

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

OCTOBER 25, 2005

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:05 p.m., Tuesday, October 25, 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 Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

There were no petitions or communications.

CITIZENS' COMMENTS

Request for Additional Funding of Services for the Developmentally Disabled Residents of Broomfield

Michael and Mary Kottyan (169 East 14th Court), Helen Clougher (2885 West 128th Avenue), Bill and Matt Withers (650 Coral Way), Richard Nicaise (5766 West 136th Avenue), and Terry Dunkel (700 Kalmia Way) requested additional funding of services for developmentally disabled residents in Broomfield.

Neighborhood Concerns Regarding Potential for a Group Home on Main Street

Bonnie Wamsley (705 Main Street), Darla Mezzacapo (200 West 3rd Avenue Drive), Samuel McGibbon (150 West 3rd Avenue Drive), and Gina Coufal (2140 Snowmass Circle) addressed concerns regarding a potential group home on Main Street. Mayor Stuart and Ms. Coufal clarified that there is no pending application for either a group home or an adult day care use in the residence at 305 Main Street.

Request for Funding to Purchase a Dishwasher for Senior Center – Bob Davis

Bob Davis (914 Birch Street) requested funding for a new dishwasher at the Senior Center.

Request for Budget to Address Broomfield School District Issue – Lisa Whitsell

Lisa Whitsell (231 East 11th Avenue) requested funding in the Budget to address solutions to the school district issue.

CONVENE BOARD OF SOCIAL SERVICES

The meeting of the Board of Social Services was convened by Chairperson Stuart at 6:31 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 Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

(a) Resolution No. 2005-153-BSS Acknowledging Review of Expenditures and Electronic Benefit Transfers for August 2005

Chairperson Stuart introduced proposed Resolution No. 2005-153-BSS, acknowledging review of expenditures and electronic benefit transfers for the month of August, 2005.

Resolution No. 2005-153-BSS was read by title.

MEMBER JOHNSON MOVED AND MEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2005-153-BSS BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

CONVENE AS BOARD OF HEALTH

The meeting of the Board of Health was convened by Chairperson Stuart at 6:33 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 Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

(a) Report - Drive-Thru Flu Immunization Clinic Notice and Pertussis (Whooping Cough) Information

Chairperson Stuart introduced a report from the Health and Human Services Department regarding a drive-thru flu immunization clinic and information on the increasing number of Pertussis cases in Colorado. With the flu season approaching, the Broomfield Health and Human Services Department, in conjunction with the Broomfield Police Department, will conduct a drive-thru flu vaccine clinic on Sunday, October 30th, beginning at 9:00 a.m. The immunization clinic is free and will be held at the Broomfield County Commons.

Health and Human Services Director Karen Beye responded to Council questions, clarifying that the flu vaccine administered annually is not for the avian flu which has recently been in the news.

Mayor Stuart advised residents to take advantage of the free drive-thru clinic or to see a primary care provider for a flu shot as a way of preventing illness during this flu season.

CONVENE AS BROOMFIELD HOUSING AUTHORITY

The meeting of the Broomfield Housing Authority was convened by Chairperson Stuart at 6:37 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 Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

(a) Resolution No. 2005-162-HA Adopting the Budget for the Housing Authority of the City and County of Broomfield for the Fiscal Year 2006 and Appropriating Sums of Money

Chairperson Stuart introduced consideration of a draft resolution adopting the proposed 2006 Budget for the Broomfield Housing Authority. A public hearing regarding the proposed Housing Authority Budget was held at the October 11th meeting, and Study Sessions regarding the Budget were held on October 4th, 6th, and 13th.

Councilmember Brosz and Ahrens spoke in support of deleting the funding amount for administrative costs until a decision is made regarding staffing the position.

Resolution No. 2005-162-HA was read by title.

MEMBER BUZEK MOVED AND MEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2005-162-HA BE ADOPTED.

MEMBER AHRENS MOVED AND MEMBER BROSZ SECONDED, A SUBSTITUTE MOTION THAT RESOLUTION NO. 2005-162-HA BE ADOPTED WITH THE DELETION OF ADMINISTRATIVE COSTS.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: MEMBERS AHRENS, BROSZ, AND KAVERMAN

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

THE MOTION FAILED ON A VOTE OF 3 TO 7.

THE VOTE ON THE ORIGINAL MOTION THEN CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(b) Resolution No. 2005-166-HA Amending the 2005 Budget for the Housing Authority of the City and County of Broomfield and Appropriating Sums of Money

Chairperson Stuart introduced a resolution providing for a year-end amendment to the 2005 Housing Authority Budget. The original Budget included a \$350,000 grant for the Broomfield Greens Senior Housing Project. The actual grant received and expended was \$500,000.

Resolution No. 2005-166-HA was read by title.

MEMBER BROSZ MOVED AND MEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-166-HA BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER REPORTS

Flatiron Improvement District (FID) Eco Pass Program – Report – Kaverman

Councilmember Kaverman discussed the decision of the Flatiron Improvement District to discontinue the Eco Pass program due to substantial increases in cost.

Recommendation for Appointment of Councilmember Cox as Representative to Rocky Flats Coalition of Local Governments – Brosz

Councilmember Brosz recommended that Councilmember Cox be appointed to the Rocky Flats Coalition of Local Governments when Council makes its appointments following the election.

Kohl Elementary School Thank You for Midway Park Sensory Playground – Erickson

Councilmember Erickson presented artwork from students at Kohl Elementary School in appreciation of the Sensory Playground at Midway Park.

Communication System Regarding Notice of the Closure of Sports Fields – Ahrens

Councilmember Ahrens asked about the procedure to notify people when sports fields are closed. Staff discussed the past process and advised that a signage posting system will also be implemented.

Health and Human Services Department – Colorado Benefits Management System (CBMS) – Status Report – Griep

Councilmember Griep presented an update regarding ongoing problems with the Colorado Benefits Management System.

Boards and Commissions Applicants Needed – Stuart

Mayor Stuart reminded Council and citizens of the application deadline and interview schedule for Boards and Commissions.

COUNCIL BUSINESS

- (a) Public Hearing - Anthem Filing No. 9 - Site Development Plan, Final Plat, Subdivision Improvement Agreement & PUD Text Amendment
Applicant: Pulte Home Corporation
Location: South of S.H. 7 & West of Lowell Boulevard

Resolution No. 2005-150 Approving Anthem Filing No. 9 Site Development Plan, Final Plat and PUD Text Amendment and Authorizing the Subdivision Improvement Agreement Therefor

Mayor Stuart opened the public hearing at 6:52 p.m. regarding the proposed Anthem Filing No. 9 Site Development Plan, Final Plat, Subdivision Improvement Agreement, and PUD Text Amendment. This 200-acre site is located one-half mile west of the re-aligned Lowell Boulevard and south of State Highway 7. The Applicant, Pulte Homes Corporation, is proposing 364 single-family detached, age-restricted houses on the site. The proposed Site Development Plan includes landscape plans, architectural elevations, and developmental standards for the proposed filing. The Subdivision Improvement Agreement identifies the developer's obligations to install all improvements including rights-of-way, utilities, drainage, and landscaping within the subdivision. The proposed PUD Text Amendment revises the minimum and maximum density allowed for Neighborhood 7 of the Preble Creek Summary Land Use Plan.

Planning Director Terry Ware reviewed the vicinity map showing the site's location and summarized the Staff report. He discussed the key issues and the conditions recommended by the Land Use Review Commission (LURC).

Don Guerra, Pulte Homes, reviewed the construction update for the Anthem project. He addressed the response to key issues as follows: 1) The update of the Comprehensive Plan resolves the Master Plan non-compliance issue; 2) The IGA for a 600' buffer to Lafayette and Boulder County allow for flexibility; all parties to the IGA have agreed to the deviation in this filing, and the setback in other filings has been increased putting the overall project ahead of the total buffer requirement; 3) Exhibits were presented illustrating where the 12" eave encroachments will be needed.

Mr. Guerra also addressed the LURC conditions: 1) The Developer has made a commitment to improve the Classic Series entry architecture; 2) He presented exhibits illustrating the lot layouts where four or more lots abut, and indicated that this plan is consistent with the original concept brought to Council and with the approved Filings No. 2 and No. 8; 3) Exhibits were presented illustrating where eave encroachments will be needed.

Lisa Whitsell (231 E. 11th Avenue) stated that people don't want to stare into their neighbor's windows, and suggested that the deviations are against code.

Councilmember comments, concerns and questions included: 1) Question about impact of the change in unit allotments on the overall density; 2) Question about the proposed fencing material and the architectural guideline for the inclusion of front porches; 3) Support for the lot layouts and eave variance to remain consistent with the previously approved filings; 4) Direction that future filings be designed to fit the lots without deviations; 5) Concern about the need for commercial development to proceed before additional residential approvals are requested; 6) Requested that trailheads be installed before residences are constructed; 7) Concern about the number of lots for which the eave encroachment would be the entire length of the house; 8) Question about timing for installation of a traffic light at the access to S.H. 7; 9) Direction to reconsider the eave encroachment for future filings; 10) Support for the smaller yards for this project which caters to older residents; 11) Comment that reducing the number of lots would raise the costs of the housing; and 12) Request that the use of golf carts for transportation be allowed.

Mr. Guerra and Bob Eck, Pulte Homes, responded to the Council input. The amended PUD Plan which will be brought before Council has a decrease in the total number of units from 4,000 to 3,500. He reviewed the schedule for trail development and advised that all trail segments within

the Anthem filings will connect with adjacent properties. Fencing will be constructed with woodcrete, a faux wood product with very durable color retention. Front porches are a part of the residences, although the Classic Series is the only one without a full front porch. There has been a high level of interest in commercial development which has been generated by the residential construction. All of the wells have been taken care of in this filing. The Developers are negotiating with the Colorado Department of Transportation to install the traffic light as soon as possible. The density has been decreased, and the project will meet or exceed open lands requirements. To reduce the need for eave encroachments would require encroachment into open space or a further reduction in lots beyond what has already been done. The Developer has submitted to Staff an ordinance proposal to allow use of golf carts.

The public hearing was closed at 7:47 p.m.

Resolution No. 2005-150 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-150 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(b) Public Hearing - Proposed 2005 Comprehensive Plan

Resolution No. 2005-164 Approving the 2005 Comprehensive Plan

Mayor Stuart opened the public hearing at 8:09 p.m. regarding the proposed 2005 Comprehensive Plan. Updating the 1995 Master Plan and 1998 Strategic Plan was a high priority for the City Council. The Master Plan and Strategic Plan Update Task Force is composed of citizen representatives from the City's boards and commissions, representatives from each Ward, and representatives from Senior Resources, the Broomfield Economic Development Corporation, and the Chamber of Commerce. Derek Okubo, Vice President of the National Civic League, has been the facilitator for the project. The Task Force has been meeting since January of this year. In addition to their weekly meetings, the Task Force hosted a Town Meeting on August 4th to receive public comment on the goals and concerns of the community. Council has closely followed the progress of the project with Study Sessions on March 15th, August 30th, and a recent Study Session held on October 18th. Many Councilmembers attended Task Force meetings as well.

Tom Silvers, Task Force Chairperson, commended everyone who worked on the plan and introduced Task Force Members present at the meeting.

Planning Director Terry Ware summarized the updated plan and discussed the implementation schedule which includes refining the final document for distribution.

Councilmembers praised the plan and commended those involved in the process. Comments included: 1) Direction to enter the plan into award competition; 2) Support for elements of the plan including land banking or restrictive zoning, environmental stewardship, direction to explore renewable energy sources, and the plan's relationship to the long-range financial plan; 3) Concern about protecting planned employment areas rather than injecting residential uses into an area such as Interlocken; 4) Request that Staff identify and prioritize items which can be implemented without Council action; and 5) It is important that the community understand the purpose of this document.

The public hearing was closed at 8:43 p.m.

Resolution No. 2005-164 was read by title.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2005-164 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. 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 - Second Reading

Mayor Stuart opened the public hearing at 8:44 p.m. regarding an amendment to the Broomfield Municipal Code to allow adult day care in residences. Currently, adult day care operations in residences are not allowed by the Broomfield Municipal Code. The proposed ordinance amends the home occupation provision of the Code to allow adult day care in residences as an accessory use of a home. City Council adopted proposed Ordinance No. 1817 on September 27, 2005 and requested that certain changes be made to the ordinance for Second Reading.

City and County Manager Di Ciero summarized the Staff report, noting that the amendment would allow adult day care in residences as an accessory use for up to five adults of age 13 or older, provided that 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.

City and County Attorney Tuthill advised that the Ordinance has been amended since First Reading to reduce the number of hours per day during which the use is allowed, and to clarify the number of vehicles allowed and the square footage requirement.

The following individuals spoke during the Public Hearing: Michael Kottyan (169 East 14th Court); Darla Mezzacappo (200 West 3rd Avenue Drive); Bill Withers (650 Coral Way); Antoinette Romaine (250 West 3rd Avenue Drive); John and Karen Geier (205 West 3rd Avenue Drive); Helen Wolfe (311 Main Street); Samuel McGibbon (150 West 3rd Avenue); Dave Rogers (270 West 3rd Avenue Drive); Mike McCoy (301 Main Street); Richard Ruggles (13701 Stuart Street); Shirley Findley (315 Main Street); Lisa Carpenter (3324 West 11th Avenue Drive); Betty Hayden (120 West 3rd Avenue Drive); Terry Dunkel (700 Kalmia Way); Paul Madigan (13641 Basalt Court); Gina Coufal (2140 Snowmass Circle); and Sally Huffman (180 West 3rd Avenue Drive).

Comments, concerns and questions included: 1) Support for the Ordinance which would allow an adult home day care use needed by many elderly and developmentally disabled (D/D) residents of this community; 2) Objection to the limit of five clients, and that the 400 s.f./person requirement is excessive; 3) Comments that this is not an appropriate use in residential areas; 4) Objection to allowing this use in residences which are not owner-occupied; 5) Objections to allowing the use in a specific neighborhood on Main Street which included safety issues and the impact on existing traffic and parking congestion; 6) Clarification that the Ordinance is not specific to any particular area, and that there is no application pending for a residence on Main

Street; 7) Further clarification regarding the difference between group homes and the proposed adult day care use; 8) Comments regarding the emotional nature of the issue; 9) Statement that there needs to be a limit on the number of home business uses allowed in any one neighborhood; 10) Additional support for the Ordinance to provide a needed service not currently available to Broomfield residents; and 11) Discussion regarding the staff training and licensing requirements for this use;

Council comments, concerns and questions included: 1) Support for the Ordinance to address adult day care needs and to benefit citizens of Broomfield; 2) Stress that each use would be subject to Council approval which could include hours of operations and other conditions; 3) Concern that the square footage for residential business uses, such as day care, not be allowed to expand larger than the primary residential use square footage; 4) Comment that the hours adult day care is needed may not necessarily fit into the typical work day schedule; 5) Discussion regarding the amount of square footage required in the proposed Ordinance; 6) Questions regarding the staff training requirements and the licensing process, and direction that compliance with these requirements be a condition of approval; and 7) Discussion regarding the number of clients allowed under residential fire codes.

The public hearing was closed at 11:08 p.m.

Ordinance No. 1817 was read by title.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT ORDINANCE NO.1817 BE ADOPTED, AS AMENDED WITH AN ADDITIONAL AMENDMENT TO CHANGE PAGE 2 (E) (6) FROM 400 S.F. TO 100 S.F., ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY IN FULL.

Following brief discussion, this motion was withdrawn.

COUNCILMEMBER BROSZ MOVED AND COUNCILMEMBER KAVERMAN SECONDED, A SUBSTITUTE MOTION THAT ORDINANCE NO.1817 BE ADOPTED, AS AMENDED WITH ADDITIONAL AMENDMENTS TO CHANGE PAGE 1 (E) (1) TO DELETE THE LIMITS OF FIVE ADULTS, AND TO CHANGE PAGE 2 (E) (6) FROM 400 S.F. TO 100 S.F., ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL.

Following discussion regarding the Fire Code occupancy requirements and other concerns, this motion was withdrawn.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER REYNOLDS SECONDED, A SUBSTITUTE MOTION THAT ORDINANCE NO.1817 BE ADOPTED, AS AMENDED, ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL WITH THE FOLLOWING ADDITIONAL AMENDMENTS: 1) IN (E)(1) DELETE "NON-RESIDENTIAL" AND CHANGE "ADULTS" TO PERSONS AND 20 HOURS TO 16 HOURS; 2) IN (E)(4) ADD "THE PROPOSED HOURS OF OPERATION AND PROPOSED EXPANSION" TO FACTORS FOR COUNCIL CONSIDERATION; AND 3) IN (E)(6) CHANGE 400 S.F. TO 100 S.F. FOR EACH RESIDENT AND CARE RECIPIENT. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(d) Public Hearing - Ordinance No. 1821 Amending Section 13-16-080 of Chapter 13-16, Temporary Water Permits, of the Broomfield Municipal Code - Second Reading

Mayor Stuart opened the public hearing at 11:25 p.m. regarding a proposed ordinance which would amend Chapter 13-16 of the Broomfield Municipal Code regarding temporary water permits. In July, 2001, Council adopted an ordinance which amended the Broomfield Municipal Code regarding temporary water permits. The ordinance included increases to the penalty fee structure for failure to obtain a permit for temporary water service connection. Subsequently, an ordinance adopting Primary Codes by Reference was adopted by the Council in September, 2001. The amendments to the Municipal Code regarding temporary water permits were inadvertently omitted from this ordinance, and so the current fee structure remains in place. Proposed Ordinance No. 1821 amends Section 13-16-080 of the Broomfield Municipal Code to re-adopt the graduated fee structure originally intended in the earlier ordinance.

City and County Manager Di Ciero summarized the Staff report, noting that the Ordinance is a housekeeping measure.

The public hearing was closed at 11:26 p.m.

Ordinance No. 1821 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT ORDINANCE NO. 1821 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(e) Acquisition, Financing, Ownership, and Operation & Maintenance of the Metzger Property to Be Used as Open Space - Located East of Lowell Boulevard & North of W. 120th Avenue:

Resolution No. 2005-163 Approving an Intergovernmental Agreement Between Broomfield and the City of Westminster for Acquisition of the Metzger Farm for Open Space Purposes

Ordinance No. 1825 Authorizing the Organization of the Broomfield-Westminster Open Space Foundation, Inc., a Colorado Nonprofit Corporation, for the Purpose of Financing and Leasing Real Property to be Used as Open Space for the City and County of Broomfield, Colorado; and the City of Westminster, Colorado; Authorizing the Execution of Articles of Incorporation; Providing for the Appointment of the Board of Directors of the Corporation; and Providing Other Details in Connection Therewith - First Reading

Mayor Stuart introduced consideration of a resolution and ordinance regarding the Metzger property. The City and County of Broomfield and the City of Westminster have been negotiating with the property owners for the potential acquisition of the Metzger property, consisting of approximately 150 acres located east of Lowell Boulevard and north of West 120th Avenue in the City of Westminster. Staff proposed an Intergovernmental Agreement (IGA) with the City of Westminster providing for the acquisition, financing, ownership, and maintenance of the property. In addition, the Intergovernmental Agreement calls for the creation of a non-profit entity to acquire, finance, own and handle the long-term operations of the property.

City and County Manager Di Ciero summarized details of the proposed Council actions as outlined in the Staff report.

City Attorney Tuthill addressed Council regarding the sequence of actions with respect to the proposed acquisition, and advised that Council could defer action on Resolution No. 2005-163 until Second Reading of Ordinance No. 1825 or could adopt the Resolution conditioned upon adoption of the Ordinance.

Mayor Stuart stated that the City of Westminster has adopted the Ordinance on First Reading and approved the Resolution contingent upon final adoption of the Ordinance.

During Councilmember discussion, Staff was directed to ensure that the Resolution/IGA are a part of the public hearing discussion process for the Ordinance. Information on this acquisition including access, use, and additional costs upon purchase of the property was requested for the Public Hearing. Staff was also requested to address options to close the shortfall gap in funds to purchase all of the properties identified for future open space acquisition.

Ordinance No. 1825 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT ORDINANCE NO. 1825 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., NOVEMBER 22, 2005, IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR NOVEMBER 22, 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. 2005-163 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-163 BE AMENDED TO MAKE IT CONDITIONED UPON PASSAGE OF ORDINANCE NO. 1825, AND THAT RESOLUTION NO. 2005-163, AS AMENDED, BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(f) Resolution No. 2005-159 Fifth Amendment to the Budget for Fiscal Year 2005 and Authorizing Appropriations Therefor

Mayor Stuart introduced a year-end amendment to the 2005 Budget for the City and County of Broomfield. Amendments to the fiduciary Employee Defined Benefit Retirement Fund and the Employee Money Purchase Retirement Fund are needed to match the expected distributions for 2005.

Resolution No. 2005-159 was read by title.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT RESOLUTION NO. 2005-159 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

(g) Resolution No. 2005-160 Adopting the Budget for Fiscal Year 2006 and Appropriating Sums of Money

Mayor Stuart introduced a resolution adopting the Budget for the City and County of Broomfield for 2006. The proposed 2006 Budget was reviewed by the City Council at Study Sessions held on October 4th, 6th, and 13th. Public comment regarding the proposed Budget was taken at public hearings held on September 13th and October 11th.

Councilmembers spoke in support for the proposed 2006 Budget, and acknowledged areas for additional funding discussion at the January Focus Session.

Staff was requested to try to find funding for a dishwasher at the Senior Center in the 2005 Budget.

Resolution No. 2005-160 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER SPADER SECONDED, THAT RESOLUTION NO. 2005-160 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

CONSENT AGENDA

The Consent Agenda item was read by title.

(a) Approval of Minutes - Regular Meeting of October 11, 2005

The recommendation was for approval of the Minutes of the Regular Meeting of October 11, 2005.

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.

ATTORNEY'S REPORT

No report was given.

MANAGER'S REPORT

(a) Progress Report - Council's 2005 Priorities - September 27 through October 25, 2005

(b) City & County Manager's Report - October 25, 2005

SPECIAL REPORTS

- (a) Capital Improvement Program (CIP) Monthly Status Update
- (b) 2004 / 2005 Drug Forfeitures Report
- (c) Citizen's Assistance Center - Third Quarter Report for 2005

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 12:01 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
- City Clerk Vicki Marcy
- City and County Attorney William Tuthill
- Various Department Staff Members

- (a) Resolution No. 2005-161-UR Adopting the Budget for Fiscal Year 2006 and Appropriating Sums of Money

Chairperson Stuart introduced consideration of a resolution approving the 2006 Budget for the Broomfield Urban Renewal Authority. The Authority reviewed the proposed Budget at Study Sessions on October 4th, 6th, and 13th, and held a public hearing on October 11th.

Resolution No. 2005-161-UR was read by title.

MEMBER BROSZ MOVED AND MEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-161-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

- (b) Resolution No. 2005-168-UR Approving a Purchase and Sale Agreement for the Site of the Broomfield Event Center

Chairperson Stuart introduced consideration of a resolution authorizing and approving a Purchase and Sale Agreement for the site of the Broomfield Event Center. The Broomfield Event Center is planned to be located within the previously approved Arista development, located

south of Highway 128, east of Wadsworth, and west of Highway 36. The Broomfield Urban Renewal Authority will own the Event Center and will finance the purchase of the property through Urban Renewal Tax Increment financing. The proposed purchase price for the 10-acre site is \$2 million.

City and County Manager Di Ciero summarized the Staff report.


Resolution No. 2005-168-UR was read by title.

MEMBER BUZEK MOVED AND MEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-168-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BROSZ, BUZEK, COX, ERICKSON, GRIEP, JOHNSON, KAVERMAN, REYNOLDS, AND SPADER VOTING AYE.

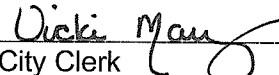
ADJOURNMENT

The City Council meeting was adjourned at 12:10 a.m.

APPROVED:



Mayor



City Clerk