



## CITY COUNCIL AGENDA

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given.

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
  - A. City Manager's Report
5. City Council Comments
6. Presentations
  - A. Colorado Government Finance Officers Association Awards
7. Citizen Communication (5 minutes or less)

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any Council member wishes to remove an item for separate discussion. Items removed from the consent agenda will be considered immediately following adoption of the amended Consent Agenda.

8. Consent Agenda
  - A. Financial Report for December 2006
  - B. 2007 Ambulance Purchase
  - C. Purchase of City Patrol Vehicles
  - D. Purchase of Gasoline and Diesel Fuel for City Vehicles
  - E. Deicing Salt Purchase
  - F. Award of Asphalt and Crackseal Materials Bids
  - G. Library Materials Budget Expenditures
  - H. Colorado Municipal League Annual Dues Authorization
  - I. Special Legal Services Contract
  - J. West 144<sup>th</sup> Avenue, Huron Street to Zuni Street - Preliminary Design Consultant Contract
  - K. Lowell Boulevard Corridor Enhancement – Engineering Design Services
  - L. IGA Amendment with Adams County re Cost Sharing for the W. 80<sup>th</sup> Ave. and Federal Blvd Intersection Project
  - M. Second Reading Councillor's Bill No. 1 re Hyland Village Property Rezoning
  - N. Second Reading Councillor's Bill No. 2 re ROW Vacation of W. 96<sup>th</sup> Ave. from Sheridan Blvd to US Hwy 36
9. Appointments and Resignations
  - A. Resolution No. 2 re Reappointments to Boards and Commissions
10. Public Hearings and Other New Business
  - A. Resolution No. 3 re 2006 Private Activity Bond Allocation Assignment
  - B. Resolution No. 4 re IGAs with the State of Colorado re Historic Preservation Grant
  - C. Resolution No. 5 re Year-End Contingency Transfers
  - D. Councillor's Bill No. 3 re FY2006 Budget Amendment
  - E. Councillor's Bill No. 4 re Vacation of Easements within Lots 1-19 and 62-65 re Country Club Highlands Filing #1
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
  - A. City Council
  - B. Executive Session – Discuss strategy and progress on potential sale, acquisition, trade or exchange of certain real property for the City's open space program pursuant to W.M.C. 1-11-3(C)(2), W.M.C. 2-1-6, W.M.C. 2-11-2, and C.R.S. 24-6-402(4)(a) and (e).
13. Adjournment

## **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JANUARY 22, 2007 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Carla Koeltzow, Deputy City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Kaiser, to approve the minutes of the regular meeting of January 8, 2007, as written and presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall advised that there would not be a Study Session on January 29<sup>th</sup> but Council will meet that evening to conduct interviews for boards and commissions appointments. He stated that snow removal efforts continue due to record snow events. The City, with Mother Nature's help, is making progress on clearing left over ice on roads and sidewalks.

CITY COUNCIL COMMENTS

Councillor Price thanked the Parks and Recreation Staff for sharing pictures with Council of an elk at Standley Lake and of deer on the Heritage Golf Course.

Councillor Major mentioned that Council recognized the Adams County District 50 and District 12 School Boards for National School Board Month. The Jefferson County School District's Board will be recognized by Council later this week.

Mayor McNally reported that last Saturday the Westminster Public Safety Foundation held a fundraiser at the Outback Steakhouse. She thanked Outback for donating the food and providing wait staff to supervise the Police and Fire Forces who served those attending.

PRESENTATIONS

Kathy Barta, Administrator of the Colorado Government Finance Officers Association, presented two awards to the City. The City's Performance Measurement Team, represented by Barbara Opie, Ken Watkins, and Bob Smith, received the 2006 Significant Contributions Award and Finance Director Tammy Hitchens received the 2006 Finance Officer of the Year Award.

CITY MANAGER'S COMMENTS

Mr. McFall congratulated Ms. Hitchens on her award and recognized her for her fine work for the City. He also reminded Council and those present that there would be a Study Session and an Executive Session following tonight's regular Council meeting.

CITIZEN COMMENT

Donna Lewis, 4025 West 75<sup>th</sup> Avenue asked Council to consider a dog park in the South Westminster area.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: Financial report for December 2006; authorize the purchase for one ambulance from Front Range Fire Apparatus in an amount not to exceed \$109,670 for one MEDTEC ambulance; award the bid for twelve Police Department patrol vehicles to Lakewood Fordland in an amount not to exceed \$278,663; award the bid for unleaded gasoline and diesel fuel to Gray Oil in an amount not to exceed \$704,916; authorize the purchase of rock salt from Independent Salt in an amount not to exceed \$300,000; award the bid to Asphalt Specialties Company for purchase of asphalt materials and to Deery American Corp. for crackseal materials in an amount not to exceed \$300,000 for asphalt and \$75,000 for crackseal materials; award a contract to Baker and Taylor for the purchase of library books in an amount not to exceed \$150,000 in 2007; authorize the payment of \$56,427 for the City's 2007 Colorado Municipal League dues; authorize the City Manager to sign a contract for legal services with Sherman & Howard, LLC, to serve as special legal counsel to assist with the delay claim asserted by Hamon Contractors, Inc. against the City in connection with the Huron Street improvements; authorize the City Manager to sign a design contract with Felsburg, Holt & Ullevig for a preliminary design study of future street improvements for West 144<sup>th</sup> Avenue between Huron and Zuni Streets in an amount up to \$147,795.16 and authorize a \$2,200 contingency; authorize the City Manager to sign a negotiated agreement with SEH Inc. for planning and engineering design services for Lowell Boulevard between 75<sup>th</sup> Avenue and 78<sup>th</sup> Avenue and authorize a total of \$179,630 for these professional services including a \$20,000 contingency for design-related activities; authorize the City Manager to execute an amendment to the IGA with Adams County for cost participation in the 80<sup>th</sup> Avenue/Federal Boulevard Intersection Project; second reading of Councillor's Bill No. 1 rezoning the Hyland Village property from O1 (Open), to PUD (Planned Unit Development); and second reading Councillor's Bill No. 2 vacating a portion of West 96<sup>th</sup> Avenue from Sheridan Boulevard to US Highway 36.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request. It was moved by Councillor Dittman and seconded by Councillor Major to approve the consent agenda as presented. The motion passed unanimously.

RESOLUTION NO. 2 RE REAPPOINTMENTS TO BOARDS AND COMMISSIONS

A motion was made by Councillor Price and seconded by Councillor Lindsey to reappoint Christopher Beall, Tim McClung, Henry Sand and George Werkmeister to the Board of Adjustment; Delbert Ragland to the Board of Building Code Appeals; Carol DiGiacomo, Kathy Reynolds and Deirdre Rothery to the Environmental Advisory Board; Kaaren Hardy, April Luber and Bill Teter to the Historic Landmark Board; Aurita Apodaca and Samantha Dixion to the Human Services Board; Robert Briggs, Jr, Charles Jacoby and Randal Whorton to the Open Space Advisory Board; Stephanie Bingham, Ronald Dickerson and Catherine Payne to the Parks, Recreation and Library Advisory Board; John Brann (alternate) Margaret Rivera and Betty Whorton to the Personnel Board; Donald Anderson, Jerry English and Rex Wiederspahn to the Planning Commission; Herb Atchison, Michael Borchlewicz, Corey Ciocchetti and John Velasquez to the Special Permit and License Board; and Jerry Cunningham and Stephen Donelson to the Transportation Commission. The following alternate members were moved to fill vacancies in regular memberships: M. Shawn Wallace to the Environmental Advisory Board; Patti Kinnear to the Historic Landmark Board; Joseph Burt and Joe McConnell to the Planning Commission and JoAnn Vondracek to the Transportation Commission. All terms of office will expire on December 31, 2008. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 3 RE 2006 PRIVATE ACTIVITY BOND ALLOCATION ASSIGNMENT

Councillor Major moved, seconded by Lindsey, to adopt Resolution No. 3 assigning \$4,207,080 of the City of Westminster's 2006 Private Activity Bond allocation to the City and County of Denver for the Metro Mayors Caucus Single Family Mortgage Loan Program, and authorize the Mayor and City Clerk to execute the necessary documents in a form acceptable to the City Attorney's Office and the bond issuers. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 4 RE IGA WITH STATE OF COLORADO RE HISTORIC PRESERVATION GRANT

Councillor Lindsey moved, seconded by Price, to adopt Resolution No. 4 authorizing the City Manager to execute an intergovernmental agreement with the State of Colorado concerning the use of State Historical Fund grant funds awarded to the City of Westminster for the Wesley Chapel Cemetery Preservation Plan. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 5 RE YEAR END CONTINGENCY TRANSFERS

Councillor Dittman moved, seconded by Kaiser, to adopt Resolution No. 5 authorizing the transfer of \$98,600 from the 2006 General Fund contingency account into various operating budgets. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 3 RE FY2006 BUDGET AMENDMENT

Councillor Dittman moved, seconded by Kaiser, to pass Councillor's Bill No. 3 on first reading amending the FY2006 budgets of the General and Fleet Maintenance Funds. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 4 RE VACATION OF EASEMENTS RE COUNTRY CLUB HIGHLANDS FILING #1

Councillor Major moved, seconded by Price, to pass Councillor's Bill No. 4 on first reading vacating certain easements on Lots 1 through 19 and Lots 62 through 65 of the final plat for Country Club Highlands Subdivision Filing No. 1. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 7:25 p.m.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy City Clerk



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Colorado Government Finance Officers Association Awards

**Prepared By:** Steve Smithers, Assistant City Manager

#### Recommended City Council Action

Accept awards from the Colorado Government Finance Officers Association (CGFOA) for Finance Officer of the Year and the Significant Contribution Award.

#### Summary Statement

The City received two awards at the annual CGFOA conference held in Breckenridge in November. Ms. Kathy Barta, Administrator of CGFOA, will present the awards.

- The 2006 Finance Officer of the Year award was presented to Finance Director Tammy Hitchens. This award is made to a Finance Officer who, through his/her actions, has made outstanding contributions which further the goals of his/her organization and the CGFOA.
- The 2006 Significant Contribution Award was presented to the City of Westminster for the City's performance measurement program. This award is intended to recognize projects or programs that are original and represent a significant contribution to the field of governmental finance and that other governments would benefit by implementing. This award will be presented to the City's Performance Measurement Team, which is led by Barbara Opie.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The Finance Officer of the Year award is presented each year to a Finance Officer who, through his/her actions, has made outstanding contributions which further the goals of his/her organization and the CGFOA. The general criteria for the award, based on collective years of contribution, are as follows:

- Extensive involvement in furthering the role of the Finance Officer in his/her organization.
- Significant accomplishments in his/her role as a Finance Officer for his/her organization including significant efforts, projects reports, policies and procedures, automated systems, or technology.
- Extensive involvement or leadership in the CGFOA.
- Involvement or leadership at a national level through the Government Finance Officers Association, the Governmental Accounting Standards Board, or the American Institute of Certified Public Accountants
- Significant efforts related to state legislative matters, implementing new state constitutional or statutory requirements, or lobbying efforts consistent with the goals of the CGFOA when appropriate.

Tammy Hitchens was promoted to Finance Director in April 2005. Prior to being promoted to Finance Director, Tammy served as the Accounting Manager for about 12 years and the Investment Officer for about one year. Tammy has served in several different capacities in CGFOA since 1993 and is currently the Vice President after having served as Treasurer the past 4 years. Tammy is a Certified Public Accountant and a Certified Public Finance Officer.

The Significant Contribution Award is intended to recognize projects or programs that are original and represent a significant contribution to the field of governmental Finance. In general, other governments would benefit by implementing this program or process. The City's performance measurement program submittal was in the Financial Management category. The submittal highlighted the significant changes and improvements to the City's performance measurement program since its inception in 1999, including the development of the annual report *Take a Closer Look: How Performance Measures Build a Better City* and its direct linkage back to City Council's Strategic Plan. The integration of internal and external performance measures into decision making, as well as the enhanced public reporting, has enabled the organization to move forward, being more fiscally prudent with decisions and providing better information to City Council for making policy decisions.

Ms. Kathy Barta, Administrator of CGFOA, will be in attendance at Monday's meeting to present these two awards to Staff.

Respectfully submitted,

J. Brent McFall  
City Manager



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Financial Report for December 2006  
**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

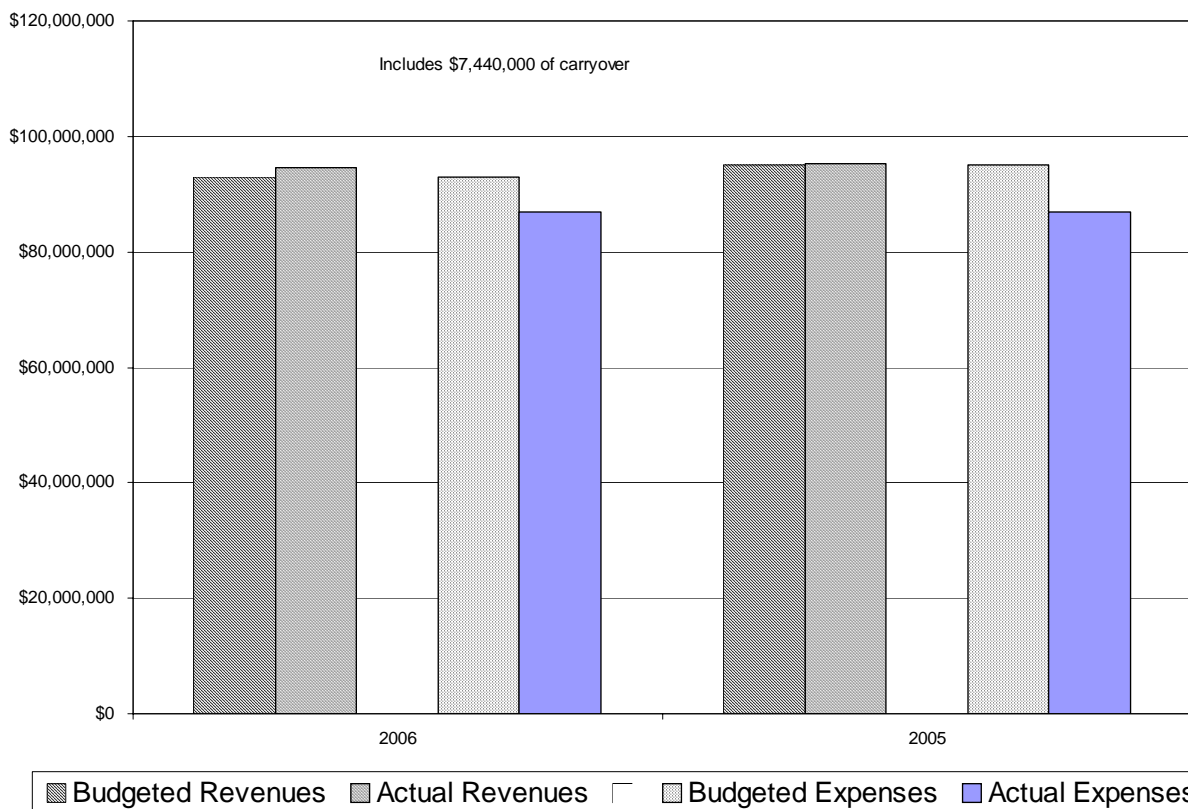
Accept the Financial Report for December as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. The budget numbers that are presented reflect the City’s adopted budget. This statement reflects December month end figures. There are several modifications based on year end accruals, both revenue and expense that will be made and will be part of the December year end figures that will be presented to Council in June, after the audit is complete. Some of the more significant accruals include about one-half of a payroll cycle with associated benefits, revenue earned in 2006 but not received until 2007, in particular intergovernmental revenue, and all expenses incurred in 2006 but paid in 2007. Revenues also include carryover where applicable.

The General Fund revenues and carryover exceed expenditures by \$7,696,000. The following graph represents Budget vs. Actual for 2005 – 2006.

**General Fund  
Budget vs Actual**

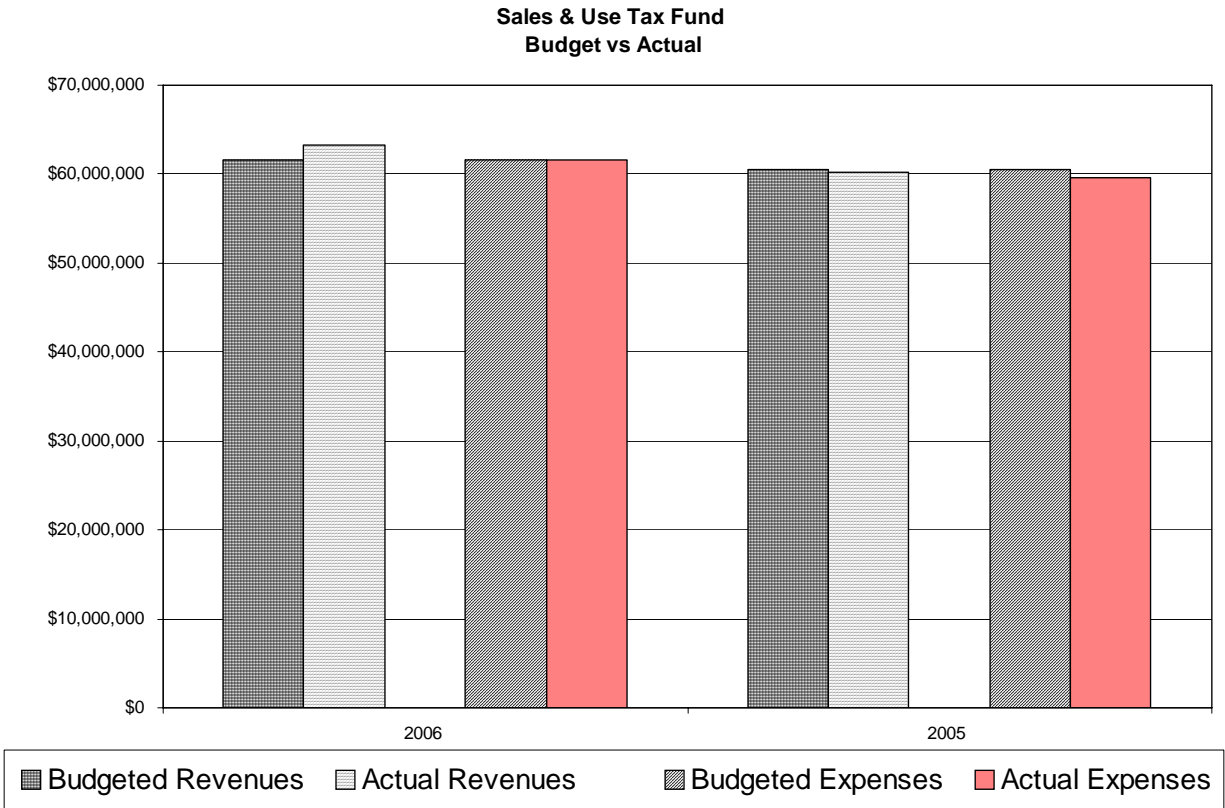




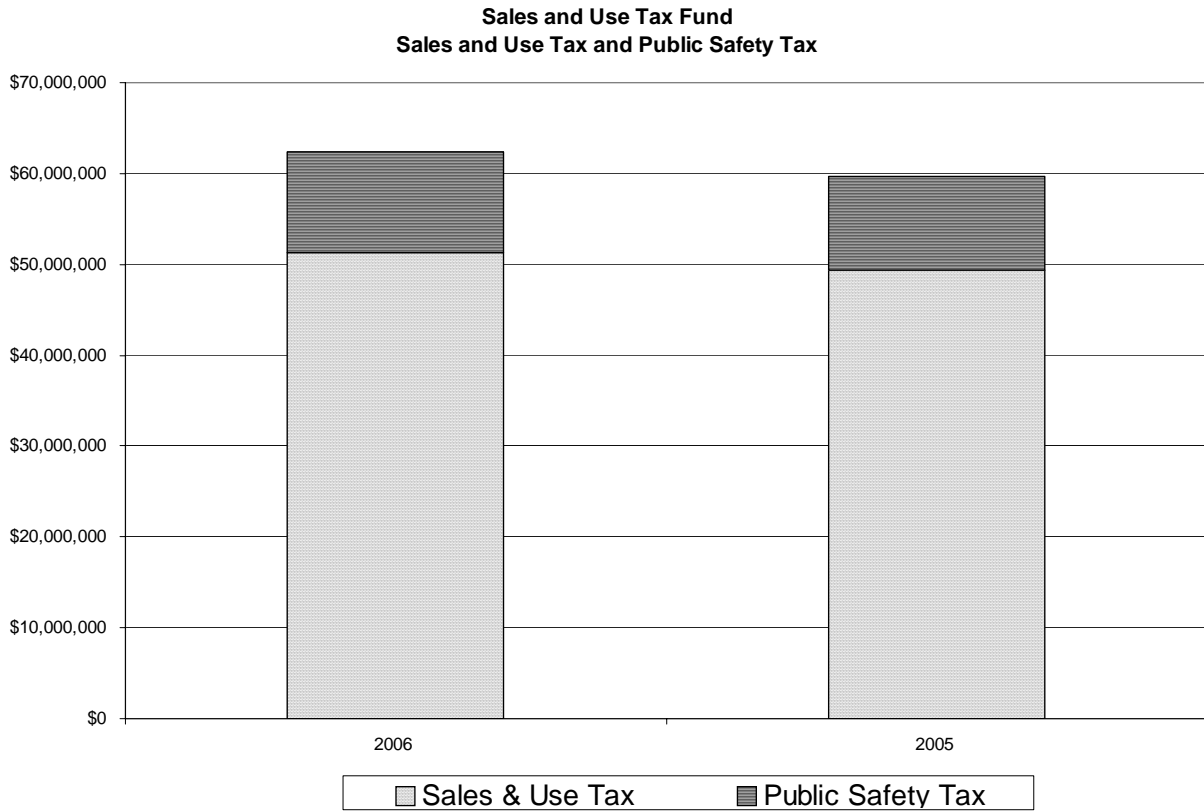
The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1,693,000

- On a year-to-date cash basis, sales & use tax returns are up 0.9%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 5.0% from the prior years. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are up 1.5%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 3.1% after adjusting for one time audit revenue and Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 10% on a year-to-date basis.
- Building Use Tax is up 22.7% year-to-date over 2005.

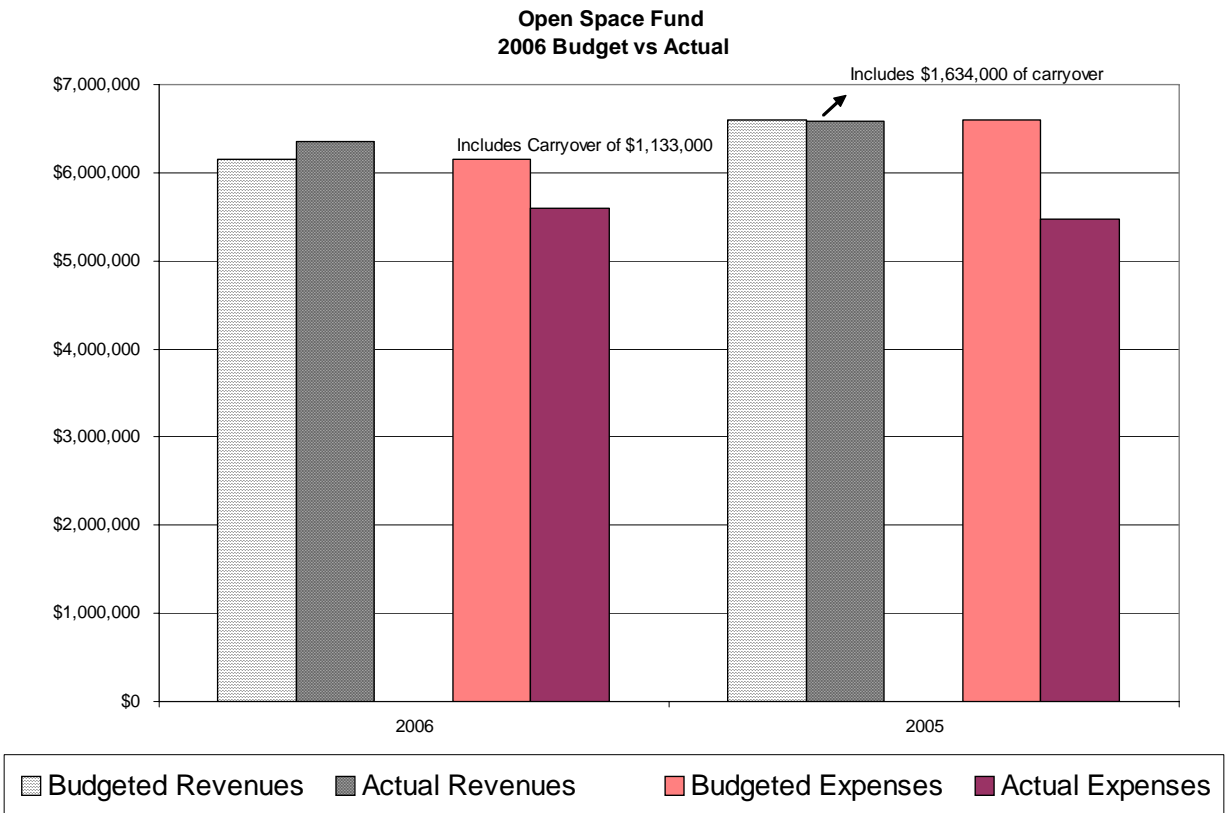
The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales tax payers.



The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.

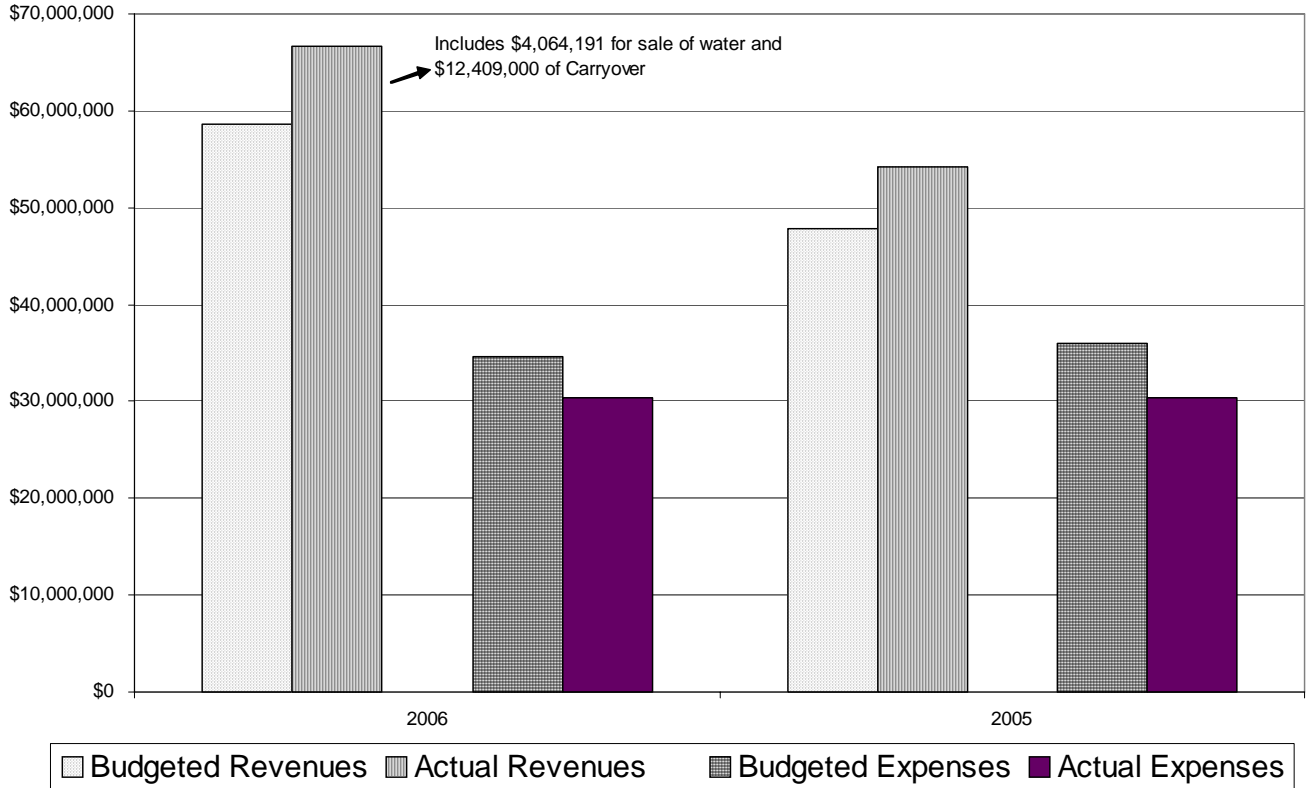


The Open Space Fund revenues exceed expenditures by \$726,000.



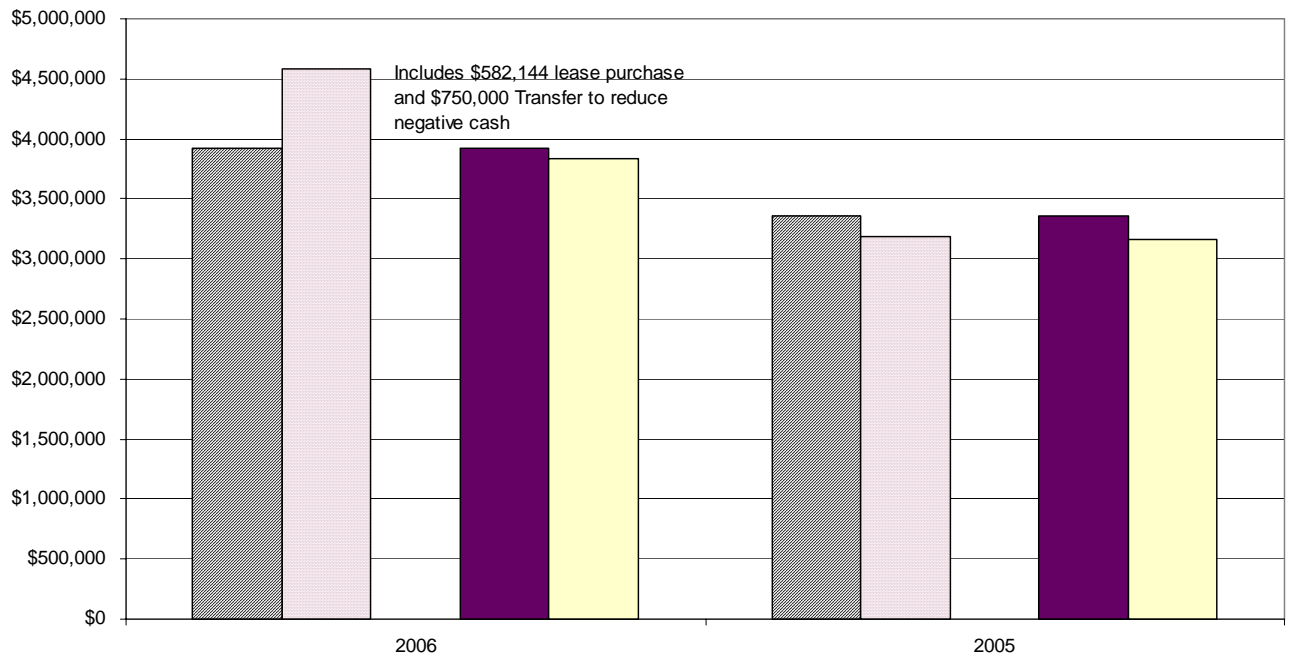
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$36,334,879. \$24,001,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,064,000 in March. Central charges reflect a larger positive variance due to contingency funds. Tap Fees are currently \$3,925,000 over budget.

**Combined Water and Wastewater Funds  
Budget vs Actual**



The combined Golf Course Funds' revenues exceed expenditures by \$744,000. This number includes a transfer of \$750,000 from the General fund to assist in decreasing the negative cash balance at year end. The \$750,000 was not budgeted in the golf course fund as it is not available to spend. The golf courses made a quarterly lease payment for golf carts and equipment in January. When comparing 2005 expenditures to 2006, the 2006 Heritage figures include a lease purchase, for golf carts and maintenance equipment, of \$582,144.

**Golf Course Enterprise  
2006 Budget vs Actual**



■ Budgeted Revenues    □ Actual Revenues    |    ■ Budgeted Expenses    □ Actual Expenses

**Policy Issue**

A monthly review of the City’s financial position is the standard City Council practice; the City Charter requires the City Manager to report to City Council on a quarterly basis.

**Alternative**

Conduct a quarterly review. This is not recommended, as the City’s budget and financial position are large and complex, warranting a monthly review by the City Council.

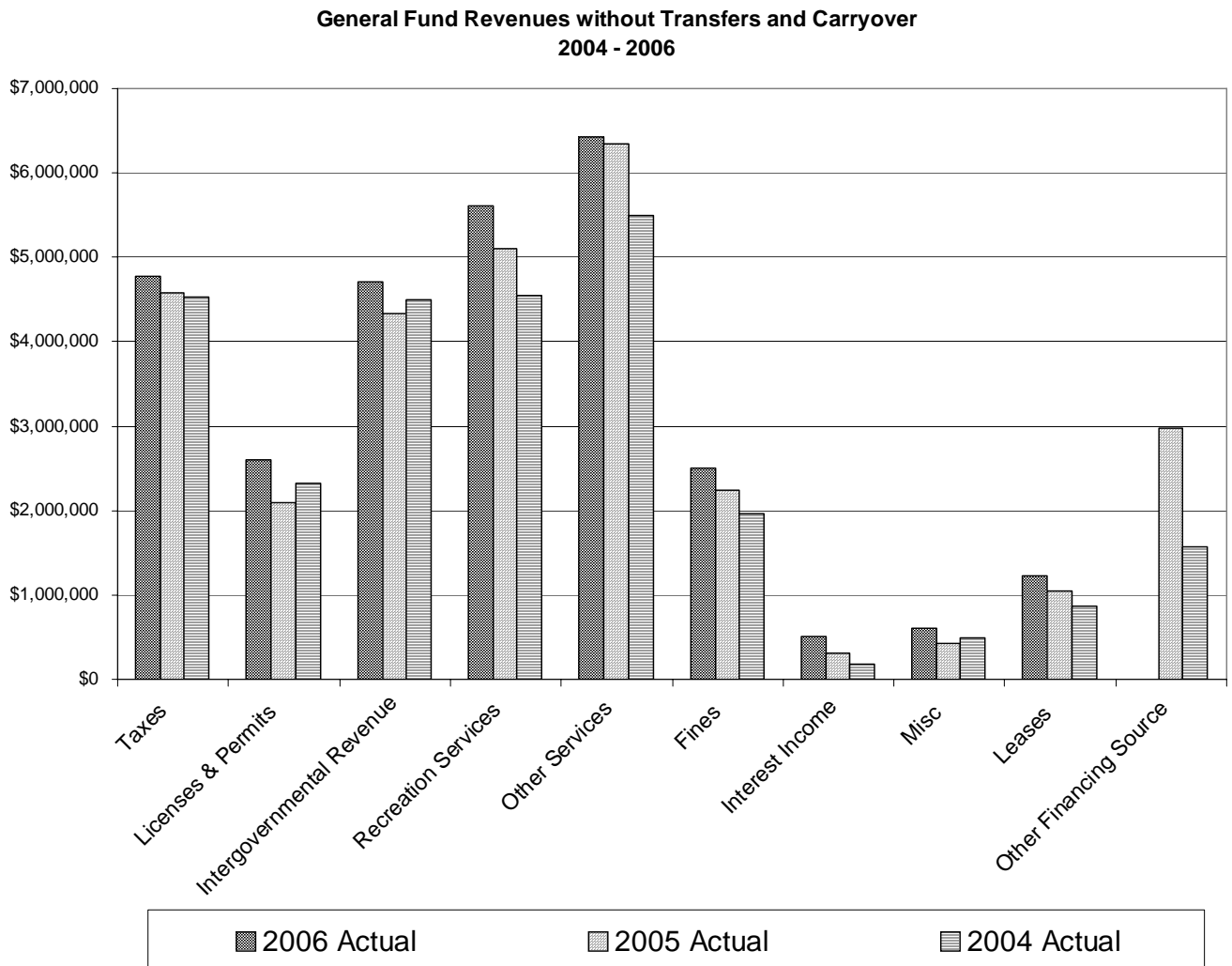
**Background Information**

This section includes a discussion of highlights of each fund presented.

**General Fund**

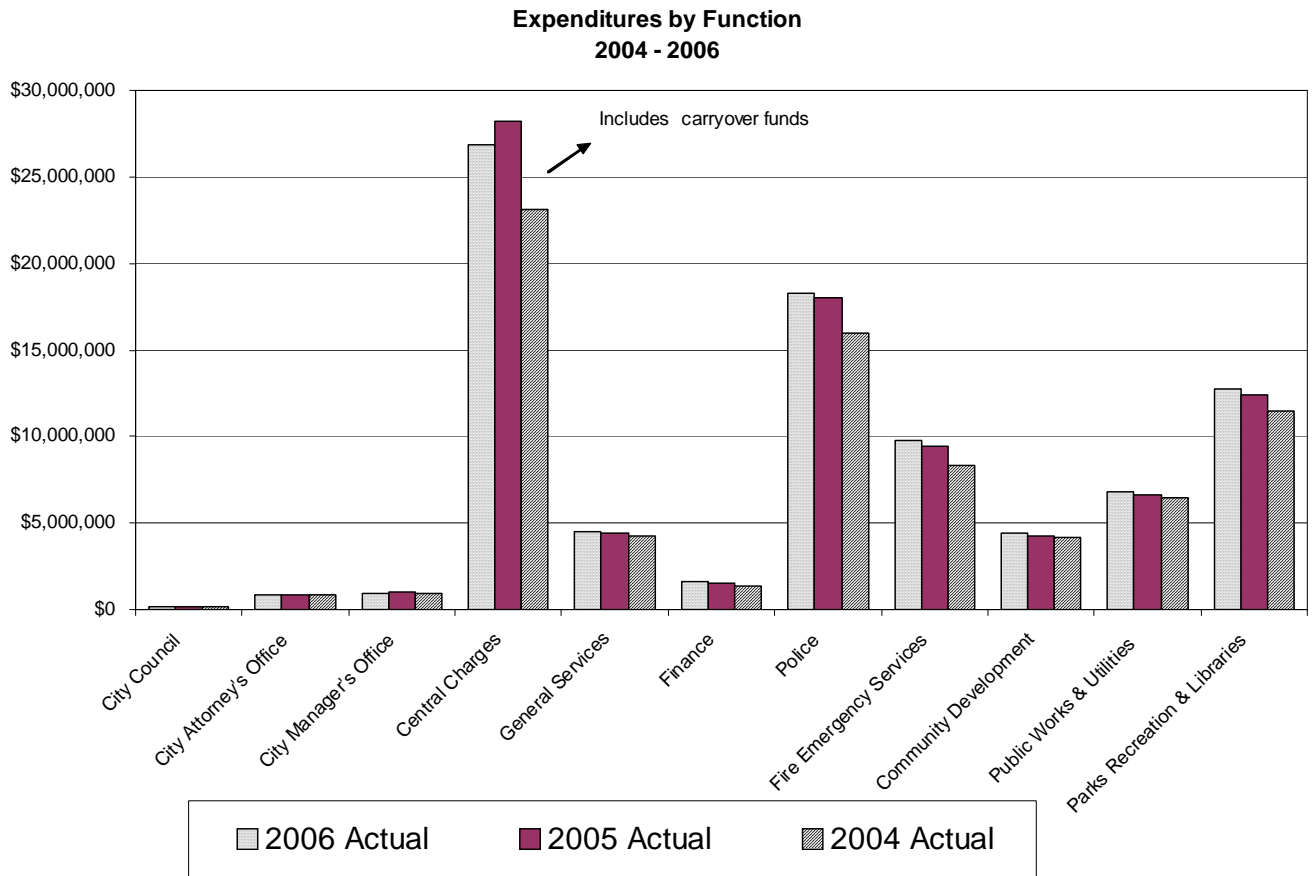
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date.



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers. The 2004 Other Financing Source is computer lease proceeds and interfund borrowing.

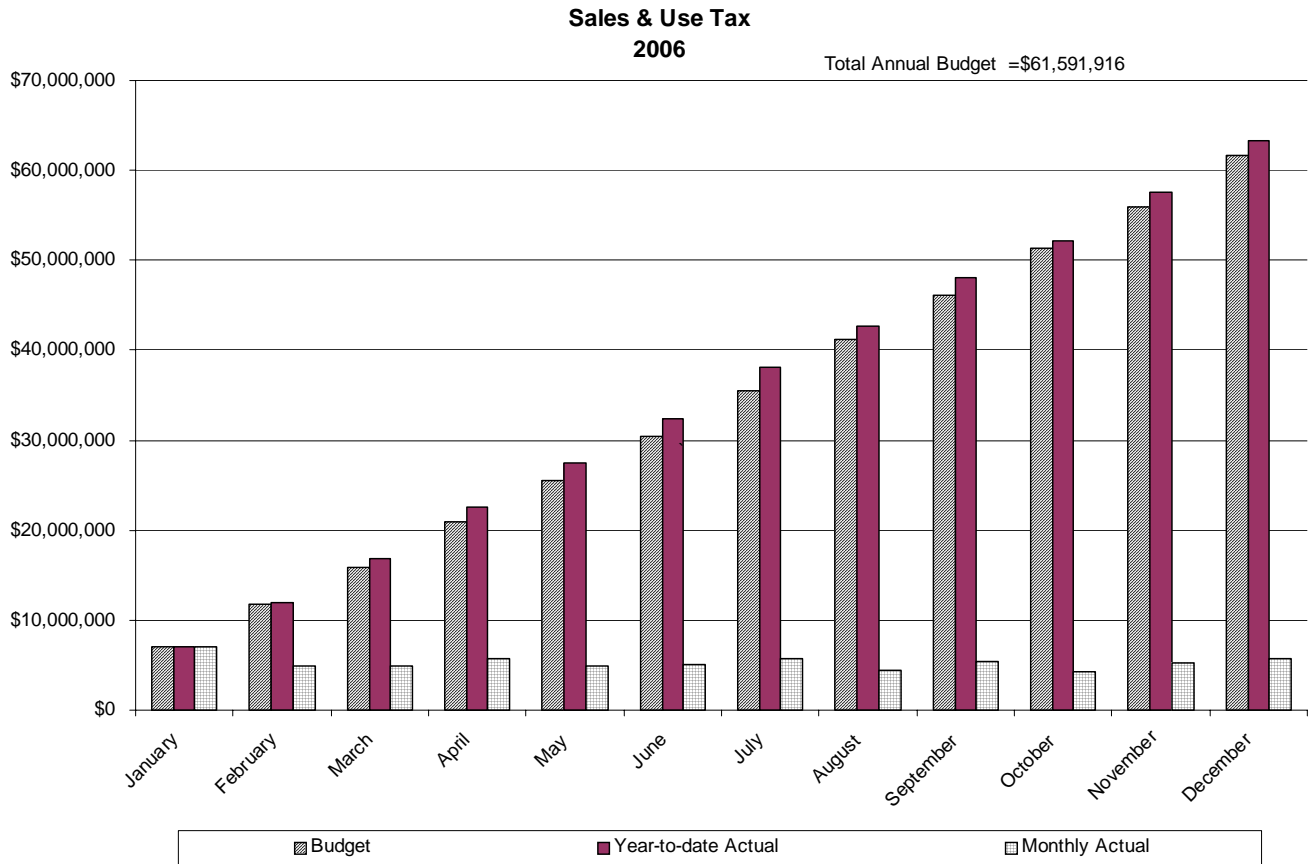
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



**Sales and Use Tax Funds (Sales & Use Tax Fund and Open Space Sales & Use Tax Fund)**

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City’s Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

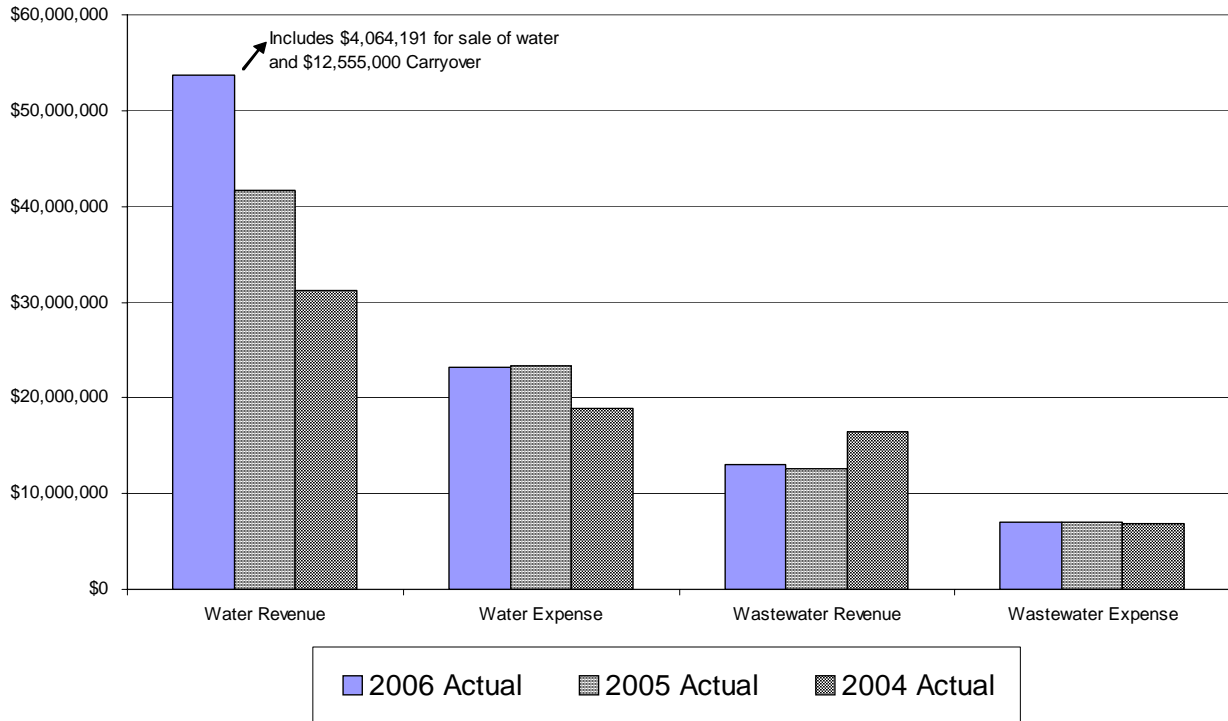


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

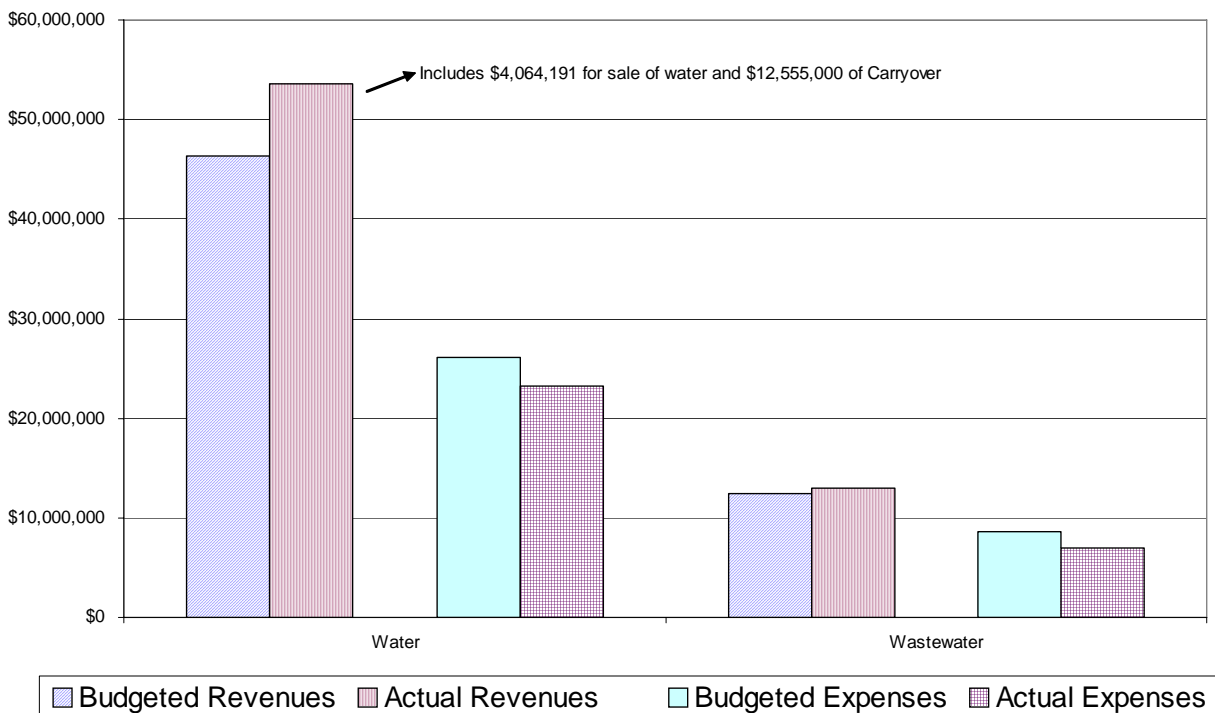
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds  
Revenue and Operating Expenses 2004-2006**



**Water and Wastewater Funds  
2006 Budget vs Actual**

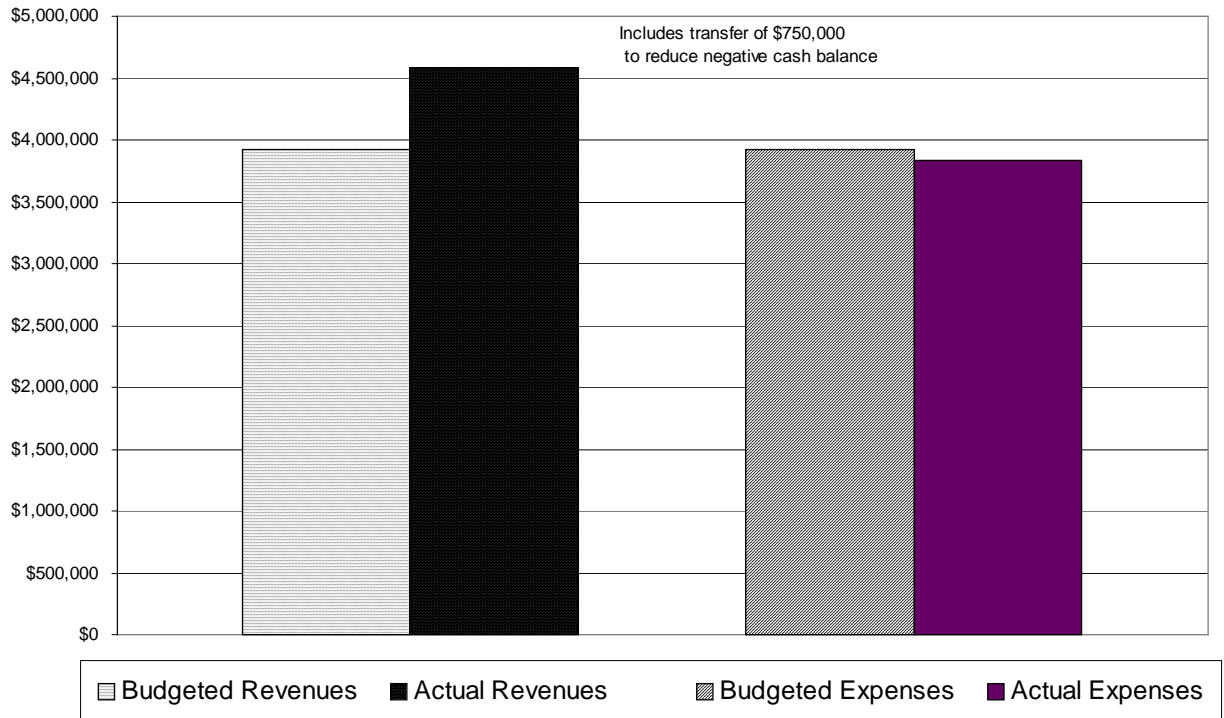




**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

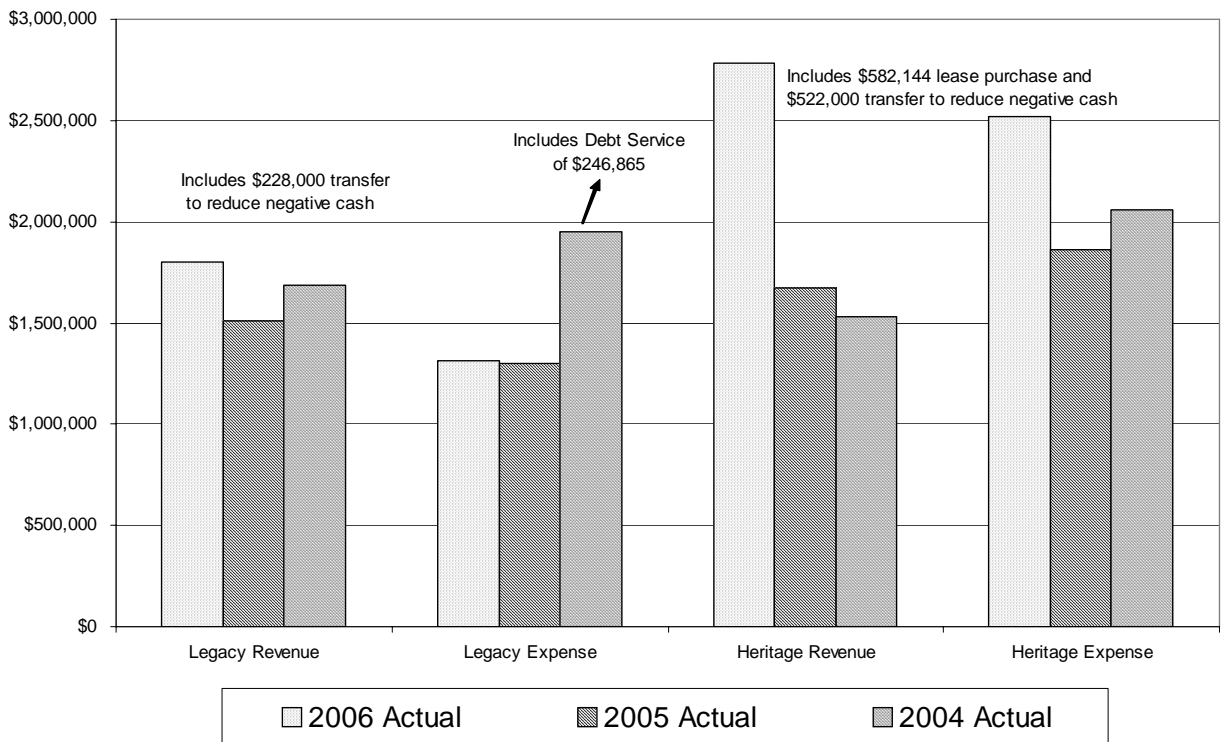
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses  
2006 Budget vs Actual**

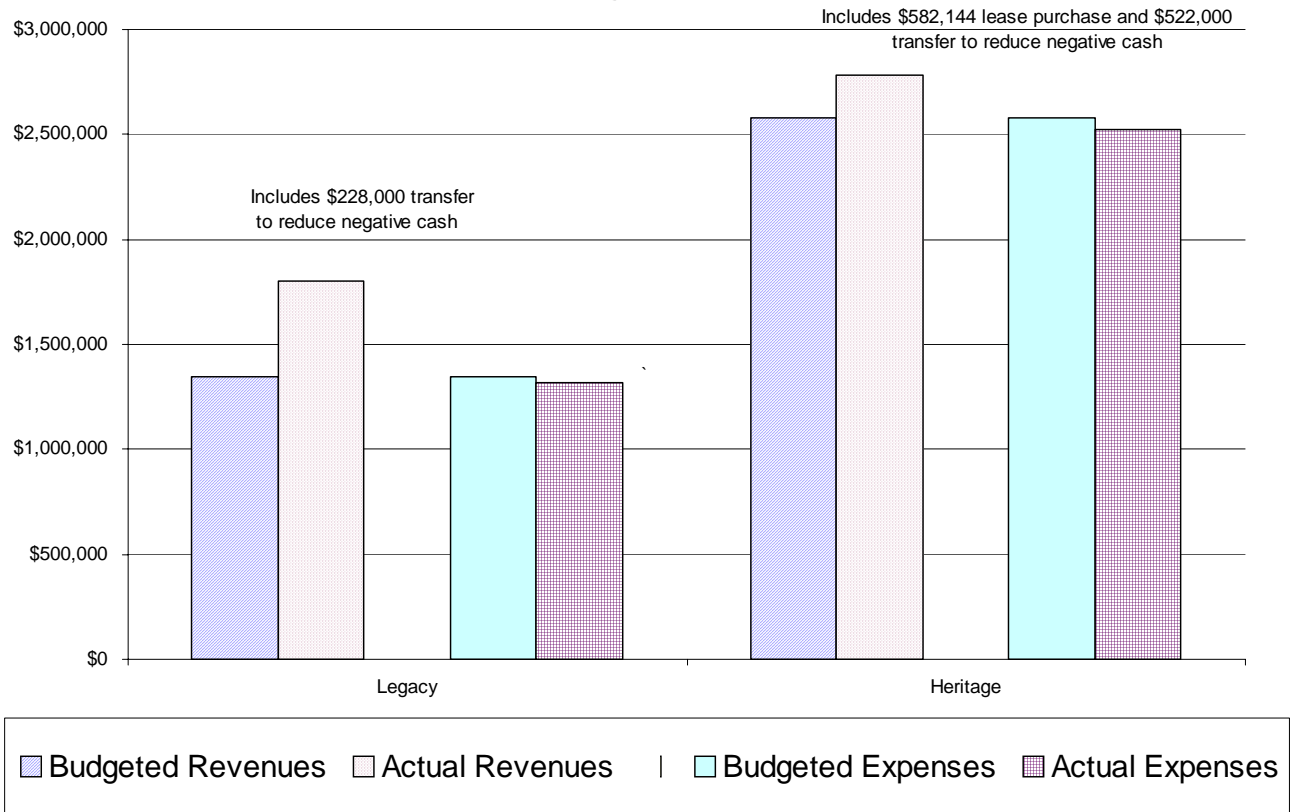


The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses  
Revenue and Expenses 2004 - 2006**



**Legacy and Heritage Golf Courses  
2006 Budget vs Actual**



Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**City of Westminster  
Financial Report  
For the Twelve Months Ending December 31, 2006**

Description	Budget	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>					
<b>Revenues and Carryover</b>					
Charges for Services					
Rates and Charges	9,908,831		9,452,427	(456,404)	95.4%
Tap Fees	1,950,000		2,341,997	391,997	120.1%
Interest Income	650,000		1,349,077	699,077	207.6%
Miscellaneous	10,000		200	(9,800)	2.0%
Sub-total Water Revenues	<u>12,518,831</u>		<u>13,143,701</u>	624,870	105.0%
Carryover	<u>(145,765)</u>		<u>(145,765)</u>	-	100.0%
Total Revenues and Carryover	<u>12,373,066</u>		<u>12,997,936</u>	624,870	105.1%
<b>Expenses</b>					
Central Charges	2,428,905		1,993,196	(435,709)	82.1%
Public Works & Utilities	<u>6,130,541</u>		<u>5,043,292</u>	(1,087,249)	82.3%
Total Operating Expenses	<u>8,559,446</u>		<u>7,036,488</u>	(1,522,958)	82.2%
Revenues and Carryover Over(Under) Expenses	(1) <u><u>3,813,620</u></u>		<u><u>5,961,448</u></u>	<u><u>2,147,828</u></u>	

(1) \$3,813,620 budgeted for capital projects

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
 MONTH OF DECEMBER 2006

Center Location Major Tenant	Current Month			Last Year			%Change	
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	434,367	10,611	444,977	386,132	13,324	399,456	12	-20 11
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	406,109	3,015	409,124	451,327	3,057	454,383	-10	-1 -10
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	236,984	1,258	238,242	222,370	1,787	224,156	7	-30 6
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	213,971	582	214,553	200,497	1,531	202,028	7	-62 6
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	188,904	671	189,575	196,818	1,938	198,756	-4	-65 -5
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	157,874	855	158,729	158,015	858	158,872	0	0 0
SHOPS AT WALNUT CREEK 104TH & REED TARGET	155,108	1,364	156,472	107,643	5,716	113,359	44	-76 38
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	122,394	19,102	141,496	106,775	26,236	133,011	15	-27 6
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	109,529	251	109,780	113,010	1,163	114,173	-3	-78 -4
PARK TECHNOLOGY CENTER 124TH & HURON FUN SERVICES	840	89,821	90,661	781	32	813	8	79367 11047
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	86,220	1,836	88,056	79,373	97	79,470	9	1786 11
THE ORCHARD 144TH & I-25 JC PENNEY	80,620	315	80,935	0	0	0	*****	***** *****
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	6,614	59,065	65,679	3,549	3,854	7,403	86	1433 787
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	56,536	552	57,088	56,724	1,372	58,096	0	-60 -2
WESTMINSTER CROSSING 136TH & I-25	55,499	46	55,545	0	0	0	*****	***** *****

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF DECEMBER 2006

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
LOWE'S STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	54,758	119	54,876	55,757	153	55,910	-2	-22	-2
WILLOW RUN 128TH & ZUNI SAFEWAY	54,048	119	54,167	53,491	337	53,828	1	-65	1
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	52,489	102	52,591	71,104	1,443	72,547	-26	-93	-28
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	8,861	41,873	50,733	10,643	61,548	72,191	-17	-32	-30
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	49,473	232	49,704	48,186	134	48,320	3	73	3
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	37,780	244	38,024	35,129	175	35,304	8	39	8
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	37,013	171	37,184	38,496	12,549	51,045	-4	-99	-27
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	30,680	279	30,960	27,627	84	27,711	11	231	12
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	27,862	29	27,891	31,282	12	31,294	-11	146	-11
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	23,883	242	24,126	24,252	297	24,549	-2	-18	-2
	2,688,415	232,753	2,921,168	2,478,981	137,697	2,616,678	8	69	12

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF DECEMBER 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	4,820,097	79,957	4,900,053	3,804,444	90,980	3,895,424	27	-12	26
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	4,681,711	71,987	4,753,699	5,134,053	47,178	5,181,232	-9	53	-8
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	2,760,004	21,877	2,781,881	2,684,799	13,652	2,698,451	3	60	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,732,723	7,057	2,739,780	2,530,686	5,516	2,536,202	8	28	8
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	2,306,743	20,444	2,327,187	2,360,288	46,934	2,407,222	-2	-56	-3
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,991,372	18,838	2,010,210	1,959,981	33,337	1,993,318	2	-43	1
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,722,801	40,904	1,763,705	1,226,038	27,953	1,253,991	41	46	41
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,602,198	232,097	1,834,294	1,481,467	301,931	1,783,398	8	-23	3
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	1,188,691	12,042	1,200,733	1,172,987	48,551	1,221,539	1	-75	-2
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,105,517	5,179	1,110,696	1,107,094	7,208	1,114,302	0	-28	0
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	797,383	4,504	801,887	915,194	7,499	922,692	-13	-40	-13
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	720,949	4,528	725,477	728,048	7,698	735,746	-1	-41	-1
WILLOW RUN 128TH & ZUNI SAFEWAY	701,642	2,601	704,243	705,885	13,030	718,915	-1	-80	-2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	666,279	2,039	668,319	705,777	2,652	708,428	-6	-23	-6
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	627,118	6,920	634,038	645,555	7,771	653,326	-3	-11	-3

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF DECEMBER 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WESTMINSTER CROSSING 136TH & I-25 LOWE'S	588,053	43,396	631,449	0	0	0	*****	*****	*****
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	507,233	11,273	518,506	502,398	16,407	518,805	1	-31	0
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	506,285	9,080	515,365	527,057	5,427	532,484	-4	67	-3
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	403,133	2,799	405,932	578,440	5,964	584,403	-30	-53	-31
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	363,370	4,237	367,608	394,732	3,279	398,011	-8	29	-8
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	346,856	8,268	355,124	308,327	15,731	324,058	13	-47	10
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	302,510	5,141	307,651	302,215	8,409	310,625	0	-39	-1
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	295,777	7,946	303,723	306,033	13,044	319,078	-3	-39	-5
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	274,099	6,812	280,911	235,330	327	235,657	16	1985	19
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	257,653	1,735	259,388	275,692	1,627	277,319	-7	7	-6
	32,270,195	631,663	32,901,858	30,592,522	732,105	31,324,628	5	-14	5



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** 2007 Ambulance Purchase

**Prepared By:** Bill Work, Deputy Fire Chief  
Randy Peterson, Captain EMS Coordinator  
Rick Spahn, EMS Field Coordinator

**Recommended City Council Action**

Authorize the purchase for one ambulance from Front Range Fire Apparatus (MEDTEC) in an amount not to exceed \$109,670 for one MEDTEC ambulance, inclusive of the trade-in of a 2001 AEV Ford ambulance (Unit #5208).

**Summary Statement:**

- City Council allocated \$127,000 in the 2007 General Capital Outlay Replacement Fund (GCORF) for the replacement of one ambulance.
- This new ambulance will replace a 2001 AEV Ford ambulance that will have over 100,000 miles on it at time of trade-in. This new unit will be placed into front-line service, with one of the current front-line ambulances moving to reserve status. This replacement is consistent with the replacement schedule as defined by Fleet Maintenance and the Fire Department.
- Formal bids were sent to seven ambulance vendors in accordance to City policy and under the supervision of the City Purchasing Agent. Three vendors responded. MEDTEC is low bid for the vendors that met the bid specifications.
- MEDTEC has offered \$14,000 as the trade-in value for unit #5208. The requested expenditure includes the deduction of the trade-in.
- MEDTEC has been manufacturing ambulances since 1974 and is owned by Pierce Manufacturing, the same company the Fire Department currently purchases its major fire apparatus from. Pierce has provided an excellent working relationship and a quality product to the Westminster Fire Department.
- The vendor, Front Range Fire Apparatus, is local (Boulder, CO) and has a proven track record in working with the Fire Department and in meeting their needs.
- Delivery is promised 180 days after signing of the contract.
- Striping/lettering costs and the back-up camera cost were inadvertently left out of the bid specifications. These added costs are \$2,170 and are included in the requested "expenditure required."
- Two vendors, Front Range Fire Apparatus and Summit Emergency Equipment did include in their bid a "Prepay Option." This option could net additional savings of up to \$3,180 if utilized; however, Staff believes it is more prudent in this case to not provide all funds up front.

**Expenditure Required:** \$109,670

**Source of Funds:** 2007 General Capital Outlay Replacement Fund



### **Policy Issues**

Does City Council want to use the replacement ambulance as a trade-in with the vendor for a resulting value of \$14,000 or should the replacement ambulance be sent to auction? Staff believes the \$14,000 trade allowance is reasonable and is guaranteed. It would be hard to guess what price a government auction might bring.

### **Alternatives**

- 1) City Council could award the bid to Wheeled Coach that submitted the lowest bid of the three bids received. This is not recommended because the lowest bid did not meet the staff's specifications in several areas. The overall height of the patient compartment did not meet the Department's specifications that have been a standard for years. This reduced headroom would create safety concerns and comfort issues. Additionally, compartment configuration and storage requirements were not met. The need for the specified storage requirements are essential to the Fire Department's operation as a fire based ambulance in order to accommodate all the safety gear and supplies that are needed to be carried on an ambulance.
- 2) City Council could direct staff to purchase the Road Rescue ambulance from Summit Emergency Equipment. The last five ambulances the City has purchased have been Road Rescues. The Fire Department has been very pleased by the performance and durability of the Road Rescue ambulance and would have liked to have maintained standardization of its ambulance fleet by purchasing another. However, the relationship enjoyed with the previous vendor (EDM) no longer exists. The new Road Rescue vendor was not able to provide the lowest price. Staff does believe MEDTEC provides a comparable ambulance. The \$14,800 difference between the two bids can not be justified at this time as a reasonable expense.
- 3) City Council could direct staff to delay the purchase of this ambulance. Staff does not recommend this alternative. With a six month delivery time from the date of the contract, staff is already looking at a third quarter delivery time. Pricing and chassis availability could be jeopardized by delaying purchase.

### **Background Information:**

The projected life expectancy of an ambulance in Westminster is five years, with three years of front-line service and two years as a reserve unit. With the Fire Department's ability to often staff a fifth ambulance, the two reserve ambulances are receiving additional wear-and-tear beyond their intended use. The Fire Department's reserve ambulance fleet will typically have over 100,000 miles on them and each will have responded to over 7,000 calls by the time they are replaced. It is anticipated that this new ambulance would be placed into front-line service at Fire Station 2, located at 9150 Lowell Boulevard.

Formal bids were sent to seven ambulance vendors who have a proven reputation for quality construction, strong safety features and reliability. The bids were sent out on November 19, 2006 and were opened at a formal bid opening on December 19, 2006. Three vendors submitted bids and after careful review, two of the vendors were deemed to have met or exceed the City's required specifications. One vendor (Wheeled Coach) had their own concerns about meeting the specs and made exceptions to the interior compartment height, interior cabinet construction, and right front compartment space, all of which are considered critical factors in the specifications. For this reason, Wheeled Coach was not considered as a viable bid.

Listed below are the comparative bid prices that included the vehicle and certain required equipment such as the Stryker Hydraulic Stretcher.

<u>Vendor</u>	<u>Bid</u>	<u>Trade-in</u>	<u>Total Vehicle Price</u>
Summit Emergency Equipment (Road Rescue Ambulance)	\$132,318	\$10,000	\$122,318
Front Range Fire Apparatus (MEDTEC Ambulance)	\$121,500	\$14,000	\$107,500
Wheeled Coach	\$115,411	\$16,000	\$ 99,411

Staff feels that the \$14,000 trade-in offered by Front Range Fire Apparatus is a fair market value for the 2001 Ford AEV ambulance considering its condition and serviceability.

There are two additional equipment and service costs being requested to be added to the original bids in order to place this ambulance into service. These costs were intended to be part of the original specifications, but were inadvertently left off the specification document that went out to bid.

- Striping/lettering package \$1,400
- Back-up camera \$ 770
- Total \$2,170

The total expenditure requested of \$109,670 will be paid to MEDTEC who has agreed to adjust their bid price to include the two additional items not originally included on the bid specifications. The expenditure of \$109,670 is \$17,330 under what has been allocated in GCORF.

Safety features have been an important component in developing the specifications for our apparatus. Features like the hydraulic stretchers on the ambulances have resulted in reduced back injuries and other strains and have made it safer for the patients. Back-up cameras have been a standard on the last several fire engine purchases and have helped to reduce backing accidents. Ambulances often have only two personnel on them and if one of those personnel is treating the patient, it becomes very difficult for the crew to provide a “backer” to assist in avoiding accidents. For this reason, the back-up camera technology will greatly enhance the ambulance driver’s ability to avoid accidents.

Two vendors did propose a “prepayment” option with their bids. Summit Emergency Equipment and Front Range Fire Equipment offer a prepayment option. If the City wishes to pay the full amount of the contract price at the time of signing the contract, the following discounts would apply.

Front Range Fire Apparatus (MEDTEC):	\$3,180
Summit Emergency Equipment (Road Rescue)	\$4,486

Staff does not recommend prepaying the full amount for this purchase up front. Staff believes the vendor will be more accountable for meeting delivery times and in working with the staff if the City’s approval and satisfaction in the product is met before payment is made.

Respectfully submitted,

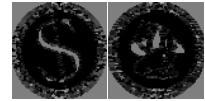
J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Purchase of City Patrol Vehicles

**Prepared By:** Carl F. Pickett, Purchasing Officer

**Recommended City Council Action**

Using the State of Colorado bid price, award the bid for twelve Police Department patrol vehicles to Lakewood Fordland in an amount not to exceed \$278,663.

**Summary Statement**

- City Council action is requested to award vehicle purchases based on the State of Colorado bid for patrol vehicles.
- The City saves considerable dollars by purchasing these vehicles through the State Bid.
- City Council previously approved \$279,372 in the 2007 General Capital Outlay Replacement Fund (GCORF) budget to purchase 12 patrol units.

**Expenditure Required:** Not to exceed \$278,663

**Source of Funds:** General Capital Outlay Replacement Fund

**Policy Issue**

Should the City approve the bid by the State of Colorado for patrol vehicles?

**Alternatives**

1. Reject the State bid and instruct City Staff to re-bid vehicles. This is not recommended because the State bid reflects the purchasing power of all the political subdivisions in the state. The City would not be able to match the bid prices afforded by the State Bid.
2. Do not purchase some or all of the proposed replacement vehicles in 2007. This is not recommended because all of these vehicles have a maintenance history that makes it impractical to keep them in regular service, based on Fleet Maintenance recommendations.

**Background Information**

As part of the 2007 budget, City Council approved the purchase of twelve patrol vehicles. The patrol units will be replaced on a “to be determined” basis, based on the condition and maintenance history of each of the vehicles currently in operation. There are currently forty-eight marked patrol units in the fleet.

The State of Colorado sends out a request for bids for vehicles every year. This bid request was sent out in September of 2006 and received responses from local vendors. The local vendors know that all political subdivisions in the state utilize this bid, and set their pricing accordingly. Political subdivisions typically buy about three quarters of the vehicles purchased from the State bid.

The City is purchasing two types of patrol units this year, the Ford Crown Victoria and the Ford Expedition. The bid price of the Ford Crown Victoria patrol vehicles from Lakewood Fordland is \$22,541 each. Last year, using the State award the bid price was \$22,102 and two years ago, using the State award, the bid price was \$21,514 each. The bid prices average 18% off dealer invoice, a discount that the City would not be able to obtain by bidding these vehicles on its own.

The bid price the Expedition is \$24,175.20 each. These five black and white patrol units serve the K-9 staff in normal conditions and will serve as the main patrol units in extreme weather emergency conditions.

The present condition and maintenance history of the vehicles to be replaced would make it impractical to continue to operate them in regular service based on Fleet Maintenance replacement recommendations, which are based on a combination of vehicle age, maintenance costs, utilization, cost per mile to operate, and depreciation.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 D

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Purchase of Gasoline and Diesel Fuel for City Vehicles

**Prepared By:** Carl F. Pickett, Purchasing Officer

**Recommended City Council Action**

Award the bid for unleaded gasoline and diesel fuel to Gray Oil to be delivered on an as-needed basis, in an amount not to exceed \$704,916.

**Summary Statement**

- City Council approved \$904,106 in the 2007 Fleet Maintenance Fund Budget to purchase fuel and lubricants.
- In December 2004, the Multiple Assembly of Procurement Officials (MAPO) awarded Gray Oil a price agreement for gasoline and diesel fuel for 2005, with two renewable optional years. MAPO renewed the award for 2007.
- Gray Oil was the low bidder in the MAPO bid for fuel and is being recommended for award of City fuel for 2007.
- Staff has locked the price of diesel for 2007, at an average price of \$2.0748 per gallon and locked the price of mid-grade unleaded at \$1.855 per gallon.

**Expenditure Required:** Not to Exceed \$704,916

**Source of Funds:** Fleet Maintenance Fund, Fleet Maintenance Division

**Policy Issue**

Should the City utilize the MAPO bid for its fuel purchases for 2007?

**Alternative**

Do not use the MAPO bid and re-bid fuel. This is not recommended as the volume of fuel used by the City of Westminster is about one tenth the volume of MAPO, and it is very doubtful that better pricing can be obtained.

**Background Information**

As part of the 2007 Budget, City Council approved the purchase of fuel for the City's vehicles. For the past three years, the City has used Gray Oil for fuel services.

A bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district or other local government agencies, in 2004. This was a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Five local vendors responded to MAPO's Invitation for Bid, and the low bid for both gasoline and diesel fuel was recommended for award. MAPO included in its 2004 bid two optional, renewable years to the bid. MAPO has extended the award for 2007, and staff recommends the City of Westminster accept that extension.

The MAPO bid was structured such that the bidders were quoting a price differential above/below the current weekly Oil Price Information Service (OPIS) or the New York Mercantile Exchange (NYMEX) average futures price, depending on whether the fuel would be purchased with either a "floating" or "fixed" price, respectively. The City has "fixed" the price for both unleaded and diesel for 2007.

Staff has locked the cost of mid-grade unleaded at \$1.855 from February 1, 2007 through December 31, 2007. The average cost for Westminster for unleaded in 2006 was \$2.10. This lock was achieved by having the vendor, Gray Oil, commit to buying the fuel for the City in advance through the futures market, based on historical usage. The City of Denver, DIA, and Aurora have also locked at this rate for 2007.

Staff has locked the average cost of diesel at \$2.0748 for the year. The average cost for diesel last year was \$2.22. The Cities of Denver and Aurora and DIA also used this method for locking in their diesel prices, but did so earlier in the year, at \$2.2006 per gallon with downside protection, which is an additional 8%, so they are locked into paying \$2.3766 for 2007.

The formula to figure weekly pricing is as follows:

Unleaded – Locked at \$1.855, plus freight and the Colorado Environmental tax.

#2 Diesel – Locked for 2007 at an average of \$2.0748 plus freight and the Colorado Environmental tax. Diesel is actually purchased on quarterly prices, which are: First Quarter 2007 \$1.9703, Second Quarter 2007 \$2.0243, Third Quarter 2007 \$2.0985, and Fourth Quarter 2007 \$2.2061 per gallon.

The full load freight rates to the City of Westminster are \$.0142 per gallon - Gasoline and \$.0161 per gallon - Diesel Fuel - plus the Colorado Environmental tax is \$.015 per gallon.

Using the above formula, the estimated cost for fuel during the rest of 2007 is based on the approximate annual usage and approximate price as follows:

<b>FUEL</b>	<b>APPROXIMATE QUANTITY</b>	<b>APPROXIMATE PRICE</b>	<b>EXTENDED PRICE</b>	<b>VENDOR</b>
Un-Leaded	240,000 gallons	\$1.8842 gal	\$452.208	Gray Oil
Diesel	120,000 gallons	\$2.1059 gal	\$252.708	Gray Oil

Westminster City Code 15-1-4-A1 specifically states that using a bid by another unit of government is an acceptable form of purchasing for the City.

The not to exceed total cost of \$704,916 is based on current mileage estimates and the locked prices of unleaded and diesel for 2007.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Deicing Salt Purchase

**Prepared By:** Pat Sexton, Street Maintenance Supervisor  
Ray Porter, Street Operations Manager

**Recommended City Council Action**

Authorize the purchase of rock salt from the low quote, Independent Salt, in an amount not to exceed \$300,000.

**Summary Statement**

- Rock salt is purchased as a deicing product to ensure safer travel for the motoring public.
- Bids for rock salt were solicited through the Multiple Assembly of Procurement Officials (MAPO) organization and are as follows for the City of Westminster:

Independent Salt	\$53.92/ton
Morton Salt	No Bid
Nebraska Salt & Grain	No Bid

- The railroad in the past had provided covered rail cars for the salt to be transported on. This year they quit that practice and required the salt companies to purchase their own covered rail cars for transporting. This added expense is believed to have reduced the number of bids returned as salt companies opted out. The only other option for transporting salt into this area (Colorado) from Kansas is by semi-trucks and that is also very expensive.
- 3,500 tons of deicing salt was utilized during the blizzard of 2006 and the two storms that followed through January 5, 2007.
- The \$300,000 authorization requested will allow for the purchase of 5,563 tons of rock salt. If the City continues to experience significant snow and ice conditions and these materials are used up, Staff will need to request additional spending authority.

**Expenditure Required:** Not to Exceed \$300,000

**Source of Funds:** General Fund - Public Works and Utilities 2007 Street Operations Budget



**Policy Issue**

Should City Council authorize the purchase of salt from the low quote, Independent Salt Company, in an amount not to exceed \$300,000?

**Alternatives**

One alternative is to not purchase deicing materials, which is not recommended as keeping the streets safe for the motoring public during the winter months is of the highest priority.

A second alternative is to bid the salt purchase outside the MAPO process. However, this alternative is not recommended since Staff does not believe the unit cost of salt will decrease.

**Background Information**

The City has successfully purchased salt through the MAPO bid in past years with few problems obtaining salt on an as needed basis.

These expenditures are within the approved 2007 Public Works and Utilities Street Operations Division budgeted amount for these items.

Deicing salt costs increased 57% over the 2005-2006 winter season. The primary reason for the increase is attributed to rising fuel prices.

If the entire 2007 budgeted \$300,000 allotment for deicing salt is depleted, (depending on the severity of the remaining winter season) additional funding in 2007 may be required. Staff will make a recommendation to City Council if such a situation should arise.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 F

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Award of Asphalt and Crackseal Materials Bids

**Prepared By:** Ray Porter, Street Operations Manager

### Recommended City Council Action

Award the bid to Asphalt Specialties Company for purchase of asphalt materials and to Deery American Corp. for crackseal materials at the unit prices indicated on the bid tabulation on an as-needed basis in an amount not to exceed \$300,000 for asphalt and \$75,000 for crackseal materials.

### Summary Statement

- City Council approved funds in the 2007 Street Operations budget to purchase hot mix asphalt and crackseal materials.
- Hot mix asphalt material is used for all types of street maintenance repairs, including; pothole patching, surface replacement, and preparation of streets earmarked for 2007 and 2008.
- Rubberized cracksealing material is used to seal moisture from asphalt pavements citywide.
- An estimated 8,824 tons of hot mix asphalt material and 227,225 lbs. of rubberized crackseal material will be purchased on an as-needed basis throughout 2007.
- Bids were solicited through the MAPO (Multiple Assembly of Procurement Officials).

**Expenditure Required:** Not to exceed \$375,000

**Source of Funds:** General Fund – 2007 Street Operations Division Operating Account

**Policy Issue**

Should the City accept the lowest MAPO bid for asphalt and crackseal materials from Asphalt Specialties Company and Derry American Corporation?

**Alternative**

An alternative for 2007 asphalt and crackseal material purchasing would be to execute a bid for just the City of Westminster’s materials requirements. This alternative is not recommended because the smaller quantities would increase the costs.

**Background Information**

The results of the bidding are as follows:

**Hot Mix Asphalt Bids**

	Asphalt Specialties Company	Brannan Sand & Gravel	Aggregate Industries	LaFarge
Grading “SX” ½” material per ton	\$34.00	\$38.75	\$39.81	\$40.20

Asphalt Specialties Company is the low bidder for hot mix asphalt material. The plant is fully automated and the mix design meets City specifications. Street Operations Division Staff has inspected the facility and does not anticipate any problems with the quality of materials or the service that Asphalt Specialties Company can provide.

**Rubberized Crackseal Material Bid**

	Deery American Corporation	Westates Inc.
Cost per pound – delivered	\$0.327	\$0.353

Deery American Corporation is the low bidder for crackseal material. City street maintenance crews have utilized this crackseal material successfully over the past seven years on roadways throughout the city.

The 2007 asphalt materials and crackseal materials bids reflect a 13% increase over the 2006 prices. The reasons given for the increases are due to the higher costs of oil and utilities costs to operate the plants.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 G

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Library Materials Budget Expenditures

**Prepared By:** Mary Grace Barrick, Library Services Manager

### Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest will be best served by awarding a contract to Baker and Taylor (B&T) for the purchase of Library books in an amount not to exceed \$150,000 in 2007.

### Summary Statement

- The Westminster Municipal Code requires all purchases over \$50,000 be authorized by City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- This is a negotiated contract with Baker & Taylor, formal bidding was not used.
- Funds were previously appropriated in the 2007 Budget and are available in the General Fund for the purchases.

**Expenditure Required:** \$150,000

**Source of Funds:** General Fund - Parks, Recreation and Libraries Operating Budget

**Policy Issue**

Should Council waive formal bidding requirements and approve the purchase of library materials that total over \$50,000 in 2007?

**Alternative**

Do not approve the purchase as recommended and request that Staff go out to bid on this purchase. This alternative is not recommended.

**Background Information**

Library materials purchases from B&T constitute 45% of the library materials budget expenditures. This vendor consistently provides the City with good customer service. Their procedures coordinate well with the City's procedures, so using them improves staff efficiency. The discounts that B&T offers the City are very competitive. In instances where Staff receives a better discount from a different vendor, materials are ordered from the other vendor. The City receives the majority of its standing orders from B&T because they are the most competitive. In addition, B&T maintains an interactive website that Staff can use to manage the City's library orders. Ingram, another large library vendor that specializes in public and school libraries, does not offer an interactive website.

Each year the Library compares pricing and services among the large library vendors of B&T, Ingram, Amazon and Midwest Tapes. Services reviewed are the ease of online ordering, technological coordination with our database and shipment practices that include invoicing and turn-around time. Pricing considerations are noted for overall discount prices. B&T continues to offer the most competitive services, in terms of format and discounts, which can be up to 40%. Staff is requesting authorization for purchases to be made in 2007 up to a maximum of \$150,000.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 H

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Colorado Municipal League Annual Dues Authorization

**Prepared By:** Barbara Opie, Budget & Special Projects Manager

### Recommended City Council Action

Authorize the payment of \$56,427 for the City's 2007 Colorado Municipal League dues.

### Summary Statement

- City Council is requested to authorize the payment of \$56,427 for the City's 2007 membership and dues to the Colorado Municipal League (CML). Funds for this membership have been appropriated in the Central Charges portion of the 2007 City Budget.
- CML provides services to 265 cities and towns throughout the state. The annual membership dues to CML include subscriptions to the bimonthly magazine, *Colorado Municipalities*, and the biweekly CML Newsletter for community officials. Other League services include municipal information services, municipal conferences and workshops, legislative and legal services, administrative agency services, sample ordinances, research and publications. CML is the main voice of municipalities at the State Legislature and has been important to cities and towns in advocating and protecting municipal interests.
- The City of Westminster's 2007 dues, which are based on a formula that factors population, assessed valuation, and sales tax collections, total \$56,427, an increase of \$2,376 (or 4.4%) over the 2006 dues. These funds have been included in the 2007 budget that was previously approved and adopted by City Council in October 2006. Since these annual membership dues exceed \$50,000, City Council authorization is required, per Section 15-1-2 of the Municipal Code.

**Expenditure Required:** \$56,427

**Source of Funds:** General Fund - Central Charges Budget

**Policy Issue**

Does City Council wish to continue the City's membership in the Colorado Municipal League?

**Alternative**

Discontinue City membership with the CML, reallocate the funds budgeted for the City membership with CML and utilize the funds for other City priorities. This is not recommended by Staff as CML provides important services, as outlined in this memorandum, that assist the City in many ways.

**Background Information**

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML lobbies legislation on behalf of municipalities throughout the State, distributes numerous publications that provide information on timely topics and trends, hosts workshops and meetings on important municipal issues, and performs research as requested by member jurisdictions.

CML represents more than 99 percent of the municipal population in the state and was founded in 1923. 265 cities and towns are members of CML (out of 271 total cities and towns in the state) and pay dues on an annual basis. CML's formula for arriving at a municipality's dues payment is based on a per capita charge using Department of Local Affairs population estimates, a fraction of the assessed valuation figures from the State Division of Property Taxation, and a fraction of state sales tax collections for the previous calendar year.

As in previous years, the annual CML dues are included in the City Budget. City Council action is required because the expense is over \$50,000 in accordance with Section 15-1-2 of the Municipal Code. The dues for 2006 were \$54,051.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 I

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Special Legal Services Contract

**Prepared By:** Jeff Betz, Assistant City Attorney

### Recommended City Council Action

Authorize the City Manager to sign a contract for legal services with Sherman & Howard, LLC, to serve as special legal counsel to assist with the delay claim asserted by Hamon Contractors, Inc. against the City in connection with the Huron Street Improvements between 128<sup>th</sup> and 140<sup>th</sup> Avenues.

### Summary Statement

- City Staff contacted Michael J. Cook at Sherman & Howard, who has substantial experience in construction claim litigation.
- Mr. Cook has agreed to represent the City in the matter.
- The proposed expenditure not to exceed \$75,000 is intended to cover the initial phase of evaluation and resolution of Hamon's construction delay claim.

**Expenditure Required:** Not to exceed \$75,000.00

**Source of Funds:** General Capital Improvement Fund - Huron Street Project



**Policy Issue**

Should the City retain special legal counsel to assist with the evaluation and resolution of the Hamon claim?

**Alternative**

Not hire special legal counsel. This alternative is not recommended given the need for specialized legal services to fully analyze and advise the City regarding Hamon's construction delay claim.

**Background Information**

Pursuant to earlier conversations with City Council, special legal counsel services are needed in order to evaluate and resolve Hamon Contractors, Inc.'s delay claim in connection with the Huron Widening project between 128<sup>th</sup> and 140<sup>th</sup> Avenues. The City Attorney's Office will keep City Council apprised of the progress in resolving the claim.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** West 144<sup>th</sup> Avenue, Huron to Zuni Streets – Preliminary Design Consultant Contract

**Prepared By:** Richard M. Kellogg, Jr., Senior Projects Engineer

**Recommended City Council Action**

Authorize the City Manager to sign a design contract with Felsburg, Holt & Ullevig (FHU) for a preliminary design study of future street improvements for West 144<sup>th</sup> Avenue between Huron and Zuni Streets in an amount up to \$147,795.16 and authorize a \$2,200 contingency.

**Summary Statement:**

- With the construction of the recent improvements to Huron Street from 128<sup>th</sup> through 150<sup>th</sup> Avenues, the opening of the 144<sup>th</sup> Avenue/I-25 interchange and the development of The Orchard at Westminster commercial center, traffic volumes and turning movements will increase along 144<sup>th</sup> Avenue.
- In anticipation of the future need to improve this street, the City Council appropriated \$150,000 of FY2005 Carryover Funds on June 26, 2006, for the purpose of initiating a conceptual design of 144<sup>th</sup> Avenue between Huron and Zuni Streets.
- Proposals were requested from qualified engineering consultants and reviewed for their experience with similar projects, their familiarity with the 144<sup>th</sup> corridor and the value indicated by their proposed scope of the work. The firm of Felsburg, Holt & Ullevig (FHU) was chosen from a group of 15 consultants for the preliminary design study effort. Their design experience in Westminster includes the 144<sup>th</sup>/I-25 interchange, the 136/I-25 interchange and one of the recent phases of the Huron Street construction.
- Due to the fact that much of this section of 144<sup>th</sup> Avenue abuts properties located within unincorporated Adams County, City Staff has requested financial participation from the County in this conceptual design effort. Early indications are that the County may contribute up to \$25,000 for the study, which would assist in funding this project.
- Funds for this design and contingency are available in the appropriate project account in the General Capital Improvement Fund.

**Expenditure Required:** \$149,995.16

**Source of Funds:** General Capital Improvement Fund – 144<sup>th</sup> Avenue Widening Project

**Policy Issue**

Should the City proceed with the preliminary corridor design study work for the 144<sup>th</sup> Avenue, Huron to Zuni Streets, improvements project?

**Alternatives**

Alternatives include postponing or abandoning the preliminary corridor design study of this roadway. Given the anticipated need to widen 144<sup>th</sup> Avenue in the near future, it would be helpful to have this project preliminary design completed to identify corridor issues and to develop budget estimates. For these reasons, the postponement or abandonment alternatives are not recommended.

**Background Information**

The widening of 144<sup>th</sup> Avenue between Huron and Zuni Streets has become important with increased traffic volumes accessing the nearby commercial developments, the recent widening of Huron Street between 128<sup>th</sup> and 150<sup>th</sup> Avenues and the opening of the 144<sup>th</sup> Avenue/I-25 Interchange. The section of 144<sup>th</sup> Avenue between Huron Street and Zuni Street is the only remaining portion of this corridor within the City of Westminster that remains as a two-lane rural roadway. The City and County of Broomfield has already started improving the 144<sup>th</sup> Avenue corridor to the west and 144<sup>th</sup> Avenue is four lanes east to Washington Street within Thornton. Additionally, the Denver Regional Council of Governments (DRCOG) 2030 Regional Transportation Plan has 144<sup>th</sup> Avenue designated as a Principal Arterial roadway between McCaslin Boulevard in Louisville to the west and Colorado Boulevard in Thornton to the east.

Staff advertised a Request for Proposals and received 15 responses. Of these 15, six firms were short listed for further consideration based on qualifications, scope of work to be provided for the stipulated maximum fee, previous experience with the City and adherence to the City's schedule. A detailed review of the proposals by City Staff concluded with the recommendation that the firm of Felsburg, Holt & Ullevig be awarded the contract for this preliminary design study. The proposal submitted by Felsburg, Holt & Ullevig showed a thorough understanding of the project and the highest value to the City for the stipulated fee amount.

In addition, authorization is sought for \$2,200 for a project contingency. This brings the total project budget to \$147,795.16.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 K

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2006



**SUBJECT:** Lowell Boulevard Corridor Enhancement - Engineering Design Services

**Prepared By:** Stephen C. Baumann, Assistant City Engineer

**Recommended City Council Action**

Make a finding that the public interest will be best served by authorizing the City Manager to sign a negotiated agreement with SEH Inc. for planning and engineering design services for Lowell Boulevard between 75<sup>th</sup> Avenue and 78<sup>th</sup> Avenue; and, authorize a total of \$179,630 for these professional services including a \$20,000 contingency for design-related activities.

**Summary Statement**

- In accordance with revitalization concepts for the south Westminster area, enhancements to Lowell Boulevard have been completed north to 75<sup>th</sup> Avenue in conjunction with redevelopment activities in the same corridor. The next phase of those improvements extends from this point to approximately 78<sup>th</sup> Avenue and the US-36 overpass (see attached Vicinity Map). Improvements are expected to include undergrounding of overhead electric and communication facilities that parallel the street, upgrades of curb and paving, and decorative street lighting, new sidewalks and landscaping.
- A contract for planning and design engineering has been drafted with the firm of SEH, Inc (SEH), which participated in the planning for this corridor and designed the Lowell Boulevard project between 73<sup>rd</sup> Avenue and 75<sup>th</sup> Avenue. With its landscaping sub-consultant, Terrasan, Inc., SEH also prepared construction documents for the Meade Street reconstruction between 72<sup>nd</sup> and 73<sup>rd</sup> Avenues. SEH is well-qualified, familiar with the corridor and the improvement concepts that have been developed for it, and has proposed a scope of work and fee structure that is reasonable and fair.
- Staff is recommending that a contract for planning and design engineering be awarded to SEH in an amount not to exceed \$159,630 and that a total of \$179,630 be authorized to allow the next phase of the Lowell Boulevard Corridor Enhancements to move forward. Dependent on funding for construction and utility relocations, construction could be expected in late 2007.

**Expenditure Required:** \$179,630

**Source of Funds:** General Capital Improvement Fund - Lowell Boulevard Corridor Enhancement Project

**Policy Issue**

Should the City contract for planning and engineering services for another phase of the Lowell Boulevard Enhancement project?

**Alternative**

City Council could choose to postpone the continuation of the Lowell Boulevard Enhancement Project. However, funding for design has been programmed and this next phase of the Lowell Boulevard work is a logical extension of that vision. Staff recommends proceeding with the design effort to finalize budgets for construction and to continue the commitment to the revitalization goal.

**Background Information**

Efforts to revitalize the older areas of Westminster south of 80<sup>th</sup> Avenue have been underway for over 10 years. Starting with the reconstruction of 72<sup>nd</sup> Avenue and the rebirth of the Westminster Plaza, and continuing with a rebuilt 73<sup>rd</sup> Avenue and Lowell Boulevard, the goals of the City's South Westminster Revitalization Strategy to revitalize aging neighborhoods and commercial areas are being pursued. The Lowell Boulevard corridor enhancements continued that mission in 2006 with a reconstruction project between 73<sup>rd</sup> Avenue and 75<sup>th</sup> Avenue.

The next phase of the Lowell Boulevard Enhancement Projects is intended to cover the area between 75<sup>th</sup> Avenue and 78<sup>th</sup> Avenue (see attached Vicinity Map). The scope of work for the enhancement project includes an initial planning effort to find the best template for improvements there and align construction phases for this area with future funding for construction. Generally, it is desirable to improve the appearance of the street corridor by undergrounding the overhead utilities that line the two sides of the street and upgrading landscaping and street lighting while still retaining the established character provided by the mature trees. Xcel Energy and other utility providers are now doing initial planning and estimating for the undergrounding of overhead facilities there, but will need to know more about the City's project to finalize those relocation plans. An upgrade of pedestrian facilities is another desirable improvement along with replacement of the 20-year old traffic signal at 76<sup>th</sup> Avenue. Street improvements are expected to include reconstruction of portions of the curb and gutter and replacement or resurfacing of Lowell Boulevard and an evaluation of access and parking conditions in the area.

The engineering consulting firm of SEH, Inc. has been chosen for the planning and design of this next phase of the project. They provided similar services for the project that rebuilt Lowell Boulevard from 73<sup>rd</sup> Avenue to 75<sup>th</sup> Avenue in 2006 and are teamed with the landscape architecture firm of Terrasan, Inc., which is responsible for the landscape concepts that have been applied to Lowell Boulevard south of 75<sup>th</sup> Avenue as well as the 73<sup>rd</sup> Avenue corridor near Fire Station No. 1. SEH also designed the reconstruction of Meade Street in conjunction with the Harris Park Townhomes project. City Staff and SEH have developed a scope of work for the combined mission of planning and preparation of construction documents at an estimated fee not to exceed \$159,630, assuming that the construction project will cover the entire 75<sup>th</sup> to 78<sup>th</sup> Avenue reach. Phasing of the project due to future budget or construction limitations would necessitate a reevaluation of the scope. The proposed fees are reasonable and comparable to those received for similar projects, and for the reasons stated above, Staff believes the public's interest is served by accepting this proposal without competitive proposals from other engineering firms.

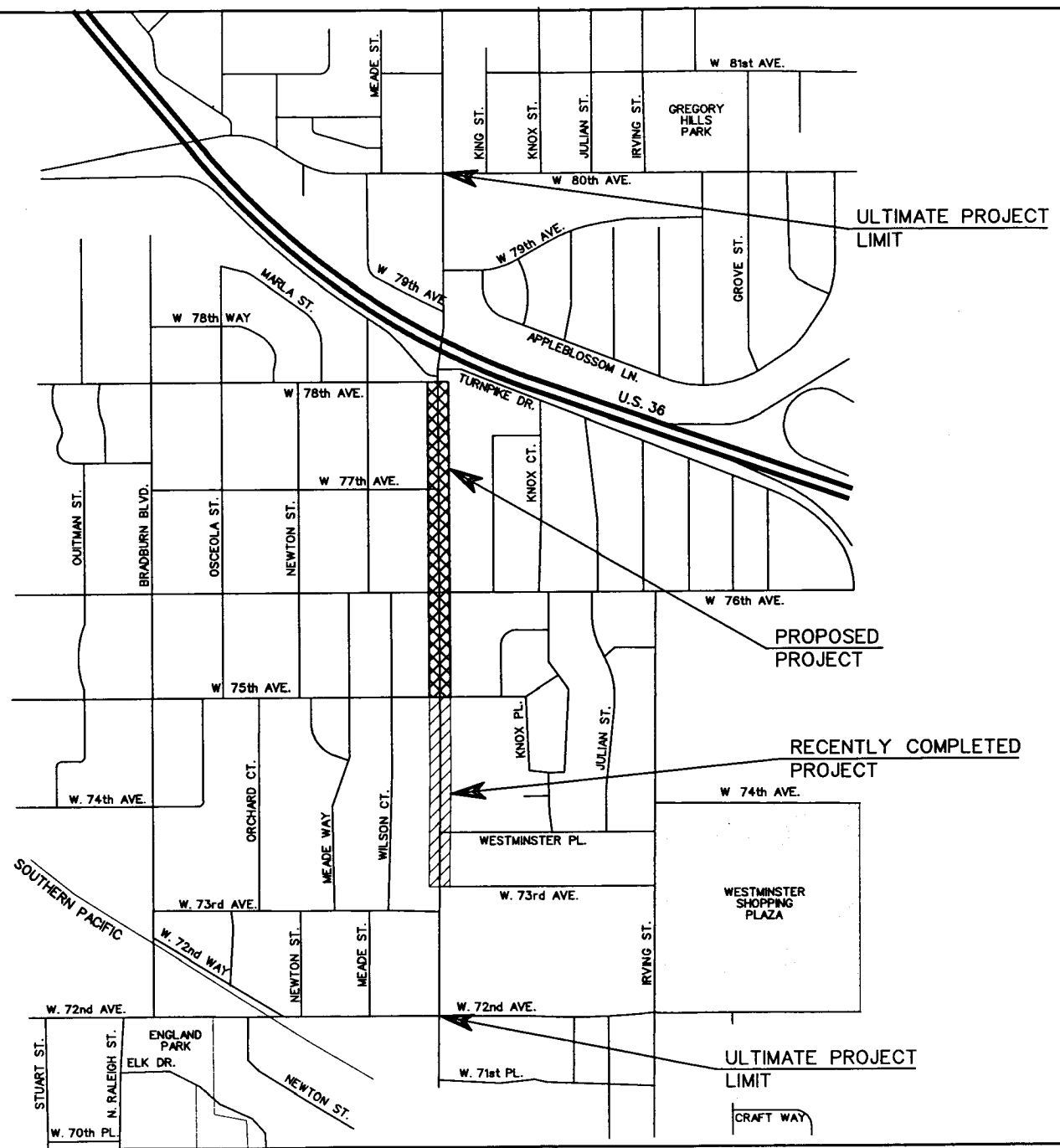
Funds to begin the design engineering and accomplish some portion of the utility undergrounding are budgeted in the General Capital Improvement Account for the Lowell Boulevard Corridor Enhancements. A total authorization of \$179,630 is being requested and includes a contingency amount of \$20,000 to cover minor adjustments in SEH' scope of work and other related planning costs. Authorization for funding utility undergrounding will be sought at a later date when those costs are determined.

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment – Vicinity Map

# LOWELL BOULEVARD

75TH TO 78TH AVENUE



CITY OF WESTMINSTER





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Intergovernmental Agreement Amendment with Adams County re Cost Sharing for the West 80<sup>th</sup> Avenue and Federal Boulevard Intersection Project

**Prepared By:** Steve Baumann, Assistant City Engineer  
Michael Normandin, Transportation Engineer

**Recommended City Council Action**

Authorize the City Manager to execute an Amendment to the Intergovernmental Agreement with Adams County for cost participation in the 80<sup>th</sup> Avenue/Federal Boulevard Intersection Project.

**Summary Statement**

- The City was awarded federal and state funds for improvements to the 80<sup>th</sup> Avenue and Federal Boulevard intersection as part of the 2003-2008 Transportation Improvement Program (TIP) administered by the Denver Regional Council of Governments (DRCOG) and the Colorado Department of Transportation (CDOT). An Intergovernmental Agreement (IGA) approved by City Council Resolution in November of 2004, identified commitments by the City and Adams County for the local government share of the project costs for years 2004 thru 2006.
- The proposed amendment of the IGA covers revised financial participation in the project. In 2007, the City and Adams County budgeted \$700,000 and \$160,000 respectively in additional local matching funds. A table is provided in this memorandum that summarizes the overall project funding and includes the revised amounts of the City's and Adams County's participation.
- The proposed amendment of the IGA has been reviewed and approved by the City Attorney's Office.

**Expenditure Required:** \$860,000

**Source of Funds:** General Capital Improvement Fund –  
80<sup>th</sup> Avenue and Federal Boulevard Intersection Project

**Policy Issue**

Should the City continue the effort to improve the intersection of 80<sup>th</sup> Avenue and Federal Boulevard by amending the Intergovernmental Agreement with Adams County to accept and spend funds budgeted by Adams County in 2007?

**Alternative**

Do not authorize this amendment of the IGA with Adams County. This is not recommended because Staff believes that the project will benefit Adams County businesses and residences and the County’s support for the project should be accepted.

**Background Information**

In February 2002, the City of Westminster submitted project applications to DRCOG for 2003-2008 Transportation Improvement Plan (TIP) funding. One of the project applications was for improvements to the 80<sup>th</sup> Avenue and Federal Boulevard intersection that is routinely congested during rush hours. Current peak-hour left turn movements, southbound right-turn volumes and the limited turn lane storage areas indicate the need for the proposed intersection improvements. The proposed improvements include the widening of Federal Boulevard to provide for northbound double left turn lanes, a southbound right-turn lane and continuous sidewalks. The existing three lanes in both directions will be maintained along Federal Boulevard.

The design, environmental assessment, right-of-way acquisition and construction management for the project are being provided by CDOT Staff. Those responsibilities and the level of State funding are outlined in the City’s contract with CDOT, approved by City Council in November 2004. City Council also approved an IGA in 2004 with Adams County for each jurisdiction’s cost participation in the project. As the project plans became more refined, increased costs of right-of-way and other project components were identified. In their 2007 budgets, Westminster and Adams County earmarked \$700,000 and \$160,000 respectively to address the project budget shortfall. The proposed amendment to the IGA is attached to this memorandum and shows the revised funding amounts from the City and the County. The updated cost participation by all sources and by the year budgeted is shown in the table below and includes a general listing of the activities associated with the pay-as-you go funding of this multi-year project.

Year	Federal	State	City of Westminster	Adams County	Total	Activities
2004	\$ 259,000	\$ 35,000	\$ 34,750	\$ 17,250	\$ 346,000	Design
2005	\$ 450,000	\$180,000	\$ 180,000	\$ 90,000	\$ 900,000	ROW Acquisition & Utility Relocation
2006	\$1,788,000	\$238,000	\$ 237,815	\$119,185	\$2,383,000	Construction
2007	--	--	\$ 700,000	\$160,000	\$ 860,000	ROW Acquisition /Construction
<b>Totals</b>	<b>\$2,497,000</b>	<b>\$453,000</b>	<b>\$1,152,565</b>	<b>\$386,435</b>	<b>\$4,489,000</b>	
<b>% of Total</b>	<b>55%</b>	<b>10%</b>	<b>26%</b>	<b>9%</b>	<b>100%</b>	

The project design and right-of-way acquisition are underway at this time, and utility relocations are scheduled to begin in early 2007. CDOT intends to start construction of the intersection improvements in early summer of 2007 and have them completed by December 2007.

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment – IGA Amendment



**AMENDMENT TO THE  
INTERGOVERNMENTAL AGREEMENT BETWEEN THE  
CITY OF WESTMINSTER AND THE COUNTY OF ADAMS  
FOR INTERSECTION IMPROVEMENTS OF 80<sup>TH</sup> AVENUE AT FEDERAL BOULEVARD  
DATED DECEMBER 15, 2004**

The City of Westminster (hereinafter referred to as "Westminster") and the County of Adams (hereinafter referred to as "County") agree to amend the Agreement described above as follows:

1. Section V., SHARING OF COSTS, paragraph B. is amended to read as follows:

B. Each Party shall provide funding for its portion of the Project in the following amounts:

Year	Federal	State	City of Westminster	Adams County	Total	Activities
2004	\$ 259,000	\$ 35,000	\$ 34,750	\$ 17,250	\$ 346,000	Design
2005	\$ 450,000	\$180,000	\$ 180,000	\$ 90,000	\$ 900,000	ROW & Utility Relocation
2006	\$1,788,000	\$238,000	\$ 237,815	\$119,185	\$2,383,000	Construction
2007	--	--	\$ 700,000	\$160,000	\$ 860,000	ROW/Construction
<b>Totals</b>	<b>\$2,497,000</b>	<b>\$453,000</b>	<b>\$1,152,565</b>	<b>\$386,435</b>	<b>\$4,489,000</b>	

2. All other terms and conditions of this Agreement shall remain in effect.

This Amendment is dated the \_\_\_\_\_ day of January, 2007.

**COUNTY OF ADAMS**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

(Corporate Seal,  
if applicable)

**CITY OF WESTMINSTER**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_

City Clerk

(Seal)

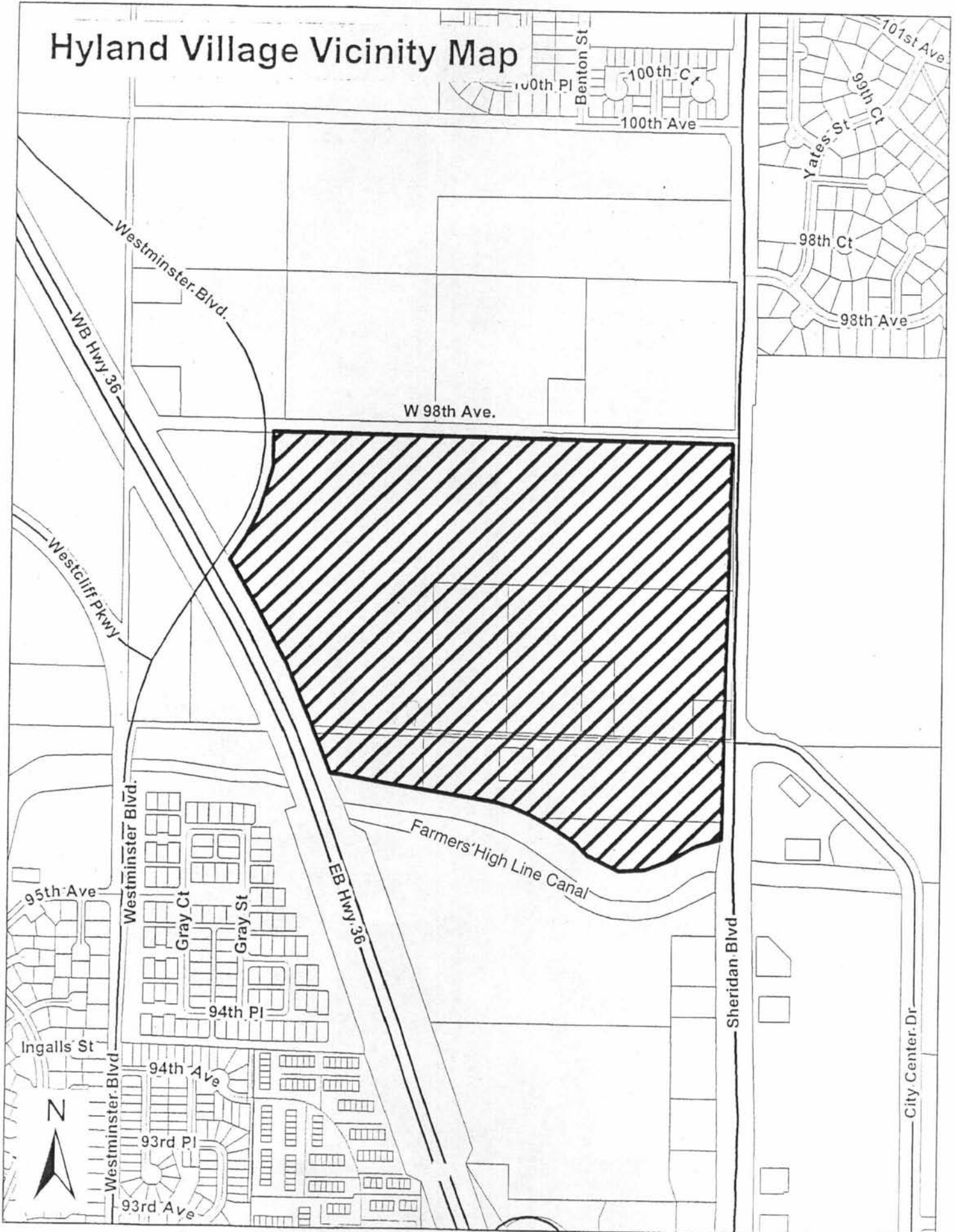
Approved as to legal form and content:

\_\_\_\_\_  
City Attorney

Rev'd 1/06

EXHIBIT B

# Hyland Village Vicinity Map





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Second Reading of Councillor’s Bill No. 1 re Hyland Village Property Rezoning

**Prepared By:** Terri Hamilton, Planner III

**Recommended City Council Action**

Pass Councillor’s Bill No. 1 on second reading rezoning the Hyland Village property from O1 (Open), to PUD (Planned Unit Development). This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.

**Summary Statement**

- This Councillor’s Bill was approved on first reading by City Council on January 8, 2007.
- Hyland Village is a property of approximately 72 acres, located at the southwest corner of 98<sup>th</sup> Avenue and Sheridan Boulevard. The applicant, McStain Neighborhoods, has proposed a traditional mixed use neighborhood development, consistent with the Westminster Comprehensive Land Use Plan.
- The proposed Hyland Village development as proposed consists of 111 single family homes, 165 town house units, 150 multi-family units, a 3.3 acre mixed use parcel, and approximately 11 acres of public land dedication/open space. A total of 426 dwelling units are proposed. The number may vary slightly with future amended Official Development Plans.
- The project exhibits development patterns and design components in accordance with Westminster’s “Design Guidelines for Traditional Mixed Use Neighborhood Developments” (TMUND Guidelines), with some minor variations that have been incorporated into the Preliminary and Official Development Plans.

**Expenditure Required:** \$0  
**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Zoning Ordinance
- Exhibit A – Legal Description
- Exhibit B (Zoning Map)

BY AUTHORITY

ORDINANCE NO. **3330**

COUNCILLOR'S BILL NO. **1**

SERIES OF 2007

INTRODUCED BY COUNCILLORS  
**Kauffman - Dittman**

**A BILL**

**FOR AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS OF LAND  
GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SHERIDAN BOULEVARD  
AND WEST 98TH AVENUE IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH  
P.M., JEFFERSON COUNTY, COLORADO FROM O-1 TO PUD.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That applications for the rezoning of the properties generally located at the southwest corner of Sheridan Boulevard and West 98<sup>th</sup> Avenue, as described in attached Exhibit A, incorporated herein by reference, from the O-1 zone to a P.U.D. zone have been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 12, 2006, and has recommended approval of the requested amendments.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the properties, described in attached Exhibit B, from the O-1 zoning district to the PUD District.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 8<sup>th</sup> day of January, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 22<sup>nd</sup> day of January, 2007.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

EXHIBIT A

HYLAND VILLAGE

A PARCEL OF LAND SITUATED IN THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN MORE FULLY DESCRIBED AS BLOCKS 49, 50, 51, 52, 61, 62, 63 AND 64 OF SEMPER GARDENS EXCEPT THOSE PORTIONS OF BLOCKS 52, 61 AND 62 LYING WITHIN THE DENVER BOULDER TURNPIKE (U.S. 36) AS DESCRIBED IN DEED RECORDED MARCH 1, 1951 IN BOOK 709 AT PAGE 416 AND EXCEPT THAT PORTION OF BLOCKS 49 AND 64 AS CONVEYED TO THE CITY OF WESTMINSTER IN THE DEED RECORDED JULY 29, 1983 AS RECEPTION NO. 83071247 AND RE-RECORDED AUGUST 18, 1983 AS RECEPTION NO. 83078586 AND AUGUST 19, 1983 AS RECEPTION NO. 83079011 AND EXCEPT THAT PORTION OF BLOCKS 51, 52 AND 61 AS CONVEYED TO THE CITY OF WESTMINSTER RECORDED NOVEMBER 20, 2002 AS RECEPTION NO. F1625084 FOR THE OVERPASS OF THE DENVER BOULDER TURNPIKE (U.S. 36) BY WESTMINSTER BLVD., COUNTY OF JEFFERSON, STATE OF COLORADO.

AND

A PARCEL OF LAND LYING IN THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN THE CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO.

AND

THAT VACATED RIGHT OF WAY FOR WEST 96<sup>TH</sup> AVENUE BETWEEN THE EAST RIGHT OF WAY FOR U.S. HIGHWAY 36 AND THE WEST RIGHT OF WAY FOR SHERIDAN BOULEVARD, SITUATED IN THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN THE CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE PERIMETER OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ OF SAID SECTION 24; THENCE NORTH 89°16'56" WEST, A DISTANCE OF 133.43 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH SHERIDAN BOULEVARD, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, SAID POINT BEING THE POINT OF BEGINNING;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY LINE OF NORTH SHERIDAN BOULEVARD:

1. THENCE SOUTH 00°00'52" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, A DISTANCE OF 53.76 FEET;
2. THENCE SOUTH 44°34'41" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, A DISTANCE OF 81.02 FEET;
3. THENCE SOUTH 00°15'28" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, AND ALONG THE EXTENSION OF SAID LINE, A DISTANCE OF 319.01 FEET;
4. THENCE SOUTH 01°00'46" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD, A DISTANCE OF 56.22 FEET TO A POINT ON THE NORTHERLY

RIGHT-OR-WAY LINE OF THE FARMERS HIGHLINE CANAL, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT BOOK 147, PAGE 529;

THENCE THE FOLLOWING TWELVE (12) COURSES AND DISTANCES ALONG THE FARMERS HIGHLINE CANAL, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT BOOK 147, PAGE 529:

1. THENCE SOUTH 83°58'35" WEST, DEPARTING FROM THE WESTERLY RIGHT-OR-WAY LINE OF SAID BOULEVARD, A DISTANCE OF 60.37 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
2. THENCE ALONG A CURVE TO THE LEFT, WHOSE DELTA IS 32°54'18", WITH RADIUS OF 160.70 FEET, (CHORD BEARS SOUTH 67°45'20" WEST, 91.03 FEET), A DISTANCE OF 92.29 FEET;
3. THENCE SOUTH 51°09'19" WEST, A DISTANCE OF 90.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
4. THENCE ALONG A CURVE TO THE RIGHT, WHOSE DELTA IS 40°03'28", WITH RADIUS OF 183.04 FEET, (CHORD BEARS SOUTH 71°16'56" WEST, 125.38 FEET), A DISTANCE OF 127.97 FEET TO A POINT OF TANGENCY;
5. THENCE NORTH 88°42'53" WEST, A DISTANCE OF 96.64 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
6. THENCE ALONG A CURVE TO THE RIGHT, WHOSE DELTA IS 33°04'24", WITH RADIUS OF 167.99 FEET, (CHORD BEARS NORTH 72°10'56" WEST, 95.63 FEET), A DISTANCE OF 96.97 FEET;
7. THENCE NORTH 55°38'04" WEST, A DISTANCE OF 279.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
8. THENCE ALONG A CURVE TO THE LEFT, WHOSE DELTA IS 11°02'12", WITH RADIUS OF 875.65 FEET, (CHORD BEARS NORTH 61°11'21" WEST, 168.41 FEET), A DISTANCE OF 168.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
9. THENCE ALONG A CURVE TO THE LEFT, WHOSE DELTA IS 17°11'07", WITH RADIUS OF 1052.48 FEET, (CHORD BEARS NORTH 75°16'47" WEST, 314.50 FEET), A DISTANCE OF 315.68 FEET;
10. THENCE NORTH 83°45'01" WEST, A DISTANCE OF 43.10 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24, FROM WHENCE THE EAST 1/16<sup>TH</sup> CORNER COMMON TO SECTIONS 24 AND 13 OF SAID TOWNSHIP, BEARS NORTH 00°00'21" EAST, A DISTANCE OF 285.75 FEET;
11. THENCE NORTH 83°49'03" WEST, A DISTANCE OF 201.33 FEET;
12. THENCE NORTH 81°44'41" WEST, A DISTANCE OF 197.67 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO 36;

THENCE ON A NON-TANGENTIAL CURVE TO THE LEFT, DEPARTING FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL, AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 36, WHOSE DELTA IS 02°52'29", WITH RADIUS OF 5830.00 FEET, (CHORD BEARS NORTH 21°16'27" WEST, 292.48 FEET), A DISTANCE OF 292.51 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 36 WITH THE SOUTH LINE OF BLOCK 62, SEMPER GARDENS;

THENCE ALONG THE SOUTH LINE OF SAID BLOCK 62, NORTH 89°12'33" WEST, A DISTANCE OF 11.03 FEET, TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 36 WITH THE SOUTH LINE OF SAID BLOCK 62 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WHOSE DELTA IS 6°14'19", WITH A RADIUS OF 5880.00 FEET, (CHORD BEARS NORTH 26°07'22" WEST, 639.92 FEET), A DISTANCE OF 640.23 FEET, TO THE EASTERLY LINE OF THAT PARCEL DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. F1625084.

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE EASTERLY LINE OF THAT PARCEL DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. F1625084:

1. THENCE NORTH 36°05'12" EAST, A DISTANCE OF 209.01 FEET;
2. THENCE NORTH 24°35'02" EAST, A DISTANCE OF 266.88 FEET;
3. THENCE NORTH 00°00'00" EAST, A DISTANCE OF 271.05 FEET TO THE NORTH LINE OF SAID BLOCK 51, SEMPER GARDENS;

THENCE SOUTH 89°20'43" EAST, ALONG THE NORTH LINE OF SAID BLOCK 51, SEMPER GARDENS, A DISTANCE OF 557.32 FEET; THENCE SOUTH 89°19'13" EAST, ALONG THE NORTH LINE OF SAID BLOCK 50, SEMPER GARDENS, A DISTANCE OF 645.36 FEET; THENCE SOUTH 89°19'30" EAST, ALONG THE NORTH LINE OF SAID BLOCK 49, A DISTANCE OF 570.68 FEET TO THE WESTERLY RIGHT OF WAY FOR SHERIDAN BOULEVARD AS DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. 83071247;

THENCE THE FOLLOWING TEN (10) COURSES ALONG THE WESTERLY RIGHT OF WAY FOR SHERIDAN BOULEVARD AS DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. 83071247:

1. THENCE SOUTH 43°05'00" EAST, A DISTANCE OF 55.31 FEET;
2. THENCE SOUTH 00°40'30" WEST, A DISTANCE OF 330.37 FEET;
3. THENCE SOUTH 00°03'10" WEST, A DISTANCE OF 179.90 FEET;
4. THENCE SOUTH 00°18'00" WEST, A DISTANCE OF 80.38 FEET;
5. THENCE SOUTH 01°07'58" WEST, A DISTANCE OF 81.70 FEET;
6. THENCE SOUTH 00°08'54" EAST, A DISTANCE OF 107.96 FEET;
7. THENCE SOUTH 00°33'34" WEST, A DISTANCE OF 179.99 FEET;
8. THENCE SOUTH 00°05'08" EAST, A DISTANCE OF 210.10 FEET;
9. THENCE SOUTH 44°08'54" WEST, A DISTANCE OF 55.86 FEET;
10. THENCE SOUTH 00°17'28" EAST, A DISTANCE OF 9.26 FEET TO THE SOUTH LINE OF SAID BLOCK 64, SEMPER GARDENS;

THENCE SOUTH 30°03'34" WEST, A DISTANCE OF 34.59 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A GROSS AREA OF 71.53 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.

LAINE A. LANDAU, COLORADO P.L.S. 31159  
1901 SHARP POINT DRIVE, SUITE A  
FORT COLLINS, COLORADO 80525  
970.221.2400



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Second Reading of Councillor’s Bill No. 2 re Rights-of-Way Vacation of West 96<sup>th</sup> Avenue from Sheridan Boulevard to US Highway 36

**Prepared By:** Mikele Wright, Senior Civil Engineer

**Recommended City Council Action**

Pass Councillor’s Bill No. 2 on second reading, vacating a portion of West 96<sup>th</sup> Avenue from Sheridan Boulevard to US Highway 36.

**Summary Statement**

- City Council action is requested to pass on second reading the attached Councillor’s Bill to vacate West 96<sup>th</sup> Avenue from Sheridan Boulevard to US Highway 36. State statute requires that the vacation of all right-of-way and easements be approved by City Council.
- The property owners, Pres E. and Norma Kay Minnick, are requesting the right-of-way vacation since they own all of the property that could be served by a street within this right-of-way.
- No utility easements will need to be obtained since there are no public or private utility lines with the existing right-of-way of West 96<sup>th</sup> Avenue.
- This vacation is associated with the Preliminary Development Plan (PDP) and the Official Development Plan (ODP) for the Hyland Village Subdivision Planned Unit Development (PUD).
- The PDP and ODP plans will be developed as a Traditional Mixed Use Neighborhood Development, allowing up to 111 single family detached dwelling units, 165 single family attached dwelling units,
- City Staff has determined that the subject right-of-way will no longer be needed by the City. New streets will be dedicated with the final plat for the Hyland Village Subdivision that will provide adequate public access to the development and west to Westminster Boulevard.
- This Councillor’s Bill was passed on first reading on January 8, 2007.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Councillor’s Bill No. 2



BY AUTHORITY

ORDINANCE NO. **3331**

COUNCILLOR'S BILL NO. **2**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**Major - Price**

**A BILL**

**FOR AN ORDINANCE VACATING PORTIONS OF RIGHT-OF-WAY FOR W. 96<sup>TH</sup> AVENUE  
ON PROPERTY OWNED BY PRES E. AND NORMA KAY MINNICK**

WHEREAS, certain rights-of-way were dedicated on the final plat for Semper Gardens Subdivision (Dated April 11, 1893, Book 2, Page 129 and Reception No. 36948), Jefferson County, Colorado; and

WHEREAS, this street right-of-way will not be necessary for the development of the Hyland Village Subdivision; and

WHEREAS, there are no existing utility lines within the right-of-way.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way in Sections 2 hereof.

Section 2. Legal Descriptions for vacation: See legal description in Exhibit A attached hereto and incorporated herein by reference.

Section 3. This ordinance shall take effect on the day following the date of recordation of the final subdivision plat for the Hyland Village PDP in the Jefferson County Clerk and Recorder's Office. The title and purpose of this ordinance shall be published prior to its consideration on second reading.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING AND TITLE AND PURPOSE ORDERED PUBLISHED this 8<sup>th</sup> day January day of, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of January, 2007.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

**WEST 96<sup>TH</sup> AVENUE VACATION DESCRIPTION**

A PORTION OF WEST 96<sup>TH</sup> AVENUE BEING WITHIN SEMPER GARDENS AND LYING IN THE SOUTHEAST ¼ OF SECTION 13 AND THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN THE CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ OF SAID SECTION 24 FROM WHENCE THE EAST QUARTER CORNER OF SAID SECTION 24 BEARS SOUTH 00°15'42" EAST, WITH ALL BEARINGS SHOWN HEREON RELATIVE THERETO;

THENCE NORTH 89°16'56" WEST, A DISTANCE OF 133.43 FEET TO A POINT ON THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF NORTH SHERIDAN BOULEVARD, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, AND THE SOUTHERLY RIGHT OF WAY LINE OF SAID WEST 96<sup>TH</sup> AVENUE, AS MONUMENTED BY A FOUND #5 REBAR WITH YELLOW PLASTIC CAP, L.S. 23875, SAID POINT BEING THE **POINT OF BEGINNING**;

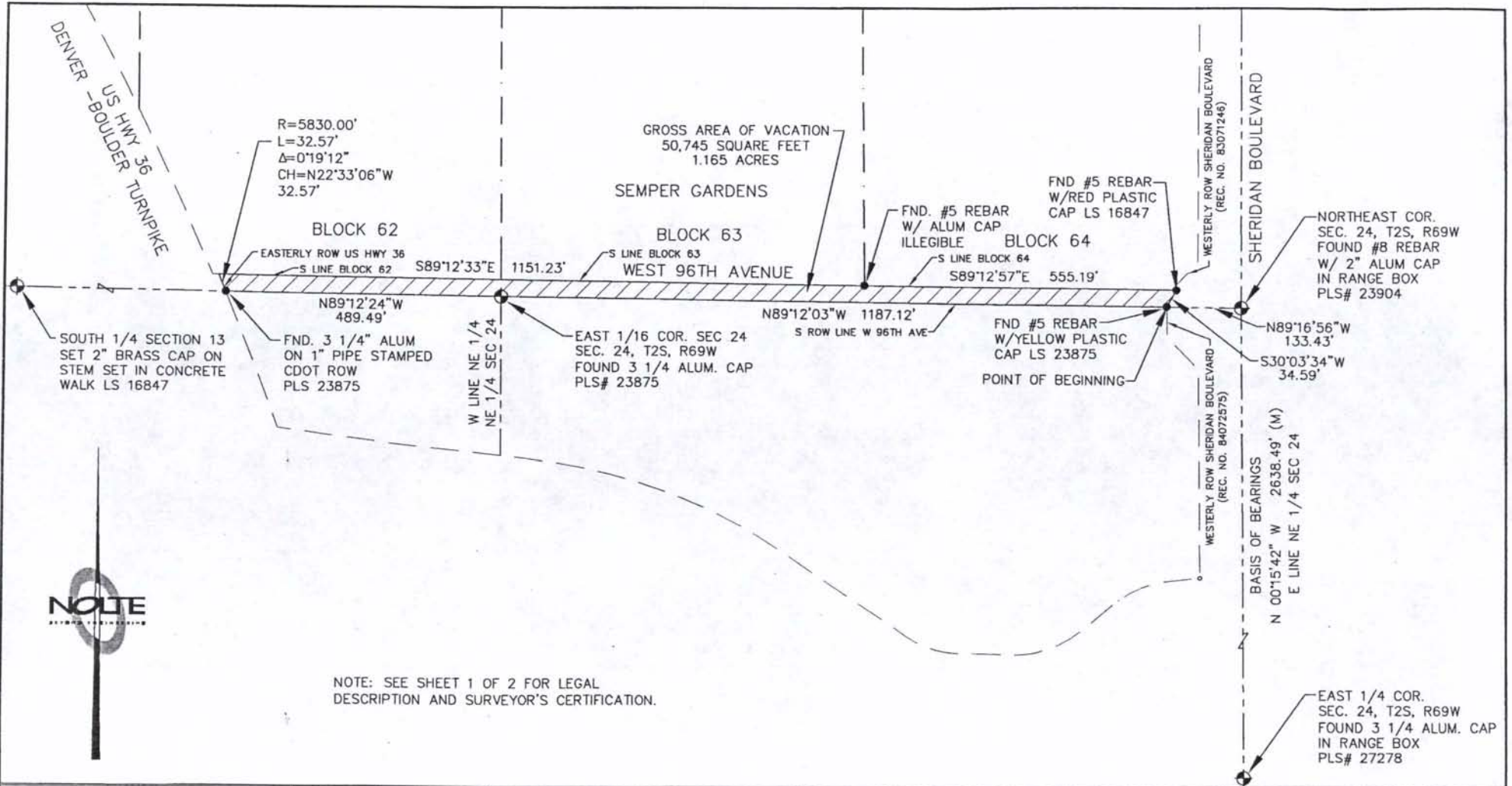
THENCE NORTH 89°12'03" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID WEST 96<sup>TH</sup> AVENUE, A DISTANCE OF 1187.12 FEET TO THE EAST 1/16<sup>TH</sup> CORNER ON THE NORTH LINE OF SAID SECTION 24, A FOUND 3 ¼" ALUMINUM CAP, L.S. 23875; THENCE NORTH 89°12'24" WEST, ALONG THE SOUTH RIGHT OF WAY LINE OF SAID WEST 96<sup>TH</sup> AVENUE, A DISTANCE OF 489.49 FEET TO THE BEGINNING OF A NON TANGENT CURVE TO THE LEFT, SAID POINT BEING MONUMENTED BY A FOUND 1" DIAMETER PIPE WITH A 3 ¼" ALUMINUM CAP, CDOT ROW, L.S. 23875; THENCE 32.57 FEET, ALONG THE EASTERLY RIGHT OF WAY OF COLORADO HIGHWAY 36, ALONG THE ARC OF A CURVE HAVING A RADIUS OF 5830.00 FEET, A CENTRAL ANGLE OF 0°19'12", AND BEING SUB-TENDED BY A CHORD WHICH BEARS NORTH 22°33'06" WEST, 32.57 FEET TO THE SOUTH LINE OF BLOCK 62, SEMPER GARDENS; THENCE SOUTH 89°12'31" EAST, ALONG THE SOUTH LINE OF BLOCKS 62 AND 63, SEMPER GARDENS, A DISTANCE OF 1151.23 FEET TO A FOUND #5 REBAR WITH AN ILLEGIBLE ALUMINUM CAP; THENCE SOUTH 89°12'55" EAST, ALONG THE SOUTH LINE OF BLOCK 64, SEMPER GARDENS A DISTANCE OF 555.19 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SHERIDAN BOULEVARD, AS DEFINED BY THAT DOCUMENT RECORDED AS RECEPTION NO. 83071246, SAID POINT BEING MONUMENTED BY A FOUND #5 REBAR WITH RED PLASTIC CAP, L.S. 16847; THENCE SOUTH 30°03'34" WEST, A DISTANCE OF 34.59 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS A GROSS AREA OF 50,745 SQUARE FEET (1.165 ACRES), MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

BASIS OF BEARINGS: ASSUMED NORTH 00°15'42" WEST, ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, AS SHOWN ON THE PHASE III SECTION AND QUARTER SECTION MAP PREPARED FOR THE CITY OF WESTMINSTER, SAID LINE BEING MONUMENTED BY A FOUND #8 REBAR WITH A 2" ALUMINUM CAP, L.S. 23904 IN A RANGE BOX AT THE NORTHEAST CORNER OF SAID SECTION 24 AND BY A FOUND 3 ¼" ALUMINUM CAP L.S. 27278 IN A MONUMENT BOX AT THE EAST QUARTER CORNER OF SAID SECTION 24.

FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.

LAINE A. LANDAU, COLORADO P.L.S. 31159  
1901 SHARP POINT DRIVE, SUITE A  
FORT COLLINS, COLORADO 80525  
970.221.2400

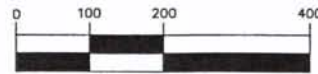


NOTE: SEE SHEET 1 OF 2 FOR LEGAL DESCRIPTION AND SURVEYOR'S CERTIFICATION.

XREFS: XREFS.DWG

NOTE: THIS EXHIBIT DOES NOT REPRESENT A MONUMENTED LAND SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

DATE: 12/19/05 TIME: 10:28 a.m.  
 NETWORK: FCSD  
 P:\MFCB0159\Deliv\CITYSCAPE\20050609\  
 DWG NAME: ET-VACATION.DWG  
 PLOT VIEW: PS  
 DESIGNER: LAL MGR: RAW



1 inch = 200 ft.

## EXHIBIT "A"

### WEST 96TH AVENUE VACATION WESTMINSTER, COLORADO

PREPARED FOR: McStain Neighborhoods

DATE SUBMITTED: 06/02/05

SHEET NUMBER  
**2**  
 OF 2 SHEETS  
 JOB NUMBER  
 FCB0159



## Agenda Item 9 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Resolution No. 2 re Reappointments to Boards and Commissions

**Prepared By:** Linda Yeager, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 2 reappointing members whose terms expired December 31, 2006 to two-year terms and appointing alternate members to regular membership, where applicable, on the Board of Adjustment, the Board of Building Code Appeals, the Environmental Advisory Board, the Historic Landmark Board, the Human Services Board, the Open Space Advisory Board, the Parks, Recreation and Libraries Advisory Board, the Personnel Board, the Planning Commission, the Special Permit and License Board, or the Transportation Commission.

**Summary Statement**

- City Council action is requested to reappoint citizens who are serving as members of the aforementioned established City Boards and Commissions and whose terms of appointment expired on December 31, 2006, and to appoint alternate members to regular membership on the aforementioned Boards and Commissions where vacancies exist.
- All affected Board members were contacted to determine interest and willingness to continue serving. In addition, City Council is taking into consideration attendance records and other issues in making determinations on reappointments. New terms are for periods of two years.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does City Council want to reappoint those individuals on Boards and Commissions whose terms of office expired on December 31, 2006, and fill vacancies through the appointment of alternate members to regular membership?

**Alternative**

None identified

**Background Information**

The terms of office of four members on the Board of Adjustment expired on December 31. Christopher Beall, Tim McClung, Henry Sand, and George Werkmeister are interested in being reappointed to the Board, and their reappointments will allow for the Board to function with a full complement of members.

The terms of office of three members of the Board of Building Code Appeals expired on December 31. Delbert Ragland would like to be reappointed. Greg Cullison has resigned in anticipation of an upcoming change in residency that will make him ineligible to continue serving, and Staff was unable to contact Steve Wickens. Mr. Wickens' job takes him out of the country for extended periods of time. Vacancies in two regular and two alternate memberships need to be filled at a later date.

The terms of office of four of the Environmental Advisory Board members expired December 31. Carol DiGiacomo, Kathy Reynolds, and Deirdre Rothery would like to be reappointed to the Board. Tom Acre has resigned, creating a vacancy to be filled by appointment of the alternate member with the attached resolution to regular membership. The vacancy in the alternate membership will be filled at a later date.

The terms of office of four members of the Historic Landmark Board expired December 31. Kaaren Hardy, April Luber, and Bill Teter would like to be reappointed. Sarah Rothwell has moved from the City and is not eligible for reappointment, creating a vacancy to be filled by appointment of the alternate with the attached resolution as the regular member. The alternate membership will be filled at a later date.

The terms of office of three of the Human Services Board members expired December 31. Aurita Apodaca and Samantha Dixon are interested in being reappointed. Jean Pruitt has resigned. Vacancies in one regular and one alternate membership will be filled at a later date.

The terms of office of three members of the Open Space Advisory Board expired December 31, and Robert Briggs, Jr., Charles Jacoby, and Randal Whorton have expressed interest in being reappointed. The alternate membership on this Board is vacant and will be filled at a later date.

The terms of office of five members on the Parks, Recreation and Libraries Advisory Board expired at yearend. Stephanie Bingham, Ronald Dickerson, and Catherine Payne would like to be reappointed. Recent resignations were received from Roman Kohler, Marilyn Flachman and Gary Scofield. The Parks and Recreation Advisory Board and the Library Advisory Board were combined in 2006 with membership to include seven regular and one alternate member. The referenced resignations have resulted in one regular and the alternate memberships being vacant through attrition. Vacancies will be filled at a later date.

The terms of office of three members of the Personnel Board expired on December 31. John Brann, Margaret Rivera, and Betty Whorton would like to be reappointed. There are no vacancies on this Board.

The terms of five members of the Planning Commission expired on December 31. Donald Anderson, Jerry English, and Rex Wiederspahn would like to be reappointed. Resignations were received from Martha Brundage and Michael Crocker. Alternates to the Commission will be appointed to regular membership with the attached resolution, creating vacancies in the two alternate memberships that will be filled at a later date.

The terms of office of four members of the Special Permit and License Board expired on December 31. Herb Atchison, Michael Borchlewicz, Corey Ciocchetti, and John Velasquez have all expressed interest in being reappointed. The alternate membership on this Board is vacant and will be filled at a later date.

The terms of office of four Transportation Commission members expired on December 31. Jerry Cunningham and Stephen Donelson would like to be reappointed. Matthew Penov submitted his resignation, as his work prevents him from attending meetings; and Doug Young has not attended scheduled meetings and does not respond to letters or telephone calls. As is customary, the attached resolution appoints the alternate to regular membership. Vacancies in one regular and one alternate memberships will be filled at a later date.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 2

INTRODUCED BY COUNCILLORS

SERIES OF 2007

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**CITY OF WESTMINSTER BOARD AND COMMISSION REAPPOINTMENTS  
AND NEW APPOINTMENTS**

WHEREAS, Each member of the City's 12 Boards and Commissions whose term expired on December 31, 2006 has been contacted and has confirmed the desire to be re-appointed to the Board where they are currently serving; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, Resignations have been received from Greg Cullison (regular member) and Steve Wickens (regular member) on the Board of Building Code Appeals; Tom Acre (regular member) on the Environmental Advisory Board; Sarah Rothwell (regular member) on the Historic Landmark Board; Jean Pruitt (regular member) on the Human Services Board; Roman Kohler (regular member), Marilyn Flachman (regular member), and Gary Scofield (regular member) on the Parks, Recreation and Libraries Advisory Board; Martha Brundage (regular member) and Michael Crocker (regular member) on the Planning Commission; and Matthew Penov (regular member) and Doug Young (regular member) on the Transportation Commission.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby reappoint the following individuals to the City of Westminster Board or Commission listed below with the terms of office to expire December 31, 2008.

<b>BOARD/COMMISSION</b>	<b>NAMES OF RE-APPOINTEES</b>
Board of Adjustment	Christopher Beall, Tim McClung, Henry Sand, and George Werkmeister
Board of Building Code Appeals	Delbert Ragland
Environmental Advisory Board	Carol DiGiacomo, Kathy Reynolds, and Deirdre Rothery
Historic Landmark Board	Kaaren Hardy, April Luber, and Bill Teter
Human Services Board	Aurita Apodaca and Samantha Dixon
Open Space Advisory Board	Robert Briggs, Jr., Charles Jacoby, and Randal Whorton
Parks, Recreation and Library Advisory Board	Stephanie Bingham, Ronald Dickerson, and Catherine Payne
Personnel Board	John Brann (Alternate), Margaret Rivera, and Betty Whorton
Planning Commission	Donald Anderson, Jerry English, and Rex Wiederspahn
Special Permit and License Board	Herb Atchison, Michael Borchlewicz, Corey Ciocchetti, and John Velasquez
Transportation Commission	Jerry Cunningham and Stephen W. Donelson

The following appointments of alternate members are being made to fill vacancies in regular memberships with terms to expire December 31, 2008:

<b>BOARD/COMMISSION</b>	<b>NAMES OF APPOINTEES</b>
Environmental Advisory Board	M. Shawn Wallace
Historic Landmark Board	Patti Kinnear
Planning Commission	Joseph Burt and Joe McConnell
Transportation Commission	JoAnn Vondracek

PASSED AND ADOPTED this 22<sup>nd</sup> day of January, 2007.

ATTEST:

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Mayor

---

City Clerk





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Resolution No. 3 re 2006 Private Activity Bond Allocation Assignment

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

Adopt Resolution No. 3 assigning \$4,207,080 of the City of Westminster's 2006 Private Activity Bond allocation to the City and County of Denver for the Metro Mayors Caucus Single Family Mortgage Loan Program, and authorize the Mayor and City Clerk to execute the necessary documents in a form acceptable to the City Attorney's Office and the bond issuer.

**Summary Statement**

- The City's 2006 Private Activity Bond (PAB) total allocation is \$4,207,080 .
- On August 28, 2006, City Council passed Resolution No. 43 exercising the "carry forward" PAB provision in the total amount of \$ \$4,207,080 , thereby moving the assignment deadline to February 15, 2007, pursuant to federal Internal Revenue Service regulations governing Private Activity Bonds.
- On July 24, 2006, the City Council passed Resolution No. 37 in support of the Metro Mayors Caucus 2006 Single Family Mortgage Loan Program in which \$25,000,000 in bonds were issued by the City and County of Denver to provide this program for all participating cities.
- In the four months after this bond issue, six Westminster homebuyers obtained a total of \$1,065,682 in bond proceeds to finance new homes.
- Neither the City nor WEDA have any projects identified to use the PAB allocation and WEDA already has \$2,660,440 of PAB capacity from 2004.
- No PAB has been assigned to the Metro Mayors Caucus Single Family Mortgage Loan Program since \$1,000,000 was assigned in 2000.
- Staff recommends that City Council allocate \$4,207,080 of the City's 2006 PAB to support the Single-Family Mortgage Program.
- Staff recommends that the allocation be assigned so that below-market mortgages can be made available to Westminster homebuyers through the Metro Mayors Caucus single family mortgage loan program.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

Should the City assign its 2006 private activity bond allocation to a Metro-wide single-family mortgage program, knowing that the assignment does not guarantee that proceeds from the assignment will serve Westminster residents?

## **Alternative**

City Council may choose to take no action, and allow the City's allocation to revert to the federal PAB pool. This option is not recommended because it decreases the amount of tax-exempt financing that is available in the Denver metro area for qualified uses. City Council may also choose to assign the allocation to WEDA. This option is not recommended, since no projects have been identified that would benefit from the assignment. Past assignments to WEDA have expired due to the passage of more than three years since the assignment. Another alternative is for the City Council to assign the allocation to the statewide pool of bond capacity, so that Westminster projects could apply in the future and compete with projects around the state to obtain bond capacity. This alternative is not recommended because, based on the performance of the Metro Mayors Caucus program in 2006, it appears that the bonding capacity can be used in 2007 to benefit Westminster homebuyers by providing below-market interest rates on loans.

## **Background Information**

Private Activity Bonds (PAB) are tax-exempt bonds that can be issued for qualified public purposes. Qualified uses of PAB include:

- Industrial bonds for construction of small manufacturing facilities;
- Single-family mortgage revenue bonds for first-time homebuyers;
- Mortgage revenue bonds to finance housing for veterans;
- Redevelopment bonds to acquire property in blighted areas and prepare land for redevelopment activities;
- Student loans for eligible students;
- Residential rental project bonds to finance new construction or acquisition/rehabilitation of housing for persons with low to moderate incomes;
- Exempt facility bonds such as hazardous waste facilities, water, sewer and solid waste facilities.

The State of Colorado is the authorized agent to administer the PAB allocations from the federal government. The Colorado PAB allocation program was established by state statute to provide for the allocation of the state PAB under the federal tax laws.

Fifty percent (50%) of the state allocation is made available directly to state authorities. Eligible state authorities include the Colorado Housing and Finance Authority, Colorado Agricultural Development Authority, Colorado Post-Secondary Education Facility Authority, Colorado Health Facilities Authority and the Colorado Student Obligation Bond Authority. The remaining 50% of the PAB allocation is made available to local governments based on population. Those local governments whose populations warrant an allocation of \$1 million or more receive a direct allocation from the State of Colorado.

The City of Westminster receives a direct annual allocation in PAB as determined by the Colorado State Division of Local Affairs. In 2006, the City received an allocation of \$ \$4,207,080. The allocation is available to local governments from January 1 to September 15 of each year. Any portion of a direct allocation not assigned for a qualified project by a local government by September 15 of each funding year reverts to the statewide balance, unless the local government exercises its right to "carry forward" the decision on an assignment(s) to February 15<sup>th</sup> of the following year.

The City has utilized its PAB allocation in the past to fund the following projects:

<b>TOTAL PRIVATE ACTIVITY BOND ASSIGNMENTS 1998 – 2005</b>		
<b>YEAR</b>	<b>BONDS ASSIGNED TO</b>	<b>AMOUNT ASSIGNED</b>
1998	WEDA	\$2,320,000*
1999	Metro Mayors Caucus Mortgage Program	\$250,000
1999	WEDA	\$2,148,300*
2000	Metro Mayors Caucus Mortgage Program	\$1,000,000
2000	Mendel-Allison Panorama Point	\$1,432,675**
2001	WEDA	\$3,069,281*
2002	WEDA	\$3,785,250*
2003	Metro Mayors Caucus TOD Housing	\$500,000
2003	WEDA	\$3,385,938*
2004	Toscana Apartments	\$500,000
2004	Metro Mayors Caucus TOD Housing	\$1,000,000
2004	WEDA	\$2,660,440
2005	Metro Mayors Caucus TOD Housing	\$4,180,880
<b>TOTAL PAB ASSIGNMENTS GIVEN TO CITY</b>		<b>\$30,412,844</b>
*Allocation expired		
**Not used at Panorama Point, reverted to CHFA pool.		

PAB allocations are lost if not used in three years. Allocations made to WEDA from 1999 to 2003 have expired due to non-usage, leaving WEDA with allocations from 2004 in the total amount of \$2,660,440 remaining to be used. The Metro Mayors Caucus TOD Housing program holds \$5,680,880 assigned by Westminster, but no projects are being built yet in Westminster or in the larger metro area. Therefore, the Metro Mayors Caucus is not soliciting additional assignments at this time. No housing or urban renewal projects are currently available for WEDA to assist with private activity bonds. The City has received another \$4,502,620 allocation for 2006 that will need to be assigned by February 15, 2008.

A program that needs the PAB capacity and is benefiting Westminster homebuyers is the Metro Mayors Caucus Single Family Mortgage Loan Program. This program was not able to compete with low market loan rates since 2002, but now that interest rates are increasing, this program is able to provide some real benefit to lower-income homebuyers. The City Council passed a resolution in July 2006 supporting the program’s \$25,000,000 bond issue, which allowed six Westminster homebuyers to participate in the program, even though Westminster had not contributed PAB capacity since 2000. Most of the bond proceeds were expended in four months and the Metro Mayors Caucus is now requesting more PAB capacity in order to continue the program in 2007.

This program is available to first-time homebuyers (or those who have not owned a home for at least three years) and provided 30-year loans at 6.2% in 2006. A 4% down-payment assistance grant was also provided. Homes may be priced up to \$365,175 and household incomes must not exceed \$82,455 for three or more and \$71,700 for households of one or two. The bond proceeds are made available to homebuyers through participating lending institutions. In the four months since the bond issue, six Westminster homebuyers used a total of \$1,065,682 in bond capacity to finance homes.

The City and County of Denver serves as the issuer for this bond program. After receiving assignments of PAB from cities who wish to participate, Denver will organize another bond issue, currently expected to be in March 2007, and will ask the City Council to pass a resolution supporting the bond issue. After the issue is completed, Westminster first-time homebuyers will be able to access the proceeds through private participating lenders. If the proceeds are expended quickly, one or two more bond issues will be conducted in 2007 in order to continue to make this financing available to homebuyers.

There is no guarantee that Westminster homebuyers will apply for this financing. The City will continue to promote the program via its website and other written and electronic forms of communication so that Westminster homebuyers are more likely to know about the program and apply to receive this financing.

Alternatives for Assignment

Over the years, it has been hoped that the PAB allocations could be used for urban renewal projects. However, the restrictions on this type of use are difficult to overcome (for example, the blighted area must be 100 acres or more, or smaller projects must be owned by one person) and many types of redevelopment costs can be bond-financed by the City or a special district, so that it is not necessary for private activity bonds to be issued. PAB is also useful for small industrial projects and multi-family housing projects, but none have been proposed at this time in Westminster. Transit-adjacent multi-family projects have access to the Metro Mayors Caucus TOD Housing Program, to which the City has assigned \$5,680,880 in bond capacity.

Since the Metro Mayors Caucus is the only entity requesting an assignment of Westminster PAB allocation and because of their recent success in using bond capacity to benefit homebuyers, it is recommended that the 2006 allocation be assigned to this worthy purpose.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

Resolution  
Assignment of Allocation

RESOLUTION

RESOLUTION NO. 3

INTRODUCED BY COUNCILLORS

SERIES OF 2007

**A RESOLUTION ASSIGNING AND TRANSFERRING TO THE CITY AND COUNTY OF DENVER, COLORADO, THE CITY OF WESTMINSTER'S (THE "CITY") 2006 ALLOCATION FROM THE STATE CEILING FOR PRIVATE ACTIVITY BONDS; AUTHORIZING THE DELEGATION TO THE CITY AND COUNTY OF DENVER, COLORADO, OF THE AUTHORITY OF WESTMINSTER 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; AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN ASSIGNMENT AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.**

WHEREAS, the City of Westminster, Colorado (the "City"), and the City and County of Denver, Colorado (the "Issuer"), are each authorized by the County and Municipality Development Revenue Bond Act, constituting article 3 of title 29, Colorado Revised Statutes, as amended (the "Act"), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, the City has been awarded on January 1, 2006, \$4,207,080 (the "2006 Allocation") of the bond ceiling for the State of Colorado (the "State") and its issuing authorities pursuant to the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds to finance projects under the Act among the issuing authorities of the State of Colorado; and

WHEREAS, the Allocation Act provides for the assignment of bond allocations between issuing authorities of the State; and

WHEREAS, the City desires to assign and transfer to the Issuer an amount equal to \$4,207,080 of the 2006 Allocation, which the Issuer will commit and reserve for the issuance of such private activity bonds and to finance residential housing facilities for low- and middle-income persons and families within the City and other cities and counties in the State of Colorado; and

WHEREAS, it is necessary to evidence such assignment and transfer and the acceptance thereof by the execution and delivery by the City of an Assignment (the "Assignment") by and between the City and the Issuer in substantially the attached form; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER:

**Section 1.** In order to facilitate the origination of single family mortgage loans within the boundaries of the City as part of the Single Family Mortgage Loan Program, the City hereby (i) assigns and transfers to the Issuer an amount equal to \$4,207,080 of the 2006 Allocation, and (ii) approves, and authorizes and directs the Mayor of the City to sign and deliver and the City Clerk to attest and deliver, the Assignment in substantially the attached form, with such necessary or desirable changes thereto as are reasonable and necessary to facilitate the transactions contemplated thereby, all as are approved by the officers of the City executing the Assignment. The execution of the Assignment shall be conclusive evidence of the approval by the City of such document in accordance with the terms hereof. A copy of the proposed Assignment is available in the City Clerk's Office for inspection by the public.

**Section 2.** The Mayor of the City is hereby authorized and directed to execute and deliver and the City Clerk is hereby authorized and directed to attest and deliver such other agreements and

certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Assignment, and this Resolution. All action not inconsistent with the provisions of this Resolution heretofore taken by the Council and the officers of the City directed toward the assignment of the 2006 Allocation and the authorization of the Assignment hereby are ratified, approved and confirmed.

**Section 3.** Nothing contained in this Resolution, the Assignment, or the Delegation and Participation Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the City within the meaning of the Constitution or statutes of the State of Colorado or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

**Section 4.** If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

**Section 5.** This Resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 22nd day of January, 2007.

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Mayor

ATTEST:

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City Clerk

## **ASSIGNMENT AGREEMENT**

This Assignment Agreement (the "Assignment") dated the 22nd day of January, 2007, is by and between the CITY OF WESTMINSTER, COLORADO, a home rule city and municipal corporation of the State of Colorado (the "Assignor") and the CITY AND COUNTY OF DENVER, COLORADO, a home rule city, a municipal corporation and a political subdivision of the State of Colorado (the "Assignee").

### **RECITALS:**

WHEREAS, the Assignor has been awarded \$4,207,080 (the "2006 Allocation") of the bond ceiling for the State of Colorado and its issuing authorities (the "State Ceiling") computed under Section 146(d) of the Internal Revenue Code of 1986, as amended (the "Code"), under the Colorado Private Activity Bond Ceiling Allocation Act, constituting Part 17 of Article 32 of Title 24, Colorado Revised Statutes, as amended (the "Allocation Act"), for use in the issuance of private activity bonds; and

WHEREAS, subject to the terms and conditions set forth herein, the Assignor desires to assign and transfer to the Assignee, and the Assignee desires to accept, the Assignor's 2006 Allocation in an amount equal to \$4,207,080, which the Assignee agrees to commit and reserve for the issuance of such private activity bonds; and

WHEREAS, the private activity bonds will be issued by the Assignee pursuant to the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes, as amended (the "Act"), and such bonds will be used for a purpose which qualifies as a "project" as described in the Act, specifically for a qualified mortgage bond for first-time homebuyers.

### **ASSIGNMENT**

In exchange for the agreements set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. In accordance with action taken by the governing body of the Assignor on January 22, 2007, the Assignor hereby assigns and transfers to the Assignee the Assignor's 2006 Allocation from the State Ceiling for private activity bonds in an amount equal to \$4,207,080 (the "Assigned Amount"). In addition, the Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat the Assigned Amount as an allocation for a project with a carryforward purpose and/or to make a mortgage credit certification election, thus avoiding reversion of the Assigned Amount to the statewide balance under the Allocation Act.

2. The Assignor represents that it has received no monetary consideration for the assignment set forth above.

3. The Assignee agrees to use its best efforts to issue and sell Revenue Bonds, in one or more series, to finance a Single Family Mortgage Loan Program similar to the program supported in 2006 by Assignor through the Metro Mayors Caucus.

4. The Assignee hereby:

(a) Accepts the assignment of a portion of the Assignor's 2006 Allocation from the State Ceiling described above; and

(b) Agrees to abide by each of the terms and conditions of this Assignment in connection with the use of a portion of the Assignor's 2006 Allocation.

IN WITNESS WHEREOF, the Assignor and the Assignee have caused this instrument to be executed to be effective as of the date and year first written above.

[SEAL]

CITY OF WESTMINSTER, COLORADO

By \_\_\_\_\_  
Mayor

Attest:

By \_\_\_\_\_  
City Clerk

[SEAL]

CITY AND COUNTY OF DENVER, COLORADO, as  
Issuer

By \_\_\_\_\_  
Mayor

Attest:

By \_\_\_\_\_  
Clerk and Recorder

Approved as to form:

By \_\_\_\_\_  
City Attorney

Countersigned:

By \_\_\_\_\_  
Auditor





## Agenda Item 10 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Resolution No. 4 re Intergovernmental Agreements with the State of Colorado  
re Historic Preservation Grant

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

Adopt Resolution No. 4 authorizing the City Manager to execute an intergovernmental agreement with the State of Colorado concerning the use of State Historical Fund grant funds awarded to the City of Westminster for the Wesley Chapel Cemetery Preservation Plan.

**Summary Statement**

The City has applied for and has been awarded a grant from the State Historical Fund for the Wesley Chapel Cemetery preservation plan. The grant application proposed a City contribution of \$5,000 and the SHF awarded \$14,700 for a project cost of \$19,700. The State of Colorado requires intergovernmental agreements (IGAs) to be executed before funds are disbursed to regulate the use and accounting of the funds.

**Expenditure Required:** \$5,000

**Source of Funds:** Parks Renovation - CIP Account

**Policy Issue**

Should the City Council authorize an IGA with the State of Colorado concerning the use of State Historical Fund grant money awarded for a City of Westminster historic preservation project?

**Alternative**

Do not enter into an IGA with the State of Colorado and decline the grant money awarded by the State Historical Fund for the City historic preservation project. This alternative is not recommended because the funding supports preservation planning that could not otherwise be completed without the grant money.

**Background Information**

Since 2002 and including the grant described in this memo, the City has received a total of \$200,379 in grants from the State Historical Fund and the Colorado Historical Society Certified Local Government program. These grants have funded archeological and structure assessments, the exterior restoration of the Westminster Grange Hall, and reconnaissance and intensive historical resource surveys throughout the City.

The State Historical Fund has now awarded the City \$14,700, to be combined with \$5,000 in City matching funds, to pay for the preparation of a preservation plan for the Wesley Chapel Cemetery. A consulting team of a historian, landscape architect and stone monument conservationist will work with City staff, the Wesley Chapel Cemetery Association, and Westminster Historic Landmark Board to develop a plan for management and preservation of the pioneer cemetery at West 120<sup>th</sup> Avenue and Huron Street.

The City will be reimbursed for expenses after they are incurred. As a result, these funds will be requested for appropriation in future supplemental appropriations.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 4

INTRODUCED BY COUNCILLORS

SERIES OF 2007

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**A RESOLUTION AUTHORIZING AN IGA WITH THE STATE OF  
COLORADO CONCERNING THE USE OF  
GRANTS FOR HISTORIC PRESERVATION PURPOSES**

WHEREAS, the City of Westminster has been awarded the following grant from the Colorado Historical Society in support of historic preservation projects within the City:

Wesley Chapel Cemetery Preservation Plan	SHF Project #2007-M1-006	\$14,700
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WHEREAS, the State of Colorado requires Intergovernmental Agreements (IGAs) to be executed before funds are disbursed, which agreements regulate the use of funds and accounting for the grant award.

NOW, THEREFORE, the City Council of the City of Westminster resolves that the City Manager is authorized to execute and carry out the provisions of the IGA with the State of Colorado concerning the use of grants for historic preservation purposes awarded to the City.

PASSED AND ADOPTED this 22nd day of January, 2007.

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Mayor

ATTEST:

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City Clerk



## Agenda Item 10 C&D

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
January 22, 2007



**SUBJECT:** Resolution No. 5 re Year-End Contingency Transfers and  
Councillor's Bill No. 3 re FY2006 Budget Amendment

**Prepared By:** Barbara Opie, Budget & Special Projects Manager

### Recommended City Council Action

1. Adopt Resolution No. 5 authorizing the transfer of \$98,600 from the 2006 General Fund contingency account into various operating budgets.
2. Pass Councillor's Bill No. 3 on first reading amending the FY2006 budgets of the General and Fleet Maintenance Funds.

### Summary Statement

- No contingency transfers are being requested into any other of the City's funds.
- These actions are part of the routine year-end housekeeping functions to address certain unanticipated expenses in various budget accounts that could not be absorbed within the operating budget. Each year, contingency funds are budgeted for unanticipated expenses that cannot be absorbed within the adopted operating budget such as the ones included in this agenda memorandum.
- Funds for these transfers are available in the General Funds contingency account.
- The balance in the General Fund contingency account, prior to these transfers, is \$898,448, leaving a balance of \$799,848 to be carried over to 2007.

**Expenditure Required:** \$98,600

**Source of Funds:** General Fund Contingency Account

**Policy Issues**

- Should the City Council appropriate General Fund contingency money to offset the identified unanticipated operating costs explained within this agenda memorandum?
- Should the City Council authorize the transfer of General Fund's contingency money to offset the identified unanticipated operating costs in the Fleet Maintenance Fund explained within this agenda memorandum?

**Alternative**

City Council could choose not to move any contingency funds to offset these additional expenses. Staff does not recommend this option as not appropriating these funds may cause some departments to end the year over budget.

**Background Information**

During the budget development each year, the City Council appropriates money in several of the City's operating funds designated as contingency funding. In 2006, contingency funding was budgeted in the General and Utility Funds. Contingency is funding set aside in the budget to act as an operating reserve for unanticipated expenditures. Over the course of a year, special projects, studies, weather impacts (dry summers, heavy snows, etc.) and other activities that cannot be anticipated occur, negatively impacting a department's budget. Under these special circumstances, staff recommends the use of contingency funds to cover these expenses.

At year-end, departments review their respective budgets to identify where they can absorb any unanticipated expenses. However, if, after reviewing all accounts within a department, the department finds that it cannot absorb these additional costs, the department forwards a request to the City Manager's Office to review and make recommendations to the City Council for the transfer of contingency funds to cover these expenses. No year-end contingency fund transfer requests were made in 2005. The only contingency utilized in 2005 was \$120,000 towards the Holly Park redevelopment project to satisfy obligations relating to the acquisition of the uncompleted portions of the Holly Park project; WEDA will repay the City with proceeds from the sale of WEDA owned land within the project area or project revenues from tax increment.

The transfers requested from the 2006 General Fund's contingency account are outlined below:

**General Fund:**

\$50,000 Needed in the Street Division's contractual services account due to the two major snow storms that impacted operations the last two weeks of December 2006. These funds cover the unanticipated costs associated with snow removal, primarily the use of contractors to assist with hauling snow off of arterial roadways as well as snow removal in neighborhoods. The division was able to absorb the additional overtime costs for staff removing snow and some of the contractual costs within their existing budget.

\$50,000 GENERAL FUND TOTAL

**Transfer from the General Fund into the Fleet Maintenance Fund:**

\$48,600 Needed in the Fleet Division of the General Services Department. These funds are being requested to cover unanticipated costs incurred as a result of the two major snow storms that impacted operations the last two weeks of December 2006. These funds cover unanticipated overtime, maintenance and repair of rolling stock, tires and fuel costs during these two snow events. Staff is requesting that \$48,600 be appropriated from the General Fund contingency into the Fleet Maintenance Fund to cover these overages, since the Fleet Maintenance Fund does not have separate contingency funds. This action will require an ordinance for City Council action since it is officially moving money across funds (i.e., from the General Fund into the Fleet Maintenance Fund). This action will appear within the Central Charges budget since all transfer accounts are located within the Central Charges budgets in each fund.

\$48,600 FLEET MAINTENANCE FUND TOTAL

These transfers will amend General Fund expense accounts as follows:

<b>DESCRIPTION</b>	<b>ACCOUNT NUMBER</b>	<b>CURRENT BUDGET</b>	<b>INCREASE (DECREASE)</b>	<b>FINAL BUDGET</b>
<b>Expenses</b>				
Contingency	10010900.79900.0000	\$898,448	(\$98,600)	\$799,848
Contract Services	10035450.67800.0000	317,681	50,000	367,681
Transfer to Fleet	10010900.79800.0300	0	48,600	48,600
Total change to expenses			<u>\$0</u>	

Currently, the General Fund contingency account has \$898,448 available to fund these unanticipated expenses, leaving a balance of \$799,848 to be carried over to 2007 as unappropriated revenue.

The \$48,600 appropriation will amend Fleet Fund revenue and expense accounts as follows:

<b>DESCRIPTION</b>	<b>ACCOUNT NUMBER</b>	<b>CURRENT BUDGET</b>	<b>INCREASE (DECREASE)</b>	<b>FINAL BUDGET</b>
<b>Revenue</b>				
Transfer from General Fd	3000.45000.0100	\$0	<u>\$48,600</u>	\$48,600
Total change to revenues			<u>\$48,600</u>	

<b>DESCRIPTION</b>	<b>ACCOUNT NUMBER</b>	<b>CURRENT BUDGET</b>	<b>INCREASE (DECREASE)</b>	<b>FINAL BUDGET</b>
<b>Expenses</b>				
Salaries Overtime	30012460.60400.0000	\$25,000	\$9,000	\$34,000
Maint Repair – Rolling Stock	30012460.68800.0000	\$72,500	\$3,000	\$75,500
Tires	30012460.73800.0000	\$81,000	\$8,000	\$89,000
Fuel & Lubricants	30012460.74000.0000	\$712,756	<u>\$28,600</u>	\$741,356
Total change to expenses			<u>\$48,600</u>	

The two requested actions are necessary in this case due to the nature of the transfers proposed. A Resolution is necessary to transfer moneys across departments within the same fund; an Ordinance is required to transfer moneys across funds. Since both transfer types are being requested, this agenda memorandum includes both a Resolution and Ordinance for City Council's consideration.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **5**

INTRODUCED BY COUNCILLORS

SERIES OF 2007

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**A RESOLUTION  
AUTHORIZING THE REALLOCATION OF MONEYS FROM THE GENERAL FUND  
CONTINGENCY BUDGET TO APPROPRIATE DEPARTMENTS IN THE 2006 BUDGET**

WHEREAS, City Council supports year end transfers from the General Fund's contingency account to balance various expenditure accounts due to unanticipated or additional costs, and

WHEREAS, the 2006 General Fund contingency balance is \$898,448.

NOW, THEREFORE, be it resolved that the Westminster City Council resolves that:

\$98,600 be transferred from the 2006 General Fund Contingency to the appropriate 2006 Operating Budget accounts as follows:

10035450.67800.0000	Street Division (Public Works & Utilities) Contract services	\$50,000
10010900.79800.0300	Central Charges Transfer to Fleet Maintenance Fund	\$48,600
	GENERAL FUND TOTAL	\$98,600

PASSED AND ADOPTED this 22<sup>nd</sup> day of January, 2007.

ATTEST:

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Mayor

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City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **3**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE INCREASING THE 2006 BUDGET OF THE FLEET MAINTENANCE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THIS FUND.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the Fleet Fund, initially appropriated by Ordinance No. 3162 is hereby increased by \$48,600. This appropriation is due to an increase in the transfer from the General Fund.

Section 2. The \$48,600 increase in the Fleet Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10c&d, dated January 22, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Fleet Fund	<u>\$48,600</u>
Total	<u>\$48,600</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

Section 4. This ordinance shall take effect upon its passage after the second reading.

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22<sup>nd</sup> day of January, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of February, 2007.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**LEGAL DESCRIPTION**  
**EXHIBIT A**  
**11-14-06**

A PARCEL OF LAND BEING A PORTION OF LOTS 1 THROUGH 10, COUNTRY CLUB HIGHLANDS FILING NO. 1 AS RECORDED IN ADAMS COUNTY, COLORADO AT RECEPTION NO. 20060714000712680, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 1; THENCE S00°15'22"E ALONG THE EAST LINE OF SAID LOT, A DISTANCE OF 125.59 FEET TO THE POINT OF BEGINNING;

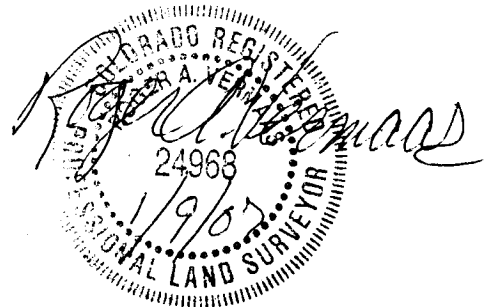
THENCE CONTINUING S00°15'22"E ALONG SAID EAST LINE, A DISTANCE OF 8.00 FEET TO A POINT;

THENCE RUNNING THROUGH SAID LOTS THE FOLLOWING FIVE (5) COURSES:

1. S89°58'19"W, A DISTANCE OF 591.78 FEET TO A POINT;
2. S00°15'22"E, A DISTANCE OF 6.00 FEET TO A POINT;
3. S89°58'19"W, A DISTANCE OF 8.00 FEET TO A POINT;
4. N00°15'22"W, A DISTANCE OF 14.00 FEET TO A POINT;
5. N89°58'19"E, A DISTANCE OF 599.78 FEET TO THE POINT OF BEGINNING.

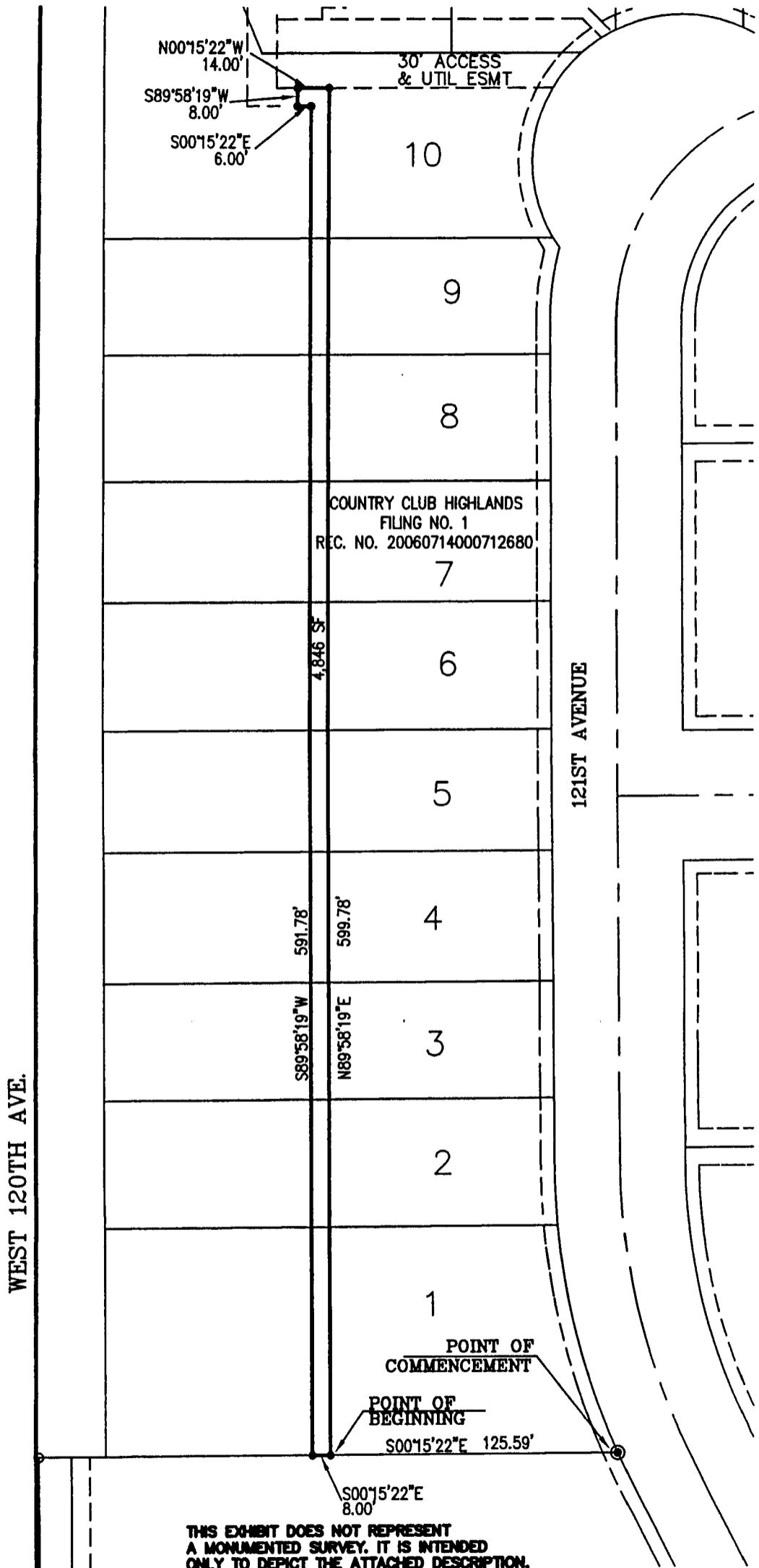
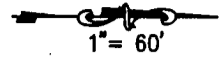
CONTAINING 4,846 SQUARE FEET OR 0.1112 ACRES OF LAND MORE OR LESS.

FOR AND ON THE BEHALF OF ASPEN SURVEYING INC.



ROGER A. VERMAAS,            PLS NO. 24968  
ASPEN SURVEYING, INC.  
2993 SOUTH PEORIA STREET, STE. 150  
AURORA, COLORADO 80014

# EXHIBIT A



THIS EXHIBIT DOES NOT REPRESENT  
A MONUMENTED SURVEY. IT IS INTENDED  
ONLY TO DEPICT THE ATTACHED DESCRIPTION.



ASPEN Surveying, Inc.

2993 So. PEORIA STREET  
SUITE 150  
Aurora, CO 80014  
Phone (303) 750-4590  
Fax (303) 750-0646

**LEGAL DESCRIPTION**  
**EXHIBIT B**  
**11-14-06**

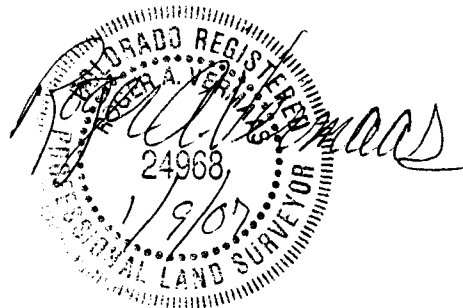
A PARCEL OF LAND BEING A PORTION OF LOTS 11 THROUGH 19, COUNTRY CLUB HIGHLANDS FILING NO. 1 AS RECORDED IN ADAMS COUNTY, COLORADO AT RECEPTION NO. 20060714000712680, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 8.00 FEET OF SAID LOTS 12 THROUGH 19 AND THE WESTERLY 8.00 FEET OF THE NORTH 57.27 FEET OF SAID LOT 11.

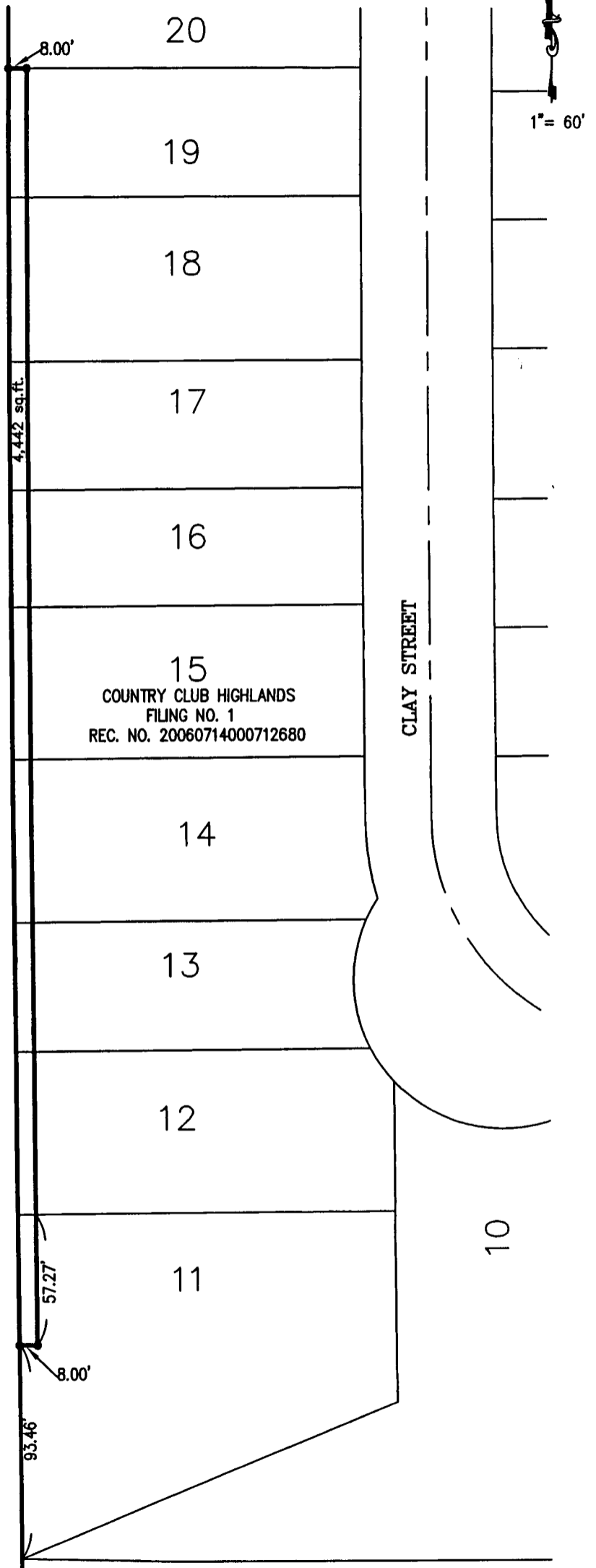
CONTAINING 4,442 SQUARE FEET OR 0.1020 ACRES OF LAND MORE OR LESS.

FOR AND ON THE BEHALF OF ASPEN SURVEYING INC.

ROGER A. VERMAAS,            PLS NO. 24968  
ASPEN SURVEYING, INC.  
2993 SOUTH PEORIA STREET, STE. 150  
AURORA, COLORADO 80014



# EXHIBIT B



THIS EXHIBIT DOES NOT REPRESENT  
A MONUMENTED SURVEY. IT IS INTENDED  
ONLY TO DEPICT THE ATTACHED DESCRIPTION.



ASPEN Surveying, Inc.

2993 So. PEORIA STREET  
SUITE 150  
Aurora, CO 80014  
Phone (303) 750-4590  
Fax (303) 750-0848

LEGAL DESCRIPTION  
EXHIBIT C  
11-14-06

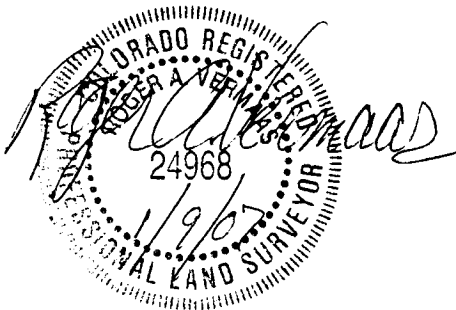
A PARCEL OF LAND BEING A PORTION OF LOTS 62 THROUGH 65, COUNTRY CLUB HIGHLANDS FILING NO. 1 AS RECORDED IN ADAMS COUNTY, COLORADO AT RECEPTION NO. 20060714000712680, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 33, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH P.M. COUNTY OF ADAMS, STATE OF COLORADO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE EASTERLY 8.00 FEET OF SAID LOTS 62 THROUGH 65.

CONTAINING 1,952 SQUARE FEET OR 0.0448 ACRES OF LAND MORE OR LESS.

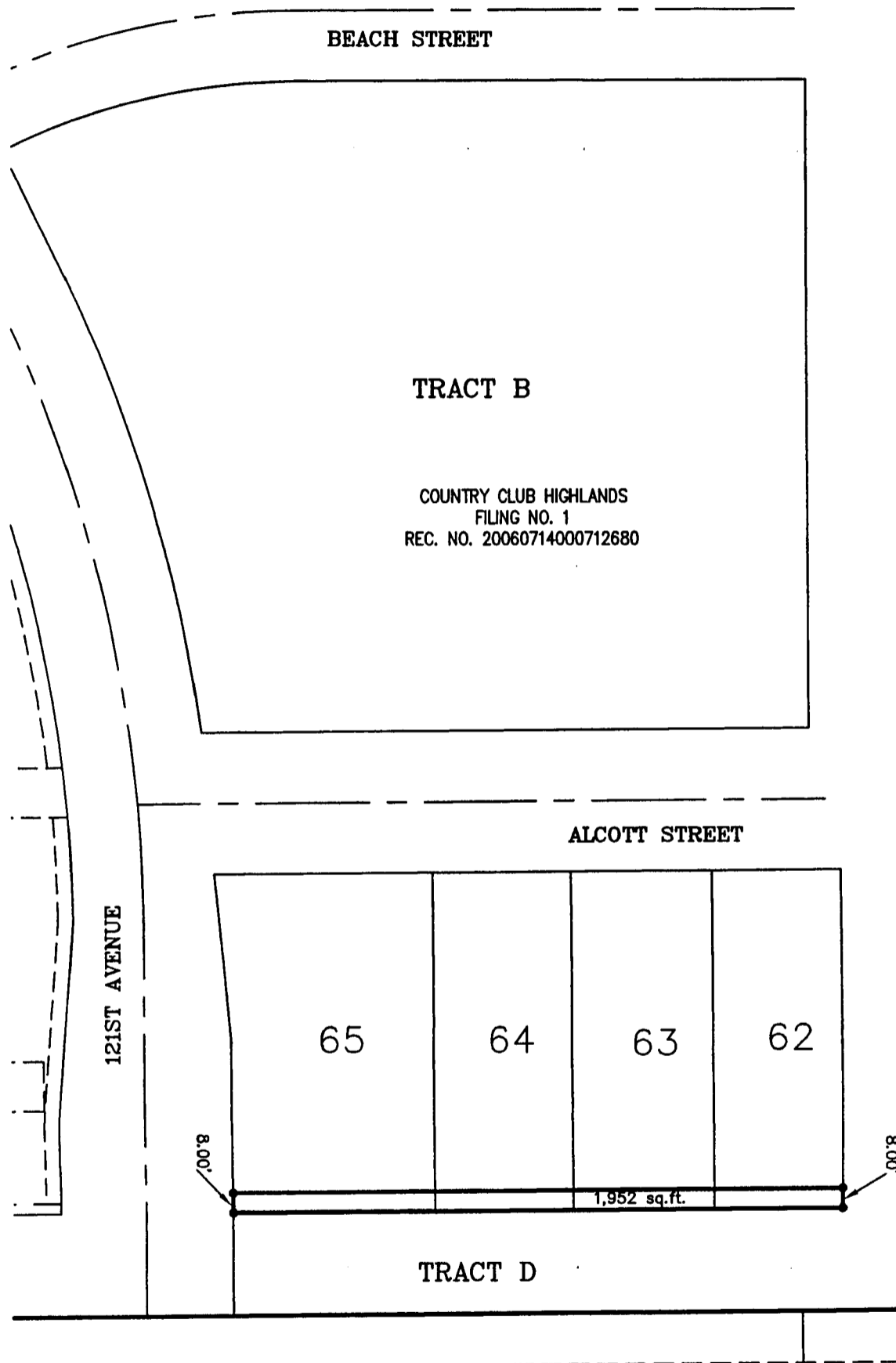
FOR AND ON THE BEHALF OF ASPEN SURVEYING INC.

ROGER A. VERMAAS,            PLS NO. 24968  
ASPEN SURVEYING, INC.  
2993 SOUTH PEORIA STREET, STE. 150  
AURORA, COLORADO 80014

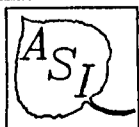


# EXHIBIT C

1" = 60'



THIS EXHIBIT DOES NOT REPRESENT  
A MONUMENTED SURVEY. IT IS INTENDED  
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ASPEN Surveying, Inc.

2993 So. PEORIA STREET  
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Phone (303) 750-4590  
Fax (303) 750-0848



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
January 22, 2007



**SUBJECT:** Councillor's Bill No. 4 re Vacation of Easements within Lots 1 through 19 and Lots 62 through 65 of the Country Club Highlands Subdivision Filing No. 1

**Prepared By:** Justin Hildreth, Senior Civil Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 4 on first reading, vacating certain easements on Lots 1 through 19 and Lots 62 through 65 of the final plat for Country Club Highlands Subdivision Filing No 1.

**Summary Statement**

- Eight foot wide utility easements were granted to the City for public use by the final plat for Country Club Highlands Subdivision Filing No. 1.
- During the construction of the subdivision, it became apparent that the utility companies are not going to locate utilities in these easements. Also, it was determined that the eight foot wide utility easements are redundant since there is a "blanket" utility easement over the entire subdivision (except the footprints of the houses). The utilities will be located in existing blanket utility easements.
- A Councilor's Bill authorizing the vacation, including the legal description of both easements, is attached to this agenda memorandum for action by City Council.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Shall the City vacate the subject easements, which by City Code must be vacated by an ordinance of the City Council?

**Alternative**

Do not vacate the easements. This alternative is not recommended because the subject easements are not needed by the City or outside agencies.

**Background Information**

On July 14, 2006, the final plat for Country Club Highlands Subdivision Filing No. 1 was approved. The developer dedicated eight foot wide utility easements on this plat for the installation of the "dry utilities," including cable television, phone, gas and electric. These easements are located in the rear of the lots.

During construction of the subdivision, the utilities companies and developer chose not to locate the utilities in these easements. Also, these easements are redundant because there is a "blanket" utility easement covering the subdivision. Since these easements are not going to be used and are redundant, the developer is requesting that they be vacated by the City.

Staff has determined there are no utilities within the easements nor are any planned for this area in the future.

City Code requires that easements be vacated by ordinance, and a Councillor's Bill with the legal descriptions of the three easements is attached for that purpose.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments -- Councillor's Bill  
Exhibit A – Legal Description  
Exhibit B – Legal Description  
Exhibit C – Legal Description



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **4**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

---

**A BILL**

**FOR AN ORDINANCE VACATING EASEMENTS WITHIN LOTS 1 THROUGH 19 AND LOTS 62 THROUGH 65 OF THE COUNTRY CLUB HIGHLANDS SUBDIVISION FILING NO. 1**

WHEREAS, certain easements were dedicated on the Final Plat for Country Club Highlands Subdivision Filing No 1, recorded at Reception No. 20060714000712680 in the records of Adams County; and

WHEREAS, the 8-foot wide utility easements on Lots 1 through 19 and 62 through 65 contain no utility facilities nor is it necessary for future utility purposes; and

WHEREAS, the underlying blanket utility easements will still apply throughout the Country Club Highlands Subdivision, Filing No. 1; and

NOW THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easements in Sections 2 hereof.

Section 2. Legal Description of Utility Easements: See attached legal descriptions, exhibits A through C.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22<sup>nd</sup> day of January, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of February, 2007.

ATTEST:

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Mayor

---

City Clerk

APPROVED AS TO LEGAL FORM:

---

City Attorney's Office

## Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, January 22, 2007. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the January 8, 2007 regular meeting were approved.

Two awards from the Colorado Government Finance Officers Association were presented to the City. The 2006 Significant Contribution Award was presented to the City's Performance Measurement Team. The 2006 Finance Officer of the Year award was presented to Finance Director Tammy Hitchens.

Council approved the following: Financial report for December 2006; 2007 ambulance purchase; purchase of City patrol vehicles; purchase of gasoline and diesel fuel for City vehicles; deicing salt purchase; award of asphalt and crackseal materials bids; library materials budget expenditures; Colorado Municipal League annual dues authorization; contract for special legal services with Sherman & Howard, LLC; preliminary design consultant contract for West 144<sup>th</sup> Avenue between Huron and Zuni Streets; engineering design services agreement for the Lowell Boulevard corridor enhancement; intergovernmental agreement amendment with Adams County regarding cost sharing for the West 80<sup>th</sup> Avenue and Federal Boulevard intersection project; final passage of Councillor's Bill No. 1 rezoning the Hyland Village property from O1 to PUD; and final passage of Councillor's Bill No. 2 vacating a portion of West 96<sup>th</sup> Avenue from Sheridan Boulevard to US Highway 36.

Council adopted the following resolutions: Resolution No. 2 reappointing members to eleven of the City's Boards and Commissions; Resolution No. 3 re Private Activity Bond allocation assignment; Resolution No. 4 an intergovernmental agreement with the State of Colorado concerning the use of State Historical Fund grant funds for the Wesley Chapel Cemetery Preservation Plan; and Resolution No. 5 re year-end contingency transfers.

The following Councillors' Bills were passed on first reading:

**A BILL FOR AN ORDINANCE INCREASING THE 2006 BUDGET OF THE FLEET MAINTENANCE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THIS FUND.** Purpose: Amend the FY2006 budgets of the General and Fleet Maintenance Funds.

**A BILL FOR AN ORDINANCE VACATING EASEMENTS WITHIN LOTS 1 -19 AND LOTS 62 - 65 OF THE COUNTRY CLUB HIGHLANDS SUBDIVISION FILING NO. 1.** Purpose: Vacating certain easements on Lots 1 - 19 and Lots 62 - 65 of the final plat for Country Club Highlands Subdivision Filing No 1.

The meeting adjourned at 7:25 p.m.

By Order of the Westminster City Council  
Carla Koeltzow, Deputy City Clerk  
Published in the Westminster Window on February 1, 2007

**A BILL FOR AN ORDINANCE AMENDING THE ZONING OF TWO PARCELS OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SHERIDAN BOULEVARD AND WEST 98TH AVENUE IN SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., JEFFERSON COUNTY, COLORADO FROM O-1 TO PUD  
THE CITY OF WESTMINSTER ORDAINS:**

Section 1. The City Council finds:

- a. That applications for the rezoning of the properties generally located at the southwest corner of Sheridan Boulevard and West 98<sup>th</sup> Avenue, as described in attached Exhibit A, incorporated herein by reference, from the O-1 zone to a P.U.D. zone have been submitted to the City for its approval pursuant to W.M.C. §11-5-2.
- b. That the notice requirements of W.M.C. §11-5-13 have been met.
- c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on December 12, 2006, and has recommended approval of the requested amendments.
- d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.
- e. That based on the evidence produced at the public hearing, the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the properties, described in attached Exhibit B, from the O-1 zoning district to the PUD District.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8<sup>th</sup> day of January, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of January, 2007.

EXHIBIT A  
HYLAND VILLAGE

A PARCEL OF LAND SITUATED IN THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 13, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN MORE FULLY DESCRIBED AS BLOCKS 49, 50, 51, 52, 61, 62, 63 AND 64 OF SEMPER GARDENS EXCEPT THOSE PORTIONS OF BLOCKS 52, 61 AND 62 LYING WITHIN THE DENVER BOULDER TURNPIKE (U.S. 36) AS DESCRIBED IN DEED RECORDED MARCH 1, 1951 IN BOOK 709 AT PAGE 416 AND EXCEPT THAT PORTION OF BLOCKS 49 AND 64 AS CONVEYED TO THE CITY OF WESTMINSTER IN THE DEED RECORDED JULY 29, 1983 AS RECEPTION NO. 83071247 AND RE-RECORDED AUGUST 18, 1983 AS RECEPTION NO. 83078586 AND AUGUST 19, 1983 AS RECEPTION NO. 83079011 AND EXCEPT THAT PORTION OF BLOCKS 51, 52 AND 61 AS CONVEYED TO THE CITY OF WESTMINSTER RECORDED NOVEMBER 20, 2002 AS RECEPTION NO. F1625084 FOR THE OVERPASS OF THE DENVER BOULDER TURNPIKE (U.S. 36) BY WESTMINSTER BLVD., COUNTY OF JEFFERSON, STATE OF COLORADO.

AND

A PARCEL OF LAND LYING IN THE NORTHEAST ¼ OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN THE CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO.

AND

THAT VACATED RIGHT OF WAY FOR WEST 96<sup>TH</sup> AVENUE BETWEEN THE EAST RIGHT OF WAY FOR U.S. HIGHWAY 36 AND THE WEST RIGHT OF WAY FOR SHERIDAN BOULEVARD, SITUATED IN THE SOUTH ONE-HALF OF THE SOUTHEAST QUARTER OF SECTION 13,

TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, IN THE CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO.

THE PERIMETER OF WHICH IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ OF SAID SECTION 24; THENCE NORTH 89°16'56" WEST, A DISTANCE OF 133.43 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF NORTH SHERIDAN BOULEVARD, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, SAID POINT BEING THE POINT OF BEGINNING;

THENCE THE FOLLOWING FOUR (4) COURSES AND DISTANCES ALONG THE WESTERLY RIGHT-OF-WAY LINE OF NORTH SHERIDAN BOULEVARD:

1. THENCE SOUTH 00°00'52" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, A DISTANCE OF 53.76 FEET;
2. THENCE SOUTH 44°34'41" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, A DISTANCE OF 81.02 FEET;
3. THENCE SOUTH 00°15'28" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT RECEPTION NO. 84072575, AND ALONG THE EXTENSION OF SAID LINE, A DISTANCE OF 319.01 FEET;
4. THENCE SOUTH 01°00'46" EAST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BOULEVARD, A DISTANCE OF 56.22 FEET TO A POINT ON THE NORTHERLY RIGHT-OR-WAY LINE OF THE FARMERS HIGHLINE CANAL, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT BOOK 147, PAGE 529;

THENCE THE FOLLOWING TWELVE (12) COURSES AND DISTANCES ALONG THE FARMERS HIGHLINE CANAL, AS DEFINED BY THAT DOCUMENT RECORDED IN THE PUBLIC RECORDS OF JEFFERSON COUNTY AT BOOK 147, PAGE 529:

1. THENCE SOUTH 83°58'35" WEST, DEPARTING FROM THE WESTERLY RIGHT-OR-WAY LINE OF SAID BOULEVARD, A DISTANCE OF 60.37 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
2. THENCE ALONG A CURVE TO THE LEFT, WHOSE DELTA IS 32°54'18", WITH RADIUS OF 160.70 FEET, (CHORD BEARS SOUTH 67°45'20" WEST, 91.03 FEET), A DISTANCE OF 92.29 FEET;
3. THENCE SOUTH 51°09'19" WEST, A DISTANCE OF 90.14 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
4. THENCE ALONG A CURVE TO THE RIGHT, WHOSE DELTA IS 40°03'28", WITH RADIUS OF 183.04 FEET, (CHORD BEARS SOUTH 71°16'56" WEST, 125.38 FEET), A DISTANCE OF 127.97 FEET TO A POINT OF TANGENCY;
5. THENCE NORTH 88°42'53" WEST, A DISTANCE OF 96.64 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
6. THENCE ALONG A CURVE TO THE RIGHT, WHOSE DELTA IS 33°04'24", WITH RADIUS OF 167.99 FEET, (CHORD BEARS NORTH 72°10'56" WEST, 95.63 FEET), A DISTANCE OF 96.97 FEET;
7. THENCE NORTH 55°38'04" WEST, A DISTANCE OF 279.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
8. THENCE ALONG A CURVE TO THE LEFT, WHOSE DELTA IS 11°02'12", WITH RADIUS OF 875.65 FEET, (CHORD BEARS NORTH 61°11'21" WEST, 168.41 FEET), A DISTANCE OF 168.67 FEET TO THE BEGINNING OF A NON-TANGENT CURVE;
9. THENCE ALONG A CURVE TO THE LEFT, WHOSE DELTA IS 17°11'07", WITH RADIUS OF 1052.48 FEET, (CHORD BEARS NORTH 75°16'47" WEST, 314.50 FEET), A DISTANCE OF 315.68 FEET;
10. THENCE NORTH 83°45'01" WEST, A DISTANCE OF 43.10 FEET TO A POINT ON THE WEST LINE OF THE NORTHEAST ¼ OF THE NORTHEAST ¼ OF SAID SECTION 24,

FROM WHENCE THE EAST 1/16<sup>TH</sup> CORNER COMMON TO SECTIONS 24 AND 13 OF SAID TOWNSHIP, BEARS NORTH 00°00'21" EAST, A DISTANCE OF 285.75 FEET;

11. THENCE NORTH 83°49'03" WEST, A DISTANCE OF 201.33 FEET;

12. THENCE NORTH 81°44'41" WEST, A DISTANCE OF 197.67 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO 36;

THENCE ON A NON-TANGENTIAL CURVE TO THE LEFT, DEPARTING FROM THE NORTHERLY RIGHT-OF-WAY LINE OF SAID CANAL, AND ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 36, WHOSE DELTA IS 02°52'29", WITH RADIUS OF 5830.00 FEET, (CHORD BEARS NORTH 21°16'27" WEST, 292.48 FEET), A DISTANCE OF 292.51 FEET TO THE POINT OF INTERSECTION OF SAID EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 36 WITH THE SOUTH LINE OF BLOCK 62, SEMPER GARDENS;

THENCE ALONG THE SOUTH LINE OF SAID BLOCK 62, NORTH 89°12'33" WEST, A DISTANCE OF 11.03 FEET, TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY 36 WITH THE SOUTH LINE OF SAID BLOCK 62 AND THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, WHOSE DELTA IS 6°14'19", WITH A RADIUS OF 5880.00 FEET, (CHORD BEARS NORTH 26°07'22" WEST, 639.92 FEET), A DISTANCE OF 640.23 FEET, TO THE EASTERLY LINE OF THAT PARCEL DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. F1625084.

THENCE THE FOLLOWING THREE (3) COURSES AND DISTANCES ALONG THE EASTERLY LINE OF THAT PARCEL DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. F1625084:

1. THENCE NORTH 36°05'12" EAST, A DISTANCE OF 209.01 FEET;

2. THENCE NORTH 24°35'02" EAST, A DISTANCE OF 266.88 FEET;

3. THENCE NORTH 00°00'00" EAST, A DISTANCE OF 271.05 FEET TO THE NORTH LINE OF SAID BLOCK 51, SEMPER GARDENS;

THENCE SOUTH 89°20'43" EAST, ALONG THE NORTH LINE OF SAID BLOCK 51, SEMPER GARDENS, A DISTANCE OF 557.32 FEET; THENCE SOUTH 89°19'13" EAST, ALONG THE NORTH LINE OF SAID BLOCK 50, SEMPER GARDENS, A DISTANCE OF 645.36 FEET; THENCE SOUTH 89°19'30" EAST, ALONG THE NORTH LINE OF SAID BLOCK 49, A DISTANCE OF 570.68 FEET TO THE WESTERLY RIGHT OF WAY FOR SHERIDAN BOULEVARD AS DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. 83071247;

THENCE THE FOLLOWING TEN (10) COURSES ALONG THE WESTERLY RIGHT OF WAY FOR SHERIDAN BOULEVARD AS DESCRIBED IN DOCUMENT RECORDED AS RECEPTION NO. 83071247:

1. THENCE SOUTH 43°05'00" EAST, A DISTANCE OF 55.31 FEET;

2. THENCE SOUTH 00°40'30" WEST, A DISTANCE OF 330.37 FEET;

3. THENCE SOUTH 00°03'10" WEST, A DISTANCE OF 179.90 FEET;

4. THENCE SOUTH 00°18'00" WEST, A DISTANCE OF 80.38 FEET;

5. THENCE SOUTH 01°07'58" WEST, A DISTANCE OF 81.70 FEET;

6. THENCE SOUTH 00°08'54" EAST, A DISTANCE OF 107.96 FEET;

7. THENCE SOUTH 00°33'34" WEST, A DISTANCE OF 179.99 FEET;

8. THENCE SOUTH 00°05'08" EAST, A DISTANCE OF 210.10 FEET;

9. THENCE SOUTH 44°08'54" WEST, A DISTANCE OF 55.86 FEET;

10. THENCE SOUTH 00°17'28" EAST, A DISTANCE OF 9.26 FEET TO THE SOUTH LINE OF SAID BLOCK 64, SEMPER GARDENS;

THENCE SOUTH 30°03'34" WEST, A DISTANCE OF 34.59 FEET, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS A GROSS AREA OF 71.53 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD.

FOR AND ON BEHALF OF NOLTE ASSOCIATES, INC.

LAINE A. LANDAU, COLORADO P.L.S. 31159

1901 SHARP POINT DRIVE, SUITE A

FORT COLLINS, COLORADO 80525

970.221.2400

(Exhibit B – map referenced is not published but is on file and available for review in the City Clerk's office)

ORDINANCE NO. 3331  
SERIES OF 2007

COUNCILLOR'S BILL NO. 2  
INTRODUCED BY COUNCILLORS  
Major - Price

**A BILL FOR AN ORDINANCE VACATING PORTIONS OF RIGHT-OF-WAY FOR W. 96<sup>TH</sup> AVENUE ON PROPERTY OWNED BY PRES E. AND NORMA KAY MINNICK**

WHEREAS, certain rights-of-way were dedicated on the final plat for Semper Gardens Subdivision (Dated April 11, 1893, Book 2, Page 129 and Reception No. 36948), Jefferson County, Colorado; and

WHEREAS, this street right-of-way will not be necessary for the development of the Hyland Village Subdivision; and

WHEREAS, there are no existing utility lines within the right-of-way.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way in Sections 2 and 3 hereof.

Section 2. Legal Descriptions for vacation: See legal description in Exhibit A attached hereto and incorporated herein by reference.

Section 3. This ordinance shall take effect on the day following the date of recordation of the final subdivision plat for the Hyland Village PDP in the Jefferson County Clerk and Recorder's Office. The title and purpose of this ordinance shall be published prior to its consideration on second reading.

Section 4. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING AND TITLE AND PURPOSE ORDERED PUBLISHED this 8<sup>th</sup> day January day of, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of January, 2007.