

MINUTES
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

DECEMBER 11, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:00 p.m., Tuesday, December 11, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Randy Ahrens
Kathy Brown
Thomas Brunner
Vincent Buzek
Bette Erickson
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Hank Stovall

Those absent were: Councilmember Steven Olstad

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City and County Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

Recognition of Retirees Terry Cole and Paul Derda

City Manager Di Ciero reviewed the career histories of retiring Support Services Director Terry Cole and Director of Parks & Recreation Paul Derda. Mayor Stuart and Councilmembers expressed appreciation for the years of service each have given to Broomfield, and presented plaques in acknowledgment of their contributions.

COUNCIL BUSINESS

- (a) Public Hearing - Section 30 - PUD Plan & Preliminary Plan and City and County Recreation Center - Site Development Plan & Master Plan Amendment - Located Between Sheridan Boulevard & Lowell Boulevard, North of E. Midway Boulevard & Calvary Church:

Resolution No. 2001-352 Approving an Amendment to the 1995 Broomfield Master Plan, and Approving the Section 30 PUD Plan/Preliminary Plat and a Site Development Plan for a City and County Recreation Center for a Parcel of Land Approximately Located Between Lowell Boulevard and Sheridan Boulevard

(Refer to M-2001-705)

Mayor Stuart opened the public hearing at 6:33 p.m. on a proposed PUD Plan, Preliminary Plat, and Master Plan Amendment for the 283-acre property commonly referred to as the Section 30 property.

City Manager DiCiero summarized Memorandum No. 2001-705 which outlined the proposed plan. Broomfield is proposing an overall plan for a 283-acre parcel located between Sheridan Boulevard

and Lowell Boulevard, north of East Midway Boulevard and the Calvary Church. Broomfield owns approximately 243 of the 283 acres and is in negotiations to acquire the additional 40 acres. The proposed plan is for the entire 283-acre site. The basic breakdown for use of the site is: Recreation Center--11 acres (3.9%); Athletic Fields--80 acres (28.3%); Cemetery--10 acres (3.5%); and Open Space--182 acres (64.3%). The proposed plan was reviewed by Council as a Concept Plan on October 16, 2001.

Deputy Director of Community Development Standbridge reviewed details of the plan including the property location and Master Plan projected uses as outlined in the Staff report. He discussed the proposed Master Plan amendment, noting that the plan will benefit many aspects of the Broomfield community while meeting the Master Plan and Strategic Plan goals for this neighborhood. The plan is strongly endorsed by the Open Space and Trails Advisory Committee, the Parks and Recreation Advisory Committee and the Cemetery Committee. The Land Use Review Commission's recommendation for approval was conditioned upon the addition of details for the tot lot; that condition has been met. He reviewed plan details including access, street improvements, trail system improvements, plans to humanely relocate prairie dogs to other City-owned properties and measures to address filtering of drainage and stormwater runoff through the open space area. The Site Development Plan for the ballfields area will be brought before Council at a later time. Advantages of the cemetery site were addressed including views, access, and screening. The Open Space and Trails Advisory Committee will develop a management plan for the open space area.

Craig Bouck, Project Architect, reviewed details of the Recreation Center Site Development Plan including drainage strategies, floor plan details, building elevations, materials and colors. He explained how the design takes advantage of the site topography to bury 2/3 of the building behind the knoll minimizing the impact of the building from Lowell Boulevard. The plan will utilize as much of the land which has historically been cultivated as possible to preserve current natural open space area. Landscape buffers will minimize the developed area's impact on the open space.

The following citizens addressed Council during the public hearing: Verlan Stephens (12612 Julian Street); Molly Coufal (Broomfield High School Student Council Executive Board / 2140 Snowmass Circle); F.M. Wilemon (13361 Sheridan); Robert Davenport (1164 Aspen Street); Norm Moormeier (1370 Bellaire Street); Bob Garrels (1151 Cottonwood Street); Gavin Slater (1177 Loch Ness); Kathryn Smith (4745 W. 128th Place); Lee Stanley (177 Willow Court North); Judy Enderle (1041 Cottonwood Street); Bill Warwick (164 Willow Place South); Doug Reeves (1120 E. 12th); Sam Taylor (274 W. 4th Avenue Drive); Anne Crouse (53 Carla Way); Tim Schneider (4252 Broemel Avenue); Joe Kent (531 Columbine Avenue); Charles Clemmons (1306 Dexter); and Pasquale Fried (240 Iris Street).

Comments, concerns and questions included: 1) Support for the plan as a good balance between the recreational and open space uses consistent with the family-friendly nature of Broomfield; 2) Broomfield High School Student Council support for the Recreation Center to provide expanded facilities and activity areas for Broomfield youth; 3) Objection to location of ballpark across Sheridan from an existing residential neighborhood and concern about the impacts; 4) Need for frontage road for residential area on west side of Sheridan; 5) Discussion regarding the Cemetery Committee's efforts to locate a full service cemetery site and that it would not be feasible to develop the acreage to the north at this time; 6) Support for the Cemetery site plan which should meet Broomfield's needs for the next 70+ years; 7) Mr. Moormeier discussed he and his wife's decision not to sell their property for development, and instead, to negotiate its acquisition by Broomfield as something they could give back to the youth of Broomfield; their decision was based on providing additional active, recreational use area, and they would not have sold it for strictly open space use; 8) Objection to the Cemetery use portion of the plan because the site is

too small to serve Broomfield's needs for any reasonable period of time; 9) Request that paths be crushed gravel; 10) Concern about traffic using the Church/Cemetery emergency access to cut through to Willow Park; 11) Opposition to the Master Plan amendment, and objection to cemetery and recreational amenity uses on the property; 12) Need for additional recreation amenities to serve Broomfield's growing population; 13) Concern about quality of life impacts of the ballfield area upon the Northmoor neighborhood, and request that the provision regarding no field lights be made a non-amendable part of the plan; and 14) Support for the plan which has a family orientation with good transition zones and includes a lot for the community.

Councilmember comments included: 1) Support for the project and the amenities it will provide Broomfield citizens with no tax increase; 2) Question regarding how to control use of the access drive to prevent through traffic; 3) Need to change plan legal descriptions to reflect Broomfield County; 4) Community input to Councilmembers indicates support for the plan and the cooperation behind it; 5) Note that Calvary Church would not have sold the cemetery site property for another use; 6) Note that Council was not willing to spend the amount needed at this time to improve the north site for cemetery; 7) Objection to the charcoal gray roof color for the Recreation Center; and 8) Appreciation to the property owners for their contribution toward this acquisition.

The public hearing was closed at 8:34 p.m.

Resolution No. 2001-352 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-352 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

(b) Flatirons Gateway - Motion to Vacate Public Hearing & Postpone Indefinitely:

Ordinance No. 1543 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD and Interchange Influence Area Which Land is Approximately Located Between U.S. Highway 36 and the Burlington Northern Railroad Line, West of Hoyt Street - Second Reading

Ordinance No. 1544 Rezoning Certain Land Within the City of Broomfield from Boulder County Light Industrial (LI) to City of Broomfield PUD and Interchange Influence Area Which Land is Approximately Located Between U.S. Highway 36 and the Burlington Northern Railroad Line, West of Hoyt Street - Second Reading

(Refer to M-2001-707)

Mayor Stuart introduced a proposed motion to vacate the public hearing on development plans and rezoning for Flatirons Gateway Filing No. 1. For a variety of reasons, including changing economic conditions, the Developer has requested that the public hearing on the project be vacated. The City Attorney has recommended that the public hearing on Ordinances No. 1543 and No. 1544 be vacated, and that action on the Ordinances be postponed indefinitely.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER BROWN SECONDED, THAT THE PUBLIC HEARING ON ORDINANCES NO. 1543 AND NO. 1544 BE VACATED; AND THAT ORDINANCES NO. 1543 AND NO. 1544 BE POSTPONED INDEFINITELY. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (c) Public Hearing - Diamond Shamrock - Site Development Plan Amendment - Located at Northeast Corner of U.S. Highway 287 & W. 10th Avenue:

Resolution No. 2001-343 Approving Diamond Shamrock Site Development Plan Amendment

(Refer to M-2001-708)

Mayor Stuart opened the public hearing at 8:38 p.m. on an application to amend the Site Development Plan for the Diamond Shamrock station located at the northeast corner of Highway 287 and West 10th Avenue.

City Manager DiCiero reviewed Memorandum No. 2001-708 which summarized the proposed plan. The Applicant is requesting an amendment to the Site Development Plan to allow the existing buildings to be remodeled to reflect Diamond Shamrock's new corporate image. The City Council held a Concept Review on the proposed plan amendment on November 21, 2000.

Deputy Director of Community Development Standbridge reviewed the property location, the Master Plan use designation, and the Land Use Review Commission's recommendation as outlined in the Staff report. In response to the LURC condition that a wall be erected to screen the electrical distribution equipment, the Applicant has included the screen wall in the proposed plans.

Bob Gustafson, Architect, reviewed details of the site plan amendments which comply with the Company's reimage of its stations. Significant modifications are proposed including landscaping improvements. He responded to comments regarding the condition of the existing station's exterior, and explained that the proposed exterior materials will be much more durable to last longer.

Councilmember Ahrens expressed concern about the need to mitigate icing at the car wash exit during cold weather, and questioned whether there will be sufficient stacking area to accommodate the car wash traffic.

Councilmember Fahrenbruch requested that the legal descriptions be corrected to reflect Broomfield County.

Councilmember Griep commented that he does not think the electrical equipment screen wall is necessary and could be a safety hazard.

Mr. Gustafson stated that during preparation of construction documents, they will propose a striping plan to relocate extra stacking area for the car wash for Staff approval; they will also review options to address the car wash exit icing problem and include mitigation measures with the construction documents.

The public hearing was closed at 8:56 p.m.

Resolution No. 2001-343 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER BROWN SECONDED, THAT RESOLUTION NO. 2001-343 BE ADOPTED, WITH THE CONDITION THAT A NOTE ADDRESSING ISSUES FOR THE CAR WASH REGARDING EXIT ICING AND VEHICLE STACKING AREA BE ADDED TO THE SITE DEVELOPMENT PLAN. THE MOTION CARRIED UNANIMOUSLY WITH

COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (d) Public Hearing - Westbrooke Preserve - PUD Plan/Preliminary Plat, Site Development Plan, Final Plat & Subdivision Agreement – Located at the Southeast Corner of W. 152nd Avenue & Huron Street:

Resolution No. 2001-336 Approving Westbrooke Preserve Filing No. 1 PUD Plan/Preliminary Plat, Site Development Plan and Final Plat, Authorizing the Subdivision Agreement Therefor and the Allocation of Building Permits for New Residential Construction for Westbrooke Preserve Filing No. 1

(Refer to M-2001-706)

Mayor Stuart opened the public hearing at 8:58 p.m. on a proposed PUD Plan / Preliminary Plat, Site Development Plan, Final Plat, and subdivision agreement for the Westbrooke Preserve Subdivision. The application was submitted by Suburban Homes, Inc. on behalf of the property owner, The Rothman Group.

City Manager DiCiero reviewed Memorandum No. 2001-706 which summarized the plans for construction of 35 single-family homes on a 38.8-acre site located at the southeast corner of West 152nd Avenue and Huron Street.

Deputy Director of Community Development Standbridge reviewed the property location, Master Plan use designation, and Land Use Review Commission's recommendation as outlined in the Staff report. The Applicant has revised the plans to meet the Commission's conditions regarding maximum building height of 33 feet and spacing of light poles.

Richard Rothman, representing the Applicant, reviewed details of the proposed plans, noting that the plans are consistent with adjacent neighborhoods. He reviewed the proposed minimum square footages for the lots and the houses. No single model will be repeated within the subdivision. In response to Council's question regarding lack of a trail system through the area, Mr. Rothman stated that this will be a small, somewhat isolated large-lot subdivision constructed as a semi-rural neighborhood, and they do not envision a need for trails.

Councilmembers questioned the buffer between the lots along the south property line and the adjacent Westminster property proposed for business park development. Mr. Rothman indicated that the existing natural detention area along the south property line provides a 40-50' width between the property line and the rear lot lines. No additional landscape buffer to be installed by the Developer is proposed, however, the subdivision includes significant landscaping packages for the individual homes. Those houses will be sited 150' from the rear property lines, and it is anticipated that the owners of these higher-price homes will install extensive landscaping to screen the homes.

Council expressed concern that the homeowners may come to Council in the future complaining about the lack of an adequate buffer. They also noted the need for adequate disclosure to future homeowners regarding intended use of the adjacent property.

In response to Council concerns, Mr. Rothman expressed the Applicant's commitment to work with Staff to look at additional landscaping to adequately buffer the south property line.

The public hearing was closed at 9:20 p.m.

Resolution No. 2001-336 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-336 BE ADOPTED, WITH THE CONDITION THAT A NOTE BE ADDED TO THE SITE DEVELOPMENT PLAN INDICATING THAT THE DEVELOPER WORK WITH STAFF TO PROVIDE APPROPRIATE BUFFERING ALONG THE SOUTH PROPERTY LINE.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, AND STOVALL.

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS AND JOHNSON.

THE MOTION PASSED ON A VOTE OF 7 TO 2.

- (e) Public Hearing - Ordinance No. 1660 Establishing a Vested Property Right for the Final Plat for Spruce Meadows Filing No. 1 - Second Reading
(Refer to M-2001-709)

Mayor Stuart opened the public hearing at 9:21 p.m. on a proposed ordinance that would grant vested rights for the Spruce Meadows Filing No. 1 Subdivision.

City Manager DiCiero reviewed Memorandum No. 2001-709 which summarized details regarding the proposed Ordinance. The Spruce Meadows Subdivision consists of 173.57 acres located between Zuni Street and Federal Boulevard, and between 150th Avenue and West 160th Avenue. A subdivision plat for the property was approved by City Council in October, 2001, as a part of the Zuni West annexation. The Spruce Meadows plan is for 73 large residential lots in an equestrian-oriented community. The owners of the property have requested that the City grant vested development rights for the subdivision for a three-year period. Proposed Ordinance No. 1660 would grant the vested development rights.

Michael Richardson, representing the Developer, stated that at Council's request, they met with the adjacent neighborhood group to discuss concerns regarding the proposed Spruce Meadows development including paving of 152nd Street, traffic impacts, equestrian uses along ditch right-of-way, connection of Federal Boulevard, drainage issues, oil and gas well issues and others. The Developer indicated they would discuss the issues with Staff and then meet again with the neighbors. It is the Developer's understanding that the approved Final Plat constitutes the site specific development plan, and therefore, he requests consideration of the vested rights request.

City Attorney Howard discussed the State Statute provisions regarding vested property rights and indicated that the Developer is eligible for vested rights for up to three years. The vesting gives assurance that the development can proceed under the approved plan.

Mayor Stuart noted that neighborhood issues regarding the proposed development are not tied to this request for vested rights.

Joe Marr and Robert Steinborn discussed the neighborhood issues regarding 152nd Street and Federal Boulevard and requested that the vested rights request be rejected until the Developer agrees to changes proposed by the neighborhood.

Deputy Director of Community Development Standbridge indicated that there was no clear cut direction regarding traffic issues as a result of the neighborhood meeting. Staff is prepared to require the Developer to meet every commitment which has been made so far. The additional neighborhood issues will require more in-depth review.

In response to Councilmember questions regarding clarification of the vested rights process, Mr. Richardson explained that the Developer is requesting the vested rights for financing purposes as assurance that the property can be developed per the approved plan. City Attorney Howard stated that in the past, Council has granted vested rights by agreement for longer periods of time. The proposed Ordinance formalizes the 3-year vesting rights under the State Statutes. Most developers don't wish to go through the ordinance vesting rights process and rely on the resolution approval.

Councilmember Stovall noted that the Final Plat was approved and the property annexed. The other issues are not relative to this ordinance.

The public hearing was closed at 10:00 p.m.

Ordinance No. 1660 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT ORDINANCE NO. 1660 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BROWN, ERICKSON, JOHNSON, AND STOVALL.

THOSE VOTING NO WERE: COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, AND GRIEP.

THE VOTE ON THE MOTION WAS 5 TO 4. AN ORDINANCE REQUIRES 6 VOTES TO PASS, THEREFORE, THE MOTION TO ADOPT FAILED.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BROWN SECONDED, THAT ORDINANCE NO. 1660 BE RECONSIDERED.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BROWN, BUZEK, ERICKSON, GRIEP, JOHNSON, AND STOVALL.

THOSE VOTING NO WERE: COUNCILMEMBERS BRUNNER AND FAHRENBRUCH.

THE MOTION PASSED ON A VOTE OF 7 TO 2.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BROWN SECONDED, THAT ORDINANCE NO. 1660 BE POSTPONED TO JANUARY 22, 2002.

DISCUSSION:

In response to Councilmember Stovall's question regarding the intent of postponing the Ordinance, Councilmember Griep indicated that it would give the Developer and adjacent property owners additional time to discuss the issues.

City Attorney Howard indicated that he will prepare a memo to Council to clarify the vested rights issue.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL.

THOSE VOTING NO WERE: COUNCILMEMBERS BROWN AND BRUNNER.

THE MOTION PASSED ON A VOTE OF 7 TO 2.

- (f) Public Hearing - Ordinance No. 1659 Establishing a Vested Property Right for the Weld County Site Specific Development Plan and Use by Special Review Permit No. 1312 for the Trostel Property - Second Reading
(Refer to M-2001-710)

Mayor Stuart opened the public hearing at 10:25 p.m. on a proposed ordinance which would grant vested development rights to a 6.75 acre parcel that is part of the Trostel / FRICO annexation.

City Manager DiCiero reviewed Memorandum No. 2001-710 which summarized details regarding the proposed Ordinance. Weld County approved vested rights for the property for a period of three years. This request, if granted, would have the effect of extending the vested property rights by approximately eight months. Proposed Ordinance No. 1659 would grant the requested vested property right.

City Attorney Howard advised that vested rights do carry over from one jurisdiction to another.

Leslie Adams, property owner, explained that the property was annexed to Broomfield November 13, 2001. The vested rights will provide assurance that she can continue with the development in conformance with plans approved by Weld County.

Councilmember Fahrenbruch stated that she had not supported the annexation and will not vote in favor of this Ordinance.

The public hearing was closed at 10:29 p.m.

Ordinance No. 1659 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BROWN SECONDED, THAT ORDINANCE NO. 1659 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, GRIEP, AND STOVALL

THOSE VOTING NO WERE: COUNCILMEMBERS FAHRENBRUCH AND JOHNSON

THE MOTION PASSED ON A VOTE OF 7 TO 2.

- (g) Public Hearing - Ordinance No. 1656 Repealing and Reenacting Chapter 3-04 of the Broomfield Municipal Code Regarding Sales Tax, Amending Section 3-10-010 of the Broomfield Municipal Code Relating to the Creation of the Sales and Use Tax Capital Improvements Fund, and Amending Subsection (B) of Section 3-08-030 of the Broomfield Municipal Code Relating to the Rate of Use Tax - Second Reading (Refer to M-2001-688)

Mayor Stuart opened the public hearing at 10:35 p.m. on a proposed ordinance that would amend the Broomfield Municipal Code provisions regarding sales and use taxes.

City Manager DiCiero reviewed Memorandum No. 2001-688 which summarized details regarding the proposed Ordinance. Historically, Broomfield's sales taxes have been collected by the State. The constitutional amendment creating the City and County of Broomfield grants Broomfield the right to collect its own sales tax. Council previously authorized Staff to plan for the collection of Broomfield's sales taxes beginning January 1, 2002. At the November 6, 2001 Municipal Election, voters approved a unified county tax of 0.4 percent, to be collected throughout all areas of the City and County of Broomfield. Beginning January 1, 2002, the City and County sales tax will be collected throughout Broomfield as a combined rate of 4.15%. To simplify and more clearly define the collection and uses of Broomfield's sales and use taxes, revisions to Chapter 3-04 of the Code are recommended. Proposed Ordinance No. 1656 would: (1) Delete the current \$5.00 annual sales tax license fee. Sales tax licenses will be issued on a permanent basis at no cost; (2) A vendor or service fee would be allowed in the amount of 3%. This 3% or \$200 vendor or service fee is in line with fees charged by other municipalities and will return approximately \$500,000 to Broomfield's businesses.

Councilmember Ahrens asked how this Ordinance relates to the business license ordinance under consideration. Revenue Manager Huber explained that this Ordinance will not change the requirement that businesses which sell at retail need to be licensed. It will eliminate the license fee, but will also establish a penalty charge of \$50 if the business fails to comply. If an ordinance requiring all businesses to be licensed is passed in the future, the businesses with current sales tax licenses would automatically receive the business license.

In response to Councilmember questions regarding consideration of a repeal of the local sales tax on groceries, Finance Director Demko explained that Staff is looking into a consumer use tax approach under which the City use tax would apply to a wider variety of items. City Manager Di Ciero noted that the typical supermarket generates about \$800,000/year in local sales tax.

The public hearing was closed at 10:43 p.m.

Ordinance No. 1656 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1656 BE ADOPTED, AS AMENDED, ON

SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (h) Public Hearing - Ordinance No. 1657 Adding Chapter 5-02, Business Licenses, to the Broomfield Municipal Code - Second Reading
(Refer to M-2001-689)

Mayor Stuart opened the public hearing at 10:44 p.m. on proposed Ordinance No. 1657 regarding possible business licenses and advised that Staff has recommended that the public hearing be continued to January 22nd. This will provide time for Staff to respond to questions raised when the proposed Ordinance was considered on First Reading.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT THE PUBLIC HEARING BE CONTINUED TO JANUARY 22, 2002. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (i) Public Hearing - Water & Sewer Charges:

Ordinance No. 1649 Amending Chapter 13-02, Water Licenses, and Chapter 13-08, Sewer Licenses, of the Broomfield Municipal Code - Second Reading

Ordinance No. 1650 Amending Certain Sections of Chapter 13-12, Water and Sewer Service Charges of the Broomfield Municipal Code – Second Reading
(Refer to M-2001-723)

Mayor Stuart opened the public hearing at 10:44 p.m. on proposed ordinances regarding water and sewer license fees and monthly water and sewer service charges.

City Manager DiCiero reviewed Memorandum No. 2001-723 which summarized the proposed ordinances which are 2002 budget implementing measures for the water, sewer, and water reclamation funds. Per the proposed ordinances: 1) Water license fees would be increased for a ¾-inch residential water tap from \$16,275 to \$17,090; 2) Sewer license fees would increase from \$4,800 to \$5,760 for a ¾-inch residential sewer tap; and 3) Water and sewer license fees are one-time charges paid when new connections are made to the water system and the sewer system; the monthly water and sewer service charges would be increased by 2 percent. The primary reasons for these changes include increases in the cost of raw water, expenses of expansion of the water treatment and wastewater treatment plants; and a \$3.12 increase for unfunded mandates.

Finance Director Demko, Public Works Director Brown, and Wastewater Superintendent Wayne Ramey presented details regarding the rate increases and the system upgrade and operational uses of the additional revenues.

The public hearing was closed at 11:03 p.m.

Ordinance No. 1649 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BROWN SECONDED, THAT ORDINANCE NO. 1649 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

Ordinance No. 1650 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT ORDINANCE NO. 1650 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (j) Public Hearing - Ordinance No. 1652 Repealing and Reenacting Chapter 2-48 of the Broomfield Municipal Code to Establish Emergency Management Authority and Amending Section 8-40-010 of the Broomfield Municipal Code Relating to Designation of Emergency Response Authority - Second Reading
(Refer to M-2001-694)

Mayor Stuart opened the public hearing at 11:04 p.m. on a proposed ordinance which would create an Emergency Management Agency for the City and County of Broomfield.

City Manager DiCiero reviewed Memorandum No. 2001-694 which summarized the proposed ordinance. The Colorado Disaster Emergency Act requires that counties create or participate in

establishing local disaster agencies to address disasters in their jurisdictions. Proposed Ordinance No. 1652 would establish the City and County of Broomfield Emergency Management Unit as a function of the Police Department. The Ordinance authorizes the City Manager to declare a local disaster subject to a renewal of the declaration within 7 days by the City Council. Discontinuation of the declaration of a disaster by the City Council could occur at any time. The Ordinance also addresses issues of public notification and the dissemination of information regarding disasters.

The public hearing was closed at 11:06 p.m.

Ordinance No. 1652 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1652 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

(k) Public Hearing - Licensing Ambulance Services:

Ordinance No. 1653 Amending Title 5, Business Taxes, Licenses and Regulations, by Adding a New Chapter 5-40, Ambulance Services - Second Reading

Ordinance No. 1654 Amending Title 2, Administration and Personnel, of the Broomfield Municipal Code by Adding a New Chapter 2-74, Local Licensing Authority Additional Duties - Second Reading

(Refer to M-2001-693)

Mayor Stuart opened the public hearing at 11:07 p.m. on proposed Ordinances No. 1653 and No. 1654, which would approve licensing requirements for ambulance services operating in Broomfield and would expand the authority of Broomfield's Local Licensing Authority.

City Manager Di Ciero reviewed Memorandum No. 2001-693 which summarized the proposed ordinances. The Colorado Emergency Medical and Trauma Services Act requires that persons or agencies operating public or private ambulance services must be licensed by the county in which the service is based. Proposed Ordinance No. 1653 delegates authority to issue the licenses to the Chief of Police. Under the provisions of proposed Ordinance No. 1654, the Local Licensing Authority would be authorized to conduct public hearings on any suspension or revocation of licenses or permits issued under this ordinance. This proposed ordinance would also grant the Local Licensing Authority the authority to hear and decide any other matters delegated to it by the Council. It is anticipated that, in addition to the duties delegated to the Authority in proposed Ordinance No. 1654, the Authority will decide issues regarding restaurant and food licensing suspensions and revocations.

The public hearing was closed at 11:09 p.m.

Ordinance No. 1653 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT ORDINANCE NO. 1653 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN,

BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

Ordinance No. 1654 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1654 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (I) Public Hearing Acquisition of Oil & Gas Leases from Merit Energy Company & Patina Oil & Gas Corporation on Reservoir Site at Southeast Corner of Highway 52 & County Line Road:

Ordinance No. 1655 Determining the Necessity of and Authorizing the Acquisition of Minerals and Mineral Interests on City-Owned Real Property in Weld County - Second Reading

(Refer to M-2001-703)

Mayor Stuart opened the public hearing at 11:10 p.m. on a proposed ordinance that would authorize the acquisition of oil and gas leases located on city/county owned property in Weld County.

City Manager DiCiero reviewed Memorandum No. 2001-703 which summarized details regarding the proposed ordinance. Broomfield is increasing the capacity of its water treatment facility from 8 mgd to 20 mgd. The water delivery capacity of the pipeline from Carter Lake to Broomfield is being expanded in two ways: first, by constructing pump stations along the 33 mile line; and secondly, by building several small water storage reservoirs. A reservoir site located at the southeast corner of State Highway 52 and Weld County Line Road was acquired in April, 2000, along with associated water rights for the property. Two or three small reservoirs will be constructed on the site. All of the mineral rights, with the exception of two oil and gas leases, were purchased with the property. It is necessary that Broomfield acquire these leases before construction of the water reservoirs begins. Proposed Ordinance No. 1655 would authorize the City and County to acquire the two leases by negotiation or, if necessary, by condemnation.

Deputy Public Works Director Bartleson advised that the wells are currently in operation, and one of the four is a good producer. The current operators would be expected to plug the wells and do the clean-up work. The purchase will be brought back to Council when a price is negotiated.

The public hearing was closed at 11:13 p.m.

Ordinance No. 1655 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT ORDINANCE NO. 1655 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

(m) Resolution No. 2001-362 Authorizing an Intergovernmental Agreement with Tri-County Health Department for Transitional Health Services

(Refer to M-2001-692)

Mayor Stuart introduced draft Resolution No. 2001-362 which would authorize an intergovernmental agreement with the Tri-County Health Department for transitional health services.

City Manager DiCiero reviewed Memorandum No. 2001-362 which summarized the proposed intergovernmental agreement providing that the Tri-County Health Department will continue to provide certain public health services to Broomfield citizens living in the former Adams County portion of Broomfield until March 31, 2002. A similar agreement with Boulder County Health Department was approved by Council in November, 2001.

Resolution No. 2001-362 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT RESOLUTION NO. 2001-362 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

(n) Public Hearing - Ordinance No. 1658 Amending Certain Sections of Chapter 17-38, Planned Unit Development, of the Broomfield Municipal Code by Providing for the Recording of PUD Plan and Site Development Plans - Second Reading

(Refer to M-2001-715)

Mayor Stuart opened the public hearing at 11:15 p.m. on a proposed ordinance that would amend the Municipal Code's provisions regarding the recording of PUD plans and site development plans.

City Manger DiCiero reviewed Memorandum No. 2001-715 which summarized details regarding the proposed ordinance. Several years ago, Broomfield was notified by the Boulder County Clerk and Recorder that Boulder County would no longer record 2' x 3' development plan mylars because of space limitations in the Boulder County Clerk and Recorder's office. As a result, the City Council adopted an ordinance that provided for the recording of the resolutions approving the various development plans. Now that Broomfield has its own Clerk and Recorder, the practice of recording development plans can be reestablished, as proposed by Ordinance No. 1658.

Assistant City Manager Ozaki advised that the plans will be scanned and stored electronically for access.

The public hearing was closed at 11:22 p.m.

Ordinance No. 1658 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1658 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (o) Resolution No. 2001-361 Authorizing an Intergovernmental Agreement with the Colorado Department of Health and Environment Regarding Emergency Mutual Aid and Assistance
(Refer to M-2001-691)

Mayor Stuart introduced draft Resolution No. 2001-361 which would authorize an intergovernmental agreement with the Colorado Board of Health and Environment for the purpose of providing statewide mutual aid and assistance in the event of a disaster or other emergency incident.

City Manager DiCiero reviewed Memorandum No. 2001-691 which summarized the proposed intergovernmental agreement. Under regulations adopted by the Colorado Board of Health in May 2001, all State health departments must sign a Mutual Aid and Assistance Agreement by December 31, 2001. The agreement provides that local health departments share, when available, personnel, equipment, and other resources during a declared disaster, emergency epidemic, or bioterrorism event. Draft Resolution No. 2001-361 would authorize a Mutual Aid and Assistance Agreement with the State.

Resolution No. 2001-361 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BROWN SECONDED, THAT RESOLUTION NO. 2001-361 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (p) City Council Appointments - Boards and Commissions
(Refer to M-2001-698)

Mayor Stuart introduced consideration of appointments to the City's Boards and Commissions. She advised that Council has Memorandum No. 2001-698 which lists the appointments to be made and provides background information regarding each of the positions. City Council interviewed applicants for the various positions on December 10, 2001. More applications were received for each appointment than there were positions to be filled.

After balloting, City Council made the following appointments:

Land Use Review Commission

Gary Brosz and Robert Davis were appointed to 4-year terms expiring December 31, 2005; Bob Brooks was appointed to a 2-year term expiring December 31, 2003; Chris Huffer was appointed to a 1-year term expiring December 31, 2002; and Yvette Francis was appointed as the Alternate for a 1-year term expiring December 31, 2002.

Zoning Board of Adjustment

Bennett Sigmond was appointed to a 3-year term expiring December 31, 2004; and Janice Kelly was appointed as the Alternate member for a 1-year term expiring December 31, 2002.

Building & Construction Review Board

Elmer Fahrenbruch and Rick Tasset were appointed to 3-year terms expiring December 31, 2004; and Jon Tucker was appointed as the Alternate for a 1-year term expiring December 31, 2002.

Library Board

Betty Calvin and Esther Worker were appointed to 3-year terms expiring December 31, 2004; Sandy Ray was appointed to a 2-year term expiring December 31, 2003; and Robert Juszynski was appointed to a 1-year term expiring December 31, 2002.

Personnel Merit Commission

Jill Nelson was appointed to a 3-year term expiring December 31, 2004; and Terri Coburn was appointed as the Alternate for a 1-year term expiring December 31, 2002.

Local Licensing Authority

David Beacom was appointed as the Resident Alternate member for a 1-year term expiring December 31, 2002.

Open Space and Trails Advisory Committee

Pascale Fried and Dan Wilkie were appointed to 4-year terms expiring December 31, 2005.

Parks and Recreation Advisory Committee

John Frisbie and Carolyn Johnson were appointed to 4-year terms expiring December 31, 2005.

Cemetery Committee

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED, TO APPOINT LAWRENCE BURT, ROBERT DAVENPORT, ANNE CROUSE, AND DEAN CALVIN FOR 4-YEAR TERMS EXPIRING DECEMBER 31, 2005; AND BARBARA TAYLOR FOR A 2-YEAR TERM EXPIRING DECEMBER 31, 2003, BY ACCLAMATION. THE MOTION CARRIED

UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

Cultural Council

Paula Fisher and James Morgan were appointed to 3-year terms expiring December 31, 2004.

Broadlands Golf Course Advisory Board

Lynice (Lynn) Jeffers was appointed for an undetermined term.

Public Health Advisory Committee

Jan Hamilton and Kathy Delavan Plomer were appointed to terms expiring December 31, 2003.

Board of Equalization

Council directed that additional recruitment is needed, with interviews and appointments to occur sometime in 2002.

(q) Purchase of Colorado-Big Thompson Water Units & Transfer of the Church Ditch Augmentation Station:

Resolution No. 2001-359 Approving the Assignment and Acceptance of an Agreement Dated May 17, 2000 As Amended on October 31, 2001 Between the Coors Brewing Company and the Town of Erie Conveying 200 Colorado-Big Thompson Water Units to the City and County of Broomfield

Resolution No. 2001-364 Authorizing the Purchase of 200 Colorado-Big Thompson Water Units and Declaring the Intent of the City and County of Broomfield to Reimburse Original Expenditures from the Proceeds of Obligations

Ordinance No. 1624 Authorizing the Conveyance of City-Owned Real Property to Coors Brewing Company - First Reading

(Refer to M-2001-704)

Mayor Stuart introduced two draft resolutions and a proposed ordinance, on First Reading, that would authorize the purchase of Colorado-Big Thompson water and convey Broomfield's augmentation station near Clear Creek to the Coors Brewing Company.

City Manager DiCiero reviewed Memorandum No. 2001-704 which summarized details regarding the proposed actions. Broomfield has the opportunity to purchase 200 additional Colorado-Big Thompson (CBT) water units that are owned by the Coors Brewing Company and are currently being leased to the Town of Erie. The lease agreement between Coors and the Town of Erie will expire in 2005 and grants Erie the use of the water at an annual cost of \$10,000. The lease agreement can be terminated at the discretion of Coors. Broomfield does not currently need this Colorado-Big Thompson water and will continue leasing the water to the Town of Erie under the terms of the lease agreement. Broomfield owns an augmentation station on the Church Ditch, near Clear Creek, that is no longer needed by Broomfield since our water rights in Clear Creek were sold as part of the Great Western Reservoir Replacement Project. Coors needs an additional augmentation station on Clear Creek and has offered to sell the CBT water to Broomfield for \$2,250,000 and conveyance of the augmentation station. The unit cost for this

water is consistent with the existing market price and is the same as Broomfield paid for its last purchase of CBT water. The augmentation station was constructed in 1985 for a cost of \$13,165 and Broomfield will take a deduction of \$75,000 in the cost of the contract in return for the augmentation station. Resolution No. 2001-364 contains the necessary actions for the purchase of 200 Colorado-Big Thompson water units. Proposed Ordinance No. 1624 contains the actions necessary to convey the augmentation station to the Coors Brewing Company.

Resolution No. 2001-359 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT RESOLUTION NO. 2001-359 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

Resolution No. 2001-364 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-364 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

Ordinance No. 1624 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1624 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., JANUARY 8, 2002, IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR JANUARY 8, 2002, FOLLOWING THE PUBLIC HEARING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

(r) Agreements with Northern Colorado Water Conservancy District:

Resolution No. 2001-367 Approving a Novation Agreement By and Between the City and County of Broomfield; the Northern Colorado Water Conservancy District; and the Northern Colorado Water Conservancy District, Acting By and Through Its Southern Water Supply Project Water Activity Enterprise

Resolution No. 2001-329 Approving a Novation Agreement By and Between the City and County of Broomfield; the Municipal Subdistrict, Northern Colorado Water Conservancy District; and the Municipal Subdistrict, Northern Colorado Water Conservancy District, Acting By and Through Its Windy Gap Firming Project Water Activity Enterprise

(Refer to M-2001-696)

Mayor Stuart introduced draft resolutions which would authorize novation agreements with the Northern Colorado Water Conservancy District and the Municipal Subdistrict for Broomfield's existing water contracts and agreements with the District and Subdistrict.

City Manager DiCiero reviewed Memorandum No. 2001-696 which summarized the two proposed resolutions authorizing novation agreements recognizing the City and County of Broomfield as the legal successor to the City of Broomfield with respect to all contracts and agreements among the parties.

Resolution No. 2001-367 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-367 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

Resolution No. 2001-329 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-329 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

- (s) Resolution No. 2001-93 Authorizing an Intergovernmental Agreement with the Colorado Department of Public Health and Environment for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)

(Refer to M-2001-722)

Mayor Stuart introduced draft Resolution No. 2001-93 which would authorize an intergovernmental agreement with the Colorado Board of Department of Public Health and Environment regarding the Supplemental Nutrition Program for Women, Infants, and Children (WIC).

City Manager DiCiero reviewed Memorandum No. 2001-722 which summarized the proposed intergovernmental agreement. Funding for the Federal Supplemental Nutrition Program for Women, Infants, and Children, commonly referred to as the WIC Program, is from the U.S. Department of Agriculture and, in Colorado, is delivered to counties by the State. Draft Resolution No. 2001-93 would authorize an intergovernmental agreement with the Colorado Department of Public Health and Environment regarding funding for the WIC Program.

Resolution No. 2001-93 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT RESOLUTION NO. 2001-93 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN,

BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND
STOVALL VOTING AYE.

CONSENT AGENDA

Agenda Items 6(b) and 6(j) were removed from the Agenda. The remaining Consent Agenda items were read by title. Item 6(m) was removed from the Consent Agenda.

- (a) Approval of Minutes - Regular Meeting of November 13, 2001
Approval of Minutes - Adjourned Regular Meeting of November 20, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of November 13, 2001; and for approval of the Minutes of the Adjourned Regular Meeting of November 20, 2001.

- (b) Resolution No. 2001-355 Accepting Certain Public Improvements Associated with MidCities Metropolitan District No. 1
(Refer to M-2001-713)

This item was removed from the Agenda.

- (c) Resolution No. 2001-356 Accepting Certain Public Improvements Associated with The Broadlands Filing No. 9
(Refer to M-2001-717)

The recommendation was that Resolution No. 2001-356 be adopted.

- (d) Resolution No. 2001-357 Accepting Certain Public Improvements Associated with The Broadlands Filing No. 6
(Refer to M-2001-718)

The recommendation was that Resolution No. 2001-357 be adopted.

- (e) Resolution No. 2001-350 Accepting Certain Public Improvements Associated with The Broadlands Filing No. 4, Phase 2
(Refer to M-2001-719)

The recommendation was that Resolution No. 2001-350 be adopted.

- (f) Resolution No. 2001-358 Accepting Certain Public Improvements Associated with The Broadlands Filing No. 1
(Refer to M-2001-720)

The recommendation was that Resolution No. 2001-358 be adopted.

- (g) Resolution No. 2001-354 Accepting Certain Public Improvements Associated with Willow Run Filing No. 5 Phases 5 & 6, Filing No. 3
(Refer to M-2001-714)

The recommendation was that Resolution No. 2001-354 be adopted.

- (h) Resolution No. 2001-351 Accepting Certain Public Improvements Associated with The Broadlands West Filing No. 1, Phase 2
(Refer to M-2001-716)

The recommendation was that Resolution No. 2001-351 be adopted.

- (i) Resolution No. 2001-360 Accepting Certain Public Improvements Associated with McKay Landing Filing No. 1
(Refer to M-2001-721)

The recommendation was that Resolution No. 2001-360 be adopted.

- (j) Ordinance No. 1651 Rezoning Certain Land Within the City of Broomfield from R-1 to City of Broomfield PUD Which Land is Approximately Located North of Emerald Lane and South of State Highway 128 (Emerald Hill - Habitat for Humanity Project) - First Reading
(Refer to M-2001-711)

This item was removed from the Agenda.

- (k) Resolution No. 2001-353 Certifying Levies Upon All Taxable Property Within the City & County of Broomfield
(Refer to M-2001-712)

The recommendation was that Resolution No. 2001-353 be adopted.

- (l) Resolution No. 2001-366 Authorizing Certain City Officials to Sign Draw Requests from the Construction Fund Held by US Bankcorp Established for Public Improvements by the MidCities Metropolitan District No. 2
(Refer to M-2001-701)

The recommendation was that Resolution No. 2001-366 be adopted.

- (m) Resolution No. 2001-365 Approving a Possession and Use Agreement with the Northwest Parkway Public Highway Authority
(Refer to M-2001-700)

This item was removed from the Consent Agenda.

Councilmember Griep asked to be excused from discussion and voting on this item because his company writes the insurance policy for the Northwest Parkway Public Highway Authority.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT COUNCILMEMBER GRIEP BE EXCUSED FROM CONSIDERATION OF CONSENT AGENDA ITEM 6(M). THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, JOHNSON, AND STOVALL, VOTING AYE.

Councilmember Griep left the Meeting room at this time.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2001-365 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, JOHNSON, AND STOVALL, VOTING AYE.

Councilmember Griep returned to the Meeting following this action.

- (n) Purchase & Sale of Real Estate for Right-of-Way for Sheridan Boulevard Improvements - Located Along East Side of Sheridan Boulevard & the South Side of West 136th Avenue:

Resolution No. 2001-363 Authorizing a Purchase Agreement By and Between the City of Broomfield and E & B Miller and Co. for Right-of-Way

(Refer to M-2001-695)

The recommendation was that Resolution No. 2001-363 be adopted.

- (o) Resolution No. 2001-4 Authorizing Agreements for the Purchase and Sale of Conservation Easements for the Varra South Property and the Varra North Property

(Refer to M-2001-724)

The recommendation was that Resolution No. 2001-4 be adopted.

- (p) Resolution No. 2001-341 Authorizing the City and County of Broomfield to Grant an Easement to Xcel Energy for the Transmission of Electricity Across Broomfield Property

(Refer to M-2001-699)

The recommendation was that Resolution No. 2001-341 be adopted.

- (q) Moormeier Real Estate Acquisition - Resolution No. 2001-368 Authorizing a Lease and Option Agreement and a Ground Lease Agreement By and Between the City and County of Broomfield and Wells Fargo Brokerage Services, LLC

(Refer to M-2001-726)

The recommendation was that Resolution No. 2001-368 be adopted.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT AGENDA ITEMS 6(A) THROUGH 6(Q), EXCLUDING AGENDA ITEMS 6(B), 6(J), AND 6(M), BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROWN, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, AND STOVALL VOTING AYE.

COUNCILMEMBER REPORTS

National League of Cities Conference in Atlanta, Georgia - Report - Buzek, Erickson and Stuart

Councilmembers Buzek and Erickson and Mayor Stuart distributed a report on the National League of Cities Conference in Atlanta, Georgia, held December 4-8, 2001.

CITY ATTORNEY'S REPORT

No report was given.

CITY MANAGER'S REPORT

No report was given.

SPECIAL REPORTS

The following Special Reports were distributed to Council:

- (a) Employee Medical Care Expense Plan Financial Report - October 31, 2001
- (b) Alcohol & Drug Abuse Service Area
(Refer to M-2001-690)
- (c) Building Department Report - November, 2001
- (d) Potential Purchase of Colorado-Big Thompson Water Units from the Platte Valley Irrigation Company
(Refer to M-2001-702)
- (e) Update on the Approval of an Agreement for the Purchase and Sale of Real Estate Between the City and County of Broomfield and E & B Miller and Company for Open Lands
(Refer to M-2001-725)

ADJOURNMENT

The City Council meeting was adjourned at 12:15 a.m.

City Clerk

APPROVED:

Mayor