

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

OCTOBER 11, 2005

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:04 p.m., Tuesday, October 11, 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
City and County Attorney William Tuthill
City Clerk Administrative Technician Judy Keiser
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

- (a) Resolution 2005-149 Declaring October 9, 2005 as Fallen Firefighters' Memorial Day and the Week of October 9-15, 2005 as Fire Prevention Week in Broomfield

Mayor Stuart introduced a request from the North Metro Fire Rescue Department for a resolution declaring October 9th as Fallen Firefighters' Memorial Day and the week of October 9-15 as Fire Prevention Week in Broomfield. This week of remembrance is observed nationally in an effort to increase public awareness of the importance of fire safety and to honor the memory of the 101 firefighters who lost their lives in 2004 in performance of their duty. Although October 9th has passed, that day was included in the resolution as requested.

Deputy Fire Chief Dennis Day reviewed the District's request and gave a brief history of the national observance, noting that this year's theme is "Use Candles with Care."

Resolution No. 2005-149 was read by title.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2005-149 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

Mayor Stuart presented the Resolution to Chief Day and, on behalf of the Broomfield community and the City Council, thanked all of the dedicated fire rescue personnel for their constant, vigilant, and self-sacrificing work.

(b) Colorado State Parks-Trails Program Award for Design and Planning for the Ridgeview Trail

Mayor Stuart advised that the City and County of Broomfield recently received the Colorado State Parks and Trails Program Planning and Design Award for the Ridgeview Trail project. The Mayor accepted the award, on behalf of the City and County of Broomfield, at the annual Colorado Trails Symposium held on September 22nd at the Omni Interlocken Resort.

Pascale Fried, Chairman of the Open Space and Trails Advisory Committee, presented information regarding the award. She advised that the public process, use of GIS for mapping, public opinion about the project, and intergovernmental cooperation with Boulder County were noted as important aspects of the project. Kristan Pritz, Director of Open Space and Trails, and Katherine Horne of the Capital Improvement Program were recognized for their efforts in the project.

(c) 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

Ballot Issue 3A – Lisa Whitsell

Lisa Whitsell (231 East 11th Avenue) clarified the differences between the Boulder Valley School District's 3A ballot issue and the 3A initiative on Denver Public School's ballot.

Transportation Needs – Victoria Smith

Victoria Smith (3281 Prince Circle) expressed dissatisfaction with the transportation services in Broomfield, particularly east of Sheridan Boulevard. Mayor Stuart requested that Ms. Smith's concerns be passed along to Transportation Director Debra Baskett, who is working with RTD to improve transit services in Broomfield.

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

The meeting of the Broomfield Housing Authority was convened by Chairperson Stuart at 6:25 p.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
City and County Attorney William Tuthill
City Clerk Administrative Technician Judy Keiser
Various Department Staff Members

Public Hearing - 2006 Proposed Housing Authority Budget

Chairperson Stuart opened the public hearing at 6:26 p.m. on the proposed 2006 Housing Authority budget. The purpose of the public hearing was to provide citizens with the opportunity to comment on the Broomfield Housing Authority's budget for 2006.

City and County Manager Di Ciero summarized the Staff report, noting that a slight decrease from the 2005 budget is primarily due to a one-time grant that was received in mid-2005 for the Broomfield Greens Senior Housing.

Assistant City and County Manager Standbridge, responding to Council comment that there are no revenues, only expenditures, for the Housing Authority budget, advised that a possible consortium with other cities and/or counties is being considered to maximize the Housing Authority's services.

There was no public comment.

The public hearing was closed at 6:28 p.m.

COUNCILMEMBER REPORTS

(a) September 2005 Status Report on Rocky Flats Activities - Brosz

Councilmember Brosz presented a slide show showing the status of clean-up activities at the Rocky Flats site.

Metro Area County Commissioners Meeting – Report – Griep

Councilmember Griep reported on the most recent problems with the Colorado Benefits Management System (CBMS), which has resulted in non-refundable overpayment of benefits. He also advised that funding for youth residential treatment centers will be severely reduced due to a ruling that Medicaid funds cannot be used for those programs.

Colorado Counties, Inc. Meeting - Report – Griep

Councilmember Griep presented information on the new Smart Start Colorado program, adding that he would like to see Broomfield join other counties in participating in this program.

Metro Mayors and Commissioners Meeting – Stuart

Mayor Stuart advised that the Early Childhood initiative, Smart Start Colorado, will be considered at the next Metro Mayors meeting, with emphasis on collaboration between cities and counties.

Northwest Parkway Donation – Stuart

Mayor Stuart reported on a \$10,000 donation collected by the Northwest Parkway for Hurricane Katrina victims who are currently living in the metropolitan area.

COUNCIL BUSINESS

(a) Public Hearing - 2006 Proposed Budget

Mayor Stuart opened the public hearing at 6:42 p.m. on the proposed 2006 Budget for the City and County of Broomfield. The purpose of the hearing was to provide citizens with an opportunity to provide comments and suggestions for the 2006 Budget, prior to Council's adoption of the budget.

Public comments regarding the 2006 proposed Budget included the following: 1) Linda Smith (Boulder) and Sallie Bolich (1136 Birdie Road), representing Eco-Cycle, requested the opportunity to continue to provide recycling services to Broomfield; 2) Victoria Smith (3281 Prince Circle) requested improved access for Tom Frost Reservoir; 3) Lisa Whitsell (231 E. 11th Avenue) requested funding for a current feasibility study regarding consolidation of school districts; 4) Bob Davis (914 Birch Street) requested continued funding for Health and Human Services' prevention programs such as Restorative Justice, senior fitness, immunization, etc; 5) Gary Byrd (3200 S. Princess Circle) requested refurbishing the area along 128th Avenue from Lowell Boulevard and about two blocks east; 6) Richard Nicaise (5766 West 136th Avenue) requested funding for local services for adults with disabilities; 7) Terri Dunkel (700 Kalmia Way) requested support for programs such as *Friends of Broomfield* and *Friends Unlimited*; and 8) Gina Coufal (2140 Snowmass Circle) requested additional funds to support providers of programs for the developmentally disabled. She also supports improved transportation services.

City and County Manager Di Ciero presented an email from Bridgette McCarthy-Zayach (1205 Kohl Street) regarding traffic issues on Kohl Street between Miramonte and 11th Avenue.

The public hearing was closed at 7:08 p.m.

(b) Resolution No. 2005-115 Approving Inclusion of Additional Real Property Within the Arista Metropolitan District

Mayor Stuart introduced a request from the State Board of Land Commissioners that property it owns be included in the Arista Metropolitan District. The Arista Metropolitan District was formed by a vote of the property owners within its boundaries in November, 2001 to finance the construction of public improvements for the project. The 7-acre property is included within the

Arista PUD Plan and will likely be acquired by Wiens Development as part of the Arista project. Draft Resolution No. 2005-115 would approve the inclusion of this property into the Arista Metropolitan District.

City and County Manager Di Ciero summarized the Staff report, reviewing the site location and its relationship to the Arista area.

Resolution No. 2005-115 was read by title.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-115 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (c) Request for Executive Session Re: Negotiations on the Potential Purchase of the Metzger Property; an Adjoining Parcel Owned by the City of Westminster; and the Markel Property for Public Lands, Open Space, and Municipal Use

Mayor Stuart advised that Staff had requested an Executive Session be held following the Council meeting, to discuss negotiations for the potential purchase of the Metzger property, consisting of 145 acres, located at Lowell and 120th Avenue; an adjoining 6-acre parcel of land, owned by the City of Westminster; and the Markel property, consisting of approximately 33 acres, located at 136th and Aspen Street, for public lands, open space, and municipal uses.

Council comments, questions, and concerns included: 1) Delay discussion of Metzger property pending more information; 2) Need information on the Markel and Westminster properties prior to discussion; 3) Problem with money being spent on open space in view of the current shortfall; 4) Is Staff prepared to answer Council's questions regarding these property purchases? 5) What will final cost of acquisition be? 6) Cost of improvements to open space needs to be factored into the purchase price and should be a known factor; and 7) Would like to have all of the information before discussing at Executive Session so that time spent is worthwhile; and 8) Reminder that the purpose of Executive Sessions is not to make decisions, but to relay information to Council that is not appropriate for a public forum.

City and County Attorney Tuthill explained the rationale for adding the Westminster and Markel properties for consideration at an Executive Session.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT AN EXECUTIVE SESSION BE HELD ON OCTOBER 11, 2005 FOR THE PURPOSE OF DETERMINING POSITIONS RELATIVE TO MATTERS THAT MAY BE SUBJECT TO NEGOTIATIONS; DEVELOPING STRATEGY FOR NEGOTIATIONS; AND INSTRUCTING NEGOTIATORS PURSUANT TO SECTION 24-6-402(4)(A) AND (E) OF THE COLORADO REVISED STATUTES AND CONSIDERING THE POTENTIAL PURCHASE OR ACQUISITION OF THE METZGER PROPERTY AND THE ADJOINING PROPERTY OWNED BY THE CITY OF WESTMINSTER OF APPROXIMATELY 6 ACRES BORDERING THE BROOMFIELD WATER TREATMENT FACILITY, FOR PUBLIC LANDS, OPEN SPACE, AND MUNICIPAL USE, AND THE ACQUISITION OF THE MARKEL PROPERTY FOR OPEN SPACE.

ROLL CALL ON MOTION:

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

THOSE VOTING NO WERE: COUNCILMEMBERS GRIEP AND SPADER

THE MOTION PASSED ON A VOTE OF 8 TO 2.

- (d) Resolution No. 2005-154 Approving an Agreement for the Sale and Purchase of Real Estate and an Escrow Agreement, Both for the Purchase of Real Property Located at 13195 Lowell Boulevard and Owned by the William G.C. Newbold Trust and the Newbold Trust

Mayor Stuart introduced consideration of the purchase of a 2-acre parcel of land located west of Lowell Boulevard and east of Sheridan, between the Redleaf Subdivision and the Broomfield County Commons. The property is currently owned by the William G.C. Newbold Trust and the Newbold Trust. Mrs. Mildred Newbold currently lives on the property. The Community Development Group and Morrison Homes have been working with the Newbold family and the City and County of Broomfield to develop a proposal that would be mutually beneficial to all parties.

City and County Manager Di Ciero introduced the Staff report.

Director of Open Space and Trails Kristan Pritz presented a video of the property location, which is surrounded on three sides by open land. Ms. Pritz summarized the details of the arrangement, noting a projected closing date of February 9, 2006.

Finance Director Greg Demko advised that fair price was based on appraisals and comparable land sales.

Council comments, questions, and concerns included: 1) How extensive is the due diligence environmental testing that will be done? 2) Who pays if there are problems? 3) Will there be clean cultivation and reseeded costs? 4) Try to save the trees: 5) Need an agreement with the developer, in addition to the one with the Newbolds; 6) How will personal property still on the property be disposed of? 7) Mrs. Newbold should be allowed to live in her house rent free until her house in Redleaf is ready; 8) What will be done if an abandoned well / septic tank is found on the property? 9) When will environmental test results be available? 10) Are Open Space funds being used for this property purchase? and 10) Need release of easement for the access road.

Staff responses included: 1) Environmental consultation will determine how much testing is needed, but no problems are anticipated; 2) If there are problems, would need to decide if the property purchase would be pursued and, if so, how costs would be recovered for clean-up; 3) Reseeding process will be straightforward – plant and harvest a crop, then plant something into it, such as native grass, per recommendations from Councilmember Johnson; 4) Will keep the trees that are worth saving; 5) A Memorandum of Understanding will be executed with Community Development; 6) Most of the personal belongings on the property have already been sold by the family; after Mrs. Newbold has moved, any remaining personal property will be sent for recycling or to the landfill, as appropriate. 7) Staff will work with Health and Human Services to determine the best course of action if an abandoned well and/or septic tank is found on the property; 8) Environmental testing will begin in late November and results can be expected approximately four weeks later; 9) Financing the purchase from the General Fund was deemed

to be more appropriate than Open Space funding since this property is not currently open space; and 10) The current easement for the access road will go with the purchase of the land.

Staff and Community Development were praised for negotiating a fair agreement and avoiding condemnation proceedings.

Resolution No. 2005-154 was read by title.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-154 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (e) Ordinance No. 1822 Authorizing the Issuance of Sales and Use Tax Revenue Improvement Bonds, Series 2006, in the Aggregate Principal Amount Not to Exceed \$20,000,000, for the Purpose of Providing Funds for Certain Capital Improvements - First Reading

Mayor Stuart introduced First Reading of an ordinance authorizing the issuance of \$20 million in sales and use tax revenue improvement bonds for transportation improvements, with an annual debt payment of \$1.6 million for 20 years. City Council identified the completion of transportation improvements as a priority for 2005 and included the issuance of bonds for transportation in the 2005 budget. At a Study Session last March, Council reviewed a proposal for issuing \$30 million in bonds for transportation which included street overlays and reconstruction. After discussions, Council decided that overlays and reconstruction projects should be funded on an annual basis.

City and County Manager Di Ciero summarized the Staff report, noting that there are two possible sales and use tax revenue bond issues, one for 2006 and one for 2007, which Council could consider either separately or together. He distributed and reviewed a chart showing possible transportation system projects and cost breakdowns. Mr. Di Ciero advised that transportation system improvements was identified by Council as a 2005 priority.

Council comments, questions, and concerns included: 1) Transportation and community image are both important for quality of life in Broomfield; 2) Proposed projects appear balanced and well thought out; 3) Avoid a patchwork of improvements; 4) Not in favor of more debt; 5) Need to explore alternative funding options, including discretionary and unallocated funds and the Capital Improvements Program (CIP) budget, prior to considering issuance of bonds; 6) Discussion is premature in light of the fact that the 2006 Budget has not been approved yet; 7) Have transportation bonds ever been paid off early? 8) What projects will ease traffic congestion the most? 9) Prefer to do road improvements on a pay-as-you-go system to avoid additional debt; 10) Consider phasing projects; 11) Most projects identified in the Staff report are for roadways which are missing sections and should be completed; 11) Increase bonding for full \$35,000,000 and stretch out over 3 years, 2006-2008; 12) Details of projects can be worked out in individual contracts; 13) Cannot do these road improvements without incurring debt; 14) Broomfield's current level of indebtedness is below what is allowed by City Charter and at an acceptable level; 15) Are cement shortages anticipated? 16) Traffic flow is one of the primary concerns; 17) Can beautification projects be done through the CIP budget and road construction accomplished through bonds? 18) What other cuts could be made within our current budget? 19) All of the listed projects cannot be completed in a 3-year time period; 20) Need to look at which projects can be delayed; 21) Question prioritization of projects as listed in the Staff report; 22) Concern with increasing debt without exploring alternatives; 23) Projects listed in Staff report would enhance traffic flow; 24) The projects are necessary and money is necessary for the projects;

25) Debt is necessary for a healthy city; 26) A transportation bond supports one of Council's primary priorities; 27) Need to give Staff consistent policy and consistent direction; 28) Once bonded, there is no choice as to which projects to do or which to delay; 29) Was direction given by Council regarding debt? 30) Traffic congestion and road problems have been identified as citizens' biggest concerns, which led to Staff being directed by Council to come up with a plan; 31) There is nothing to preclude further discussion of alternative funding options at the Budget meeting or to make changes to the Ordinance at Second Reading; and 32) Need to move forward with First Reading so this sitting Council can decide and citizens can have the opportunity to be heard.

Staff response to Council comments, questions, and concerns included: 1) Yes, transportation bonds have been paid off early in the past; 2) Problems with cement shortages should improve by January – this is an annual problem exacerbated this year by the recent hurricanes; 3) Not all of Council agreed on the direction to be given to Staff regarding debt; and 4) Could look at each project individually.

Ordinance No. 1822 was read by title.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER BROSZ SECONDED, THAT ORDINANCE NO. 1822 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.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROSZ, BUZEK, COX, AND KAVERMAN

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS, ERICKSON, GRIEP, JOHNSON, REYNOLDS, AND SPADER

THE MOTION FAILED ON A VOTE OF 4 TO 6.

CONSENT AGENDA

The Consent Agenda items were read by title.

(a) Approval of Minutes - Regular Meeting of September 27, 2005

The recommendation was for approval of the Minutes of the Regular Meeting of September 27, 2005.

- (b) Ordinance No. 1821 Amending Section 13-16-080 of Chapter 13-16, Temporary Water Permits, of the Broomfield Municipal Code – First Reading

The recommendation was that Ordinance No. 1821 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.

City and County Attorney Tuthill clarified that this is a housekeeping issue to correct an inadvertent omission in Ordinance 1568.

- (c) Ordinance No. 1818 Amending Certain Sections and Subsections of Chapter 2-20, Pension Plan for General Employees, of Title 2, Administration and Personnel, of the Broomfield Municipal Code - First Reading

Ordinance No. 1819 Amending Certain Sections and Subsections of Chapter 2-22, Money Purchase Plan for General Employees, of Title 2, Administration and Personnel, of the Broomfield Municipal Code - First Reading

Ordinance No. 1820 Amending Certain Sections and Subsections of Chapter 2-25, Money Purchase Plan for "New Hire" Peace Officers, of Title 2, Administration and Personnel, of the Broomfield Municipal Code - First Reading

The recommendation was that Ordinances No. 1818, No. 1819, and No. 1820 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be scheduled for 6:00 p.m., November 15, 2005, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for November 15, 2005, following the public hearing.

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

ATTORNEY'S REPORT

No report was given.

MANAGER'S REPORT

No report was given.

SPECIAL REPORTS

There were no Special Reports.

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 9:13 p.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
City and County Attorney William Tuthill
City Clerk Administrative Technician Judy Keiser
Various Department Staff Members

(a) Public Hearing - 2006 Proposed BURA Budget

Chairperson Stuart opened the public hearing at 9:14 p.m. on the proposed 2006 Broomfield Urban Renewal Authority Budget. The public hearing provided citizens with the opportunity to comment on the Broomfield Urban Renewal Authority's proposed budget for 2006.

City and County Manager Di Ciero summarized the Staff report.

There was no public comment.

The public hearing was closed at 9:15 p.m.

ADJOURNMENT

Prior to Adjournment, Councilmember Johnson questioned if the transportation bond issue could be brought back to Council for a vote by the prevailing side at the October 13th Budget session, if the October 11th Regular Meeting were continued to that date. City and County Attorney Tuthill affirmed that it could be brought before Council again, as First Reading.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER GRIEP
SECONDED, THAT THE OCTOBER 11, 2005 COUNCIL MEETING BE
CONTINUED TO 6:00 P.M. ON OCTOBER 13, 2005.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS GRIEP AND JOHNSON

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS, BROSZ,
BUZEK, COX, ERICKSON, KAVERMAN,
REYNOLDS, AND SPADER

THE MOTION FAILED ON A VOTE OF 2 TO 8.

Discussion to establish goals for the Thursday, October 13th Budget Session ensued, with a straw poll indicating consensus by Council to discuss alternative funding sources for transportation projects at the Budget meeting.

Ed Scholz, Budget Manager, clarified to Council that the CIP \$28,000,000 budget includes approximately \$10,000,000 in discretionary funds, less approximately \$6,000,000 which is allocated for annual street maintenance projects.

Staff will make recommendations as to which road improvement projects could be deleted or delayed and which projects would provide the greatest traffic congestion relief.

The City Council meeting was adjourned at 9:52 p.m. to an Executive Session regarding negotiations for potential land purchases.

APPROVED:

City Clerk Administrative Technician II

Mayor