space (Nordstrom Property)

Mayor Stuart introduced a request from Staff for direction concerning the potential purchase of 46.6 acres of property immediately southwest of West 160th Avenue and Huron Street in Broomfield for public open space. In January of 1999, Broomfield entered into a Purchase Agreement and Option to Purchase multiple parcels of property owned by Cleo Nordstrom. The last remaining parcel available for purchase is this 46.6 acre parcel. For the City to purchase this property, notice must be given to the seller no later than September 1, 2005. The purchase price is \$18,500 per acre. Funds for this purchase are currently available and previously appropriated.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT THE CITY AND COUNTY MANAGER BE DIRECTED TO EXERCISE THE OPTION TO PURCHASE PARCEL 6 PURSUANT TO THE TERMS OF THE PURCHASE AGREEMENT BETWEEN THE CITY OF BROOMFIELD AND CLEO NORDSTROM DATED JANUARY 12, 1999. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Resolution No. 2005-121 Approving Intergovernmental Agreements with Adams 12 Five Star School District, Aims Junior College District, Boulder Valley Public School District, Jefferson County Public School District R1, St. Vrain Valley School District, and Weld County School District RE-8 for the Conduct of the November 1, 2005, Coordinated Election Under the Uniform Election Code of 1992, As Amended

The recommendation was that Resolution No. 2005-121 be adopted.

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

- (b) Approval of Minutes - Adjourned Regular Meeting of July 19, 2005
Approval of Minutes - Regular Meeting of July 26, 2005
Approval of Minutes - Adjourned Regular Meeting of August 4, 2005
Approval of Minutes - Regular Meeting of August 9, 2005

The recommendation was for approval of the Minutes of the Adjourned Regular Meeting of July 19, 2005; the Regular Meeting of July 26, 2005; the Adjourned Regular Meeting of August 4, 2005; and the Regular Meeting of August 9, 2005.

Councilmember Kaverman requested a clarification of the wording regarding his Councilmember Report on the Flatiron Improvement District.

- (c) Resolution No. 2005-112 Accepting Certain Public Improvements Associated with McKay Landing Filing No. 4

The recommendation was that Resolution No. 2005-112 be adopted.

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

The recommendation was that Resolution No. 2005-96 be adopted.

- (e) 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

The recommendation was that Ordinance No. 1815 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., September 27, 2005, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for September 27, 2005, following the public hearing.

- (f) Resolution No. 2005-135 Authorizing Issuance of a City Water Tap to Mile High Water Company

The recommendation was that Resolution No. 2005-135 be adopted.

- (g) Resolution No. 2005-122 Approving the Rescheduling of the November 8, 2005 Regular Meeting of City Council to November 15, 2005

The recommendation was that Resolution No. 2005-122 be adopted.

- (h) Resolution No. 2005-133 Authorizing the Mayor to Examine and Sign the 2005 Abstract of Assessment for the City and County of Broomfield

The recommendation was that Resolution No. 2005-133 be adopted.

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

ATTORNEY'S REPORT

No report was given.

MANAGER'S REPORT

- (a) Progress Report - Council's 2005 Priorities - July 26-August 23, 2005
- (b) City & County Manager's Report - August 23, 2005

SPECIAL REPORTS

- (a) Capital Improvement Program (CIP) Monthly Status Update

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 8:52 p.m., following Council Business Item 9(d).

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
 City Clerk Vicki Marcy
 City and County Attorney William Tuthill
 Various Department Staff Members

- (a) Resolution No. 2005-137-UR Approving Amendment No. 1 – Redevelopment and Reimbursement Agreement By and Between the Broomfield Urban Renewal Authority and Northlands Colorado, LLC

Mayor Stuart introduced an Amendment to the Redevelopment and Reimbursement Agreement with Northlands Colorado, LLC, approved by Council on December 14, 2004. The Redevelopment and Reimbursement Agreement for the project provides for reimbursement to the District of a portion of the cost for public infrastructure using a percentage of sales tax collected in the District. The proposed Amendment to the Agreement reflects the property that will finally be included in the Agreement.

City and County Manager Di Ciero summarized the Staff report.


Resolution No. 2005-137-UR was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-137-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

ADJOURNMENT

The City Council meeting was adjourned at 9:55 p.m.

APPROVED:



 Mayor



 City Clerk