

MINUTES
BROOMFIELD CITY COUNCIL

JUNE 19, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, June 19, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown [Arrived during Agenda Item 2(b)]
Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: None

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
Deputy City Clerk Tricia Kegerreis
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
City Management Associate Tonya Haas
Director of Community Development James Black
Deputy Director of Community Development Kevin Standbridge
Planning Director John Franklin
Principal Planner Arne Carlson
Traffic Engineer Tom Schomer
Civil Engineer Burt Knight
Civil Engineer Wally Abel
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Deputy Chief of Police Joan Cox
Support Services Director Terry Cole
Finance Director Gregory Demko
Director of Information Technology Greg Anderson
Health and Human Services Director Karen Beyé
Assessor Nancy Anders
Clerk and Recorder Russ Ragsdale
Director of Open Space and Trails Kristan Pritz
Public Information Officer Rosann Doran
Community Assistance Center Manager Norma Jones
Community Resources Director Hugh Brown

[NOTE: Following the 6/19/01 Meeting, it was determined that Memorandum Nos. 2001-263 through 2001-274 from items on the 6/5/01 Agenda had been duplicated on Memoranda for the 6/19/01 Agenda. The Minutes reflect the corrected Memorandum Numbers.]

PETITIONS AND COMMUNICATIONS

(a) Introduction of Flatiron Improvement District Executive Director - Joanne Greek
(Refer to M-2001-284)

Community Development Director Black introduced Joanne Greek, the Improvement District Executive Director, who will manage the ZIP shuttle and the transit program in the Flatiron retail area.

(b) 4th of July Events
(Refer to M-2001-277)

Paul Derda, Director of Parks and Recreation, reviewed the upcoming 4th of July activities schedule. Sam Novak and Jerry Heefner, representatives of the Senior Center, officially challenged the City Council to the annual 4th of July Softball game between the Seniors and the City Council.

Councilmember Brown arrived at the meeting.

CITY AND COUNTY TRANSITION

(a) City & County - Advisory Committee Meeting Summaries
(Refer to M-2001-285)

City Manager Di Ciero reported that the Advisory Committee Meeting summaries were attached to Memorandum No. 2001-285.

(b) City & County - HHS Staff Announcements
(Refer to M-2001-287)

Health and Human Services Director Beye introduced new members of the Health and Human Services department: Kirby Stone, Elderly, Disabled & Medical Services Manager; Frank Schoengarth, Self-Sufficiency & Employment Manager; and Debra Oldenettel, Family & Children's Services Manager, were introduced and presented Council with background about themselves.

(c) City & County - Tobacco Master Settlement Agreement
(Refer to M-2001-293)

Health and Human Services Director Beye explained that the Jefferson County Department of Health and Environment has been awarded a contract from the Colorado Department of Public Health and Environment to conduct a comprehensive tobacco prevention / intervention community-generated strategic plan. The funding for this program is from the Tobacco Master Settlement Agreement. Council will be informed as the Tobacco Settlement Program progresses.

(d) City & County - CSU Extension Agent

(Refer to M-2001-288)

Health and Human Services Director Beye introduced JoAnn Powell, Front Range Regional Director with Colorado State University Cooperative Extension. She advised that an extension agent has been approved for Broomfield County and reviewed some of the core areas to be addressed. In answer to Council's questions and comments, Ms. Powell explained there would be Master Gardener programs, support for 4-H programs, and information regarding different types of grasses for this environment.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT STAFF BE DIRECTED TO CONTINUE WORKING WITH THE COLORADO STATE UNIVERSITY COOPERATIVE EXTENSION TO PROVIDE A COUNTY EXTENSION AGENT / OFFICE IN BROOMFIELD. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(e) City / County Facilities Construction - June, 2001

(Refer to M-2001-279)

Deputy Director of Community Development Standbridge reviewed the construction progress of the County building projects.

Councilmember Brown recognized the volunteer participation of John Brennan who recently resigned from the Health and Human Services Committee. It was suggested by various Councilmembers that they review the previous interview packets and appoint and replace the two vacancies on the committee.

Councilmember Stevenson asked if the needs assessment in Public Health should include Human Services. Ms. Beye responded that the State Department of Health recommends that it be related to Health issues only. City Manager Di Ciero reported on the progress of the Board of Health options and noted that the option for the City to have its own Health Department is being favored.

(f) Public Hearing - Ordinance No. 1551 Amending Title 2, Administration and Personnel, of the Broomfield Municipal Code by Adding a New Chapter 2-66, Board of Equalization - Second Reading

(Refer to M-2001-297)

Mayor Berens opened the public hearing at 6:45 p.m. on proposed Ordinance No. 1551 creating a Board of Equalization.

City Manager Di Ciero summarized Memorandum No. 2001-297 noting that State statutes mandate that every county have a Board of Equalization to review the valuations for assessment of all taxable property. He explained that in the proposed ordinance, a hearing officer would actually hear the appeals and make a recommendation to the Board of Equalization for final action. The Board would be composed of two Councilmembers and four citizen members, all with overlapping terms.

The public hearing was closed at 6:47 p.m.

Ordinance No. 1551 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NO. 1551 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CITIZENS' COMMENTS

The Falls at Legend Trails (in the Broadlands) Homeowners Association – Chuck Scheer and Frank Smith

Mr. Scheer (13766 Legend Trail #101) reported there was a problem with the homeowners association charging fees which they felt were unwarranted. Mr. Smith (13729 Legend Trail #102) passed out a packet of information which included a list of concerns and signatures of homeowners not informed of an additional fee for use of the Recreation Center (Rec Center) in Legend Falls. He explained that they were not told of an additional fee, but had been told that the Rec Center use was included. He noted that some of the homeowners would not be able to use the Rec Center because of certain physical limitations; and that at build-out, families from 420 units will be using this 3-lane pool.

Others speaking against the additional fee for the use of the Rec Center were: Hyman Copeland (13749 Legend Trail #102), Scott Hightower, (13772 Legend Trail #101), Bob Stockwell (13776 Legend Trail #102) and Diana Krast (13729 Legend Trail #102).

In order to review this situation, Staff asked that a copy of the budget of the homeowners association and a copy of the covenants and regulations establishing the homeowners association be submitted to Staff.

COUNCIL BUSINESS

- (a) Westlake Townhomes Filing No. 1 - Site Development Plan, Final Plat & Subdivision Agreement - Located North of W. 128th Avenue & East of Lowell Boulevard:

Resolution No. 2001-129 Approving Westlake Townhomes Filing No. 1 Site Development Plan and Final Plat and Authorizing the Subdivision Agreement Therefor
(Refer to M-2001-264)

Mayor Berens opened the public hearing at 7:15 p.m. on a proposed site development plan and final plat for Westlake Townhomes Filing No. 1 on a 5.97 acre site located north of West 128th Avenue and east of Lowell Boulevard which was submitted by RTJ Trust, owner of the property.

City Manager Di Ciero presented the Staff summary of Memorandum No. 2001-264 noting that this proposal is for the construction of 100 single-family attached townhomes on a 5.97 acre site at a density of 16.75 units per acre.

Deputy Director of Community Development Standbridge reviewed the site location and the proposed plan. He reviewed the Land Use Review Commission's recommendation for approval with conditions as outlined in the Staff report.

Dave Wedmore, Carmel Companies, representative for the applicant, informed Council that the north access into the development was closed to traffic and was to be used as an emergency access only. The ditch through the property is now a greenway; all homes have garages; the 2-story homes are set back from the trail, and all 3-story homes are on the west part of the site.

Steve Lane, Kephart Architects, pointed out the features on the elevations noting colors, brick, and roofscapes.

Mr. Wedmore explained that the height variation is being asked for the 3-story homes allowing for a garage on the bottom level. The 2-story homes will be placed nearest the 2-story homes already in Westlake and feels this is a transition to the commercial property to the west. They are working on getting the prairie dogs relocated.

Elliot Sulsky, Felsburg, Holt, and Ullevig, Traffic Engineer, reported on the study done in making traffic projections for 128th Avenue and Lowell Boulevard. They project traffic to increase 10 to 15 percent on 128th Avenue and no increase on Lowell Boulevard. There will be a median stacking area for cars for left-hand turns on to and from 128th Avenue.

Karen Bernardi, Century 21, stated that this development is architecturally good with good floor plans and would be good for first-time homebuyers. The pricing for these townhomes will range from \$145,000 to \$180,000.

Public comments and questions were from the following: Cherie Marvel (3460 Princess Court); Sandy Bristow (12821 S. Princess Circle); Doreen Norman (3420 Princess Court); Jack Reutzel (9145 E. Kenyon Avenue, Denver); Cheryl Fountain (12881 S. Princess Circle); Mary Moore (3481 S. Princess Circle); Kelly Wyatt (3480 Baron Court); Joyce Romero (12921 S. Princess Circle); Marilyn and Cameron Stover (12911 Prince Circle); and Pam Wanek (2251 W. 154th Place).

Public comments and questions were: (1) Need to reevaluate the need for townhomes now since The Broadlands now has townhomes. (2) Rapid growth will take away from the small town atmosphere. (3) Townhomes are proposed in the project to the south. (4) Tall structures would make this feel like a high-rise area. (5) The daycare center is already overcrowded. (6) Concern expressed about water and chemicals run-off. (7) Are pets allowed and where will they go? (8) Are there already pre-sold townhomes? (9) Who will police the emergency exit? (10) Concern expressed about only one entrance/exit into the development. (11) Additional traffic will cause a safety issue. (12) More schools are needed before this project is considered. (13) Will there be enough visitor parking? (14) Petitions will be submitted with signatures of people objecting to the development. (15) Who holds the developer accountable? (16) Comparisons shown of the differences between existing homes and proposed homes. (17) Is the Interchange at 128th and Huron? (18) Where will run-off go? (19) Will there be signage for the pedestrian crosswalk? (20) Concern expressed about overcrowded schools. (21) Concern expressed about the noise coming from construction and the clubhouse. (22) Concern expressed of loss of mountain views and privacy because of the proposed towering homes. (23) The original PUD states 2-story townhomes. (24) How does someone modify the PUD? (25) Can the Open Space Committee look into buying this parcel as open space? (26) Do they have Conoco's permission to knock down the fence? (27) Concern expressed that property values will drop with the building of this development. (28) What materials will be used for the emergency access gate? (29) Suggestion of moving the prairie dogs to open land at 156th and Pecos, and (30) The garages don't look large enough to store things in besides the car.

Response to public comments and questions: (1) The emergency exit will be controlled by a physical device which has been approved by the Fire Department. (2) Enforcement of the Emergency-Use-Only exit will be provided by the Police Department. (3) Pets are allowed, but will not be allowed to be kept outside. (4) No units have been sold, but there has been a high level of interest. (5) Certificate of Occupancy is issued only after all requirements are met by the builder/developer. (6) The proposed drainage area has been reviewed by Staff and is deemed adequate. (7) There will be visible crosswalk signage. (8) Modifications to a PUD such as height deviations are accomplished through the public hearing process. (9) They worked extensively with Conoco. (10) Adams County School District reviewed the plans and had no formal response. (11) The legal requirements for drainage flow is to follow historical runoff. If there is an increase in runoff, the City Engineer can order the developer to correct the problem. (12) Parking will be kept within the project. (13) The emergency access designed in conjunction with the Fire Department will have three bollards, which are removable posts, that will prevent thru-traffic, and (14) The projected number of students coming from this project totals 37 - 18 elementary, 11 middle school, and 8 high school students.

Council questions and comments included: (1) Don't like the height deviation; (2) Don't like the median car stacking for left-hand turns; (3) This plan is much better than past plans; (4) Don't support townhomes on this site; (5) Concern expressed about additional traffic; (6) Can the prairie dogs be relocated as suggested to 156th and Pecos? (7) Thanks given to the young citizens who spoke; (8) Felt this project failed to control the negative impact; (9) Would like to see these homes owner-occupied rather than rentals; (10) Would like to see an area for recycling be put in; (11) There does not seem to be enough designated visitor parking; (12) Like the placement of the garage; (13) Why do the homes have to be 3-story? (14) Would the traffic decrease if the number of units was dropped from 100 to 90? (15) Schools are overcrowded now; (16) This type of housing is needed in Broomfield; (17) Can this go back to the original PUD? (18) What happens if the height deviation is not granted? and (19) Is the growth cap waived?

Response to Council questions and comments by Staff and the Developer included: (1) The land at 156th and Pecos would have to be re-vegetated before wildlife could be moved there. (2) The PUD plan for this property has been in place for at least 30 years. (3) The homes are 3-story to add an attached garage. (4) Traffic would be reduced only 2% if the number of units was dropped from 100 to 90. (5) Since this is a PUD, all plans have to go before Council. (6) Stacking of cars in the median on 128th Avenue will not affect westbound lanes. (7) This development is not exempt from the permit system, but Council may exempt for multi-family. (8) If the height deviation is not granted, there would be no garage attached and more outside parking would have to be added.

Mr. Wedmore requested that this item be continued rather than denied. He would come back with a plan containing 2-story homes.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER JOHNSON SECONDED THAT AN EXECUTIVE SESSION BE HELD TO DISCUSS LEGAL MATTERS.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER STOVALL.

THE MOTION CARRIED 9 TO 1.

Council adjourned to an Executive Session at 10:07 p.m.

Council reconvened the meeting at 10:34 p.m.

The public hearing was closed at 10:35 p.m.

Resolution No. 2001-129 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER GRIEP SECONDED THAT RESOLUTION NO. 2001-129 BE ADOPTED.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER OLSTAD SECONDED, A SUBSTITUTE MOTION THAT THE CITY ATTORNEY BE DIRECTED TO DRAFT FINDINGS FOR DENIAL.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, OLSTAD.

THOSE VOTING NO WERE: COUNCILMEMBERS BROWN, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THE MOTION FAILED 4 TO 6.

ROLL CALL VOTE ON ORIGINAL MOTION TO ADOPT RESOLUTION NO. 2001-129:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, GRIEP, STEVENSON, STOVALL, AND STUART.

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

THE VOTE TIED 5 TO 5. MAYOR BERENS THEN VOTED AYE AND THE MOTION CARRIED 6 TO 5.

(b) Public Hearing - Willow Run Filing No. 6 Site Development Plan, Final Plat and Subdivision Agreement - Motion to Continue
(Refer to M-2001-268)

Mayor Berens stated that next is a request to continue the public hearing for the proposed Willow Run Filing No. 6 to provide for additional time for the developer to finalize plans for this project.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BUZEK SECONDED THAT THE PUBLIC HEARING BE CONTINUED UNTIL THE JULY 10, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(c) Public Hearing - Flatirons Gateway - Motion to Continue:

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-2001-266)

Mayor Berens stated that next is a request to continue the public hearing for the proposed rezoning of Flatirons Gateway located adjacent to Industrial Lane to provide additional time for the Developer and Staff to complete negotiations on the development agreement.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED THAT THE PUBLIC HEARING BE CONTINUED UNTIL THE JULY 10, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(d) Public Hearing - Broomfield Urban Transit Village - Rezoning – Located South of W. 120th Avenue, West of U.S. 36 & East of S.H. 121 – Motion to Continue:

Ordinance No. 1532 Rezoning Certain Land Within the City of Broomfield from Jefferson County I-1 and A-2 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

Ordinance No. 1536 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

(Refer to M-2001-267)

Mayor Berens stated that next is a request to continue the public hearing for the proposed rezoning of the Broomfield Urban Transit Village located adjacent to U.S. 36 to provide additional time for the Developer and Staff to complete negotiations on the development agreement.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED THAT THE PUBLIC HEARING BE CONTINUED UNTIL THE JULY 10, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED

UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (e) Public Hearing - Schmachtenberger - South Enclave - Annexation, Rezoning & Water District Inclusion - Located North of S.H. 128:

Ordinance No. 1556 Annexing to the City of Broomfield, Pursuant to Section 31-12-106(1), C.R.S., an Enclave of 0.87 Acres Located in a Part of the Southwest Quarter of Section 34, Township 1 South, Range 69 West of the Sixth Principal Meridian, Boulder County, to be Known as "The Schmachtenberger Enclave Annexation" – Second Reading

Ordinance No. 1557 Rezoning Certain Land Within the City of Broomfield from Boulder County Agriculture (A-1) to City of Broomfield PUD and Interchange Influence Area, Which Land is Approximately Located North of State Highway 128 – Second Reading

Ordinance No. 1558 Granting Consent by the City of Broomfield to the Inclusion of .86± Acre Located in Section 34, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Northern Colorado Water Conservancy District - Second Reading

Ordinance No. 1559 Granting Consent by the City of Broomfield to the Inclusion of .86± Acre Located in Section 34, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Municipal Subdistrict, Northern Colorado Water Conservancy District – Second Reading

(Refer to M-2001-265)

Mayor Berens opened the public hearing at 10:45 p.m. on a proposed annexation of the Schmachtenberger South Enclave containing 0.87 acres located at the northwest corner of S.H. 128 and Wadsworth Parkway.

Deputy Director of Community Development Standbridge summarized Memorandum No. 2001-265 noting that this is an enclave, and the property is proposed to be rezoned from Boulder County A-1 to City of Broomfield PUD. No PUD Plan is proposed at this time. The property is also proposed to be included in both the Northern Colorado Water Conservancy District and the Municipal Subdistrict.

The public hearing was closed at 10:47 p.m.

Ordinance No. 1556 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED THAT ORDINANCE NO. 1556 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1557 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NO. 1557 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE

MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1558 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED THAT ORDINANCE NO. 1558 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1559 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NO. 1559 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(f) Review of Brunner Farmhouse Improvement Plan Cost Estimates
(Refer to M-2001-280)

Consensus of Council was to defer this item to the July 10, 2001 City Council Meeting.

(g) Main Street & Midway Boulevard Intersection Improvements
(Refer to M-2001-273)

Consensus of Council was to defer this item to the July 10, 2001 City Council Meeting.

(h) Resolution No. 2001-140 Approving an Intergovernmental Agreement Between the City of Broomfield and the Town of Erie, Colorado to Investigate Water- Related Projects of Mutual Interest
(Refer to M-2001-291)

Mayor Berens stated that next was a proposed intergovernmental agreement with the Town of Erie regarding the investigation of water supply projects.

City Manager Di Ciero summarized Memorandum No. 2001-291 noting that Broomfield continues to look at purchase of Colorado Big Thompson raw water units to firm up water supply along with increasing deliveries from Carter Lake and constructing storage facilities. The Town of Erie is working on a similar strategy for their water supply. The proposed IGA would formalize our desire to work cooperatively with the Town of Erie to the extent possible in the three areas of: (1) additional capacity for deliveries of raw water from Carter Lake; (2) the purchase of large blocks of Colorado Big Thompson or CBT units; and (3) the construction of conveyance pipelines from storage facilities along Boulder Creek.

Resolution No. 2001-140 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER BROWN SECONDED THAT RESOLUTION NO. 2001-140 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (i) Consulting Agreement for Environmental Services Related to the Wadsworth Interchange Project & IGAs with CDOT & RTD for Funding:

Resolution No. 2001-136 Authorizing an Agreement with Carter & Burgess, Inc. for Consulting Services Related to the Wadsworth Interchange Project Environmental Documentation

Resolution No. 2001-138 Authorizing an Intergovernmental Agreement with the Regional Transportation District for Environmental Documentation Related to the Wadsworth Interchange Project

Resolution No. 2001-139 Authorizing an Intergovernmental Agreement with the Colorado Department of Transportation for Environmental Documentation Related to the Wadsworth Interchange Project

(Refer to M-2001-276)

Mayor Berens stated that next was a proposed consulting agreement and intergovernmental agreements with RTD and CDOT regarding the Wadsworth Interchange.

City Manager Di Ciero summarized Memorandum No. 2001-276 noting that with the \$1,000,000 allocation of federal funding for environmental work on the Wadsworth Interchange at U.S. 36, the project can begin to move forward. The project includes reconstruction of the interchange and relocation of the Broomfield Park'N'Ride. Prior to construction, environmental documentation is required in conformance with the National Environmental Policy Act. Agreements with three separate entities are required.

Advisor to the City Manager, Tim Holeman noted that this is an important project and the U.S. 36 study will be going on at the same time. The Wadsworth Interchange will have the first rapid transit along U.S. 36.

Resolution No. 2001-136 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BUZEK SECONDED THAT RESOLUTION NO. 2001-136 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Resolution No. 2001-138 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER GRIEP SECONDED THAT RESOLUTION NO. 2001-138 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Resolution No. 2001-139 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BROWN SECONDED THAT RESOLUTION NO. 2001-139 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (j) Resolution No. 2001-133 Approving an Intergovernmental Agreement Between the City of Broomfield, the Regional Transportation District and the Colorado Department of Transportation Concerning the Joint Use of the U.S. 36 Right-of-Way for the Construction and Maintenance of Transit Related Facilities

(Refer to M-2001-271)

Mayor Berens stated that next was a proposed Intergovernmental Agreement with RTD and CDOT regarding the new U.S. 36 pedestrian underpass at Flatirons Marketplace.

City Manager Di Ciero summarized Memorandum No. 2001-271 noting that a new pedestrian underpass has been completed to connect the pedestrian plaza in the Flatiron Marketplace behind Nordstrom's Rack with the future Park'N'Ride north of U.S. 36. Ramps for the regional buses are nearing completion. Since these RTD transit facilities will operate in Broomfield and within Colorado Department of Transportation right-of-way, a 3-way intergovernmental agreement is necessary to outline maintenance and operational responsibilities.

Resolution No. 2001-133 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED THAT RESOLUTION NO. 2001-133 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

- (a) Approval of Minutes - Regular Meeting of June 5, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of June 5, 2001.

- (b) Fuentes Property - Annexation, Rezoning & Water District Inclusion - Located at the Southwest Corner of Interlocken Loop & Interlocken Boulevard:

Resolution No. 2001-131 Finding a Petition for Annexation of a 4.793± Acre Parcel Located in Section 32, T1S, R69W of the 6th P.M., Boulder County, in Substantial Compliance

Ordinance No. 1562 Annexing 4.793± Acres Located in Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado - First Reading

Ordinance No. 1563 Rezoning Certain Land Within the City of Broomfield from Boulder County (A-1) to City of Broomfield PUD and Interchange Influence Area Which Land is Bounded by MidCities PUD to the West, Flatiron Boulevard to the South, Interlocken Boulevard to the North, and Interlocken Loop to the East - First Reading

Ordinance No. 1564 Granting Consent by the City of Broomfield to the Inclusion of 4.793± Acres Located in Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Northern Colorado Water Conservancy District - First Reading

Ordinance No. 1565 Granting Consent by the City of Broomfield to the Inclusion of 4.793± Acres Located in Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Municipal Subdistrict, Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-269)

The recommendation was that Resolution No. 2001-131 be adopted.

It was also recommended that Ordinances No. 1562, No. 1563, No. 1564, and No. 1565 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be scheduled for 6:00 p.m., August 14, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for August 14, 2001, following the public hearing.

(c) Ordinance No. 1567 Amending Certain Sections and Subsections of Chapter 13-16, Temporary Water Permits, of the Broomfield Municipal Code - First Reading

(Refer to M-2001-292)

The recommendation was that Ordinance No. 1567 be adopted on First Reading and ordered published in full; that a public hearing on the Ordinance be scheduled for 6:00 p.m., July 10, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on the Ordinance be scheduled for July 10, 2001, following the public hearing.

(d) Resolution No. 2001-135 Authorizing the Purchase of Up to 372 Colorado-Big Thompson Water Units and Declaring the Intent of the City of Broomfield to Reimburse Original Expenditures from the Proceeds of Obligations

(Refer to M-2001-275)

The recommendation was that Resolution No. 2001-135 be adopted.

(e) Resolution No. 2001-128 Authorizing an Agreement with Ms. Robyn Lippitt for a Revocable Permit to Use, Occupy and Maintain a Tract of City of Broomfield Land in Parcel 6 of Section 24, Township 4 North, Range 65 West of the 6th P.M., Weld County

(Refer to M-2001-263)

The recommendation was that Resolution No. 2001-128 be adopted.

(f) Ordinances Disconnecting 311 Acres of Jefferson County-Owned Land, Conveying City Property to Jefferson County & Partially Releasing a Waterline Easement on the 311 Acres:

Ordinance No. 1550 Disconnecting 311 Acres of Land Owned by Jefferson County from the City of Broomfield and Repealing Ordinance No. 1517 - First Reading

Ordinance No. 1573 Authorizing the Conveyance of City-Owned Real Property to the County of Jefferson, State of Colorado - First Reading

Ordinance No. 1574 Authorizing the Partial Release of a Waterline Easement to the County of Jefferson, State of Colorado - First Reading
(Refer to M-2001-294)

The recommendation was that Ordinances No. 1550, No. 1573, and No. 1574 be adopted on First Reading and ordered published in full; that public hearings on said Ordinances be scheduled for 6:00 p.m., July 10, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Readings on said Ordinances be scheduled for July 10, 2001, following the public hearings.

- (g) Ordinance No. 1576 Amending Title 17, Zoning, of the Broomfield Municipal Code by Adding a New Chapter 17-13, E-3 Estate District - First Reading
(Refer to M-2001-295)

The recommendation was that Ordinance No. 1576 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m. on July 10, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for July 10, 2001, following the public hearing.

- (h) Northwest Parkway Right of Way Transfer:

Ordinance No. 1575 Authorizing the Conveyance of City-Owned Real Property to the County of Boulder - First Reading
(Refer to M-2001-298)

The recommendation was that Ordinance No. 1575 be adopted on First Reading and ordered published in full; and that a public hearing on said Ordinance be scheduled for 6:00 p.m., July 10, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for July 10, 2001, following the public hearing.

- (i) Resolution No. 2001-142 Authorizing a Change Order for Quality Paving Company, Inc. for Westlake Filing No. 5 Street Reconstruction Phase 3
(Refer to M-2001-282)

The recommendation was that Resolution No. 2001-142 be adopted.

- (j) Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway One Mile South of S.H. 128 – Motion to Postpone:

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - Second Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-281)

The recommendation was that Ordinances No. 1526 and No. 1527 be postponed to July 10, 2001.

(k) Resolution No. 2001-132 Livescan Fingerprint System
(Refer to M-2001-270)

In answer to Council questions, Staff reported that there are only two vendors and the Police Department is satisfied with this bid. This is a turnkey system and will interface with CBI.

The recommendation was that Resolution No. 2001-132 be adopted.

(l) Issuance of Sewer & Wastewater Reclamation Revenue Bonds:

Resolution No. 2001-137 Designating the Near Final Official Statement Prepared in Connection with the Issuance of City of Broomfield, Colorado Sewer Activity Enterprise, Sewer and Wastewater Reclamation Revenue Bonds, Series 2001, in the Principal Amount of \$57,550,000, Dated August 15, 2001; and Authorizing the Notice of Sale of Such Bonds

Ordinance No. 1566 Authorizing the Issuance by the City of Broomfield, Colorado Sewer Activity Enterprise of its Sewer and Wastewater Reclamation Revenue Bonds, Series 2001, in the Principal Amount of \$57,500,000, Dated August 15, 2001, for the Purpose of Providing Funds for Sewer and Wastewater Reclamation Improvements; Prescribing the Form of the Bonds; Providing for the Payment of the Principal of and Interest on the Bonds from the Net Revenues of the Sewer Activity Enterprise; Awarding the Bonds to the Purchaser Thereof; and Providing Other Covenants and Details in Connection Therewith - First Reading

(Refer to M-2001-278)

It was recommended that Resolution No. 2001-137 be approved; and that Ordinance No. 1566 be adopted on First Reading and ordered published in full; and that a public hearing on said Ordinance be set for 6:00 p.m., July 24, 2001 in the Council Chambers at the Municipal Building; and that a Second and Final Reading on said Ordinance be scheduled for July 24, 2001, following the public hearing.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER GRIEP SECONDED THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(L) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

No reports were given.

CITY ATTORNEY'S REPORT

No report was given.

CITY MANAGER'S REPORT

No report was given.

SPECIAL REPORTS

- (a) Household Hazardous Waste Collection Day / Spring Cleanup Days Summary
(Refer to M-2001-274)
- (b) Building Department Report - May, 2001
- (c) 144th Avenue and Lowell Boulevard Construction
(Refer to M-2001-290)
- (d) Temporary Closure and Detour of Zuni Street from West 136th Avenue to Quail Creek Drive
(Refer to M-2001-299)
- (e) 2001 Capital Improvement Construction Project Report
- (f) 2001 Election Format
(Refer to M-2001-300)

Councilmember Stuart suggested that there be adequate advertising since the format will be different for this election.

- (g) Report on Northwest Parkway Bond Sale
(Refer to M-2001-286)

ADJOURNMENT

The City Council Meeting was adjourned at 11:12 p.m.

Deputy City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

June 5, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, June 5, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: None

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Principal Planner Arne Carlson
Associate Planner Lynn Merwin
City Engineer Gary Behlen
Civil Engineer Burt Knight
Civil Engineer Wally Abel
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Support Services Director Terry Cole
Finance Director Gregory Demko
Library Director Helen Martin
Director of Open Space and Trails Kristan Pritz
Public Information Officer Rosann Doran
Community Assistance Center Manager Norma Jones
Community Resources Director Hugh Brown

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, and responded to Council questions.

BROOMFIELD CITY COUNCIL MEETING

(b) CIP Annual Slide Show of 2000 CIP Projects

Due to technical problems, the presentation on the 2000 CIP Projects was terminated and will be rescheduled.

(c) Qwest DSL Report Re: Availability of High Speed Internet Access
(Refer to M-2001-273)

Dina Diehl and Chad Hagar were present on behalf of Qwest. Mr. Hagar addressed Council regarding the timing of Qwest's DSL service availability for high speed internet access in Broomfield. He indicated that Qwest plans to install 32 cabinet sites in Broomfield to be in place by the end of September. Additional installations are planned as soon as possible. The goal is to provide service to every home in Broomfield.

Mayor Berens noted the importance of reviewing the visual impacts of each of the cabinets. Mr. Hagar stated that they will do whatever they can to be sure that the cabinets fit into the surrounding area. Other companies will be notified of the locations and will have an opportunity to locate within Qwest's cabinets.

Councilmember Griep requested that a map be provided which will illustrate what areas of Broomfield will be within range of the cabinets to be in service by this Fall.

(d) Broomstock
(Refer to M-2001-260)

Director of Parks & Recreation Derda addressed Council regarding the "Broomstock" free outdoor concert coordinated by Broomfield High students Jon Powers and Zack Clark. The event will be held on Thursday, June 7th, from 1:00 to 10:00 p.m. in the area west of the Community Park Pond. It has been designed as a positive program planned for Broomfield teens to enjoy the end of the school year in a safe and healthy environment.

CITY AND COUNTY TRANSITION

There were no reports.

CITIZENS' COMMENTS

Library Summer Reading Program - Helen Martin

Library Director Martin distributed information and reviewed the schedule for the Library's Summer Reading Program. She acknowledged the program's sponsors.

Mayor Berens requested that a thank you for the program's sponsors be included in the local newspaper.

COUNCIL BUSINESS

(a) Public Hearing – First National Bank of Colorado – Site Development Plan & Revocable Permit – Located West of Interlocken Loop, Between Interlocken Boulevard & West Flatiron Boulevard:

Resolution No. 2001-125 Approving First National Bank of Colorado Site Development Plan, Improvement Agreement and an Agreement By and Between the City of

BROOMFIELD CITY COUNCIL MEETING

Broomfield and the Westcor Company II, LP for a Revocable Permit to Use and Occupy a Tract of Land in Broomfield Interlocken Loop Right-of-Way
(Refer to M-2001-267)

Mayor Berens opened the public hearing at 6:54 p.m. on a proposed Site Development Plan for First National Bank of Colorado. The application has been submitted by The Westcor Company II, LP, the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-267 which summarized the plan. The proposal is for the construction of a First National Bank on a 1.8 acre parcel located west of Interlocken Loop between West Flatiron Boulevard and Interlocken Boulevard. The proposed bank will contain approximately 6,309 s.f. and will provide 6 drive-through lanes.

Deputy Director of Community Development Standbridge reviewed the property's location, the Master Plan Designation, and the Land Use Review Commission's recommendation for approval with no conditions as outlined in the Staff report.

Graham Swett, representing the Applicant, reviewed details of the Site Plan. He noted refinements made following Concept Review which include improvements to the access, trail walkway connections through the site, and building element and material changes to be more compatible with the Flatiron Crossing development.

Councilmember Griep commended the Applicant for the change in roof materials, and asked that more flowering materials be included in the landscaping.

The public hearing was closed at 7:07 p.m.

Resolution No. 2001-125 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-125 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(b) Public Hearing – Ordinance No. 1549 Amending the Broomfield Municipal Code by Adding a New Chapter 13-32, Reclaimed Wastewater, To Title 13, Public Services, Which Establishes Policies Allocating Reclaimed Wastewater for Beneficial Use by the General Public, Mandating the Need for Regulatory Compliance Providing for Reclaimed Wastewater Connection Fees and Service Charges – Second Reading
(Refer to M-2001-259)

Mayor Berens opened the public hearing at 7:08 p.m. on a proposed Ordinance amending the Municipal Code provisions related to wastewater reclamation.

City Manager Di Ciero reviewed Memorandum No. 2001-259 which summarized the proposed provisions. The City began planning a water reclamation or "reuse" system in 1994. By treating and reusing a portion of the City's wastewater for irrigation, more of the City's treated water is available for drinking water needs. Design of the reuse system is nearly complete and construction needs to begin this fall to have the system operational by December 31, 2003. The financing of the project was made possible initially by Interlocken's commitment to pre-purchase 1,467 acre-feet of reuse water for more than \$15 million. In order to implement the reuse system, 2 issues must be addressed: 1) Prior to arranging tax-exempt bond financing for the

BROOMFIELD CITY COUNCIL MEETING

project, it is necessary to adopt uniform policies on the fees, costs, and allocation of wastewater within the City; and 2) Broomfield must comply with the regulations of the Colorado Water Quality Control Commission which govern the use of Reclaimed Domestic Wastewater.

The proposed Ordinance adopts the required policies and sets uniform fees for reuse water licenses and the use of the reclaimed water. In addition, the Ordinance requires both the City and the users or applicators of the reuse water to comply with State regulations and provides for the termination of service in the event of a violation.

Deputy Director of Public Works Bartleson advised that the State standards are comparable to, and actually a little less extensive than the quality that the City would expect. He explained the differences in the City's single use BTC water rights versus Windy Gap water which can be reused.

Finance Director Demko and Bond Counsel Ed Walsh discussed the financing structure for the reuse system which is based on the City's water system rate structure. The reuse system rates will be 50% of the water system rates. In response to Council questions, Staff explained that if needed, the reuse fee ratio could be increased in the future through restructuring of the financing.

The public hearing was closed at 7:25 p.m.

Ordinance No. 1549 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1549 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(c) Public Hearing - Parkway Circle Final Plat and Subdivision Improvement Agreement - Motion to Continue

(Refer to M-2001-266)

Mayor Berens advised that Staff has requested that the public hearing for the proposed Parkway Circle project, located on the east side of Storage Tek Drive to the north of U.S. 36 be continued. The Developer and Staff require additional time to complete negotiations on the development agreement. Staff recommends that the public hearing be continued to the July 24, 2001 Meeting.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE PUBLIC HEARING BE CONTINUED TO THE JULY 24, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

BROOMFIELD CITY COUNCIL MEETING

(d) Public Hearing – Ordinance No. 1555 Determining the Necessity of and Authorizing the Acquisition of Certain Real Property for Street Rights-of-Way and Temporary Construction Easements Either by Negotiation or by Condemnation for the Main Street Improvements Project – Second Reading

(Refer to M-2001-270)

Mayor Berens opened the public hearing at 7:27 p.m. on a proposed Ordinance authorizing the acquisition of certain real property for Main Street improvements.

City Manager Di Ciero reviewed Memorandum No. 2001-270 which summarized the background. The City is currently improving Main Street south of West 120th Avenue. Property along the west side of Main Street owned by Turnpike Construction Company is needed for the proposed roadway widening. The property owned by Turnpike Construction Company is shown on Attachment 1. As outlined in the letter included as Attachment 2, the Owner does not want to sell or dedicate the land to the City for the roadway. As a Home Rule municipality, the City may exercise its authority to acquire right-of-way and easements through negotiations and condemnation, if necessary. The landowner must be paid a fair market price for any property or easement acquired by the City. The proposed Ordinance would authorize the City to acquire rights-of-way and temporary construction easements for the Main Street improvements.

City Attorney Howard advised that Staff will continue to negotiate with the Property Owners to determine if the property can be acquired without litigation.

The public hearing was closed at 7:33 p.m.

Ordinance No. 1555 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1555 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(e) Public Hearing - Flatirons Gateway - Motion to Continue:

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-2001-265)

Mayor Berens advised that Staff has requested that the public hearing for the proposed rezoning of Flatirons Gateway, located adjacent to Industrial Lane, be continued. The

BROOMFIELD CITY COUNCIL MEETING

Developer and Staff require additional time to complete negotiations on the development agreement. Staff recommends that the public hearing be continued to the June 19, 2001 Meeting.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT THE PUBLIC HEARING FOR FLATIRONS GATEWAY FILING NO. 1 BE CONTINUED TO THE JUNE 19, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - Aspen Creek Filing No. 7 - Site Development Plan, Use by Special Review & Final Plat - Located Northeast of Sheridan & W. 136th Avenue:

Resolution No. 2001-114 Approving Aspen Creek Filing No. 7 Site Development Plan, Final Plat, Use by Special Review for Setback Deviations, Authorizing the Subdivision Agreement Therefor and the Allocation of Building Permits for New Residential Construction for Aspen Creek Filing No. 7

(Refer to M-2001-264)

Mayor Berens reopened the public hearing at 7:34 p.m. on proposed development plans for Aspen Creek Filing No. 7, located north of West 136th Street and east of Sheridan Boulevard. The application was submitted by Lowe Enterprises Colorado, Inc., the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-264 which summarized the proposed plans. On May 15, 2001, Council held a public hearing on this proposal, and then continued the hearing to allow the Developer to address concerns raised by Council. Concerns raised included the desire for ranch homes on several lots, coordination with the owners of the Chateaux at Fox Meadows, notice to future homebuyers, and a drawing showing the relative elevations between Aspen Creek and the Broadlands West area to the east.

Deputy Director of Community Development Standbridge reviewed the summary of concerns raised and the Applicant's response as outlined in the Staff report. The Applicant has modified the plans to address the concerns.

Coulter Hooker advised Council that he had met with the owners of the adjacent Chateaux at Fox Meadows facility to coordinate landscaping measures to buffer the properties. He distributed and reviewed a scale section illustration of the elevation change in home heights between homes on the eastern edge of Aspen Creek Filing No. 7 and future homes on the western edge of the Broadlands West subdivision. In response to Council direction, he stated that the Contractor has been notified to stay clear of the hawks' nests until they are empty.

The public hearing was closed at 7:45 p.m.

Resolution No. 2001-114 was read by title.

BROOMFIELD CITY COUNCIL MEETING

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER STUART SECONDED, THAT RESOLUTION NO. 2001-114 BE ADOPTED.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, STUART.

THOSE VOTING NO WERE: OLSTAD.

THE MOTION CARRIED 9 TO 1.

(g) Resolution No. 2001-122 Authorizing an Intergovernmental Agreement By and Between the City of Broomfield and Weld County, Colorado Regarding Weld County Road Maintenance and Snow Removal

(Refer to M-2001-258)

City Manager Di Ciero reviewed Memorandum No. 2001-258 which summarized the proposed agreement. As a result of recent annexations in Weld County, the City is now responsible for maintenance and snow removal on Weld County Road 11 which runs north-south and is located one mile east of I-25. The location of roads and the areas of responsibility are shown on the map included as Attachment 1. In order to efficiently provide road maintenance and snow removal in the area, it makes sense for the City to cooperate with Weld County in an overall plan for the roads in the area. Under the proposed intergovernmental agreement, Weld County will provide grading and snow removal for Road 11 while Broomfield will provide snow removal on a portion of Weld County Road 6 which is an east-west road located 2 miles north of the Weld County line, as well as several additional roads to the south of Road 6.

Resolution No. 2001-122 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-122 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(h) Resolution No. 2001-106 Approving an Intergovernmental Agreement Establishing Boulder County as the Successor Entity to the Boulder County Recycling and Composting Authority

(Refer to M-2001-261)

Mayor Berens introduced a proposed intergovernmental agreement establishing Boulder County as the Successor Entity to the Boulder County Recycling and Composting Authority.

Director of Community and Governmental Affairs Oglesby reviewed Memorandum No. 2001-261 which summarized the background. This item was continued from the May 8, 2001 Council Meeting to allow the preparation of revised language for inclusion in the proposed agreement. In November of 1994, Boulder County voters authorized a sales and use tax of 0.10% for a solid waste, recycling, and composting program. A consortium of Boulder County jurisdictions, known as the Boulder County Recycling and Composting Authority, was formed to manage the funds and construct a state of the art regional recycling processing center which is set to open in July of this

BROOMFIELD CITY COUNCIL MEETING

year. The sales tax sunsets in December, 2001. Since Broomfield's sales and use taxes helped to fund the recycling facility, it is appropriate that Broomfield have a continuing voice in its operation.

The proposed intergovernmental agreement would not only provide for the transition to Boulder County, but would also form an Advisory Committee to provide input and recommendations to Boulder County. There are 3 options noted in the Staff memorandum which would allow the use of any available future funds within the City and County of Broomfield. Prior to voting on the agreement, City Council may select one of the 3 options to modify the existing text of the agreement.

Councilmember Stuart advised Council that the regional facility should be open to the public fairly soon. She noted that the Boulder County facility is a processing center, and is not in conflict with the City of Broomfield's own recycling facility. Broomfield properties contributed a significant amount toward construction of that facility, and it is important that Broomfield continue an active role along with the other participating jurisdictions. With respect to the wording options, she supported Option 2. She is concerned that the other options would not limit use of the funds for recycling purposes, and therefore, the Authority may not approve the change. Also, it may not be legal to use the funds for a purpose other than recycling.

Councilmember Brunner asked if use of funds under Options 2 or 3 would be subject to the Boulder County Commissioners' approval. City Attorney Howard advised that the exception wording for Broomfield would take away the requirement for the Commissioners' approval.

Councilmember Brunner supported Option 1, stating that he feels the City should have the maximum flexibility to do what it wants with any funds which might be distributed. If changes made by the other jurisdictions will bring the IGA back before Council anyway, he feels the City should start with the language which would be best for Broomfield.

Councilmember Brown expressed concern about approval of the change by the other jurisdictions, and supported Option 2 which reflects Broomfield's commitment to continue recycling efforts.

Resolution No. 2001-106 was read by title.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER BROWN SECONDED, THAT RESOLUTION NO. 2001-106 BE ADOPTED WITH THE OPTION 2 AMENDMENT TO THE IGA.

COUNCILMEMBER BRUNNER MOVED A SUBSTITUTE MOTION THAT RESOLUTION NO. 2001-106 BE ADOPTED WITH THE OPTION 1 AMENDMENT TO THE IGA. THE MOTION DIED FOR LACK OF A SECOND.

THE VOTE ON THE ORIGINAL MOTION THEN CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

BROOMFIELD CITY COUNCIL MEETING

- (i) Resolution No. 2001-127 Authorizing an Intergovernmental Agreement Among the City of Broomfield, the City of Thornton, the E-470 Public Highway Authority, and the Northwest Parkway Public Highway Authority
(Refer to M-2001-272)

Mayor Berens introduced a proposed intergovernmental agreement regarding the Northwest Parkway and I-25 Interchange.

City Manager Di Ciero reviewed Memorandum No. 2001-272 which summarized the background. The eastern portion of the Northwest Parkway will join with E-470 at I-25 just south of West 160th Avenue. The west side of I-25 lies within Broomfield while the eastern side is located within Thornton. Before the E-470 Authority and the Northwest Parkway Authority construct their respective portions of the I-25 interchange, it is necessary to obtain the consent of both cities for right of way acquisition and the interchange construction. As a result, an agreement among the 4 parties is necessary to permit the design and construction to proceed. Overall, the proposed 4-way intergovernmental agreement allows both projects to coordinate the design and construction process and provides for the necessary consent from Broomfield and Thornton.

Director of Community and Governmental Affairs Oglesby reviewed the roadway alignments and access points.

Mayor Berens noted that the Authority will be issuing the bonds very shortly, and had received very positive feedback from the investors meeting. The Parkway is expected to be under construction this month.

Resolution No. 2001-127 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BROWN SECONDED, THAT RESOLUTION NO. 2001-127 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title. Consent Agenda items 6(h) and 6(i) were removed from the Consent Agenda.

- (a) Approval of Minutes – Regular Meeting of May 8, 2001
Approval of Minutes – Regular Meeting of May 15, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of May 8, 2001 and the Regular Meeting of May 15, 2001.

- (b) Resolution No. 2001-121 Authorizing the Purchase of One Self-Contained Asphalt Repair Truck
(Refer to M-2001-257)

The recommendation was that Resolution No. 2001-121 be adopted.

BROOMFIELD CITY COUNCIL MEETING

Director of Public Works Brown explained that it will be more economical to do this type of asphalt repair utilizing City Staff rather than an outside contractor. He noted that the proposed purchase will also allow permanent patches during winter weather, thereby saving time spent previously doing temporary cold patches which are later replaced.

(c) Resolution No. 2001-120 Authorizing the Purchase of One Rubber Tire Front-End Loader – Street Division

(Refer to M-2001-256)

The recommendation was that Resolution No. 2001-120 be adopted.

(d) Resolution No. 2001-119 Authorizing the Purchase of One Rubber Tire Front-End Loader – Utility Division

(Refer to M-2001-255)

The recommendation was that Resolution No. 2001-119 be adopted.

(e) Resolution No. 2001-118 Accepting Certain Public Improvements Associated with Aspen Creek Filing No. 3

(Refer to M-2001-252)

The recommendation was that Resolution No. 2001-118 be adopted.

(f) Resolution No. 2001-87 Authorizing a Lease Agreement with McData Corporation for Lot 4 in Great Western Park Filing No. 1

(Refer to M-2001-271)

The recommendation was that Resolution No. 2001-87 be adopted.

(g) Resolution No. 2001-124 Authorizing an Agreement with WL Contractors for a Traffic Signal at 128th Avenue and Hazel Court

(Refer to M-2001-262)

The recommendation was that Resolution No. 2001-124 be adopted.

Councilmember Fahrenbruch thanked Staff for attending a meeting with the neighborhood residents.

(h) Resolution No. 2001-126 Authorizing Agreements with Qwest Corporation for the Purchase of Property for Right-of-Way at 120th Avenue and Sheridan Boulevard and for the Non-Disturbance of Qwest Property at 120th Avenue and Sheridan Boulevard

(Refer to M-2001-269)

(i) Resolution No. 2001-115 Approving an Agreement with Qwest Corporation for a Revocable Permit to Install Utilities on City Property – Located Near McKay Landing Subdivision

(Refer to M-2001-244)

Consent Agenda Items 6(h) and 6(i) were removed from the Consent Agenda. Mayor Berens, Councilmember Johnson, and Councilmember Stovall disclosed that they own stock in the Qwest Corporation. Upon advice of the City Attorney, they requested to be excused from voting on Consent Agenda Items 6(h) and 6(i). Council excused Mayor Berens, Councilmember Johnson, and Councilmember Stovall who left the meeting room during consideration of the two items.

BROOMFIELD CITY COUNCIL MEETING

In the absence of the Mayor and Mayor Pro-Tem, Councilmember Brown moved and Councilmember Fahrenbruch seconded, to appoint Councilmember Brunner as temporary Chairperson. Councilmember Stuart moved and Councilmember Olstad seconded, to appoint Councilmember Buzek as temporary Chairperson. Councilmember Brunner withdrew his name, and Councilmember Buzek was appointed as temporary Chairperson by acclamation.

The recommendations were that Resolution No. 2001-126 be adopted, and that Resolution No. 2001-115 be adopted.

City Attorney Howard explained that approving a revocable permit rather than a dedicated easement gives the City total control to revoke the permit in the future if a conflict arises. The City has never charged for any of the revocable permits approved.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT RESOLUTION NO. 2001-126 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, OLSTAD, STEVENSON, AND STUART VOTING AYE.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STEVENSON SECONDED, THAT RESOLUTION NO. 2001-115 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, OLSTAD, STEVENSON, AND STUART VOTING AYE.

(j) Resolution No. 2001-123 Authorizing a Temporary ZIP Maintenance Facility
(Refer to M-2001-274)

The recommendation was that Resolution No. 2001-123 be adopted.

Community Development Director Black advised that Staff had investigated other sites and this is the only one available. He noted that following the temporary ZIP facility use, the building will be sold to the City for use elsewhere.

(k) Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway, One Mile South of S.H. 128 – Motion to Postpone:

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - Second Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-268)

The recommendation was that Ordinance Nos. 1526 and 1527 be postponed to June 19, 2001.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(K), EXCLUDING ITEM 6(H) AND 6(i), BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK,

BROOMFIELD CITY COUNCIL MEETING

FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND
STUART VOTING AYE.

COUNCILMEMBER REPORTS

The Celebration for City and County of Broomfield Event - Brunner

Councilmember Brunner reported on attending planning meetings with Councilmember Griep and Staff. He requested ideas from Council and the public.

Installation of Doggie Stations at Access Points to "The Field" - Brown

Councilmember Brown thanked staff for installing the "Doggie Stations" at trailway accesses to "The Field". She mentioned seeing fire debris and broken glass in the area and requested that Staff monitor activity there.

East County Arts Alive - Brown & Stuart

Councilmembers Brown and Stuart noted receipt of a letter from the Board President of the East County Arts Alive group inviting Broomfield to participate in a study to determine the feasibility of a regional cultural arts center. The participants are asked to pledge funding toward the cost of the study. Following discussion, Staff was directed to refer the letter to the Cultural Council for review and recommendation.

Flatiron Crossing Music & Art Foundation Grants - Brown

Councilmember Brown noted that grants are available through the Flatiron Crossing Music & Art Foundation.

Study Session Requests - Fahrenbruch & Stuart

Councilmember Fahrenbruch discussed the need for a Study Session to determine policy for annexation of the remaining areas within the City and County constitutional boundary map.

Councilmember Stuart noted the need for a Study Session regarding adoption of an Ethics Code.

Following discussion, Council directed Staff to schedule a Study Session for Thursday, July 5, 2001.

Coors Baseball Stadium District Tax Refund - Stovall

Councilmember Stovall advised that Broomfield's share of the Coors Baseball Stadium District tax refund will be approximately \$125,000.

Report on Trip to Maruko, Japan

The Mayor, Councilmembers and Staff commented on their experiences on the recent trip to Maruko, Japan. A full written report is being prepared.

CITY ATTORNEY'S REPORT

No report was given.

BROOMFIELD CITY COUNCIL MEETING

CITY MANAGER'S REPORT

Northwest Park - Finding of No Significant Impact

City Manager Di Ciero distributed copies of the announcement regarding the Colorado Department of Transportation's (CDOT) and the Federal Highway Administration's (FHWA) Finding of No Significant Impact for the Northwest Parkway / I-25 Interchange project.

Broomfield Emergency Ambulance Service Report

City Manager Di Ciero distributed a report from the Police Department regarding the status of emergency ambulance service in Broomfield.

City of Arvada Dinner Invitation

City Manager Di Ciero noted receipt of a letter from the City of Arvada inviting Broomfield to schedule a dinner with the Arvada City Council. Staff was directed to schedule the date.

SPECIAL REPORTS

The following Special Report was distributed to Council:

Employee Medical Care Expense Plan Financial Reports – March 31, 2001 & April 30, 2001

ADJOURNMENT

The City Council Meeting was adjourned at 9:55 p.m.

APPROVED:

City Clerk

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

May 15, 2001

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, May 15, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: Councilmember Kathy Brown

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
Deputy City Clerk Tricia Kegerreis
City Attorney Roy Howard
City Management Associate Tonya Haas
Director Of Community and Governmental Affairs Kirk Oglesby
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Principal Planner Arne Carlson
Associate Planner Tyson Taylor
Associate Planner Lynn Merwin
City Engineer Gary Behlen
Traffic Engineer Tom Schomer
Civil Engineer Burt Knight
Civil Engineer Sheila Cross
Civil Engineer Wally Abel
Civil Engineer Katie Allen
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Deputy Director of Parks & Recreation Robert Prince
Recreation Superintendent John Ferraro
Chief of Police Tom Deland
Support Services Director Terry Cole
Director of Health and Human Services Karen Beye
Finance Director Gregory Demko
Library Director Helen Martin
Public Information Officer Rosann Doran

PETITIONS AND COMMUNICATIONS

There were no Petitions and Communications.

CITY AND COUNTY TRANSITION

- (a) Resolution #2001-84 Adopting the Recommendation of the Human Services Advisory Committee Regarding Burial Assistance
(Refer to M-2001-234)

Mayor Berens reported that first was a recommendation regarding Burial Services to be provided by Broomfield County.

City Manager Di Ciero summarized Memorandum No. 2001-234 noting that Broomfield County is required by state statute to provide for both Public Assistance and County Burial Assistance following the guidelines listed in the memorandum. Costs for Public Assistance Burials will be paid 80% by the State and 20% by the County, while County Burial Assistance and General Assistance Burials will be covered 100% by the County.

Health and Human Services Director Beye introduced Chairman of the Human Services Committee, Robert Morlan. Mr. Morlan read his letter of resignation stating he would be moving out of Broomfield. Ms. Beye reviewed the recommendations made by the Committee.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED THAT RESOLUTION NO. 2001-84 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) City & County - Workforce Investment Act (WIA) Update
(Refer to M-2001-237)

Health and Human Services Director Beye summarized Memorandum No. 2001-237 noting that Broomfield's request was to be included in the Rural Consortium, to receive an allocation of funds, and to establish a one-stop Job Center in Broomfield. The request must now be presented to the Governor's Workforce Development Council, and then will be submitted for the Governor's approval.

- (c) City & County - Advisory Committee Meeting Summaries
(Refer to M-2001-235)

This item was discussed after item 3(d).

City Manager Di Ciero reported that the City and County Advisory Committee Summaries were provided for Council's review.

- (d) Ordinance #1551 Amending Title 2, Administration and Personnel, of the Broomfield Municipal Code by Adding a New Chapter 2-66, Board of Equalization - First Reading
(Refer to M-2001-247)

Mayor Berens stated that next was consideration on a proposed ordinance which sets up the County Board of Equalization as mandated by State Statutes.

City Manager Di Ciero summarized Memorandum No. 2001-247 noting that the State Statutes mandate that every county have a Board of Equalization whose duty is to review the valuations for assessment of all taxable property. The Board will consist of two Councilmembers along with four citizen members, all with overlapping terms.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STEVENSON SECONDED THAT ORDINANCE NO. 1551 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; AND THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., JUNE 19, 2001, IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR JUNE 19, 2001, FOLLOWING THE PUBLIC HEARING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STOVALL, STEVENSON, AND STUART VOTING AYE.

CITIZENS' COMMENTS

There were no citizens' comments.

COUNCIL BUSINESS

- (a) Public Hearing - The Broadlands Filing No. 15 - Site Development Plan & Final Plat Located South of W. 144th Avenue Between Lowell & Zuni:

Resolution #2001-108 Approving The Broadlands Filing No. 15 Site Development Plan and Final Plat and Authorizing the Subdivision Agreement Therefor

(Refer to M-2001-240)

Councilmember Fahrenbruch asked to be excused from participating on this agenda item because her employer is providing the financing. Council unanimously agreed to excuse her.

Mayor Berens opened the public hearing at 6:24 p.m. on a proposed Site Development Plan for the Broadlands Filing No. 15 on an 18.72 acre site located south of West 144th Avenue and east of Lowell Boulevard. The application was submitted by Northland Land Syndicate, owner of the property.

City Manager Di Ciero summarized Memorandum No. 2001-240 noting that this proposal is for construction of 54 single-family luxury homes.

Deputy Director of Community Development Standbridge reviewed the property location and the Land Use Review Commission's recommendation for approval with conditions as outlined in the Staff report.

John Lee, present for the Applicant, reviewed the property location, the remaining landscaping to be done and pointed out the lots that would contain the walkout and garden level style of homes. He also noted the average lots size is 10,816 square feet. In response to Council, Mr. Lee felt there was a good trail system in the development and offered to show it to Council.

The public hearing was closed at 6:35 p.m.

Resolution No. 2001-108 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER GRIEP SECONDED THAT RESOLUTION NO. 2001-108 BE ADOPTED.

ROLL CALL VOTE:

VOTING AYE WERE: COUNCILMEMBERS BRUNNER, BUZEK, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

VOTING NO WAS: COUNCILMEMBER OLSTAD.

THE MOTION PASSED ON A VOTE OF 7 TO 1.

Councilmember Fahrenbruch returned to the meeting.

(b) Public Hearing - The Broadlands Filing No. 14 - Site Development Plan & Final Plat - Located South of W. 144th Avenue Between Lowell & Zuni:

Resolution #2001-113 Approving The Broadlands Filing No. 14 Site Development Plan and Final Plat and Authorizing the Subdivision Agreement Therefor
(Refer to M-2001-241)

Mayor Berens opened the public hearing at 6:37 p.m. on the Broadlands Filing No. 14 located on a 20.57-acre site on the south side of West 144th Avenue east of Lowell Boulevard. The application was submitted by Northland Land Syndicate, owner of the property.

City Manager Di Ciero summarized Memorandum No. 2001-241 noting that this proposal is for construction of 76 "Growing Family" and "Move-Up Family" homes. The average lot size is 8,798 square feet. A minimum of 40% of the homes will have either a recessed or side-loaded garage. The applicant is requesting variations related to building height for walkout units and for deck encroachment into rear yards.

Deputy Director of Community Development Standbridge reviewed the property location and noted that McKay and The Broadlands worked together to match the streets from both developments. He reviewed the Land Use Review Recommendation for approval with conditions as stated in the Staff report.

John Lee, Community Development Group, representing the Applicant, noted there are 76 total lots. He pointed out the lots with walkout units proposed and requested a height variation. He explained that these particular lots needed to have walkouts due to the sewer line and drainage considerations. He noted that every garage is behind the front door and stated that they would like to have the option of scalloped shakes. The builder is Richardson Homes.

Mayor Berens asked if a history summary of the project could be given and if a summary of the history of a development could be given approximately every 6 months.

Council comments and questions included: (1) Will Broadlands Drive and Shannon Drive become a raceway to Huron? (2) How many phases are left to build? (3) Is there another access point? (4) Is someone keeping track of the need for another school?

Councilmember Olstad stated that he would be voting against the proposal because the citizens of his ward have said they didn't want everything developed and not so quickly.

Responses by John Lee and Staff to comments and questions included: (1) The street in the McKay development is circuitous to Huron. (2) The Broadlands would come before Council four or five more times with the remaining filings. (3) The connections had to match the McKay Development and another access is in Filing #9. Signs will be erected noting the streets will go through. (4) Staff tracks the number of houses allowed with school-age children, and the school district reviews all plans and makes recommendations.

The public hearing was closed at 7:00 p.m.

Resolution No. 2001-113 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED THAT RESOLUTION NO. 2001-108 BE ADOPTED.

ROLL CALL VOTE:

VOTING AYE WERE: COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

VOTING NO WAS: COUNCILMEMBER OLSTAD.

THE MOTION PASSED ON A VOTE OF 8 TO 1.

- (c) Public Hearing - Aspen Creek Filing No. 7 - Site Development Plan, Use by Special Review & Final Plat - Located Northeast of Sheridan & W. 136th Avenue:

Resolution #2001-114 Approving Aspen Creek Filing No. 7 Site Development Plan, Final Plat, Use by Special Review for Setback Deviations, Authorizing the Subdivision Agreement Therefor and the Allocation of Building Permits for New Residential Construction for Aspen Creek Filing No. 7

(Refer to M-2001-242)

Mayor Berens opened the public hearing at 7:03 p.m. on the development plans for Aspen Creek Filing No. 7 which is located on a 53 acre site generally northeast of West 136th Avenue and Sheridan Boulevard. The application was submitted by Lowe Aspen Creek, LLC, owner of the property.

City Manager Di Ciero summarized Memorandum No. 2001-242 noting the proposal for construction of 103 single-family homes, which includes a ranch style in the proposed unit mix. The applicant is requesting variations related to building heights for walkout units, front and side building setbacks and deck encroachment into rear yards.

Deputy Director of Community Development Standbridge reviewed the property location and the Land Use Review Commission recommendation for approval with conditions as outlined in the Staff report.

Coulter Hooker, Lowe Enterprises, was present on behalf of the applicant. He reviewed the development and noted this was the final Aspen Creek parcel east of Sheridan. He pointed out the lots proposed for setback variations, building height variations, and the sign variations and reviewed

the drainage plans for the property. He noted the PUD Plan approved in 1997 had 575 units, while this plan has only 353 units proposed.

John Lee, Community Development Group noted that The Broadlands project, which is next to this development, will be at-grade and all potential homebuyers of Aspen Creek need to be told about the proposed developments.

Council comments and questions included: (1) Clarify permit allocations, (2) Where is the water flow from The Broadlands? (3) Concern expressed for the proposed walkout units, (4) Are there lots in the 100-year flood plain? (5) Is the park equipment acceptable? (6) Have there been solutions proposed to mitigate the possible problems between The Chateaux and this development? (7) Has drainage from the Aspen Creek development been addressed? (8) it was suggested that the vote be delayed, because of the number of requested variations and lack of mitigation solutions between The Chateaux and Aspen Creek.

Responses by Mr. Hooker and Staff to comments and questions included: (1) Explanation given of the water flow from the houses abutting The Broadlands development and why walkout styles are best for some lots, (2) There are 17 lots in the 100-year flood plain, but expects them to be removed from that designation, (3) The park equipment has been approved by the City Staff, (4) Transition lots can be walkouts or garden level units, (5) Height variations are requested for 25 to 30 lots, (6) There have been no discussions with The Chateaux, but buffering could be done, (7) All lots in Aspen Creek were approved at 30% masonry, (8) An explanation was given of the elevations of the ranch style home, and (9) Drawings showing the shared lots between Aspen Creek and The Broadlands and the proposed house style elevations can be presented at the next meeting.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED THAT THE PUBLIC HEARING FOR ASPEN CREEK FILING NO. 7 BE CONTINUED TO THE JUNE 5, 2001 COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (d) Public Hearing - Buca DiBeppo at Flatiron Marketplace - Site Development Plan - Located at Northeast Corner of Interlocken Loop & Interlocken Blvd.:

Resolution #2001-103 Approving Buca DiBeppo Restaurant at Flatiron Marketplace Site Development Plan

(Refer to M-2001-239)

Mayor Berens opened the public hearing at 8:35 p.m. on a proposed Buca DiBeppo Restaurant on a 1.39 acre site located in the Flatiron Marketplace. The application was submitted by Koll Development Company, owner of the property.

City Manager Di Ciero summarized Memorandum No. 2001-239 noting that the proposed 1.39 acre site is located at the northeast corner of Interlocken Loop and Interlocken Boulevard in the Flatiron Marketplace commercial area.

Deputy Director of Community Development Standbridge reviewed the site location and noted that the Land Use Review Commission approved the application with no conditions.

Loretta Reeves, Property Development Manager for Bucca DiBeppo, was present on behalf of the applicant. She showed renderings of the proposed site and explained the features of the restaurant.

Council voiced approval of the proposed landscaping and the general atmosphere of the restaurant.

The public hearing was closed at 8:40 p.m.

Resolution No. 2001-103 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED THAT RESOLUTION NO. 2001-103 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(e) Public Hearing - Flatirons Gateway - Motion to Continue:

Ordinance #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 #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-2001-238)

Mayor Berens stated that next was a request to continue the public hearing for the proposed rezoning of Flatirons Gateway, located adjacent to Industrial Lane. The Developer and Staff require additional time to complete negotiations on the development agreement. Staff recommends that the public hearing be continued to the June 5, 2001, Council meeting.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED THAT THE PUBLIC HEARING FOR FLATIRONS GATEWAY FILING NO. 1 BE CONTINUED TO JUNE 5, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS

BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - Miller Enclave - Located North & South of W. 136th Avenue, East of Sheridan Boulevard:

Ordinance #1552 Repealing Ordinance #1539 and Granting Consent by the City of Broomfield to the inclusion of 84.56± Acres Located in Sections 19 and 30, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-243)

Mayor Berens opened the public hearing at 8:42 p.m. on the proposed ordinance regarding the inclusion of the recently annexed Miller Property into the Municipal Subdistrict of the Northern Colorado Water Conservancy District.

City Manager Di Ciero summarized Memorandum No. 2001-243 noting that City Council approved the annexation of the 84.56-acre Miller enclave on March 27, 2001. At that time the recommendations failed to include an ordinance to include the annexation into the Municipal Subdistrict of the Northern Colorado Water Conservancy District. Passage of this ordinance would include the Miller enclave into the subdistrict.

The public hearing was closed at 8:45 p.m.

Ordinance No. 1552 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NO. 1552 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBER BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The consent agenda items were read by title.

- (a) Approval of Minutes - Adjourned Regular Meeting of April 17, 2001

The recommendation was for approval of the minutes of the Adjourned Regular Meeting of April 17, 2001.

- (b) Resolution No. 2001-116 Accepting Certain Public Improvements Associated with Lincoln Southpoint (Mountain View Corporate Center)

(Refer to M-2001-245)

The recommendation is that Resolution No. 2001-116 be adopted.

- (c) Resolution No. 2001-106 Approving an Intergovernmental Agreement Establishing Boulder County as the Successor Entity to the Boulder County Recycling and Composting Authority - Motion to Postpone

(Refer to M-2001-250)

This item was removed from the Consent Agenda and discussed after adoption of the Consent Agenda.

Councilmember Stuart asked that this item be removed from the Consent Agenda and suggested that the agreement be recompiled with changes and presented to Council for adoption, then sent to Boulder County.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED THAT RESOLUTION NO. 2001-106 BE POSTPONED TO THE JUNE 5, 2001, CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBER BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (d) Resolution No. 2001-117 Granting a Permit for the 2001 Fireworks Display on July 4
(Refer to M-2001-249)

The recommendation is that Resolution No. 2001-117 be adopted.

Councilmember Olstad thanked Director of Parks and Recreation Derda for the good shows presented during the past fireworks displays.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED THAT THE RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(D) EXCLUDING 6(C) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (e) Ordinance No. 1560 Amending Title 2, Administration and Personnel, of the Broomfield Municipal Code by Adding a New Chapter 2-66, Ethics Code - First Reading
(Refer to M-2001-236)

This item was removed from the Consent Agenda.

Councilmember Stuart suggested that a study session was needed before Council considers this ordinance. Other comments expressed were that this ordinance was too general and needed to be more complete and specific; a firm date for a study session is needed; and the public needs to see a corrected ordinance before adoption on second reading.

Councilmember Brunner agreed that a study session is needed but wanted to adopt this ordinance on first reading at this meeting.

City Attorney Howard noted that this ordinance had been based on discussions with Council.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED THAT ORDINANCE NO. 1560 BE POSTPONED INDEFINITELY.

DISCUSSION:

Councilmember Brunner stated that he felt an ethics code needs to be adopted within the next two months and not be delayed. He would be voting no.

City Manager Di Ciero clarified that the study session would include Council and Staff. Mayor Berens reiterated that he would like to see a stronger version on first reading and wanted to give the public time to review the proposed ethics code before adoption by Council.

ROLL CALL VOTE:

VOTING AYE WERE: COUNCILMEMBERS BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

THOSE VOTING NO WERE: COUNCILMEMBERS BRUNNER AND OLSTAD.

THE MOTION CARRIED ON A VOTE OF 7 TO 2.

COUNCILMEMBER REPORTS

Spring Clean-Up – Brunner

Councilmember Brunner stated that there were two Saturdays left in the clean up program, May 19 and May 26, 2001.

EPA Environmental Achievement Award to Broomfield Recycling Center through Ecocycle – Stuart

Councilmember Stuart reported that the EPA has awarded the Environmental Achievement Award to the Ecocycle Broomfield Recycling Center commending the joint effort of the Recycling Center and the Computer Recycling.

Relay For Life – Stuart

Councilmember Stuart noted that Relay for Life would be held in Broomfield on June 22, 2001, and Council is fielding a 10-member team for the fund-raiser which raises money for cancer research.

DRCOG Retreat – Berens

Mayor Berens reported that at the DRCOG retreat the DRCOG Board noted that they would become more active as the Metropolitan Planning Organization.

High Speed Internet Access – Griep

Councilmember Griep asked if the City could find out why the high speed Internet access service is not available although it is advertised. Mayor Berens explained that it is distance sensitive and could not reach all of Broomfield. Staff was directed to contact the carriers to see what could be done.

CITY ATTORNEY'S REPORT

No report was given.

CITY MANAGER'S REPORT

No report was given.

SPECIAL REPORTS

- (a) Building Department Report - April, 2001
- (b) Special Olympics Track Meet 2001
(Refer to M-2001- 248)

Councilmember Stevenson expressed her appreciation of the good community effort of this event.

- (c) Broomfield Heights First Filing Sub-Area Plan - Recommendations for Transportation and Traffic Improvements
(Refer to M-2001-246)

ADJOURNMENT

The meeting was adjourned at 9:30 p.m. to a concept review study session.

Deputy City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

MAY 8, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, May 8, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Vincent Buzek
Clark Griep
Ralph Johnson
Steven Olstad
Hank Stovall
Karen Stuart

Those absent were: Linda Fahrenbruch
Colleen Stevenson

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
Director of Community and Governmental Affairs Kirk Oglesby
City Management Associate Tonya Haas
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Principal Planner Arne Carlson
Associate Planner Lynn Merwin
City Engineer Gary Behlen
Civil Engineer Sheila Cross
Civil Engineer Wally Abel
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Environmental Services Superintendent Kathy Schnoor
Director of Parks & Recreation Paul Derda
Deputy Director of Parks & Recreation Robert Prince
Chief of Police Tom Deland
Finance Director Gregory Demko
Assessor Nancy Anders
Public Information Officer Rosann Doran
Community Assistance Center Manager Norma Jones
Community Resources Director Hugh Brown

Mayor Berens introduced a youth group from the Broomfield United Methodist Church who had rescued an injured hiker while on an outing in Utah. He presented certificates of appreciation in recognition of their outstanding efforts.

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.

(b) Household Hazardous Waste Collection Day
(Refer to M-2001-209)

Environmental Services Superintendent Schnoor reviewed Memorandum No. 2001-209 regarding the City's upcoming Household Hazardous Waste Collection Day on June 2, 2001.

(c) New Water Tank and Park Development (Carbon Road Tank) - Public Meeting
(Refer to M-2001-207)

Public Works Director Brown reviewed Memorandum No. 2001-207 outlining details of the new Carbon Road water tank and park development project. He noted that this would be a passive park with no equipment or playing fields. The landscaping will include a variety of plants and grasses including native grasses, which require less watering.

CITY AND COUNTY TRANSITION

Introduction of Director of Community Resources – Hugh Brown

City Manager Di Ciero introduced Hugh Brown, Director of Community Resources, who will coordinate operations of the expanded Parks and Recreation, Cultural Services, and Library Services Departments. He reviewed Mr. Brown's prior professional experience.

(a) City / County Facilities Construction – May, 2001
(Refer to M-2001-232)

Deputy Director of Community Development Standbridge reviewed the status of the construction of new City and Council facilities.

City Manager Di Ciero noted that the projects are proceeding on schedule and within budget.

(b) 2001 Property Assessment Update
(Refer to M-2001-223)

Assessor Anders reviewed Memorandum No. 2001-223 outlining the bi-annual statewide reappraisal process and explaining the information contained in the Notices of Valuation which have recently been sent to property owners. She presented details regarding how properties are assessed, how taxes are calculated, and the process to protest an assessment.

CITIZENS' COMMENTS

There were no citizen comments.

COUNCIL BUSINESS

(a) Public Hearing - Flatirons Gateway - Motion to Continue:

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-2001-219)

Mayor Berens advised that Staff has requested that the public hearing for the proposed rezoning of Flatirons Gateway, located adjacent to Industrial Lane, be continued. The Developer and Staff require additional time to complete negotiations on the development agreement.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE PUBLIC HEARING FOR FLATIRONS GATEWAY FILING NO. 1 BE CONTINUED TO THE MAY 15, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

(b) Public Hearing – Interlocken Commons – Site Development Plan, Improvement Agreement, and Development and Reimbursement Agreement: Located at the Southeast Corner of Interlocken Loop & Interlocken Boulevard

Resolution No. 2001-91 Approving Interlocken Commons Site Development Plan and Authorizing a Development and Reimbursement Agreement and an Improvement Agreement Therefor

(Refer to M-2001-218)

Mayor Berens open the public hearing at 7:24 p.m. on a proposed Site Development Plan for Interlocken Commons, located at the southeast corner of Interlocken Loop and Interlocken Boulevard. The application was submitted by Turnpike Properties, Ltd., the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-218 which summarized the Site Development Plan. The proposal is for the construction of an office and retail complex with an associated three-level parking structure integrated into the complex. The four proposed buildings would contain a total of 190,402 square feet and utilize a high quality finish with stone and copper accents. Private open area will comprise 43% of the site. The large percentage of open area is possible due to the use of structured parking tucked beneath and behind the building complex. To achieve the high quality finish, the large open areas, and the incorporation of the parking structure, City participation is proposed. As outlined in the Staff report, the plan is consistent with the Sub-Area Plan and the Master Plan.

Deputy Director of Community Development reviewed the property location, the Sub-Area plan designations, and the Land Use Review Commission's recommendations as outlined in the Staff report.

Jim Long, representing the Applicant, reviewed details of the proposed plan for high density, high-end retail/office/restaurant uses. The plan includes a parking structure and 40% open area which includes a people-friendly, landscaped and well-maintained plaza. He reviewed the traffic study findings. He explained that they are not within the ZIP Shuttle district, however, RTD transit access is addressed. The site's southern boundary is a private driveway for Corporate Express, and their property line does not extend to the street. Corporate Express is in control of that property and did not want a sidewalk along that boundary.

City Manager Di Ciero explained that the Development Agreement provides that the City will reimburse the Developer for a portion of the costs of the parking structure and public improvements up to a maximum of \$10 million. The source of the reimbursement payments will be a percentage of the sales tax revenues generated by this project. It is projected that the City will receive over \$40 million in sales tax revenues from this project during the first 20 years. Without the City's participation, there would be no structured parking and less plaza open area.

Councilmembers discussed the provision that the Developer shall have the right to charge reasonable fees for use of the parking structure. If public funds are used to construct the parking structure, Councilmembers expressed concern about charging a parking fee.

Mr. Long responded that the parking structure is a huge incremental increase in the cost to build this project. It will allow twice the number of buildings than if there were surface parking. The reimbursement amount won't cover the total cost of building the structure. They don't plan to impose a fee, but want to reserve the future right to do so.

Assistant City Manager Ozaki stated that Staff will work with the Developer on that wording to clarify the intent.

Council stressed the importance of coordination of traffic flow and signalization throughout the Northwest Parkway / South 96th Street / Interlocken Loop area.

City Manager Di Ciero reiterated that there are no up-front City dollars involved in this project. The Developer will front-end the costs, and the reimbursement will come from sales tax revenues generated by the project. He noted that this project represents the high quality of development which the City wants to see, and which could not be achieved without the parking structure.

The public hearing was closed at 8:10 p.m.

Resolution No. 2001-91 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-91 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (c) Public Hearing – Parkway Circle – Final Plat & Subdivision Agreement – Located South of Carbon Road & East of Storage Tek Drive (S. 96th Street) – Motion to Continue
(Refer to M-2001-214)

Mayor Berens advised that Staff has requested that the public hearing for the proposed Parkway Circle project, located on the east side of Storage Tek Drive, north of U.S. 36, be continued. The Developer and Staff require additional time to complete negotiations on the development agreement.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT THE PUBLIC HEARING FOR PARKWAY CIRCLE BE CONTINUED TO THE JUNE 5, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (d) Broomfield Urban Transit Village - Rezoning - Located South of W. 120th Avenue, West of U.S. 36 & East of S.H. 121 - Motion to Continue:

Ordinance No. 1532 Rezoning Certain Land Within the City of Broomfield from Jefferson County I-1 and A-2 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

Ordinance No. 1536 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

(Refer to M-2001-213)

Mayor Berens advised that Staff has requested that the public hearing for the proposed Broomfield Urban Transit Village, located adjacent to U.S. 36, be continued. The Developer, Owners, and Staff require additional time to complete negotiations on the proposed development agreements.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT THE PUBLIC HEARING FOR BROOMFIELD URBAN TRANSIT VILLAGE BE CONTINUED TO THE JUNE 19, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (e) Public Hearing - Aspen Creek Recreation Center - Site Development Plan & Use by Special Review - Located at Northeast Corner of Aspen Creek Drive & Fox Ridge Drive:

Resolution No. 2001-105 Approving Aspen Creek Recreation Center Site Development Plan and Use by Special Review for Setback Deviations

(Refer to M-2001-217)

Mayor Berens opened the public hearing at 8:35 p.m. on a proposed recreation center in the Aspen Creek Subdivision on a 1-acre site located at the northeast corner of Aspen Creek Drive and Fox Ridge Drive. The application has been submitted by Lowe Aspen Creek, LLC, the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-217 summarizing the plans. The proposal is to construct a private recreation center including a clubhouse, pool, and tot-lot for the Aspen Creek residential community. Building materials used in the clubhouse would consist of a stucco veneer with stone accents and a pitched concrete roof.

Deputy Director of Community Development reviewed the property location, Master Plan designation, and Land Use Review Commission's recommendation as outlined in the Staff report. He noted that the side setback variation has been included at Staff's request.

Kevin Crehan, representing the Developer, reviewed details of the plan, noting the amenities to be provided to serve the Aspen Creek development. The building architecture and materials are consistent with the Aspen Creek development theme. The side setback variance is proposed to preserve a wildlife corridor along the south side.

City Engineer Behlen advised that a pipe handling a 100-year flood will keep drainage from impacting the pool.

Mr. Standbridge stated that there is sufficient parking for the facility, and he indicated the trail system connections.

The public hearing was closed at 8:50 p.m.

Resolution No. 2001-105 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT RESOLUTION NO. 2001-105 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - Flatiron Crossing Filing No. 3 - Final Plat – Located South of U.S. 36 & West of Interlocken Loop:

Resolution No. 2001-104 Approving Flatiron Crossing Filing No. 3 Final Plat
(Refer to M-2001-216)

Mayor Berens opened the public hearing at 8:51 p.m. on a proposed Final Plat for Flatiron Crossing Filing No. 3, containing 151 acres located at the southwest corner of U.S. 36 and Interlocken Loop.

City Manager Di Ciero reviewed Memorandum No. 2001-216 which summarized the plan. The purpose of the Final Plat is to subdivide the property to reflect final ownership boundaries for the various property owners involved in Flatiron Crossing. The proposed Plat also finalizes road rights-of-way and a variety of utility easements on the property. On the north edge of the Plat, a separate parcel will be created for Varra Park to allow future conveyance to the City in accordance with previous approvals.

Deputy Community Development Director Standbridge reviewed the property location, Master Plan use designation and Land Use Review Commission's recommendation as outlined in the Staff report. This application is a technical clean-up of the plat.

Jim Harrison, Flatirons Holding, was present on behalf of the Applicant.

The public hearing was closed at 8:55 p.m.

Resolution No. 2001-104 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2001-104 BE ADOPTED. THE MOTION

CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (g) Public Hearing - Buca di Beppo at Flatiron Marketplace - Site Development Plan - Motion to Continue

(Refer to M-2001-215)

Mayor Berens advised that Staff has requested that the public hearing for the proposed Site Development Plan for the Buca di Beppo restaurant located in the Flatiron Marketplace be continued. The Applicant needs additional time to make modifications to the Plan.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE PUBLIC HEARING FOR BUCA DI BEPPO RESTAURANT LOCATED IN THE FLATIRON MARKETPLACE BE CONTINUED TO THE MAY 15, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (h) Public Hearing - Ordinance No. 1547 Authorizing the Vesting Agreement For The Preble Creek PUD - Second Reading

(Refer to M-2001-220)

Mayor Berens opened the public hearing at 8:57 p.m. on a proposed Ordinance approving a vested rights agreement for the Preble Creek PUD.

City Manager Di Ciero reviewed Memorandum No. 2001-220 which summarized the proposed Ordinance. On April 10, 2001, City Council approved a PUD Plan for Preble Creek that significantly reduced the number of homes and the number of future jobs proposed for the area of North Broomfield. The plan also increased the planned open lands acreage to bring the PUD Plan into conformance with the City's Master Plan and Sub-Area Plan. The proposed vested rights agreement would "lock in" these proposed land uses and make them subject to a program whereby the vesting of the uses would occur in five-year increments according to the performance of the developer. He reviewed details of the vesting phases and clarified that the agreement would transfer with the sale of the property. There are no building permit allocations associated with this agreement.

The public hearing was closed at 9:05 p.m.

Ordinance No. 1547 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT ORDINANCE NO. 1547 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL.

DISCUSSION:

Councilmember Olstad stated that in the interests of slowing growth, he would propose a substitute motion.

COUNCILMEMBER OLSTAD MOVED A SUBSTITUTE MOTION THAT ORDINANCE NO. 1547 BE POSTPONED FOR A PERIOD OF ONE YEAR. THE MOTION DIED FOR LACK OF A SECOND.

ROLL CALL VOTE ON THE ORIGINAL MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 7 TO 1.

- (i) Resolution No. 2001-112 Designating July 28, 2001 as Colorado Cares Day in Broomfield and Forming a Colorado Cares Volunteer Service Awards Committee
(Refer to M-2001-233)

Mayor Berens introduced a proposed resolution regarding the Colorado Cares Volunteer Service Awards Program.

City Manager Di Ciero reviewed Memorandum No. 2001-233 which summarized the background. Bob Brooks, Executive Director of the Colorado Department of Local Affairs, has requested, on behalf of Governor Owens, that Broomfield join other Colorado counties in participation in a statewide program known as the Colorado Cares Volunteer Service Awards. The letter of request and a description of the program is included as Attachment 1 to the agenda memorandum. If Council wishes to participate in the program, the County awards will recognize community volunteers and groups at the local level for their involvement and service to the community.

Director of Community and Governmental Affairs Oglesby described the program and awards process. The proposed resolution will form the awards committee to make local awards and forward recommendations on to the State. Once the awards program has concluded, the Committee would dissolve.

Resolution No. 2001-112 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-112 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (j) Resolution No. 2001-111 Authorizing a Master Joint Use Agreement with the Boulder Valley School District
(Refer to M-2001-231)

Mayor Berens introduced a proposed Master Joint Use Agreement with Boulder Valley School District.

City Manager Di Ciero reviewed Memorandum No. 2001-231 which summarized background regarding the proposed agreement. In 1998, the City approved an intergovernmental agreement with Boulder Valley School District obligating future revenue from the City's Service Expansion Fee to joint use educational facilities within the District. The 1998 agreement also contemplated a master joint use agreement that would provide additional detail regarding priority of use, maintenance responsibilities, and possible future improvements. The drafting and review of a master joint use agreement is now complete and ready for consideration by City Council.

Deputy Director of Parks & Recreation Prince advised Council that Staff is satisfied with the proposed agreement, and noted that the schools have been excellent in working with the City.

Director of Community and Governmental Affairs Oglesby reviewed the status of acquisition of playing fields at Legacy High School.

Mayor Berens noted that the joint use agreement allows full utilization of these publicly-owned facilities.

Resolution No. 2001-111 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-111 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

- (k) Resolution No. 2001-106 Approving an Intergovernmental Agreement Establishing Boulder County as the Successor Entity to the Boulder County Recycling and Composting Authority
(Refer to M-2001-221)

Mayor Berens introduced a proposed Intergovernmental Agreement establishing Boulder County as the successor entity to the Boulder County Recycling and Composting Authority.

City Manager Di Ciero reviewed Memorandum No. 2001-221 which summarized background details of the proposed IGA. In November, 1994, Boulder County voters authorized a sales and use tax of 0.10% for a solid waste, recycling, and composting program. A consortium of Boulder County jurisdictions, known as the Boulder County Recycling and Composting Authority, was formed to manage the funds and construct a state-of-the-art regional recycling processing center which is scheduled to open in July of this year. The sales tax will sunset in December, 2001, and it is now appropriate to transfer responsibilities for the operation of the new center from the Authority to Boulder County.

Councilmember Stuart reviewed the proposed IGA which will be signed by all cities involved in the Authority. She noted that the funds generated were more than anticipated, and the project was done without debt. If the facility is ever sold to a private owner, the value of the assets would go back to the cities as contributed.

Councilmember Brunner noted that the last line of Paragraph 4 states that the funds received from a sale of the facility can only be used for purposes described in the IGA. Since the residents of Broomfield did not vote in favor of the additional sales tax, use of funds returned from that tax shouldn't be restricted.

Councilmember Brown suggested that the wording be amended to direct use of the funds to the Broomfield recycling center.

Councilmember Stuart proposed that the funds could only be used for recycling efforts within the jurisdiction.

Councilmember Griep suggested that the amended wording should be specific to Broomfield City and County, so that it would not impact wording approved by the other entities.

Resolution No. 2001-106 was read by title.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-106 BE ADOPTED WITH THE LAST SENTENCE OF PARAGRAPH 4, PAGE 2 OF THE IGA AMENDED TO READ AS FOLLOWS: "THESE DISTRIBUTED FUNDS MAY ONLY BE USED FOR THE PURPOSES DESCRIBED IN PARAGRAPH 2, ABOVE, EXCEPT IN THE CITY AND COUNTY OF BROOMFIELD WHICH MAY USE SUCH FUNDS FOR RECYCLING EFFORTS WITHIN ITS JURISDICTION."

COUNCILMEMBER BRUNNER MOVED A SUBSTITUTE MOTION AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-106 BE ADOPTED WITH THE LAST SENTENCE OF PARAGRAPH 4, PAGE 2 OF THE IGA DELETED.

ROLL CALL VOTE ON SUBSTITUTE MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BRUNNER AND OLSTAD.

THOSE VOTING NO WERE: COUNCILMEMBER BROWN, BUZEK, GRIEP, JOHNSON, STOVALL, AND STUART.

THE MOTION WAS DEFEATED 6 TO 2.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT THE PUBLIC HEARING FOR THE PROPOSED INTERGOVERNMENTAL AGREEMENT ESTABLISHING BOULDER COUNTY AS THE SUCCESSOR ENTITY TO THE BOULDER COUNTY RECYCLING AND COMPOSTING AUTHORITY BE TABLED TO THE MAY 15, 2001 CITY COUNCIL MEETING.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART.

THOSE VOTING NO WERE: NONE.

THE MOTION WAS CARRIED UNANIMOUSLY.

- (l) Resolution No. 2001-107 Authorizing an Intergovernmental Agreement with Urban Drainage and Flood Control District for the Design of Plaster Reservoir Improvements
(Refer to M-2001-222)

Mayor Berens introduced a proposed Intergovernmental Agreement with the Urban Drainage and Flood Control District for improvements to Plaster Reservoir.

City Manager Di Ciero reviewed Memorandum No. 2001-222 which summarized the IGA. The updated Urban Drainage and Flood Control District Outfall Systems Plan for Broomfield identifies Plaster Reservoir as a regional stormwater detention pond for the Quail Creek drainage basin. To provide the necessary stormwater detention, improvements to the reservoir are necessary. The City has been successful in obtaining significant funding from Urban Drainage for this project and matching funds have been previously approved in the City's 2001 Budget. Prior to initiation of the project and in order to access the District funds, it is necessary to approve an Intergovernmental Agreement with the Urban Drainage and Flood Control District. Pursuant to the City Charter, the approval of this Intergovernmental Agreement for the Plaster Reservoir project requires a two-thirds vote of the entire Council.

Resolution No. 2001-107 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT RESOLUTION NO. 2001-107 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title. At the City Manager's request, Item 6(h) was removed from the Agenda.

- (a) Approval of Minutes - Regular Meeting of April 24, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of April 24, 2001.

- (b) Resolution No. 2001-102 Authorizing the Purchase of Up To 500 Colorado - Big Thompson Water Units and Declaring the Intent of the City of Broomfield to Reimburse Original Expenditures from the Proceeds of Obligations
(Refer to M-2001-206)

The recommendation was that Resolution No. 2001-102 be adopted.

- (c) Ordinance No. 1555 Determining the Necessity of and Authorizing the Acquisition of Certain Real Property for Street Rights-of-Way and Temporary Construction Easements Either by Negotiation or by Condemnation for the Main Street Improvements Project – First Reading
(Refer to M-2001-229)

The recommendation was that Ordinance No. 1555 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., June 5, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for June 5, 2001, following the public hearing.

- (d) Schmachtenberger - South Enclave - Annexation, Rezoning & Water District Inclusion - Located North of S.H. 128:

Ordinance No. 1556 Annexing to the City of Broomfield, Pursuant to Section 31-12-106(1), C.R.S., an Enclave of 0.87 Acres Located in a Part of the Southwest Quarter of Section 34, Township 1 South, Range 69 West of the Sixth Principal Meridian, Boulder County, to be Known as "The Schmachtenberger Enclave Annexation" – First Reading

Ordinance No. 1557 Rezoning Certain Land Within the City of Broomfield from Boulder County Agriculture (A-1) to City of Broomfield PUD and Interchange Influence Area, Which Land is Approximately Located North of State Highway 128 – First Reading

Ordinance No. 1558 Granting Consent by the City of Broomfield to the Inclusion of .86± Acre Located in Section 34, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-211)

The recommendation was that Ordinances No. 1556, No. 1557, No. 1558, and No. 1559 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be scheduled for 6:00 p.m., June 19, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for June 19, 2001, following the public hearing.

- (e) Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway One Mile South of S.H. 128 – Motion to Postpone:

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - Second Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-212)

The recommendation was that Ordinances No. 1526 and No. 1527 be postponed to June 5, 2001.

- (f) Resolution No. 2001-110 Authorizing an Amendment to the Agreement with Burns & McDonnell for Design Services for the North Outfall

(Refer to M-2001-227)

The recommendation was that Resolution No. 2001-110 be adopted.

- (g) Resolution No. 2001-109 Approving the First Addendum to the Subdivision Agreement for Broomfield Corporate Center

(Refer to M-2001-225)

The recommendation was that Resolution No. 2001-109 be adopted.

- (h) Ordinance No. 1550 Disconnecting 311 Acres of Land Owned by Jefferson County from the City of Broomfield and Repealing Ordinance No. 1517 - First Reading
(Refer to M-2001-230)

This item was removed from the Agenda at the City Manager's request.

- (i) Ordinance No. 1549 Amending the Broomfield Municipal Code by Adding a New Chapter 13-32, Reclaimed Wastewater, to Title 13, Public Services, Which Establishes Policies Allocating Reclaimed Wastewater for Beneficial Use by the General Public, Mandating the Need for Regulatory Compliance Providing for Reclaimed Wastewater Connection Fees and Service Charges - First Reading
(Refer to M-2001-208)

The recommendation was that Ordinance No. 1549 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., June 5, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for June 5, 2001, following the public hearing.

- (j) Resolution No. 2001-99 Approving the Second Amendment to the Agreement Regarding The Broadlands PUD
(Refer to M-2001-228)

The recommendation was that Resolution No. 2001-99 be adopted.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(J), EXCLUDING 6(H), BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, OLSTAD, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Adams County Open Space Tax Proceeds – Stuart

Councilmember Stuart advised that, on behalf of the City, she and Director of Open Space and Trails Pritz had accepted a check from Adams County Open Space for a \$64,010 grant.

Broomfield Heights 1st Filing Sub-Area Plan Meeting – Brunner

Councilmember Brunner commended Deputy Community Development Director Standbridge on the manner in which he handled a recent meeting on the Broomfield Heights 1st Filing Sub-Area Plan.

Ethics Code Ordinance – Brunner

Councilmember Brunner requested that the draft ethics code be scheduled for First Reading at the next meeting with a month in between First and Second Readings to allow time for a Study Session discussion.

Northwest Parkway Status Report – Berens

Mayor Berens advised Council that the Northwest Parkway Authority is moving forward with bonding, and he will provide information to Council on the outcome.

CITY ATTORNEY'S REPORT

No report was given.

CITY MANAGER'S REPORT

No report was given.

SPECIAL REPORTS

The following reports were distributed to Council:

- (a) Listing of New Hires & Internal Promotions
(Refer to M-2001-224)
- (b) Public Works Week Proclamation
(Refer to M-2001-205)
- (c) 2000 Annual Water Quality Report
(Refer to M-2001-210)

Councilmember Johnson complimented the Staff on the City's water quality.

- (d) U.S. 36 Frontage Road Speed Limit
(Refer to M-2001-226)

ADJOURNMENT

The City Council Meeting was adjourned at 10:05 p.m.

City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

APRIL 24, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, April 24, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: None

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Assistant County Attorney Dale Pugh
City Management Associate Tonya Haas
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Planning Director John Franklin
Associate Planner Tyson Taylor
City Engineer Gary Behlen
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Finance Director Gregory Demko
Revenue Manager Roxy Huber
Library Director Helen Martin
Health and Human Services Director Karen Beyea
Public Information Officer Rosann Doran

The Citizens' Comments section of the Agenda was heard at this time.

PETITIONS AND COMMUNICATIONS

Introduction of Community Assistance Center Manager Norma Jones

City Manager Di Ciero introduced the new Community Assistance Center Manager Norma Jones. Ms. Jones addressed Council regarding her prior experience.

CITY AND COUNTY TRANSITION

- (a) Recommendation of Human Services Advisory Committee Regarding Provision of Veterans Service Office

(Refer to M-2001-197)

- (b) Recommendation of Human Services Advisory Committee Regarding Community Center Board

(Refer to M-2001-204)

Bob Davis, Vice-Chairman of the Human Services Advisory Committee, reviewed the Committee's work to date, and presented a summary of the recommendations regarding a veterans service office and Community Centered Board services as outlined in Memorandums No. 2001-197 and No. 2001-204.

During discussion Council directed that Staff work toward coordination of all areas of service needs as much as possible, and to include those areas in the feasibility study. It was also requested that the study look at Broomfield becoming its own fiscal agent. Staff clarified that the recommended motion would direct Staff to prepare a funding plan for the study; it is not for approval of the funding. At Council request, the recommendation was changed from "funding plan" to "funding strategy".

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES BE DIRECTED TO ESTABLISH A VETERANS SERVICE OFFICE FOR THE CITY AND COUNTY OF BROOMFIELD, AND THAT A PART-TIME VETERANS SERVICE OFFICER BE HIRED AND TRAINED TO PROVIDE STATUTORILY MANDATED SERVICES. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER STEVENSON MOVED AND COUNCILMEMBER STUART SECONDED, THAT STAFF BE DIRECTED TO PREPARE A LETTER BY APRIL 30TH TO MARVA LIVINGSTON HAMMONS, EXECUTIVE DIRECTOR, COLORADO DEPARTMENT OF HUMAN SERVICES, INDICATING THAT THE RECOMMENDATION TO CDHS IS THAT THE DESIGNATION OF CCB PROVIDERS NOT BE CHANGED AT THIS TIME, AND THAT THE CURRENT PROVIDERS IN ADAMS, BOULDER, JEFFERSON AND WELD COUNTIES CONTINUE TO SERVE ELIGIBLE CLIENTS IN THE CITY AND COUNTY OF BROOMFIELD; AND THAT STAFF BE DIRECTED TO PREPARE A FUNDING STRATEGY FOR COMPLETION OF A BROOMFIELD CCB FEASIBILITY STUDY IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE HUMAN SERVICES ADVISORY COMMITTEE AND SUBMIT TO CITY COUNCIL FOR ITS FURTHER CONSIDERATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CITIZENS' COMMENTS

Real Estate Open House Signs - David Robin

David Robin stated that he works real estate in the Broomfield area which includes open houses on the weekends. He has been notified by the Police Department that his open house signs are in violation of the City Sign Code. He requested an exception because the signs are needed for direction to the open house sites.

City Attorney Howard and Police Chief Deland confirmed that the Sign Code does prohibit commercial signs on public property. In response to Council direction, Chief Deland indicated that the Police Department will work with Mr. Robin for an acceptable solution.

Parking Trailers on the Street - Tim Davis

Tim Davis (2112 Powderhorn Trail) stated that he has been warned that parking an unhitched trailer on a City street is illegal. He explained that he has to disconnect his travel trailer in order to open it up for cleaning after use. He requested that the Municipal Code be amended to allow a 24-hour variance period or that the Police Department be directed not to investigate complaints for 24 hours.

Mayor Berens advised Mr. Davis of the process for amending a City ordinance, and noted that there would be no variance until an ordinance change is adopted.

Boulder County School Recycling and Environmental Education Program - Cyndra Deitz

Cyndra Deitz, Coordinator, Boulder County School Recycling and Environmental Education Program, distributed and reviewed a summary of the Program which serves all Boulder Valley School District schools.

COUNCIL BUSINESS

(a) Public Hearing - Flatirons Gateway - Motion to Continue:

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-2001-184)

Mayor Berens advised that Staff has requested that the public hearing for the proposed rezoning of Flatirons Gateway, located adjacent to Industrial Lane, be continued to the May 8, 2001 Meeting. As noted in Memorandum No. 2001-184, the Developer and Staff require additional time to complete negotiations on the development agreement.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT THE PUBLIC HEARING FOR FLATIRONS GATEWAY FILING NO. 1 BE CONTINUED TO THE MAY 8, 2001 CITY COUNCIL MEETING.

THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) Public Hearing - Interlocken Commons - Site Development Plan - Located at the Southeast Corner of Interlocken Loop & Interlocken Boulevard - Motion to Continue
(Refer to M-2001-182)

Mayor Berens advised that Staff has requested that the public hearing for Interlocken Commons be continued to the May 8, 2001 Meeting. As noted in Memorandum No. 2001-182, the Developer and Staff require additional time to complete negotiations on the development agreement.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT THE PUBLIC HEARING FOR INTERLOCKEN COMMONS BE CONTINUED TO THE MAY 8, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (c) Public Hearing - FirstBank at Flatiron Marketplace - Site Development Plan - Located East of Flatiron Marketplace Drive & South of East Flatiron Circle:

Resolution No. 2001-94 Approving FirstBank of the Flatiron Marketplace Site Development Plan

(Refer to M-2001-185)

Mayor Berens opened the public hearing at 7:00 p.m. on a proposed Site Development Plan for FirstBank at Flatiron Marketplace, located south of East Flatiron Circle and south of Flatiron Marketplace Drive. The application was submitted by FirstBank of Boulder, the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-185 which summarized the proposed plan. The proposal is for construction of a 5,100 s.f. bank on a 1.15 acre pad site in the Broomfield Marketplace.

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.

Craig Dunham, Architect, reviewed details of the proposed site plan, noting that changes to the earlier site plan have been made to avoid pedestrian/vehicle conflicts. The building materials and colors will be compatible with the Flatiron Marketplace project and are comparable to the existing bank building at Broomfield Marketplace. He reviewed the plan changes made to address two of LURC's conditions, and clarified that they have not removed the copyright. Upon recommendation of legal counsel, the Applicant has chosen to retain the copyright on the plans. They want to ensure that the City would not be able to build a building based on these plans.

City Attorney Howard advised Council that, once the Site Development Plans have been approved, they become part of the public record. He has consistently recommended that the copyright be removed, and advised Council to continue the application until that condition is met.

Following a recess, the City Attorney advised that the Applicant has agreed to remove the copyright to allow the plans to move forward for approval with the understanding that the Applicant will work with the City Attorney on acceptable language for a note to be added prior to recording.

Councilmembers Griep and Olstad expressed concerns about screening rooftop HVAC units from above and the visibility of the colors on the ATM. Following some discussion, the Applicant agreed to amend the plans as follows: 1) The white color on the ATM will be changed to match the tan color on other parts of the building; and 2) The special, distinctive screening technique used on the roof mechanical equipment for other buildings in Flatiron Marketplace will be duplicated for this building. If the screening technique isn't acceptable to the Applicant, the plan would be brought back to City Council.

The public hearing was closed at 7:42 p.m.

Resolution No. 2001-94 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-94 BE ADOPTED WITH THE FOLLOWING CONDITIONS: 1) THE WHITE COLOR ON THE ATM WILL BE CHANGED TO TAN; AND 2) HVAC SCREENING WILL BE INSTALLED SIMILAR TO THAT USED ON OTHER BUILDINGS CONSTRUCTED WITHIN THE FLATIRON MARKETPLACE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(d) Public Hearing - Enterprise Rent-a-Car - Site Development Plan – Located at 7630 U.S. 287:

Resolution No. 2001-89 Approving Enterprise Rent-a-Car Site Development Plan

(Refer to M-2001-180)

Mayor Berens opened the public hearing at 7:51 p.m. on a proposed Site Development Plan for Enterprise Rent-a-Car. The application was submitted by Gip Wilson and Norm Munk, the property owners.

City Manager Di Ciero reviewed Memorandum No. 2001-180 which summarized the plan. The proposed site is 0.4 acres located at 7630 U.S. 287, immediately east of the Dairy Queen. The proposal is to upgrade the existing site and use it for an Enterprise Rent-a-Car facility. A significant amount of landscaping is to be added to the site resulting in a total open area of 25% of the site. The proposed use is consistent with the approved Highway 287 PUD Plan. The property involved in this plan falls within the Urban Renewal Plan for the 120th Avenue Gateway Corridor.

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.

Thad Hodack, representing the Applicant, reviewed details of the site plans, noting the landscaping will be provided to meet the Urban Renewal Plan criteria. He advised that the chain link fence will be at the back of the building. The area on the sides of the building will be secured with a chain bollard.

Councilmember Griep stated that he is concerned about the appearance of a gray concrete building.

Mr. Hodack stated that the gray color will be contrasted with green trim and dark bands around the building.

The public hearing was closed at 8:00 p.m.

Resolution No. 2001-89 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT RESOLUTION NO. 2001-89 BE ADOPTED.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER GRIEP.

THE MOTION CARRIED 9 TO 1.

The City Council Meeting was recessed at 8:00 p.m. and the Urban Renewal Authority Meeting was held. The City Council Meeting was reconvened at 8:08 p.m.

- (e) Public Hearing - Aspen North - Amendment to Aspen Creek Planned Unit Development Plan / Preliminary Plat, First Amendment – Located South of W. 144th Avenue, East of S. 124th Street & North of Aspen Creek Subdivision:

Resolution No. 2001-92 Approving Aspen North an Amendment to the Aspen Creek Planned Unit Development / Preliminary Plat, First Amendment
(Refer to M-2001-183)

Mayor Berens declared the public hearing open at 8:08 p.m. on a proposed PUD Plan amendment for Aspen North. The application was submitted by Mr. and Mrs. James Aweida, the property owners.

City Manager Di Ciero reviewed Memorandum No. 2001-183 which summarized the plan. The area of the proposed PUD Plan amendment is 12.67 acres, located east of South 124th Street to the north of the Aspen Creek residential subdivision. The site is a part of the overall Aspen Creek PUD, and currently permits single family residential development at a maximum density of 3.98 units per acre. This parcel was recently purchased by the owner from the Wilde family. The proposed PUD

Plan amendment would allow an interim use of the property for a residential dwelling, a barn, grazing, and other agricultural uses in conformance with the City's A-1 Agriculture District.

Deputy Director of Community Development Standbridge reviewed the property location, the Master Plan use designation, and Land Use Review Commission's recommendation as outlined in the Staff report. He noted that anything other than the proposed use would require additional approval.

Jim Aweida reviewed details of the plan, noting that they are planning to build one residence with a barn and accessory buildings and to use the balance of the land for grazing. The barn will be approximately 1200 s.f., and they will live in that building as their residence is constructed.

In response to Council questions regarding plans for the residence, Mr. Standbridge advised that in the absence of a Site Development Plan, the allowable uses in a PUD zone default to those in the A-1 zone district. Those uses are a use by right and the plans would not be subject to Council approval.

Councilmember Brunner indicated that he is uncomfortable approving this application without seeing a plan for the residential structure.

Mr. Aweida presented photos of the style of residence they plan to build, noting that it will be similar to their existing custom home in Country Estates.

Mr. Standbridge clarified that the property owners are working with Director of Open Space and Trails Pritz on the location of a trail connection through this property. This application does not guarantee that trail which is still under negotiation.

The public hearing was closed at 8:22 p.m.

Resolution No. 2001-92 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT RESOLUTION NO. 2001-92 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - Interpark Filing No. 1 - PUD Plan & Final Plat – Located North of W. 112th Avenue & West of Main Street:

Resolution No. 2001-90 Approving Broomfield Interpark PUD Plan / Preliminary Plat and Final Plat and Authorizing the Subdivision Agreement Therefor

(Refer to M-2001-181)

Mayor Berens opened the public hearing at 8:24 p.m. on a proposed PUD Plan and Final Plat for Interpark Filing No. 1. The application was submitted by Broomfield 112th & Main Partners, the property owners.

City Manager Di Ciero reviewed Memorandum No. 2001-181 which summarized the plan. The site is 61.76 acres located at the northwest corner of West 112th Avenue and Main Street. The property is currently zoned for general business and industrial development under the PUD zone district.

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.

Bill Howard reviewed details of the proposed plan, noting that they have moved industrial uses off the main streets toward the interior of the property. They have complied with LURC's conditions and recognize that this is an important gateway of the City. The wildlife study indicated no serious impacts from this development, and they will attempt to relocate any prairie dogs found.

Councilmember Olstad expressed concern about the proposed plan, questioning why the City would allow uses in a gateway area that look more like Detroit to him. He is concerned that more open space is being lost.

In response to Council questions, Assistant City Manager Ozaki advised that the appraisal has just been completed for two lots which the City is negotiating to acquire for an expansion of the adjacent Industrial Park ballfield complex. Approval of this plan should not affect those negotiations.

City Engineer Behlen stated that the Airport Creek drainageway improvements through Westminster's development to the south will most likely be extended through this development.

Mr. Standbridge clarified that there are no public land dedication requirements for this PUD other than the Airport Creek drainageway which is reflected as 3% on the composite land use chart in the Staff report. The Site Development Plans for the individual lots will require a minimum of 25% open area, excluding parking.

Director of Parks & Recreation Derda explained that preliminary plans for this area had projected the possible extension of Teller Street through to the south. However, with construction of the existing fields and the site plan for expansion of that complex, it would be preferable not to extend Teller through there because of safety concerns. That area is a good location for this lighted field complex since it is within an industrial area and the lighting will not impact adjacent residential neighborhoods.

City Manager Di Ciero requested a statement of project intent with respect to the level of quality anticipated for development on this property, noting that it is a gateway area to the City of Broomfield.

Mr. Howard indicated that they are aware of the City's interest in a high quality of development at the gateway areas. He stated that they intend to reflect the quality of development occurring to the south in Westminster. In some respects, this plan will improve that quality of development since it holds maximum building heights to 40'-60' versus 4-5 story buildings to the south.

The public hearing was closed at 8:52 p.m.

Resolution No. 2001-90 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BROWN
SECONDED, THAT RESOLUTION NO. 2001-90 BE ADOPTED.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 9 TO 1.

- (g) Public Hearing - Ordinance No. 1545 Amending the Broomfield Municipal Code Pertaining to Harassment, Disorderly Conduct, Minors Prohibited in Taverns and Liquor License Suspensions - Second Reading

(Refer to M-2001-187)

Mayor Berens opened the public hearing at 9:15 p.m. on a proposed ordinance which would amend sections of the Municipal Code regarding harassment, disorderly conduct, minors prohibited in taverns, and alcoholic beverage licensing regulations.

City Manager Di Ciero reviewed Memorandum No. 2001-187 which summarized the proposed ordinance. Ordinance No. 1545 is housekeeping in nature. To reflect revisions made to State Statutes over the past few years, certain sections of the Municipal Code must be revised. Language has been added regarding the use of computers to commit harassment. Provisions related to the presence and activities of minors in taverns must be updated. Also, some portions of the City's business licensing regulations refer to statutes which have changed. The proposed ordinance will correct and update the Municipal Code to more accurately reflect provisions of current State Statutes.

Prosecuting Attorney Dale Pugh was present to answer Council questions.

The public hearing was closed at 9:18 p.m.

Ordinance No. 1545 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT ORDINANCE NO. 1545 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(h) Public Hearing - Ordinance No. 1530 Amending the Purchasing Policy Relating to Small Purchases - Second Reading

(Refer to M-2001-189)

Mayor Berens opened the public hearing at 9:20 p.m. on a proposed ordinance regarding small purchases.

City Manager Di Ciero advised that the proposed ordinance would amend the Municipal Code to increase the maximum \$20,000 to \$50,000 for purchases which the City Manager is authorized to approve.

Finance Director Demko advised that the City purchasing procedures require a review of all bids to determine the best value. Purchases which the City Manager is authorized to approve are items which have been approved through the City Council budget approval process.

City Council requested a listing with the Budget of the items falling in the \$50,000 or less range.

The public hearing was closed at 9:25 p.m.

Ordinance No. 1530 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT ORDINANCE NO. 1530 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(i) Ordinance No. 1535 Amending Section 2-02-010, Compensation of Members of Council, and Section 2-02-020, Mayor's Additional Compensation, of Chapter 2-02, City Council Compensation, of the Broomfield Municipal Code That Would Increase the Compensation of the Mayor and Members of the City Council - Second Reading

(Refer to M-2001--192)

Mayor Berens opened the public hearing at 9:26 p.m. on a proposed ordinance which would adjust the compensation paid to the Mayor and City Council Members.

City Manager Di Ciero advised that based on Staff review of a compensation survey of other area cities and counties, a monthly compensation of \$1,000 for the position of Mayor and \$800 for the position of City Councilmember would be justified. After review of the study, Council concluded that \$800/month for Mayor and \$600/month for Councilmembers would be a reasonable adjustment. At the March 27th Meeting, the Ordinance failed to get six affirmative votes as required for adoption of an ordinance. At the April 10th Meeting, a Councilmember from the prevailing side requested that reconsideration of the Ordinance be scheduled for the April 24th Meeting. The compensation increase does not affect the Mayor or Councilmembers now in office; it will only apply to the Mayor and Councilmembers elected on and after November 6, 2001.

The public hearing was closed at 9:29 p.m.

Ordinance No. 1535 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1535 BE ADOPTED.

DISCUSSION:

Councilmember Brunner stated that he had expressed his opposition to the proposed Ordinance at the April 10th Meeting.

COUNCILMEMBER BRUNNER MOVED A SUBSTITUTE MOTION THAT ORDINANCE NO. 1535 BE AMENDED TO SET THE COMPENSATION AT \$600 FOR MAYOR AND \$400 FOR COUNCILMEMBERS. THE MOTION DIED FOR LACK OF A SECOND.

ROLL CALL VOTE ON ORIGINAL MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER BRUNNER.

THE MOTION CARRIED 9 TO 1.

- (j) Resolution No. 2001-100 Authorizing an Intergovernmental Agreement with the MidCities Metropolitan District No. 1 for Use, Maintenance, Repair, and Transfer of the Regional Trail Easements in MidCities Filings Nos. 1 and 2
(Refer to M-2001-198)

Mayor Berens introduced a proposed intergovernmental agreement with the MidCities Metro District No. 1 for a regional trail.

City Attorney Howard advised that the IGA will clarify the status of the regional trail as it goes through the MidCities Metropolitan District. The District will maintain the trail as long as the District exists.

Resolution No. 2001-100 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STEVENSON SECONDED, THAT RESOLUTION NO. 2001-100 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (k) Request for Executive Session Regarding Negotiations
(Refer to M-2001-203)

Mayor Berens advised that Staff has requested that Council hold an Executive Session following the Council Meeting to discuss negotiations.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT AN EXECUTIVE SESSION BE HELD FOLLOWING THE MEETING ON APRIL 24, 2001, TO DISCUSS NEGOTIATIONS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (l) Broomfield Urban Transit Village - Rezoning - Located South of W. 120th Avenue, West of U.S. 36 & East of S.H. 121 - Motion to Continue:

Ordinance No. 1532 Rezoning Certain Land Within the City of Broomfield from Jefferson County I-1 and A-2 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

Ordinance No. 1536 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

(Refer to M-2001-179)

Mayor Berens advised that Staff has requested that the public hearing for the Broomfield Urban Transit Village be continued to the May 8, 2001 Meeting. As noted in the Staff report, the Developer and Staff require additional time to complete negotiations on the development agreement.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT THE PUBLIC HEARING FOR THE BROOMFIELD URBAN TRANSIT VILLAGE BE CONTINUED TO THE MAY 8, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Approval of Minutes - Regular Meeting of April 10, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of April 10, 2001.

Page 6 of the Minutes was corrected to reflect that Councilmember Fahrenbruch voted no on the motion to adopt Ordinance No. 1547 on First Reading.

- (b) Miller Enclave - Located North & South of W. 136th Avenue, East of Sheridan Boulevard:

Ordinance No. 1552 Repealing Ordinance No. 1539 and Granting Consent by the City of Broomfield to the Inclusion of 84.56± Acres Located in Sections 19 and 30, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-178)

The recommendation was that Ordinance No. 1552 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., May 15, 2001,

in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for May 15, 2001, following the public hearing.

(c) May Meeting Schedule

(Refer to M-2001-201)

The recommendation was that the Regular Meeting of May 22, 2001 be rescheduled to May 15, 2001.

(d) Resolution No. 2001-101 Approving Statements of Rights and Obligations Relating to the Sale and Purchase of the Property Subject to the Subdivision Improvement Agreement for MidCities Filing No. 6 By and Between Coalton Acres, LLC, and Greystar GP, LLC

(Refer to M-2001-200)

The recommendation was that Resolution No. 2001-101 be adopted.

(e) Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway One Mile South of S.H. 128 – Motion to Postpone:

:

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - Second Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-194)

There was a motion to postpone Ordinances No. 1526 and No. 1527 to the May 8, 2001 meeting.

(f) Resolution No. 2001-85 Approving a Consulting Agreement with Haley & Aldrich, Inc. to Provide Engineering Services Related to the Gravel Lake Project

(Refer to M-2001-174)

The recommendation was that Resolution No. 2001-85 be adopted.

(g) Resolution No. 2001-83 Authorizing an Amendment to the Agreement to the 2000 Asphalt Overlay/Concrete Replacement Program with Asphalt Specialties Co., Inc. to Include 2001 Construction

(Refer to M-2001-172)

The recommendation was that Resolution No. 2001-83 be adopted.

Public Works Director Brown addressed Council questions regarding the overlay program.

- (h) Resolution No. 2001-95 of Intent to Collect and Administer the Municipal Sales Tax Effective January 1, 2002

(Refer to M-2001-190)

The recommendation was that Resolution No. 2001-95 be adopted.

- (i) Resolution No. 2001-88 Authorizing an Agreement with Advanced Communications Technologies, Inc. for Wireless Antenna Installation

(Refer to M-2001-188)

The recommendation was that Resolution No. 2001-88 be adopted.

- (j) Resolution No. 2001-86 Authorizing a Change Order for Alexander Concrete Construction, Inc. for the City-Wide Concrete Replacement Project

(Refer to M-2001-176)

The recommendation was that Resolution No. 2001-86 be adopted.

- (k) Resolution No. 2001-73 for the Third Amendment to the 2000 Budget As Amended - Year-End Adjustments

(Refer to M-2001-177)

The recommendation was that Resolution No. 2001-73 be adopted.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(K) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Request for Study Session with the Open Space & Trails Advisory Committee (OSTAC) Regarding Extending the Open Space Tax – Stuart

In response to Councilmember Stuart's request, a Study Session was scheduled for Tuesday, May 1, 2001, 6:00 p.m. to discuss the Open Space & Trails Advisory Committee's recommendation for a ballot question to extend the Open Space Tax.

Request for Study Session Regarding Ethics Code – Stevenson

Councilmember Stevenson requested that a Study Session to discuss a Council ethics code be scheduled before becoming a county.

Special Olympics – Stevenson

Councilmember Stevenson requested that the Director of Parks and Recreation provide information to Council regarding the upcoming Special Olympics.

Broomfield Heights 1st Filing Sub-Area Plan Meeting – Brunner

Councilmember Brunner acknowledged the good participation in the Broomfield Heights 1st Filing Sub-Area Plan Meetings and noted that another will be held Thursday, April 26th.

Timing of Left Turn on Midway Boulevard at Sheridan Boulevard – Fahrenbruch

Councilmember Fahrenbruch requested that Staff check the timing for the left turn onto Midway Boulevard at Sheridan Boulevard.

Affordable Housing / Modular Homes – Brown

Councilmember Brown noted that modular and manufactured homes are affordable housing options. An example of the range of quality of this type of housing is a 2,000 s.f. mobile home in Cimarron Park which is on the market for \$75,000.

H.B. 1382 Regarding 2002 Property Tax Collection Status – Berens

Mayor Berens advised that H.B. 1382 which would have allowed Jefferson, Adams, Boulder, and Weld counties to collect the Broomfield property taxes paid in 2002 has been defeated in committee.

CITY ATTORNEY'S REPORT

Paradise Lane Residents' Lawsuit – Status

City Attorney Howard advised that the Court has ruled in favor of Boulder County and the three cities which were named in the Paradise Lane Residents' lawsuit related to the Northwest Parkway.

CITY MANAGER'S REPORT

SPECIAL REPORTS

The following Special Reports were distributed to Council:

- (a) 2001 Capital Improvement Construction Project Report
- (b) Citizen Assistant Center 1st Quarter Report - 2001
- (c) Tree City USA Award / Arbor Day Proclamation
(Refer to M-2001-175)
- (d) Utility Billing Drop Box Program
(Refer to M-2001-191)
- (e) Cemetery Site
(Refer to M-2001-202)
- (f) McKay Lake Dam Improvements
(Refer to M-2001-171)

- (g) Employees' Medical Care Expense Plan Financial Reports - December 31, 2000 / January 31, 2001 / February 28, 2001
- (h) Building Department Report - March, 2001

ADJOURNMENT

The City Council Meeting was adjourned at 10:10 p.m. to an Executive Session to discuss negotiations.

City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

APRIL 17, 2001

ROLL CALL

The Adjourned Meeting of the Broomfield City Council was reconvened by Mayor William Berens at 6:00 p.m., Tuesday, April 17, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: Councilmember Vincent Buzek

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
Director of Community and Governmental Affairs Kirk Oglesby
Public Information Officer Rosann Doran

Vote to Hold an Executive Session Regarding Litigation

Mayor Berens advised that Staff has requested that Council vote to adjourn the meeting to hold an Executive Session to discuss negotiations.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT THE MEETING BE ADJOURNED TO AN EXECUTIVE SESSION TO DISCUSS NEGOTIATIONS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

ADJOURNMENT

The City Council Meeting was adjourned at 6:05 p.m.

City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

APRIL 10, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, April 10, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep [Left meeting following Item 5(c)]
Ralph Johnson
Steven Olstad [Left meeting at Item 5(c)]
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: None

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
City Management Associate Tonya Haas
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Planning Director John Franklin
Associate Planner Tyson Taylor
City Engineer Gary Behlen
Civil Engineer Burt Knight
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Chief of Police Tom Deland
Support Services Director Terry Cole
Finance Director Gregory Demko
Library Director Helen Martin
Health and Human Services Director Karen Beye
Clerk and Recorder Russ Ragsdale
Public Information Officer Rosann Doran

PETITIONS AND COMMUNICATIONS

Broomfield Economic Development Corporation Activities Report

Don Dunshee, President and Executive Director, distributed and reviewed the Broomfield Economic Development Corporation's (BEDC) activities report. In response to Council discussion, Mr. Dunshee indicated that the priority goals which BEDC is pursuing include assisted living projects and a user for the former Albertson's space.

Director of Community and Governmental Affairs Oglesby described the RTD Call 'N Ride service which is now available in Broomfield.

CITY AND COUNTY TRANSITION

Summary of Human Services Advisory Committee Meeting - March 28, 2001
(Refer to M-2001-163)

Health and Human Services Director Beye reviewed Memorandum No. 2001-163 which summarized the Human Services Advisory Committee Meeting held March 28, 2001.

Councilmember Fahrenbruch requested copies of the handouts from the meeting.

CITIZENS' COMMENTS

Introduction of Melanie Richmond, Capital Improvements Program Project Manager

Community Development Director Black introduced Melanie Richmond, the newly hired Capital Improvements Program Project Manager. Ms. Richmond addressed Council regarding her professional experience.

Council requested information regarding the new Staff members being hired for the City and County transition.

COUNCIL BUSINESS

(a) Public Hearing - Flatirons Gateway - Motion to Continue:

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-2001-162)

Mayor Berens advised that Staff has requested continuation of the public hearing on a proposed rezoning and development plans for Flatirons Gateway. The property is a 29-acre site located between U.S. 36 and the Burlington Northern Railroad line, west of Hoyt Street. As noted in the Staff report, the Developer and Staff request additional time to complete negotiations on the proposal. Staff has recommended that the public hearing on Ordinances No. 1543 and No. 1544 be continued to the April 24, 2001 Council Meeting.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE PUBLIC HEARING ON ORDINANCES NO. 1543 AND NO. 1544 BE CONTINUED TO THE APRIL 24, 2001 COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) Public Hearing - Broadlands PUD Plan 2nd Amendment, The Broadlands Filing #13 Site Development Plan, Final Plat and Subdivision Agreement - Located at the Southwest Corner of Lowell Boulevard and West 144th Avenue:

Resolution No. 2001-58 Approving the Broadlands PUD Plan 2nd Amendment The Broadlands Filing No. 13 (Broadlands Marketplace) Site Development Plan and Final Plat and Authorizing the Subdivision Agreement Therefor

(Refer to M-2001-161)

Mayor Berens opened the public hearing at 6:39 p.m. on a proposed PUD Plan Amendment, Site Development Plan, and Final Plat for The Broadlands Filing No. 13. The application has been submitted by Northland Syndicate, the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-161 which summarizes the proposed development plans. The property is located at the southwest corner of Lowell Boulevard and West 144th Avenue, and contains 15.87 acres. The proposed plan is for construction of a commercial center containing 113,291 square feet, and which includes a grocery store anchor facility. Two future pad sites will be reviewed by Council in a separate review process and are not a part of this hearing.

Deputy Director of Community Development Standbridge reviewed the property location, the Master Plan designation as Village Center, and the Land Use Review Commission's recommendations as outlined in the Staff report. The Applicant has met the conditions with the exception of enclosing the electrical units. The plan proposes landscaping and berming as sufficient screening of the electrical panels.

Jim Donaldson, Architect, reviewed details of the proposed plans, noting the emphasis on providing a pedestrian friendly center by incorporating plaza areas with views from the site. Colors and materials will be similar to existing development in The Broadlands. The plan includes two variations: 1) A variation of the percentage of open area provided on Lot 5 (which contains the grocery store and parking) from the required 25% to 19%; and 2) Sign area for the gas station on Lot 4 exceeds the area allowed by the Sign Code. They feel the open area variation on Lot 5 is justified based on the fact that the open area for the entire site will be 25.8%. Mr. Donaldson explained that enclosing the electrical units would create a clearance problem impacting the service drive. The proposed landscaping will substantially screen the units from view and will also mitigate noise spillage from the site.

Councilmember questions and comments included: 1) Question regarding improvements at W. 144th and Lowell; 2) Concern about the proximity of a playground area to one of the greens on the back nine of the golf course; 3) The proposed sign area variation is appropriate for this project; 4) Question whether a "cash-in-lieu-of" should be imposed for the open area variation; 5) Councilmember Olstad indicated that the plan appears to be another common strip mall; 6) Request that Applicant agree to screen all electrical units in areas that would not impact the service drive; 7) Concern about trail connections through to the residential neighborhoods, and

turning radii in parking areas; and 8) Concern that irrigation sprayheads are inefficient and suggestion that Applicant consult with Parks Maintenance Staff.

Jon Lee, Community Development Group, described the proposed improvements to W. 144th and Lowell which extend through the intersection east, west, north and south. Construction of the improvements is scheduled for this summer. He explained that there is a road between the golf course green and the playground being built. That hole is a Par 3 so drives will not be hit that far. He will install evergreen trees along there to stop golf balls.

Deputy Director of Community Development Kevin Standbridge explained that approval of a cash-in-lieu-of request has been used when a public land dedication requirement is involved. In determining whether a project meets the overall intent of the open area requirement, Staff would look at the overall Site Development Plan. In this case the overall plan slightly exceeds the 25% open area requirement. The Lot 5 parcel will be sold as a separate ownership, therefore, Staff will ensure that wording on the plan notes is clear that the overall open area requirement is being met.

Mr. Donaldson reviewed the trail connections indicated on Sheet 5 of the plans. The landscape islands help to break up the parking lot area, and all turning radii standards are met. He described screening of the loading dock. With respect to screening of the rear of the buildings, it was noted that a significant berm exists between the golf course and the back of the buildings. The pedestrian plaza area is approximately 100' building to building, and will contain substantial landscaping and seating area.

City Manager Di Ciero clarified that the Applicant agreed to screen electrical units with a wall in areas that won't impact the service drive.

The public hearing was closed at 7:24 p.m.

Resolution No. 2001-58 was read by title.

COUNCILMEMBERS FAHRENBRUCH AND JOHNSON MOVED AND COUNCILMEMBER BROWN SECONDED, THAT RESOLUTION NO. 2001-58 BE ADOPTED.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 9 TO 1.

- (c) Public Hearing - Preble Creek PUD Plan Amendment / Preliminary Plat and Development Agreement and First Reading of a Vested Rights Agreement - Located South of State Highway 7 and East of the Boulder/Adams County Line, West of I-25, and North of W. 152nd Avenue:

Resolution No. 2001-59 Approving Preble Creek PUD Plan / Preliminary Plat and Development Agreement Therefor

Ordinance No. 1547 Authorizing the Vesting Agreement For The Preble Creek PUD - First Reading

(Refer to M-2001-156)

Councilmember Olstad disclosed that he had ex parte contact regarding this application. On the advice of the City Attorney, he requested to be excused from consideration of the application to avoid jeopardizing the Council's decision. Council excused Councilmember Olstad who left the meeting.

Mayor Berens opened the public hearing at 7:26 p.m. on a proposed PUD Plan for Preble Creek. The project, containing 2,594 acres, is located north of W. 152nd Avenue and south of State Highway 7, between I-25 and the Boulder County line. The application has been submitted by JPB Holdings, LLC, Pulte Home Corporation on behalf of the owners of nine separate properties listed in the Staff report.

City Manager Di Ciero reviewed Memorandum No. 2001-156 which summarized Westminster's attempt to annex the north area properties to block Broomfield from future annexations north of W. 144th Avenue. The property owners indicated a preference to annex to Broomfield, and annexation agreements were executed which included the City's commitment to extend water and sewer lines to the properties at the time of development. PUD Plans for the properties were approved in 1989 and 1990 following the annexations.

Deputy Director Of Community Development Kevin Standbridge reviewed the location of the properties and the Master Plan designated uses. He summarized a comparison of the existing approved PUD Plans to the Preble Creek PUD Plan amendment, noting that the amendment reduces the proposed number of dwelling units from 9,900 on the existing plan to 6,900, and proposes a 212% increase in open lands. The proposal is performance based from the aspect of the installation of public improvements and the building permit allocation system. The phasing plan provides that the Developer will install public improvements, including the extension of water and sewer lines, and building permits allocated as the infrastructure improvements are installed. 50% (850+ acres) of the residential community will be in open lands which include the golf course. In addition to the 850 acres, 25% of each project in the commercial areas would be required to be open lands.

Garrett Baum, Mike Ermisch, and Bill Branyan, representing the Applicant, reviewed details and key elements of the proposed plan, including conformance with expectations established through the Master Plan process and Sub-Area goals, trail system and transit system access, and opportunity for affordable housing.

The following speakers addressed Council during the public hearing: Sheridan Celmer (3302 W. 151st Court); Rick Schneider (900 Coral Street); J.J. Ament (representing George K. Baum & Co., Financing Agent for the Northwest Parkway); Pan Wanek (2251 W. 153rd Place); and Gwen Young (15160 King Court). Questions, comments, and concerns included: 1) Concern regarding traffic impacts on Lowell Boulevard, and the proposal that the existing Lowell Boulevard be designated for

neighborhood access only; 2) Concern regarding development of the transition area adjacent to Wilcox Estates; 3) Opinion that the designation for neighborhood residential in the transition area is an inappropriate usage, and proposal that the area be considered for rural residential use; 4) Question as to how long the open lands will remain as open lands; 5) Mr. Schneider reviewed the letter he submitted in the packet, but noted that it was written prior to seeing the presentation on this project; commented that the golf course space could be used to build additional homes, and that housing units around a golf course draw a higher price; 6) This proposed development reflects very favorably on the long-term financing plans for the Northwest Parkway; 7) Support for the plans to enhance wildlife habitat; 8) Concern that two school sites will not be sufficient for the additional population; and 9) Support for the mixed uses reflected in the plan.

City Engineer Behlen reviewed the Traffic Study estimates for Lowell Boulevard, noting that the traffic impacts will be addressed as the plans move forward with more development detail.

City Manager Di Ciero indicated that open space designated on the PUD Plan would be open into perpetuity.

Deputy Director Of Community Development Kevin Standbridge advised that the Adams County School District has been involved in the planning of this project and has recommended two school sites using the District's attendance boundaries. The Developers will continue to work with the School District as the project moves forward.

Mr. Branyan responded to Councilmember questions and concerns explaining that details regarding trail system plans will not be in place until the individual development parcels are submitted. The setback along S.H. 7 will be 75'. As specific plans are brought forward, Council will decide if it is appropriate to allow the setback to be reduced to 30' in certain areas. The southerly parcel of residential was minimized to increase the buffer to existing rural residential uses. The parcel is 37 acres which is a good size for a self-sustaining project. There are a number of rural residential uses around that area, and there may not be a sufficient market for more.

Staff reviewed details of the financing plan. Funding the infrastructure improvement obligations of the City through a sales tax bond was compared to this proposal wherein the Developer funds the front-end costs for the improvements and is reimbursed with revenues generated by the development. The economics of the project indicate positive balances each year with inflation impacts taken into consideration. It was noted that the Developer's obligations are listed in today's dollar amounts, and Staff will clarify that in an added note to the Plans.

Mr. Ermisch noted the Applicant's commitment to performing a wildlife study. He stated that there will be a 600' buffer to Lafayette as required in the IGA. They want to let the land topography dictate the treatment of the buffer along S.H. 7.

Mr. Branyan advised that they are working with FRICO on irrigation water options, and stated that they would like to work toward a connection to the reuse system in the future. They will provide notice to all residents regarding the location of Erie Airport. He noted that the traffic volume at Jefferson County Airport is significantly higher than Erie Airport which is a small, rural airport with no plans to expand. He indicated that they will continue to try to incorporate the other adjacent annexed properties into this plan.

In general Councilmember comments and direction included: 1) Support for the effort to submit an overall master plan to coordinate development of all of the parcels; 2) Direction to work closely with Staff to address traffic impacts and to ensure that the transportation system plans do address those concerns; 3) Use lessons learned from The Broadlands to improve proposed plans to ensure creative and unique layouts; 4) Strong emphasis on meeting the commitment to provide affordable housing; 5) Direction to ensure that the ratio of parks to population is appropriate; 6) Direction that the Project pay for itself, and the need to look at off-site costs resulting from this development; and 7) Need to closely evaluate the need for schools and to incorporate realistic numbers and sites into the plan as quickly as possible.

The public hearing was closed at 11:17 p.m.

Resolution No. 2001-59 was read by title.

COUNCILMEMBERS JOHNSON AND FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-59 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1547 was read by title. Staff noted that the proposed action will adopt the Ordinance on First Reading only and allow it to move forward to Second Reading. Final adoption of the Ordinance and approval of the proposed vesting agreement will take place at that time, following the public hearing.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER STUART SECONDED, THAT ORDINANCE NO. 1547 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., MAY 8, 2001, IN THE COUNCIL CHAMBERS AT ONE DES COMBES DRIVE; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR MAY 8, 2001, FOLLOWING THE PUBLIC HEARING.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, BUZEK, GRIEP, JOHNSON, STEVENSON, STOVALL AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER FAHRENBRUCH

THE MOTION CARRIED 8 TO 1.

Councilmember Olstad did not return to the meeting. Councilmember Griep left the meeting at this time.

- (d) Public Hearing - Aspen Creek Filing No. 5 Site Development Plan Amendment and Use By Special Review for Setback Variations - Located at the Northeast Corner of S. 124th Street and Aspen Creek Drive:

Resolution No. 2001-80 Approving Aspen Creek Filing No. 5 Site Development Plan Amendment and Use By Special Review

(Refer to M-2001-159)

Mayor Berens opened the public hearing at 11:44 p.m. on a proposed development plan amendment for Aspen Creek Filing No. 5, located at the northeast corner of South 124th Street and Aspen Creek Drive. The application was submitted by Lowe Aspen Creek, LLC, the property owner.

City Manager Di Ciero advised that the Applicant is requesting setback variations as summarized in Memorandum No. 2001-159.

Deputy Director Of Community Development Kevin Standbridge reviewed the property location and the Land Use Commission's recommendation for denial as outlined in the Staff report.

Coulter Hooker, Lowe Enterprises Colorado, Inc., reviewed the request to allow setback variations for home models with alternative garages, noting that currently, only two lots have setback variations. He explained that two quality builders have been brought in for this project. They have requested the setback variations in order to provide greater variety and architectural design for the lots planned for alternative garages.

Dennis Gutenberger (Laureate Homes) and Kurt Wolter (Genessee Company) presented examples of the types of homes with sideload garages to be constructed. The need for setback variations arose as they started mixing the placement of the models on the sites. The Land Use Review Commission objected to the visibility of the garages.

Mr. Hooker stated that the request is in compliance with the three review criteria established in the PUD Plan: 1) Setbacks are varied throughout the project; 2) The setback variations do not cause a sense of overcrowding; that typically comes from side setback variations, and the side setbacks meet Code for all but two of the lots; and 3) A variety of other details have been presented to illustrate the project's use of techniques to increase the openness between homes.

Councilmembers discussed the application and the number of lots for which variations have been requested. During discussion, the Applicant was asked if rear yard setback variations had been considered. Following a recess, Mr. Hooker noted that all models offered have 1-story elevations at the front. He expressed concern about cramping the back yard family space. He then proposed to change the request for 15' front setbacks, to a 19' front setback with the rear yard setback reduced by 4'.

Councilmember Brunner stated that the problem should be solved by removing a lot and shifting the lot lines.

The public hearing was closed at 12:24 a.m.

Resolution No. 2001-25 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT RESOLUTION NO. 2001-25 BE ADOPTED WITH AN AMENDMENT TO THE SITE DEVELOPMENT PLAN TO CHANGE THE

REQUEST FOR 15' FRONT SETBACKS TO A 19' FRONT SETBACK WITH THE REAR YARD SETBACK REDUCED BY 4'.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBER BROWN, BUZEK, FAHRENBRUCH, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER BRUNNER.

THE MOTION CARRIED 7 TO 1.

- (e) Public Hearing - Ordinance No. 1546 Determining The Necessity Of and Authorizing the Acquisition of a Permanent Sewer Utility Easement By Negotiation Or By Condemnation from Jefferson County - Second Reading

(Refer to M-2001-154)

Mayor Berens opened the public hearing at 12:25 a.m. on a proposed ordinance authorizing the acquisition of a sewer utility easement from Jefferson County.

City Attorney Howard advised that Staff has not been successful to date in negotiating an easement agreement with Jefferson County.

The public hearing was closed at 12:27 a.m.

Ordinance No. 1546 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT ORDINANCE NO. 1546 BE ADOPTED AS AMENDED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Request for Executive Session Regarding Negotiations

(Refer to M-2001-169)

Mayor Berens advised that Staff has requested that Council hold an Executive Session following the meeting to discuss negotiations.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT AN EXECUTIVE SESSION BE HELD FOLLOWING THE MEETING TO DISCUSS NEGOTIATIONS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

Request for Reconsideration of Ordinance No. 1535 Amending Section 2-02-010, Compensation of Members of Council, and Section 2-02-020, Mayor's Additional Compensation, of Chapter 2-02, City Council Compensation, of the Broomfield Municipal Code That Would Increase the Compensation of the Mayor and Members of the City Council - Second Reading

At the end of the meeting, Councilmember Stuart requested that consideration of Ordinance No. 1535 be added to the Business Agenda.

AS A MEMBER OF THE PREVAILING SIDE, COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT CITY COUNCIL RECONSIDER THE MARCH 27, 2001, VOTE ON ORDINANCE NO. 1535 TO INCREASE THE MAYOR'S AND CITY COUNCIL COMPENSATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

Mayor Berens advised that the vote at the March 27th Meeting to approve Ordinance No. 1535 failed because there were not the six votes necessary to adopt an ordinance as required by Charter. It has now been moved and seconded that City Council reconsider the vote on the ordinance.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT RECONSIDERATION OF THE VOTE ON ORDINANCE NO. 1535 BE SCHEDULED FOR THE APRIL 24, 2001 MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Approval of Minutes - Regular Meeting of March 27, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of March 27, 2001.

- (b) Resolution No. 2001-77 Authorizing the Delegation to the City and County of Denver, Colorado, of the Authority of the City of Broomfield, Colorado, With Respect to the Issuance of Single Family Home Mortgage Revenue Bonds (The "Bonds") To Finance Residential Housing Facilities For Low- and Middle-Income Persons and Families Within the City and Certain Other Cities and Counties in the State of Colorado; Approving Such Bonds and Such Single Family Mortgage Loan Program; and Authorizing the Execution and Delivery of a Delegation Agreement and Other Documents In Connection Therewith

(Refer to M-2001-157)

The recommendation was that Resolution No. 2001-77 be adopted.

- (c) Resolution No. 2001-76 Authorizing Amendment No. 4 to the Agreement By and Between the City of Broomfield and Bucher, Willis & Ratliff Corporation Regarding the U.S. 36 / S. 96th Street Sub-District Phase 2 Infrastructure

(Refer to M-2001-153)

The recommendation was that Resolution No. 2001-76 be adopted.

- (d) RTD / Transit Alliance Survey Participation - Motion to Authorize Participation

(Refer to M-2001-164)

The recommendation was that participation in the amount of \$500 be authorized for the RTD/Transit Alliance Survey regarding transportation improvements.

- (e) Resolution No. 2001-75 Amending an Intergovernmental Agreement By and Among Boulder County and the Cities of Broomfield, Boulder, Longmont, Lafayette, and Louisville for Household Hazardous Waste Collection
(Refer to M-2001-152)

The recommendation was that Resolution No. 2001-75 be adopted.

- (f) Resolution No. 2001-74 Awarding the Contract for the Citywide Tree Planting Program
(Refer to M-2001-151)

The recommendation was that Resolution No. 2001-74 be adopted.

- (g) Resolution No. 2001-79 Authorizing an Agreement By and Between the City of Broomfield and Eco-Cycle Inc. to Provide Staff and Recycling Services at the Broomfield Recycling Education / Drop-Off Center at 225 Commerce Street
(Refer to M-2001-158)

The recommendation was that Resolution No. 2001-79 be adopted.

Councilmember Brunner questioned whether this City-owned building might be needed as a maintenance facility for the ZIP shuttle buses.

Councilmember Stuart noted that the Recycling Facility and all the improvements are owned by the City; Eco-Cycle is the entity which the City has contracted to operate the facility.

- (h) Resolution No. 2001-78 Awarding an Agreement By and Between the City of Broomfield and Burns and McDonnell for the Design of the Sunnyslope Subdivision Sewer System
(Refer to M-2001-155)

The recommendation was that Resolution No. 2001-78 be adopted.

- (i) June Meeting Schedule
(Refer to M-2001-160)

The recommendation was that the Regular Meetings of June 12, 2001 and June 26, 2001, be rescheduled to June 5 and June 19 respectively.

- (j) Resolution No. 2001-81 Approving a Statement of Rights and Obligations By and Among Community Development Group of Broomfield, LLC, and KDB Homes, Inc., and the Broadlands Metropolitan District No.2 for the Broadlands Filing No. 9
(Refer to M-2001-165)

The recommendation was that Resolution No. 2001-81 be adopted.

- (k) Resolution No. 2001-82 Authorizing an Agreement By and Between the City of Broomfield and Drexel Barrell & Co. for Engineering Services for the Level 3 Lift Station and Forcemain
(Refer to M-2001-168)

The recommendation was that Resolution No. 2001-82 be adopted.

(l) Pipe Organ Donation

(Refer to M-2001-167)

The recommendation was that the Kimball pipe organ donation be accepted.

Larry Burt discussed his knowledge of organs and indicated that this is a very good instrument and is an excellent opportunity for the City.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(L) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Meeting with Senator Wayne Allard Regarding U.S. 36 Improvements - Brown & Stovall

Councilmember Brown reported on a meeting in Washington D.C. with Senator Wayne Allard to discuss U.S. 36 improvements.

Councilmember Stovall noted that Senator Allard will be holding a meeting in the City Council Chambers on April 20th and urged Council and citizens to attend.

NLC Conference Workshop on Achieving Success as a Public Board of Directors - Brown

Councilmember Brown reported on attending a workshop at the NLC Conference on Achieving Success as a Public Board of Directors. Based on recommendations from the workshop, she requested that Council review the status of the Schools Task Force to determine if it should be formally disbanded.

CITY ATTORNEY'S REPORT

No report was presented.

CITY MANAGER'S REPORT

No report was presented.

SPECIAL REPORTS

- (a) U.S. Census Population Data for Colorado Cities and Counties; and Assessed Valuation Per Capita for Colorado Cities With A Population Over 20,000
(Refer to M-2001-166)
- (b) Direction Regarding Sister City Trip to Maruko, Japan
(Refer to M-2001-170)

ADJOURNMENT

The City Council Meeting was adjourned at 1:10 a.m. to be reconvened at 6:00 p.m. on Tuesday, April 17, 2001.

City Clerk

APPROVED:

Mayor

BROOMFIELD CITY COUNCIL MEETING

- (b) Earth Day 2001 Proclamation and Calendar of Events
(Refer to M-2001-134)

Environmental Services Superintendent Schnoor reported on the activities planned to celebrate Earth Day as listed in Memorandum No. 2001-134.

- (c) Update on City of Broomfield Open Space Purchases
(Refer to M-2001-148)

Open Space and Trails Director Pritz presented a report and history of land purchased by the City of Broomfield for open space.

CITY AND COUNTY TRANSITION

- (a) City / County Facilities Construction - March, 2001
(Refer to M-2001-132)

Deputy Director of Community Development Standbridge provided an update on several of the City / County programs, including the construction of new city / county facilities. City Manager Di Ciero reported that the projects are on time and on budget.

- (b) Summary of Human Services Advisory Committee Orientation Meeting and March 14 Meeting
(Refer to M-2001-110)

City Manager Di Ciero noted that a summary of the Human Services Advisory Committee March 14, 2001, Meeting was in the packet for review.

- (c) Broomfield Human Services Caseload Distribution Caseload
(Refer to M-2001-141)

Health and Human Services Director Beye provided an overview and explanation of the caseload distribution in Broomfield for human services programs. She reviewed Attachment 2 of the memorandum regarding the number of caseloads and Attachment 3, which described the funding. The percentage of funding provided by the Federal government, State government, and the City/County was discussed.

CITIZENS' COMMENTS

Licensing of Home Health Care Providers - Cynthia Gray

Cynthia Gray, 1141 East 1st Avenue, asked that Council take proactive measures and consider licensing home health care providers. She noted that agencies are required to be licensed, but not the individuals. Council direction was that the Health and Human Services Committee be asked to consider this request, review the process, and make a recommendation to Council.

Commendation for the Broomfield Police Department - Cindy Vigesaa

Cindy Vigesaa (12641 Irving Court) commended the Police Department for a quick response after they reported a break-in in their neighborhood.

BROOMFIELD CITY COUNCIL MEETING

COUNCIL BUSINESS

- (a) Broomfield Urban Transit Village - Rezoning - Located South of W. 120th Avenue, West of U.S. 36 & East of S.H. 121 - Motion to Continue:

Ordinance No. 1532 Rezoning Certain Land Within the City of Broomfield from Jefferson County I-1 and A-2 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

Ordinance No. 1536 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - Second Reading

(Refer to M-2001-128)

Mayor Berens presented a request to continue the public hearing on the proposed rezoning and development plans for the Broomfield Urban Transit Village. The Developer and Staff are requesting additional time to complete negotiations on the proposed plan.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER GRIEP SECONDED THAT THE PUBLIC HEARING ON ORDINANCE NOS. 1532 AND 1538 BE CONTINUED UNTIL THE APRIL 24, 2001, CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL AND STUART VOTING AYE.

- (b) Public Hearing - Parkway Circle - Final Plat & Subdivision Agreement - Located South of Carbon Road & East of Storage Tek Drive (S. 96th Street) - Motion to Continue

(Refer to M-2001-127)

Mayor Berens presented a request to continue the public hearing on Parkway Circle, a 60-acre mixed use development located south of Carbon Road and east of Storage Tek Drive. The Developer and Staff are requesting additional time to complete a proposed subdivision agreement for the project.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER GRIEP SECONDED THAT THE PUBLIC HEARING FOR PARKWAY CIRCLE BE CONTINUED UNTIL THE MAY 8, 2001, CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL AND STUART VOTING AYE.

- (c) Public Hearing - Preble Creek PUD Plan Amendment / Preliminary Plat & Development Agreement - Located South of S.H. 7 & East of the Boulder / Adams County Line, West of I-25 & North of W. 152nd Avenue - Motion to Continue

(Refer to M-2001-129)

Mayor Berens presented a request to continue the public hearing on development plans for Preble Creek which consists of 2,594 acres. The Developer and Staff are requesting additional time to complete negotiations on the proposed development agreement.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED THAT THE PUBLIC HEARING ON DEVELOPMENT PLANS FOR PREBLE CREEK BE CONTINUED UNTIL THE APRIL 10, 2001, CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL AND STUART VOTING AYE.

- (d) Public Hearing - Broadlands PUD Plan 2nd Amendment - The Broadlands Filing No. 13 - Site Development Plan, Final Plat & Subdivision Agreement - Located at the Southwest Corner of Lowell Boulevard & W. 144th Avenue - Motion to Continue

(Refer to M-2001-125)

BROOMFIELD CITY COUNCIL MEETING

Mayor Berens presented a request to continue the public hearing on a proposed site development plan and final plat for the Broadlands Filing No. 13 which is a 14.61-acre commercial property site. Staff advises that the Developer needs additional time to make corrections to the final plat but would like to continue the public hearing to April 10, 2001, rather than April 24, 2001, as stated in the memorandum.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED THAT THE PUBLIC HEARING ON PLANS FOR THE BROADLANDS FILING NO. 13 BE CONTINUED UNTIL THE APRIL 10, 2001 CITY COUNCIL MEETING.

DISCUSSION:

Council expressed concern that continuing this item to the April 10, 2001, City Council meeting could lengthen the meeting. It was suggested that this item be put on the April 10 agenda, and if the meeting were to run long, this and any other public hearing could be postponed to the next meeting or the agenda could be inverted.

ROLL CALL VOTE:

COUNCILMEMBERS VOTING AYE WERE: BRUNNER, JOHNSON, STEVENSON AND STOVALL.

COUNCILMEMBERS VOTING NO WERE: GRIEP AND STUART.

THE MOTION PASSED ON A VOTE OF 4 TO 2.

- (e) Public Hearing - Miller Enclave - Annexation, Zoning & Water District Inclusion - Located North & South of W. 136th Avenue, East of Sheridan Boulevard:

Ordinance No. 1537 Annexing to the City of Broomfield, Pursuant to Section 31-12-106(1), C.R.S., an Enclave of 84.5565 Acres Located in the Southwest Quarter of Section 19 and in the Northwest Quarter of Section 30, Township 1 South, Range 69 West of the Sixth Principal Meridian, Adams County, to be Known as "The Miller Enclave Annexation" - Second Reading

Ordinance No. 1538 Rezoning Certain Land within the City of Broomfield From Adams County (A-1) to City of Broomfield PUD, Which Land is Bounded by Aspen Creek PUD to the North and West, Sheridan Blvd. and Northmoor Filing No. 4 to the West, Chateaux at Fox Meadows PUD and Moore PUD to the East and South - Second Reading

Ordinance No. 1539 Granting Consent by the City of Broomfield to the Inclusion of 84.56± Acres Located in Sections 19 & 30, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-126)

Mayor Berens opened the public hearing at 7:21 p.m. on a proposed annexation and water district inclusion for the Miller properties, an 85-acre site located at the northeast and southeast corners of West 136th Avenue and Sheridan Boulevard. This parcel is an enclave, and the City in accordance with state statutes has initiated the annexation.

City Manager Di Ciero reviewed Memorandum No. 2001-126. He noted that Attachment 1 and 2 were maps showing the location of the enclave. State statutes require no public hearing for the annexation of an enclave, but the City Charter requires a public hearing before final action. The property is proposed to be rezoned PUD, but no PUD Plan is proposed at this time. Proposed Ordinance No. 1537 would annex the property; proposed Ordinance No. 1538 would zone the property; and proposed Ordinance 1539 would include the property in the Northern Colorado Water Conservancy District.

BROOMFIELD CITY COUNCIL MEETING

Deputy Director of Community Development Standbridge reviewed the property location and Master Plan use designation and noted that the Land Use Review Commission recommendation was for approval.

Clay Clemmons (1306 Dexter Street) expressed his desire to keep this property as open space.

Bernie Brauer (1464 Dexter Street) suggested that the City purchase the property to help keep the quality of life in the area, and she would like to see a good land use plan and good traffic pattern for the area.

Deputy Director of Community Development Standbridge reviewed plans for Sheridan Boulevard Extended. He also responded that funding for widening of Sheridan Boulevard adjacent to the Northmoor Subdivision is in the CIP budget and is expected to begin in 2002 or 2003.

City Manager Di Ciero stated that Staff would keep in touch with Mr. Clemmons. In answer to Council questions, Assistant City Manager Ozaki explained that the City is actively negotiating to purchase the southern half of the property for sports playing fields.

The public hearing was closed at 7:37 p.m.

Ordinance No. 1537 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED THAT ORDINANCE NO. 1537 BE ADOPTED ON SECOND READING, AS AMENDED, AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1538 was read by title.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER BRUNNER SECONDED THAT ORDINANCE NO. 1538 BE ADOPTED ON SECOND READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1539 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED THAT ORDINANCE NO. 1539 BE ADOPTED ON SECOND READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - Ordinance No. 1531 Amending Subsection 4-04-040(d) and Subsection 4-04-040(E) of the Broomfield Municipal Code Relating to the Ward 4 and Ward 5 Boundaries - Second Reading
(Refer to M-2001-150)

Mayor Berens opened the public hearing at 7:40 p.m. on a proposed ordinance which would amend the Municipal Code provisions regarding incorporation of newly annexed lands into existing ward boundaries.

City Manager Di Ciero reviewed Memorandum No. 2001-150 noting that as a result of the recent annexation of enclaves and other areas, it is necessary to formally place the newly annexed lands into the appropriate City wards. The proposed ward boundary additions are indicated on the map attached to proposed Ordinance No. 1531. The use of a map in lieu of a revised legal description for the ward boundaries is an approach recommended by the City Attorney. No other changes to ward boundaries are proposed at this time. Additional changes to the City's ward boundaries may be necessary to equalize populations in the City's five wards when the City and County of Broomfield boundary is finalized after November 15, 2001.

BROOMFIELD CITY COUNCIL MEETING

Discussion was held regarding changing the ward boundaries before the General Municipal Election. Census information is needed before changes can be made.

The public hearing was closed at 7:45 p.m.

Ordinance No. 1531 was read by title.

COUNCILMEMBER STEVENSON MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NO. 1531 BE ADOPTED AS AMENDED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (g) Public Hearing - Ordinance No. 1541 Amending Chapter 17-06, Districts and Map, of Title 17, Zoning, of the Broomfield Municipal Code by Adding a New Section 17-06-050, Zoning Newly Annexed Land - Second Reading

(Refer to M-2001-112)

Mayor Berens opened the public hearing at 7:47 p.m. on a proposed ordinance which would amend the Municipal Code to provide for interim zoning of newly annexed lands.

City Manager Di Ciero reviewed Memorandum No. 2001-112 and reported that Broomfield is in the process of completing numerous annexations before November 15, 2001, which is the date when Broomfield becomes a combined city and county. State statutes provide that newly annexed lands be zoned within 90 days of annexation. The City has not yet zoned most of the land recently annexed, and the City Attorney has recommended that the County Zoning Regulations be applied until the City is able to zone the property. This interim measure would apply to lands not zoned within the 90-day period, and would cease to apply once the land is rezoned by Broomfield.

City Attorney Howard noted that statutory regulations mandate that the annexed land be zoned within 90 days after being annexed. This ordinance provides a method that the county zoning stays, but the City rules apply.

The public hearing was closed at 7:50 p.m.

Ordinance No. 1541 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBERS STUART AND GRIEP SECONDED THAT ORDINANCE NO. 1541 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (h) Public Hearing - Ordinance No. 1535 Amending Section 2-02-010, Compensation of Members of Council, and Section 2-02-020, Mayor's Additional Compensation, of Chapter 2-02, City Council Compensation, of the Broomfield Municipal Code That Would Increase the Compensation of the Mayor and Members of the City Council - Second Reading

(Refer to M-2001-147)

Mayor Berens opened the public hearing at 7:51 p.m. on a proposed ordinance which would modify the compensation paid to the Mayor and City Councilmembers.

City Manager Di Ciero reviewed Memorandum No. 2001-147 noting that with the transition to Broomfield City and County approaching, Staff initiated a review of compensation levels of elected officials in the metropolitan area. Broomfield's current level of compensation is \$500 per month for the Mayor and \$300 per month for City Council and has not been changed for over 5 years - since October, 1995. The survey results, which are summarized in the Staff memorandum, range from \$3,894 per month for Aurora's mayor to \$500 per

BROOMFIELD CITY COUNCIL MEETING

month for the mayor of Louisville. In the evaluation of possible adjustments, Staff considered several factors including: (1) The date of the last increase - October, 1995, (2) Compensation levels in other cities, (3) Compensation levels for County Commissioners, (4) Total costs of compensation, (5) Broomfield's form of government and the related duties of elected officials, (6) Additional duties already assumed by the Mayor and Council in association with the upcoming transition; and (7) The additional duties the Mayor and Council will need to perform when Broomfield becomes a county.

Based on Staff review, a monthly compensation of \$1,000 for the position of Mayor and \$800 for the position of City Councilmember would certainly be justified. However, Council's review of the issue concluded that \$800 per month for the position of Mayor and \$600 per month for the position of City Councilmember would be a reasonable adjustment at this time. In accordance with the City Charter, the new level of compensation would not apply to current incumbents, but would only be applicable to the office of Mayor and to the office of City Councilmember beginning with those positions filled with the November 6, 2001 Municipal Election.

Councilmember Brunner expressed concern that increasing the compensation would compromise these positions as volunteer positions and move in the direction of full-time commissioners. Other Councilmembers felt the modification to the compensation amount was adequate.

The public hearing was closed at 8:12 p.m.

Ordinance No. 1535 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER JOHNSON SECONDED THAT ORDINANCE NO. 1535 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE.

SUBSTITUTE MOTION:

COUNCILMEMBER BRUNNER MOVED THAT THE INCREASE IN COMPENSATION BE CHANGED TO \$400 FOR COUNCILMEMBERS AND \$600 FOR THE MAYOR.

THE MOTION FAILED DUE TO A LACK OF A SECOND.

ROLL CALL VOTE ON ORDINANCE NO. 1535:

THOSE VOTING AYE WERE: COUNCILMEMBERS GRIEP, JOHNSON, STEVENSON, STOVALL AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER BRUNNER.

THE MOTION FAILED ON A VOTE OF 5 TO 1 DUE TO A LACK OF A MAJORITY OF THE MEMBERSHIP OF THE ENTIRE COUNCIL.

A recess was taken at 8:15 p.m.

The Council meeting was reconvened at 8:30 p.m.

Councilmember Stuart asked for a verification on the vote of the last motion.

ROLL CALL VOTE ON ORDINANCE NO. 1535:

THOSE VOTING AYE WERE: COUNCILMEMBERS GRIEP, JOHNSON, STEVENSON, AND STOVALL.

THOSE VOTING NO WERE: COUNCILMEMBERS BRUNNER AND STUART.

BROOMFIELD CITY COUNCIL MEETING

THE MOTION FAILED ON A VOTE OF 4 TO 2 DUE TO A LACK OF A MAJORITY OF THE MEMBERSHIP OF THE ENTIRE COUNCIL.

CONSENT AGENDA

The Consent Agenda was read by title.

Staff requested that Agenda Item 6(o) be removed from the Consent Agenda.

- (a) Approval of Minutes - Special Meeting of February 20, 2001
Approval of Minutes - Regular Meeting of February 27, 2001
Approval of Minutes - Regular Meeting of March 6, 2001

The recommendation is for approval of the City Council Minutes of the Special Meeting of February 20, 2001, the City Council Minutes of the Regular Meeting of February 27, 2001, and the Council Minutes of the Regular Meeting of March 6, 2001.

- (b) Resolution No. 2001-29 Authorizing an Agreement with the Broomfield Economic Development Corporation for Economic Development Services in FY2001
(Refer to M-2001-114)

The recommendation is that Resolution No. 2001-29 be adopted.

- (c) Resolution No. 2001-64 Authorizing the Purchase of a 2001 Heavy Duty 4x4 One-Ton Cab/Chassis
(Refer to M-2001-138)

The recommendation is that Resolution No. 2001-64 be adopted.

- (d) Purchase of Tandem Axle Dump Truck:
Resolution No. 2001-65 Authorizing the Purchase of a Tandem Axle Cab / Chassis
Resolution No. 2001-66 Authorizing the Purchase of a Dump Body and Snow Removal Equipment
(Refer to M-2001-139)

The recommendation is that Resolution Nos. 2001-65 and 2001-66 be adopted.

- (e) Resolution No. 2001-61 Waiving the Formal Bid Process and Authorizing an Agreement with Merrick and Company for the Purchase of Digital Aerial Photography
(Refer to M-2001-136)

The recommendation is that Resolution No. 2001-61 be adopted.

- (f) Resolution No. 2001-54 Authorizing an Agreement with Arrow J Landscape & Design, Inc. for the Construction of the U.S. 287 / Miramonte Boulevard Detention Pond Landscaping
(Refer to M-2001-121)

The recommendation is that Resolution No. 2001-54 be adopted.

- (g) Resolution No. 2001-57 Awarding an Agreement By and Between the City of Broomfield and Rocky Mountain Consultants, Inc. for the Water Master Plan Update
(Refer to M-2001-124)

The recommendation is that Resolution No. 2001-57 be adopted.

- (h) Resolution No. 2001-56 Awarding an Agreement By and Between the City of Broomfield and Icon Engineering, Inc. for the Design of Northmoor Filing No. 6, Tract A Improvements

BROOMFIELD CITY COUNCIL MEETING

(Refer to M-2001-123)

The recommendation is that Resolution No. 2001-56 be adopted.

- (i) Resolution No. 2001-55 Authorizing an Agreement with Quality Paving Company for Westlake Filing No. 5 Street Reconstruction - Phase 2

(Refer to M-2001-122)

The recommendation is that Resolution No. 2001-55 be adopted.

- (j) Resolution No. 2001-53 Waiving the Formal Bid Process and Authorizing Issuance of a Purchase Order to W.L. Contractors for the Purchase of Traffic Signal Poles for Phase 1 of the Main Street Improvement Project

(Refer to M-2001-120)

The recommendation is that Resolution No. 2001-53 be adopted.

- (k) Purchase of Public Works Vehicles:

Resolution No. 2001-69 Authorizing the Purchase of a 2001 3/4-Ton 4x4 Pickup with Crew Cab

Resolution No. 2001-70 Authorizing the Purchase of Two (2) 2001 One-Ton 4x4 Pickups

Resolution No. 2001-71 Authorizing the Purchase of a 2001 4x4 4-Door Utility Vehicle

(Refer to M-2001-143)

The recommendation is that Resolution Nos. 2001-69, 2001-70, and 2001-71 be adopted.

- (l) Ordinance No. 1545 Amending the Broomfield Municipal Code Pertaining to Harassment, Disorderly Conduct, Minors Prohibited in Taverns and Liquor License Suspensions - First Reading

(Refer to M-2001-117)

The recommendation is that Ordinance No. 1545 be adopted on first reading and ordered published in full; that a public hearing on said Ordinance be set for 6:00 p.m., April 24, 2001, in the Council Chambers at the Municipal Building; and that second and final reading on said Ordinance be scheduled for April 24, 2001, following the public hearing.

- (m) Resolution No. 2001-67 Authorizing an Agreement with Spensley and Associates for Services Related to the Wadsworth Interchange Project

(Refer to M-2001-140)

The recommendation is that Resolution No. 2001-67 be adopted.

- (n) Resolution No. 2001-68 for the Hauling and Beneficial Application of Biosolids

(Refer to M-2001-142)

The recommendation is that Resolution No. 2001-68 be adopted.

- (o) Resolution No. 2001-73 for the Third Amendment to the 2000 Budget As Amended - Year-End Adjustments

(Refer to M-2001-145)

This item was removed from the Consent Agenda.

- (p) Resolution No. 2001-51 Authorizing the Purchase of Computer Software, Hardware and Services for the Jail Management System for the County

(Refer to M-2001-111)

BROOMFIELD CITY COUNCIL MEETING

The recommendation is that Resolution No. 2001-51 be adopted.

- (q) Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway One Mile South of S.H. 128 - Motion to Postpone:

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - Second Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-137)

The recommendation is that Ordinance Nos. 1526 and 1527 be postponed to April 24, 2001.

- (r) Evergreen Memorial Gardens Cemetery - Annexation & Water District Inclusion - Located West of I-25, 1/2-Mile South of S.H. 7:

Resolution No. 2001-72 Setting Forth Findings of Fact and Conclusions Regarding the Proposed Annexation of a 19± Acre Parcel Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Upon Petition of the Owners Thereof

Ordinance No. 1524 Annexing 19± Acres Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado - Second Reading

Ordinance No. 1525 Granting Consent by the City of Broomfield to the Inclusion of 19± Acres Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-144)

The recommendation is that Resolution No. 2001-72 be adopted, and that Ordinance Nos. 1524 and 1525 be adopted on second and final reading and ordered finally published by title.

- (s) Resolution No. 2001-52 Authorizing the Purchase of Two Medium-Sized Turf Mowers

(Refer to M-2001-118)

The recommendation is that Resolution No. 2001-52 be adopted.

- (t) Ordinance No. 1546 Determining the Necessity of and Authorizing the Acquisition of a Permanent Sewer Utility Easement by Negotiation or by Condemnation from Jefferson County - First Reading

(Refer to M-2001-149)

The recommendation is that Ordinance No. 1546 be adopted on first reading and ordered published in full; that a public hearing on said ordinance be set for 6:00 p.m., April 10, 2001, in the Council Chambers at the Municipal Building; and that second and final reading on said ordinance be scheduled for April 10, 2001, following the public hearing.

- (u) Resolution No. 2001-60 Authorizing a Sublease by the Fraternal Order of Eagles Aerie #3940 to the City of Broomfield of Property in the Villager Square Shopping Center

(Refer to M-2001-131)

Discussion was held regarding the cost of renovating the old Eagles building for use as office space for the City and County of Broomfield. Staff stated that the proposed move-in date is the first part of June, and expected length of occupancy is about 18 months. Staff also noted that #6 Garden Center houses Health and Human Services, which should be fully staffed by November, and #12 Garden Center is almost all leased. Staff was directed to look into using City owned buildings for any extra space.

BROOMFIELD CITY COUNCIL MEETING

The recommendation is that Resolution No. 2001-60 be adopted.

- (v) Ordinance No. 1530 Amending the Purchasing Policy Relating to Small Purchases - First Reading
(Refer to M-2001-146)

The recommendation is that Ordinance No. 1530 be adopted upon first reading and ordered published in full; and that a public hearing on said ordinance be set for 6:00 p.m., on April 24, 2001 in the Council Chambers at the Municipal Building; and that a second and final reading on said ordinance be scheduled for April 24, 2001, following the public hearing.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED THAT STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(V), EXCLUDING 6(O), BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, GRIEP, JOHNSON, STEVENSON, STOVALL AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Report on National League of Cities Conference - Stuart and Brunner

Councilmembers Stuart and Brunner reported on the sessions attended at the National League of Cities Conference held in Washington D.C. and reported on all the meetings attended.

Renovation of the Old Albertson's Space - Berens

Mayor Berens asked that Staff and the Broomfield Economic Development Corporation work to get a tenant for the old Albertson's space in the Broomfield Villager Square Shopping Center and to check into the renovation of the area in conjunction with the Broomfield Urban Renewal Authority.

CITY ATTORNEY'S REPORT

Cherryvale Fire Department Lawsuit

City Attorney Howard reported that the lawsuit prompted by the Cherryvale Fire Department was settled with the North Metro Fire Rescue District.

CITY MANAGER'S REPORT

Temporary Construction Detour of S. 124th Street

City Manager Di Ciero asked Deputy Director of Community Development Standbridge to clarify and point out the proposed detour for the temporary closure of South 124th Street. A copy of the detour map will be put on the City's Web site. Deputy Director of Community Development Standbridge stated that signage would be erected to keep traffic directed away from the residential area.

SPECIAL REPORTS

- (a) Broomfield Council on the Arts & Humanities - Annual Report to City Council - Calendar Year 2000
- (b) Water Line Flushing Program
(Refer to M-2001-113)
- (c) Library Board Fund Raising
(Refer to M-2001-116)

Library Director Martin explained the new fund raising opportunities.

BROOMFIELD CITY COUNCIL MEETING

- (d) Main Street Widening Update
(Refer to M-2001-119)
- (e) Urban Drainage and Flood Control District Activity Summary
(Refer to M-2001-130)
- (f) Pothole Hotline
(Refer to M-2001-133)
- (g) Building Department Report - February, 2001
- (h) Temporary Closure and Detour of South 124th Street South of Aspen Creek Drive
(Refer to M-2001-135)

This item was discussed under City Manager's Report.

- (i) Community Development / Engineering Subdivision Status Report - March 27, 2001

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Deputy City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

MARCH 6, 2001

ROLL CALL

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

Those present were: Councilmembers Kathy Brown
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: Councilmembers Thomas Brunner
Steven Olstad

Also present were: Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Community Development Director James Black
Associate Planner Tyson Taylor
City Engineer Gary Behlen
Civil Engineer Wally Abel
Director of Public Works Dorian Brown
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Library Director Helen Martin
Clerk and Recorder Russ Ragsdale
Public Information Officer Rosann Doran

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.

(b) Update on ZIP System Implementation and Related Activities
(Refer to M-2001-100)

Felice Nida, Senior Transportation Planner with Charlier Associates, the City's transit consultant, presented a status report on the ZIP Shuttle system project. In response to Council input, she discussed advertising opportunities to generate additional funds to support the system. She noted the importance of determining how to acknowledge all the entities who are participating in the project. It is unusual to have so many competing retailers working so cooperatively on a project.

(c) Xcel Energy Presentation

Steve Smith, representing Xcel Energy, reviewed the Company's electric distribution system

improvements planned and underway to serve the Broomfield area. Negotiations with Louisville are underway for a transmission line from the north which is expected to be completed by May 31st. Summer brown-outs should be prevented with that line in place. He discussed project phasing for the Simms Substation and Transmission Line Project which will start in April with soil sampling. He noted that the need for a new substation is not just due to new growth, but also the fact that people are becoming more reliant on electricity.

Assistant City Manager Ozaki advised that Council has reviewed and discussed the proposed Simms Substation project and has indicated the preference that a balanced routing of the line between Broomfield and Westminster take place.

CITY AND COUNTY TRANSITION

There were no reports or comments.

CITIZENS' COMMENTS

There were no citizen comments.

COUNCIL BUSINESS

- (a) Public Hearing - Ordinance No. 1523 Renaming a Portion of Broadlands Drive to Shannon Drive - Second Reading

(Refer to M-2001-103)

Mayor Berens opened the public hearing at 7:07 p.m. on a proposed street name change from Broadlands Drive to Shannon Drive.

Assistant City Manager Ozaki reviewed Memorandum No. 2001-103. The Community Development Group has proposed changing the name of Broadlands Drive to Shannon Drive in The Broadlands Filing No. 9. No homes are occupied on Broadlands Drive at this time, and Continental Homes is the only property owner affected by the change. Continental Homes supports the street name change. In all other filings of The Broadlands, the street name will remain unchanged.

Associate Planner Taylor explained that when the street was originally named, the layout of street connections from adjacent filings was not known. With those connections in place, this section of Broadlands Drive would essentially intersect with itself

The public hearing was closed at 7:14 p.m.

Ordinance No. 1523 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER JOHNSON SECONDED, THAT ORDINANCE NO. 1523 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) Public Hearing - Ordinance No. 1534 Amending Subsection 16-08-010(H) Defining "Minor Subdivision" and Section 16-22-020, Minor Subdivision Plat Requirements, of the Broomfield Municipal Code - Second Reading

(Refer to M-2001-105)

Mayor Berens opened the public hearing at 7:14 p.m. on a proposed Ordinance modifying the Minor Subdivision provisions of the Municipal Code.

Assistant City Manager Ozaki reviewed Memorandum No. 2001-105. Under the current provisions of the Municipal Code, minor subdivisions may be approved administratively. The primary purpose of the modifications proposed in Ordinance No. 1534 is to allow the dedication of required easements as a part of a minor subdivision plat, and to require a tie to a surveying benchmark. The proposed ordinance will improve the quality and content of future minor subdivision plats.

City Attorney Howard explained that the City Manager currently has the authority to accept easements. The proposed amendment will allow the dedication of easements to be consolidated with administrative approval of a minor subdivision plat.

The public hearing was closed at 7:16 p.m.

Ordinance No. 1534 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1534 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (c) Public Hearing - Ordinance No. 1531 Amending Subsection 4-04-040(d) and Subsection 4-04-040(E) of the Broomfield Municipal Code Relating to the Ward 4 and Ward 5 Boundaries - Second Reading

(Refer to M-2001-104)

Mayor Berens opened the public hearing at 7:17 p.m. on a proposed Ordinance extending ward boundaries to accommodate recently annexed properties.

Assistant City Manager Ozaki reviewed Memorandum No. 2001-104. As a result of the recent annexations, it is necessary to formally place the newly annexed lands into the appropriate city wards. The proposed ward boundary changes are shown on Attachment 1. Approval of Ordinance No. 1531 will provide the necessary additions to the ward boundaries at this time. It may be necessary, at a later date, to equalize the population in each City ward after the City and County boundary has been established on November 15, 2001.

Councilmembers noted that the ward boundary map submitted as Attachment 1 indicates all of Sunnyslope Estates in Ward 4. City Attorney Howard responded that Sunnyslope Estates has not been annexed yet, and it was not included in the boundary description written into the Ordinance.

Assuming Sunnyslope Estates will be annexed in the near future, Councilmembers discussed whether Sunnyslope Estates should all be within one ward or split between north and south along 136th Avenue. Assistant City Manager Ozaki recommended that the public hearing and Ordinance be continued to the March 27th Meeting to allow Staff to address the question regarding the Ordinance boundary description and the map. Prior to annexation, Staff is to obtain direction from the residents of Sunnyslope Estates regarding their preference with respect to the ward issue.

Ordinance No. 1531 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT THE PUBLIC HEARING AND ACTION ON ORDINANCE NO. 1531 BE CONTINUED TO THE MARCH 27, 2001 COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

(d) Public Hearing - Pierce Business Park Property:

Ordinance No. 1533 Repealing Ordinance No. 1100, Which Annexes the Pierce Business Park Property and Repealing Ordinance No. 1101, Which Rezones the Pierce Business Park Property - Second Reading

Resolution No. 2001-48 Rescinding Resolutions Nos. 27-95, 28-95 and 29-95 Relating to the Annexation, Final Plat, PUD Plan, and Subdivision Agreement for the Pierce Business Park Property

(Refer to M-2001-97)

Mayor Berens opened the public hearing at 7:35 p.m. regarding the repealing of ordinances and the rescinding of resolutions related to the annexation and zoning of Pierce Business Park, located west of Main Street and south of West 119th Place.

Assistant City Manager Ozaki reviewed Memorandum No. 2001-97. In February, 1995, Council approved documents to annex and zone the 26 acre Pierce Street Business Park. At that time, Council directed that the documents associated with the annexation and zoning not be recorded until such time as the lowering of Main Street south of 120th Avenue was resolved. The issue of lowering Main Street was not resolved, and consequently, the annexation was never finalized. However, the property was subsequently included in the Original Broomfield Enclave annexation authorized by Council in October, 2000.

Since the first phase of the lowering of Main Street, formerly known as Pierce Street, will begin this year; and since the property has now been annexed by a separate action, it is necessary to repeal and rescind the related ordinances and resolutions which were previously passed but never recorded. The proposed Ordinance No. 1533 will repeal the two earlier annexation and rezoning ordinances; and the proposed Resolution No. 2001-48 will rescind the three earlier resolutions relating to the annexation and development approvals.

City Attorney Howard explained that this is a housekeeping action to clarify disposition of the previously adopted ordinances and to clean up the property record with respect to plats and easements dedicated with the Final Plat and PUD Plan.

The public hearing was closed at 7:38 p.m.

Ordinance No. 1533 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BROWN SECONDED, THAT ORDINANCE NO. 1533 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

Resolution No. 2001-48 was read by title.

COUNCILMEMBER STEVENSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-48 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (e) Request for Executive Session Regarding Negotiations
(Refer to M-2001-108)

Mayor Berens advised that Staff has requested that Council hold an Executive Session following the meeting to discuss negotiations.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT AN EXECUTIVE SESSION BE HELD FOLLOWING THE COUNCIL MEETING TO DISCUSS NEGOTIATIONS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Request for Direction Regarding Formalizing Sister City Relationship with the Town of Maruko, Japan
(Refer to M-2001-109)

Mayor Berens introduced a request for direction regarding a possible sister city relationship with the Town of Maruko, Japan.

Assistant City Manager Ozaki reviewed Memorandum No. 2001-109. In Spring, 1999, representatives of the Town of Maruko, Japan, visited the headquarters of Up With People. At that time, the Mayor of Maruko extended an invitation to Broomfield representatives to visit Maruko to discuss developing a sister city relationship. In Fall of 1999, Councilmembers Stuart and Stevenson and Assistant City Manager Ozaki visited Maruko at the same time that the cast from Up With People was visiting Japan. The Broomfield representatives were introduced to, and met with, officials of Maruko and many community members. In August, 2000, a ten-member delegation from Maruko visited Broomfield and met with elected officials and members of Broomfield's business community and other citizens of Broomfield. Community members from both cities have corresponded and a visit to Broomfield by students from Maruko is planned for this summer. A possible reciprocal visit by Broomfield students to Maruko in the summer of 2002 is being discussed.

The Town of Maruko has invited Mayor Berens and other representatives of Broomfield to visit Maruko in May, 2001, to further the relationship between the two cities and to formally sign a sister city agreement. With the signing of the sister city agreement, ongoing exchanges in the areas of education, arts, sports, business, and government are possible and anticipated. Page 2 of the Memorandum No. 2001-109 sets forth an informal itinerary for a Broomfield delegation visit to Maruko and the associated costs. The Memorandum suggests the possible "make-up" of a delegation if Council wishes to pursue this visit and agreement.

Councilmembers discussed the letter of intent which had been presented to Maruko by the Broomfield delegation last Fall, noting the importance of the role that government plays in the lives of the Japanese people. Advantages to proceeding with an official sister city relationship include furthering community cultural and economic development exchanges. Support for the relationship was indicated with direction that City costs be closely controlled, and that a framework be developed to establish guidelines for the relationship. Staff was directed to work with interested community members to coordinate a delegation to Maruko to formally sign a sister city agreement. It was indicated that Mayor Berens, Councilmembers Brunner and Buzek, and Assistant City Manager Ozaki would participate as the City's representatives. Broomfield citizens interested in participating in the delegation were requested to contact the City Manager's Office.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Resolution No. 2001-50 Accepting Certain Public Improvements Associated with Broomfield Town Centre - Jefferson at Town Centre
(Refer to M-2001-106)

The recommendation was that Resolution No. 2001-50 be adopted.

- (b) Ordinance No. 1541 Amending Chapter 17-06, Districts and Map, of Title 17, Zoning, of the Broomfield Municipal Code by Adding a New Section 17-06-050, Zoning Newly Annexed Land - First Reading
(Refer to M-2001-98)

The recommendation was that Ordinance No. 1541 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be set for 6:00 p.m., March 27, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for March 27, 2001, following the public hearing.

- (c) Resolution No. 2001-44 Authorizing an Agreement with P.R.O.S., Inc. for Professional Officiating Services
(Refer to M-2001-95)

The recommendation was that Resolution No. 2001-44 be adopted.

- (d) Resolution No. 2001-49 Authorizing an Amendment to the Agreement to the 2000 Waterline Replacement Project with Asphalt Specialties Co. Inc. to Include 2001 Construction
(Refer to M-2001-99)

The recommendation was that Resolution No. 2001-49 be adopted.

- (e) Resolution No. 2001-43 Authorizing a Change Order to Lillard and Clark Construction Company, Inc. for Construction Services for the Carbon Road Pump Station Upgrades Project

(Refer to M-2001-94)

The recommendation was that Resolution No. 2001-43 be adopted.

- (f) Flatirons Gateway - Rezoning - Located Between U.S. 36 & Burlington Northern Railroad Line, West of Hoyt Street:

Ordinance No. 1543 Rezoning Certain Land Within the City of Broomfield From City of Broomfield F1 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 - First 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 - First Reading

(Refer to M-2001-102)

The recommendation was that Ordinances No. 1543 and No. 1544 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be set for 6:00 p.m., April 10, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for April 10, 2001, following the public hearing.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(F) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Adams County Council of Governments Meeting

Councilmember Fahrenbruch reported on attending the Adams County Council of Governments meeting which included a legislative update.

Human Services Advisory Committee Meeting

Councilmember Stevenson reported on attending the Human Services Advisory Committee meeting, noting that discussion included confidentiality and ethics code issues, and concerns about some mandated programs.

Broomfield Heights 1st Filing Sub-Area Plan Meeting

Councilmember Stevenson discussed attending the Broomfield Heights 1st Filing Sub-Area Plan Meeting.

Concerns Regarding School Zone on 136th Avenue

Councilmember Stevenson relayed concerns about school zone signage and visibility of the crosswalk at 136th Avenue and Sheridan Boulevard. Staff was requested to address the request for additional signage & repainting crosswalk.

PUC Hearing Regarding Xcel Energy Transmission Line

Mayor Berens reported on attending the PUD hearing regarding the need for the Xcel Energy transmission line through Louisville.

Meeting with State Senator Tupa Regarding Broomfield's Growth Planning

Mayor Berens reported on meeting with State Senator Tupa to discuss Broomfield's growth planning procedures.

Reading to Children at Centennial Elementary

Mayor Berens reported on thank you letters he received from students for participating in the reading program.

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) November 2000 Election Results Report
(Refer to M-2001-101)
- (b) Draft Intergovernmental Agreement Establishing Boulder County as the Successor Entity to the Boulder County Recycling and Composting Authority
(Refer to M-2001-93)

Councilmember Stuart addressed the draft agreement and indicated that Council will need to address what role Broomfield wants to play with respect to the new facility.

ADJOURNMENT

The City Council Meeting was adjourned at 9:00 p.m. to an Executive Session regarding negotiations.

APPROVED:

City Clerk

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

FEBRUARY 27, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, February 27, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: Councilmember Vincent Buzek

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
Deputy City Clerk Tricia Kegerreis
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Planning Director John Franklin
Principal Planner Arne Carlson
Principal Planner Teri Malies
City Engineer Gary Behlen
Civil Engineer Burt Knight
Civil Engineer Sheila Cross
Civil Engineer Wally Abel
Director of Public Works Dorian Brown
Deputy Director of Public Works Mike Bartleson
Industrial Pretreatment Coordinator Ken Rutt
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Support Services Director Terry Cole
Finance Director Gregory Demko
Director of Information Technology Greg Anderson
Library Director Helen Martin
Director of Open Space and Trails Kristan Pritz
Public Information Officer Rosann Doran

PETITIONS AND COMMUNICATIONS

There were no Petitions and Communications.

BROOMFIELD CITY COUNCIL MEETING
CITY AND COUNTY TRANSITION

FEBRUARY 27, 2001

City / County Facilities Construction - February, 2001

(Refer to M-2001-82)

City Engineer Behlen reported on the City / County Facilities Construction Progress.

CITIZENS' COMMENTS

There were no citizens' comments.

COUNCIL BUSINESS

The Consent Agenda items were considered following Citizens' Comments, but before Council Business.

Consent Agenda Item 5(k) was discussed immediately following the Consent Agenda.

- (a) Public Hearing - Public Hearing - Parkway Circle - Final Plat & Subdivision Agreement - Located South of Carbon Road & East of Storage Tek Drive (S. 96th Street) - Motion to Continue

(Refer to M-2001-68)

Mayor Berens opened the public hearing at 6:30 p.m. on a request to continue the public hearing for Parkway Circle. The developer and Staff are requesting additional time to complete a proposed Subdivision Agreement for the project.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED THAT THE PUBLIC HEARING BE CONTINUED UNTIL THE MARCH 27, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) Public Hearing - The Summit at Broomfield - Mixed Use Development Site Development Plan - Located South of Coalton Road & West of W. FlatIron Circle / Summit Boulevard:

Resolution No. 2001-40 Approving The Summit at Broomfield Mixed Use Development Site Development Plan and Authorizing an Improvement Agreement Therefor

(Refer to M-2001-70)

Mayor Berens opened the public hearing at 6:31 p.m. on a proposed site development plan for The Summit at Broomfield located south of Coalton Road and west of Summit Boulevard.

City Manager Di Ciero reviewed Memorandum No. 2001-70 noting that the proposal is for a mixed-use project containing 500 units of multi-family housing with 383,675 square feet of professional office space - both with integrated parking structures. The requested uses are consistent with the previously approved PUD Plan for the MidCities property.

Deputy Director of Community Development Standbridge reviewed the property location and Master Plan use designation and the Land Use Review Commission recommendation for approval with conditions as outlined in the Staff report.

Bill Branyan, representing the Applicant, reviewed details of the proposed plan noting that Summit Technological Park will support the Interlocken Business Park. The idea is to create a higher density putting office buildings and residential together. He noted that all floors of the parking garage are handicapped accessible. He reviewed the architecture of the buildings and showed samples of the materials to be used.

Rick Patton, Greystar, reviewed the response to the Land Use Review Commission recommendations.

Councilmember questions and comments included: (1) Since this development is in a critical zone, it was recommended that no residential be included, (2) Councilmembers pleased that the project is geared to young professionals and promotes walking to work, (3) How do the units compare to "The Greens"? (4) Can the trash areas accommodate recycling bins? (5) Enthusiasm expressed that school-age children from that area would be attending Broomfield schools, (6) Is there security for the parking garage and can a quick response plan be in place if there is a security problem? (7) Where does White Raven Lane go? (8) Good effort was made to get affordable housing mixed in this development, and (9) Can bike lockers be put in?

City Manager Di Ciero noted that Sheet 1 of the Plan needed to be corrected to read 13,500 square feet less than on the other plan.

In response to Council questions and concerns, Mr. Branyan noted that the airport uses two instruments for determinations - critical zone and clear strip zone, with the clear strip zone more likely to have an off-ground landing. An avigation easement is required from the developer which the Airport must sign. The apartments will be built in the first phase and the second phase will be built as needed.

Mr. Patton responded that the Summit Apartments rents would range 7-10% higher than The Greens, but the Summit Apartments have more features such as parking garage, swimming pool, heated corridors and elevators. Recycling can be considered, but may not be feasible since the trash is collected through a chute system. It is felt that access to the parking garage is secure, and added security is not needed at this time. White Raven Lane is access to Superior. Bike lockers are not planned at this time.

City Manager Di Ciero reported that there needed to be a correction to Sheet 1 - Land Use Summary. It should read 13,500 square feet less than on the plan.

The public hearing was closed at 7:19 p.m.

Resolution No. 2001-40 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BRUNNER
SECONDED THAT RESOLUTION NO. 2001-40 BE ADOPTED.

ROLL CALL VOTE ON THE MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER,
FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION PASSED ON A VOTE OF 8 TO 1.

- (c) Public Hearing - Bennigan's - Site Development Plan - Southeast Corner of West FlatIron Circle & Summit Boulevard at MainStreet at FlatIron:

Resolution No. 2001-42 Approving Bennigan's Site Development Plan and an Improvement Agreement Therefor

(Refer to M-2001-73)

Mayor Berens opened the public hearing at 7:20 p.m. on a proposed plan for a Bennigan's Restaurant to be located at the MainStreet at FlatIron on the southeast corner of West FlatIron Circle and Summit Boulevard.

City Manager Di Ciero reviewed Memorandum No. 2001-73 and noted that the new restaurant would consist of a 6,575 square foot freestanding building using a combination of synthetic stucco and brick.

Deputy Director of Community Development Standbridge reviewed the property location and the Land Use Review Commission recommendation for approval with no conditions.

Bill Branyan was present on behalf of the applicant and reviewed the plan showing the circulation plan. He noted that this building would contain more brick than other Bennigan's restaurants.

Council questions and comments included: (1) The additional brick makes it more modern, (2) What is the saturation point for restaurants? and (3) Will the restaurant be ready by August when members of the National League of Cities will be attending a conference at the Omni Hotel?

Mr. Branyan responded that the additional brick and copper awnings make it a more high-quality looking restaurant. There is a tremendous lunch population and the market determines the saturation point. He also noted that construction is expected to begin this fall.

The public hearing was closed at 7:30 p.m.

Resolution No. 2001-42 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED THAT RESOLUTION NO. 2001-42 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (d) Public Hearing - Renaissance Suites at FlatIron - Site Development Plan - Located at the Northwest Corner of Interlocken Loop & FlatIron Boulevard:

Resolution No. 2001-39 Approving MidCities Filing No. 7 Final Plat and Renaissance Suites at FlatIron Site Development Plan and Authorizing the Improvement Agreement Therefor

(Refer to M-2001-67)

Mayor Berens opened the public hearing at 7:31 p.m. on a proposed development plan for The Renaissance Suites, to be located at the MainStreet at FlatIron.

City Manager Di Ciero reviewed Memorandum No. 2001-67 noting the proposal is for a 229-room hotel with conference facilities containing a total of 492,200 square feet.

Deputy Director of Community Development Standbridge reviewed the property location and reviewed the Land Use Review Commission recommendation for approval with conditions as outlined in the Staff report.

Bill Branyan, representing the applicant, noted that there was a need for this type of development in the area and reported on the materials used, the landscaping plan, and the proposed plan for parking using shared parking with the other buildings. This project will be developed with the property to the north.

Council questions and comments included: (1) How many hotel rooms? (2) How large are the conference facilities? (3) How many floors does the hotel have? (4) Because of the height, Councilmember Olstad plans to oppose the plan, (5) What type of amenities are included? (6) Councilmember Stuart expressed her disappointment that no resolution had been worked out with the neighbors to the east, and (7) How will the hotel accommodate 200 additional cars if a conference is held?

Mr. Branyan responded to Council questions noting that the 9-story hotel has 232 rooms and the conference facility has 5000 square feet along with smaller meeting rooms. He stated that the office building proposed at the Concept Review would not be going forward at this time. Some of the on-site amenities include a restaurant, indoor swimming pool, Jacuzzi, meeting space, concierge service and business center. The conference center has a capacity of 200 while the smaller meeting rooms hold 30 to 50. The amount of parking is comparable to the Omni Hotel, and any needed additional parking will be shared with the development to the north.

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

Resolution No. 2001-39 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED THAT RESOLUTION NO. 2001-39 BE ADOPTED.

ROLL CALL VOTE ON THE MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION PASSED ON A VOTE OF 8 TO 1.

- (e) Public Hearing - Mimi's Cafe at FlatIron Marketplace - Site Development Plan - Located at the Northeast Corner of East FlatIron Circle & Interlocken Loop:

Resolution No. 2001-41 Approving Mimi's Cafe at FlatIron Marketplace Site Development Plan

(Refer to M-2001-71)

Mayor Berens opened the public hearing at 8:15 p.m. on a proposed plan for Mimi's Café to be located at FlatIron Marketplace at the northeast corner of East FlatIron Circle and Interlocken Loop.

City Manager Di Ciero reviewed Memorandum No. 2001-71 noting that the proposal was for construction of a Mimi's Café on a 0.94-acre site located in FlatIron Marketplace. The new restaurant would consist of 6,853 square feet.

Community Development Director Standbridge reviewed the property location and reviewed the Land Use Review Commission recommendation for approval with conditions as outlined in the Staff report.

Mike Chico, representing the applicant, reviewed the project noting the landscaping, elevations, and materials to be used in the project.

Council questions and comments included: (1) This will be a fun environment, (2) A nice roof is planned for the building, (3) What kind of food will be served? (4) Is there a year-round species of Clematis? and (5) This plan was given a favorable review.

Mr. Chico's response was that the food would be American with a French accent, and the proposed Clematis vine to be used as screening for the electrical meters is an evergreen type. They hope to be open in August.

The public hearing was closed at 8:27 p.m.

Resolution No. 2001-41 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBERS OLSTAD AND GRIEP SECONDED THAT RESOLUTION NO. 2001-41 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - Ordinance No. 1528 Authorizing the Vesting Agreement for Great Western Park / McData Corporate Campus - Second Reading
(Refer to M-2001-69)

Mayor Berens opened the public hearing at 8:28 p.m. on a proposed ordinance authorizing a vesting agreement for Great Western Park.

City Manger Di Ciero reviewed Memorandum No. 2001-69 noting that Council approved a PUD plan for the Great Western Office Park located east of Great Western Reservoir. The 316-acre office park contains the future McData office campus with additional space for other users. The owners are seeking approval of a phased vesting agreement for the allowed uses in accordance with the approved PUD plan. The proposed vesting agreement incorporates a performance-based approach, with phased increments of 5 years each for a total of 20 years. The developers will be required to make early investments in public and private infrastructure to serve the needs of the project and the area. Overall, Staff feels that the proposed agreement is appropriate and in conformance with the approved PUD plan for the property.

City Attorney Howard noted that the ordinance, if approved, should be published in full.

The public hearing was closed at 8:30 p.m.

Ordinance No. 1528 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER STOVALL SECONDED THAT ORDINANCE NO. 1528 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (g) Public Hearing - Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway One Mile South of S.H. 128:

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - Second Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-78)

Mayor Berens opened the public hearing at 8:31 p.m. on a proposed annexation and water district inclusion for the Johns property, located east of Wadsworth Parkway and north of West 112th Avenue. Staff is recommending that the public hearing be held and that action on the ordinances be postponed to March 27, 2001.

City Manager Di Ciero reviewed Memorandum No. 2001-78 noting that the proposed annexation for the Johns property is located on the east side of State Highway 121, also known as Wadsworth Parkway, and north of West 112th Avenue extended. On January 23, 2001, Council adopted Findings of Substantial Compliance and set a hearing for the annexation request for February 27, 2001. Staff is recommending that Council hold the public hearing and accept testimony on the annexation request but postpone action on the two ordinances for the annexation and water district inclusion until March 27, 2001, to allow time to complete all annexation process requirements.

City Attorney Howard noted that because of notification problems, additional time is needed.

Community Development Director Black responded to questions from City Manager Di Ciero regarding the annexation of the Johns property. He stated that he had reviewed the proposed annexation and it is in compliance with State Statutes.

The public hearing was closed at 8:35 p.m.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED THAT SECOND AND FINAL READING ON ORDINANCE NOS. 1526 AND 1527 BE POSTPONED TO MARCH 27, 2001. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (h) Public Hearing - Evergreen Memorial Gardens Cemetery - Annexation & Water District Inclusion - Located West of I-25, 1/2-Mile South of S.H. 7:

Ordinance No. 1524 Annexing 19± Acres Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado - Second Reading

Ordinance No. 1525 Granting Consent by the City of Broomfield to the Inclusion of 19± Acres Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-86)

Mayor Berens opened the public hearing at 8:37 p.m. on a proposed annexation and water district inclusion for the Evergreen Memorial Gardens Cemetery, located west of I-25 and north of West

164th Avenue. Staff is recommending that the public hearing be held and that action on the ordinances be postponed to March 27, 2001.

City Manager Di Ciero reviewed Memorandum No. 2001-86 regarding the proposed annexation and water district inclusion for the Evergreen Memorial Gardens Cemetery. On January 23, 2001, the Council adopted Findings of Substantial Compliance and set a hearing for the annexation request for February 27, 2001. Staff is recommending that Council hold the public hearing and accept testimony on the annexation request but postpone action on the two ordinances for the annexation and water district inclusion until March 27, 2001.

Community Development Director Black responded to questions submitted by City Manger Di Ciero regarding the annexation of the Evergreen Memorial Cemetery property. He stated that he had reviewed the proposed annexation and it is in compliance with State Statutes.

Council questions and comments included: (1) Who owns the cemetery and is it full? (2) Concern was expressed that there are some problems with the property and Council should investigate before possibly making it a city cemetery, and (3) This annexation will give citizens choices in choosing a cemetery.

In response to Council questions, Staff stated that Olinger's owns the cemetery which isn't full and is open to Broomfield residents.

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

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NOS. 1524 AND 1525 BE POSTPONED TO MARCH 27, 2001. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (i) Public Hearing - Ordinance No. 1522 To Apply and Contract for Beneficial Use of Water on Behalf of the City of Broomfield, a Municipal Corporation, and Prescribing the Terms for Application for an Allocation of the Right to Use Colorado-Big Thompson Project Water to Said City of Broomfield by Northern Colorado Water Conservancy District - Second Reading
(Refer to M-2001-65)

Mayor Berens opened the public hearing at 8:44 p.m. on a proposed ordinance regarding the beneficial use of Colorado-Big Thompson water in Broomfield.

City Manager Di Ciero reviewed Memorandum No. 2001-65 and reported that Broomfield began purchasing Colorado-Big Thompson (CBT) water units in 1995 and currently owns a total of 8,796 units. Several procedural steps are required by the Northern Colorado Water Conservancy District before the units can be transferred and permanently used by Broomfield. To date 6,503 units have been transferred to permanent status and the remaining units are under temporary use permits. In order to place the remaining 2,293 CBT units into permanent status, an ordinance must be approved by Council. The proposed ordinance contains the necessary language to apply for and to contract for the beneficial use of the CBT water within Broomfield. The Northern Colorado Water Conservancy District charges \$18.52 for each unit equaling \$162,902 per year. There has been an increase in the Budget to accommodate this price

The public hearing was closed at 8:46 p.m.

Ordinance No. 1522 was read by title.

COUNCILMEMBER STEVENSON MOVED AND COUNCILMEMBER GRIEP SECONDED THAT ORDINANCE NO. 1522 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (j) Public Hearing - Ordinance No. 1529 Vacating the West Half of Wolff Street in the Calvary Church Subdivision - Second Reading

Ordinance No. 1540 Authorizing the Conveyance of City-Owned Real Property to the Calvary Evangelical Free Church of Broomfield - Second Reading

(Refer to M-2001-90)

Mayor Berens opened the public hearing at 8:47 p.m. on two proposed ordinances regarding vacating Wolff Street right-of-way and the conveyance of property to Calvary Church.

City Manager Di Ciero reviewed Memorandum No. 2001-90 noting that at the time the church was being platted in the 1980's, a public land dedication and a right-of-way dedication for a portion of Wolff Street were required at the location shown on Attachment 3 of the Staff memorandum. Since that time, Willow Park has been built and the City's open lands plan has expanded dramatically. The public land dedication parcel and the strip of unused right-of-way may now be returned to Calvary Church and used to reduce the purchase price of the two parcels north of the church. To complete this transaction, it is necessary that an ordinance vacating the small strip of Wolff Street be approved. It is also necessary that an ordinance to approve the conveyance of the former public land be approved to dedicate the property to the Calvary Church.

Opens Space and Trails Director Pritz noted that the total purchase price was \$366,573.

The public hearing was closed at 8:49 p.m.

Ordinance No. 1529 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER JOHNSON SECONDED THAT ORDINANCE NO. 1529 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1540 was read by title.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED THAT ORDINANCE NO. 1540 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (k) Resolution No. 2001-30 Authorizing an Agreement By and Between the City of Broomfield and the Broomfield Community Foundation

(Refer to M-2001-87)

This item was the first Council Business item discussed after Consent Agenda item 6(e).

Mayor Berens stated that next was consideration of a funding agreement for the Broomfield Community Foundation.

Councilmember Brown asked to be excused because of her association with the Broomfield Community Foundation. Council voted by acclamation to excuse Ms. Brown who then left the Council Chambers.

City Manager Di Ciero reviewed Memorandum No. 2001-87 noting that prior to the release of funds allocated to outside agencies, the City requires approval of an agreement that addresses issues such as the expenditure of funds, audits, and the return of any funds not spent. An additional provision has been included in the agreement since Councilmember Brown is an employee of the Foundation. Inclusion of this language addresses the situation wherein a Councilmember is an employee of an agency receiving City Funds allocated in accordance with the Annual Budget. The money has been allocated in the Budget.

Don Bolich, President of the Broomfield Community Foundation, introduced members that were present and distributed information regarding the Broomfield Community Foundation. In answer to Council questions Mr. Bolich responded that the money from the City was used for operating expenses and not in the endowment program. There is not an exact number of Broomfield users, and the 2001 budget for grants is \$25,000. Grants are given out three times a year and a committee visits each group requesting a grant. Administrative costs run about 16% of the budget.

Resolution No. 2001-30 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED THAT RESOLUTION NO. 2001-30 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Councilmember Brown returned to the meeting.

(I) City Council Appointments - Public Health Advisory Committee
(Refer to M-2001-92)

Mayor Berens then introduced consideration of appointments to the Public Health Advisory Committee. City Council interviewed applicants for the positions on February 26, 2001. Appointments to be made are for 7 members for 3-year terms.

Following balloting, the following appointments were made to the Public Health Advisory Committee for terms expiring December 31, 2003: John Brennan, Carlene Brown, Kimberly Dohrman, Elizabeth Robson, Jill Elnicki, Heather Freeman, and Craig Warhurst.

Next were appointments of an ex-officio Councilmember and alternate ex-officio Councilmember.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED THAT KATHY BROWN BE APPOINTED THE EX-OFFICIO COUNCILMEMBER TO THE PUBLIC HEALTH ADVISORY COMMITTEE.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED THAT NOMINATIONS CEASE. THE MOTION PASSED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER,

FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

KATHY BROWN WAS THEN NAMED THE EX-OFFICIO COUNCILMEMBER BY ACCLAMATION.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER BRUNNER SECONDED THAT LINDA FAHRENBRUCH BE APPOINTED AS THE ALTERNATE EX-OFFICIO COUNCILMEMBER OFFICER.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED THAT NOMINATIONS CEASE. THE MOTION PASSED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

LINDA FAHRENBRUCH WAS THEN NAMED THE EX-OFFICIO COUNCILMEMBER ALTERNATE BY ACCLAMATION.

CONSENT AGENDA

The Consent Agenda was considered immediately following Citizens' Comments.

The Consent Agenda items were read by title.

- (a) Approval of Minutes - Special Meeting of February 6, 2001
Approval of Minutes - Regular Meeting of February 13, 2001

The recommendation was for approval of the Minutes of the Special Meeting of February 6, 2001, and approval of the Minutes of the Regular Meeting of February 13, 2001.

- (b) Resolution No. 2001-46 Approving Second Amendment to the January 13, 2000 Intergovernmental Agreement with the Regional Transportation District
(Refer to M-2001-80)

The recommendation was that Resolution No. 2001-46 be adopted.

- (c) Resolution No. 2001-45 Authorizing Amendment No. 7 to the Agreement with Felsburg Holt & Ullevig Regarding the U.S. 36 / S. 96th Street Interchange Enhancements
(Refer to M-2001-79)

The recommendation was that Resolution No. 2001-45 be adopted.

- (d) Broomfield Urban Transit Village - Rezoning - Located South of W. 120th Avenue, West of U.S. 36 & East of S.H. 121:

Ordinance No. 1532 Rezoning Certain Land Within the City of Broomfield from Jefferson County I-1 and A-2 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - First Reading

Ordinance No. 1536 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - First Reading

(Refer to M-2001-74)

The recommendation was that Ordinances No. 1532 and No. 1536 be adopted on first reading and ordered published in full; that a public hearing on said ordinances be scheduled for 6:00 p.m., March 27, 2001, in the Council Chambers at One DesCombes Drive; and that second and final reading on said ordinances be scheduled for March 27, 2001, following the public hearing

(e) Outside Agency Funding Agreements:

Resolution No. 2001-31 Authorizing an Agreement with Boulder County Mental Health

Resolution No. 2001-32 Authorizing an Agreement with Bal Swan Children's Center

Resolution No. 2001-33 Authorizing an Agreement with Alternatives to Family Violence

Resolution No. 2001-34 Authorizing an Agreement with Arapahoe House

Resolution No. 2001-35 Authorizing an Agreement with Boulder County Safe House

Resolution No. 2001-36 Authorizing an Agreement with Broomfield Council on Arts & Humanities

(Refer to M-2001-88)

City Manger Di Ciero explained that the budgeted amount to Boulder County Mental Health was determined by the number of Broomfield citizens seen and that it was for all Broomfield citizens located in all four counties.

Representatives from the groups in attendance were introduced and information was distributed from the Boulder County Safe House.

Councilmember Stevenson suggested that future requests including in-kind assistance, could be referred to the Human Services Advisory Committee.

The recommendation was that Resolutions No. 2001-31, No. 2001-32, No. 2001-33, No. 2001-34, No. 2001-35, and No. 2001-36 be adopted.

(f) Resolution No. 2001-38 Approving a Trash, Rubbish, Garbage Hauling License for Benson and Benson Iron & Metal, Inc.

(Refer to M-2001-66)

The recommendation was that Resolution No. 2001-38 be adopted.

(g) Resolution No. 2001-47 Amending the Guaranteed Maximum Price Construction Agreement With Tarco, Inc. for Construction of East Interchange Enhancement to the US 36 / S. 96th St. Interchange and the US 36 / S. 96th St. Sub-District, Phase 2, Infrastructure

(Refer to M-2001-81)

The recommendation was that Resolution No. 2001-47 be adopted.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(G) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Broomfield Heights First Filing Sub-Area Plan Meetings - Brunner

Councilmember Brunner noted that meetings regarding the Broomfield Heights First Filing Sub-Area Plan are set for 2/28/01 and 3/1/01 at 7:00 p.m. in the Bal Swan / Zang Spur meeting rooms.

CITY ATTORNEY'S REPORT

Jefferson County v. Broomfield - Collection of Property Taxes in 2002

City Attorney Howard distributed copies of the City's response to the lawsuit filed by Jefferson County regarding the Collection of Property Taxes in 2002.

CITY MANAGER'S REPORT

Pothole Report

City Manager Di Ciero reported that there are numerous potholes as a result of the bad winter, but City Staff would be repairing them as soon as possible.

2001 City Council Priorities - Council Focus Session

City Manager Di Ciero distributed and reviewed a report regarding the 2001 City Council Priority rankings made by City Council at the February 24, 2001, Focus Session.

SPECIAL REPORTS

- (a) Library Board Minutes - January 25, 2001
- (b) Adams County Growth Legislation Principles
(Refer to M-2001-89)
- (c) State Library Grant
(Refer to M-2001-84)
- (d) Stockpiling of Dirt a Proposed Saratoga Development at Lowell Boulevard and Trails Drive Extended West
(Refer to M-2001-72)
- (e) S.H. 7 Access Management Plan
(Refer to M-2001-83)
- (f) Northmoor Park Irrigation System Improvements
(Refer to M-2001-85)
- (g) Building Department Report - January, 2001
- (h) 2000 Crime Report
(Refer to M-2001-76)

Mayor Berens stated that the community policing program is going well and creates a proactive position.

- (i) Follow Up - "Red Light Violations"
(Refer to M-2001-77)
- (j) Lowering of Country Estates Detention Pond for Aspen Creek Filing No. 5
(Refer to M-2001-75)
- (k) Agreement with Hamilton County, Tennessee Regarding Geographic Information System (GIS) Software
(Refer to M-2001-91)

The City saved money with this joint cooperation.

ADJOURNMENT

The meeting was adjourned at 9:20 p.m.

Deputy City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

FEBRUARY 20, 2001

ROLL CALL

The Special Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, February 20, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: Councilmember Vincent Buzek

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Public Information Officer Rosann Doran

Vote to Hold an Executive Session Regarding Litigation

Mayor Berens advised that he had called the Special Meeting as provided in Section 5.2 of the Broomfield City Charter to request that Council vote to adjourn the meeting to hold an Executive Session to discuss issues regarding litigation with the City Attorney and City Manager.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT THE MEETING BE ADJOURNED TO AN EXECUTIVE SESSION TO DISCUSS ISSUES REGARDING LITIGATION. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

ADJOURNMENT

The Special City Council Meeting was adjourned at 6:05 p.m.

APPROVED:

City Clerk

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

FEBRUARY 13, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, February 13, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: None

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Community Development Director James Black
Deputy Director of Community Development Kevin Standbridge
Planning Director John Franklin
Associate Planner Lynn Merwin
City Engineer Gary Behlen
Traffic Engineer Tom Schomer
Deputy Director of Public Works Mike Bartleson
Chief of Police Tom Deland
Support Services Director Terry Cole
Library Director Helen Martin
Director of Open Space and Trails Kristan Pritz
Public Information Officer Rosann Doran

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.

- (b) 2000 American Public Works Association (APWA) Capital Improvement Projects Awards
(Refer to M-2001-48)

City Engineer Behlen and Community Development Director Black presented Council with two awards presented by the Colorado Chapter of the American Public Works Association. The Brandywine Park Drainage, Sanitary Sewer, Re-Use Water Improvements won the "Utility, Drainage, Environmental Project of the Year Award" and the Consultant Selection Process Open House won the "Community Programs Award Project of the Year."

CITY AND COUNTY TRANSITION

Governor's Task Force Meeting

Councilmember Stuart advised that she had attended the last Governor's Task Force Meeting regarding the City and County transition, and commended Staff's presentation.

CITIZENS' COMMENTS

There were no citizen comments.

COUNCIL BUSINESS

- (a) Public Hearing - Professional Plaza - Site Development Plan - Located South of Coalton Road & West of W. Flatiron Circle / Summit Boulevard:

Resolution No. 2001-19 Approving Professional Plaza Site Development Plan and Authorizing an Improvement Agreement Therefor

(Refer to M-2001-41)

Mayor Berens opened the public hearing at 6:23 p.m. on a proposed office building located south of Coalton Drive and west of Summit Boulevard in the MidCities Planned Unit Development. The application was submitted by Coalton Acres, LLC, the property owner.

City Manager reviewed Memorandum No. 2001-41 which summarized the proposed plan. The project consists of the phased construction of two professional office buildings containing a total of 57,512 s.f. along with structured parking garages for each office building.

Deputy Community Development Director Standbridge reviewed the project location, the Master Plan designation, and the Land Use Review Commission's (LURC) recommendation for approval with conditions as outlined in the Staff report.

Bill Branyan, representing the Applicant, summarized details of the plan, explaining that the intended use is for professional medical offices. The top of the parking structure is flush with the street level. This project has been designed to be compatible with the Paradigm Health Club plan.

The two projects will utilize shared parking reducing impacts and views of additional parking area. He explained that LURC's request for additional evergreens along the west side would cause additional shadowing on the ramp which could cause safety concerns.

Councilmember Brown requested that the material for the mechanical equipment screen walls be limited to E.I.F.S. only.

The public hearing was closed at 6:41 p.m.

Resolution No. 2001-19 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-19 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) Public Hearing - MidCities Filing No. 6 - Final Plat & Paradigm Health Club - Site Development Plan - Located South of Coalton Road & West of Flatiron

Circle

Resolution No. 2001-16 Approving MidCities Filing No. 6 Final Plat and Paradigm Health Club Site Development Plan and Authorizing the Subdivision Agreement and Improvement Agreement Therefor

(Refer to M-2001-40)

Mayor Berens opened the public hearing at 6:42 p.m. on a proposed Site Development Plan for Paradigm Health Club located south of Coalton Road and west of Summit Boulevard. The application was submitted by Coalton Acres, LLC, the property owner.

Deputy Community Development Director Standbridge reviewed the property location, Master Plan designation, and Land Use Review Commission recommendation as outlined in the Staff report.

Bill Branyan, representing the Applicant, reviewed details of the site plan. The Health Club will be adjacent to the professional office buildings approved for Lot 4 and will be linked by pedestrian sidewalks and by the Regional Trail system. A small day care facility will be provided for club members. Building materials and colors will be similar to retail centers on the rest of the MidCities project.

In response to questions, Mr. Branyan reviewed the levels of access circulation with respect to pedestrian/trail systems and bus service; he noted that the PUD ensured trails wide enough to accept ZIP Shuttles if the system is expanded.

Donaldo Visani, Applicant representative, advised that the outdoor pool will be a 4 lane, 25-yard pool.

Councilmember Buzek noted that with the addition of one or two lanes, the pool could qualify for the Boulder Valley swim competition program.

Mr. Visani discussed the Health Club's anticipated clientele and membership fee estimates.

The public hearing was closed at 7:00 p.m.

Resolution No. 2001-16 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-16 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (c) Public Hearing - Red Lobster at Flatiron Marketplace - Site Development Plan - Located at

Southeast Corner of E. Flatiron Circle & U.S. 36:

Resolution No. 2001-20 Approving Red Lobster Site Development Plan
(Refer to M-2001-42)

Mayor Berens opened the public hearing at 7:02 p.m. on a proposed plan for Red Lobster located at the Flatiron Marketplace. The application has been submitted by GMRI, Inc., the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-42 which summarized the plans for a new restaurant consisting of 7,078 s.f. free-standing building using a combination of stone veneer, lap siding, and wood columns.

Deputy Community Development Director Standbridge reviewed the property's location, the Master Plan designation, and the Land Use Review Commission's recommendation as outlined in the Staff report.

John Keen, representing the Applicant, reviewed details of the site plans, noting modifications including raised screening of trash enclosures, providing bike racks, and the addition of a sidewalk to the ZIP Shuttle system. The materials and design are consistent with adjacent development and the Sub-Area guidelines.

Councilmember Stovall requested that Staff provide a detailed status report on the ZIP Shuttle system.

The public hearing was closed at 7:14 p.m.

Resolution No. 2001-20 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-20 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(d) Public Hearing - The Broadlands Filing No. 12 - Site Development Plan & Final Plat - Located at the Northeast Corner of Lowell Boulevard & W.136th:

Resolution No. 2001-25 Approving The Broadlands Filing No. 12 Site Development Plan and Final Plat, Authorizing Exemption from a Portion of Building Permit Allocations and Authorizing the Subdivision Agreement Therefor
(Refer to M-2001-43)

Mayor Berens opened the public hearing at 7:15 p.m. on a proposed development plan for The Broadlands Filing No. 12 located at the northeast corner of Lowell Boulevard and West 136th Avenue. The application has been submitted by Lake View Syndicate, Inc., owner of the property.

City Manager Di Ciero reviewed Memorandum No. 2001-43 which summarizes the request for approval of the Site Development Plan and Final Plat.

Deputy Community Development Director Standbridge reviewed the project location, Master Plan designation and Land Use Review Commission's (LURC) recommendation for approval with

conditions as outlined in the Staff report.

Jon Lee, Community Development Group, summarized the overall status of The Broadlands development, and advised Council of the results of a recent survey of The Broadlands homeowners.

David Clinger, Land Planner, reviewed details of the Filing No. 12 project, and responded to LURC's recommendation. Since this is an active adult project, the intent was to bring pedestrian walkways away from the streets into the internal trail system. With 5 miles of internal walkways, sidewalks along both sides of the private streets would be overkill and ruin the open space effect. The property is proximate to amenities and park and open space areas provided by The Broadlands PUD. A tot lot will be centrally located within this project and seating areas are provided throughout the internal walkway system.

Kurt Wolter, Genesee Company, addressed LURC's recommended conditions. He explained that the overall proposal includes a minimum of 25% masonry, however individual elevations may be 15-24% due to the architectural design of the units. A minimum of 25% masonry will be provided on all elevations facing streets and trails. Pedestrian scale lighting has been provided on the private streets. The Developer feels that mechanical units will be screened better by landscaping that screen walls. The request for exemption from building permit allocations for the eight-plex units will allow those lower cost units on the market sooner in response to the need for more affordable housing.

John Hafner (3347 Copper Avenue) inquired about the grading plan, asking where the proposed units will sit relative to other residences in the area.

Chris and Lisa Kassel (13682 Plaster Circle) requested that the plan be modified to mitigate the impact of the two lots directly facing their residence, suggesting that the buildings be angled or that one be eliminated.

Councilmember questions and comments included: 1) Would it be feasible for the Developer to remove one of the units as requested, or could the two units be angled by relocating the emergency access or encroaching into the trail easement; 2) Support for the request for the permit allocation exemption provided the Developer enter into an agreement to commit to keeping 10% of the units affordable; 3) Request that the trail at Boulder Circle be relocated away from the street to provide an off-street connection into the internal trail system; 4) Reluctance to commit to permit exemption until the affordable units commitment can be finalized; 5) Suggestion that units behind Kassel residence be restricted to ranch plans; 6) Concern about wildlife habitat issues and wildlife access to Plaster Reservoir; 7) Question regarding the amount of open space on the plan; 8) Request that safety factors be considered in location and design of cluster mailboxes; 9) Need to ensure that landscape plantings are of sufficient size to adequately screen the mechanical units; 10) Affordable housing agreement should include provisions to pre-qualify purchasers; and 11) Request to clarify the total number of units proposed.

Mr. Wolter stated that the building site will be relatively level and the maximum building height will be 33'. The emergency access location is a fixed point to serve the adjacent project to the east. The Developer has already deleted four units at the request of LURC. They would be willing to commit to putting ranch plans on the lower units and angling the two buildings if allowed to encroach into the 25' trail system setback.

Further discussions indicated the Developer's willingness to work with the City to finalize an agreement to commit to keeping 10% of the units affordable prior to Council approval of the request for exemption from the permit allocations. The Developer also discussed suggestions to

address the Kassel's concerns, and the request regarding the trail extension along Boulder Circle.

Mr. Lee and Mr. Wolter clarified that the 40% open lands dedication required by the Master Plan has been met by the overall PUD Plan. The open land dedication with this filing is in addition to that. The Filing No. 12 plan provides 40% private open area on this particular site.

It was noted that an error on the plan cover sheet should be corrected to indicate 79 buildings rather than 80 buildings.

City Attorney Howard proposed wording for amendments to the plan to address the conditions and corrections discussed. Following further discussion with the Developer, revised wording was proposed by Mr. Howard and Mr. Standbridge. Mr. Clinger and Mr. Wolter indicated agreement with the proposed wording. Mr. Wolter further indicated willingness to work with Staff on a safe location and design for the cluster mailboxes.

The public hearing was closed at 9:38 p.m.

Resolution No. 2001-25 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-25 BE ADOPTED WITH THE FOLLOWING CONDITIONS: 1) REVISE NO. 7 ON SITE DEVELOPMENT PLAN COVER SHEET TO READ: "UNITS 1 AND 2 IN BLOCK 7 SHALL BE RESTRICTED TO RANCH UNITS. IN ADDITION, ONE HALF OF UNITS 3-8 IN BLOCK 3 AND 3-12 IN BLOCK 4 SHALL BE RANCH UNITS PROVIDED THAT UNITS 5 AND 6 IN BLOCK 3 AND UNITS 3-6 IN BLOCK 4 MUST BE RANCH UNITS; 2) UNDER LAND USE REQUIREMENTS, CHANGE THE NUMBER OF BUILDINGS FROM 80 TO 79; 3) MODIFY THE PLANS SO THAT THE SIDEWALK ON THE EASTERN SIDE OF THE WESTERN LEG OF BOULDER CIRCLE, FROM THE DRIVE AISLE NORTH, BE MOVED FURTHER AWAY FROM THE STREET TO PROVIDE A TRAIL CONNECTION FROM W. 136TH AVENUE TO THE PUBLIC TRAIL TO BE CONSTRUCTED ON THE SOUTH SIDE OF PLASTER RESERVOIR AND THAT A PUBLIC TRAIL EASEMENT BE PROVIDED ON THE SUBDIVISION PLAT FOR SUCH TRAIL CONNECTIONS FROM W. 136TH AVENUE TO THE PLASTER RESERVOIR TRAIL; AND 4) AMEND THE RESOLUTION TO DELETE SECTION 3 REGARDING APPROVAL OF BUILDING PERMIT EXEMPTIONS.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN,
BRUNNER, BUZEK, FAHRENBRUCH,
GRIEP, JOHNSON, STEVENSON,
STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 9 TO 1.

(e) City Council Appointments - Human Services Advisory Committee
(Refer to M-2001-62)

Mayor Berens then introduced consideration of appointments to the Human Services Advisory Committee. Council has Memorandum No. 2001-62 which lists the appointments to be made by category. City Council interviewed applicants for the various positions on February 5, 6, 8, and 12, 2001. The six two-year terms have been tentatively assigned by Staff to the categories requiring multiple appointments, and may be modified by City Council. In the categories of Domestic Violence, Education Professional, Legal Professional, and Faith Community there is one applicant for each appointment. The City Attorney advises that these appointments may be made by acclamation.

Following balloting and acclamation, the following appointments were made:

Senior Services - Appointed Vita Marker to 2-year term expiring 12/31/03 & Robert Davis to 1-year term expiring 12/31/02.

Adolescent Services - Appointed Jenna Novaral to 2-year term expiring 12/31/03 & Liliana Torrico to a 1-year term expiring 12/31/02.

Youth Under 12 Services - Appointed Sam & Sara Taylor to 2-year term expiring 12/31/03 & Sheila Alimonos to a 1-year term expiring 12/31/02.

Developmentally Disabled Services - Appointed Gina Coufal to a 1-year term expiring 12/31/02.

Mental Health & Abuse Services - Appointed Paula Fisher to a 1-year term expiring 12/31/02.

Domestic Violence - Appointed Roxana Magana to a 1-year term expiring 12/31/02.

Early Childhood Services - Appointed Juliann VonLintel to a 1-year term expiring 12/31/02.

Veteran Services - Appointed Robert Morlan to a 1-year term expiring 12/31/02.

Citizens - Appointed Hal Lunka to 2-year term expiring 12/31/03 & Jane Porter-Cox to a 1-year term expiring 12/31/02.

Health Care Professional - Appointed Kathy James to a 1-year term expiring 12/31/02.

Legal Professional - Appointed Mark Wojcik to a 1-year term expiring 12/31/02.

Education Professional - Appointed Patricia Gilmour to a 1-year term expiring 12/31/02.

Faith Community - Appointed John Howeth to a 1-year term expiring 12/31/02.

Business - Appointed Donna LaVigne to 2-year term expiring 12/31/03 & Bette Erickson to a 1-year term expiring 12/31/02.

Volunteer Organization - Appointed Mike Farrell to 2-year term expiring 12/31/03 & Pat Springer to a 1-year term expiring 12/31/02.

Councilmembers expressed appreciation for the number and quality of the applicants and encouraged citizens to stay involved in the process.

Following discussion, Mayor Berens advised that Council could vote to add the appointment of the ex officio Councilmembers to the Agenda at the end of the meeting.

- (f) Resolution No. 2001-30 Authorizing an Agreement By and Between the City of Broomfield and the Broomfield Community Foundation
(Refer to M-2001-58)

Mayor Berens advised that Staff has requested that this Agenda Item and Consent Agenda Item 6(f) be removed from the Agenda and rescheduled for the February 27, 2001 Meeting. The request has been made in order to permit representatives of the organizations requesting funding sufficient time to arrange to attend the Council meeting to respond to any questions Council may have regarding the agreements.

- (g) Ordinance No. 1535 Amending Section 2-02-010, Compensation of Members of Council, and Section 2-02-020, Mayor's Additional Compensation, of Chapter 2-02, City Council Compensation, of the Broomfield Municipal Code That Would Increase the Compensation of the Mayor and Members of the City Council - First Reading
(Refer to M-2001-52)

Mayor Berens introduced consideration of a proposed ordinance regarding compensation for future Mayors and members of City Council.

City Manager Di Ciero reviewed Memorandum No. 2001-52 and summarized the results of a survey of area cities and area counties regarding compensation levels for the Mayor, Councilmembers, and County Commissioners. He noted that none of the changes proposed in Ordinance No. 1535 would apply to existing Councilmembers, unless they are reelected to another term.

The Mayor and Councilmembers discussed the need to provide some fair compensation in order to attract quality people.

It was noted that the March 13, 2001 Council Meeting had not yet been rescheduled to March 6th, although the recommended motion would schedule the public hearing on Ordinance No. 1535 for March 6th. Staff then recommended that the public hearing be scheduled for the March 27th Meeting.

Ordinance No. 1535 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT ORDINANCE NO. 1535 BE ADOPTED ON FIRST READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M. ON MARCH 27, 2001, IN THE CITY COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT A SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR MARCH 27, 2001, FOLLOWING THE PUBLIC HEARING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Human Services Advisory Committee - Appointment of Ex Officio Councilmembers

This item was considered at the end of the meeting.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE APPOINTMENT OF EX OFFICIO COUNCILMEMBERS TO THE HUMAN SERVICES ADVISORY COMMITTEE BE ADDED TO THE BUSINESS AGENDA.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBERS BRUNNER AND OLSTAD.

THE MOTION CARRIED 8 TO 2.

Councilmembers Stuart and Fahrenbruch nominated Councilmember Stevenson to serve as the Ex Officio Councilmember.

Councilmember Olstad stated that he feels more discussion is needed prior to making the appointment.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT THE APPOINTMENT BE POSTPONED TO THE NEXT COUNCIL MEETING.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, AND OLSTAD.

THOSE VOTING NO WERE: COUNCILMEMBERS BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THE MOTION FAILED 3 TO 7.

Councilmembers Brunner and Fahrenbruch nominated Councilmember Brown to serve as the Ex Officio Councilmember.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE NOMINATIONS BE CLOSED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Following a ballot vote, Councilmember Stevenson was appointed to the Human Services Advisory Committee as the Ex Officio Councilmember.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STUART SECONDED, TO APPOINT COUNCILMEMBER BROWN TO THE HUMAN SERVICES ADVISORY COMMITTEE AS THE EX OFFICIO COUNCILMEMBER ALTERNATE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Library Board - Resignation and Appointment of Councilmember

Councilmember Brown advised that to participate actively as the Ex Officio Councilmember Alternate on the Health and Human Services Advisory Committee, she will need to resign as Council Liaison on the Library Board. Councilmember Olstad had expressed his willingness to serve on the Library Board.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE APPOINTMENT OF A COUNCILMEMBER LIAISON TO THE LIBRARY BOARD BE ADDED TO THE BUSINESS AGENDA. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT COUNCILMEMBER OLSTAD BE APPOINTED AS THE COUNCILMEMBER LIAISON TO THE LIBRARY BOARD. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title. Consent Agenda Items 6(d) and 6(f) were removed from the Meeting Agenda. Item 6(k) was removed from the Consent Agenda and discussed prior to approval of the remaining Consent Agenda items.

(a) Approval of Minutes - Regular Meeting of January 23, 2001

The recommendation was for approval of the Minutes of the Regular Meeting of January 23, 2001.

(b) Ordinance No. 1534 Amending Subsection 16-08-010(H) Defining "Minor Subdivision" and Section 16-22-020, Minor Subdivision Plat Requirements, of the Broomfield Municipal Code - First Reading

(Refer to M-2001-50)

The recommendation was that Ordinance No. 1534 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., March 6, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for March 6, 2001, following the public hearing.

(c) Ordinance No. 1531 Amending Subsection 4-04-040(d) and Subsection 4-04-040(E) of the Broomfield Municipal Code Relating to the Ward 4 and Ward 5 Boundaries - First Reading

(Refer to M-2001-45)

The recommendation was that Ordinance No. 1531 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., March 6, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for March 6, 2001, following the public hearing.

(d) Broomfield Urban Transit Village - Rezoning - Located South of W. 120th Avenue, West of U.S. 36 & East of S.H. 121:

Ordinance No. 1532 Rezoning Certain Land Within the City of Broomfield from Jefferson County I-1 and A-2 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - First Reading

Ordinance No. 1536 Rezoning Certain Land Within the City of Broomfield from City of Broomfield I-1 to City of Broomfield PUD Which Land is Approximately Located at the Southeast Corner of State Highway 121 and W. 120th Avenue - First Reading

(Refer to M-2001-46)

This item was removed from the Meeting Agenda.

(e) Ordinance No. 1523 Renaming a Portion of Broadlands Drive to Shannon Drive - First Reading

(Refer to M-2001-44)

The recommendation was that Ordinance No. 1523 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., March 6, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for March 6, 2001, following the public hearing.

(f) Outside Agency Funding Agreements:

Resolution No. 2001-31 Authorizing an Agreement with Boulder County Mental Health

Resolution No. 2001-32 Authorizing an Agreement with Bal Swan Children's Center

Resolution No. 2001-33 Authorizing an Agreement with Alternatives to Family Violence

Resolution No. 2001-34 Authorizing an Agreement with Arapahoe House

Resolution No. 2001-35 Authorizing an Agreement with Boulder County Safe House

Resolution No. 2001-36 Authorizing an Agreement with Broomfield Council on Arts & Humanities

(Refer to M-2001-59)

This item was removed from the Meeting Agenda.

(g) Miller Enclave - Annexation, Zoning & Water District Inclusion - Located North & South of W. 136th Avenue, East of Sheridan Boulevard:

Ordinance No. 1537 Annexing to the City of Broomfield, Pursuant to Section 31-12-106(1), C.R.S., an Enclave of 84.5565 Acres Located in the Southwest Quarter of Section 19 and in the Northwest Quarter of Section 30, Township 1 South, Range 69 West of the Sixth Principal Meridian, Adams County, to be Known as "The Miller Enclave Annexation" - First Reading

Ordinance No. 1538 Rezoning Certain Land within the City of Broomfield From Adams County (A-1) to City of Broomfield PUD, Which Land is Bounded by Aspen Creek PUD to the North and West, Sheridan Blvd. and Northmoor Filing No. 4 to the West, Chateaux at Fox Meadows PUD and Moore PUD to the East and South - First Reading

Ordinance No. 1539 Granting Consent by the City of Broomfield to the Inclusion of 84.56± Acres Located in Sections 19 & 30, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-54)

The recommendation was that Ordinances No. 1537, No. 1538, and No. 1539 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be scheduled for 6:00 p.m., March 27, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for March 27, 2001, following the public hearing.

(h) Ordinance No. 1533 Repealing Ordinance No. 1100, Which Annexes the Pierce Business Park Property and Repealing Ordinance No. 1101, Which Rezones the Pierce Business Park Property - First Reading

(Refer to M-2001-47)

The recommendation was that Ordinance No. 1533 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., March 6, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for March 6, 2001, following the public hearing.

- (i) Calvary Evangelical Free Church - Sale, Purchase & Exchange of Real Estate - Property East of Sheridan Boulevard & North of Calvary Church:

Resolution No. 2001-37 Authorizing the Sale, Purchase and Exchange of Real Estate By and Between the City of Broomfield and the Calvary Evangelical Free Church of Broomfield

Ordinance No. 1529 Vacating the West Half of Wolff Street in the Calvary Church Subdivision - First Reading

Ordinance No. 1540 Authorizing the Conveyance of City-Owned Real Property to the Calvary Evangelical Free Church of Broomfield - First Reading

(Refer to M-2001-61)

The recommendation was that Resolution No. 2001-37 be adopted; and that Ordinances No. 1529 and No. 1540 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., February 27, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for March 27, 2001, following the public hearing.

- (j) Resolution No. 2001-27 Expressing Support for "Option A+" of the U.S. 36 Major Investment Study

(Refer to M-2001-49)

The recommendation was that Resolution No. 2001-27 be adopted.

- (k) March Meeting Schedule

(Refer to M-2001-63)

This item was removed from the Consent Agenda and was discussed prior to approval of the remaining Consent Agenda items. The recommendation was that the Regular Meeting of March 13, 2001, be rescheduled to March 6, 2001.

City Manager Di Ciero clarified that request to reschedule the March 13th Meeting was due to the fact that several Councilmembers will be out of town attending the National League of Cities Conference.

Councilmember Brunner agreed that the meeting should be rescheduled, but because he would also be out of town on March 6th, he requested that the meeting be rescheduled to March 20th.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT THE REGULAR MEETING OF MARCH 13, 2001, BE RESCHEDULED TO MARCH 20, 2001.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN,
BRUNNER, GRIEP, AND OLSTAD.

THOSE VOTING NO WERE: COUNCILMEMBER BUZEK,
FAHRENBRUCH, JOHNSON,
STEVENSON, STOVALL, AND STUART.

THE MOTION FAILED 4 TO 6.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL
SECONDED, THAT THE REGULAR MEETING OF MARCH 13, 2001, BE
RESCHEDULED TO MARCH 6, 2001.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BUZEK,
FAHRENBRUCH, GRIEP, JOHNSON,
OLSTAD, STEVENSON, STOVALL, AND
STUART.

THOSE VOTING NO WERE: COUNCILMEMBER BRUNNER.

THE MOTION CARRIED 9 TO 1.

- (l) Resolution No. 2001-26 Authorizing an Agreement with Muller Engineering Company Inc. for Consulting Services Related to Intersection Improvements at U.S. 287 and Miramonte Boulevard

(Refer to M-2001-51)

The recommendation was that Resolution No. 2001-26 be adopted.

- (m) Resolution No. 2001-28 Authorizing a Change Order, Attached Hereto, With BT Construction for the North Outfall and Reuse Pipeline Adjacent to Crofton Park and Authorization for an Agreement, Attached Hereto, for Design and Construction Engineering Services to Burns & McDonnell

(Refer to M-2001-56)

The recommendation was that Resolution 2001-28 be adopted.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BROWN
SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE
STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(M), EXCLUDING
ITEMS 6(F) AND 6(K), BE ADOPTED. THE MOTION CARRIED
UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK,
FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL,
AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Colorado Counties, Inc. Winter Conference Report - Stuart

Councilmember Stuart reported on attending the Colorado Counties, Inc. Winter Conference.

November Ballot Issue to Extend Open Space Tax - Stuart

Councilmember Stuart requested Council consideration of placing a question to extend the Open Space Tax on the November ballot.

New Broomfield High School Gymnasium Dedication - Brown

Councilmember Brown discussed the dedication ceremony for the new Broomfield High School Gymnasium which was held earlier in the day.

U.S. 36 Transportation Management Organization Meeting Report - Griep

Councilmember Griep reported on discussions at the U.S. 36 Transportation Management Organization meeting.

Request for Presentation by Excel Energy - Stovall

Councilmember Stovall requested that Excel Energy representatives be requested to attend a meeting to provide a presentation on the Company's plans to meet future service demands in the Broomfield area.

Meeting with Governor Regarding Transit Issues Along U.S. 36 Corridor - Berens

Mayor Berens reported on the meeting with Governor Owens regarding transit issues along U.S. Corridor 36.

CITY ATTORNEY'S REPORT

No report was given.

CITY MANAGER'S REPORT

Broomfield Interchange Funding

City Manager Di Ciero discussed the Federal funding for a study for the Broomfield Interchange. He advised that the City can work cooperatively with the Colorado Department of Transportation by proceeding with the Broomfield study and sharing the data with CDOT.

SPECIAL REPORTS

The following Special Reports were distributed to Council:

- (a) DRCOG's Summary Comparison of Proposed Growth Management Legislation
(Refer to M-2001-60)
- (b) Citizen Assistant Center 4th Quarter Report - 2000

- (c) Community Development / Engineering Subdivision Status Report - February 13, 2001
- (d) Status Report - #12 Garden Center
(Refer to M-2001-53)
- (e) 120th Avenue & Lowell Boulevard Widening - Prairie Dog Relocation
(Refer to M-2001-64)

ADJOURNMENT

The City Council Meeting was adjourned at 11:50 p.m.

City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

JANUARY 23, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, January 23, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Vincent Buzek
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: None

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Senior Policy Coordinator Jan Carlson
Deputy Director of Community Development Kevin Standbridge
Associate Planner Tyson Taylor
Associate Planner Lynn Merwin
City Engineer Gary Behlen
Director of Public Works Dorian Brown
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Support Services Director Terry Cole
Library Director Helen Martin
Health and Human Services Director Karen Beye
Director of Open Space and Trails Kristan Pritz
Public Information Officer Rosann Doran

PETITIONS AND COMMUNICATIONS

There were no petitions or communications

CITY AND COUNTY TRANSITION

(a) City / County Status Report - Housekeeping Legislation
(Refer to M-2001-30)

City Manager Di Ciero reviewed Memorandum No. 2001-30 outlining proposed legislation to provide "housekeeping" changes to the Colorado Statutes which coordinate with Broomfield becoming operational as a county on November 15, 2001.

Councilmember Olstad noted that the proposed changes include the appointment of certain county officials which have been previously elected. He stated that while this may be necessary at the start, he will urge citizens down the road to allow Broomfield to go back to electing those officials.

Councilmember Stovall stated that the Governor's Task Force on the City / County transition has unanimously recommended that filling those positions by appointment rather than by election is the right approach.

Councilmember Olstad responded that he doesn't feel that others agree.

Mayor Berens noted that the ballot issue submitted to and approved by 63% of Broomfield voters outlined the City Charter as the basis for the organization of the proposed City / County. Councilmember Olstad and other citizens always have petition procedures available to propose a ballot question for a Charter amendment if they choose.

(b) City / County Facilities Construction - January, 2001
(Refer to M-2001-37)

City Engineer Behlen reviewed Memorandum No. 2001-37 outlining the status of City / County facilities construction projects.

Councilmember Stevenson requested a list of tenants for No. 12 Garden Center.

CITIZENS' COMMENTS

Request for Purchase of Property at 1st Avenue & Lamar Street for Open Space - Carrie Lingo

Carrie Lingo (276 Coral Way) submitted a request that the City acquire the 2.66 acres for sale at the corner of 1st Avenue and Lamar Street for Broomfield open space. She feels the property would provide an important buffer between the new Library and City ball fields and the retail/commercial development to the south.

Mayor Berens noted that the request will be forwarded to the Open Space Advisory Committee.

Property Owned by Joseph Fuentes

Joseph Fuentes addressed Council regarding a road at Flatiron Circle which he believes was constructed on his property without permission or compensation. He stated that he has tried to work through City Staff, but feels his issues have been ignored.

Mayor Berens advised Mr. Fuentes that the property ownership is a civil issue to be resolved by the courts. City Council is the City's legislative body, and has no authority to make decisions with respect to judicial matters. He stated that he will try to work with Mr. Fuentes as an intermediary to address questions to City Staff.

COUNCIL BUSINESS

- (a) Public Hearing - Ordinance No. 1521 Imposing a Moratorium on Residential Exterior Building and Residential Demolition Permits Within the Boundaries of the Broomfield Heights Subarea for the Purpose of Conducting a Land Use Study to Amend the 1995 Master Plan - Second Reading

(Refer to M-2001-35)

Mayor Berens opened the public hearing at 6:25 p.m. on a proposed moratorium on residential exterior building and residential demolition permits within the Broomfield Heights Subarea.

City Manager Di Ciero reviewed Memorandum No. 2001-35 which outlined details regarding the proposed moratorium. A Subarea planning program is currently underway for the Broomfield Heights First Filing area. The location of the Subarea is shown on Exhibit A to the Memorandum.

The purpose of the Subarea plan is to provide recommendations regarding land use, property maintenance, historic preservation, and design guidelines. During the public meetings, participants have discussed a moratorium on specific construction and demolition activities until the plan is complete. The proposed Ordinance would suspend the acceptance and processing of certain building and demolition permit applications for single family residences in the affected area until November 1, 2001, or the completion of the Subarea plan, whichever comes first. Permits would not be issued for any of the following: work which expanded or enlarged a principal structure or a garage by more than 50%; construction of a new garage of over 500 s.f. or higher than 18 feet; adding an additional story where none now exists; adding over 5 feet of height to the structure; or the demolition of a structure.

Carrie Lingo (276 Coral Way) expressed support for the moratorium request to give the area residents time to get the Subarea plan into motion.

Councilmembers supported the Ordinance, noting the need to preserve the character of the existing neighborhood. This will be a pilot project for other neighborhoods. It was clarified that the moratorium only applies to residential permits, and does not impact commercial businesses. Council commended the citizens of this neighborhood for their efforts in this proactive project.

The public hearing was closed at 6:37 p.m.

Ordinance No. 1521 was read by title.

COUNCILMEMBERS OLSTAD, GRIEP, STEVENSON AND BUZEK MOVED, AND COUNCILMEMBER BRUNNER SECONDED, THAT ORDINANCE NO. 1521 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(b) Public Hearing - Sun Microsystems Phase 3A - Site Development Plan & Improvement Agreement - Located in Interlocken East at Sun Microsystems Campus:

Resolution No. 2001-15 Approving Sun Microsystems Colorado Campus Phase 3A Site Development Plan and Improvement Agreement Therefor
(Refer to M-2000-25)

Mayor Berens opened the public hearing at 6:38 p.m. on a proposed Site Development Plan for Sun Microsystems Phase 3A located at the northwest corner of State Highway 128 and Network Parkway. The application has been submitted by Sun Microsystems, owner of the property.

Councilmember Johnson advised that he owns stock in Sun Microsystems and asked to be excused due to a potential conflict of interest.

Councilmembers discussed the issue of stock ownership in relation to conflict of interest and the need to adopt an ethics code to address these issues. City Attorney Howard clarified that in the absence of Council guidelines to define what level of ownership would constitute a conflict, he advised that direct stock ownership by a Councilmember should be viewed as a potential conflict. Councilmembers then unanimously excused Councilmember Johnson, and he left the meeting during this item.

City Manager Di Ciero reviewed Memorandum No. 2001-25 which summarized the proposed plan. The Sun Microsystems campus is zoned Planned Unit Development (PUD) and is part of the Interlocken Advanced Technology Park. The proposed plan is for construction of two 180,000 s.f. office buildings with structured parking on the eastern portion. The plan conforms with the Master Plan and the SubArea Plan.

Deputy Director of Community Development Standbridge reviewed the property location and the Land Use Review Commission's recommendation as outlined in the Staff report.

Philip McCurdy, Architect, reviewed details of the plan, including building locations, parking structures, roadway access, pathway system, materials and colors. In order to minimize the impact of the project, the height of the buildings was reduced from six stories to five stories. Parking structures will be cut more deeply into the grade and berms provided along S.H. 128 to screen the top levels of the structures.

Scott Milne discussed landscaping details, noting that on-site parking impacts will be limited by using parking structures; and setting the structures into the grade with screen berming and landscaping will minimize visual impacts of the structures.

Councilmembers spoke in support of the plan, commending the amount of open area proposed, the use of parking structures, and the use of the site topography to help conceal the structures.

The public hearing was closed at 7:06 p.m.

Resolution No. 2001-15 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-15 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE; AND COUNCILMEMBER JOHNSON WAS EXCUSED.

Councilmember Johnson returned to the meeting following this item.

- (c) Public Hearing - MidCities Filing No. 6 - Final Plat & Paradigm Health Club - Site Development Plan - Located South of Coalton Road & West of Flatiron Circle / Summit Boulevard - Motion to Continue

(Refer to M-2001-26)

Mayor Berens presented a request to continue the public hearing on a proposed Site Development Plan and Final Plat for the Paradigm Health Club at MidCities. Staff has advised that the Developer requires additional time to finalize the subdivision agreement for the property. It is recommended that the public hearing be continued until the February 13, 2001 City Council Meeting.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE PUBLIC HEARING BE CONTINUED UNTIL THE FEBRUARY 13, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (d) Public Hearing - Great Western Park - PUD Plan & Great Western Park / McData Corporate Campus - Site Development Plan / Final Plat / Land Exchange - Located West of Simms Street & South of W. 112th Avenue:

Ordinance No. 1528 Authorizing the Vesting Agreement for Great Western Park / McData Corporate Campus - First Reading

Ordinance No. 1520 Authorizing the Conveyance of City-Owned Property to Lake Powell Land Company, LLC - Second Reading

Resolution No. 2001-14 Approving Great Western Park PUD Plan and Great Western Park / McData Site Development Plan and Final Plat and Authorizing the Development Agreement, Subdivision Agreement and Land Exchange Agreement Therefor

(Refer to M-2001-24)

Mayor Berens opened the public hearing at 7:08 p.m. on a proposed development plan for the Great Western Corporate Campus and McData Corporate Campus. The application was submitted by Great Western Land Company and McData Corporation.

City Manager Di Ciero reviewed Memorandum No. 2001-24 which summarized the plan. The proposal is for construction of an office park and corporate campus located on 322 acres at the southwest corner of West 112th Avenue and Simms Street. The overall plan consists of office, commercial, and research and development uses, a portion of which would include a corporate campus for McData Corporation. As part of the proposal, the City would exchange land to the south of the former water treatment plant for land to the north to facilitate the use of the site and the reorientation of the City's storage area and Police shooting range.

Deputy Director of Community Development Standbridge reviewed the property location and the Land Use Review Commission's recommendation as summarized in the Staff report. The Applicant has adjusted the plan to meet the conditions recommended by the Commission. He outlined details of the proposed property exchange.

Charles McKay, Gregg Bradbury, Tom McGinpsy, McData Corporation, and John Shaw, Opus, addressed Council on behalf of the Applicant.

Mr. Shaw discussed details of the property ownership and reviewed the proposed plan. He noted that 45% of the site will be left in open area. He explained that two variances have been requested. The first is to reduce the length of certain parking stalls by 18" where the vehicle will overhang onto landscaped areas or 6' wide sidewalks. The second request for a variation to exceed Sign Code limits involves primarily the marketing signs along roads with higher speeds of travel. He noted that the Land Use Review Commission had recommended approval of both variances.

Craig Simmonds (11858 W. 108th Drive / Walnut Creek Subdivision) expressed concern about the traffic impacts on Simms Street, impacts on wildlife, the construction impacts, and the long-term impacts of this development on the quality of life for their Subdivision.

Councilmember comments and questions included: 1) Ensure precautions to preserve wetlands and wildlife areas; 2) Question as to why provide 6' wide sidewalks, then reduce the length of parking stalls so vehicles will overhang the sidewalks; 3) What facilities are included to accommodate transit; 4) Inquiry regarding cost participation in widening Simms Street; 5) Direction to continue to work with Walnut Creek neighborhood to keep view corridors open; 6) Question regarding impacts, if any, on the City's treatment plant property; 7) Question regarding the plan to do overlot grading for the entire site at the outset; 8) Direction to do as much as possible to mitigate site work and construction activity impacts on the existing residences; 9) Inquiry regarding the areas designated for future satellite farm and dog day care uses; 10) Comment that plan involves a lot of asphalt, and parking structures would have been preferred; 11) Suggestion to reseed the graded areas designated for later construction; 12) Caution regarding fertilizer runoff into the wildlife areas; 13) Request to compare sign sizes to Interlocken signs; and 14) Status of water line accessibility in the future.

Mr. Bradbury advised that the environmental consultants conducted a study and inventory. The plan allows wildlife to flow through the area via the open space corridor with underpasses along Simms Street. The transit plan includes bus stops along the main streets. RTD has indicated that it prefers to use Call a Ride to serve this area until it becomes more developed.

Deputy Community Development Director Standbridge explained that it would require curb stops to keep vehicles from overhanging the sidewalks, and they create maintenance problems. The areas where the shorter stalls are located will be internal to the site adjacent to local traffic sidewalks. He advised that the Developer will be participating in the costs of widening and street lights for Simms Street.

Mr. Bradbury explained that the City's treatment plant site will be surrounded by a 40' landscaped and bermed buffer. They have accepted the site in its current state and the development agreement addresses future uses and remodeling. In order to meet the obligations for the land swap and relocation of the temporary storage facility, it will be necessary to do overlot grading for the entire site at the start. They will work with the adjacent residences to mitigate the impacts.

The area designated for later development will be reseeded and used to run cattle. The future use sites will require additional approval prior to conversion to a specific use.

Mr. Standbridge reviewed the proposed sign sizes, noting that they would be very comparable to Interlocken's signage.

The public hearing was closed at 8:04 p.m.

Ordinance No. 1528 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD
SECONDED, THAT ORDINANCE NO. 1528 BE ADOPTED ON FIRST

READING AND ORDERED PUBLISHED IN FULL; THAT A PUBLIC HEARING ON SAID ORDINANCE BE SCHEDULED FOR 6:00 P.M., FEBRUARY 27, 2001, IN THE COUNCIL CHAMBERS AT THE MUNICIPAL BUILDING; AND THAT SECOND AND FINAL READING ON SAID ORDINANCE BE SCHEDULED FOR FEBRUARY 27, 2001, FOLLOWING THE PUBLIC HEARING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1520 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1520 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Resolution No. 2001-14 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT RESOLUTION NO. 2001-14 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (e) Public Hearing - Ordinance No. 1517 Disconnecting 311 Acres of Land Owned by Jefferson County from the City of Broomfield and To Be Effective November 14, 2001 - Second Reading

(Refer to M-2001-34)

Mayor Berens opened the public hearing at 8:27 p.m. on a proposed Ordinance disconnecting 311 acres of Jefferson County-owned land from the City.

City Manager Di Ciero reviewed Memorandum No. 2001-34 which summarized Ordinance No. 1517. The final boundary map for Broomfield City / County reflects the disconnection of this property pursuant to the original annexation agreement. The proposed Ordinance, as amended, would make the disconnection effective on November 14, 2001, and would impose a lien upon the 311 acres for the utility improvements constructed by the City for the direct benefit of the property.

City Attorney Howard advised that Jefferson County had granted the City permission to enter the property and install the water line connection which has now been completed. He is satisfied that the negotiations have been fruitful and that they are proceeding toward to resolve all issues.

The public hearing was closed at 8:38 p.m.

Ordinance No. 1517 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER BROWN SECONDED, THAT ORDINANCE NO. 1517, AS AMENDED, BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) City Council Appointments - The Broadlands Golf Course Advisory Board
(Refer to M-2001-31)

Mayor Berens advised that the next item is appointments to The Broadlands Golf Course Advisory Board. The Board will oversee golf operations and provide direct communication between the Golf Course Manager and the community. A total of three members are to be appointed.

Following ballot votes, City Council appointed Robert Holtz, Tom Shriver, and Peter Stratton to The Broadlands Golf Course Advisory Board for undetermined terms.

- (g) Request for Executive Session Regarding Negotiations
(Refer to M-2001-38)

Mayor Berens advised that Staff has requested that Council hold an Executive Session following the Meeting to discuss negotiations.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT AN EXECUTIVE SESSION BE HELD FOLLOWING THE MEETING TO DISCUSS NEGOTIATIONS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

- (a) Approval of Minutes - Regular Meeting of December 12, 2000
Approval of Minutes - Regular Meeting of January 9, 2000

The recommendation was for approval of the Minutes of the Regular Meeting of December 12, 2000, and the Regular Meeting of January 9, 2001.

- (b) Johns Property - Annexation & Water District Inclusion - Located on East Side of Wadsworth Parkway One Mile South of S.H. 128:

Resolution No. 2001-18 Finding a Petition for Annexation of a 35± Acre Parcel Located in Section 3, T2S, R69W of the 6th P.M., Jefferson County, in Substantial Compliance with Section 31-12-107(1) C.R.S.

Ordinance No. 1526 Annexing 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado - First Reading

Ordinance No. 1527 Granting Consent by the City of Broomfield to the Inclusion of 35± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-29)

The recommendation was that Resolution No. 2001-18 be adopted; and that Ordinances No. 1526 and No. 1527 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be scheduled for 6:00 p.m., February 27, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for February 27, 2001, following the public hearing.

- (c) Evergreen Memorial Gardens Cemetery - Annexation & Water District Inclusion - Located West of I-25, 1/2-Mile South of S.H. 7:

Resolution No. 2001-17 Finding a Petition for Annexation of a 19± Acre Parcel Located in Section 3, T1S, R68W of the 6th P.M., Adams County, in Substantial Compliance with Section 31-12-107(1) C.R.S.

Ordinance No. 1524 Annexing 19± Acres Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado - First Reading

Ordinance No. 1525 Granting Consent by the City of Broomfield to the Inclusion of 19± Acres Located in Section 3, T1S, R68W of the 6th P.M., County of Adams, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-28)

The recommendation was that Resolution No. 2001-17 be adopted; and that Ordinances No. 1524 and No. 1525 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinances be scheduled for 6:00 p.m., February 27, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinances be scheduled for February 27, 2001, following the public hearing.

- (d) Ordinance No. 1522 To Apply and Contract for Beneficial Use of Water on Behalf of the City of Broomfield, a Municipal Corporation, and Prescribing the Terms for Application for an Allocation of the Right to Use Colorado- Big Thompson Project Water to Said City of Broomfield by Northern Colorado Water Conservancy District - First Reading

(Refer to M-2001-23)

The recommendation was that Ordinance No. 1522 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., February 7, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for February 27, 2001, following the public hearing.

(e) Police Department Vehicles:

Resolution No. 2001-21 Authorizing Issuance of a Purchase Order to Lakewood Fordland for the Purchase of Fourteen (14) Police Vehicles and Two (2) Sedans

Resolution No. 2001-22 Authorizing Issuance of a Purchase Order to Daniels Motors for the Purchase of Five (5) Sedans

Resolution No. 2001-23 Authorizing Issuance of a Purchase Order to Burt Chevrolet for the Purchase of One (1) 1/2 Ton Pick-Up Truck

(Refer to M-2001-33)

The recommendation was that Resolutions No. 2001-21, No. 2001-22, and No. 2001-23 be adopted.

(f) Resolution No. 2001-13 Approving an Agreement with Western States Land Services, Inc. for the Main Street Widening Right-of-Way Acquisition

(Refer to M-2001-22)

The recommendation was that Resolution No. 2001-13 be adopted.

City Engineer Behlen estimated that it would take 4-5 months to acquire the right-of-way, and that actual construction work could start later this summer.

(g) Resolution No. 2001-24 Authorizing the Third Amendment to an Agreement with Saunders Construction Inc. for Construction of the Court / Police Building

(Refer to M-2001-36)

The recommendation was that Resolution No. 2001-24 be adopted.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(G) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, BUZEK, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

Meeting with Friends of Broomfield Group - Stevenson

Councilmember Stevenson distributed a report on a recent meeting with the Friends of Broomfield group.

Concerns Regarding School Zone on 136th Avenue - Stevenson

Councilmember Stevenson indicated that she is working with Staff to address a citizen's concerns regarding crosswalk safety for the school zone on 136th Avenue.

Request to Purchase Open Space - Brown

Councilmember Brown requested that Council direct the Open Space Advisory Committee to begin the process of identifying parcels for future open space acquisition.

Improvements to Brunner Farmhouse Property - Griep

Councilmember Griep requested that Staff follow-up regarding possible Rotary Club funding for improvements to the Brunner Farmhouse property.

Councilmember Brunner noted that there is a lack of direction regarding a specific plan for this site, and requested that Staff review what other cities have done with similar historic building locations and report to Council.

Drainage Issues at Chateau at Fox Meadows - Buzek

Councilmember Buzek stated that Staff is working with him to address drainage issues at the Chateau at Fox Meadows.

Transit Committee Meeting Report - Stovall

Councilmember Stovall reported on discussions at the Transit Committee Meeting.

City / County Legislation - Stovall

Councilmember Stovall reported on the status of committee review of the proposed City / County legislation.

Transit Issues Along U.S. 36 Corridor - Berens

Mayor Berens discussed letters delivered to the Governor and RTD Officials stressing the need for their active involvement in moving forward with traffic improvements on U.S. 36. A meeting with the Governor and area Mayors has been scheduled for February 9, 2001.

Northwest Parkway Meeting Report - Berens

Mayor Berens reported on the status of the Northwest Parkway, noting that the project is on schedule.

CITY ATTORNEY'S REPORT

No report was given.

CITY MANAGER'S REPORT

FOCUS Session Schedule

City Manager Di Ciero requested direction from City Council regarding the date for this year's FOCUS Session. Following discussion, Council directed Staff to schedule the session for Saturday, February 24, 2001.

SPECIAL REPORTS

- (a) Final 2000 Capital Improvement Construction Project Report
- (b) Building Department Report - December, 2000
- (c) Waste Oil Collection Program
(Refer to M-2001-32)
- (d) Employee Medical Care Expense Plan Financial Report - November 30, 2000

ADJOURNMENT

The City Council Meeting was adjourned at 9:12 p.m. to an Executive Session discussion regarding negotiations.

City Clerk

APPROVED:

Mayor

MINUTES
BROOMFIELD CITY COUNCIL MEETING

JANUARY 9, 2001

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor William Berens at 6:00 p.m., Tuesday, January 9, 2001, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Kathy Brown
Thomas Brunner
Linda Fahrenbruch
Clark Griep
Ralph Johnson
Steven Olstad
Colleen Stevenson
Hank Stovall
Karen Stuart

Those absent were: Councilmember Vincent Buzek

Also present were: City Manager George Di Ciero
Assistant City Manager Charles Ozaki
City Clerk Vicki Marcy
City Attorney Roy Howard
Director of Community and Governmental Affairs Kirk Oglesby
Senior Policy Coordinator Jan Carlson
Deputy Director of Community Development Kevin Standbridge
Principal Planner Teri Malies
City Engineer Gary Behlen
Civil Engineer Wally Abel
Director of Public Works Dorian Brown
Wastewater Superintendent Wayne Ramey
Industrial Pretreatment Coordinator Ken Rutt
Director of Parks & Recreation Paul Derda
Chief of Police Tom Deland
Support Services Director Terry Cole
Finance Director Gregory Demko
Library Director Helen Martin
Director of Open Space and Trails Kristan Pritz
Public Information Officer Rosann Doran

PETITIONS AND COMMUNICATIONS

Broomfield Economic Development Corporation Activities Report

Executive Director Dunshee distributed and reviewed the Broomfield Economic Development Corporation's activities report.

CITY AND COUNTY TRANSITION

Cultural Council Report

(Refer to M-2001-14)

Gene Kucinkas, Chairperson, Cultural Council, reviewed Memorandum No. 2001-14 outlining the status of the process for distribution of Tier III Scientific and Cultural Facilities District (SCFD) funds, and the steps taken toward preparation of a Cultural Master Plan. He responded to Councilmember questions regarding the funding application process.

CITIZENS' COMMENTS

There were no citizen comments.

COUNCIL BUSINESS

- (a) Public Hearing - Coalton Acres, LLC Property - Annexation, Rezoning & Water District Inclusion - Located South of Coalton Drive & West of West Flatiron Circle:

Resolution No. 2000-195 Setting Forth Findings of Fact and Conclusions Regarding the Proposed Annexation of a 37± Acre Parcel Located in Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, Upon Petition of the Owners Thereof

Ordinance No. 1464 Annexing 37± Acres Located In Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado - Second Reading

Ordinance No. 1465 Rezoning Certain Land Within the City of Broomfield from Boulder County Agriculture to the City of Broomfield PUD and Interchange Influence Area, Which Land is Approximately Located South of Coalton Road Between W. Flatiron Circle and S. 88th Street - Second Reading

Ordinance No. 1466 Granting Consent By the City of Broomfield to the Inclusion of 37± Acres Located in Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Northern Colorado Water Conservancy District - Second Reading

Ordinance No. 1467 Granting Consent By the City of Broomfield to the Inclusion of 37± Acres Located in Section 32, T1S, R69W of the 6th P.M., County of Boulder, State of Colorado, into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

Resolution No. 2001-2 Amending the 1995 Broomfield Master Plan and Approving MidCities PUD Plan and Preliminary Plat Second Amendment

(Refer to M-2001-2)

Mayor Berens opened the public hearing at 6:30 p.m. on a proposed PUD Plan amendment and Master Plan amendment for the Coalton Acres property, located on the south side of Coalton Drive between Rock Creek Parkway and West Flatiron Circle. The application has been submitted by Coalton Acres, LLC, owner of the property.

Deputy Community Development Director Standbridge reviewed the property location and Master Plan use designation. He advised that the Land Use Review Commission had recommended approval with no conditions.

Bill Branyan, representing the Applicant, reviewed details of the plans for the additional 34 acres to be added to the approved PUD Plan. Summit Boulevard was realigned to connect back to Coalton Road; a sidewalk connection will be provided which could be expanded into a future ZIP Shuttle access into this project; setbacks have been modified and building heights at the setback restricted to 60'; and only one area could achieve a 135' height.

In response to Councilmember Olstad's question regarding the Jefferson County Airport Authority letter about development in the Airport Critical Zone, Mr. Standbridge advised that it is a standard letter from the Airport Authority. The Critical Zone is not regulated by the Airport. Certain mitigation requirements have been adopted to address the Airport's concerns.

Mr. Branyan reviewed mitigation features to reduce impact of the proposed retail / commercial use on the multi-family residential use along the Town of Superior edge. Landscape links and pedestrian corridors between retail and commercial have been embellished; and the entry at Summit Boulevard and Coalton Road has been upgraded with landscape features and ponds.

Councilmember Stuart stated that she feels this plan will integrate well with the open space / park area put in by Superior. She asked how many school children the project will generate. Mr. Branyan indicated that that information will be presented with the Site Development Plan along with information addressing the affordable housing which he estimated at 20 units.

The public hearing was closed at 6:54 p.m.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT RESOLUTION NO. 2000-195 AND ORDINANCES NO. 1464, NO. 1465, NO. 1466, AND NO. 1467 BE TAKEN FROM THE TABLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Resolution No. 2000-195 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT RESOLUTION NO. 2000-195 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1464 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT ORDINANCE NO. 1464 BE ADOPTED, AS AMENDED, ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1465 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1465 BE ADOPTED, AS AMENDED, ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1466 was read by title.

COUNCILMEMBER BROWN MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT ORDINANCE NO. 1466 BE ADOPTED, AS AMENDED, ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1467 was read by title.

COUNCILMEMBER STEVENSON MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT ORDINANCE NO. 1467 BE ADOPTED, AS AMENDED, ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Resolution No. 2001-2 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT RESOLUTION NO. 2001-2 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (b) Public Hearing - McKay Landing - PUD Plan Amendment, Filing No. 2 Final Plat & Site Development Plan - Located West of Zuni Street, North of W. 136th Avenue & South of W. 144th Avenue:

Resolution No. 2001-3 Approving McKay Landing PUD Plan Amendment, McKay Landing Filing No. 2 Site Development Plan, Final Plat and Authorizing the Subdivision Agreement Therefor and the Allocation of Building Permits for New Residential Construction for McKay Landing Filing No. 2

Ordinance No. 1519 Vacating Portions of McKay Park Lane and Quail Creek Drive City Owned Right-of-Way - Second Reading

(Refer to M-2001-3)

Mayor Berens opened the public hearing at 7:00 p.m. on a proposed development plan for McKay Landing Filing No. 2, located south of West 144th Avenue and west of Zuni Street. The application was submitted by McKay Landing, LLC, the property owner.

City Manager Di Ciero reviewed Memorandum No. 2001-3 which summarized details of the proposed development plan. The project site is 67.58 acres and is designated as Neighborhood Residential and Open Lands by the Master Plan.

Deputy Community Development Director Standbridge reviewed the property location and the Land Use Review Commission recommendation for approval with conditions as outlined in the Staff report.

Thomas Kopf, representing the Applicant, reviewed details of the proposed plan, noting the principals of the original PUD Plan with a Western Waterfront theme. Filing No. 2 is a continuation of No. 1 and includes the recreation/community center and play area. He reviewed pathway system connections. This filing continues deviations which were approved with the first filing. He reviewed the variations which have been requested in order to accommodate the unique type of product which this project offers. He noted that by preselecting the models of houses that can be built on each lot, they have significantly reduced the number of side lot deviations requested.

Mr. Kopf explained that the commercial building portion of the neighborhood center was originally designated for daycare use. The proposed amendment to the PUD Plan will allow a number of other commercial uses including a deli, coffee shop, etc. They are also requesting that they be allowed to defer construction of the commercial building to a later date after a specific tenant has been determined to allow them to design the building for that tenant. In response to Staff's request for additional landscaping in the park area, the plan provides additional shrubs and trees. He noted that the Staff report indicates the entire school/park site will be sodded, and clarified that it is their understanding that the school site will be seeded and irrigated. He also clarified that Page 4 should state that 3 homes, rather than 2, have been identified for garage mitigation.

Robert Graham, America Resources Company, stated that they operate a natural gas pipeline running through this property, and are in good faith negotiations with the Applicant to relocate the line.

Councilmember comments and questions included: 1) Statement that daycare centers don't belong on main streets, and more facilities are needed; 2) Request for additional security for cluster mailboxes; 3) Concern that areas to be seeded are properly maintained to prevent the areas from being overrun by weeds; 4) Question when the Applicant proposes to build the commercial building; and 5) Advice that construction of units take proactive approach to ADA accessibility.

Mr. Kopf stated that the commercial building is to be built when 60% infill of the balance of the development is reached.

Jim Postle advised that they plan to have the recreation center open by next May. He stated that they have two potential tenants for the commercial area. The Developers are very interested in a small bakery or a deli for that space and would be willing to subsidize that type of use.

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

Resolution No. 2001-3 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER JOHNSON SECONDED, THAT RESOLUTION NO. 2001-3 BE ADOPTED.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 8 TO 1.

Ordinance No. 1519 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1519 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 8 TO 1.

- (c) Public Hearing - Parkway Circle - Final Plat & Subdivision Agreement - Located South of Carbon Road & East of Storage Tek Drive (S. 96th Street) - Motion to Continue
(Refer to M-2001-4)

Mayor Berens presented a request to continue the public hearing for Parkway Circle, a proposed 60-acre mixed use development for property located south of Carbon Road and east of Storage Tek Drive. Additional time to complete the required Subdivision Agreement for the project is required, and the Applicant is requesting that the public hearing be continued to the February 27, 2001 Council Meeting.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER OLSTAD SECONDED, THAT THE PUBLIC HEARING BE CONTINUED TO THE FEBRUARY 27, 2001 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(d) Public Hearing - Northwest Parkway Amended Intergovernmental Agreement:

Resolution No. 2001-11 Authorizing an Amendment to an Intergovernmental Agreement By and Among the City of Broomfield, the City of Lafayette, the City of Louisville, and the County of Boulder for the Southeast Boulder County, South 96th Street, Dillon Road, and U.S. 287 Area Comprehensive Development Plan

(Refer to M-2001-16)

Mayor Berens opened the public hearing at 7:44 p.m. on a proposed amendment to the Northwest Parkway Intergovernmental Agreement (IGA).

City Manager Di Ciero reviewed Memorandum No. 2001-16 which summarized details of the IGA. The original Northwest Parkway IGA was approved by Council in February, 1999. The IGA participants include the City of Broomfield, the Cities of Lafayette and Louisville, and Boulder County. The IGA provided for the alignment of the future roadway, area road improvements, and funding for an open space corridor through the designation of City Preservation Areas.

Director of Community and Governmental Affairs Oglesby reviewed highlights of the amendments as outlined in the Staff report. He explained that the Northwest Parkway Authority will now become a party to the IGA.

Steve Hogan, Executive Director, Northwest Parkway Authority, reviewed the next steps following adoption of the amended IGA, indicating that the expected completion date is in 2003.

The public hearing was closed at 7:54 p.m.

Resolution No. 2001-11 was read by title.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT RESOLUTION NO. 2001-11 BE ADOPTED.

ROLL CALL VOTE ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, STEVENSON, STOVALL, AND STUART.

THOSE VOTING NO WERE: COUNCILMEMBER OLSTAD.

THE MOTION CARRIED 8 TO 1.

(e) Public Hearing - Ordinance No. 1518 Imposing a Moratorium on Platting Certain Real Property Adjacent to the Proposed Northwest Parkway Alignment for the Purpose of Conducting Negotiations for the Acquisition by the City of Broomfield of Conservation Easements from the Owner of Such Real Property - Second Reading

(Refer to M-2001-13)

Mayor Berens opened the public hearing at 8:20 p.m. on a proposed ordinance which would impose a moratorium on platting properties adjacent to the Northwest Parkway roadway.

City Manager Di Ciero reviewed Memorandum No. 2001-13. The original IGA for the Northwest Parkway established a program to protect a corridor where open space would be preserved and development would be limited by purchasing conservation easements along the roadway alignment.

Director of Community and Governmental Affairs Oglesby indicated the proposed alignment of the Parkway, and the location of three properties along the alignment which have zoning that would allow a higher density than allowed by the IGA. The moratorium will provide time for the City to acquire the properties through conservation easements.

City Manager Di Ciero stated that the moratorium would expire once the conservation easements have been purchased from the property owners.

Councilmember Olstad stated that his opposition to the Northwest Parkway has been well noted on record. He believes that the Parkway will be constructed. Therefore, he will support efforts to get as much open space as possible along the route.

Councilmember Griep requested a comparison of the costs of conservation easements versus acquisition of the property for open space.

The public hearing was closed at 8:25 p.m.

Ordinance No. 1518 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1518 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (f) Public Hearing - City Property (Broomfield Water & Sanitation District) - Annexation & Water District Inclusion - Located at Southeast Corner of Wadsworth Parkway (S.H. 121) & U.S. 36:

Ordinance No. 1474 Annexing City-Owned Real Property to the City of Broomfield Pursuant to Section 31-12-106(3), C.R.S., Known Generally as the "Broomfield Water and Sanitation District Parcel" Located in the NE-1/4 of Section 3, T2S, R69W of the 6th P.M., County of Jefferson - Second Reading

Ordinance No. 1475 Granting Consent by the City of Broomfield to the Inclusion of 1.14± Acres Located in Section 3, T2S, R69W of the 6th P.M., County of Jefferson, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-19)

Mayor Berens opened the public hearing at 8:26 p.m. on a proposed annexation and inclusion in the water district of a 1.14-acre parcel owned by the City, located at the southeast corner of Wadsworth Parkway (S.H. 121) and U.S. 36.

City Manager Di Ciero reviewed Memorandum No. 2001-19 regarding the proposed annexation. The property was formerly owned by the Broomfield Water and Sanitation District and was acquired by the city in 1969 when the City acquired the assets of the District. State Statutes require no public hearing for the annexation of City-owned property; however, the City Charter requires a public hearing on any ordinance before final action. Rezoning of the property is not required at this time.

Deputy Community Development Director Standbridge advised that the property has been an enclave for over three years, and the annexation is in compliance with State Statutes.

The public hearing was closed at 8:28 p.m.

Ordinance No. 1474 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1474 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1475 was read by title.

COUNCILMEMBER OLSTAD MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1475 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (g) Public Hearing - FRICO Enclave - Annexation & Water District Inclusion - Segment of Bull Canal Located North of S.H. 7, East & West of I-25:

Ordinance No. 1468 Annexing to the City of Broomfield, Pursuant to Section 31-12-106(1), C.R.S., an Enclave of 12.44 Acres Located in the E-1/2 of Section 34, and the NW-1/4 of Section 35, T1N, R68W, of the 6th P.M., Weld County, to be Known as "The Frico Bull Canal Enclave Annexation" - Second Reading

Ordinance No. 1497 Granting Consent by the City of Broomfield to the Inclusion of 12.44± Acres Located in Sections 34 & 35, T1N, R68W, of the 6th P.M., County of Weld, State of Colorado, Into the Northern Colorado Water Conservancy District - Second Reading

Ordinance No. 1498 Granting Consent by the City of Broomfield to the Inclusion of 12.44± Acres Located in Sections 34 & 35, T1N, R68W, of the 6th P.M., County of Weld, State of Colorado, Into the Municipal Subdistrict, Northern Colorado Water Conservancy District - Second Reading

(Refer to M-2001-18)

Mayor Berens opened the public hearing at 8:30 p.m. on the proposed annexation of a segment of the Bull Canal which is owned by the Farmer's Reservoir and Irrigation Company and is located in Weld County on both the east and west sides of I-25. Since the parcel is an enclave, the annexation has been initiated by the City in accordance with State Statutes.

Deputy Community Development Director Standbridge reviewed the property location and advised that it has been an enclave since 1990.

The public hearing was closed at 8:32 p.m.

Ordinance No. 1468 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1468 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1497 was read by title.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER JOHNSON SECONDED, THAT ORDINANCE NO. 1497 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

Ordinance No. 1498 was read by title.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT ORDINANCE NO. 1498 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

- (h) Request for Executive Session Regarding Negotiations
(Refer to M-2001-20)

Mayor Berens advised that Staff has requested that Council hold an Executive Session following the meeting to discuss negotiations.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT AN EXECUTIVE SESSION BE HELD FOLLOWING THE MEETING TO DISCUSS NEGOTIATIONS. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

(i) Detention Facility Site Visit

(Refer to M-2001-21)

Mayor Berens advised that Councilmembers have expressed an interest in taking a tour of the new Police Detention and Training facility. Memorandum No. 2001-21 offers some possible dates and times for a tour of the facility. Following discussion, Staff was directed to schedule tours for January 13, 2001 and January 20, 2001, at 10:00 a.m. leaving from the Municipal Building.

Northwest Parkway Public Highway Authority Board of Directors - Appointment

This item was presented during Councilmember Reports and was considered at the end of the meeting.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER STUART SECONDED, THAT APPOINTMENTS TO THE NORTHWEST PARKWAY PUBLIC HIGHWAY AUTHORITY BOARD OF DIRECTORS BE ADDED TO THE BUSINESS AGENDA. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER STUART MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT MAYOR BERENS BE APPOINTED AS THE CITY'S MEMBER ON THE NORTHWEST PARKWAY PUBLIC HIGHWAY AUTHORITY BOARD OF DIRECTORS, AND THAT COUNCILMEMBER STOVALL BE APPOINTED AS THE ALTERNATE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

(a) Approval of Minutes - Regular Meeting of December 5, 2000

The recommendation was that the Minutes of the Regular Meeting of December 5, 2000, be approved.

(b) Resolution No. 2001-1 Designating the Public Place for Posting Notices of Public Meetings as Required by the Colorado Sunshine Act of 1972

(Refer to M-2001-1)

The recommendation was that Resolution No. 2001-1 be adopted.

(c) Resolution No. 2001-9 Approving an Easement for the City of Westminster Across City of Broomfield Property for the Federal Boulevard / Zuni Street Connection

(Refer to M-2001-10)

The recommendation was that Resolution No. 2001-9 be adopted.

Councilmember Fahrenbruch requested that Staff look at participating in the wetlands replacement program in the future.

Dan Blankenship, City of Westminster, stated that they will comply with any wildlife relocation

requirements for the City of Broomfield. Councilmembers requested that this requirement be added to the proposed easement.

Mr. Blankenship further explained that the roadway will stay with the natural grade as much as possible. They will revegetate with native species. As development occurs along the corridor, landscaping requirements will be applied.

- (d) Resolution No. 2001-8 Amending the Consulting Agreement with Black and Veatch Corporation to Add Design Services for Phase 1 Wastewater Reclamation Facility Expansion and Declaring the Intent of the City of Broomfield to Reimburse Original Expenditures from the Proceeds of Obligations

(Refer to M-2001-9)

The recommendation was that Resolution No. 2001-8 be adopted.

Councilmember Fahrenbruch requested that notification be provided to area residents before actual construction activities begin for the expansion.

- (e) Ordinance No. 1520 Authorizing the Conveyance of City-Owned Real Property to Lake Powell Land Company, LLC (Great Western Park Property) - First Reading

(Refer to M-2001-5)

The recommendation was that Ordinance No. 1520 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 23, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for January 23, 2001, following the public hearing.

- (f) Resolution No. 2001-7 Authorizing Carrying Forward Building Permits for Residential Construction from 2000 to 2001 as Provided by Subsection 17-62-030(D) of Chapter 17-62, Residential Growth Management, Broomfield Municipal Code

(Refer to M-2001-8)

The recommendation was that Resolution No. 2001-7 be adopted.

- (g) Ordinance No. 1521 Imposing a Moratorium on Residential Exterior Building and Residential Demolition Permits Within the Boundaries of the Broomfield Heights Subarea for the Purpose of Conducting a Land Use Study to Amend the 1995 Master Plan - First Reading

(Refer to M-2001-12)

The recommendation was that Ordinance No. 1521 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 23, 2001, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for January 23, 2001, following the public hearing.

- (h) Resolution No. 2001-5 Amending the Guaranteed Maximum Price Construction Agreement with Tarco, Inc. for Construction of East Interchange Enhancement to the U.S. 36 / S. 96th Street Interchange and the U.S. 36 / S. 96th Street Sub-District, Phase 2 Infrastructure
(Refer to M-2001-6)

The recommendation was that Resolution No. 2001-5 be adopted.

- (i) Resolution No. 2001-6 Approving Amendment No. 1 to the January 13, 2000 Intergovernmental Agreement Between the City of Broomfield and the Regional Transportation District - 96th Street / U.S. 36 Park-n-Ride
(Refer to M-2001-7)

The recommendation was that Resolution No. 2001-6 be adopted.

- (j) Resolution No. 2001-10 Authorizing Amendment No. 6 to the Agreement with Felsburg Holt & Ullevig Regarding the U.S. 36 / S. 96th Street Interchange Enhancements
(Refer to M-2001-11)

The recommendation was that Resolution No. 2001-10 be adopted.

- (k) Resolution No. 2001-12 Authorizing an Agreement with Baker & Taylor, Inc. for Library Services
(Refer to M-2001-17)

The recommendation was that Resolution No. 2001-12 be adopted.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT THE STAFF RECOMMENDATIONS CONTAINED IN THE STAFF REPORTS FOR AGENDA ITEMS 6(A) THROUGH 6(K) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS BROWN, BRUNNER, FAHRENBRUCH, GRIEP, JOHNSON, OLSTAD, STEVENSON, STOVALL, AND STUART VOTING AYE.

COUNCILMEMBER REPORTS

North I-25 Major Investment Study (MIS) Meeting - Stovall

Councilmember Stovall reported on attending the North I-25 Major Investment Study (MIS) Meeting and reviewed financing issues discussed.

Study Tour to Bulgaria Coordinated by Littleton Mayor Susan Thornton - Stuart

Councilmember Stuart advised that Littleton Mayor Susan Thornton has coordinated a Study Tour to Bulgaria, and indicated that she has information on the tour for anyone that is interested.

New Broomfield High School Gymnasium - Brown

Councilmember Brown advised that the new Broomfield High School Gymnasium is complete and in use. The High School Administration will schedule a ceremony to acknowledge the City Council's participation in this project.

Councilmember Stuart commended Councilmember Brown's efforts on behalf of needed school improvements for Broomfield's kids.

Meeting with Congressman Udall Regarding Broomfield Interchange / Health & Human Services Funding / Wastewater Treatment Plant - Berens

Mayor Berens discussed meetings with Congressman Udall to discuss the Broomfield Interchange, health and human services funding, and the Wastewater Treatment Plant. He noted that as a result of the Congressman's efforts, \$1 million has been provided to fund a study for the Broomfield Interchange.

Northwest Parkway Public Highway Authority Board of Directors - Appointments

Mayor Berens stated that he had received a letter from Steve Hogan, Executive Director of the Northwest Parkway Public Highway Authority Board of Directors, requesting appointment of a City Council representative and an alternate to the Authority Board of Directors. This item was added to the Business Agenda at the end of the meeting.

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) Local Licensing Authority Minutes - November 1, 2000
- (b) Water Treatment Facility Temporary Closure
(Refer to M-2001-15)

ADJOURNMENT

The City Council Meeting was adjourned at 9:05 p.m. to an Executive Session to discuss negotiations.

APPROVED:

City Clerk

Mayor