

MINUTES  
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

SEPTEMBER 27, 2005

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:07 p.m., Tuesday, September 27, 2005, in the Council Chambers of the Municipal Building.

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

Those absent were: Councilmember Bette Erickson

Also present were: City and County Manager George Di Ciero  
Assistant City and County Manager Kevin Standbridge  
Deputy City Clerk Tricia Kegerreis  
City and County Attorney William Tuthill  
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) National 4-H Week Proclamation

Mayor Stuart introduced a proclamation declaring the week of October 2nd through October 8th as National 4-H Week in the City and County of Broomfield. The Broomfield Health and Human Services Cooperative Extension has been working to bring a 4-H program to the City and County of Broomfield through a collaborative effort with Adams County. 4-H in Broomfield will hold its first meeting on Tuesday, October 4th.

Holli Bowman, Director of Broomfield's CSU Cooperative Extension, was present to receive the proclamation from Mayor Stuart. She noted that Broomfield will charter its first 4-H Club during 4-H Week and introduced active 4-H members who were in attendance. She also reviewed the Colorado 4-H Impact Study brochure.

Mayor Stuart thanked Ms. Bowman for the presentation, adding that there are many young people and adults alike who will benefit from the learning projects and activities that the new 4-H will offer in Broomfield.

Mayor Pro-Tem Griep remarked that 4H is no longer just livestock, but encompasses other interests such as computers.

CITIZENS' COMMENTS

Report on Broomfield Support for Port Allen, Louisiana Hurricane Victims – Jeff Power, Summit View Church

Jeff Power, Pastor of Summit View Church, reported on the tremendous support received from Broomfield citizens and businesses in getting items for linen and kitchen boxes for the hurricane victims of Port Allen, Louisiana. He introduced Linda Erley, Summit View Church member, and Cindy Manley, United Methodist Church member, who helped with the efforts.

CONVENE BOARD OF SOCIAL SERVICES

(a) Resolution No. 2005-127-BSS Acknowledging Review of Expenditures and Electronic Benefit Transfers for July 2005

The meeting of the Board of Social Services was convened by Chairperson Stuart at 6:14 p.m.

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

Those absent were: Member Bette Erickson

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

Chairperson Stuart introduced proposed Resolution No. 2005-127-BSS, acknowledging review of expenditures and electronic benefit transfers for the month of July, 2005.

Frank Schoengarth, Self-Sufficiency and Employment Services Manager, responded to Council questions, advising that the problems with Colorado Benefits Management System (CBMS) are improving with regards to providing sufficient data.

Resolution No. 2005-127-BSS was read by title.

MEMBER BUZEK MOVED AND MEMBER COX SECONDED, THAT RESOLUTION NO. 2005-127-BSS BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, 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

Metro Denver Economic Development Corporation Site Selection Conference – Report – Buzek

Councilmember Buzek reported on the Metro Denver Economic Development Corporation Site Selection Conference held in Denver on September 23, 2005. He reviewed the top 10 criteria used by businesses when determining final business locations.

Sale of Bricks Continued as a Fund Raiser for the Mamie Dowd Eisenhower Library – Reynolds

Councilmember Reynolds advised that the Library is selling bricks again this year to raise funds. She also noted that Broomfield's library is one of twenty libraries from around the country chosen to receive a grant from NOVA for "Einstein Days" programs associated with the 100<sup>th</sup> anniversary of Albert Einstein's theory of relativity.

Email from National Association of Counties (NACO) Regarding Hurricane Relief – Report – Griep

Notification was received from the National Association of Counties that, because funds are being directed to hurricane relief, funding of some local projects could be at risk. He also suggested that a letter be sent to Representative Udall and Senator Allard urging them to keep funding already appropriated for Broomfield projects.

9/13/05 Vote on the Executive Session – Griep

Councilmember Griep stated that he had wanted to change his vote regarding the Executive Session at the September 13, 2005 Council Meeting. He stated that, since the only reason for holding the executive session was to keep from revealing the company name, at the company's request, he would have voted to hold the discussion in public without revealing the company name.

State Trails Conference – Report – Stuart

Mayor Stuart noted the State Trails Conference had been held in Broomfield, and the Excellence in Design and Engineering Award was presented to Broomfield for the Ridgeview Trail.

Front Range Transportation Forum Sponsored by DRCOG – Report – Stuart

Mayor Stuart reported that mobility organizations from around the state attended the Transportation Forum sponsored by Denver Regional Council of Governments (DRCOG). Governor Bill Owens, who spoke at the Forum, stated that Referendums C and D need to pass in order to complete planned projects.

Homebuilders Association Foundation Inspiration House – Report – Stuart

Mayor Stuart reported that the Homebuilders Association Inspiration House is being built in Country Estates by Sheffield Homes. Proceeds from the sale will go to the Homebuilders Association Foundation and distributed to people in need.

America on the Move Day – September 28, 2005 – Stuart

Mayor Stuart advised that Broomfield's trail connections will be featured at America on the Move Day scheduled for September 28, 2005.

COUNCIL BUSINESS

- (a) Public Hearing - 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 - Second Reading

Mayor Stuart opened the public hearing at 6:40 p.m. regarding a proposed amendment to the Broomfield Municipal Code concerning requirements for property ownership by directors of improvement districts. City Council is authorized by State Statute and the City Charter to establish improvement districts to provide public improvements or services within a designated area of the city. Local improvement districts may be administered by the City Council or an independent board of directors appointed by City Council. Currently, the Code requires that directors of local improvement districts be electors within the district or electors of the State of Colorado, and own taxable property within the district with an assessed valuation of not less than 15% of the total valuation within the district. The Board of the Flatiron Improvement District is requesting that the 15% property ownership requirement be eliminated or amended because property in the district has dispersed during the development of the Flatirons area and most property owners have less than the 15% property ownership required.

City and County Manager Di Ciero summarized the Staff report. He noted that currently, the Municipal Code requires that all directors of local improvement districts must be either: 1) electors within the district or 2) electors of the State of Colorado and own taxable real or personal property with the district with a valuation for assessment of not less than 15% of the total valuation for assessment of all real and personal property within the district. The Board of the Flatiron Improvement District is requesting that the 15% property ownership requirement be eliminated or amended as a qualification for board members, because the ownership of property has dispersed during the development of the Flatirons area making it difficult to find owners of 15% or more of the total property assessment in the district to serve on the board. Proposed Ordinance No. 1815 eliminates the 15% requirement for property ownership.

Councilmember Kaverman, a member of the Flatiron Improvement District Board, noted that there are only two property owners who qualify to be members of the board. This problem could likely occur with the Arista and Anthem developments.

In response to Council questions, Staff's response included: (1) The 15 percent requirement was initially required to be sure that the board members would have a vested interest; and (2) There are currently five board members.

The public hearing was closed at 6:47 p.m.

Ordinance No. 1815 was read by title.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1815 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(b) Ordinance No. 1817 Amending Section 17-32-020 Home Occupations of the Broomfield Municipal Code by Adding a New Sub-Section (E) to Allow Adult Day Care Facilities - First Reading

Mayor Stuart introduced first reading of a draft ordinance which would amend home occupations and Use by Special Review provisions of the Broomfield Municipal Code to allow adult day care as a home occupation. Currently, the Broomfield Municipal Code does not permit adult day care operations in Broomfield residences.

City and County Manager Di Ciero summarized the Staff report noting that the proposed ordinance would amend the home occupation provision of the Municipal Code to allow adult day care residences as an accessory use of a home for up to five adults of age 13 or older, provided there is adequate finished square footage in the residence and provided that the facility is in compliance with all other applicable laws and regulations, including all necessary licensing and certification. The proposed ordinance also requires notice and hearing before City Council. Council requested the City and County Attorney's office to draft an ordinance for review.

Council questions and comments for consideration at second reading included: (1) Concern expressed on the limited number of parking spaces for vehicles; (2) How does the parking restriction compare to other home businesses? (3) Would like Use By Special Review of Council for each case; (4) Would rather have the use run with the owner rather than with the property; (5) Which building laws apply to adult day care facilities? (6) Does the operator of the adult day care have to be the home owner? (7) Concern expressed about the number of hours a client is allowed to stay; (8) Should there be a limit to the expansion of homes? (9) Nothing punitive should be imposed; (10) Suggested using the verbiage "service recipient" rather than "resident" in Section 17-32-020(E)(6); and (11) Permits could be issued for this type of use.

Ordinance No. 1817 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER SPADER SECONDED, THAT ORDINANCE NO. 1817 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., OCTOBER 25, 2005, IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR OCTOBER 25, 2005, FOLLOWING THE PUBLIC HEARING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(c) Resolution No. 2005-139 Approving an Agreement with Milestone Construction Services, Inc. for the Construction of the Ridgeview Trail - Phase 3

Mayor Stuart introduced consideration of an agreement with Milestone Construction Services for the construction of Phase 3 of the Ridgeview Trail. This trail segment would connect the Phase 1 trail segment and the existing concrete trail in the Outlook subdivision by winding through the open space to the north and west of the Ridgeview Heights subdivision. Construction of Phase 1 and 2 of the Ridgeview Trail was completed in late 2003. Council approved funding for Phase 3 of the trail in the 2005 Capital Improvements Budget. City Council identified the completion of the trail system in Broomfield as a priority for 2005.

City and County Manager Di Ciero reported that the low bid, \$246,212.72, was submitted by Milestone Construction.

Kristan Pritz, Director of Open Space and Trails, reviewed the trail layout and the materials to be used, and presented a video showing the views from the trail.

Council expressed pleasure in seeing another trail connection completed. It was noted that future reference to any similar sized items on Council's priority list should be listed as a "medium sized priority" rather than a "medium priority."

Resolution No. 2005-139 was read by title.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER JOHNSON SECONDED, THAT RESOLUTION NO. 2005-139 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(d) Resolution No. 2005-108 Authorizing an Intergovernmental Agreement with Northwest Metropolitan District No. 3

Mayor Stuart introduced consideration of a proposed Intergovernmental Agreement (IGA) with the Northwest Metropolitan District No. 3, one of four metro districts serving the Anthem project. The Service Plans for the four metro districts were approved by Council in September, 2001 and require that prior to issuing any debt, the District must enter into an Intergovernmental Agreement with Broomfield defining the general terms under which the District will issue debt and perform operations. The Northwest Metropolitan District No. 3 is prepared to issue debt and is requesting consideration of the proposed Intergovernmental Agreement as required by the Service Plan for the District.

City and County Manager Di Ciero summarized the Staff report noting that the proposed IGA proposes the method by which Broomfield reviews and acts upon the proposed debt issuances. The proposed IGA meets the requirements of the previously approved service plan.

Council requested a schedule of the projected decision dates, similar to the schedule prepared for the Arista project. They also requested a list of all outstanding debt mill levies and the proposed pay-off, completion date. Council questioned how long it would take to pay off this particular debt.

District Representative Valerie Bromley, McGeedy Sisneros, responded to Council questions noting that this was a 30-year debt which would remain the same until paid off or refinanced. She also responded that the current mill levy will be 42 mills: 40 mills for the debt service and 2 mills for operation and maintenance service.

Resolution No. 2005-108 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER BROSZ SECONDED, THAT RESOLUTION NO. 2005-108 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(e) Report Re: City Council Appointments - Boards and Commissions

Mayor Stuart introduced consideration of the process for making annual appointments to fill expiring terms and vacancies for Broomfield's boards and commissions. The terms of certain board and commission members will expire on December 31, 2005. Pursuant to the City Charter, these appointments are made by the City Council. The appointment process includes publication of the vacancies, acceptance of applications, applicant interviews and finally, the appointments. The Staff report for this item includes the current membership for each board and commission, upcoming vacancies, and a suggested timetable for this year's appointment process.

Council requested that a one-page synopsis for each committee describing the duties of the committee, frequency of meetings, duration of meetings, and workload requirement be made available to the boards and commissions applicants. It was also suggested that the application deadline be extended. The consensus of Council was to interview for the Capital Improvements Program Committee rather than to appoint by each councilmember. It was also suggested that the team interviewing format be used again this year.

Staff was directed to recruit for vacancies; and extend the deadline from the proposed October 31; hold interviews on November 21, 2005, and, if needed, November 28, 2005; and schedule appointments for the December 13, 2005 City Council Meeting.

CONSENT AGENDA

The Consent Agenda item was read by title.

(a) Approval of Minutes - Regular Meeting of September 13, 2005

The recommendation was for approval of the Minutes of the Regular Meeting of September 13, 2005.

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

ATTORNEY'S REPORT

Sale of Methamphetamines Over the Counter

City and County Attorney Tuthill reported on the "Combat Meth Act" which proposes a federal law to restrict the sale of pseudoephedrine products nationwide by requiring retailers to keep the drugs behind pharmacy counters. This will be national legislation, so local legislation will not be needed.

Council suggested that, in the meantime, letters be sent asking businesses to voluntarily put these drugs behind the counter, and that surrounding cities be asked to join in this effort. Council requested the names of the Senate committee members sponsoring this bill in order to write letters to encourage passage of this bill.

MANAGER'S REPORT

- (a) Progress Report - Council's 2005 Priorities - August 23 through September 27, 2005
- (b) City & County Manager's Report - September 27, 2005
- (c) Request for Direction on Budget Study Session

City and County Manager Di Ciero reported that some members of Council had requested a date change to the Budget Study Session. After suggestions were received from Council, it was determined that the Budget Study Session be held on October 4 and 6, beginning at 5:00 p.m.

SPECIAL REPORTS

- (a) Capital Improvement Program (CIP) Monthly Status Update
- (b) Methamphetamine Cleanup Brochure

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

There was no business for the Broomfield Urban Renewal Authority.

ADJOURNMENT

The City Council meeting was adjourned at 8:22 p.m.

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Deputy City Clerk

APPROVED:

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Mayor