

APPROVED AS SUBMITTED ON APRIL 5, 2005

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

March 15, 2005

The Littleton City Council met in regular session on Tuesday, March 15, 2005, in the Council Chambers of the Littleton Center, 2255 West Berry Avenue. The regular meeting convened at 7:00 p.m.

**THOSE PRESENT:** JOHN OSTERMILLER  
Mayor  
RAYMOND C. KOERNIG, JR.  
Mayor Pro Tem  
AMY S. CONKLIN  
Council Member  
PAT CRONENBERGER  
Council Member  
REBECCA KAST  
Council Member  
TOM MULVEY  
Council Member  
JAMES A. TAYLOR  
Council Member

**THOSE ABSENT:** None

**ALSO PRESENT:** Jim Woods  
City Manager  
Larry Berkowitz  
City Attorney  
Julie K. Bower  
City Clerk

1. **CALL TO ORDER**

**(a) ROLL CALL**

Upon a call of the roll, seven members were present. The following business was transacted.

**(b) PLEDGE OF ALLEGIANCE**

**2. AGENDA**

**ACTION: APPROVED**

Mayor Ostermiller added the following item to the study session: discussion of study session topics.

**3. (a) MINUTES - MINUTES OF REGULAR MEETING MARCH 1, 2005**

**ACTION: APPROVED AS CORRECTED**

Council Member Taylor made the following correction to page 5: “year-end financials of Hudson Gardens showed that without the \$350,000 management fee from South Suburban, the Gardens would not qualify for funding over \$200,000 in funds from SCFD; agreed to apply for a GOCO grant for Lorenz Regional Park for installation of a new field with part of the match being \$900,000 earmarked for Winetka Ponds development which was delayed because of the drought;”

Mayor Pro Tem Koernig made the following correction to page 4: “Mayor Pro Tem Koernig, along with Council Members Mulvey, Kast, and Conklin, was at attended a meeting on Saturday Friday with Senator Salazar.”

**4. INTRODUCE NEW CITY EMPLOYEES – None**

**5. (a) CITIZEN APPEARANCES – GUEST CITIZENS – EARL GUNIA AND DAREN GENTRY, LITTLETON POLICE CITIZEN APPRECIATION AWARD RECIPIENTS**

Mayor Ostermiller said Council was pleased to recognized Earl Gunia and Daren Gentry as guest citizens.

Police Chief Gary Maas said Earl Gunia has set the gold standard for volunteerism in law enforcement for several years. He served on the Awards Review Board since its inception and had never missed a meeting. Mr. Gunia also served on the Victim Assistance Compensation Board. He was quick to assist with promotional boards or any other event where he was needed and maintained good relationships with many officers who valued his contributions and support.

Chief Maas said 11-year-old Daren Gentry was being commended for the assistance he provided Officer Bunten in an auto theft. Daren had witnessed the crime and gave Officer Bunten information about what he saw. He is to be commended for his keen observation and willingness to assist the Littleton Police Department.

**5. (b) CITIZEN APPEARANCES - SCHEDULED PUBLIC APPEARANCES – None**

**5. (c) CITIZEN APPEARANCES – UNSCHEDULED PUBLIC APPEARANCES –**

PATRICIA ANDERSON

6745 S. ELATI ST.

Ms. Anderson had received B/IAAC's annual report and was very impressed by it.

Ms. Anderson thanked Council for its support of the new museum building.

Ms. Anderson also thanked Council for the \$3,500 contribution to the Sneaker Fund. Applications for scholarships would be received soon and she would advise Council of any changes.

CARL GOEKEN

7149 S. HUDSON CIR.

Mr. Goeken was requesting a change to the South Platte Park use plan. He was a dive master with A-1 Scuba. The current use plan did not permit swimming but did not address diving. He had met with the South Suburban Board of Directors. The Board asked him to submit a proposal to City Council. Mr. Goeken said diving would take place May through September with the use of a daily permit. There would be no cost to the city and no adverse effect on the ecosystem. The lake was spring fed, was clear and had a gravel bottom which would be good for scuba diving.

Mayor Pro Tem Koernig asked if there would be insurance that would indemnify the city and the park district?

Mr. Goeken said yes, there would be insurance.

Council Member Kast requested a report on the impact diving would have on the wildlife.

Council Member Taylor said South Suburban had asked that a proposal be submitted. When it was received, district staff would update a report regarding wildlife around the park.

Mr. Berkowitz said there were a number of things to look into, such as ordinances or regulations needed for the use of the facilities and under what conditions and requirements; and issues of liability and what kind of releases would be required.

LARRY BORGER

6188 S. ELATI CT.

Mr. Borger supported Mr. Goeken's proposal. He said the proposal was consistent with the goals for the park when it was created.

JIM DUBOSE  
6877 S. PRINCE CIR.

Mr. Dubose thanked Council for its decision to include the pledge on the agenda.

JACK RANDALL  
2600 W. MAIN

Mr. Randall said it was National Sunshine Week to promote openness in government. He gave a sample proclamation to Council.

**6. CONSENT AGENDA - (ordinances and resolutions read by title) –  
ACTION: APPROVED – ITEMS 6(A), 6(C)**

- (a) Motions accepting the 2003 audit, approving the engagement of an auditor for the 2004 audit and adopting a Resolution approving contingency transfer for additional payment for the 2003 audit (**Resolution No. 3, Series of 2003**)
- (b) Ordinance on first reading approving trash enclosure in commercial and multi-family buildings (**Pulled by Council Member Taylor**)
- (c) Ordinance on first reading creating the cemetery zone district (**Public hearing April 5, 2005**)

It was moved by COUNCIL MEMBER CRONENBERGER and seconded by MAYOR PRO TEM KOERNIG TO APPROVE CONSENT AGENDA ITEMS 6(A) AND 6(C).

Ayes: Council Members Mulvey, Kast, Koernig, Ostermiller, Cronenberger, Taylor and Conklin.

Nays: None.

MOTION CARRIED: 7 to 0

**6. (b) CONSENT AGENDA - ORDINANCE ON FIRST READING APPROVING TRASH ENCLOSURE IN COMMERCIAL AND MULTI-FAMILY BUILDINGS**

**ACTION: APPROVED ON FIRST READING; PUBLIC HEARING MAY 3, 2005**

Council Member Taylor asked if owners of multi-family units would be notified prior to the public hearing?

Mary Roberts, Community Development Director, said there was a one-year compliance period and staff would notify owners if the ordinance was passed.

Council Member Taylor was concerned about taking action that would affect property owners without giving notice.

Ms. Roberts said the Code required that notice be published and that requirement would be met and the Code did not require any other notification. She said there were 1,800 business structures and 453 multi-family structures.

Mr. Berkowitz said the Charter required publication of notification of the hearing. If Council decided to give a more extensive notice, he said it might be advisable not to proceed until the time and cost involved was known.

Council Member Taylor said the proposed ordinance would place a financial burden upon the people affected by the requirement. He was concerned about imposing it without receiving input from the people it would impact.

Council Member Cronenberger said the proposed ordinance impacted older areas of the city. She said some sort of communication was necessary and suggested the RPAL newsletter. There was also a registration list for apartment buildings. Council Member Cronenberger had received very bitter complaints over the years about how the apartments were not kept up and something needed to be done.

Council Member Conklin said people were usually willing to follow the rules if they knew what the rules were. If information was given in advance, it might be easier to enforce the requirements.

Mayor Ostermiller said if Council was going to change the notification procedure, a more in depth discussion was needed. Why pay for public notices if the city was going to send out notices to everyone involved. He said once Council set the precedent for passing a new ordinance, it would have to do the same thing every time. The way to inform people had been through the legal notices in the newspaper and he did not see any reason to change it.

Council Member Conklin said in this case, the good that would be done by notifying the people affected by the ordinance would outweigh the precedent that would be set.

Mayor Pro Tem Koernig asked if notice could be put in the next Littleton Report regarding the ordinance?

Ms. Narde said the April edition of the Littleton Report was almost done but could still include information regarding the proposed ordinance.

It was moved by COUNCIL MEMBER TAYLOR and seconded by COUNCIL MEMBER CRONENBERGER THAT THE ORDINANCE APPROVING TRASH ENCLOSURE IN COMMERCIAL AND MULTI-FAMILY BUILDINGS BE APPROVED ON FIRST READING; PUBLISHED IN FULL; AND BE SET FOR A PUBLIC HEARING ON MAY 3, 2005.

Ayes: Council Members Mulvey, Kast, Koernig, Ostermiller, Cronenberger, Taylor and Conklin.

Nays: None.

MOTION CARRIED: 7 to 0

7. **(a) SECOND AND FINAL READING ON ORDINANCES AND PUBLIC HEARINGS** – None
8. **(a) GENERAL BUSINESS** – None
9. **(a) CONSIDERATION OF COMMITTEE, COMMISSIONS AND BOARD MATTERS** – MOTION APPROVING APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved by MAYOR PRO TEM KOERNIG and seconded by COUNCIL MEMBER KAST THAT THE FOLLOWING APPOINTMENTS BE MADE:

**BOARD OF ADJUSTMENT**

FREDERICK BRANDT FOR A TERM EXPIRING MARCH OF 2008

VICTORIA ENGLAND FOR A TERM EXPIRING MARCH OF 2008

**BUILDING BOARD OF APPEALS**

WILLIAM BROWN FOR A TERM EXPIRING MARCH OF 2008

MATTHEW CASHMAN FOR A TERM EXPIRING MARCH OF 2008

MICHAEL DOBBS FOR A TERM EXPIRING MARCH OF 2008

**BUSINESS/INDUSTRY AFFAIRS ADVISORY COMMITTEE**

KAREN ARRAS FOR A TERM EXPIRING MARCH OF 2008

DARRELL SCHULTE FOR A TERM EXPIRING MARCH OF 2008

BILL SEEFELDT FOR A TERM EXPIRING MARCH OF 2008

SUSAN THORNTON FOR A TERM EXPIRING MARCH OF 2008

**ELECTION COMMISSION**

DENNIS REYNOLDS FOR A TERM EXPIRING MARCH OF 2009

**FINE ARTS COMMITTEE**

BRAD CAMP FOR A TERM EXPIRING MARCH OF 2008

JENNIFER FONSECA FOR A TERM EXPIRING MARCH OF 2008  
MICHELLE LAMB FOR A TERM EXPIRING MARCH OF 2008  
PETER VELJKOVICH FOR A TERM EXPIRING MARCH OF 2007

HISTORICAL PRESERVATION BOARD

RICHARD COOLIDGE FOR A TERM EXPIRING MARCH OF 2008  
PAM ROSENDAL FOR A TERM EXPIRING MARCH OF 2008

HOUSING AUTHORITY

ANDREW HANCOCK FOR A TERM EXPIRING MARCH OF 2010  
TAMARA BOSWELL FOR A TERM EXPIRING MARCH OF 2010  
JERRY HILL FOR A TERM EXPIRING MARCH OF 2010

LIBRARY BOARD

FLORENCE BULLOCK FOR A TERM EXPIRING MARCH OF 2008  
JILL SCHNEIDER FOR A TERM EXPIRING MARCH OF 2008

LIQUOR AUTHORITY

ROBYN GOOLD AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2008  
PETER SCHRODER AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2008  
JUSTIN KNIGHT AS ALTERNATE 2 FOR A TERM EXPIRING MARCH OF 2008

MUSEUM BOARD

KATHERINE HARTZLER FOR A TERM EXPIRING MARCH OF 2008  
BARBARA PLUNGY FOR A TERM EXPIRING MARCH OF 2008  
STEVEN RAREY FOR A TERM EXPIRING MARCH OF 2008

PLANNING COMMISSION

JULIO ITURRERIA AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2008  
JERRY VALDES AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2008  
YOLANDA MCALLISTER AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2007  
BOB DIXON AS ALTERNATE 1 FOR A TERM EXPIRING MARCH OF 2008  
BRAD UHLIG AS ALTERNATE 2 FOR A TERM EXPIRING MARCH OF 2006

RIVERFRONT AUTHORITY

DENNIS REYNOLDS FOR A TERM EXPIRING MARCH OF 2010

TREE COMMITTEE

CARL MIKESSELL FOR A TERM EXPIRING MARCH OF 2008  
DAVID SPECHT FOR A TERM EXPIRING MARCH OF 2008

VICTIM ASSISTANCE COMPENSATION BOARD  
ADAM ZERR FOR A TERM EXPIRING MARCH OF 2008

Ayes: Council Members Mulvey, Kast, Koernig, Ostermiller, Cronenberger, Taylor and Conklin.

Nays: None.

MOTION CARRIED: 7 to 0

**10. (a) ORDINANCES ON FIRST READING – None**

**11. (a) RESOLUTIONS – None**

**12. REPORTS -**

**CITY MANAGER** – Mr. Woods said Council had received a memo from Tim Nimz, Museum Director, regarding the inquiry about using the museum art piece on t-shirts. Under the contract, the city could use it.

Mr. Woods reported on the following calendar items: breakfast on March 22<sup>nd</sup> at 7:30 a.m. at the fleet maintenance facility; VIP event on March 23<sup>rd</sup> at the Buck Center; breakfast on March 24<sup>th</sup> with student councils at 7:30 a.m.; and a meeting on April 4<sup>th</sup> regarding the Southbridge entry structure.

Mr. Woods would be on vacation next week.

Council Member Kast asked if there would be neighborhood meeting next Tuesday?

Mr. Woods said a meeting had not been scheduled for March.

Council Member Kast asked that a study session be scheduled on March 22<sup>nd</sup> to discuss the neighborhood meetings.

Council Member Cronenberger had assumed that the neighborhood meetings would resume in March and did not recall a decision being made not to hold one in March.

Mayor Ostermiller said the attendance was low at the neighborhood meeting in January and no one had any ideas on what to do for the meeting in March.



Council scheduled a study session for March 22<sup>nd</sup> at 7:00 p.m.

(b) **CITY ATTORNEY** –None

(c) **COUNCIL MEMBERS** -

**COUNCIL MEMBER CRONENBERGER** – Council Member Cronenberger attended the National League of Cities along with Mayor Pro Tem Koernig and Council Member Taylor. She was a member of the Information Technology Committee and the committee was updated on national technology issues such as broadband. The United States was behind many other developed countries with regard to access to broadband. One of the transportation issues raised was that the Highway Users Trust Fund would not be around in six years and the next reauthorization bill would not be funded by the gas tax alone. Senator Lamar Alexander spoke about the history of unfunded mandates and his proposal to change approval. The big issue was community development block grants (CDBG) and Section 8 funding. Both programs were proposed to be moved to the Commerce Department. Section 8 would not be available for extremely low income people.

Council Member Taylor said there was an opportunity to email senators and representative regarding CDBG. His email included comments regarding saving Section 8 because the city received more Section 8 funds than CDBG funds.

Mayor Pro Tem Koernig said the issues were complicated but the problems were exactly the same throughout the country, such as transportation, housing, CDBG and unfunded mandates. He said the railroads had amazing power and were now running freight trains up to 2 ½ miles long which was very disturbing to many cities where there were still at-grade crossings. There was high interest in rail transit and saving Amtrack. Streamlined sales tax and voice over internet protocol were still being contemplated.

**COUNCIL MEMBER TAYLOR** – Council Member Taylor said Council had been receiving reports for several months from department heads referencing problems with a punch list for Station 12. He said the warranty period was up and asked for information on what the problem was and how it would be resolved.

Mr. Woods said information would be provided to Council.

Council Member Taylor requested that notice be sent to South Suburban

of the meeting regarding the Southbridge covered bridge. He requested that staff discuss the speed of bicycles on the Mary Carter Greenway Trail at the quarterly meeting with South Suburban.

Council Member Taylor urged everyone to encourage attendance at the next citizen police academy. The spring academy was canceled due to lack of attendees.

Council Member Taylor attended the annual Elks Club banquet and congratulated all of the honorees on behalf of the city.

Council Member Taylor reported the following items from the Historic Downtown Littleton Merchants meeting: the police department had offered to conduct workshops for the downtown merchants regarding how to identify witnesses, when to call 911, crime prevention, self defense, graffiti, etc.; report on the Town Hall Arts Center (THAC); new businesses and owners; services provided by the city's Business/Industry Affairs department; and on September 20<sup>th</sup>, representatives from 200 tourism agencies would be visiting downtown Littleton.

Council Member Taylor reported the following on the Littleton Housing Authority: Section 8 had received a \$22,000 per month reduction from HUD; LHA was rated as a high performer by the Management Assessment Program; and Geneva Village was being rented.

**COUNCIL MEMBER CONKLIN**– Council Member Conklin said the city's basketball team was defeated by the South Suburban team by one point at the Buck Community Center.

Council Member Conklin complimented staff on how well organized the information in Council's packet was each week.

Council Member Conklin received a great report from Senator Salazar regarding the meeting.

Council Member Conklin said the issue had been raised regarding the pollution at Centennial and she suggested that staff consider an invertebrate analysis.

Council Member Conklin received a copy of the Water Quality Control Division report. She said the upshot was that it was incredibly nervy of the legislature to take away the funding from the agency responsible for keeping our water clean. The division went out, in a very short timeframe, to find out how to restore the funding to help keep the water clean and who

should pay for it. A lot of the funding should come from the people who pollute but a majority needed to come from the general fund because everyone benefited from clean water.

Council Member Conklin said the Fine Arts Committee reception was scheduled for March 17<sup>th</sup> and the Littleton Leadership Retreat on March 24<sup>th</sup>.

**COUNCIL MEMBER MULVEY** – Council Member Mulvey said Council had made boards and commission appointments. He thanked Council for his appointment to the Littleton Housing Authority and had found his service over the past 8 years very satisfying.

**COUNCIL MEMBER KAST** – Council Member Kast said the Tree Committee had sold all of the 430 trees for distribution on April 16<sup>th</sup>. She said 25 people attended the pruning workshop held on February 26<sup>th</sup>.

Council Member Kast attended the Trailmark HOA meeting, along with Fire Chief Mullen, last Thursday. One of the major concerns was the response time for medical emergencies. The average response time for the fire department to Trailmark was 12-13 minutes. The national standard was 6 minutes. Chief Mullen was meeting with the residents but there was no easy answer. West Metro did not provide EMT response.

**MAYOR PRO TEM KOERNIG** – Mayor Pro Tem Koernig said Tree Committee member Julia Duggan was in a serious auto accident. Ms. Duggan gave kudos to the city's police and fire departments for their quick response.

- (d) **MAYOR OSTERMILLER** – Mayor Ostermiller congratulated staff and everyone involved on the receipt of the DRCOG awards for the Greater Littleton Youth Initiative and the Immigrant Initiative.

Mayor Ostermiller reported on the following upcoming events: THAC was hosting its fundraising gala on April 1<sup>st</sup>; March 25<sup>th</sup> – thank you tea and reception for Delores Hernandez of South Suburban; and April 28<sup>th</sup> – Leadership in Forging a Clean Energy Future forum.

Mayor Ostermiller said several Council members attended the Wags to Whiskers fundraiser for Colorado Humane Society. Littleton was the only city represented and it was a good time.

- (e) **DRCOG** – Council Member Cronenberger said tomorrow night's meeting would include two presentations. A presentation on the different transportation

proposals going through the state and the tolling road. DRCOG had not taken a position on the tolling road because there had not been enough information. The other presentation would be regarding Weld County.

13. **ADJOURNMENT** - There being no further business, Mayor Ostermiller adjourned the meeting at 8:41 p.m. on Tuesday, March 15, 2005.

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Julie K. Bower  
City Clerk/Recording Secretary

IMMEDIATELY FOLLOWING THE REGULAR MEETING COUNCIL CONDUCTED A STUDY SESSION TO DISCUSS SEWER RATE CONSUMPTION STUDY AND STUDY SESSION TOPICS