

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

NOVEMBER 22, 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, November 22, 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: Deputy City and County Manager Charles Ozaki
City Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) Scientific and Cultural Facilities District (SCFD) Tier III Funds Check Presentation

Mayor Stuart advised that with Broomfield's status as a City and County, Broomfield receives annual Tier III funding from the Scientific and Cultural Facilities District. The funding received is based on a proportional amount of sales tax revenues collected in Broomfield by the District. This year, Broomfield received \$142,566, which represents a 1.4% increase over the 2004 allocation. Applications for SCFD funding are solicited, on the local level, by the Broomfield Cultural Council from qualifying non-profit organizations that provide cultural and scientific programs in Broomfield. In July, Council approved the distribution of the Tier III funds as recommended by the Cultural Council and shown on Attachment 1 to the Staff report for this Agenda item. Checks were presented to the individual organizations at a previous ceremony held on October 25th.

Gene Kucinkas, Broomfield's representative to the SCFD, presented the check to Council.

Coleen Sawyer, Chairperson of the Broomfield Cultural Council, thanked Council for its support of these programs.

CITIZENS' COMMENTS

There were no citizens' comments.

CONVENE BOARD OF SOCIAL SERVICES

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

Those present were: Members 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: Deputy City and County Manager Charles Ozaki
City Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

(a) Resolution No. 2005-176-BSS Acknowledging Review of Expenditures & Electronic Benefit Transfers for September 2005

Chairperson Stuart introduced proposed Resolution No. 2005-176-BSS, acknowledging review of expenditures and electronic benefit transfers for the month of September, 2005.

Health & Human Services Director Karen Beye explained that LEAF is a seasonal program and benefit payments occur during October/November and on into Spring.

Resolution No. 2005-176-BSS was read by title.

MEMBER ERICKSON MOVED AND MEMBER REYNOLDS SECONDED, THAT RESOLUTION NO. 2005-176-BSS BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, 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

Health and Human Services Giving Tree – Reynolds

Councilmember Reynolds encouraged citizens to contribute to the Health and Human Services Giving Tree.

Promotional Brochures for Local Businesses – Erickson

Councilmember Erickson and Mayor Stuart requested Staff to look into a promotional brochure in support of the smaller local businesses in Broomfield.

Funding Appropriations for Wadsworth Interchange Project – Stuart

Mayor Stuart discussed the status of funding for the Wadsworth Interchange Project and stressed the need to keep this project on the table.

Northwest Parkway Authority – Bond Restructuring – Stuart

Mayor Stuart discussed the Northwest Parkway Authority Board's plan to refinance the debt to restructure the bond payments.

COUNCIL BUSINESS

- (a) Public Hearing - Tiara Estates Filing No. 1 - Site Development Plan, Final Plat, & Subdivision Improvement Agreement
Property Location: East of Huron Street at West 153rd Avenue
Applicant: Don & Cindy Claps

Resolution No. 2005-174 Approving Tiara Estates Filing No. 1 Site Development Plan, Final Plat, & Authorizing the Subdivision Improvement Agreement Therefor

This item was considered following Agenda Item 9(f).

Mayor Stuart opened the public hearing at 7:20 p.m. regarding a request for Council approval of a Site Development Plan, Final Plat, and Subdivision Improvement Agreement for Tiara Estates, Filing No. 1. This proposal is for 7 single-family, detached houses on approximately 9.6 acres, located east of Huron Street at West 153rd Avenue. The proposed Site Development Plan includes landscape plans, architectural elevations, and development standards for the proposed filing. The Final Plat proposal subdivides the property and includes 1.6 acres of public right-of-way. The Subdivision Improvement Agreement details the Developer's obligations to install improvements, including right-of-way, utilities, drainage, and landscaping within the boundaries of the subdivision.

Deputy City and County Manager Ozaki reviewed the Staff report regarding the request.

Planning Director Terry Ware entered the Staff report into the public record. He reviewed a history of the property including Council's recent approval of a PUD Plan. The proposed SDP is consistent with the PUD Plan and includes cash-in-lieu of a public land dedication. He discussed the key provisions of the Subdivision Improvement Agreement.

Don Claps, Applicant, discussed details of the plan, noting that they are proposing a covenant controlled community which will be managed through a homeowners association (HOA) and an architectural control committee. The HOA will maintain the entry sign, the community garden, and drainage way areas. The proposal is in compliance with the PUD Plan and all codes.

In response to Council questions, Mr. Ware indicated that availability of building permits should not become an issue.

City Engineer Burt Knight discussed the proposal for septic systems and the significant cost of extending service lines to the area at this time. When the services become available in the future as the area north of the Northwest Parkway develops, these residences could be connected at that time.

Mr. Claps stated that there has been considerable interest in this area and he expects the residences to be priced at \$599,000 and up.

City & County Attorney Tuthill advised that the City is not involved in the enforcement of covenants and that the building standards are adequately addressed in the Site Development Plan.

The public hearing was closed at 7:40 p.m.

Resolution No. 2005-174 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT RESOLUTION NO. 2005-174 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(b) Public Hearing - Six Acre Lyn-Col Property - Rezoning from Jefferson County Zoning Planned Development Zoning to Broomfield Planned Unit Development Zoning (PUD), & Proposed PUD Plan

Property Location: 11605 Wadsworth Boulevard - the Northwest Corner of Wadsworth Boulevard & West 116th Avenue

Applicant: Renewable Fiber Represented by Tim Smith

Resolution No. 2005-173 Approving Lyn-Col PUD Plan

Mayor Stuart opened the public hearing at 7:41 p.m. regarding a request for rezoning of approximately 6 acres from Jefferson County Planned Development to PUD for the purpose of allowing ongoing landscape uses and adding retail sales in the existing farmhouse. The Huckleberry House, a retail store in the farmhouse on the property, opened for business approximately one year ago. As a result of the publicity of the opening, it was discovered that retail uses were not allowed in the existing zoning district. The Community Development Department asked the owner of the property to submit the rezoning application in an effort to bring the property into compliance with zoning requirements.

Planning Director Terry Ware entered the Staff report into the public record. He advised that the proposed rezoning will allow the landscape and retail uses in existence at the time of annexation to continue in conformance with City Codes. It is expected that this area on the east side of U.S. 36 will redevelop in the future.

Lauren Light, representing the Applicant, discussed the history of how these uses evolved. She noted that the Owner has cleaned up the property which is served by a well and public sewer. There is adequate parking for both businesses, and the retail use is compatible with other uses currently in the area.

In response to Councilmember comments and questions, Staff indicated that this is mainly a housekeeping application to address a non-conforming use in existence when the property was annexed.

Councilmembers requested that weekend parking along with right-of-way be monitored, and that Staff work with the landscaping business to relocate and screen materials from the roadway.

The public hearing was closed at 7:55 p.m.

Resolution No. 2005-173 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-173 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

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

Mayor Stuart opened the public hearing at 8:20 p.m. regarding the organization of the Broomfield-Westminster Open Space Foundation for the Metzger property. On October 25, 2005, City Council approved an Intergovernmental Agreement with the City of Westminster providing for the joint acquisition of the 150-acre Metzger property, located east of Lowell and north of West 120th Avenue. The Intergovernmental Agreement also calls for the organization of a non-profit entity to acquire, finance, own, and handle the long-term operations of the property. Draft Ordinance No. 1825 would authorize the organization of the Broomfield-Westminster Open Space Foundation.

Deputy City and County Manager Ozaki reviewed the Staff report, noting key provisions of the IGA and the amendment of Ordinance No. 1825 to attach the Articles of Incorporation and the Bylaws of the Foundation. He advised that, currently, the Articles and Bylaws are fairly generally written although the initial purpose of the project is to focus on the Metzger property. He discussed the history of this property and Broomfield's discussions with Westminster regarding the property. He compared the negotiations to previous negotiations with Boulder County regarding access to Boulder County Open Space.

Director of Open Space and Trails Kristan Pritz further reviewed details of the report including the funding sources, purchase price, details regarding the Foundation, elements of the proposed IGA, future improvements for the site, and maintenance costs.

Finance Director Greg Demko reviewed a spreadsheet which had been distributed to Council regarding financial projections for the Open Space Fund. He noted the intent to maximize open space acquisitions as quickly as possible.

Eleanor McKinley (1143 Ash Street), Pasquale Fried, Open Space and Trails Committee Member, and Lila Vestal (2757 Big Dry Creek Drive) spoke in support of acquisition of the Metzger Property and its value as open space/wildlife habitat.

Councilmember comments, questions, and concerns included: 1) Timeline for improvements to Lowell Boulevard; 2) Question whether the lakes will need dredging; 3) Concern that the Foundation documents are open-ended and not specific to the Metzger Property; 4) Concern about difficulty of reconciling the various financial documents; 5) Support for acquisition of this property which has been a long-term goal of Broomfield; 6) Comment that there are opportunities for cooperation with Westminster on other areas to be discussed in the future; 7) Questions about maintenance responsibility; 8) Question whether camping would be allowed on the property; and 9) Question whether the Foundation could incur debt on behalf of the City.

Staff's response to Councilmember input included: 1) Westminster does not yet have a timeline for improvements to Lowell Boulevard, but has acknowledged its responsibility for the improvements; 2) There is a definite flow of water into the lakes, and the condition of the waterways will be assessed during "due diligence"; 3) Details of the financial documents were discussed and clarified; 4) The drainage issues and need for an underpass will be addressed through negotiations with Westminster and the Urban Drainage and Flood Control District (UCFD) as part of a UCFD project to improve the drainage capacity of Lowell Boulevard; 5) The issue of who will perform the maintenance will be addressed by the Foundation, and the costs will be split evenly; 6) Use issues such as camping will be addressed by the Foundation; 7) Proposed wording to make the Foundation documents specific to Metzger was provided; and 8) It was clarified that the Foundation can incur debt, but it could not obligate the City

The public hearing was closed at 9:48 p.m.

Ordinance No. 1825, as amended, was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT ORDINANCE NO. 1825 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

- (d) Resolution No. 2005-151 Authorizing & Approving a Purchase & Sale Agreement with the City of Westminster for Real Property Adjacent to the Broomfield Wastewater Treatment Plant

Mayor Stuart introduced consideration of a resolution approving the purchase of 5.7 acres of land, located east of the Metzger property at West 120th Avenue and Lowell, in the City of Westminster. The proposed acquisition of this property is part of the joint Broomfield-Westminster Metzger property purchase plan. The planned uses for this property include a tree drop-off site for residents, a compost and management area for City-generated landscape waste, and a sewage pump station for recreation vehicles.

Deputy City and County Manager Ozaki reviewed the property location and the adjacent properties. This is the only parcel available for expansion of the Wastewater Treatment Plant, and Staff has been looking into acquiring it for several years. The recommendation is to purchase the property for the purposes outlined in the Staff report. The purchase will be funded through the Capital Improvements, Water, and Sewer Funds.

In response to Council input, Staff indicated that a public composting facility on this property could be a possibility. If the Metzger Property acquisition is not finalized, Westminster does not want to sell this parcel.

Resolution No. 2005-151 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-151 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(e) Resolution No. 2005-152 Changing the Appointment Process for the Capital Improvements Program Advisory Committee & Reestablishing the Committee's Duties

Mayor Stuart advised that on April 25, 1995, Council adopted Resolution No. 44-95, establishing the Capital Improvements Program (CIP) Advisory Committee. The original purpose of the Committee was to advise the City Council on the preparation of the City's five-year capital improvements program. The Committee was also charged with studying and recommending a long-range plan for a capital improvements program. Council considered and tabled a resolution which would have eliminated the CIP Advisory Committee on May 10, 2005. The purpose and mission of the CIP Committee has evolved since its creation in 1995, and it is appropriate for Council to review the process and membership of the committee.

City & County Attorney Tuthill reviewed the Staff report, advising that the proposed resolution is based on direction from Council. There has been no guidance from Council regarding the size of the Committee membership or the disposition of current members whose terms weren't scheduled to expire until 2007.

Council discussion and input included: 1) Proposal that the membership be reduced to seven members and that the members whose terms weren't yet expired be allowed to stay on the Committee; 2) Criticism of the way Council has handled the discussions and direction regarding this Committee, and request that this not happen again in the future; 3) Previous discussion regarding the committees centered around efficiency; since the Charter assigns responsibility for the capital improvements program to the Manager, efficiency could be increased by having this Committee focus on the neighborhood grant program; 4) Support for retaining the existing committee restructure which allowed for representation from all wards; and 5) Praise for the Committee's past efforts in establishing a unified scoring system for review of project requests.

Councilmember Kaverman proposed a motion to adopt Resolution No. 2005-152 with amendments to reduce the membership to seven and to provide that the current members with terms expiring in 2007 would be retained.

Following some discussion, Staff clarified that all existing Capital Improvements Advisory Committee members were notified to submit an application if interested in reappointment and all of the applicants have been scheduled for interviews.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-152 BE ADOPTED AS AMENDED.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BUZEK, COX, ERICKSON, KAVERMAN, KENYON, MCCLOSKEY, AND REYNOLDS

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS, GAISER, AND SPADER

THE MOTION PASSED ON A VOTE OF 7 TO 3.

(f) Council Appointments of Mayor & Fellow Councilmembers to Boards and Organizations

This item was considered as the first Council Business item prior to Agenda Item 9(a).

Mayor Stuart introduced the appointments of fellow Councilmembers to various positions. Every other year, following a municipal election, Council appoints fellow Councilmembers to represent the City and County of Broomfield on numerous organizational boards and committees. Councilmembers had a spreadsheet which listed the organizations to which Council appoints representation; required appointments, if any; and other information pertinent to that appointment. Procedures regarding the appointments are set forth in Article VI of Council's Procedures and Rules of Order. Candidates will be nominated by the Council. Appointments may be made by motion if there is only one nominee for a position, or if more than one nominee for a position exists, an election shall be made by secret ballot.

Adams County Economic Development Corporation

Council discussed the benefits of continued participation as an ex officio member of this group.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT MAYOR STUART AND COUNCILMEMBER ERICKSON BE APPOINTED TO THE ADAMS COUNTY ECONOMIC DEVELOPMENT CORPORATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Board of Equalization

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER COX SECONDED, THAT COUNCILMEMBER REYNOLDS SERVE AS COUNCIL'S APPOINTMENT TO THE BOARD OF EQUALIZATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT COUNCILMEMBER AHRENS SERVE AS THE ALTERNATE TO THE BOARD OF EQUALIZATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Boulder County Consortium of Cities

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT COUNCILMEMBER ERICKSON BE APPOINTED TO THE BOULDER COUNTY CONSORTIUM OF CITIES. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT COUNCILMEMBER BUZEK BE APPOINTED AS THE ALTERNATE MEMBER TO THE BOULDER COUNTY CONSORTIUM OF CITIES. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Broomfield Building Corporation

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT MAYOR STUART AND COUNCILMEMBER COX BE APPOINTED TO THE BROOMFIELD BUILDING CORPORATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER SPADER SECONDED, THAT COUNCILMEMBER KENYON BE APPOINTED AS THE ALTERNATE TO THE BROOMFIELD BUILDING CORPORATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Broomfield Economic Development Corporation Board

Councilmembers Ahrens, Erickson, Gaiser, Reynolds, and Spader were nominated as representatives to the Broomfield Economic Development Corporation Board.

Following a ballot vote:

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER COX SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBERS AHRENS, ERICKSON, REYNOLDS, AND SPADER BE APPOINTED TO THE BROOMFIELD ECONOMIC DEVELOPMENT

CORPORATION'S BOARD OF DIRECTORS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Broomfield-Westminster Open Space Foundation Board

This appointment was considered following Agenda Item 9(c).

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT MAYOR STUART AND COUNCILMEMBER KAVERMAN BE APPOINTED TO THE BROOMFIELD-WESTMINSTER OPEN SPACE FOUNDATION BOARD OF DIRECTORS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER REYNOLDS SECONDED, THAT COUNCILMEMBER BUZEK BE APPOINTED AS THE ALTERNATE TO THE BROOMFIELD-WESTMINSTER OPEN SPACE FOUNDATION BOARD OF DIRECTORS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Colorado Counties, Inc., Legislative Committee

COUNCILMEMBER KENYON MOVED AND COUNCILMEMBER SPADER SECONDED, THAT COUNCILMEMBER REYNOLDS BE APPOINTED TO COLORADO COUNTIES' LEGISLATIVE COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Colorado Municipal League – Policy Committee

COUNCILMEMBER COX MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT COUNCILMEMBER BUZEK BE APPOINTED TO THE COLORADO MUNICIPAL LEAGUE'S POLICY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Councilmembers Cox and Gaiser were nominated as Alternate members to the Colorado Municipal League's Policy Committee.

Following a ballot vote:

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBER GAISER BE APPOINTED AS THE ALTERNATE TO THE

COLORADO MUNICIPAL LEAGUE'S POLICY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

CDOT North I-25 EIS Regional Coordination Committee

Staff will continue to represent Broomfield on the CDOT North I-25 EIS Regional Coordination Committee.

Denver Regional Council of Governments Board (DRCOG)

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

Councilmembers McCloskey and Gaiser were nominated as Alternate members to the Denver Regional Council of Governments Board.

Following a ballot vote:

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBER MCCLOSKEY BE APPOINTED AS THE ALTERNATE TO THE DRCOG BOARD OF DIRECTORS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Employee Medical Care Expense Plan Board

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT COUNCILMEMBER COX BE APPOINTED TO THE EMPLOYEE MEDICAL CARE EXPENSE PLAN BOARD. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT COUNCILMEMBER GAISER BE APPOINTED AS THE ALTERNATE MEMBER TO THE EMPLOYEE MEDICAL CARE EXPENSE PLAN BOARD. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Health and Human Services Advisory Committee

Councilmembers Kenyon, Reynolds, and McCloskey were nominated as representatives to the Health and Human Services Advisory Committee.

Following a ballot vote:

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBERS REYNOLDS AND MCCLOSKEY BE APPOINTED TO THE HEALTH AND HUMAN SERVICES ADVISORY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Library Board

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT COUNCILMEMBER REYNOLDS BE APPOINTED AS THE NON-VOTING MEMBER OF THE LIBRARY BOARD. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Local Licensing Authority

Councilmembers McCloskey and Kaverman were nominated as members to the Local Licensing Authority.

Following a ballot vote:

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER COX SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT MAYOR PRO-TEM AHRENS, COUNCILMEMBER KAVERMAN (MEMBER), AND COUNCILMEMBER MCCLOSKEY (ALTERNATE) BE APPOINTED TO THE LOCAL LICENSING AUTHORITY. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Metro Area County Commissioners

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT MAYOR STUART AND COUNCILMEMBER REYNOLDS BE APPOINTED TO THE METRO AREA COUNTY COMMISSIONERS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Northwest Parkway Board of Directors

Mayor Stuart and Councilmembers Spader and Buzek were nominated as representatives to the Northwest Parkway Board of Directors. Councilmember Buzek declined the nomination.

Following a ballot vote:

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER COX SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT MAYOR STUART BE APPOINTED TO THE NORTHWEST PARKWAY BOARD OF DIRECTORS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Councilmembers Buzek and Spader were nominated as Alternate members to the Northwest Parkway Board of Directors.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER GAISER SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBER SPADER BE APPOINTED AS THE ALTERNATE TO THE NORTHWEST PARKWAY BOARD OF DIRECTORS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Open Space and Trails Advisory Committee

Councilmembers Kaverman and Kenyon were nominated as members to the Open Space and Trails Advisory Committee.

Following a ballot vote:

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER SPADER SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBER KAVERMAN BE APPOINTED AS A NON-VOTING MEMBER TO THE OPEN SPACE AND TRAILS ADVISORY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT COUNCILMEMBER KENYON BE APPOINTED AS THE ALTERNATE NON-VOTING MEMBER TO THE OPEN SPACE AND TRAILS ADVISORY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Parks and Recreation Advisory Committee

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER SPADER SECONDED, THAT COUNCILMEMBER AHRENS BE APPOINTED AS A NON-VOTING MEMBER TO THE PARKS AND RECREATION ADVISORY

COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Councilmembers Kenyon and Gaiser were nominated as Alternate members to the Parks and Recreation Advisory Committee.

Following a ballot vote resulting in a tie and a second ballot vote with the Mayor participating:

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT THE RESULTS OF THE VOTE BE RATIFIED AND THAT COUNCILMEMBER GAISER BE APPOINTED AS A NON-VOTING ALTERNATE MEMBER TO THE PARKS AND RECREATION ADVISORY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Pension Committee

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

Public Art Committee

Councilmembers Erickson, Cox, and McCloskey were nominated as non-voting members to the Public Art Committee. Councilmember Cox withdrew her nomination.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT COUNCILMEMBERS ERICKSON AND MCCLOSKEY BE APPOINTED AS NON-VOTING MEMBERS TO THE PUBLIC ART COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Regional Transportation District's (RTD) Local Governments Board

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT COUNCILMEMBER KAVERMAN BE APPOINTED TO THE RTD LOCAL GOVERNMENTS BOARD. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Rocky Flats Coalition of Local Governments

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT COUNCILMEMBER COX BE APPOINTED TO THE ROCKY FLATS COALITION OF LOCAL GOVERNMENTS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER MCCLOSKEY MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT COUNCILMEMBER BUZEK BE APPOINTED AS THE ALTERNATE MEMBER TO THE ROCKY FLATS COALITION OF LOCAL GOVERNMENTS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Rural Workforce Consortium Board of Local Officials

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT MAYOR STUART BE APPOINTED TO THE RURAL WORKFORCE CONSORTIUM BOARD OF LOCAL OFFICIALS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Transportation Citizen Advisory Committee

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER SPADER SECONDED, THAT COUNCILMEMBERS COX AND KAVERMAN BE APPOINTED AS NON-VOTING MEMBERS TO THE TRANSPORTATION CITIZEN ADVISORY COMMITTEE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Urban Drainage and Flood Control District

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT MAYOR STUART BE APPOINTED TO THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER GAISER SECONDED, THAT COUNCILMEMBER SPADER BE APPOINTED AS THE ALTERNATE MEMBER TO THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

U.S. 36 Mayors / Commissioners Coalition

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT MAYOR STUART BE APPOINTED TO THE U.S. 36 MAYORS / COMMISSIONERS COALITION, AND THAT MAYOR PRO-TEM AHRENS BE APPOINTED AS THE ALTERNATE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

U.S. 36 Transportation Mobility Organization

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER KENYON SECONDED, THAT MAYOR STUART BE APPOINTED TO THE U.S. 36 TRANSPORTATION MOBILITY ORGANIZATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT COUNCILMEMBER MCCLOSKEY BE APPOINTED TO THE U.S. 36 TRANSPORTATION MOBILITY ORGANIZATION. 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. 2005-180 Authorizing & Approving the Allocation & Distribution of City Funds for Fiscal Year 2005 for Arts, Culture, & Science Grants as Recommended by the Broomfield County Cultural Council

The recommendation was that Resolution No. 2005-180 be adopted.

- (b) Resolution No. 2005-169 Accepting Certain Public Improvements Associated with Spruce Meadows Filing No. 1

The recommendation was that Resolution No. 2005-169 be adopted.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT AGENDA ITEMS 10(A) THROUGH 10(B), 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 report was given.

MANAGER'S REPORT

- (a) Progress Report - Council's 2005 Priorities - October 25 through November 22, 2005
- (b) City & County Manager's Report - November 22, 2005

Councilmember Kaverman suggested that the trunk of the cottonwood tree on the east side of Sheridan Boulevard which is proposed for removal be considered for a possible public art project at that location.

SPECIAL REPORTS

- (a) Capital Improvement Program (CIP) Monthly Status Update
- (b) Board of Equalization Report - 2005 Third Quarter Report

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 9:54 p.m.

Those present were: Members 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: Deputy City and County Manager Charles Ozaki
City Clerk Vicki Marcy
City and County Attorney William Tuthill
Various Department Staff Members

- (a) Public Hearing: Pacific Ocean Marketplace - Urban Renewal Site Plan Amendment 1
Property Location: South & East of Main Street & W. 120th Avenue
Applicant: Pacific Century Investment Company

Resolution No. 2005-172-UR Approving the Urban Renewal Site Plan Amendment 1 for the Pacific Ocean Marketplace in the Villager Square Urban Renewal Plan

Chairperson Stuart opened the public hearing at 9:55 p.m. regarding an amendment to the Urban Renewal Site Plan for the Pacific Ocean Marketplace. The application is for a new monument sign and storage area at the rear of the Pacific Ocean Marketplace store, located in the Greenway Plaza Shopping Center.

Planning Director Terry Ware reviewed the Staff report, noting that the rear parking, which will be eliminated, is not currently being used. He summarized the Land Use Review Committee recommendation as outlined in the report.

Don Ennis, representing the Applicant, discussed the Site Plan amendments which include the addition of a monument sign along the property frontage and added storage space at the rear of the building. He noted that the sign is compatible with the building and has been requested due to the distance from the street to the business. The 8,268 s.f. addition for storage purposes is also compatible with the existing building materials and will not be visible from 120th Avenue. He indicated Colorado and Santa Fe, owners of the balance of the shopping center, do not want to participate in the proposed sign.

Councilmember input included: 1) Concern about the precedent for additional signage for this business, and that Colorado and Santa Fe is not participating on behalf of the other businesses; 2) Request for screening of the trash receptacle; 3) A citizen had expressed concern about the view from adjacent homes, and questioned why the buffer between the Center and Greenway Park was never put in place; 4) Need to light the rear area for safety; and 5) Question about phasing of the improvements.

Mr. Ennis stated that the Applicant wants to proceed with the sign and storage addition as soon as possible.

The public hearing was closed at 11:16 p.m.

Resolution No. 2005-172-UR was read by title.

MEMBER KAVERMAN MOVED AND MEMBER GAISER SECONDED, THAT RESOLUTION NO. 2005-172-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

- (b) Public Hearing: Advanced Auto Parts - Urban Renewal Site Plan
Property Location: 5550 West 120th Avenue
Applicant: Cadence Development, LLC

Resolution No. 2005-175-UR Approving the Urban Renewal Site Plan For the Advanced Auto Parts in the West 120th Avenue Gateway Corridor Urban Renewal Plan

Chairperson Stuart opened the public hearing at 11:18 p.m. regarding an Urban Renewal Plan for two 7,000-square-foot retail structures, including an Advanced Auto Parts Store. The retail structures are proposed for a 1.8 acre site, located at the southeast corner of West 120th Avenue and Chase Street.

Planning Director Ware reviewed the Staff report regarding the site plan, and advised that the Applicant has addressed all of the issues.

Tom Oldenburg, representing the Applicant, reviewed changes to the site plan in response to Council input at the Concept Review. He explained that the rear building will be designed for destination type use such as medical offices. A letter has been included in the packet regarding

contacts with neighboring properties. Although the Church is not interested in a trail connection through their property at this time, an access point is provided to allow a connection at a later date. The building elevations and materials are consistent with the adjacent car wash.

John Aldridge, Applicant representative, reviewed the methodology used in conducting the traffic study. He discussed the findings which indicate there would not be a consistent delay problem as a result of impact from this development.

Council input included: 1) Continued concerns about traffic congestion on the frontage road and lack of stacking space at the Chase Street/120th Avenue intersection as voiced with the car wash application; 2) Praise for the improved quality of the proposed site plan and the changes made following Concept Review; 3) Comment that this property will be developed at some point, and it doesn't appear that there have been traffic problems at this location; 4) A road south along the property line should be discussed with Westminster; 5) Concern about the results of the traffic study; and 6) Question whether Kohl's could prevent traffic from accessing their parking lot.

Deputy City and County Manager Ozaki advised that Kohl's is obliged to allow access from the frontage road.

City Engineer Burt Knight advised that Staff recognizes the stacking situation at Chase Street and has started discussions with Westminster regarding a number of 120th Avenue issues to work on the challenge of that area.

The public hearing was closed at 11:47 p.m.

Resolution No. 2005-175-UR was read by title.

MEMBER ERICKSON MOVED AND MEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-175-UR BE ADOPTED.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: MEMBERS AHRENS, ERICKSON, KAVERMAN, KENYON, REYNOLDS, AND SPADER

THOSE VOTING NO WERE: MEMBERS BUZEK, COX, GAISER, AND MCCLOSKEY

THE MOTION PASSED ON A VOTE OF 6 TO 4.

ADJOURNMENT

The meeting was adjourned at 11:50 p.m.

APPROVED:

City Clerk

Mayor