

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

DECEMBER 13, 2005

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:20 p.m., Tuesday, December 13, 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 Clerk Tricia Kegerreis
City and County Attorney William Tuthill
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) 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

Request for Land at First Avenue between Main and Lamar to Remain Open Lands or Parks

Dale Munson (13722 Legend Way) and Phil Bissel (55 Scott Drive South) requested that the land at First Avenue between Main and Lamar remain undeveloped. Mayor Stuart remarked that any plans for that area would have to come before Council as a public hearing.

CONVENE BOARD OF SOCIAL SERVICES

The meeting of the Board of Social Services was convened by Chairperson Stuart at 6:34 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: City and County Manager George Di Ciero
Deputy City Clerk Tricia Kegerreis
City and County Attorney William Tuthill
Various Department Staff Members

(a) Resolution No. 2005-184-BSS Acknowledging Review of Expenditures and Electronic Benefit Transfers for October 2005

Chairperson Stuart introduced proposed Resolution No. 2005-184-BSS, acknowledging review of expenditures and electronic benefit transfers for the month of October, 2005.

Resolution No. 2005-184-BSS was read by title.

MEMBER ERICKSON MOVED AND MEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2005-184-BSS BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(b) Health & Human Services 2006 Non-Profit Funding Decisions

Karen Beye, Director of Broomfield' s Health and Human Services Department, presented a report regarding funding for non-profit entities for 2006. In response to Council questions, Ms. Beye noted that all 2006 funds have been appropriated.

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

Recycling of Christmas Wrapping Paper and Foam Packing by Ecocycle – Kaverman

Councilmember Kaverman reported that recycling services for wrapping paper and packaging foam will be available at the Broomfield Recycling Center between December 26th and January 31st.

Colorado Counties, Inc. (CCI) Conference – Report – Reynolds / Gaiser / McCloskey

Councilmembers Reynolds, Gaiser, and McCloskey reported on their attendance at the Colorado Counties, Inc. Conference.

National League of Cities (NLC) Conference – Report – Buzek / Gaiser / McCloskey / Stuart

Mayor Stuart and Councilmembers Buzek, Gaiser, and McCloskey reported on their attendance at the National League of Cities Conference.

Citizen Comments Re: The Annual Christmas Tree Lighting - Reynolds

Councilmember Reynolds distributed a letter from Ellis & Elaine Holcomb regarding the name change of Broomfield's Christmas Tree Lighting activity to Holiday Tree Lighting. They also noted that a fine quality crèche would be made available for display for next year's Christmas season.

Citizen Complaint Re: Solicitation/Advertising Taped to Homes - Erickson

Councilmember Erickson reported a citizen complaint about advertising being taped to the front doors of homes. She questioned whether this was a violation of the Broomfield Municipal Code and requested information from Staff in order to respond to the citizen.

National Association of Counties (NACO) Conference - Stuart

Mayor Stuart noted the NACO Conference will be held March 4-8, 2006.

National League of Cities (NLC) Congressional Visits - Stuart

Mayor Stuart noted the NLC Conference will be held March 11-15, 2006. This is a very good time to make congressional visits to lobby for transportation funding.

National League of Cities Bronze Award in the Certificate of Achievement in Leadership Program Presented to Councilmember Kaverman – Gaiser

Councilmember Gaiser reported that Councilmember Kaverman had been awarded the National League of Cities Bronze Award in the Certificate of Achievement in Leadership Program.

COUNCIL BUSINESS

(a) Council Appointments - Boards and Commissions

Mayor Stuart introduced Council's annual appointments to Broomfield's various boards and commissions. The Staff report lists the appointments to be made and provides background information regarding each of the positions. Council interviewed applicants for the various positions on November 21st and 28th. Procedures regarding the appointments are set forth in Article VI of Council's Procedures and Rules of Order.

City and County Attorney Tuthill reviewed voting procedures prior to beginning the balloting and appointments for boards and commissions.

Mayor Stuart, on behalf of City Council, thanked all of the citizens who expressed an interest in these positions and took the time to apply and interview, noting that Broomfield is fortunate to have so many interested and active citizens.

After balloting, Council made the following appointments by motion.

Board of Equalization

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED THAT NORMA LINDERHOLM AND JIM MATHEWS BE APPOINTED TO THE BOARD OF EQUALIZATION FOR 2-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Norma Linderholm and Jim Mathews were appointed to 2-year terms expiring December 31, 2007.

Brunner Farmhouse Citizen Advisory Committee

Mayor Pro-Tem Ahrens asked to be excused from voting since his spouse's name was on the ballot for the Brunner Farmhouse Citizen Advisory Committee. Council agreed by acclamation.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED THAT PEGGY ATKINSON, MARK BRUNNER, LINDA DELAND, AND DIANNA WILSON BE APPOINTED TO THE BRUNNER FARMHOUSE CITIZEN ADVISORY COMMITTEE FOR 2-YEAR TERMS, AND THAT JINI BATES, SHERILL BUNETTA, AND JEAN VALE BE APPOINTED FOR 1-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE AND AHRENS ABSTAINING.

Peggy Atkinson, Mark Brunner, Linda Deland, and Dianna Wilson were appointed to 2-year terms expiring December 31, 2007; and Jini Bates, Sherill Bunetta, and Jean Vale were appointed to 1-year terms expiring December 31, 2006.

Building and Construction Review Board

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER BUZEK SECONDED THAT JOHN (JC) MOORE BE APPOINTED TO THE BUILDING AND CONSTRUCTION REVIEW BOARD FOR A 3-YEAR TERM, AND THAT DENA SCHIRTZER BE APPOINTED AS AN ALTERNATE MEMBER FOR A 1-YEAR TERM, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

John (JC) Moore was appointed for a 3-year term expiring December 31, 2008; and Dena Schirtzer was appointed as the Alternate for a 1-year term expiring December 31, 2006.

Capital Improvements Program Advisory Committee

Councilmember Reynolds asked to be excused from voting since her spouse's name was on the ballot for the Capital Improvements Program Advisory Committee. Council agreed by acclamation.

Councilmember Kaverman entered the name of Leo Miller as an additional candidate.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED THAT BILL BATES, MARJORIE MASON, DENEISE (DEA) MCCART, LEO MILLER, FERN SMITH, SAM TAYLOR, AND NANCY TAERUDE BE APPOINTED TO THE CAPITAL IMPROVEMENTS PROGRAM ADVISORY COMMITTEE FOR 2-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, AND SPADER VOTING AYE AND REYNOLDS ABSTAINING.

Bill Bates, Marjorie Mason, Deneise (Dea) McCart, Leo Miller, Fern Smith, Sam Taylor, and Nancy Taerude were appointed to 2-year terms expiring December 31, 2007.

Cemetery Committee

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED THAT LARRY BURT, ANNE CROUSE, ROBERT DAVENPORT, AND ROBIN TUTT BE APPOINTED TO THE CEMETERY COMMITTEE FOR 4-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Larry Burt, Anne Crouse, Robert Davenport, and Robin Tutt were appointed to 4-year terms expiring December 31, 2009.

Cultural Council

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED THAT DONNA LAVIGNE AND KERRY RATHMELL BE APPOINTED TO THE CULTURAL COUNCIL FOR 3-YEAR TERMS, AND LISA ABEYTA BE APPOINTED AS AN ALTERNATE MEMBER FOR A 1-YEAR TERM, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Donna LaVigne and Kerry Rathmell were appointed to 3-year terms expiring December 31, 2008; and Lisa Abeyta was appointed as the Alternate for a 1-year term expiring December 31, 2006.

Health and Human Services Advisory Committee

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED THAT LOUISE BENSON, RUSSELL HILDEBRAND, LEE OLSON, ANITA ROBERTS, TODD TUELL, JEAN WILKIE, AND LYNN WIXTED-HOLLAND BE APPOINTED TO THE HEALTH AND HUMAN SERVICES COMMITTEE FOR 2-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Louise Benson, Russell Hildebrand, Lee Olson, Anita Roberts, Todd Tuell, Jean Wilkie, and Lynn Wixted-Holland were appointed for 2-year terms expiring December 31, 2007.

Historic Landmark Board

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BUZEK SECONDED THAT PEGGY ATKINSON, JOHN GEIER, TOM MEHLING, AND DIANNA WILSON BE APPOINTED TO THE HISTORIC LANDMARK BOARD FOR 4-YEAR TERMS; AND THAT LISA ABEYTA AND ROBIN TUTT BE APPOINTED TO 2-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Peggy Atkinson, John Geier, Tom Mehling, and Dianna Wilson were appointed to 4-year terms expiring December 31, 2009; and Lisa Abeyta and Robin Tutt were appointed to 2-year terms expiring December 31, 2007. One 2-year term and the Alternate position remain vacant.

Land Use Review Commission

Councilmember Erickson asked to be excused from voting for the Land Use Review Commission, Open Space and Trails Advisory Committee, and the Transportation Advisory Committee since her spouse's name was on the ballot for those committees. Council agreed by acclamation.

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER COX SECONDED THAT ROBERT DAVIS AND THOMAS SILVERS BE APPOINTED TO THE LAND USE REVIEW COMMISSION FOR 4-YEAR TERMS AND THAT KAREN NELSON BE APPOINTED AS AN ALTERNATE FOR A 1-YEAR TERM, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE AND ERICKSON ABSTAINING.

Robert Davis and Thomas Silvers were appointed to 4-year terms expiring December 31, 2009; and Karen Nelson was appointed as the Alternate for a 1-year term expiring December 31, 2006.

Library Board

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED THAT ROBERT JUSZYNSKI AND JEAN WILKIE BE APPOINTED TO THE LIBRARY BOARD FOR 3-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Robert Juszynski and Jean Wilkie were appointed to 3-year terms expiring December 31, 2008.

Local Licensing Authority

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER SPADER SECONDED THAT COLBY BLACK BE APPOINTED AS AN ALTERNATE TO THE LOCAL LICENSING AUTHORITY FOR A 1-YEAR TERM, OR UNTIL HIS/HER SUCCESSOR IS APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Colby Black was appointed as the Alternate for a 1-year term expiring December 31, 2006.

Open Space and Trails Advisory Committee

Councilmember Erickson had been previously excused by Council from voting.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED THAT JUDY ENDERLE, PASCALE FRIED, AND DAN WILKIE BE APPOINTED TO THE OPEN SPACE AND TRAILS ADVISORY COMMITTEE FOR 4-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED.

ROLL CALL VOTE:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BUZEK, GAISER, MCCLOSKEY, AND SPADER.

THOSE VOTING NO WERE: COUNCILMEMBERS COX, KAVERMAN, KENYON, AND REYNOLDS.

The motion passed on a vote of 5 to 4.

Judy Enderle, Pascale Fried, and Dan Wilkie were appointed to 4-year terms expiring December 31, 2009.

Parks and Recreation Advisory Committee

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER AHRENS SECONDED THAT JINI BATES, CARL BONI, MARTY PENBOOKE, AND WYNN EBERHARD BE APPOINTED TO THE PARKS AND RECREATION ADVISORY COMMITTEE FOR 2-YEAR TERMS, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Jini Bates, Carl Boni, Wynn Eberhard, and Marty Penbrooke were appointed to 4-year terms expiring December 31, 2009.

Personnel Merit Commission

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER BUZEK SECONDED THAT JILL BLACKBURN BE APPOINTED TO THE PERSONNEL MERIT COMMISSION FOR A 3-YEAR TERM, AND THAT LOUIS PIEHN BE APPOINTED AS AN ALTERNATE FOR A 1-YEAR TERM, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Jill Blackburn was appointed to a 3-year term expiring December 31, 2008; and Louis Piehn was appointed as the Alternate for a 1-year term expiring December 31, 2006.

Transportation Advisory Committee

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER COX SECONDED THAT THIS ITEM BE TABLED UNTIL THE MEETING OF DECEMBER 20, 2005 IN ORDER TO TAKE CARE OF ANY ONGOING CONCERNS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Consideration of appointments to the Transportation Advisory Committee was continued to the December 20, 2005 City Council meeting.

Zoning Board of Adjustment

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER SPADER SECONDED THAT DON MALLORY AND NANCY TAERUDE BE APPOINTED TO THE ZONING BOARD OF ADJUSTMENT FOR 3-YEAR TERMS, AND THAT DENA SCHIRTZER BE APPOINTED AS THE ALTERNATE FOR A 1-YEAR TERM, OR UNTIL HIS/HER SUCCESSORS ARE APPOINTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Don Mallory and Nancy Taerude were appointed to 3-year terms expiring December 31, 2008; and Dena Schirtzer was appointed as the Alternate for a 1-year term expiring December 31, 2006.

- (b) Public Hearing - Northlands PUD - Amendment to Calvert Annexation PUD & Ramaker-Kats Annexation PUD
Applicant: Northlands Colorado LLC
Location: Northwest Corner of I-25 & S.H. 7, East of Huron Street

Resolution No. 2005-182 Approving the Northlands PUD an Amendment to the Calvert Annexation PUD and the Ramaker-Kats Annexation

Mayor Stuart opened the public hearing at 8:47 p.m. regarding an application for the proposed Northlands Planned Unit Development, a retail and entertainment project, located at the northwest corner of I-25 and State Highway 7, east of Huron Street. The proposed Northlands PUD would

replace the Calvert Annexation PUD and the Ramaker-Kats Annexation PUD, approved by the City Council in 1991 and 1992. The Applicant, Northlands Colorado LLC, proposes a mix of large-format retail, grocery, specialty retail, restaurants, and a cinema, in addition to a pedestrian-friendly retail village.

City and County Manager Di Ciero introduced Planning Director Terry Ware who entered the Staff report into the public record. Planning Director Ware reviewed and presented a video of the site location. He noted that the Land Use Map envisions retail and commercial for this property. Residential uses are not included and should not have been listed in the memorandum. Land Use Designation for this site is regional commercial. Although the maximum floor area ratio is 0.75, it is unlikely because it requires structured parking which would need redevelopment in the future. If the developer was to add residential in the future, the PUD Plan would need to be amended to include public land dedication and add residential standards. He reviewed vehicular circulation, trails, and architectural design standards and sign standards. This plan meets the Broomfield Municipal Code standards and describes the signs and site details. A matrix comparing the Broomfield Municipal Code sign standards with the plan sign standards is included. He reviewed the Land Use Review Commission approval with conditions.

Don Provost, Alberta Development Partners, and Richard Foy, Communication Arts, Applicant representatives, reviewed the plan. Mr. Provost presented a history of the many projects his company has completed and is in the process of completing. He explained that the Northlands Village project is a unique opportunity to create a unique Colorado village connecting retail to the community. A video was presented depicting the ideas for the area.

Richard Foy, Communication Arts, reviewed the company background and the many projects his company has been involved in completing. He described the idea as one to create a Colorado Outdoor Village with a casual and leisure focus connecting to surrounding properties. This project, as planned, will be able to grow with the markets and the community.

Council questions and comments included: 1) What was meant by "grow and mature"? (2) Make sure bike racks and bike paths are available and separated from the roads; (3) Will accessory uses be screened? (4) Would like to have sexually oriented businesses listed under 'Prohibited Uses'; (5) Concern expressed that lighting remain on property; (7) Would like to see residential uses taken off the PUD; (8) The document, Sign Standard Analysis, was unprofessionally done; (9) Will there be any public art? (10) Have there been any discussions with Thornton re the I-25 / Highway 7 Interchange? (11) Not comfortable with signage variance requests; (12) Questioned the Parks & Open Lands dedications; (13) Concern expressed that retail is being overbuilt; (14) Suggested that a recreation use be considered, such as an ice arena; (15) Who will pay for the landscaping on the median? (16) Suggested that a hotel be considered for the property; (17) Will there be new-family and expectant-mother parking available? (18) Keeping light on the property and light wash is good; and (19) In favor of signage program which would bring uniqueness.

Response to Council questions and comments by Staff and Applicant included: (1) Retail is compared to a living organism and needs to be able to change and grow; (2) Regional pedestrian and bike trails are planned and will work with surrounding developers to match up the trails; (3) Accessory uses will be screened; (4) Sexually Oriented Businesses will be added to the list of prohibited uses; (5) Staff explained the lighting plan and noted that most buildings face inwards which keeps light on the property; (6) No public land dedication is required for commercial development although drainage ways are given 50% credit toward open lands dedication; (7) Reference to residential uses will be removed from the PUD; (8) The Sign Standard Analysis is not typical of their work - they were asked to create this document on very short notice; (9) Public

art is always a part of their developments whether it is required or not; (10) CDOT will be convening a meeting with all cities in the corridor; (11) Sign design criteria needs to be in place before negotiating with potential retailers; (12) This is expected to be a high-level project at a major east/west intersection over I-25; (13) Recreation is a tough business to operate, but will keep it in mind; (14) The speed throughout the project is 15 mph, and the Special District will pay for the median landscaping; and (15) The project has new-family and expectant-mother parking as well as family restrooms and family rest areas.

The public hearing was closed at 10:20 p.m.

Resolution No. 2005-182 was read by title.

City and County Attorney Tuthill suggested that the motion to approve Resolution No. 2005-182 be amended to include removal of reference to residential from the PUD. He suggested that the resolution be amended to include the following: To approve the Northlands PUD an amendment to the Calvert Annexation PUD and the Ramaker-Kats Annexation PUD as shown on the red-marked print dated December 13, 2005. Councilmember Reynolds also asked that the amendment to add Sexually Oriented Businesses to the Prohibited Uses list be included on the PUD, and Attorney Tuthill stated this amendment would be added to the red-marked print.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER SPADER SECONDED, THAT RESOLUTION NO. 2005-182 BE ADOPTED, AS AMENDED TO INCLUDE CHANGES TO THE NORTHLANDS PUD AS PROPOSED BY THE CITY AND COUNTY ATTORNEY. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

- (c) Public Hearing - Resolution No. 2005-155 Approving Fees for Park Facilities, Broomfield Community Center, Paul Derda Recreation Center, Cemetery Services, Lakeshore Café Senior Lunch Program, and the Broomfield Auditorium

Mayor Stuart opened the public hearing at 10:25 p.m. on proposed fee adjustments for 2006 for various programs and services. The proposed adjustments involve fees for park facilities, the Broomfield Community Center, Paul Derda Recreation Center, the Lakeshore Café Senior Lunch program, the Broomfield County Commons Cemetery, and the Broomfield Auditorium.

City and County Manager Di Ciero summarized the Staff report and reviewed the fee adjustments as listed in the memorandum. He explained that the adjustments are consistent with the 2006 Budget and serve as implementing measures for Broomfield's adopted 2006 Budget.

Hugh Brown, Director of Community Resources, reviewed the fees noting these minor changes were needed.

Council comments and questions included: (1) Will the new fees be posted and publicized? (2) Has an analysis been done? (3) Concern expressed about the rise in fees for annual child-sitting and the senior lunch program; (4) Senior Resources Board has approved the senior lunch fee increase; and (5) Are we overselling childcare annual passes - Are children being turned away?

Staff's responses included: (1) The new fees will be posted and publicized; (2) A thorough review of the fees will be done; The fees are acceptable and equal to other communities; (3) Adjustments to fees were based on the Staff's experience and popularity of the programs; (4) Most of the non-resident rates are twice the resident rates; (5) The child-sitting program is so popular that Staff will need to be added in order to accommodate any new participants; (6) Senior Lunch Program food supplier costs increased 12%; (7) No fee change proposed for "Meals on Wheels" program; (8) Reservations required for the child care program, so parents know before they come if there is room for children; and (9) Class schedules have been rearranged in order to try and handle all requests for child sitting.

The public hearing was closed at 10:40 p.m.

Resolution No. 2005-155 was read by title.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-155 BE ADOPTED.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BUZEK, COX, ERICKSON, GAISER, KAVERMAN, REYNOLDS, AND SPADER

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS, KENYON, AND MCCLOSKEY

THE MOTION PASSED ON A VOTE OF 7 TO 3.

(d) Resolution No. 2005-179 Expressing Endorsement of the Public Art Bench Project Proposed by the Broomfield Public Art Committee

Mayor Stuart introduced consideration of a public art bench project. Public Art was one of the top priorities for the City Council in 2003; and as a result, the Council appointed a Public Art Committee to advise the Council on the implementation of a public art program. On September 28, 2004, the Public Art Committee submitted, and Council approved, the Public Art Master Plan which provided a vision, a mission, and other goals related to public art in Broomfield. The Public Art Committee has submitted a recommendation to the Council for a public art bench project which would fund 11 artist-commissioned benches located in high-visibility locations throughout Broomfield.

Hugh Brown, Director of Community Resources, summarized the Staff report noting that this is the first program recommended by the Public Art Committee. Alisa Zimmerman, Cultural Affairs Manager, reported that the Committee had worked hard on this project.

Steven Lee, Co-Chair of the Public Art Committee, delivered the presentation of the concept and process for placement of public art benches. The Committee wanted the first project to have lots of community involvement and to be highly visible.

Council questions and comments included: (1) Is the tree at The Big Tree site healthy? (2) Would rather see the addition of benches rather than replacement of good benches with art benches; (3) Disappointment expressed that no bench art planned for the Ward 3 area; (4) Is there a process for citizens to donate benches? (5) Will there be a preference to Broomfield and Colorado

artists? (6) Would like to see an Art Bench near the Healing Field Monument; (7) Committee made three separate outings in order to choose bench sites; and (8) Benches of any kind needed in Bronco Park.

Staff responses included: (1) The tree at The Big Tree site is healthy; (2) Some of the benches planned for removal can be reused; (3) Committee initially chose highly visible sites and more public art is planned for Phase 2 which can be placed in Ward 3; (4) Benches range from \$5,000 to \$10,000 each, so they are not affordable for the average resident - may be able to get businesses to donate; and (5) Request for Qualifications have gone out and were not limited to Broomfield artists.

Resolution No. 2005-179 was read by title

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2005-179 BE ADOPTED.

ROLL CALL ON MOTION:

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

THOSE VOTING NO WERE: COUNCILMEMBERS BUZEK AND GAISER

THE MOTION PASSED ON A VOTE OF 8 TO 2.

(e) Resolution No. 2005-187 Approving an Extension to the Lease Agreement By and Between the City and County of Broomfield and Sonia Martin for the Property at 12091 Lowell Boulevard

Mayor Stuart introduced consideration of a lease extension for the Martin property, located at 12091 Lowell Boulevard. The 4.1-acre property was acquired from the Martins for right-of-way and flood control purposes in 2000, and contains a residence and agricultural outbuildings. At the time the property was acquired, Mr. William Martin and Ms. Sonia Martin executed a lease with Broomfield to live in the home for five years, rent-free. At the end of the five years, the lease provided for the Martins to live in the house on a month-to-month basis for a monthly rent. Since the original lease was approved, Mr. Martin has passed away. Ms. Sonia Martin has requested that the lease be extended for an additional five-year term at \$500 per month in rent.

City and County Manager Di Ciero summarized the Staff report noting that approval of the resolution allowing this request would extend the lease. There are no known problems in continuing the lease.

Council questions and comments included: (1) Do we have to buy-out the lease if there is a need to use the property before the 5 years expire? and (2) Can this property be sub-let?

Staff's responses included: (1) Yes, a buy-out would be needed. If no action is taken on this resolution, the lease remains on a month-to-month basis, but Ms. Martin is looking for more security; and (2) The property cannot be sub-let. The lease would terminate if she were to die or move out.

Resolution No. 2005-187 was read by title.

COUNCILMEMBER REYNOLDS MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT RESOLUTION NO. 2005-187 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) Approval of Minutes - Regular Meeting of November 15, 2005
Approval of Minutes - Regular Meeting of November 22, 2005

The recommendation was for approval of the Minutes of the Regular Meeting of November 15, 2005; and for approval of the Minutes of the Regular Meeting of November 22, 2005.

- (b) Resolution No. 2005-186 Authorizing the Cancellation of the Bad Debts Submitted by the Revenue Manager as Uncollectible

The recommendation was that Resolution No. 2005-186 be adopted.

Staff responded to Council questions noting that this report is required to be submitted to the State.

- (c) Resolution No. 2005-177 Accepting Certain Public Improvements Associated with Country Estates Filing No. 8

The recommendation was that Resolution No. 2005-177 be adopted.

COUNCILMEMBER COX MOVED AND COUNCILMEMBER SPADER SECONDED, THAT AGENDA ITEMS 10(A) THROUGH 10(C), 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

National League of Cities Platinum Award in the Certificate of Achievement in Leadership Program Presented to Mayor Stuart and Councilmember Buzek

City and County Manager Di Ciero congratulated Mayor Stuart and Councilmember Buzek for obtaining the Platinum Award in the Certificate of Achievement in Leadership Program sponsored by the National League of Cities.

SPECIAL REPORTS

- (a) Harwood Institute for Public Innovation Report - Engaging Citizens, The Successes--and Challenges of Three Public Agencies

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

There was no business for the Broomfield Urban Renewal Authority.

ADJOURNMENT

The meeting was adjourned at 11:34 p.m.

APPROVED:

Deputy City Clerk

Mayor