

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

NOVEMBER 15, 2005

CALL TO ORDER & SWEARING-IN CEREMONY FOR NEWLY ELECTED CITY OFFICIALS

The Oath of Office was administered to newly elected Mayor Karen Stuart and Councilmembers Ahrens, Erickson, Gaiser, Kenyon, and McCloskey by Municipal Judge Barbara Koehler.

RECOGNITION & RECEPTION FOR OUTGOING COUNCILMEMBERS

Pastor Steve Kalb of the Calvary Evangelical Free Church and Father Charles Reeder of the Church of the Holy Comforter provided the invocation.

Mayor Stuart, Councilmembers, and citizens acknowledged and honored the contributions made to the community by outgoing Councilmembers Johnson, Griep, and Brosz.

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:17 p.m., Tuesday, November 15, 2005, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Randy Ahrens
Vincent Buzek
Lori Cox
Bette Erickson
Robert Gaiser
Steve Kaverman
Brian Kenyon
Dennis McCloskey
Linda Reynolds
Walt Spader

Those absent were: None

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

ELECTION OF MAYOR PRO-TEM

Mayor Stuart introduced the selection of a Mayor Pro-Tem. Council's Procedures and Rules of Order provide that any member of Council may make a nomination, which does not require a second. The names of all Councilmembers nominated will be placed into nomination, and voting will be done by secret ballot.

Councilmember Cox nominated Councilmember Ahrens.

Councilmember Erickson nominated Councilmember Spader.

Following discussion, Councilmember Spader withdrew his name from the nominations.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER COX SECONDED THAT THE NOMINATIONS BE CLOSED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

City and County Attorney Tuthill advised that because there was just one nominee, no ballot vote was needed.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT COUNCILMEMBER AHRENS BE APPOINTED THE MAYOR PRO-TEM. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

PETITIONS AND COMMUNICATIONS

- (a) Recognition of Broomfield High School Soccer Team - State 4A Champions & Brandon Lupo, State 4A Singles Tennis Champion

Mayor Stuart advised that the Broomfield High School Boys Soccer Team had won the State 4A Championship last week with their victory over Liberty High School. This is the third State 4A Soccer Championship for the Broomfield Eagles. Coach Jim Davidson and the players introduced themselves, and Coach Davidson reported on the win and the boys' soccer team.

Mayor Stuart then advised that Broomfield High School student, Brandon Lupo, won the State 4A Singles Tennis Championship. Coach Jim Vogel and Brandon Lupo introduced themselves and Coach Vogel reported on the win and Brandon's other accomplishments.

- (b) 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

Brunner Farmhouse Update

Dianna Wilson (12750 Yates Street) reported on the progress of the renovations at the Brunner Farmhouse.

Utility Services Information

Ron Woelfel (460 Golden Eagle Drive) requested that an issue regarding utility services be discussed at the next Council meeting. Staff stated they would talk to Mr. Woelfel and get this item on a Council agenda.

CONVENE BOARD OF SOCIAL SERVICES

There was no business for the Board of Social Services.

CONVENE AS BOARD OF HEALTH

There was no business for the Board of Health.

CONVENE AS BROOMFIELD HOUSING AUTHORITY

There was no business for the Broomfield Housing Authority.

COUNCILMEMBER REPORTS

(a) October 2005 Status Report on Rocky Flats Activities

Councilmember Cox reported that the operations and cleanup of Rocky Flats has ceased and noted that they would soon be forming a local stakeholder watchdog group.

Broomfield FISH 2005 Thanksgiving Food Baskets – Erickson

Councilmember Erickson urged the community to participate.

Library Board Meeting – Report - Reynolds

Councilmember Reynolds reported on the Library Board Meeting which included the following topics: Library Friends book sale, the Federal Depository status, and the Library Foundation.

Health and Human Services Advisory Committee – Report – Reynolds & Ahrens

Councilmember Reynolds reported on the Drive-Thru Flu Shot Clinic / Best Friends Grant / Methamphetamine Lab Detection Sessions / Thriving Communities Survey

Councilmember Ahrens reported on discussions about community health issues and questioned whether statistics could be garnered regarding any improvement to Broomfield citizens' health since the non-smoking ordinance was implemented.

Ward 5 Meeting – Kenyon

Councilmember Kenyon announced a Ward 5 meeting scheduled for 7:00 p.m. on November 17, 2005, at the Paul Derda Recreation Center.

Rural Consortium Workforce at Colorado Counties, Inc. Conference – Stuart

Mayor Stuart reported on the Rural Consortium Workforce Conference scheduled for November 30th through December 1st.

National League of Cities Conference – Stuart

Mayor Stuart reported on the upcoming National League of Cities Conference to be held in Charlotte, North Carolina on December 6th through December 11th.

Invitation to New Councilmembers to Shadow at Meetings Scheduled Prior to Council Appointments – Stuart

Mayor Stuart suggested that Councilmembers interested in particular appointments may want to attend the meetings of those Boards prior to Council appointments on November 22nd.

COUNCIL BUSINESS

- (a) Public Hearing - 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 - Second 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 - Second 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 - Second Reading

Mayor Stuart opened the public hearing at 8:20 p.m. for three ordinances regarding Broomfield's employee pension plans. In 2001, the Economic Growth and Tax Relief Reconciliation Act amended the IRS Code by regulating pension plans with regards to maximum annual compensation, cash-out distributions, maximum annual contributions, and maximum annual benefits. In order to comply with the Act and continue the tax-deferred status of Broomfield's pension plans under the IRS Code, minor changes need to be made to the City's pension plan.

City and County Manager Di Ciero summarized the Staff report noting that the proposed amendments are house-keeping matters. The primary purpose is to assure that the provisions of Broomfield's employee pension plans continue to comply with the provisions of the federal government's Internal Revenue Code.

Suzanne Smith, Director of Human Resources, summarized the three active pension plans for City and County employees: a closed Defined Benefit Plan, a Money Purchase Plan for General Employees, and a Money Purchase Plan for New Hire Peace Officers; and noted the changes in the plans. The proposed amendments were created in order to comply with the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA).

In answer to Council's question Director Smith explained that only full-time employees are eligible for this benefit.

The public hearing was closed at 8:24 p.m.

Ordinance No. 1818 was read by title.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT ORDINANCE NO. 1818 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Ordinance No. 1819 was read by title.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT ORDINANCE NO. 1819 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Ordinance No. 1820 was read by title.

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT ORDINANCE NO. 1820 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(b) Resolution No. 2005-140 Approving the Rescheduling of the December 27th Council Meeting

Mayor Stuart introduced for Council's consideration the schedule for regular Council meetings for the month of December. The regularly scheduled Council meetings for December fall on December 13th and December 27th. In the past, Council has indicated that it would prefer not to have meetings during the last two weeks of December. Council may wish to reschedule the December 27th meeting.

After some discussion was held, Council recommended that the December 27th meeting be changed to December 20th.

Resolution No. 2005-140 was read by title.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER SPADER SECONDED, THAT RESOLUTION NO. 2005-140 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(c) Resolution No. 2005-165 Approving the Placement of a 9/11 Memorial on City Owned Park Property

Mayor Stuart introduced Resolution No. 2005-165 regarding the placement of a permanent 9/11 memorial. Last September, the City and County of Broomfield, through the sponsorship of the North Metro Fire Rescue District and numerous corporations, was honored to host the Healing Field to benefit the design and construction of a permanent 9/11 memorial for the Denver-Metro community. The memorial will incorporate metal from the World Trade Center, and will measure approximately 35 feet long and 14 feet tall at the center. A model of the proposed memorial is on display in the lobby of the City and County Building.

City and County Manager Di Ciero summarized the Staff report noting that this is being coordinated by the North Metro Fire Rescue District and the North Metro Fire Rescue Authority Board.

Assistant City and County Manager Kevin Standbridge pointed out the proposed memorial location and showed a video portraying the site selected for the memorial.

Fire Chief John O'Hayre and North Metro Fire Rescue Authority Board President Dick O'Grady appeared before Council to make the request for a permanent 9/11 Memorial site.

Resolution No. 2005-165 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT RESOLUTION NO. 2005-165 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(d) All-Hazard Emergency Operations Plan:

Resolution No. 2005-145 Amending the City and County of Broomfield All-Hazard Emergency Operations Plan (EOP)

Resolution No. 2005-146 Adopting the National Incident Management System (NIMS) by Reference as Its Standard for Incident Management

Mayor Stuart introduced two resolutions regarding Broomfield's All-Hazard Emergency Operations Plan. Each county in the State of Colorado is required to develop and maintain an Emergency Operations Plan. The City and County of Broomfield adopted an Emergency Operations Plan in 2002 as part of the city and county transition process. The Plan provides the basis for coordinated planning and management of emergencies and disasters and has been implemented on several occasions – mostly related to weather emergencies. This Agenda item recommends several revisions to the original Plan as a result of lessons learned during its use and recommendations made by the United States Department of Homeland Security.

City and County Manager Di Ciero summarized the Staff report noting that the purpose of the Emergency Operations Plan is to provide general guidelines and principles for planning, managing, and coordinating the overall response and recover activities of the City and County of Broomfield before, during, and after major emergencies and disaster events. A table of contents is provided at the beginning of the draft plan.

Deputy Police Chief Joan Cox, Emergency Manager Kent Davies, and Emergency Management Coordinator Brandon Lawrence delivered a presentation. They distributed cards explaining the acronyms used in Emergency Management and the City and County of Broomfield Citizens' All-Hazard Emergency Preparedness Guide. Mr. Davies reviewed the Public Education for Preparedness training offered to citizens by the Police Department, while Mr. Lawrence described the mitigation process in preventing disasters. The Emergency Operations Plan and Recovery Plan were reviewed.

Councilmember Gaiser reported that he had attended the citizen Emergency Preparedness training which was very good. He questioned whether there was a back-up of all data. Mr. Davies responded that 9-1-1 and Reverse 9-1-1 is backed-up, and they are working with Broomfield's Information Technology Department to back-up the remainder of the data.

Resolution No. 2005-145 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-145 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Resolution No. 2005-146 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-146 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Resolution No. 2005-109 Approving Extension of an Intergovernmental Agreement with the Adams County School District No. 12 for a Joint School Resource Officer Program

The recommendation was that Resolution No. 2005-109 be adopted.

Councilmember Kaverman questioned the cost of the program and the statistical numbers given in the Staff report. Deputy Police Chief Jim Pfankuch and Commander Mike Clement explained the program and the activities listed in the Staff report. Other councilmembers expressed their support for this program and felt police presence at the schools was a positive influence and helps with crime prevention. It was suggested that the School Resource Officers' activities listed be more descriptive and detailed.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-109 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

- (b) Approval of Minutes - Regular Meeting of October 25, 2005

The recommendation was for approval of the Minutes of the Regular Meeting of October 25, 2005.

- (c) Resolution No. 2005-130 Approving the Service Process Fee Schedule for the City and County of Broomfield

The recommendation was that Resolution No. 2005-130 be adopted.

- (d) Resolution No. 2005-148 Approving an Agreement with Spectrum Mapping, LLC for the Acquisition of Color Aerial Photography and LIDAR Surface Mapping

The recommendation was that Resolution No. 2005-148 be adopted.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT AGENDA ITEMS 10(B) THROUGH 10(D), BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

ATTORNEY'S REPORT

No attorney's report was given.

MANAGER'S REPORT

Rocky Mountain News Article Regarding Comparison of Budgets for Denver Metro-Area Police Departments' Services

City and County Manager Di Ciero and Deputy Chief Pfankuch reported on the article and noted that Denver and Broomfield were also providing county services as well as city services.

Citizen Appointment to Boards and Commissions

Council's suggestions were to interview the CIP committee applicants, to have all Councilmembers interview Land Use Review Commission applicants, and to then split into two groups to interview the remainder of the applicants. Councilmember Reynolds requested that the Library Board and Health and Human Services interviews be conducted on November 21 along with the Land Use Review Commission interviews.

SPECIAL REPORTS

- (a) Councilmember Appointments to Boards and Organizations - Background Information

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

There was no business for the Broomfield Urban Renewal Authority.

ADJOURNMENT

The City Council meeting was adjourned at 9:50 p.m.

APPROVED:

Deputy City Clerk

Mayor