

APPROVED AS SUBMITTED ON MARCH 7, 2006

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

February 21, 2006

The Littleton City Council met in regular session on Tuesday, February 21, 2006, in the Council Chambers of the Littleton Center, 2255 West Berry Avenue. The regular meeting convened at 7:00 p.m.

THOSE PRESENT: JAMES A. TAYLOR
Mayor
REBECCA KAST
Mayor Pro Tem
DOUG CLARK
Council Member
AMY S. CONKLIN
Council Member
PAT CRONENBERGER
Council Member
TOM MULVEY
Council Member
JOHN OSTERMILLER
Council Member

THOSE ABSENT: None

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

1. **ROLL CALL**

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

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA**

ACTION: APPROVED

4. **(a) MINUTES - MINUTES OF SPECIAL MEETING JANUARY 20, 2006**

ACTION: APPROVED

4. **(b) MINUTES - MINUTES OF REGULAR MEETING FEBRUARY 7, 2006**

ACTION: APPROVED AS CORRECTED

Council Member Cronenberger corrected page 5: “Ms. Wilson said the easement use was never exclusive for just ~~outside~~ **inside** the neighborhood.”

Mayor Taylor corrected page 16: “Council Member Ostermiller said the program at the January South Metro Economic Development Group meeting centered on the redevelopment of the Marathon property. **He did not attend the meeting.**”

4. **(a) MINUTES - MINUTES OF SPECIAL MEETING FEBRUARY 14, 2006**

ACTION: APPROVED

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

6. **(a) CITIZEN APPEARANCES** – GUEST CITIZENS – LITTLETON NOMINEES OF THE METROPOLITAN MAYORS AND COMMISSIONERS YOUTH AWARD

Mayor Taylor welcomed the Littleton nominees of the Metropolitan Mayors and Commissioners Youth Award (MMCYA) as Council’s guest citizens. The MMCYA was an opportunity for front range communities to recognize youth who had overcome difficult situations in their lives. These young people had made positive changes and had exhibited strength and determination in the face of adversity. MMCYA offered them opportunities for further development and recognized their drive, determination and accomplishments.

The young people being honored were:

Patrick Cole, Heritage High School
Chrystina Jackson, Options High School
Julianna Tutrone, Options High School
Evan Wolfe, Options High School
Thao (Sonya) Vo, Options High School
Morgan White, Newton Middle School

The group was being recognized because they were positive role models to those around them. Council wished to honor each of them as valued and contributing members of their families, schools and community.

6. **(b) CITIZEN APPEARANCES - SCHEDULED PUBLIC APPEARANCES – BRAD UHLIG, PLANNING COMMISSION - CONCERNING THE SMART GROWTH CONFERENCE**

Mr. Uhlig attended the Smart Growth Seminar in Denver on January 27th and 28th. He said the conference was well attended and included representatives from the healthcare profession, realtors, institutional investors, developers, city planners, the National Home Builders Association, the National Association of Industrial and Office Parks, the International Council on Shopping Centers and leading homebuilders.

The ten principles of smart growth were:

- Mix land uses
- Take advantage of compact building design
- Create housing opportunities for a range of household types, family size and incomes
- Create walkable neighborhoods
- Foster distinctive attractive communities with a sense of place
- Preserve open space, farmland, natural beauty and critical environmental areas
- Reinvest in and strengthen existing communities and achieve more balanced regional development
- Provide a variety of transportation choices
- Make development decisions predictable, fair and cost-effective
- Encourage citizen and stakeholder participation in development decisions

The concept of Smart Growth was a movement that was growing in popularity. Littleton was uniquely positioned to take advantage of trends toward smart growth. One key to success as defined by the conference speakers was to build a community that had a sense of place. The use of Form-Based Codes had grown and should be looked at as a tool for encouraging the right kind of development in Littleton and should be implemented following the revision of the COMPLAN.

It was economically beneficial for downtown to purposely under park the area so people were forced to walk past shops to get where they were going. The city should revise parking requirements in downtown to stimulate development and foster more foot traffic. The parking break for historical district participants was not enough.

The city needed to take a citywide view of retail and plan carefully and should update the previous retail study performed to take into account new developments in Sheridan and neighboring cities and make it an important part of the COMPLAN revision.

Mr. Uhlig said strong political leadership in the face of NIMBYism was required to achieve significant developmental change. It could be the difference between true revitalization and the orderly management of the decline of the city.

Mayor Pro Tem Kast asked what were Form-Based Codes?

Mr. Uhlig said the codes looked at the form of the development rather than the use.

6. (c) CITIZEN APPEARANCES – UNSCHEDULED PUBLIC APPEARANCES –

PETE SCHRODER
7981 S. CEDAR CIR.

Mr. Schroder wanted to address the Southbridge recreation center at 7665 and 7725 South Prescott Street. The six to seven acre site consisted of a swimming pool, tennis courts and clubhouse. The designated recreation center was built to serve primarily residents of Southbridge with reasonable use fees and was to be operated with an advisory board of homeowners. Those requirements had never been met and the property was rundown. The current owner wished to sell the property but neither the city nor South Suburban Park and Recreation District were in a position to purchase it. A significant number of residents wished the property to be maintained as a recreational parcel and would object to a rezoning. Mr. Schroder wanted to increase Council's awareness of the situation.

Mayor Taylor confirmed that the city did not have funding to purchase the property.

MARTY BRZECZEK
2000 W. ARAPAHOE RD.

Mr. Brzeczek had an opportunity to read the Audit Committee's memorandum reporting on the January 25, 2006 meeting with Red Oak. He had attended that meeting and believed the report was not accurate. The report stated that it was determined that the bulk of the accounting issues had been satisfactorily addressed. Mr. Brzeczek said none of the questions outlined in Council Member Clark's memo were discussed. The purpose of the meeting was to discuss Council Member Clark's alternate tap fee structure. He was disappointed that staff was not directed to determine an alternate tap fee structure.

Several questions were asked by Council and Mr. Brzeczek wondered if the questions were answered? Red Oak had agreed to answer the questions by February 1st and he had yet to see those answers.

After the meeting, Mr. Brzeczek read through Red Oaks' assumptions for the 2006 plan. Even though the loan would be paid back in 20 years, the action would leave the city in debt \$50 million for the next 40 years. The mechanical equipment would need to be replaced at least once during that period and residents would be asked to pay for that

replacement. Tap fees were not paying for expansion as stated in the report. He recommended that Council continue to review alternatives to the Red Oak recommendations so that existing users did not pay to subsidize capacity expansion and ensure that growth paid for growth.

PAT FITZGERALD

8739 W. COAL MINE AVE.

REPRESENTATIVE FOR CONNECTOR DISTRICTS:

PLATTE CANYON

SOUTHWEST METROPOLITAN

BELMAR

COLUMBINE WATER & SANITATION DISTRICT

Mr. Fitzgerald represented 20,000 users on the city's sewer system. He supported the analysis by Red Oak and staff in the Sewer Financial Plan Update. The districts had thoroughly reviewed the plan and found it was much more thorough and detailed and deserved the Council's support. The current study clearly and separately identified and supported with data, Littleton's internal collection systems cost. Littleton's internal sewer collection system only served Littleton residents and should be paid for by Littleton users and with no subsidy from outside users. It was fairly clear that outside users had been subsidizing those costs for many years. The study clearly identified the variance between sewer system costs for treatment and collections system operation maintenance and the actual sewer fees charge to pay those costs. It showed that no residential user, inside or outside the city, was paying the full cost for services received. It was clear that those costs were being subsidized by tap fee revenues. Tap fee revenues had built up a reserve of over \$30 million and those past revenues had been diverted to subsidize operation and maintenance costs. The tap fees were collected for capital purposes. The districts could not and did not support any increase in tap fees until an analysis was done to show how much was diverted and for what purpose. The diverted revenues should be paid back through higher service charges.

The city would be considering a fairly dramatic increase in tap fees which was not justified by the cost of the plant expansion. He asked that the connector districts be given the opportunity to thoroughly review and comment on the data and that homebuilders have the opportunity to review it also. Based on the data received so far, an increase to that extent was improper and possibly illegal and there was a fairly significant chance that some entity would take legal action against the city.

KEN MAAS

7707 HAWKS NEST TRAIL

ROXBOROUGH PARK WATER & SEWER DISTRICT

Mr. Maas said the district had spent a number of years working with the city to develop an agreement to combine sewer services. One of the things that came to light was whether or not there was a continued interest in the plant expansion. If there had been a

change, he requested that the district be notified in a reasonable time period. The district had reached capacity and was facing a huge expenditure to handle ongoing growth. The district was very much left out of the conversation regarding the evolution of policy the city might adopt. If there were to be a major rate change, it was only proper that the district be involved in the discussion and development. If there were to be a huge increase to tap fees, the district might have to reconsider its direction and efforts with Littleton which would result in lost revenue for the city. The district was always open to ongoing discussion and would consider any reasonable alternatives.

Council Member Clark asked if the district's combined tap fee was \$27,000?

Mr. Maas said that was correct.

KENT BAGLEY
1467 W. BRIARWOOD AVE.

Mr. Bagley complimented the Business/Industry Affairs Advisory Committee's (B/IAAC) Annual Report. It was absolutely stellar, insightful and comprehensive and should be utilized for decision making. He was supportive of Council's vision for updating the COMPLAN. It was the most important policy related effort the city could undertake at this time. Mr. Bagley said it was good that Channel 8 was up and running again. It was important to get citizens involved in the process. The Littleton Leadership Retreat was encouraging a vast array of people to come and learn more about the city.

JOSE TRUJILLO
2420 W. MAIN ST.

Mr. Trujillo said the city had a \$56.5 million loan taken out by referendum which bypassed voters. There was a \$15 million Certificate of Participation that citizens did not get a chance to vote on. He had heard that the city was supposed to pay out the sewer expansion in twenty years but the consultants were reaching out to 2065. He asked for an explanation? At what point did it become a tax instead of a twenty-year loan? There was a lot of misinformation given to Council from Mr. Woods and Mr. Berkowitz. He recommended that the city get a new city manager and city attorney to give the right information.

Mayor Taylor said it was a representative form of government and right now the representatives of the people say the city was going to keep its city manager and city attorney.

7. **CONSENT AGENDA** - (ordinances and resolutions read by title) –
ACTION: APPROVED - ITEMS 7(A) – 7(B)

- (a) Resolution approving an intergovernmental agreement (IGA) between the city and the Regional Transportation District (RTD) for Shopping Cart funding (**Resolution No. 3, Series of 2006**)
- (b) Motion approving 2006 contractual service agreements

It was moved by COUNCIL MEMBER CRONENBERGER and seconded by COUNCIL MEMBER CONKLIN TO APPROVE CONSENT AGENDA ITEMS 7(A) – 7(B).

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

Nays: None.

MOTION CARRIED: 7 to 0

8. **(a) SECOND AND FINAL READING ON ORDINANCES AND PUBLIC HEARINGS – ORDINANCE ON SECOND READING AUTHORIZING THE CONVEYANCE BY QUIT CLAIM DEED OF UTILITY EASEMENT IN A PORTION OF SHADYCROFT ACRES SUBDIVISION**

ACTION: ORDINANCE NO. 1, SERIES OF 2006

Mr. Berkowitz read the ordinance by title.

Charlie Blosten, Public Services Director, explained Shadycroft Acres was located north of Jackass Hill Road and east of South Prince Street. The subdivision was platted in Arapahoe County in 1952. The city annexed the subdivision in 1974. Utility easements were dedicated along the rear and some side lot lines for use by all authorized utility companies.

When platted, sanitary sewer service was not available in the area and houses were served by individual sewage disposal systems or septic tanks. Last year, public sanitary sewers were extended into the neighborhood. In order to construct the sewers, several easements were acquired from property owners. The owner of Lots 5 and 6 requested a utility easement between the two lots be vacated. Staff proposed to release by Quit Claim Deed any interest the city had in that portion of the original easements where utility facilities were not in place.

Mayor Taylor opened the public hearing. No one wished to speak.

It was moved by COUNCIL MEMBER CRONENBERGER and seconded by MAYOR PRO TEM KAST THAT THE PUBLIC HEARING BE CLOSED; THAT THE ORDINANCE AUTHORIZING THE CONVEYANCE BY QUIT CLAIM DEED OF A UTILITY EASEMENT BETWEEN LOTS 5 AND 6, SHADYCROFT ACRES

SUBDIVISION BE APPROVED ON SECOND READING; ORDERED PUBLISHED BY TITLE ONLY; AND THAT THE MAYOR WAS HEREBY AUTHORIZED TO AFFIX HIS SIGNATURE THERETO.

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

Nays: None.

MOTION CARRIED: 7 to 0

9. **(a) GENERAL BUSINESS** – None

10. **(a) CONSIDERATION OF COMMITTEE, COMMISSIONS AND BOARD MATTERS** – None

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

12. **(a) RESOLUTIONS** – None

13. **REPORTS** -

- (a) **CITY MANAGER** – Mr. Woods reminded Council of the following calendar items: Thursday, February 23rd - breakfast meeting at 7:30 a.m. with consultants from the C470 environmental assessment; and Tuesday, February 28th - 6:00 p.m. board and commission interviews.

Mr. Woods had distributed a memo regarding a request from Harold Stitt, Englewood Community Development Manager, for a letter of support for the grant application to purchase the Oxbow property. Mr. Woods said Englewood might ask the city to participate in the local match. If the Loews' development was approved, the Oxbow area would serve as a storm water quality area. He would have details later and there would be significant benefit to the city.

- (b) **CITY ATTORNEY** – None

- (c) **COUNCIL MEMBERS** -

COUNCIL MEMBER MULVEY – Council Member Mulvey reported the following South Suburban board news: approved the purchase of 56 golf carts; accepted \$10,000 in Jefferson County Open Space Conservation Trust funds for the Trailmark Park picnic shelter; and awarded contract in the amount of \$384,645 for the Ketring Park wetlands phase II project.

COUNCIL MEMBER CONKLIN – Council Member Conklin thanked Mark Barons for handling the MMCYA ceremony reception. He did a great job.

Council Member Conklin reminded everyone that the Greater Littleton Youth Initiative fundraiser was scheduled for April 5th at the Fox and Hounds. Donations for the silent auction were welcome.

MAYOR PRO TEM KAST – Mayor Pro Tem Kast said last Thursday was the grand opening of the Village 2 and Under Infant and Toddler Center. It was a wonderful addition to the city.

Mayor Pro Tem Kast said the new museum had been open for a year and thought it would be appropriate to publicize the increased visitation, lectures and concerts. It had been a phenomenal success.

Mayor Pro Tem Kast had spoken with an elderly resident of Southview Apartments regarding a program Englewood had previously had. The police department would make periodic calls to seniors who lived alone and if no response was received, a welfare check was conducted. The Littleton Police Department was attempting to secure a grant to fund software for a similar program. Mayor Pro Tem Kast asked for an updated list of the services the city provided to seniors.

COUNCIL MEMBER CRONENBERGER – Council Member Cronenberger said parts of the permanent exhibit at the museum were changed periodically and had recently been changed.

Council Member Cronenberger had forwarded information to Council regarding participating on the Mobility Access Council. She asked if Council wished to participate?

Council agreed to participate.

Council Member Cronenberger had attended the Smart Growth Conference. She said there were a significant number of health professionals attending the conference. The keynote address indicated two things were driving the kinds of homes being built: older couples who desired walkable communities and low maintenance housing; and young families who wanted to be near good transportation options. There were also sessions on the overabundant supply of retail; street design; and adapting the design of retail strips to name a few. She had a lot of informational materials if anyone was interested.

Council Member Cronenberger had not received copies of the Library Board minutes and did not think Council was receiving all of the Planning Commission minutes.

Council Member Cronenberger said any citizen was entitled to their opinion about the city manager and city attorney. Criticizing staff at a public meeting was unfair and put staff at a disadvantage. Ultimately, the only opinions that mattered were the opinions of the seven Council members. The city was extremely well served by both the city manager and the city attorney.

COUNCIL MEMBER OSTERMILLER – Council Member Ostermiller reported Western Welcome Week’s headquarters at the Bemis House officially opened today. A Board meeting was held and it was a very comfortable house. There would be an open house and ribbon cutting ceremony in the next few weeks.

Mayor Pro Tem Kast said Historic Littleton, Inc. would be holding an open house on May 13th to raise funds to help restore Bemis House.

Council Member Ostermiller reported the Fire Protection District would be holding an election in May for two seats.

Council Member Ostermiller asked if Council wanted to purchase a table for the LPS Foundation Dinner?

Council agreed to purchase a table.

COUNCIL MEMBER CLARK– Council Member Clark asked if the B/IAAC report would be on the city’s website?

Ms. Narde said it would be available on the website very soon.

- (d) **MAYOR TAYLOR** – Mayor Taylor reviewed the publications, invitations, reports, etc. he had received in the mail.

Mayor Taylor reported Council Member Cronenberger had been elected treasurer of DRCOG.

- (e) **DRCOG** – Council Member Cronenberger was chairing the Metro Visions Committee. She said there was an informative publication regarding the Ride Arrangers program. She reported the last meeting centered on the unanticipated revenues for 2006 which continued to be a

tortured discussion where CDOT was trying to fulfill two resolutions. It appeared DRCOG would take a firm position about CDOT fulfilling the MOU about percentages of monies available. A resolution was sought before the end of the legislative session.

14. **ADJOURNMENT** - There being no further business, Mayor Taylor adjourned the meeting at 8:34 p.m. on Tuesday, February 21, 2006.

Julie K. Bower
City Clerk/Recording Secretary

FOLLOWING THE REGULAR MEETING, COUNCIL CONDUCTED A STUDY SESSION
TO DISCUSS SEWER RATES AND TAP FEES