

SPONSORED BY: MAYOR DODGE

COUNCILMAN'S RESOLUTION

NO. CB-1915
Series of 2018

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

A PUBLIC HEARING WILL BE HELD ON CB-1915, SERIES OF 2018, ENTITLED "A BILL FOR A SPECIAL ORDINANCE CONSIDERING THE INITIATED ORDINANCE REGARDING THE CROKE RESERVOIR, APPROVING THE SAME WITH CHANGES THAT DO NOT SUBSTANTIALLY ALTER THE GENERAL CHARACTER OF THE INITIATED ORDINANCE TO IMPLEMENT THOSE PORTIONS OF THE INITIATED ORDINANCE CONSISTENT WITH THE CITY OF NORTHGLENN HOME RULE CHARTER AND COLORADO LAW" ON OCTOBER 22, 2018 AT 7:00 P.M., CITY HALL COUNCIL CHAMBERS, 11701 COMMUNITY CENTER DRIVE, NORTHGLENN.

DATED this 8th day of October, 2018.


CAROL A. DODGE
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

AFFIDAVIT OF POSTING:

I, Johanna Small, certify that CB-1915 was posted at the authorized posting places in the City of Northglenn this 10th day of October, 2018.


City Clerk's Office

SPONSORED BY: MAYOR DODGE

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1915
Series of 2018

Series of 2018

A BILL FOR A SPECIAL ORDINANCE CONSIDERING THE INITIATED ORDINANCE REGARDING THE CROKE RESERVOIR, APPROVING THE SAME WITH CHANGES THAT DO NOT SUBSTANTIALLY ALTER THE GENERAL CHARACTER OF THE INITIATED ORDINANCE TO IMPLEMENT THOSE PORTIONS OF THE INITIATED ORDINANCE CONSISTENT WITH THE CITY OF NORTHGLENN HOME RULE CHARTER AND COLORADO LAW

WHEREAS, on August 24, 2018, the City Clerk of the City of Northglenn determined that the petition to initiate an ordinance to require the City Council to act on issues regarding Croke Reservoir (the "Croke Initiative") was sufficient pursuant to Article V of the City of Northglenn Home Rule Charter (the "Charter");

WHEREAS, pursuant to Section 5.6(a) of the Charter, the City Council may "change the detailed language of any proposed initiative ordinance so long as the general character of the measure will not be substantially altered";

WHEREAS, under the Charter and Article V of the Colorado Constitution, the power of initiative is limited to the creation of legislation, and may not address issues of administrative concern;

WHEREAS, Section 5.1 of the Charter further limits the power of initiative to exclude, *inter alia*, budget and capital programs from the reserved power of initiative;

WHEREAS, the City Council desires to approve the Croke Initiative in accordance with Section 5.6 of the Charter, by approving it with changes that do not substantially alter the general character of the Croke Initiative, and implementing those portions that Council can implement consistent with the Charter and Colorado law;

WHEREAS, in order to approve the Croke Initiative as set forth above, the City Council makes the following specific findings of fact:

A. Current Use of the Reservoir for Stormwater Detention. The City finds as follows:

1. The City finds that it does not have a conveyance structure to convey any water other than stormwater into the Croke Reservoir because the City neither owns nor has a right to use any conveyance structure that can convey water from the Farmers' Highline Canal into the Croke Reservoir;

2. The City is in the process of applying for necessary rights to allow the storage of stormwater in the Croke Reservoir consistent with historical practice;
3. In the absence of the water rights necessary to allow the storage of stormwater in the Croke Reservoir, the City would no longer be able to maintain Croke Reservoir as a stormwater control facility and would be required to drain the Croke Reservoir;
4. As a stormwater control structure, the Croke Reservoir reduces the risk of significant flooding to residents and businesses to the east, along Grange Hall Creek;
5. Extra space (freeboard) in the Croke Reservoir also provides flood protection to the homes located to the south and west of the Croke Reservoir, and the storage of water in addition to stormwater would adversely impact the stormwater control ability of Croke Reservoir creating the likelihood of additional flooding in the area; and
6. The City is therefore only to use the Croke Reservoir to store stormwater once it acquires the necessary rights to do so, and the attempt in the Croke Initiative to require the storage of water rights other than stormwater that the City is unable to deliver violates Section 5.1 of the Charter.

B. Use of the Reservoir as a Nature Area. Consistent with the Croke Initiative, the City finds as follows:

1. The City Council desires to preserve the Croke Reservoir as a nature area and manage it an urban fishery in cooperation with the Colorado Division of Wildlife;
2. The City Council further desires to continue to dedicate staff time and budgetary resources to continue to manage water quality in the Croke Reservoir, including attempting to minimize the presence of blue-green algae blooms;
3. The City has historically allocated resources and identified funds in the budget, and shall identify such funds in the 2019 budget to continue to address the use of the Croke Reservoir as a nature area; and
4. Provided, however, Croke Reservoir is not "toxic," and the City shall continue to utilize best practices in the management of the Croke Reservoir as a significant and important amenity of the City.

C. Administrative, Budget and Capital Program Restrictions. The City finds that in addition to the restrictions related to water rights, the City is further constrained as follows:

1. A moratorium on future capital programs is not subject to the power of initiative under Section 5.1 of the Charter;
2. The City is constitutionally prohibited from indemnifying the general public; and
3. In addition to the reasons associated with the City's water rights for the Croke Reservoir, a specific redesign of the Croke Reservoir in a manner inconsistent with the City's water rights is prohibited by Section 5.1 of the Charter as initiating a component of a capital program.

WHEREAS, the City nonetheless by the adoption of this Special Ordinance seeks to approve the Croke Initiative in accordance with Section 5.6 of the Charter, by approving it with changes that do not substantially alter the general character of the Croke Initiative, and implementing those portions that Council can implement consistent with the Charter and Colorado law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The recitals set forth above are incorporated herein by this reference.

Section 2. The City Council further determines as follows consistent with the Croke Initiative:

- A. The Croke Reservoir is and shall be preserved as a nature area, consistent with Ordinance No. 1456, Series of 2006, designating it as a nature area;
- B. City staff is directed to continue to actively maintain the water quality, care for the surrounding landscaping, and maintain the Croke Reservoir as an amenity where users of the Croke Reservoir can view wildlife, and enjoy the natural environment;
- C. City staff is further directed to continue to work with the Colorado Division of Parks and Wildlife to coordinate the stocking of Croke Reservoir with fish, and continue to conduct fish surveys and analysis as necessary to assure a healthy and vital opportunity for users of the Croke Reservoir to have a place to fish; and
- D. The City shall budget and track spending related to water quality of the Croke Reservoir.

Section 3. The City Council hereby directs that the Parks and Recreation Advisory Board create an advisory sub-committee to advise the Parks and Recreation Advisory Board on the Croke Reservoir. Said advisory sub-committee shall consist of Northglenn residents interested

in acting on such an advisory sub-committee, in a manner determined by the Parks and Recreation Advisory Board. Said advisory sub-committee shall assist the Parks and Recreation Advisory Board in making recommendations to the City Council regarding the Croke Reservoir, to further enable the public to have additional opportunity to have input on the Croke Reservoir consistent with the Croke Initiative. Provided, however, there shall be no obligation to continue said advisory sub-committee if no interested Northglenn residents desire to participate.

INTRODUCED, READ AND ORDERED POSTED this 8th day of October, 2018.


CAROL A. DODGE
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk

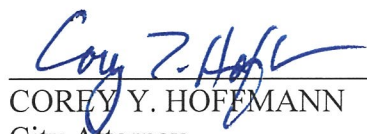
PASSED ON SECOND AND FINAL READING this ____ day of _____, 2018.

CAROL A. DODGE
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:


COREY Y. HOFFMANN
City Attorney