



REVISED CITY COUNCIL AGENDA

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Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed 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. Presentation of Employee Service Awards
 - B. Certificate of Achievement for Excellence in Financial Reporting
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. January 2006 – Financial Report
 - B. Purchase of Disposable Medical Supplies
 - C. 2005 Westminster Conference Center Property Tax
 - D. 2006 Concrete Replacement Project Bids
 - E. 2006 Gasoline Recovery System Technical Assistance Contract and Operations and Maintenance Bids
 - F. IGA with UDFCD and the City and County of Broomfield for City Park Channel Design and Construction
 - G. Permission to Use ROW and Open Space during Construction of City Park Channel
 - H. Second Reading CB No. 9 re 2005 4th Quarter Budget Supplemental Appropriation
 - I. Second Reading CB No. 10 re Rights-of-Way Vacations for Greenbriar I and Medical North Subdivision Plats
 - J. Second Reading CB No. 11 re Un-appropriation from the Westfield Village CIP Project Budget
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 12 re 2005 General Capital Improvement Fund Carryover Transfer to WEDA Account
 - B. IGA with WEDA re Funding for Construction of RTD Parking Lot at the Shops at Walnut Creek
 - C. Resolution No. 11 re Recovery Contract Interest Rate
 - D. Resolution No. 12 re Building Permit Fee Schedule Amendment for Lot Grading Review and Inspection
 - E. Resolution No. 13 re Sheridan Boulevard at 72nd Avenue Right-of-Way Acquisition
 - F. Re-open and Conduct Public Hearing re Huntington Trails Metropolitan District Service Plan
 - G. Resolution No. 14 re Huntington Trails Metropolitan District Service Plan Modification
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Executive Session – Discuss the Appointment and Renewal of Individual Board and Commission Members Pursuant to Westminster Municipal Code §1-11-3(C)(9).
13. **Adjournment**

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

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.



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CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 27, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally called on Boy Scout Troop 7 to lead 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. Stephen P. Smithers, Acting City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Lindsey moved, seconded by Dittman, to approve the minutes of the regular meeting of February 13, 2006. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. Smithers reported that City Council would be asked to convene an executive session to discuss the appointment and renewal of individual Board and Commission members pursuant to Westminster Municipal Code, §1-11-3(C)(4) and § 1-11-3(C)(9). In conclusion, Mr. Smithers expressed appreciation of the employees to be recognized with length of service awards. The administration was proud of them and their daily accomplishments to the organization.

CITY COUNCIL COMMENTS

Mayor Pro Tem Kauffman reported on a forum recently presented by the Colorado Municipal League. Discussion had focused on the many challenges facing local government and bills pending before the Colorado Legislature.

Mayor McNally reported having been a judge at a spelling bee competition for School District 50 students.

EMPLOYEE SERVICE AWARDS

Councillors Kaiser and Major presented certificates and pins for 20 years of service to Michael Happe and Mark Watters.

Mayor McNally presented a certificate, pin, and monetary stipend for 25 years of service to Katie Harberg.

Councillor Dittman presented certificates and 30-year service pins to Gene Boespflug, Jim Moreland, Gary Pedigo, and Al Wilson.

PRESENTATION

On behalf of City Council, Mayor McNally presented the Government Finance Officers' Association Certificate of Achievement for Excellence in Financial Reporting to the Comprehensive Annual Financial Report project team. This was the 22nd consecutive year the Finance Department had received this award. Accepting the award and Council's appreciation were Cherie Sanchez, Sam Trevino, and Gary Newcombe.

CITIZEN COMMUNICATION

Ann Merkel, 8180 Turnpike Drive and a member of the Westminster Public Safety Recognition Foundation, commented that investigation of the La Quinta incident was complete and the media should publish a follow-up story to report that Police Officers actions were not found to be excessive. Many in the audience shared her opinion and

arose in agreement and in support of the Police Department.

Michael Murphy, 6110 West 73rd Avenue, remarked the Police Chief should be removed from office as a result of the La Quinta incident.

Jane Fancher, 7260 Lamar Court, inquired about the City's payment of property taxes for the Westminster Conference Center and the status of an agreement she understood was being negotiated concerning the center. Additionally, she objected to the City's plans to acquire right-of-way for the expansion of Sheridan Boulevard at 72nd Avenue, stating that easements on the west side of Sheridan were adequate.

Larry Dean Valente, 3755 West 81st Avenue, asked that the City facilitate the reconfiguration of the alley serving the Meade Street Post Office drop boxes to improve safety and reduce congestion.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: the January 2006 financial report; authorize the Fire Department to purchase disposable medical supplies from BoundTree Medical in an amount not to exceed \$70,000; ratify the expenditure and authorize the City Manager to pay the Westminster Conference Center 2005 property tax in the amount of \$223,717.54 to the Jefferson County Treasurer; authorize the City Manager to sign the 2006 concrete replacement contract with the low bidder, Keene Concrete, Inc., in the amount of \$661,145 and a contingency of \$26,780; award a competitively bid contract for system operations and maintenance to Weaver Boos in an amount not to exceed \$52,980, and, based on the recommendation of the City Manager, find that the public interest would be best served by awarding a contract not to exceed \$74,900 to CH2M-Hill as the sole source of providing city staff with management and technical assistance services for the gasoline recovery system; authorize the City Manager to execute an intergovernmental agreement (IGA) with the Urban Drainage and Flood Control District (UDFCD) and the City and County of Broomfield relating to the design and construction of City Park Channel along the south side of 120th Avenue from a point approximately 800 feet upstream of Lowell Boulevard to Big Dry Creek and authorize the use of City right-of-way along 120th Avenue, as well as a portion of City-owned open space south of 120th Avenue and east Lowell Boulevard for the construction of the improved channel; final passage of Councillor's Bill No. 9 providing for a supplemental appropriation to the 2005 budget of the General, General Capital Improvement, Sales Tax, and Debt Service funds; final passage of Councillor's Bill No. 10 vacating portions of Bryant and Alcott Streets located within the Greenbriar I Subdivision Plat (File 12, Map 226), and Medical Plaza North Subdivision (File 16, Map 145) all from Adams County Public Records; and final passage of Councillor's Bill No. 11 authorizing the un-appropriation of \$57,300 from the Westfield Village Capital Improvement Program project budget.

Mayor McNally asked if any member of Council wished to remove an item from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Dittman and seconded by Major to approve the consent agenda as presented. The motion passed unanimously.

COUNCILLOR'S BILL NO. 12 RE CARRYOVER TRANSFER TO WEDA FOR CONSTRUCTION EXPENSE

It was moved by Councillor Major, seconded by Councillor Price, to pass Councillor's Bill No. 12 on first reading appropriating \$630,000 from 2005 General Capital Improvement Fund Carryover to the transfers of the Westminster Economic Development Authority account. On roll call vote, the motion passed unanimously.

IGA WITH WEDA RE FINANCIAL ASSISTANCE FOR RTD PARKING LOT CONSTRUCTION

Upon a motion by Councillor Major, seconded by Price, the Council voted unanimously to authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) whereby

the City would advance up to \$630,000 from 2005 carryover to provide funding to assist in the construction of the Regional Transit District parking lot to further the Shops at Walnut Creek project and to be repaid by WEDA from tax increment revenues.

RESOLUTION NO. 11 RE RECOVERY CONTRACT INTEREST RATE FOR 2006

Councillor Lindsey moved to adopt Resolution No. 11 establishing the 2006 interest rate for non-City-funded public improvement recovery contracts at 9.25 percent and an interest rate of 4.38 percent for City-funded public improvements. Councillor Price seconded the motion, which passed unanimously on roll call vote.

RESOLUTION NO. 12 AMENDING THE BUILDING PERMIT FEE SCHEDULE

Councillor Price moved, seconded by Lindsey, to adopt Resolution No. 12 to amend the Building Permit Fee Schedule to include a \$400 per lot fee for the review and inspection of grading on individual residential lots. At roll call, the motion passed unanimously.

RESOLUTION NO. 13 RE SHERIDAN BOULEVARD AT 72ND AVENUE R-O-W ACQUISITION

It was moved by Councillor Dittman and seconded by Councillor Major to adopt Resolution No. 13 authorizing City staff to proceed with the acquisition of rights-of-way and easements necessary for the Sheridan Boulevard widening project at 72nd Avenue, including the use of eminent domain, if necessary; and authorize up to \$56,000 for appraisal costs and all related expenses. Following questions to staff, at roll call, the motion passed by a 6:1 margin with Councillor Kaiser voting no.

HEARING RE MODIFICATION TO HUNTINGTON TRAILS METROPOLITAN DISTRICT PLANS

At 7:52 p.m., the Mayor opened a hearing to consider approving a petition from the Huntington Trails Metropolitan District Board of Directors to amend the Finance Plan and the Service Plan so the District could issue up to \$6 million of debt to finance public improvements within the District. Tammy A. Hitchens, Finance Director, presented background information and submitted the agenda memo and attached documentation into the record. In 2000, voters of the District had authorized the District to issue up to \$6 million of debt and for the District to impose a mill levy not to exceed 35 mills on property within the District to generate revenue to pay the debt service on any debt issued. Until recently there had been only limited construction activity at the site. Now a new developer had taken ownership of the property and updated the estimated cost of the public improvements, finding them substantially higher than in 2000. To finance the District's share of the improvements, the District would have to issue a minimum of \$5.6 million of debt. In 2005 District representatives had submitted to the City a petition to amend the 2000 Service Plan to allow the District to issue up to \$6 million of debt along with a revised Financing Plan to show that the District's revenue from the mill levy would support that level of debt. An independent consultant hired to analyze elements of the Financial Plan had concluded that the developer's Revised Financial Plan was reasonable. Public notice of this hearing, initially opened on January 23, had been published in the *Westminster Window* on January 19. The hearing had been continued on January 23 and again on February 13 so that staff and the independent consultant had adequate time to review the developer's proposed changes to the Finance Plan.

In public testimony, Jane Fancher of 7260 Lamar Court asked about the City's exposure to lawsuit for this bond issue. Mr. Smithers, Ms. Hitchens, and Mr. McCullough responded in answer to the question.

No others wished to speak, and the Mayor closed the hearing at 8:00 p.m.

RESOLUTION NO. 14 RE 1ST MODIFICATION TO HUNTINGTON TRAILS METRO DISTRICT PLANS

Upon a motion by Mayor Pro Tem Kauffman, seconded by Councillor Dittman, the Council voted unanimously on roll call vote to adopt Resolution No. 14 approving a petition from the Huntington Trails Metropolitan District Board

of Directors to amend the Finance Plan and the Service Plan to permit the District to issue up to \$6 million of debt to finance public improvements within the District.

CITIZEN PRESENTATIONS

Kaaren Hardy, 5133 West 73rd Avenue, and Jane Fancher, 7260 Lamar Court, asked about the public's opportunity to comment on the proposed widening of Sheridan Boulevard. Responding were Dave Downing, City Engineer, John Carpenter, Community Development Director, and Mr. Smithers.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 8:14 p.m.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Presentation of Employee Service Awards

Prepared by: Debbie Mitchell, Human Resources Manager

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 20, 25, and 30 years of service with the City, and provide special recognitions to the City's 25-year employees with the presentation of \$2,500 bonuses.

Summary Statement

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20th, 25th and 30th anniversaries of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are six employees celebrating 25 years of service, and they each will receive a check for \$2,500, less income tax withholding, following their 25th anniversary date.
 - Councillor Dittman will present the 30-year certificate.
 - Mayor McNally will present the 25-year certificate.
 - Councillor Major will present the 20-year certificates.

Expenditure Required: \$ 15,000

Source of Funds:	General Fund	-City Manager's Office \$2,500
		-Parks, Recreation & Libraries Department \$2,500
		-Police Department \$7,500
	Water Fund	-Public Works & Utilities \$2,500

Policy Issue

None identified

Alternative

None identified

Background Information

The following 20-year employees will be presented with certificates and service pins:

Patricia Davis	Parks, Recreation & Libraries	Guest Relations Clerk II
Joyce Garcia	Information Technology	Administrative Secretary
Michael Happe	Public Works & Utilities	Water Resources & Treatment Manager
William Hayward	Public Works & Utilities	Street Technician
Barbara Lamanna	Police Department	Victim Services Coordinator
Richard Malesko	General Services	Applications Specialist
Patrick Peters	Public Works & Utilities	Foreman
Theodore Roberts	Parks, Recreation & Libraries	Irrigator II
Mark Watters	Police Department	Senior Police Officer

The following 25-year employees will be presented with certificates, service pins and checks for \$2,500, minus amounts withheld for Federal and State income taxes after his or her anniversary date:

Ralph Dopheide	Public Works & Utilities	Plant Operator IV
Katie Harberg	City Manager's Office	Public Information Officer
Nick Hartney	Police Department	Senior Police Officer
Eric Knopkinski	Police Department	Senior Police Officer
Ralph Prokopy	Parks, Recreation & Libraries	Irrigator II
David Tallman	Police Department	Senior Police Officer

The following 30-year employees will be presented with certificates and service pins:

Gene Boespflug	Police Department	Police Commander
Gary E. Pedigo	Fire Department	Battalion Chief
Patrick Martinez	Police Department	Sergeant
James Moreland	Fire Department	Training Captain
Brad Sundling	Fire Department	Fire Engineer
Alan Wilson	Police Department	Police Commander

On March 1, 2006, the City Manager will host an employee awards luncheon at which time 4 employees will receive their 15-year service pins, and 12 employees will receive their 5-year service pins, while recognition will also be given to those who are celebrating their 20th, 25th and 30th anniversaries. This is the first quarterly luncheon for 2006 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 660 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Biographies of each individual being recognized are attached.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Certificate of Achievement for Excellence in Financial Reporting

Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

The Mayor, on behalf of the City Council, will present the Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting to the Comprehensive Annual Financial Report (CAFR) project team.

Summary Statement

The Government Finance Officer's Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Westminster for its comprehensive annual financial report for the fiscal year ended December 31, 2004.

The CAFR is judged by an impartial review panel to meet the high standards of the program including demonstrating a constructive "spirit of full disclosure" to clearly communicate its financial story and motivate potential users and user groups to read the CAFR.

The Certificate of Achievement is the highest form of recognition in governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management.

This is the twenty-second consecutive year the City has received this prestigious award from GFOA.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

There are no policy issues with this action.

Alternative

No alternatives identified

Background Information

The Certificate of Achievement is conferred by the GFOA of the United States and Canada, and is the highest form of recognition in the area of governmental accounting and financial reporting. Its attainment represents a significant accomplishment by a government and its management.

To satisfy the requirements of the Certificate program, a CAFR must be easily readable and understandable based on a defined reporting framework that incorporates relevant Generally Accepted Accounting Principles and applicable GFOA program policies. Additionally, the information must be reliable based on the unqualified opinion of the City's independent auditor.

Audit reports qualifying for the Certificate of Achievement provide a clear and complete financial story to be utilized by citizens, City Council, and various oversight groups as an accountability mechanism, by investors and creditors as a credit analysis tool, and by others as a reference to the financial operation and position of the City.

Westminster's report was evaluated by GFOA's special review committee comprised of government finance officers, independent CPAs, educators and others with particular expertise in governmental accounting and financial reporting from across the nation. The award acknowledges that Westminster fulfills the spirit of full disclosure in communicating its financial story.

Special thanks go to Accounting Manager Cherie Sanchez, Accountants Vicki Adams, Karen Creager, and Sam Trevino, Pension Benefits Specialist Kim McDaniel, and Accounting Technician Leslie Krough who were primarily instrumental in achieving the certificate. Other Finance staff that provided vital assistance includes Revenue Administrator Byron Jefferson and Financial Analyst Bob Byerhof. The Certificate of Achievement Award reflects the hard work and commitment to excellence of the CAFR project team, and the overall commitment of the City to being financially accountable.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

Agenda Item 8 A

City Council Meeting
February 27, 2006



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

Recommended City Council Action

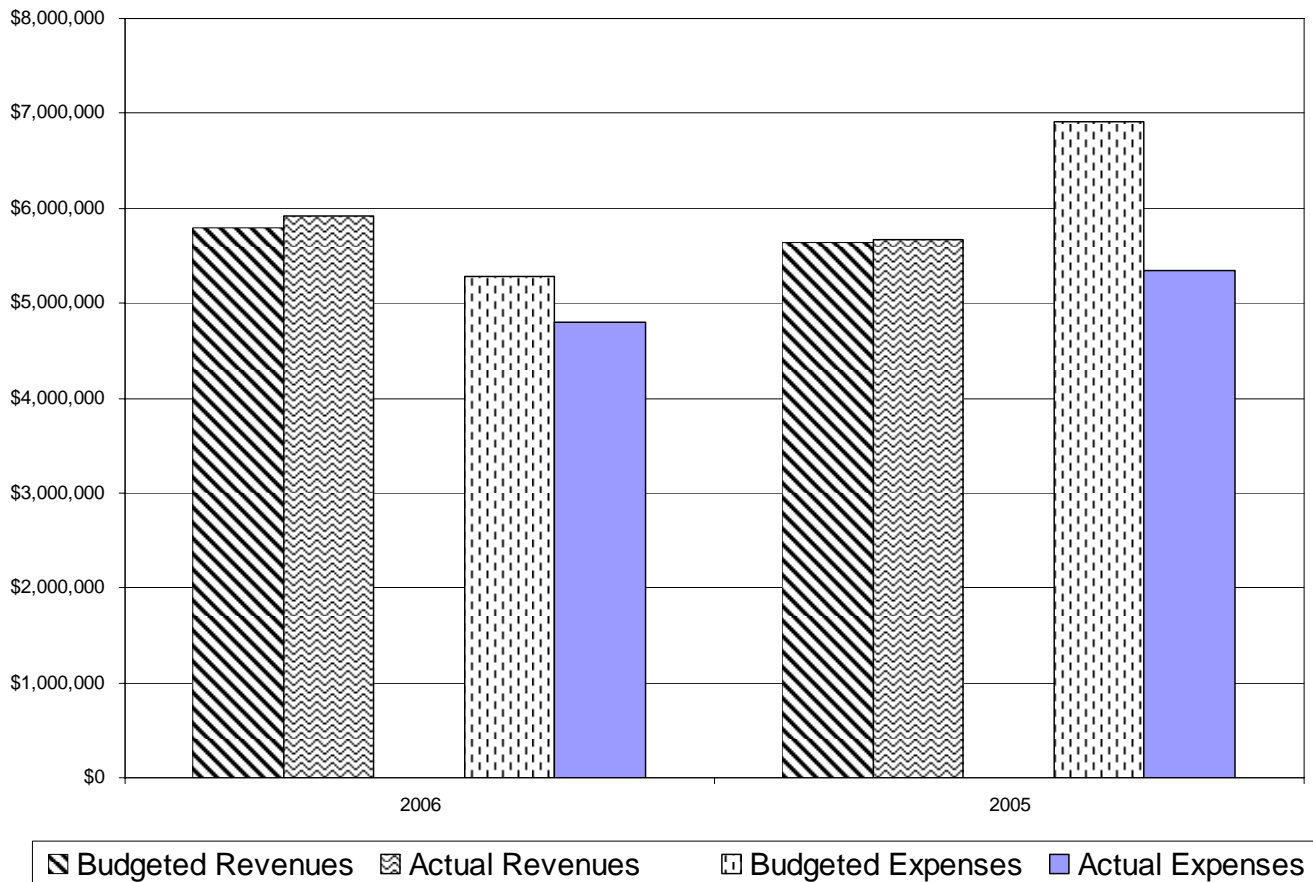
Accept the Financial Report for January as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 4-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$1,122,000. The following graph represents Budget vs. Actual for 2005 – 2006.

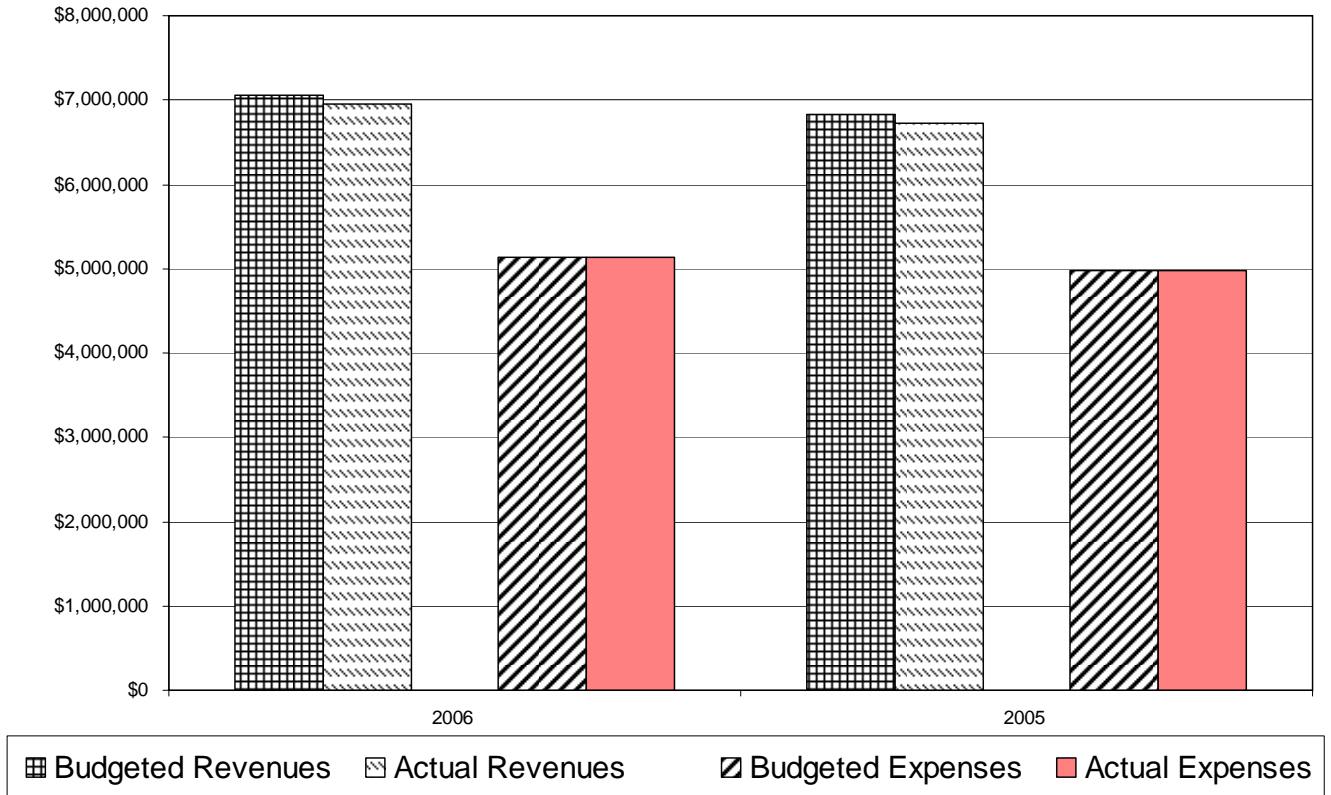
**General Fund
Budget vs Actual**



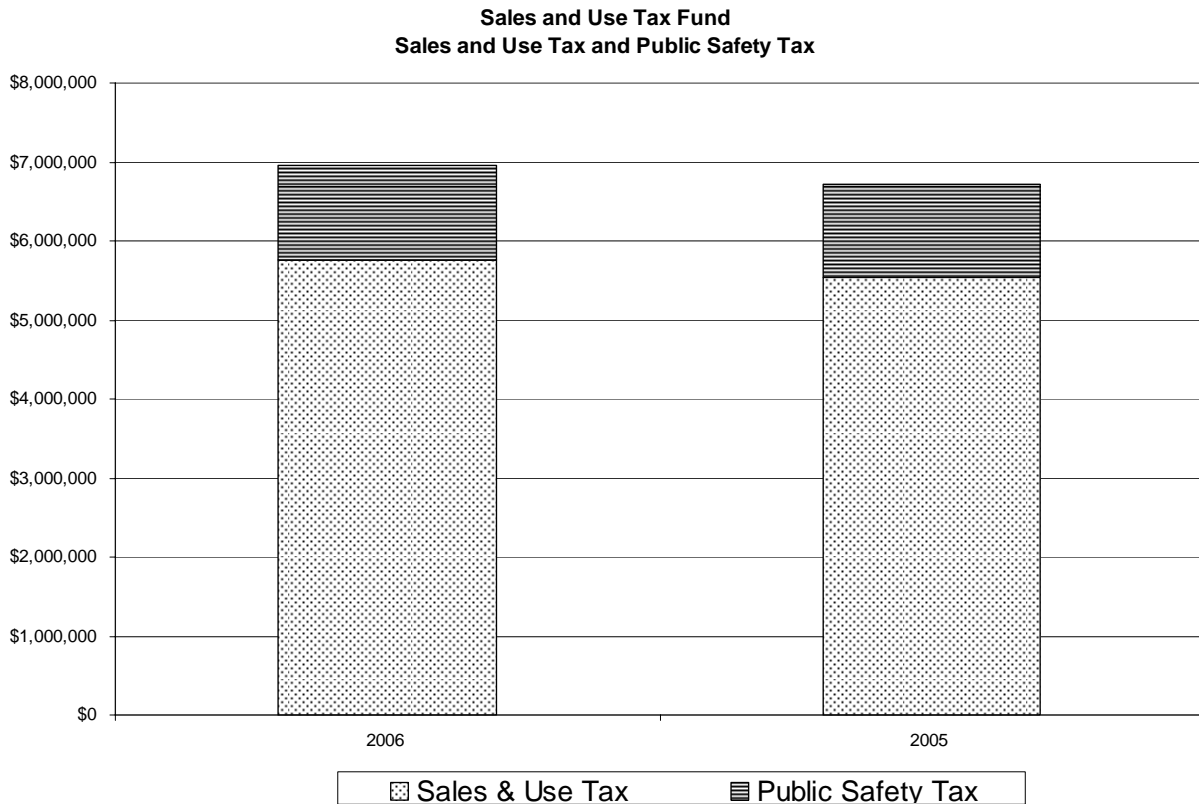
The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1,828,000.

- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 3%. 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 2.5%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 5.7%. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 1%.

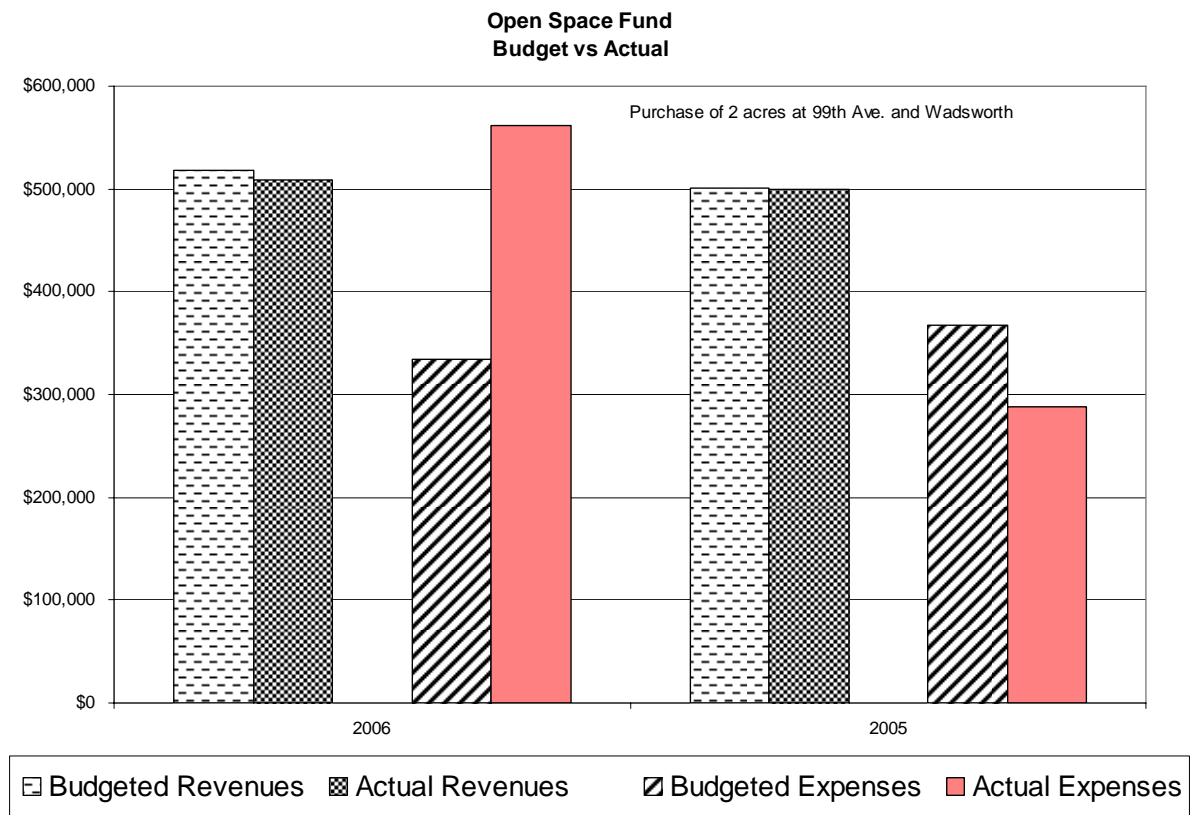
Sales & Use Tax Fund
Budget vs Actual



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

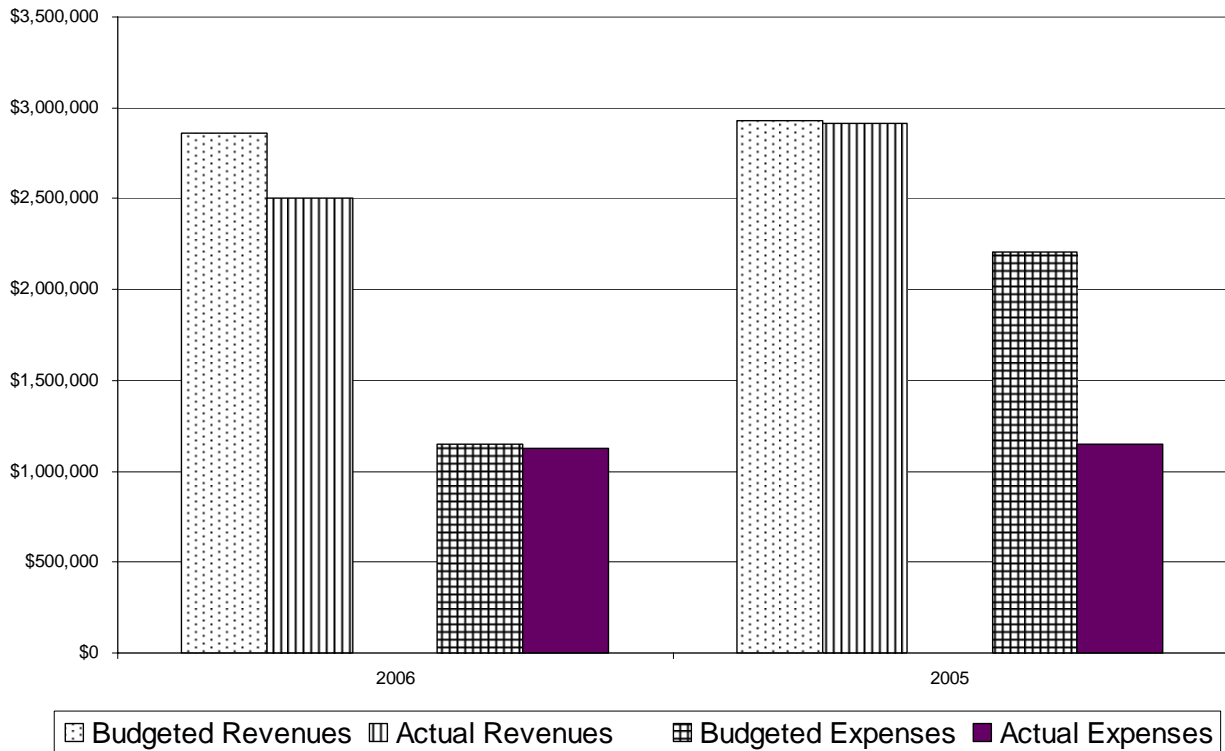


The Open Space Fund expenditures exceed revenue by \$53,000. The Open Space Fund purchased 2 acres of Open Space land at 99th Ave. and Wadsworth.



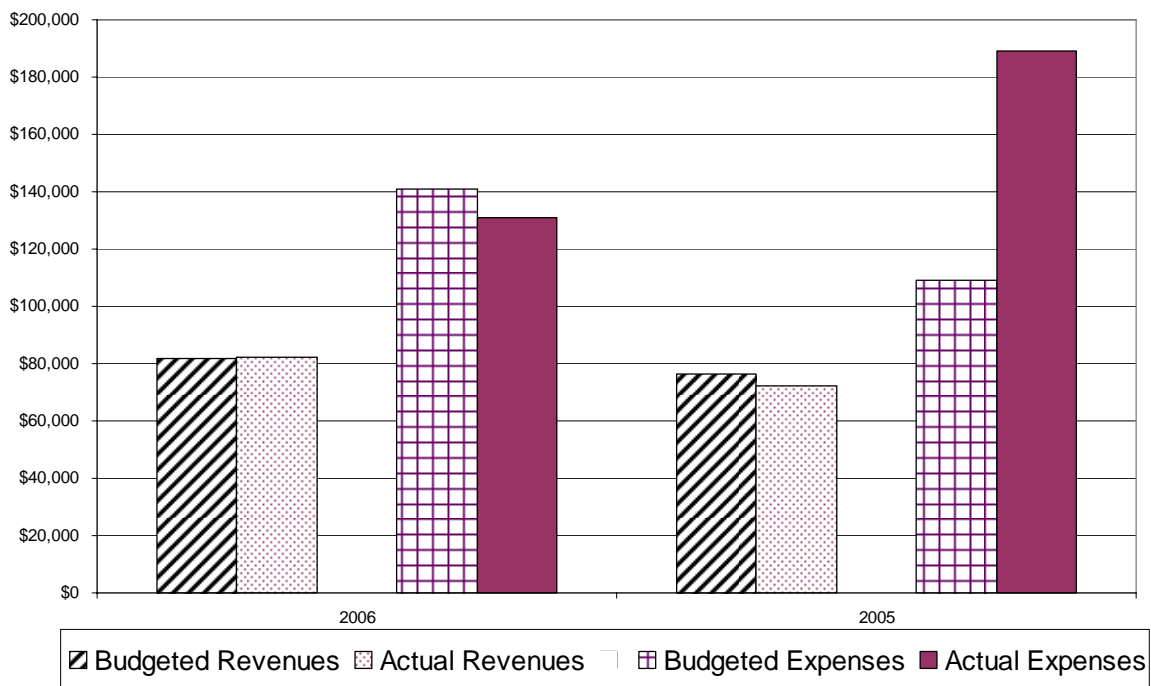
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$1,377,000. \$7,850,000 is budgeted for capital projects.

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



The combined Golf Course Funds' expenditures exceed revenues by \$48,000. The golf courses made a quarterly lease payment for golf carts and equipment in January.

**Golf Course Enterprise
Budget vs Actual**



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

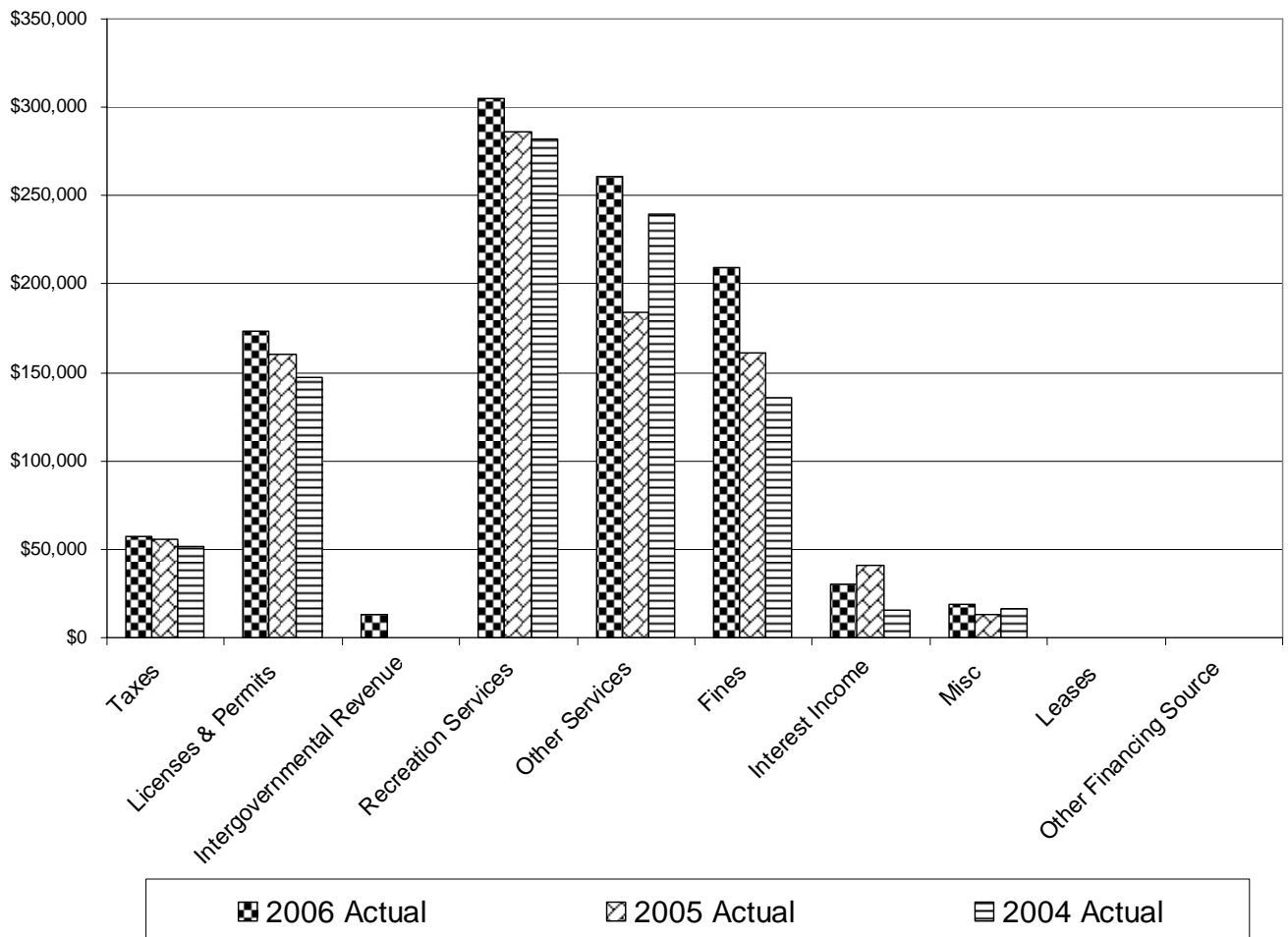
This section includes a discussion of highlights of each fund presented.

General Fund

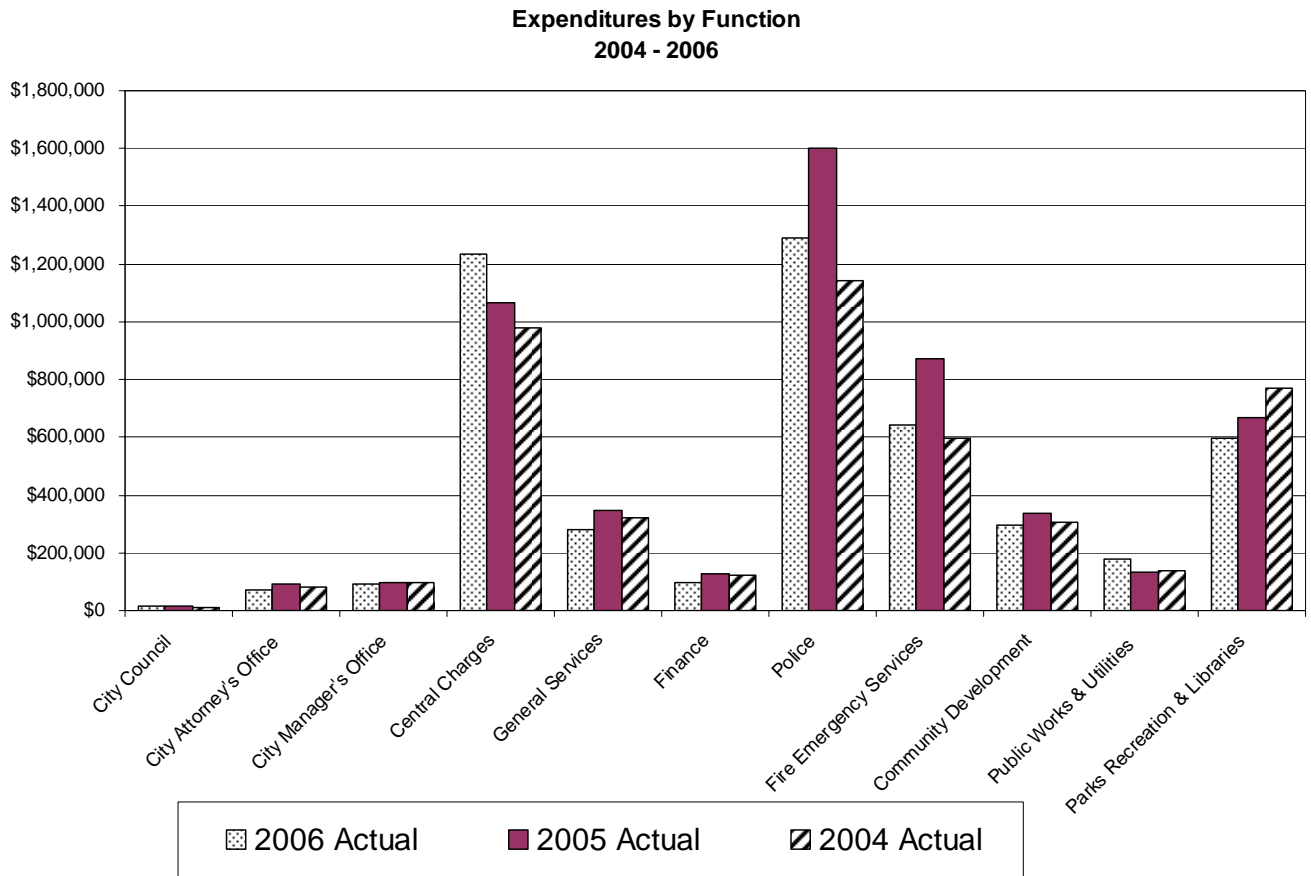
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

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

**General Fund Revenues without Transfers and Carryover
2004 - 2006**



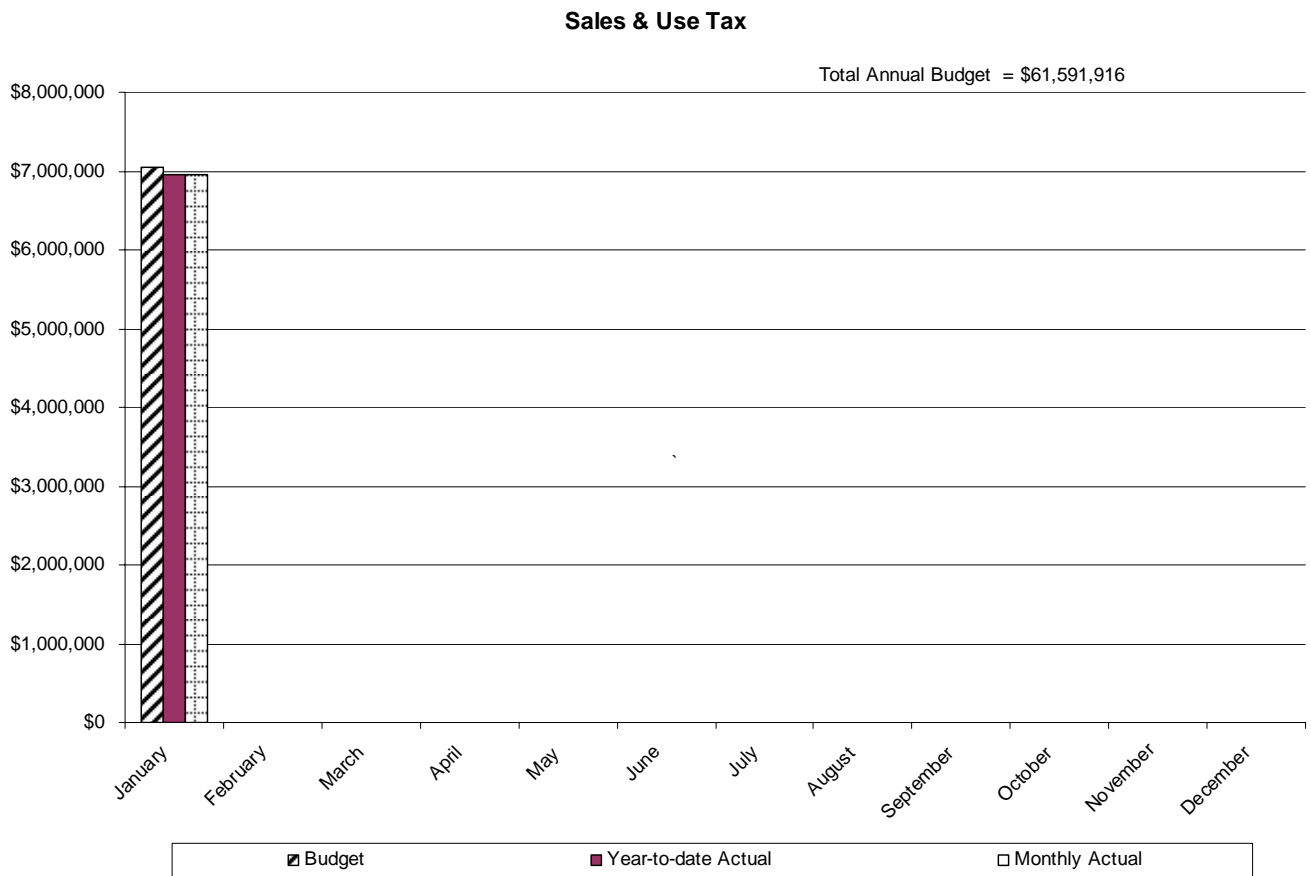
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



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.

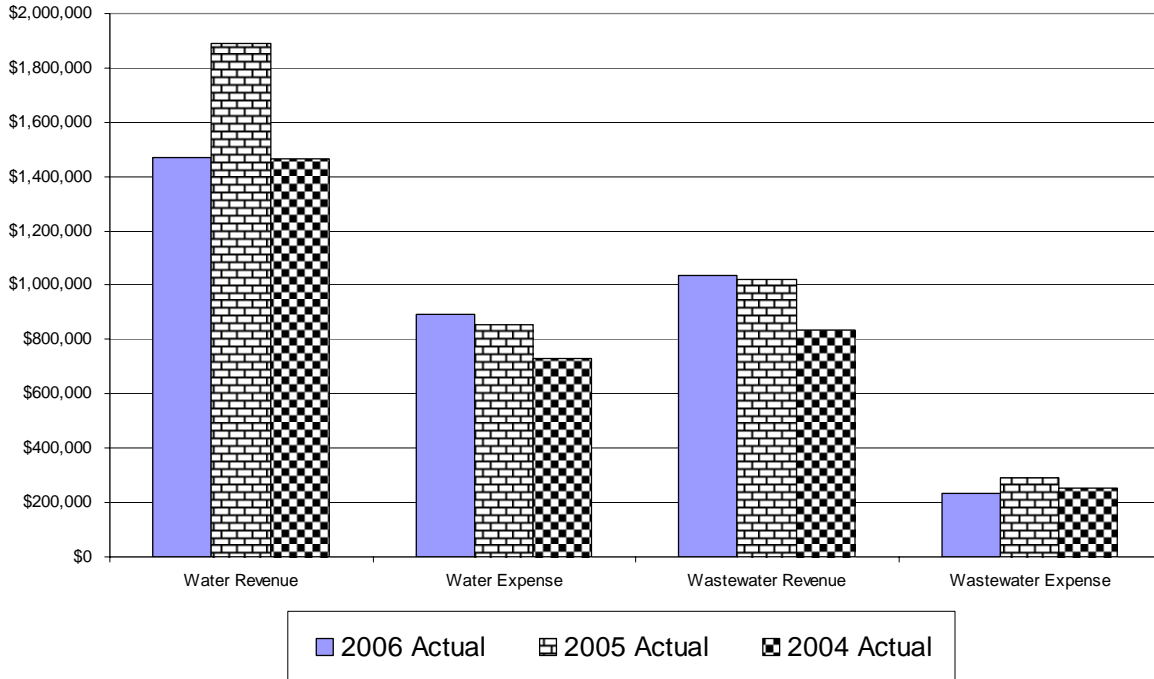


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

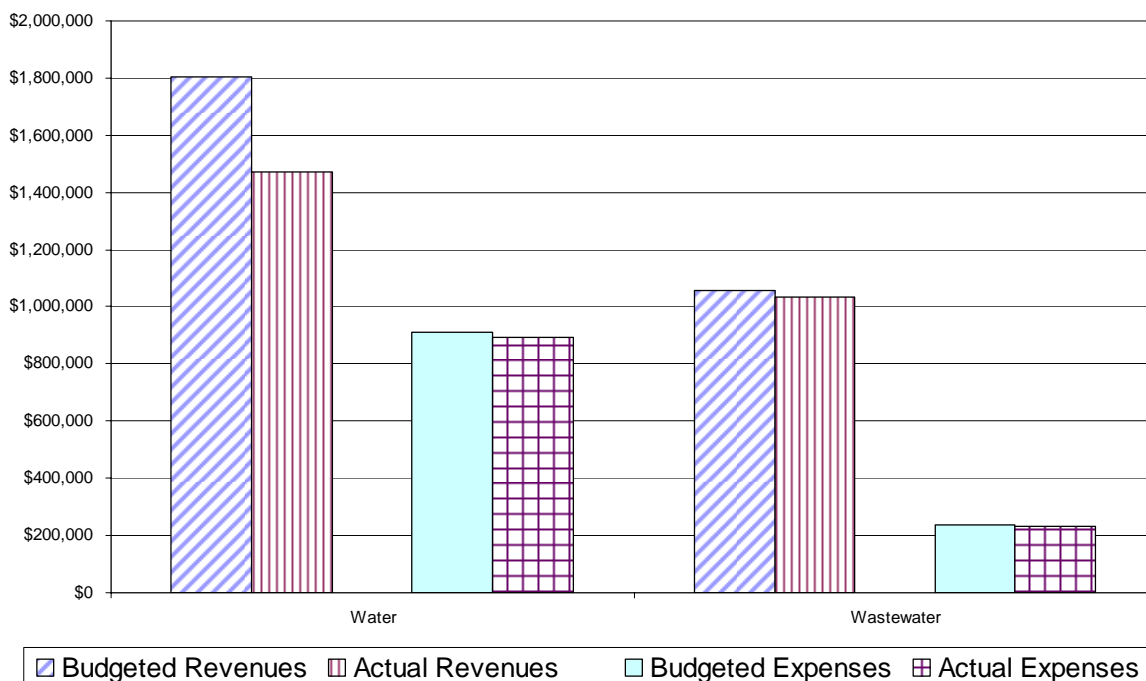
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

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

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

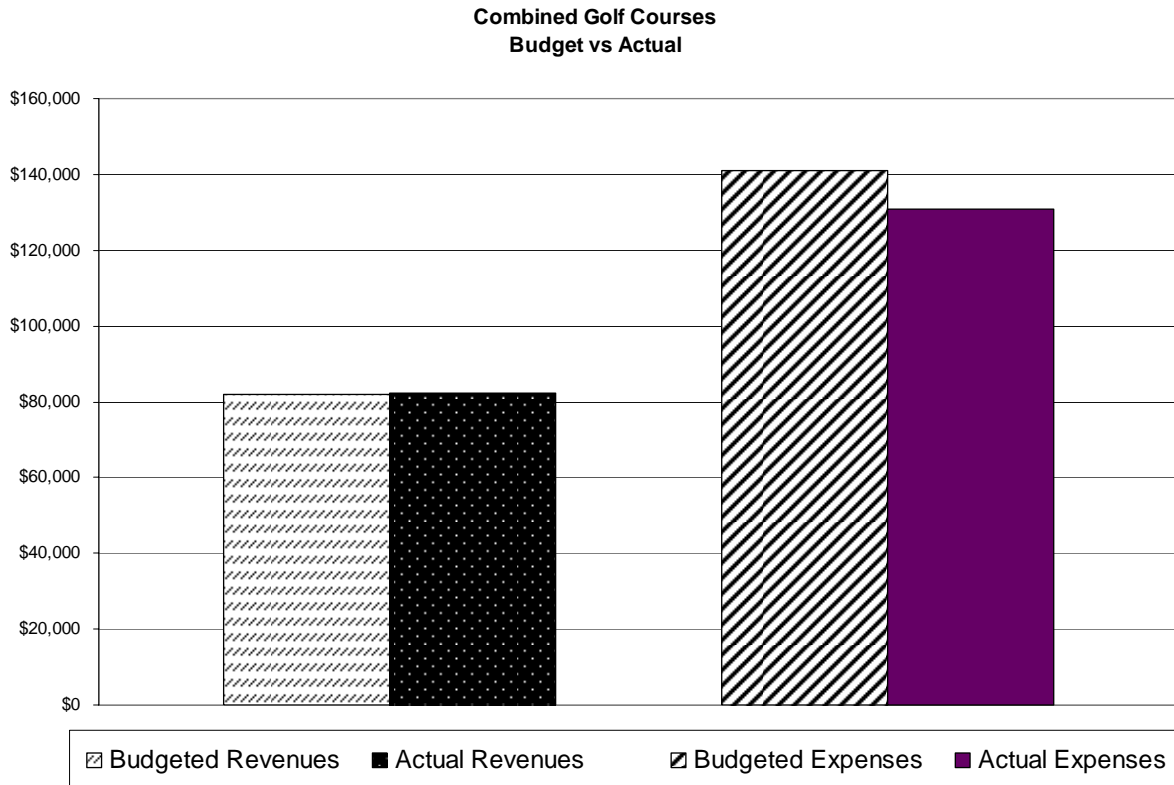


**Water and Wastewater Funds
Budget vs Actual**

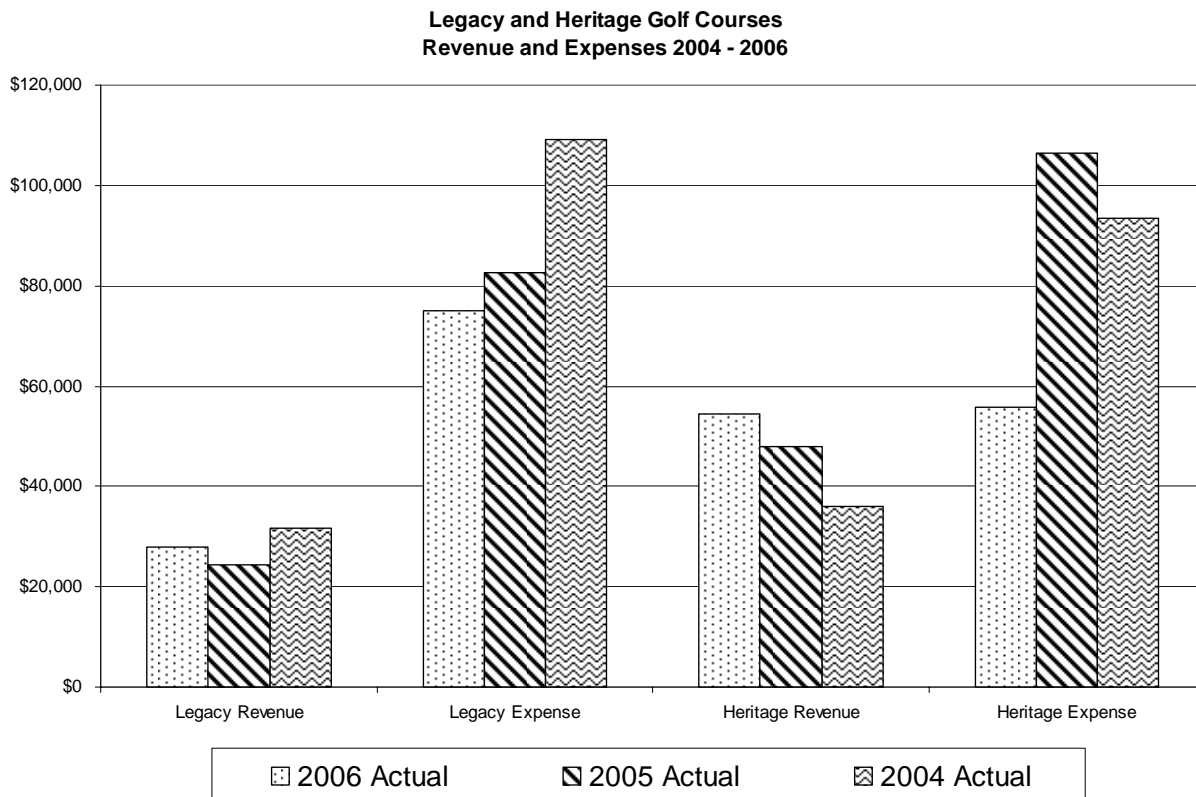


Golf Course Enterprise (Legacy and Heritage Golf Courses)

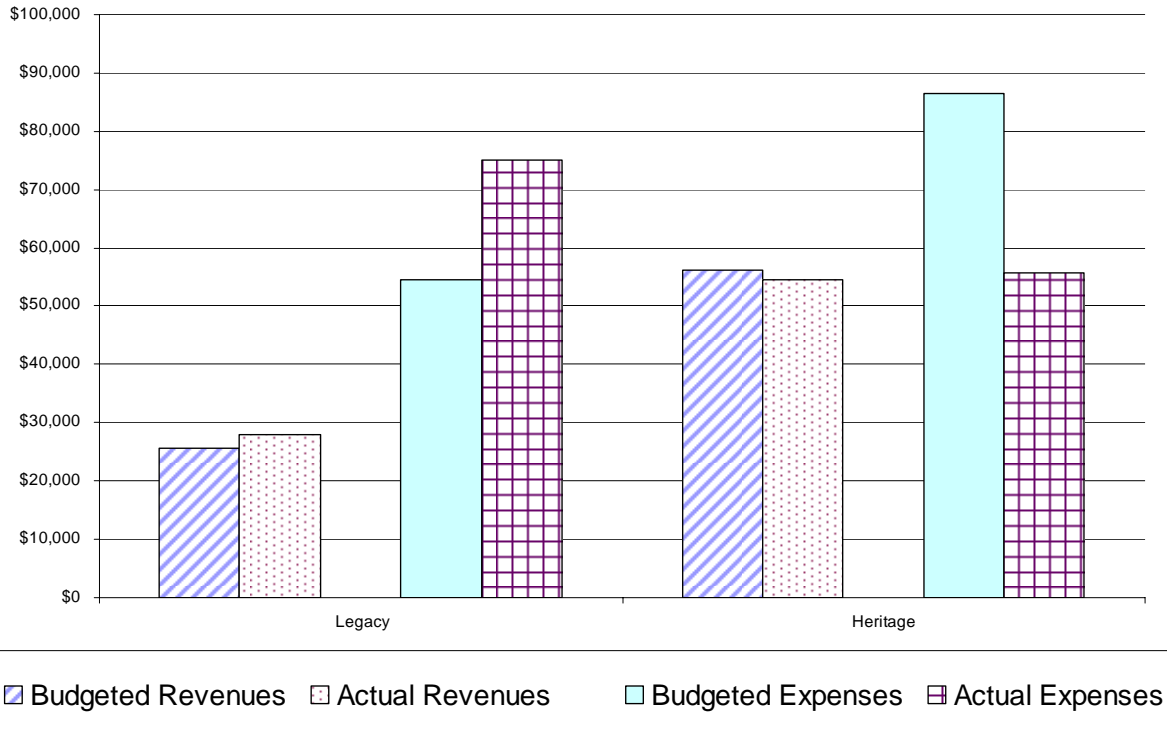
This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.



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



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



Respectfully submitted,

J. Brent McFall
City Manager

Attachments -
Statements
Receipts

**City of Westminster
Financial Report
For the One Month Ending January 31, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	4,873,125	60,610		56,874	(3,736)	93.8%
Licenses & Permits	1,838,000	154,840		173,476	18,636	112.0%
Intergovernmental Revenue	4,835,000	-		12,741	12,741	N/A
Charges for Services						
Recreation Services	5,324,515	288,716		304,975	16,259	105.6%
Other Services	6,510,500	248,666		260,988	12,322	105.0%
Fines	2,050,000	143,500		209,267	65,767	145.8%
Interest Income	300,000	25,000		30,000	5,000	120.0%
Misc	335,685	27,974		18,487	(9,487)	66.1%
Leases	1,175,000	-		-	-	N/A
Refunds	(70,000)	(5,833)		-	5,833	N/A
Interfund Transfers	58,224,502	4,852,042		4,852,042	-	100.0%
Other Financing Sources	-	-		-	-	N/A
Sub-total Revenues	<u>85,396,327</u>	<u>5,795,515</u>		<u>5,918,850</u>	<u>123,335</u>	<u>102.1%</u>
Carryover	-	-		-	-	
Revenues and Carryover	<u>85,396,327</u>	<u>5,795,515</u>		<u>5,918,850</u>	<u>123,335</u>	<u>102.1%</u>
Expenditures						
City Council	205,023	14,352		13,279	(1,073)	92.5%
City Attorney's Office	910,716	72,857		72,573	(284)	99.6%
City Manager's Office	1,110,469	92,169		92,377	208	100.2%
Central Charges	21,933,857	1,316,031		1,235,519	(80,512)	93.9%
General Services	4,925,576	295,535		280,176	(15,359)	94.8%
Finance	1,719,784	103,187		96,842	(6,345)	93.9%
Police	19,280,446	1,349,631		1,291,157	(58,474)	95.7%
Fire Emergency Services	10,116,225	708,136		644,129	(64,007)	91.0%
Community Development	4,564,628	296,701		295,504	(1,197)	99.6%
Public Works & Utilities	7,298,804	364,940		180,601	(184,339)	49.5%
Parks, Recreation & Libraries	13,330,799	666,540		594,220	(72,320)	89.1%
Total Expenditures	<u>85,396,327</u>	<u>5,280,079</u>		<u>4,796,377</u>	<u>(483,702)</u>	<u>90.8%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>-</u>	<u>515,436</u>		<u>1,122,473</u>	<u>607,037</u>	

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	919,221	4,474	923,696	928,875	4,660	933,535	-1	-4	-1
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	601,942	1,812	603,754	587,213	3,690	590,903	3	-51	2
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	353,458	988	354,447	361,118	860	361,978	-2	15	-2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	247,888	1,971	249,859	253,127	1,558	254,685	-2	27	-2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	245,695	828	246,522	235,024	357	235,380	5	132	5
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	224,813	1,236	226,048	228,226	9,009	237,234	-2	-86	-5
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	191,863	19,671	211,534	175,189	21,708	196,897	10	-9	7
SHOPS AT WALNUT CREEK 104TH & REED TARGET	191,703	1,176	192,879	166,265	2,179	168,443	15	-46	15
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	180,844	1,045	181,888	134,930	1,452	136,382	34	-28	33
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	153,926	570	154,496	171,994	3,938	175,932	-11	-86	-12
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	33,764	108,714	142,478	15,314	37,930	53,244	120	187	168
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	120,552	820	121,373	123,740	580	124,320	-3	41	-2
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	74,853	465	75,318	87,500	418	87,919	-14	11	-14
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	70,328	295	70,624	66,374	1,230	67,604	6	-76	4
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	66,963	516	67,479	63,609	686	64,295	5	-25	5

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WILLOW RUN 128TH & ZUNI SAFEWAY	61,508	531	62,039	59,133	4,105	63,238	4	-87	-2
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	55,736	1,905	57,640	58,553	3,481	62,034	-5	-45	-7
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	45,118	202	45,320	38,042	91	38,134	19	121	19
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,037	1,342	43,379	43,970	1,353	45,324	-4	-1	-4
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	38,757	333	39,090	46,700	563	47,263	-17	-41	-17
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	30,764	1,092	31,856	29,419	4,283	33,701	5	-74	-5
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	30,968	826	31,795	26,856	738	27,594	15	12	15
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	31,179	169	31,348	40,797	292	41,088	-24	-42	-24
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	30,128	601	30,729	31,607	445	32,052	-5	35	-4
PLAZA AT WESTMINSTER MALL W SIDE HARLAN 88TH -91ST PAPER WAREHOUSE	24,666	1,896	26,563	16,615	1,583	18,198	48	20	46
	4,068,676	153,479	4,222,155	3,990,189	107,189	4,097,379	2	43	3



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Purchase of Disposable Medical Supplies

Prepared By: Randy Peterson, Emergency Medical Services Coordinator

Recommended City Council Action

Authorize the Fire Department to purchase disposable medical supplies from BoundTree Medical in an amount not to exceed \$70,000 in 2006.

Summary Statement

- In order to operate the City's ambulance program, the Fire Department purchases and stocks an inventory of disposable medical supplies for use in patient treatment. Disposable medical supplies are items routinely used such as bandages, intravenous supplies, immobilization equipment and oxygen delivery devices.
- In accordance with City purchasing policies, on June 28, 2004 City Council approved a bid award to BoundTree Medical to purchase disposable medical supplies through 2007. These purchases are made frequently throughout the year and the department anticipates spending more than \$50,000 with this vendor. The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for formal consideration. In 2005, the Department expenditure for disposable medical supplies from BoundTree Medical totaled \$60,268.74, and staff is confident that in 2006 expenditures will again be in excess of \$50,000, but will not exceed \$70,000.
- Adequate funds were included in the approved 2006 Fire Department budget for these purchases.

Expenditure Required: Not to exceed \$70,000

Source of Funds: General Fund - Fire Department Operating Budget

Policy Issue

Should the City spend over \$50,000 with BoundTree Medical in order to purchase disposable medical supplies under a bid document negotiated in 2004 and approved by City Council through 2007?

Alternative

Re-bid disposable medical supplies in 2006. This is not recommended as prior City Council approval allows purchase of disposable medical supplies with BoundTree Medical through 2007. Based on the products and working relationship with this vendor, it is staff's recommendation to continue utilizing this vendor for the purchase of disposable medical supplies through 2007.

Background Information

In 2003, Centura St. Anthony Hospital informed staff that the Fire Department could no longer restock disposable medical supplies from the hospital's emergency rooms. The Fire Department had a long-standing arrangement with the hospital that any disposable medical supplies used during the treatment of a patient could be restocked through the emergency room. Centura St. Anthony Hospital would in turn bill the patient for items used. In 2003 changes in Federal regulations related to the relationship between hospitals and ambulance providers prohibited this re-stocking process.

Staff realized that the annual cost for disposable medical supplies would be significant so in February 2004, a formal bid process was implemented by the Emergency Medical Services Coordinator and the City Purchasing Officer. A total of 123 disposable medical items were listed on the Request for Bid document and sent to medical supply vendors resulting in eight respondents submitting a bid. The bid process awarded a split bid to BoundTree Medical and Tri-Anim Medical Products. The split bid was attributed to the fact that on 16 of the 123 items listed, Tri-Anim Medical Products bid was lower than BoundTree Medical. The cost savings for the 16 medical supplies quoted by Tri-Anim made it advantageous to split the award.

The Fire Department has had an opportunity to purchase disposable medical supplies from BoundTree Medical since July 2003. BoundTree has demonstrated exceptional customer service on numerous occasions. The regional representative is based locally and has been readily accessible in times of need. BoundTree has recently established an electronic tracking system that facilitates the ordering and inventory process minimizing Fire Department staff hours of performing this task manually. Based on the past 18 months working with BoundTree Medical, Fire Department staff is recommending the continued use of BoundTree Medical for the purchase of the bulk of disposable medical supplies in an amount not to exceed \$70,000.

Respectfully submitted,

J Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Item 8 C

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: 2005 Westminster Conference Center Property Tax

Prepared By: Emily Moon, Senior Management Analyst

Recommended City Council Action

Ratify the expenditure and authorize the City Manager to pay the amount due to the Jefferson County Treasurer in the amount of \$223,717.54, for payment of the 2005 property tax for the Westminster Conference Center.

Summary Statement

- The Amended 2006 Budget includes \$230,000 toward payment of the 2005 Westminster Conference Center property tax. In 2005, the property tax paid for 2004 totaled \$205,439.92.
- As this dollar amount exceeds \$50,000, pursuant to Section 15-1-2 of the Municipal Code, City Council must authorize the expenditure.

Expenditure Required: \$223,717.54

Source of Funds: General Fund - Central Charges Budget

Policy Issue

Should City Council authorize the payment of the amount due for the 2005 Westminster Conference Center property tax in the amount of \$223,717.54?

Alternative

City Council could choose not to pay the 2005 property tax bill at this time. Staff does not recommend this alternative as payment is due April 30, 2006 and the City would be charged interest for each month the bill is in arrears.

Background Information

The City is the owner of the Westminster Conference Center, while the Westin Westminster (Inland Pacific) manages and operates the facility. The Westin makes payments to the City for the lease of this facility. By contract, the City is obligated to pay any assessed property tax for the conference center.

Inland Pacific received notification in 2003 that the property tax due for the conference center increased dramatically over the 2001 appraisal due to changes in how possessory interest is calculated. The City and Inland Pacific attempted to appeal Jefferson County's assessment of the facility during 2003. The County refused to negotiate the value of the Conference Center's possessory interest in exclusion of consideration of the value of the Westin hotel and pavilion. As a result, Inland Pacific secured a more favorable total assessment for all three properties; however, the Conference Center's possessory interest was not adjusted. Staff continues to discuss how Inland Pacific might share a portion of the reduction in the total tax bill with the City.

In October 2004, City Council approved the 2005/2006 Budget, which included \$190,000 in 2006 for the payment of the Westminster Conference Center property taxes. As part of the October 2005 amendment to the 2006 budget, City Council appropriated an additional \$40,000 for payment of these property taxes for a total of \$230,000 in the Amended 2006 Budget.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: 2006 Concrete Replacement Project Bids
Prepared By: Ray Porter, Street Operations Manager
Dave Cantu, Contract Maintenance Foreman

Recommended City Council Action

Authorize the City Manager to sign a contract for 2006 Concrete Replacement with the low bidder, Keene Concrete, Inc., in the amount of \$661,145; and a contingency of \$26,780 for a total project budget of \$687,925.

Summary Statement

- City Council action is requested to award the bid for the 2006 Concrete Replacement Project.
- City Council approved funds in the 2006 Street Operations Division budget to replace over 19,700 linear feet of deteriorated curbs, gutters, sidewalks, crosspans and curb ramps.
- Concrete replacement will be done on 261 streets earmarked for reconstruction, resurfacing or sealcoating and at two City facility parking lots.
- Westminster also included concrete replacement bid quantities for Adams County School Districts #12 and #50 at various school sites. The School Districts' portion of this bid is not reflected in the \$661,145 City award and will be administered by each respective entity.
- Also included in this year's bid is a Utilities Field Operations expenditure of \$48,000 for curb, gutter and sidewalk replacement required during water main replacement and repair on an as needed basis throughout the year.
- Formal bids were solicited from twelve contractors with eleven responding.
- The low bidder, Keene Concrete, Inc., meets all of the City bid requirements and has successfully completed similar projects in Westminster and the Denver Metro Area during the past five years.

Expenditure Required: \$687,925

Source of Funds:	Street Operations Division Operating Budget	\$624,825
	Utilities Field Operations Budget	\$48,000
	General Capital Improvement Fund – City Facilities	
	Parking Lot Maintenance Program	\$15,100

Policy Issue

Should this bid be awarded to the low bidder, Keene Concrete, Inc., for the replacement of concrete curbs, gutters and sidewalks as specified in the contract documents for this project?

Alternative

Not replacing concrete on streets earmarked for reconstruction, resurfacing or sealcoating;

- a) Available dollars for asphalt work could increase by \$600,000.
- b) The asphalt improvements would not realize full life expectancy, due to accelerated deterioration where damaged gutters are left;
- c) Concrete replacement requested by citizens would increase; and
- d) Service level would fall lower than the norm in the Metro Area.

Staff does not recommend this alternative due to the negative impacts (b, c and d).

Background Information

City Council approved funds in the 2006 Street Operations Division budget to replace 19,700 linear feet of deteriorated curbs, gutters, sidewalks, crosspans and curb ramps at 261 locations earmarked for street reconstruction, resurfacing or sealcoating.

Westminster also included concrete replacement bid quantities for Adams Country School Districts #12 and #50 at various school sites. The School Districts' portion of this bid is not reflected in the \$661,145 City award and will be administered by each respective entity.

The following sealed bids were received:

1. Keene Concrete, Inc.	\$661,145
2. Citywide Enterprises, Inc.	\$726,578
3. Eaton-U, Inc.	\$730,205
4. Thoutt Bros. Concrete Co.	\$734,840
5. Concrete Express Inc.	\$751,235
6. ABCO Contracting	\$769,018
7. Stockholm Development & Construction	\$789,494
8. New Design Construction Co.	\$818,526
9. Quality Paving	\$838,954
10. Concrete Works of Colorado	\$916,897
11. Asphalt Specialties Company	\$927,194
City Staff estimate	\$764,770

The cost allocation breakdown for this project is as follows:

Street Operations Division Operating Budget	\$604,824
Utilities Field Operations Operating Budget	\$ 41,221
City Facility Parking Lots CIP Budget	\$ 15,100
Project contingency	<u>\$ 26,780</u>
TOTAL	<u>\$687,925</u>

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: 2006 Gasoline Recovery System Technical Assistance Contract
and Operations and Maintenance Bids

Prepared By: Richard A. Clark, P.E. Utilities Operations Manager
Robert L. Booze, Utilities Services Supervisor

Recommended City Council Action

1. Award a competitively bid contract for system operations and maintenance to Weaver Boos in an amount not to exceed \$52,980.
2. Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding a contract to CH2M-Hill as the sole source of providing city staff with management and technical assistance services. Award a contract for management and technical assistance services for the Gasoline Recovery System (GRS) to CH2M-Hill in an amount not to exceed \$74,900.

Summary Statement

- The purpose of the contract with Weaver Boos is to provide the day-to-day routine operations and maintenance work associated with keeping the treatment system in good operating condition.
- The purpose of the amended contract is for CH2M-Hill to continue to provide ongoing project management technical assistance services for the operations and maintenance for the GRS project at the Municipal Service Center (MSC).
- This anticipated total annual cost to operate the GRS program including the CH2M-Hill and Weaver Boos contracts is estimated to be approximately \$158,000, which is greater than the \$100,000 budgeted. The additional funds required for this program will be obtained by reducing expenses in the Utilities Operations Budget.

Expenditure Required: Not to exceed \$127,880

Source of Funds: Utility Fund – Utilities Operations Budget

Policy Issues

1. Should the City amend the existing CH2M-Hill contract for the management and technical assistance for the GRS at the MSC for 2006?
2. Should the City award the competitively bid system Operations and Maintenance contract for the GRS at the MSC for 2006 to Weaver Boos?

Alternatives

1. Bid the project management services and the operations and maintenance services to other outside agencies. This alternative is not recommended as CH2M-Hill has been part of the project team since inception and has a unique level of experience and expertise with this specific project.
2. Perform the technical review and inspection in-house. This option is not recommended, as City Staff are not as technically capable to perform this work as an outside technical firm with experience in groundwater remediation and geology.

The Operations and Maintenance contract was competitively bid in accordance with the City's purchasing requirements. No additional bidders would be expected if the contract was re-bid. Weaver Boos qualifications have been review and accepted and staff has no reason to disqualify them.

Background Information**Site History**

During a geotechnical evaluation of the MSC site conducted in 1986, evidence of an unleaded gasoline release was discovered at a T-connection in the fiberglass fuel line approximately 30 feet west of the main gasoline service island. Monitoring wells were installed to estimate the lateral extent of contamination, and an interceptor trench and two recovery wells were installed to begin remediation of the site. At that time, recovered gasoline was captured and the untreated water discharged to the sanitary sewer system.

In 1991, Terracon conducted additional site characterization activities and installed more monitoring wells at the site. A new treatment system consisting of an oil/water separator tank and an air stripper was installed in 1993 along with additional monitoring wells. Delta refurbished this system in 1997 to bring the site into compliance with local codes and increase the treatment capacity of the system. At this time, the system was modified to discharge to a storm sewer adjacent to the site. This was done to avoid accidental discharges of gasoline into the sanitary sewer system.

In July 1999, the City contracted with CH2M-Hill to be the technical manager of the gasoline recovery project, given their expertise in the area of remedial technology, and the fact that CH2M-Hill had no interest in the actual design, construction, or operation of the gasoline recovery system. In 2001, CH2M-Hill prepared a performance-based contract package to replace the monitoring and production wells, as well as adding soil vapor extraction (SVE) to the treatment processes. Enviro-Clean Rocky Mountain (ERM) was selected as the design/build/operate contractor. The current system was started on August 15, 2002. CH2M-Hill remained under contract to the City for project management technical assistance services. The system was operated initially by ERM (2002-2004), then by LTE during 2005 and will be operated by Weaver Boos in 2006.

Corrective Action Objectives

The following corrective action objectives have been developed for the City's MSC:

- Removing free product from all areas at the site
- Remediation of groundwater to ensure Tier 1 Risk-Based Screening Levels (RBSLs) at the point of compliance (POC) are not exceeded at any time
- Lowering the groundwater table to prevent future migration of hydrocarbons

- Ensuring that Tier 1 levels are not exceeded at soil vapor POC monitoring points at any time
- Performing a Tier 2 evaluation for soil contamination remaining after free product has been eliminated

Operational Information

Bids for the operations and maintenance contract were received January 24. The low bid received was \$52,980. The operations and maintenance bid was advertised by the Purchasing Agent on the internet using Demand Star. A mandatory pre-bid was conducted on January 13. Three companies attended the meeting to review the system. Sealed bids were opened on January 24. The results of the bids are as follows:

Weaver Boos	\$52,980
Spectrum Services	\$58,025
Delta Environmental Consultants	\$81,133

Weaver Boos is a consultant with offices in the Denver Technical Center. CH2M Hill has worked with engineers at Weaver Boos in the past and recommended them to bid on the project.

A fourth amendment to the project management and technical services contract with CH2M-Hill is now required to continue management oversight of the project for 2006. The 2006 Scope of Work matches that of the 2005 Scope of work with the addition of:

- Production of a groundwater model to predict MTBE migration from the site as well as the associated assessment report and No Further Action request to comply with new State regulations.
- As applicable, the coordination of efforts to move toward site closure.

The level of effort associated with other items within the Scope of Work has decreased such that the additional scope items can be performed by CH2M-Hill within the same contractual budget as the 2005 contract.

The total 2006 GRS program will include the \$74,900 for the technical assistance contract (CH2M-Hill), an estimated \$30,000 for system discharge quality testing and routine consumables used throughout the year, as well as the \$52,980 fee for the operations and maintenance contractual site operator. This anticipated total annual cost to operate the GRS program is estimated to be \$158,000, which is greater than the \$100,000 budgeted. The additional funds required for this program will be obtained by reducing other expenditures within the Utilities Operations budget.

Environmental Concerns

The recovery of gasoline from groundwater at the MSC has been a long process utilizing many different technologies; however, the extraction system is making significant progress. Since the start up of the dual-phase extraction system on August 15, 2002, the system has recovered approximately 12,500 gallons of free product. The recovery of product has slowly decreased from 23.2 gallons per day in August 2002, and now is less than 1 gallon per day. Also, the thickness of the layer of product in the monitoring wells has decreased steadily. Only a fraction of the wells currently have detectable levels of free product. This reduction in recovered free product along with a decreasing presence of free product seen during the quarterly monitoring process makes the project team believe the system is making a significant difference at the site. Reduction of free product to a thickness of 0.1 feet is one of the site closure parameters that must be met.

The treatment system has struggled in the recent past attempting to keep up with the changing quality of the groundwater being pumped and treated. The system is currently in noncompliance with the discharge permit (CDPHE, discharge to storm drain). The system has not operated, and hence discharged since May, 2005. The project team has spent time evaluating the treatment process, changing out old equipment, and cleaning the components of the system. The system was started up at the beginning of the year 2006 and altered the normal practice of discharging to the storm system to discharging into a holding tank. The water is sampled and analyzed prior to discharge.

The last sample analyzed failed the testing requirement. This has occurred two times in the past but the reason for the failure has not been identified. An inorganic metal, manganese, is thought to be the material causing the failure. Since manganese was identified as the probable cause of the failures, the project team will be examining techniques and treatment process changes that need to be made to remove the material in order to improve the quality of the water. Manganese is not part of the original gasoline spill, but a normal constituent of groundwater.

The system will be placed into service again once the modifications have been made and a passing test conducted. Until that time, the product water will continue to be held and used to test treatment alternatives. These treatment alternatives are being discussed at this time and no one alternative has been recommended or selected. Additional reports to the City Council will be made as information becomes available.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



Subject: Intergovernmental Agreement with the Urban Drainage and Flood Control District and the City and County of Broomfield for City Park Channel Design and Construction

Prepared by: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

1. Authorize the City Manager to execute an intergovernmental agreement (IGA) with the Urban Drainage and Flood Control District (UDFCD) and the City and County of Broomfield relating to the design and construction of City Park Channel along the south side of 120th Avenue from a point approximately 800 feet upstream of Lowell Boulevard to Big Dry Creek.
2. Authorize the use of City right-of-way along 120th Avenue as well as a portion of City owned open space south of 120th Avenue and east Lowell Boulevard for the construction of the improved channel.

Summary Statement

- Several years ago, the Urban Drainage and Flood Control District began modifying the Outfall Systems Plan for City Park Channel. City Park Channel flows originate in Broomfield and cross into Westminster in the vicinity of 120th Avenue and Sheridan Boulevard, the channel then runs east along the south side of 120th Avenue, back under 120th Avenue west of Lowell Boulevard and eventually into Big Dry Creek. The existing culvert under 120th Avenue west of Lowell Boulevard is undersized, which causes frequent flooding of 120th Avenue at Lowell Boulevard. This project will mitigate that flooding by the continuation of the open channel to Big Dry Creek south of 120th Avenue.
- The Urban Drainage and Flood Control District approached staff with a proposal that requires UDFCD, Broomfield and Westminster to share the estimated \$600,000 of “initial” costs of improving this channel. The total project cost is expected to be \$1,200,000. UDFCD has agreed to pay 50% of the entire cost of this project with Broomfield and Westminster each paying for their share of 25%. The IGA has provisions for amending the IGA in the future to adjust the total project budget when additional UDFCD money becomes available in 2007.
- The IGA is structured this way because UDFCD only has \$300,000 in 2006 for this project but has agreed to amend the IGA when their share of the additional funds (\$300,000) becomes available in 2007. Westminster’s and Broomfield’s share of the entire project funding is already budgeted. Construction is scheduled to begin in early 2007.
- Under the IGA, UDFCD will manage the project and will hire an engineering firm to design the project with Broomfield and Westminster oversight.

Expenditure Required: \$150,000 (2006), \$150,000 (2007)

Source of Funds: Utility Fund - Storm Water Utility Account

Policy Issue

Should the City enter into an Intergovernmental Agreement with the Urban Drainage and Flood Control District and the City and County of Broomfield to design and construct improvements to the City Park Channel along the south side of 120th Avenue from the existing crossing upstream of Lowell Boulevard and then east to Big Dry Creek ?

Alternative

Council could choose not to execute this intergovernmental agreement at this time. Staff does not recommend this because these improvements to this stretch of channel provide equal benefit to citizens in both jurisdictions and will prevent the future flooding of 120th Avenue in this area. In addition, UDFCD is willing to fund 50% of the cost of this project. If Council chooses not to approve this IGA, these funds may not be available in the future.

Background Information

The subject of this Agenda Memorandum is the design and construction of the reach of City Park Channel along the south side of 120th Avenue from a point about 800 feet west of Lowell Boulevard to the east where it will intersect with Big Dry Creek just west of Federal Boulevard. The proposed route of City Park Channel is consistent with the route shown in the Outfall Systems Plan that was adopted by the City in 1986. This route traverses through the City's open space property on the south side of 120th Avenue between Lowell Boulevard on the west and Federal Boulevard on the east. The channel through the open space property will be designed so it is an amenity to the open space. It will include a combined bike path and maintenance trail along the channel and will feature natural looking design elements in the channel itself.

The UDFCD proposal is to design and construct this channel in 2006 and 2007. It is proposed that UDFCD pay for 50% of the entire cost of this project with the remaining portion of the costs being shared equally between Broomfield and Westminster. Initially, the Cities' share would be \$150,000 in 2006 with an additional expected cost in 2007 of \$150,000 for a total Westminster and Broomfield share of \$300,000 each. Staff believes that this is a reasonable proposal given the equal benefits to citizens in both jurisdictions and the additional benefit of UDFCD agreeing to pay for 50% of the costs. Under the proposed IGA, UDFCD will manage this effort with oversight by both Cities.

Westminster's share of this project (\$300,000) is available from Stormwater funds.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
CITY PARK DRAINAGE, LOWER REACH, CITY OF WESTMINSTER

Agreement No. 06-01.15

THIS AGREEMENT, made this _____ day of _____, 2006, by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT (hereinafter called "DISTRICT"), CITY AND COUNTY OF BROOMFIELD (hereinafter called "BROOMFIELD" and CITY OF WESTMINSTER (hereinafter called "WESTMINSTER" and collectively known as "PARTIES");

WITNESSETH:

WHEREAS, DISTRICT, in a policy statement previously adopted, (Resolution No. 14, Series of 1970 and Resolution No. 11, Series of 1973) expressed an intent to assist public bodies which have heretofore enacted floodplain regulation measures; and

WHEREAS, PARTIES participated in a joint planning study titled "Broomfield and Vicinity Watershed Outfall Systems Update" by Kiowa Engineering Corporation, date pending 2006 approval (hereinafter called "PLAN"); and

WHEREAS, PARTIES now desire to proceed with design and construction of drainage and flood control improvements for City Park Drainage, Lower Reach, City of Westminster (hereinafter called "PROJECT"); and

WHEREAS, DISTRICT has adopted at a public hearing a Five-Year Capital Improvement Program (Resolution No. 81, Series of 2005) for drainage and flood control facilities in which PROJECT was included in the 2006 calendar year; and

WHEREAS, DISTRICT has heretofore adopted a Special Revenue Fund Budget for calendar year 2006 subsequent to public hearing (Resolution No. 67, Series of 2005) which includes funds for PROJECT; and

WHEREAS, DISTRICT's Board of Directors has authorized DISTRICT financial participation for PROJECT (Resolution No. __, Series of 2006); and

WHEREAS, the City Councils of BROOMFIELD and WESTMINSTER and the Board of Directors of DISTRICT have authorized, by appropriation or resolution, all of PROJECT costs of the respective PARTIES.

NOW, THEREFORE, in consideration of the mutual promises contained herein, PARTIES hereto agree as follows:

1. SCOPE OF AGREEMENT

This Agreement defines the responsibilities and financial commitments of PARTIES with respect to PROJECT.

2. SCOPE OF PROJECT

A. Final Design. PROJECT shall include the final design of improvements in accordance with the recommendations defined in PLAN. Specifically, the final design of facilities shall extend from approximately upstream of Lowell Boulevard at the existing crossing of 120th to Big Dry Creek, as shown on Exhibit A and shall include, at a minimum, channel improvements with an adjacent concrete maintenance/ bike trail, a minimum of a two cell box culvert under Lowell Boulevard in which one of these cells will accommodate a pedestrian underpass in addition to major storm event flood flows and a pedestrian bridge across Big Dry Creek to access the Big Dry Creek Trail System on the east side of the creek. Future Phases of the PROJECT shall include the portion of City Park Channel immediately upstream of the intersection of Chase Street and 120th Street to the upstream limits of the PROJECT mentioned above.

B. Construction. PROJECT shall include construction by DISTRICT of the drainage and flood control improvements as set forth in the final design.

3. PUBLIC NECESSITY

PARTIES agree that the work performed pursuant to this Agreement is necessary for the health, safety, comfort, convenience, and welfare of all the people of the State, and is of particular benefit to the inhabitants of DISTRICT and the property therein.

4. PROJECT COSTS AND ALLOCATION OF COSTS

- A. PARTIES agree that for the purposes of this Agreement PROJECT costs shall consist of and be limited to the following:
1. Final design services;
 2. Construction of improvements;
 3. Contingencies mutually agreeable to PARTIES.

- B. It is understood that PROJECT costs as defined above are not to exceed \$600,000 without amendment to this Agreement. PROJECT costs for the various elements of the effort are estimated as follows:

<u>ITEM</u>	<u>AMOUNT</u>
1. Final Design	\$100,000
2. Construction	500,000
3. Contingency	-0-
Grand Total	\$600,000

This breakdown of costs is for estimating purposes only. Costs may vary between the various elements of the effort without amendment to this Agreement provided the total expenditures do not exceed the maximum contribution by all PARTIES plus accrued interest.

- C. Based on total PROJECT costs, the maximum percent and dollar contribution by each party shall be:

	<u>Percentage Share</u>	<u>Maximum Contribution</u>
DISTRICT	50%	\$300,000
BROOMFIELD	25%	150,000
WESTMINSTER	25%	150,000
TOTAL	100%	\$600,000

- D. Future phases of the design and construction of City Park Channel shall be in accordance with the "MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND COUNTY OF BROOMFIELD AND THE CITY OF WESTMINSTER REGARDING MACKAY LAKE AND CITY PARK DRAINAGE BASIN IMPROVEMENTS", dated December 30, 2004.

5. MANAGEMENT OF FINANCES

As set forth in DISTRICT policy (Resolution No. 11, Series of 1973 and Resolution No. 49, Series of 1977), the cost sharing shall be after subtracting state, federal, or other sources of funding from third parties. However, monies BROOMFIELD and/or WESTMINSTER may receive from federal funds, the Federal Revenue Sharing Program, the Federal Community Development Program, or such similar discretionary programs as approved by DISTRICT's Board of Directors may be considered as and applied toward BROOMFIELD and WESTMINSTER's share of improvement costs.

Payment of each party's full share (BROOMFIELD - \$150,000; WESTMINSTER - \$150,000; and DISTRICT - \$300,000) shall be made to DISTRICT subsequent to execution of this Agreement and within 30 days of request for payment by DISTRICT. The payments by PARTIES shall be held by DISTRICT in a special fund to pay for increments of PROJECT as authorized by PARTIES, and as defined herein. DISTRICT shall provide a periodic accounting of PROJECT funds as well as a periodic notification to BROOMFIELD and WESTMINSTER of any unpaid obligations. Any interest earned by the monies contributed by PARTIES shall be accrued to the special fund established by DISTRICT for PROJECT and such interest shall be used only for PROJECT upon approval by the contracting officers (Paragraph 13).

Within one year of completion of PROJECT if there are monies including interest earned remaining which are not committed, obligated, or disbursed, each party shall receive a share of such monies, which shares shall be computed as were the original shares.

6. FINAL DESIGN

The contracting officers for PARTIES, as defined under Paragraph 13 of this Agreement, shall select an engineer mutually agreeable to all PARTIES. DISTRICT shall contract with selected engineer and shall supervise and coordinate the final design including right-of-way delineation subject to approval of the contracting officer for BROOMFIELD and WESTMINSTER. Payment

for final design shall be made by DISTRICT as the work progresses from the PROJECT fund established as set forth above.

Final design services shall consist of, but not be limited to, the following:

- A. Preparation of a work plan schedule identifying the timing of major elements in the design;
- B. Preparation of detailed construction plans and specifications;
- C. Preparation of an estimate of probable construction costs of the work covered by the plans and specifications;
- D. Preparation of an appropriate construction schedule.
- E. Preparation and submittals to FEMA of any map revision documents made necessary by the project including responses to FEMA up and until an approved Letter of Map Revision is secured.

DISTRICT shall provide any written work product by the engineer to BROOMFIELD and WESTMINSTER.

7. OWNERSHIP OF PROPERTY AND LIMITATION OF USE

WESTMINSTER shall own the property either in fee or non-revocable easement and shall be responsible for same. It is specifically understood that the right-of-way is being used for drainage and flood control purposes. The properties upon which PROJECT is constructed shall not be used for any purpose that shall diminish or preclude its use for drainage and flood control purposes. WESTMINSTER may not dispose of or change the use of the properties without approval of DISTRICT. If, in the future, WESTMINSTER disposes of any portion of or all of the properties acquired upon which PROJECT is constructed pursuant to this Agreement; changes the use of any portion or all of the properties upon which PROJECT is constructed pursuant to this Agreement; or modifies any of the improvements located on any portion of the properties upon which PROJECT is constructed pursuant to this Agreement; and WESTMINSTER has not obtained the written approval of DISTRICT prior to such action, WESTMINSTER shall take any and all action necessary to reverse said unauthorized activity and return the properties and improvements thereon, acquired and constructed pursuant to this Agreement, to the ownership and condition they were in immediately prior to the unauthorized activity at WESTMINSTER's sole expense. In the event WESTMINSTER breaches the terms and provisions of this Paragraph 7 and does not voluntarily cure as set forth above, DISTRICT shall have the right to pursue a claim against WESTMINSTER for specific performance of this portion of the Agreement.

PARTIES shall, prior to the recording by WESTMINSTER of any document transferring title or another interest to property acquired pursuant to this Agreement to WESTMINSTER, execute a memorandum of this Agreement (Exhibit B), specifically a verbatim transcript of Paragraph 7. OWNERSHIP OF PROPERTY AND LIMITATION OF USE except for this sub-paragraph which shall not be contained in the memorandum. The memorandum shall reference by legal description the property being acquired by WESTMINSTER and shall be recorded in the records of the Clerk and Recorder of Adams County immediately following the recording of the document transferring title or another interest to WESTMINSTER.

8. MANAGEMENT OF CONSTRUCTION

A. Costs. Construction costs shall consist of those costs as incurred by the lowest acceptable bidder(s) including, but not limited to, detour costs, licenses and permits, utility relocations, and construction related engineering services as defined in Paragraph 4 of this Agreement.

B. Construction Management and Payment

1. DISTRICT, with the assistance of BROOMFIELD and WESTMINSTER, shall administer and coordinate the construction-related work as provided herein.
2. DISTRICT, with assistance and approval of BROOMFIELD and WESTMINSTER, shall advertise for construction bids; conduct a bid opening; prepare construction contract documents; and award construction contract(s).
3. DISTRICT shall require the contractor to provide adequate liability insurance that includes BROOMFIELD, WESTMINSTER and THE COLORADO DEPARTMENT OF TRANSPORTATION ("CDOT"). The contractor shall be required to indemnify BROOMFIELD, WESTMINSTER and CDOT. Copies of the insurance coverage shall be provided to BROOMFIELD and WESTMINSTER.
4. DISTRICT, with assistance of BROOMFIELD and WESTMINSTER, shall coordinate field surveying; staking; inspection; testing; and engineering as required to construct PROJECT. DISTRICT, with assistance of BROOMFIELD and

WESTMINSTER, shall assure that construction is performed in accordance with the construction contract documents including approved plans and specifications and shall accurately record the quantities and costs relative thereto. Copies of all inspection reports shall be furnished to BROOMFIELD and WESTMINSTER on a weekly basis. DISTRICT shall retain an engineer to perform all or a part of these duties.

5. DISTRICT, with approval of BROOMFIELD and WESTMINSTER, shall contract with and provide the services of the design engineer for basic engineering construction services to include addendum preparation; survey control points; explanatory sketches; revisions of contract plans; shop drawing review; as-built plans; weekly inspection of work; and final inspection.
 6. PARTIES shall have access to the site during construction at all times to observe the progress of work and conformance to construction contract documents including plans and specifications.
 7. DISTRICT shall review and approve contractor billings and send them to BROOMFIELD and WESTMINSTER for approval. DISTRICT shall remit payment to contractor based on billings approved by PARTIES.
 8. DISTRICT, with assistance and written concurrence by BROOMFIELD and WESTMINSTER, shall prepare and issue all written change or work orders to the contract documents.
 9. PARTIES shall jointly conduct a final inspection and accept or reject the completed PROJECT in accordance with the contract documents.
 10. DISTRICT shall provide BROOMFIELD and WESTMINSTER a set of Mylar reproducible "as-built" plans.
- C. Construction Change Orders. In the event that it becomes necessary and advisable to change the scope or detail of the work to be performed under the contract(s), such changes shall be rejected or approved in writing by the contracting officers. No change orders shall be approved that increase the costs beyond the funds available in the PROJECT fund, including interest earned on those funds, unless and until the additional funds needed to pay for the added costs are committed by all PARTIES.

9. MAINTENANCE

PARTIES agree that WESTMINSTER shall own and be responsible for maintenance of the completed and accepted PROJECT. PARTIES further agree that DISTRICT, at WESTMINSTER's request, shall assist WESTMINSTER with the maintenance of all facilities constructed or modified by virtue of this Agreement to the extent possible depending on availability of DISTRICT funds. Such maintenance assistance shall be limited to drainage and flood control features of PROJECT. Maintenance assistance may include activities such as keeping flow areas free and clear of debris and silt, keeping culverts free of debris and sediment, repairing drainage and flood control structures such as drop structures and energy dissipaters, and clean-up measures after periods of heavy runoff. The specific nature of the maintenance assistance shall be set forth in a memorandum of understanding from DISTRICT to WESTMINSTER, upon acceptance of DISTRICT's annual Maintenance Work Program.

DISTRICT shall have right-of-access to right-of-way and storm drainage improvements at all times for observation of flood control facility conditions and for maintenance when funds are available.

10. FLOODPLAIN REGULATION

BROOMFIELD and WESTMINSTER agrees to regulate and control the floodplain of City Park Drainage within BROOMFIELD and WESTMINSTER in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum.

PARTIES understand and agree, however, that BROOMFIELD and WESTMINSTER cannot obligate itself by contract to exercise its police powers. If BROOMFIELD and WESTMINSTER fails to regulate the floodplain of City Park Drainage within BROOMFIELD and WESTMINSTER in the manner prescribed by the National Flood Insurance Program and prescribed regulations thereto as a minimum, DISTRICT may exercise its power to do so and BROOMFIELD and WESTMINSTER shall cooperate fully.

11. TERM OF AGREEMENT

The term of this Agreement shall commence upon final execution by all PARTIES and shall terminate two years after the final payment is made to the construction contractor and the final accounting of funds on deposit at DISTRICT is provided to all PARTIES pursuant to Paragraph 5 herein, except for Paragraph 10. FLOODPLAIN REGULATION, Paragraph 7. OWNERSHIP OF PROPERTY AND LIMITATION OF USE, and Paragraph 9, MAINTENANCE, which shall run in perpetuity.

12. LIABILITY

Each party hereto shall be responsible for any suits, demands, costs or actions at law resulting from its own acts or omissions and may insure against such possibilities as appropriate.

13. CONTRACTING OFFICERS AND NOTICES

- A. The contracting officer for BROOMFIELD shall be the City Manager, One Descombes Drive, Broomfield, Colorado 80020.
- B. The contracting officer for WESTMINSTER shall be the City Manager, 4800 West 92nd Avenue, Westminster, Colorado 80030.
- C. The contracting officer for DISTRICT shall be the Executive Director, 2480 West 26th Avenue, Suite 156B, Denver, Colorado 80211.
- D. Any notices, demands or other communications required or permitted to be given by any provision of this Agreement shall be given in writing, delivered personally or sent by registered mail, postage prepaid and return receipt requested, addressed to PARTIES at the addresses set forth above or at such other address as either party may hereafter or from time to time designate by written notice to the other party given when personally delivered or mailed, and shall be considered received in the earlier of either the day on which such notice is actually received by the party to whom it is addressed or the third day after such notice is mailed.
- E. The contracting officers for PARTIES each agree to designate and assign a PROJECT representative to act on the behalf of said PARTIES in all matters related to PROJECT undertaken pursuant to this Agreement. Each representative shall coordinate all PROJECT-related issues between PARTIES, shall attend all progress meetings, and shall be responsible for providing all available PROJECT-related file information to the engineer upon request by DISTRICT or BROOMFIELD and/or WESTMINSTER. Said representatives shall have the authority for all approvals, authorizations, notices or concurrences required under this Agreement or any amendments or addenda to this Agreement.

14. AMENDMENTS

This Agreement contains all of the terms agreed upon by and among PARTIES. Any amendments or modifications to this Agreement shall be in writing and executed by PARTIES hereto to be valid and binding.

15. SEVERABILITY

If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, such invalid or unenforceable clause or provision shall not affect the validity of the Agreement as a whole and all other clauses or provisions shall be given full force and effect.

16. APPLICABLE LAWS

This Agreement shall be governed by and construed in accordance with the laws of the State of Colorado. Venue for any and all legal actions regarding the transaction covered herein shall lie in District Court in and for the County of Denver, State of Colorado.

17. ASSIGNABILITY

No party to this Agreement shall assign or transfer any of its rights or obligations hereunder without the prior written consent of the non-assigning party or parties to this Agreement.

18. BINDING EFFECT

The provisions of this Agreement shall bind and shall inure to the benefit of PARTIES hereto and to their respective successors and permitted assigns.

19. ENFORCEABILITY

PARTIES hereto agree and acknowledge that this Agreement may be enforced in law or in equity, by decree of specific performance or damages, or such other legal or equitable relief as may be available subject to the provisions of the laws of the State of Colorado.

20. TERMINATION OF AGREEMENT

This Agreement may be terminated upon thirty (30) day's written notice by any of PARTIES, but only if there are no contingent, outstanding contracts. If there are contingent, outstanding contracts, this Agreement may only be terminated upon mutual agreement of all PARTIES and only upon the cancellation of all contingent, outstanding contracts. All costs associated with the cancellation of the contingent contracts shall be shared between PARTIES in the same ratio(s) as were their contributions and subject to the maximum amount of each party's contribution as set forth herein.

21. PUBLIC RELATIONS

It shall be at BROOMFIELD and WESTMINSTER's sole discretion to initiate and to carry out any public relations program to inform the residents in PROJECT area as to the purpose of PROJECT and what impact it may have on them. Technical and final design recommendations shall be presented to the public by the selected design engineer. In any event DISTRICT shall have no responsibility for a public relations program, but shall assist BROOMFIELD and WESTMINSTER as needed and appropriate.

22. NO DISCRIMINATION IN EMPLOYMENT

In connection with the performance of work under this Agreement, PARTIES agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified because of race, color, ancestry, creed, religion, national origin, gender, age, military status, sexual orientation, marital status, or physical or mental disability and further agree to insert the foregoing provision in all subcontracts hereunder.

23. APPROPRIATIONS

Notwithstanding any other term, condition, or provision herein, each and every obligation of BROOMFIELD, WESTMINSTER and/or DISTRICT stated in this Agreement is subject to the requirement of a prior appropriation of funds therefore by the appropriate governing body of BROOMFIELD, WESTMINSTER and/or DISTRICT.

24. NO THIRD PARTY BENEFICIARIES

It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to PARTIES, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other or third person on such Agreement. It is the express intention of PARTIES that any person or party other than any one of PARTIES receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

WHEREFORE, PARTIES hereto have caused this instrument to be executed by properly authorized signatories as of the date and year first above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

CITY AND COUNTY OF BROOMFIELD

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

City Attorney

CITY OF WESTMINSTER

(SEAL)

By _____

ATTEST:

Title _____

Date _____

APPROVED AS TO FORM:

City Attorney

AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
CITY PARK DRAINAGE, LOWER REACH, CITY OF WESTMINSTER

Agreement No. 06-01.15

Exhibit A



SAMPLE

**AGREEMENT REGARDING
DESIGN AND CONSTRUCTION
OF DRAINAGE AND FLOOD CONTROL IMPROVEMENTS FOR
CITY PARK DRAINAGE, LOWER REACH, CITY OF WESTMINSTER**

Agreement No. 06-01.15

Exhibit B

MEMORANDUM

This MEMORANDUM is entered into this _____ day of _____, 20__ by and between URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, a quasi-governmental entity, whose address is 2480 West 26th Avenue, Suite 156-B, Denver, Colorado 80211 (hereinafter called "DISTRICT") and _____, a governmental entity, whose address is _____ (hereinafter called "COUNTY") and collectively known as "PARTIES";

WHEREAS, PARTIES entered into "Agreement Regarding Design and Construction of Drainage and Flood Control Improvements for _____," Agreement No. _____ on or about _____, 20__, (hereinafter called "AGREEMENT"); and

WHEREAS, AGREEMENT is unrecorded, however PARTIES have agreed in AGREEMENT to record this MEMORANDUM in the records of the Clerk and Recorder of _____, State of Colorado, in order to put all who inquire on notice of AGREEMENT and in particular Paragraph 7.C of AGREEMENT; and

WHEREAS, in AGREEMENT, PARTIES agreed to participate equally (up to a maximum of \$_____ each) in the cost of the construction of drainage and flood control improvements for _____ within COUNTY boundaries which include _____ (hereinafter called "PROJECT"); and

WHEREAS, construction of PROJECT may require the acquisition by COUNTY of real property; and

WHEREAS, AGREEMENT further provides that COUNTY will own all real property required to construct the improvements and that COUNTY ownership of that real property shall be subject to the terms and conditions of AGREEMENT and in particular Paragraph 7 of AGREEMENT; and

WHEREAS, Paragraph 7 of AGREEMENT provides in appropriate part as follows:

7. OWNERSHIP OF PROPERTY AND LIMITATION OF USE

COUNTY shall own the property either in fee or non-revocable easement and shall be responsible for same. It is specifically understood that the right-of-way is being used for drainage and flood control purposes. The properties upon which PROJECT is constructed shall not be used for any purpose that shall diminish or preclude its use for drainage and flood control purposes. COUNTY may not dispose of or change the use of the properties without approval of DISTRICT. If, in the future, COUNTY disposes of any portion of or all of the properties acquired upon which PROJECT is constructed pursuant to this Agreement; changes the use of any portion or all of the properties upon which PROJECT is constructed pursuant to this Agreement; or modifies any of the improvements located on any portion of the properties upon which PROJECT is constructed pursuant to this Agreement; and COUNTY has not obtained the written approval of DISTRICT prior to such action, COUNTY shall take any and all action necessary to reverse said unauthorized activity and return the properties and improvements thereon, acquired and constructed pursuant to this Agreement, to the ownership and condition they were in immediately prior to the unauthorized activity at COUNTY's sole expense. In the event COUNTY breaches the terms and provisions of this Paragraph 7 and does not voluntarily cure as set forth above,

DISTRICT shall have the right to pursue a claim against COUNTY for specific performance of this portion of the Agreement."; and

WHEREAS, COUNTY has just acquired the real property described in Exhibit Z attached hereto and incorporated herein by reference, as if set forth verbatim herein, pursuant to the terms and conditions of AGREEMENT for the construction of PROJECT; and

WHEREAS, PARTIES intend that the terms and provisions of AGREEMENT, including but not limited to Paragraph 7 of AGREEMENT set forth verbatim above, shall apply to and control the real property described in Exhibit Z.

NOW THEREFORE IT IS AGREED by and between PARTIES that the terms and provisions of AGREEMENT, including but not limited to Paragraph 7 of AGREEMENT set forth verbatim above shall apply to and control the real property described in Exhibit Z, now owned by COUNTY.

This MEMORANDUM is not a complete summary of AGREEMENT. Provisions in this MEMORANDUM shall not be used in interpreting AGREEMENT's provision. In the event of conflict between this MEMORANDUM and the unrecorded AGREEMENT, the unrecorded AGREEMENT shall control.

WHEREFORE, PARTIES have caused this MEMORANDUM to be executed by properly authorized signatures as of the date and year above written.

URBAN DRAINAGE AND
FLOOD CONTROL DISTRICT

(SEAL)

By _____

ATTEST:

Title Executive Director

Date _____

COUNTY OF _____

(SEAL)

By _____

ATTEST:

Title _____

Date _____

Clerk and Recorder,

RECOMMENDED AND APPROVED:

APPROVED AS TO FORM:

Attorney for the _____

By _____
Assistant Attorney

REGISTERED AND COUNTERSIGNED:

By _____

STATE OF COLORADO)
) ss.

CITY AND COUNTY OF DENVER)

Subscribed and sworn to before me this _____ day of _____, 20__, by
David W. Lloyd, Executive Director of Urban Drainage and Flood Control District.

WITNESS my hand and official seal.

(SEAL)

Notary Public

My Commission Expires _____.

STATE OF COLORADO)
) ss.

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20__, by

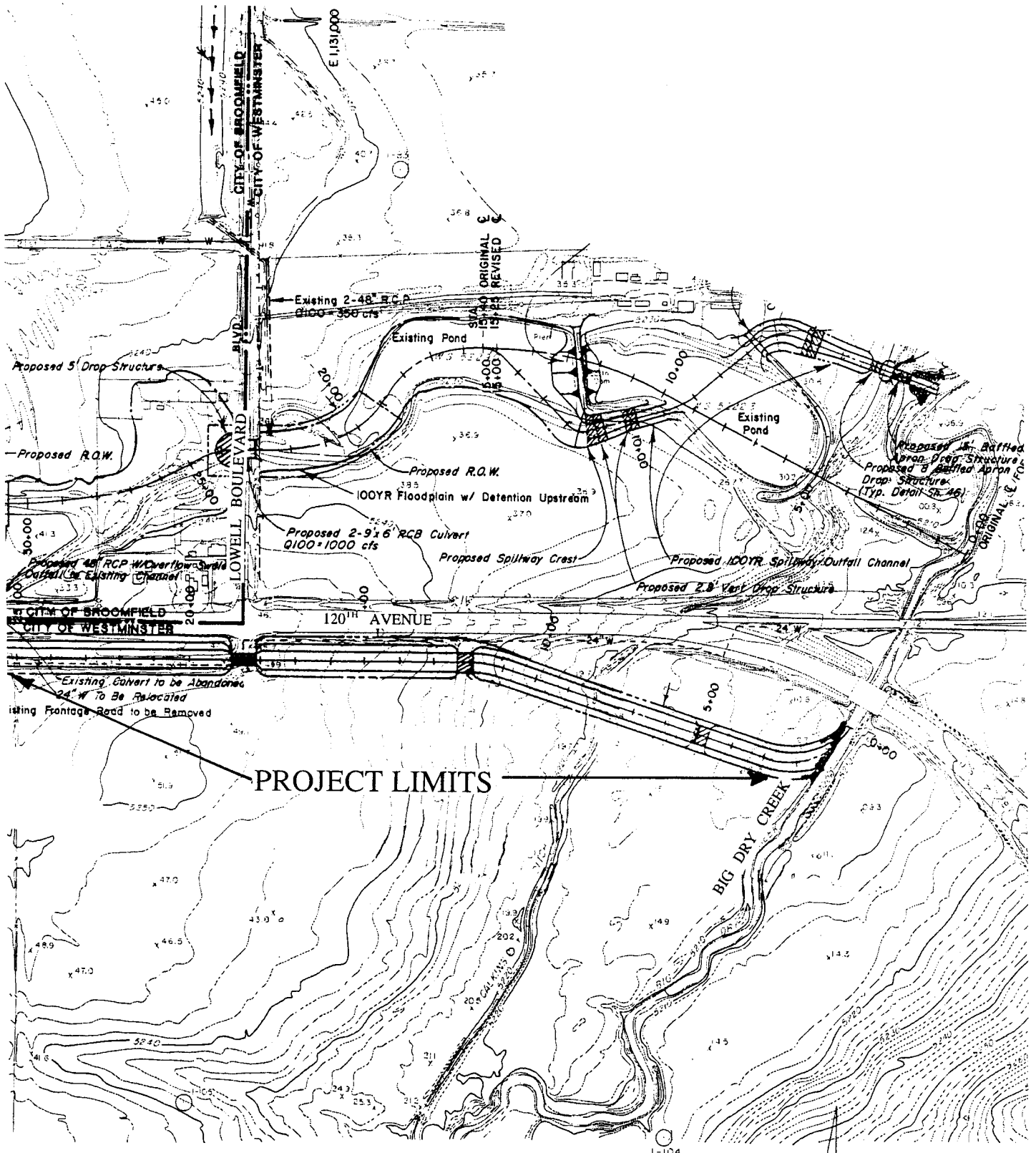
_____.

WITNESS my hand and official seal.

(SEAL)

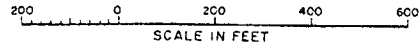
Notary Public

My Commission Expires _____.



PROJECT LIMITS

CITY PARK CHANNEL PROJECT





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Second Reading of Councillor’s Bill No. 9 re 2005 4th Quarter Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor’s Bill No. 9 on second reading providing for a supplemental appropriation to the 2005 budget of the General, General Capital Improvement, Sales Tax and Debt Service Funds.

Summary Statement

- City Council action is requested to pass the attached Councillor’s Bill on second reading, which authorizes a supplemental appropriation to the 2005 budget of the General, General Capital Improvement, Sales Tax and Debt Service Funds.

General Fund amendments total:	\$241,104
General Capital Improvement Fund amendments total:	\$882,120

- This Councillor’s Bill was passed on first reading February 13, 2006.

Expenditure Required: \$ 1,123,224

Source of Funds: The funding sources for these expenditures include grants, reimbursements, contributions, donations, program revenues, building permit fees, escrow funds, SID prepayments and inter-fund transfers in the General, General Capital Improvement, Sales Tax and Debt Service Funds.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3266**

COUNCILLOR'S BILL NO. **9**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Kauffman – Price

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, SALES AND USE TAX, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$241,104 which, when added to the fund balance as of the City Council action on February 13, 2006 will equal \$95,384,078. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of grants, reimbursements, special event revenue, donations, contributions and building permit fees.

Section 2. The \$241,104 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$52,470	\$33,243	\$85,713
Contributions	1000.43100.0000	37,175	750	37,925
General Misc.	1000.43060.0000	206,522	750	207,272
Off Duty Fire Svcs	1000.41340.0013	0	1,887	1,887
State Grants	1000.40620.0000	24,370	4,004	28,374
Sale of Assets	1000.43040.0000	50,000	4,060	54,060
Youth Scholarships	1000.41030.0528	4,343	3,919	8,262
Adult Sports	1000.41030.0504	0	10,316	10,316
Youth Sports	1000.41030.0507	0	7,455	7,455
Preschool	1000.41030.0508	0	50,133	50,133
Building Permit ADCO	1000.40185.0010	300,000	124,587	424,587
Total Change to Revenues			\$241,104	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
PD Contract Svcs	10020300.67800.0344	\$2,000	\$2,393	\$4,393
PD Salaries OT	10020300.60400.0344	208,673	12,217	220,890
PD Supplies	10020300.70200.0341	5,000	750	5,750
Fire Salaries OT	10025260.60400.0000	182,646	18,633	200,120
Fire Supplies – Prevention	10025260.70200.0547	4,500	750	5,250
Fire Supplies – EMS	10025260.70200.0546	3,500	871	4,371
Fire Salaries OT	10025260.60400.0546	70,000	1,016	71,016
Fire Contract Svcs	10025260.67800.0000	40,142	4,004	44,146
Lease Payments	10050550.67700.0106	13,903	4,060	17,963
Youth Scholarships	10050760.67600.0528	5,665	3,919	9,584
Rec Professional Svcs	10050760.65100.0504	59,358	10,316	69,674
Rec Contract Svcs	10050760.67800.0507	12,700	7,455	20,155
Rec Salaries Temp	10050760.60600.0508	82,875	50,133	133,008
CD Building Prof Svcs	10030370.65100.0000	50,000	<u>124,587</u>	174,587
Total Change to Expenses			<u>\$241,104</u>	

Section 3. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$882,120 which, when added to the fund balance as of the City Council action on February 13, 2006 will equal \$35,997,601. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of escrow funds, a rebate, reimbursements, contributions and a donation.

Section 4. The \$882,120 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Interest 01 COPS	7500.42520.0215	\$0	\$690	\$690
Interest COPS 2005	7500.42520.0274	0	245,240	245,240
SID Assessments	7500.40255.0065	0	156,559	156,559
Parks GOCO Grant	7501.40620.0026	5,100	(1,100)	4,000
Transfer from Sales Tax Fund	7500.45000.0530	262,080	<u>480,731</u>	742,811
Total Change to Revenue			<u>\$882,120</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Public Safety Bldg	80175020127.80400.8888	\$63,283	\$690	\$63,973
144 th Interchange	80575030713.80400.8888	15,800,000	245,240	16,045,240
New Development Participation	80175030011.80400.8888	813,401	156,559	969,960
Trails Development	80175050135.80400.8888	151,245	(1,100)	150,145
Transfer to Debt Service Fund	75010900.79800.0800	0	<u>480,731</u>	480,731
Total Change to Expenses			<u>\$882,120</u>	

Section 5. The 2005 appropriations for the Sales and Use Tax Fund do not change with the appropriation, however, the general ledger accounts changed are shown below for informational purposes:

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to Debt Service Fund	53010900.79800.0800	\$4,400,000	(\$480,731)	\$3,919,269
Transfer to General Capital Improvement Fund	53010900.79800.0750	262,080	<u>480,731</u>	742,811
Total Change to Expenses			<u>\$0</u>	

Section 6. The 2005 appropriations for the General Debt Service Fund do not change with the appropriation, however, the general ledger accounts changed are shown below for informational purposes:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer from General Capital Improvement Fund	8000.45000.0750	\$0	\$480,731	\$480,731
Transfer from Sales Tax Fund	8000.45000.0530	4,400,000	(480,731)	3,919,269
Total Change to Revenue			<u>\$0</u>	

Section 7 – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of February, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of February, 2006.

ATTEST:

City Clerk

Mayor



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Second Reading of Councillor’s Bill No. 10 re Rights-of-Way Vacations for Greenbriar I and Medical North Subdivision Plats

Prepared By: Justin Hildreth, Senior Civil Engineer

Recommended City Council Action:

Pass Councillors Bill No. 10 on second reading, vacating portions of Bryant Street and Alcott Street located within the Greenbriar I Subdivision Plat (File 12, Map 226), and Medical Plaza North Subdivision (File 16, Map 145), all from Adams County Public Records.

Summary Statement

- The property owner, Saint Anthony’s North Hospital, is requesting the right-of-way vacations since it owns all of the property served by the streets and they no longer serve a public purpose.
- A utility easement will be dedicated for existing utilities within the rights-of-way on the Saint Anthony’s North Hospital Plat, which will be signed upon the approval of the vacations and development plans. Clay Street will be dedicated along the western edge of the property and will eventually provide a north-south connection between 84th Avenue and 88th Avenue.
- This vacation is associated with the First Amended Preliminary Development Plan (PDP) and the Eighth Amended Official Development Plan (ODP) for the St. Anthony’s North Hospital Planned Unit Development (PUD). The ODP and PDP files will add 15 acres to the PUD, which the hospital has purchased, and allow for a new 65,000 square foot medical office building to the hospital campus.
- Approval is proposed to be contingent upon action by City Staff of the final plat for St. Anthony’s North Hospital that will dedicate the new right-of-way for Clay Street.
- City Staff has determined that the subject rights-of-way are no longer needed by the City.
- This Councillor’s Bill was passed on first reading on February 13, 2006.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3267**

COUNCILLOR'S BILL NO. **10**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman - Major

A BILL

**FOR AN ORDINANCE VACATING PORTIONS OF RIGHTS-OF-WAY FOR ALCOTT STREET
AND BRYANT STREET ON PROPERTY OWNED BY SAINT ANTHONY'S NORTH AS
DEDICATED ON THE GREENBRIAR 1 SUBDIVISION PLAT AND MEDICAL PLAZA NORTH
SUBDIVISION PLAT.**

WHEREAS, certain rights-of-way were dedicated on the final plats for Greenbriar 1 Subdivision (File 12, Map 226), and Medical Plaza North Subdivision (File 16, Map 145), all from Adams County Public Records; and

WHEREAS, the vacation is necessary since Saint Anthony's North Hospital has purchased all of the land that is served by these streets and these streets no longer serve the general public; and

WHEREAS, utility easements will be dedicated for existing utilities within the proposed right-of-way vacations; and

THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. Legal Descriptions for vacations: See attached legal descriptions in Exhibits A, B and 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.

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 13th day of February, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of February, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

PROPERTY DESCRIPTION

Exhibit-A

(1 of 2)

A Parcel of land being part of Greenbrier 1 Subdivision, as recorded in the records of Adams County on June 30, 1970, under File 12, Map 226, located in the Northeast Quarter (NE1/4) of Section Twenty-nine (29), Township Two South (T.2S.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Adams, State of Colorado, and being more particularly described as follows:

COMMENCING at the Center Quarter of said Section 29 and assuming the South line of said NE1/4 as bearing North 89°53'56" East a distance of 2691.43, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, with all other bearings contained herein being relative thereto;

THENCE North 89°53'56" East along said South line a distance of 1521.15 feet to the Southerly extension of the West Right-of-Way (ROW) line of Bryant Street;
Thence along the West ROW line of Bryant Street the following Two (2) courses and distances:

THENCE North 01°18'54" West 410.00 feet to the North line of 85th Avenue and the **POINT OF BEGINNING**;

THENCE continuing North 01°18'54" West a distance of 622.31 feet to the Westerly prolongation of the North Line of Alcott Street;

THENCE North 89°53'56" East along said North line a distance of 60.01 feet to the East ROW of Bryant Street;


THENCE South 01°18'54" East along said East ROW a distance of 622.31 feet to the Easterly prolongation of said North line of 85th Avenue;

THENCE South 89°53'53" West along said Easterly prolongation a distance of 60.01 feet to the **POINT OF BEGINNING**;

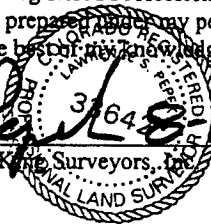
Said Parcel contains 37,338 sq. ft. more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

SURVEYORS CERTIFICATE

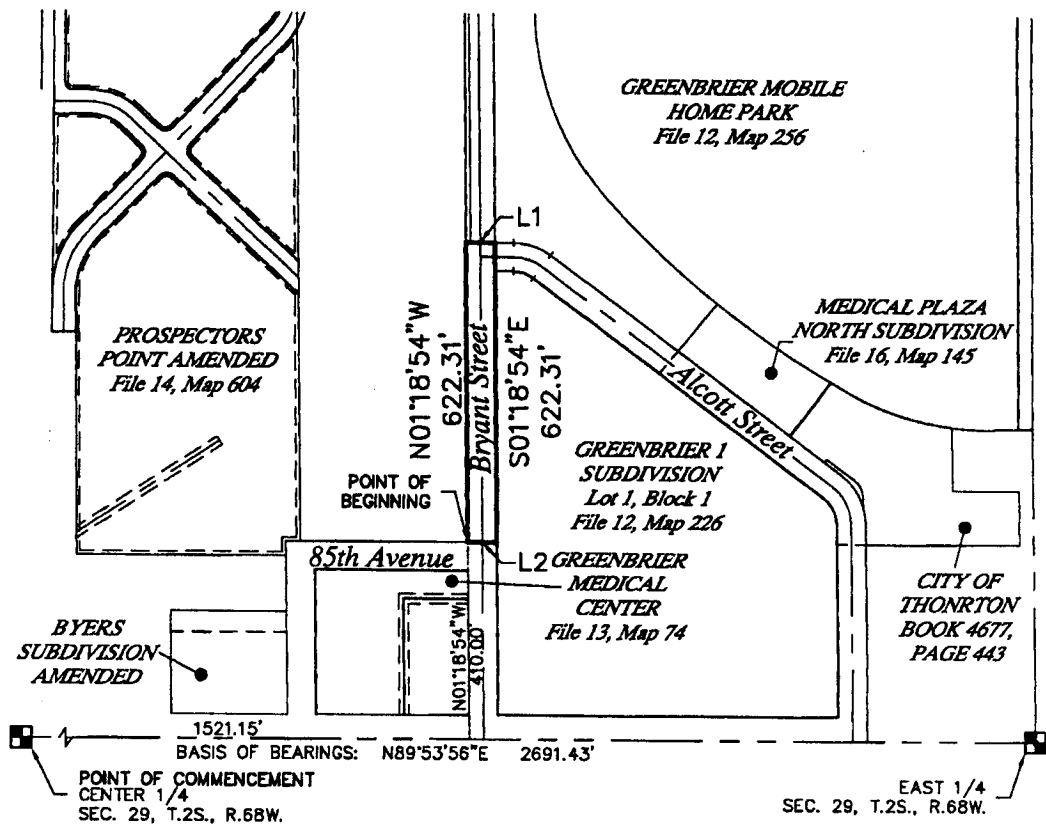
I, Lawrence S. Pepek, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



Lawrence S. Pepek - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #33642



KING SURVEYORS, INC.
9299 Eastman Park Drive
Windsor, Colorado 80550
(970) 686-5011



NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supercedes the exhibit drawing.

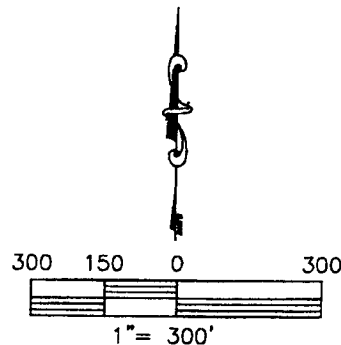
LINE TABLE		
LINE	BEARING	LENGTH
L1	N89°53'56"E	60.01'
L2	S89°53'56"W	60.01'

LSP

LAWRENCE S. PEPEK
33642

Colorado Registered Professional Land Surveyor #33642

King Surveyors, Inc.
Colorado Registered Professional Land Surveyor #33642



KING SURVEYORS, INC.

9299 EASTMAN PARK DRIVE, WINDSOR, CO 80550
PHONE: (970) 686-5011 FAX: (970) 686-5821
WWW.KINGSURVEYORS.COM

PROJECT NO:2004463A
DATE: 8-12-05
CLIENT: DASCO
DWG: 2004463-EXH
DRAWN: KER CHECKED: LSP

PROPERTY DESCRIPTION

Exhibit-B

(1 of 2)

A Parcel of land being part of Greenbrier 1 Subdivision, as recorded in the records of Adams County on June 30, 1970, under File 12, Map 226, located in the Northeast Quarter (NE1/4) of Section Twenty-nine (29), Township Two South (T.2S.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Adams, State of Colorado, and being more particularly described as follows:

COMMENCING at the Center Quarter of said Section 29 and assuming the South line of said NE1/4 as bearing North 89°53'56" East a distance of 2691.43, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, with all other bearings contained herein being relative thereto;

THENCE North 89°53'56" East along said South line a distance of 1581.16 feet to the Southerly extension of the East Right-of-Way (ROW) line of Bryant Street;
Thence along the East ROW line of Bryant Street the following Two (2) courses and distances:

THENCE North 01°18'54" West 972.30 feet to the South line of Alcott Street and the **POINT OF BEGINNING**;

THENCE North 01°18'54" West a distance of 60.01 feet to the Northerly line of Alcott Street;

Thence along the Northerly line of Alcott Street the following Three (3) courses and distances:

THENCE North 89°53'56" East a distance of 38.89 feet to a Point of Curvature (PC);
THENCE along the arc of a curve concave to the South a distance of 83.47 feet, whose Radius is 130.00 feet, whose Delta is 36°47'10", whose Long Chord bears South 71°42'29" East a distance of 82.04 feet to a Point of Tangency (PT);

THENCE South 53°18'54" East a distance of 331.22 feet;

THENCE South 38°41'06" West a distance of 60.04 feet to the Southerly line of Alcott Street;

Thence along the Southerly line of Alcott Street the following 3 courses and distances:

THENCE North 53°18'54" West a distance of 329.12 feet to a PC;

THENCE along the arc of a curve concave to the South a distance of 44.94 feet, whose Radius is 70.00 feet, whose Delta is 36°47'10", whose Long Chord bears North 71°42'29" West a distance of 44.17 feet to a PT;

THENCE South 89°53'56" West a distance of 37.62 feet to the **POINT OF BEGINNING**;

Said Parcel contains 25,957 sq. ft. more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

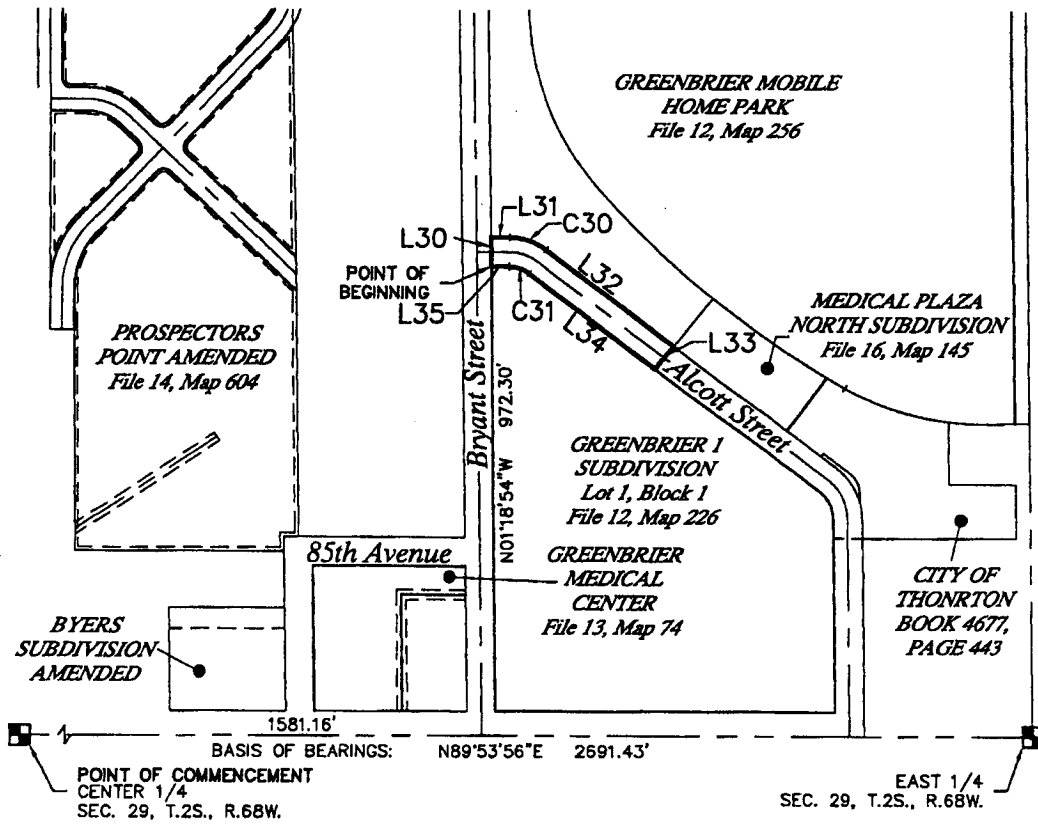
SURVEYORS CERTIFICATE

I, Lawrence S. Pepek, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

  33642
Lawrence S. Pepek - on behalf of King Surveyors, Inc.
Colorado Registered Professional Land Surveyor #33642

KING SURVEYORS, INC.
9299 Eastman Park Drive
Windsor, Colorado 80550
(970) 686-5011

(2 of 2)



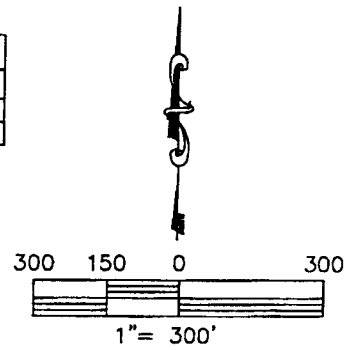
LINE TABLE		
LINE	BEARING	LENGTH
L30	N01°18'54"W	60.01'
L31	N89°53'56"E	38.89'
L32	S53°18'54"E	331.22'
L33	S38°41'06"W	60.04'
L34	N53°18'54"W	329.12'
L35	S89°53'56"W	37.62'

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supercedes the exhibit drawing.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C30	83.47'	130.00'	36°47'10"	82.04'	S71°42'29"E
C31	44.94'	70.00'	36°47'10"	44.17'	N71°42'29"W

Lawrence S. Pepek - on behalf of King Surveyors, Inc.
Colorado Registered Professional Land Surveyor #33642

16-06



KING SURVEYORS, INC.

9299 EASTMAN PARK DRIVE, WINDSOR, CO 80550
PHONE: (970) 686-5011 FAX: (970) 686-5821
WWW.KINGSURVEYORS.COM

PROJECT NO: 2004463A
DATE: 8-12-05
CLIENT: DASCO
DWG: 2004463-EXH
DRAWN: KER CHECKED: LSP

PROPERTY DESCRIPTION

Exhibit-C

(1 of 2)

A Parcel of land being part of Medical Plaza North Subdivision, as recorded in the records of Adams County on August 31, 1984, under File 16, Map 145, located in the Northeast Quarter (NE1/4) of Section Twenty-nine (29), Township Two South (T.2S.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), County of Adams, State of Colorado, and being more particularly described as follows:

COMMENCING at the Center Quarter of said Section 29 and assuming the South line of said NE1/4 as bearing North 89°53'56" East a distance of 2691.43 feet, being a grid bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/92, with all other bearings contained herein being relative thereto;

THENCE North 89°53'56" East along said South line a distance of 2341.34 feet to the Southerly extension of the East Right-of-Way (ROW) line of Alcott Street; Thence along the East and Northeasterly ROW line of Alcott Street the following Four (4) courses and distances:

THENCE North 01°18'54" West 453.63 feet to a Point of Curvature (PC); THENCE along the arc of a curve concave to the West a distance of 32.32 feet, whose Radius is 130.00 feet, whose Delta is 14°14'48" and whose Long Chord bears North 08°26'18" West a distance of 32.24 feet to the POINT OF BEGINNING;

THENCE continuing along the arc of a curve concave to the West a distance of 85.66 feet, whose Radius is 130.00, whose Delta is 37°45'12", whose Long Chord bears North 34°26'18" West a distance of 84.12 feet to a Point of Tangency (PT),

THENCE North 53°18'54" West a distance of 42.37 feet; Thence along the Northwest, Northeasterly and East lines of a parcel of land described as Street R.O.W. Dedicated To The Public per said Medical Plaza North Subdivision the following Four (4) courses and distances:

THENCE North 36°41'06" East a distance of 8.00 feet;

THENCE South 53°18'54" East a distance of 69.45 feet to a PC;


THENCE along the arc of a curve concave to the West a distance of 46.52 feet, whose Radius is 51.26 feet, whose Delta is 52°00'00", whose Long Chord bears South 27°18'54" East a distance of 44.94 feet to a PT;

THENCE South 01°18'54" East a distance of 19.69 feet to the POINT OF BEGINNING;

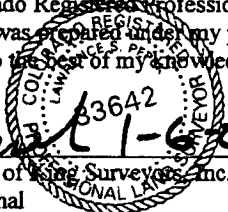
Said Parcel contains 1,090 sq. ft. more or less (+/-), and is subject to any rights-of-way or other easements of record as now existing on said described parcel of land.

SURVEYORS CERTIFICATE

I, Lawrence S. Pepek, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.

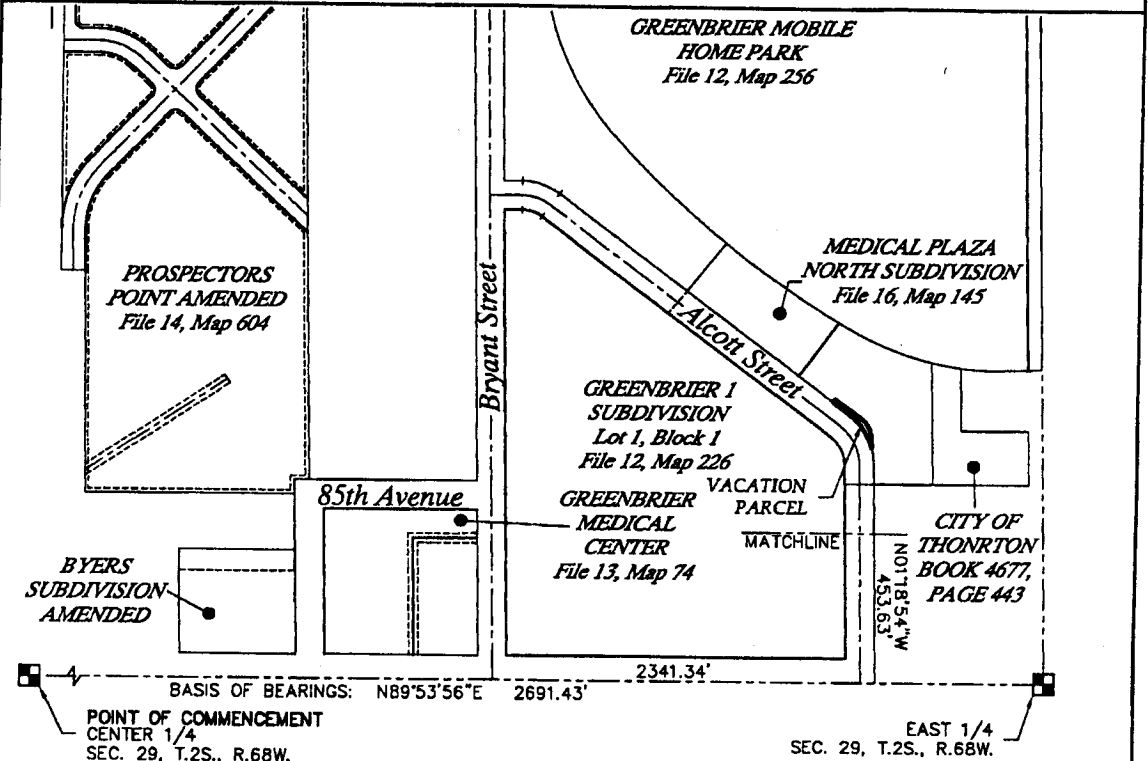
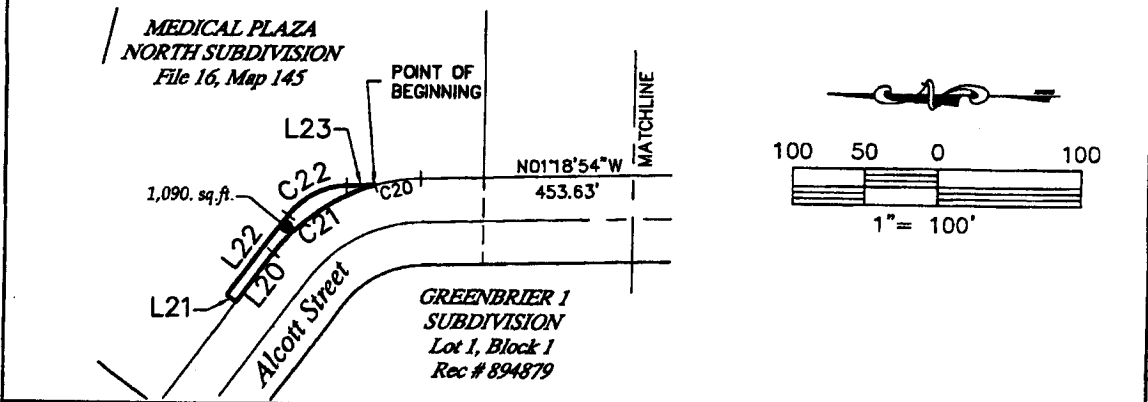


Lawrence S. Pepek - on behalf of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #33642



KING SURVEYORS, INC.
9299 Eastman Park Drive
Windsor, Colorado 80550
(970) 686-5011

(2 of 2)



LINE TABLE

LINE	BEARING	LENGTH
L20	N53°18'54"E	42.37'
L21	N36°41'06"E	8.00'
L22	S53°18'54"E	69.45'
L23	S01°18'54"E	19.69'

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C20	32.32'	130.00'	14°14'48"	32.24'	N08°26'18"W
C21	85.66'	130.00'	37°45'12"	84.12'	N34°26'18"W
C22	46.52'	51.26'	52°00'00"	44.94'	S27°18'54"E

Lawrence S. Pepek - on behalf of King Surveyors, Inc.
 Colorado Registered Professional Land Surveyor #33642

NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supercedes the exhibit drawing.



KING SURVEYORS, INC.

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 PHONE: (970) 686-5011 FAX: (970) 686-5821
 WWW.KINGSURVEYORS.COM

PROJECT NO: 2004463A
 DATE: 1-3-06
 CLIENT: DASCO
 DWG: 2004463-EXH
 DRAWN: KER CHECKED: LSP



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Second Reading of Councillor’s Bill No. 11 re Un-appropriation from the Westfield Village CIP Project Budget

Prepared By: Julie M. Meenan Eck, Landscape Architect

Recommended City Council Action

Pass Councillors Bill No. 11 on second reading authorizing the un-appropriation of \$57,300 from the Westfield Village CIP project budget.

Summary Statement

- On May 7, 2002, the Hyland Hills general obligation bond was passed by voters of the district.
- On August 12, 2002, City Council voted to authorize the City Manager to sign a revised intergovernmental agreement (IGA) between the City of Westminster and Hyland Hills Park and Recreation District at the request of the Hyland Hills Board to incorporate language into the IGA reflecting the City’s intention to provide matching funds for the development of the L.I.F.E. Fellowship Park (now known as Westfield Village Park).
- In the IGA, Hyland Hills committed \$900,000 for the L.I.F.E. Fellowship Park (Westfield Village Park).
- In a letter agreement to Hyland Hills dated November 10, 2004, the City Manager proposed reducing the amount of Hyland Hills’ commitment equal to the amount of one-half the tap fee they owed for the Valley View Park development, since it is a park within the City of Westminster and will be used by Westminster residences.
- Westfield Village Park received a \$600,060 grant from Adams County, and has enough funding to construct the park without the additional amount from Hyland Hills. Hyland Hills paid the City \$842,700 in December of 2005.
- City Council approved a supplemental appropriation in August of 2005, transferring \$900,000 into the Westfield Village CIP account.
- City Council approved the revised IGA with Hyland Hills reducing their amount to \$842,700 on February 13, 2006.
- The un-appropriation would reduce the park CIP account by \$57,300.
- This Councillor’s Bill was passed on first reading on February 13, 2006.

Expenditure Required: \$-57,300

Source of Funds: General Capital Improvement Fund – Westfield Village Park Project

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3268**

COUNCILLOR'S BILL NO. **11**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Price - Major

A BILL

FOR AN ORDINANCE AMENDING THE 2006 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING THE UN-APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,668,000 is hereby decreased by \$57,300 which, when subtracted from the fund balance as of the City Council action on February 13, 2006 will equal \$7,550,700. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The un-appropriation is due an addendum to the IGA with Highland Hills Park and Recreation District.

Section 2. The \$57,300 decrease in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Park Capital Impr. Contributions	7501.43100.0000	\$1,500,060	(\$57,300)	\$1,442,760
Total Change to Revenues			(\$57,300)	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Park Capital Impr. Approp. Holding	80375050302.80400.8888	\$57,300	(\$57,300)	\$0
Total Change to Expenses			(\$57,300)	

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 13th day of February, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of February, 2006.

ATTEST:

City Clerk

Mayor



Agenda Item 10 A & B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Councillor's Bill No. 12 and Intergovernmental Agreement with WEDA re
Funding for Construction of Parking Lot

Prepared By: Steve Smithers, Assistant City Manager

Recommended City Council Action

1. Pass Councillor's Bill No. 12 on first reading appropriating \$630,000 from 2005 General Capital Improvement Fund Carryover to the transfers to the Westminster Economic Development Authority (WEDA) account.
2. Authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) whereby the City will advance up to \$630,000 from 2005 Carryover to provide funding to assist in the construction of the Regional Transit District Parking lot, to further the Shops at Walnut Creek project and to be repaid by WEDA from tax increment revenues.

Summary Statement

- The Shops at Walnut Creek Project includes 3.047 acres of land that was set aside for the relocation of the Regional Transportation District (RTD) park-n-ride currently located at US 36 and Church Ranch Parkway, and a 2.62 acre parcel for a future commuter rail station and parking lot.
- This site has also been identified in the US 36 EIS draft documents as a potential site for both a commuter rail and a Bus Rapid Transit station.
- The Walnut Creek site will create a much more efficient parking and transportation access for both RTD and commuters.
- Staff has been negotiating an Intergovernmental Agreement (IGA) with RTD for some time to finalize details including a breakdown of who pays what costs in relation to the parking lot and bus pullout ramp construction. The terms of the IGA have been agreed to and the City's financial obligation will total approximately \$880,000. RTD will be responsible for any costs of parking lot construction above this, as well as paying for the cost of the US 36 bus pullout ramp construction (projected at \$1,100,000). Staff is hopeful that this IGA will be ready to bring to City Council for action in March.
- The City has been doing preliminary work on the parking lot utilizing the Shops at Walnut Creek contractor and these costs have been absorbed within the WEDA budget for the project.
- The original WEDA project budget did not anticipate this additional cost; therefore, additional funds are needed for RTD to complete the construction of the parking lot once the IGA is approved by the respective Boards and signed.
- The source of funding for this request is 2005 carryover that includes the sale of Promenade land that the City received a payment of \$1.2 million in November of 2005. These funds are not obligated to any other purpose.

Expenditure Required: \$630,000

Source of Funds: General Capital Improvement Fund Carryover that includes land sale proceeds with future reimbursements from WEDA tax increment proceeds

Policy Issue

Should the City advance \$630,000 for WEDA to participate in the cost of the RTD parking lot construction, with the requirement that WEDA repay the City from future WEDA tax increment revenues?

Alternative

The alternative to the recommended action is to not authorize participation in the parking lot cost. This alternative is not recommended because RTD will not move the parking from its existing location without City/WEDA participation in the cost. The new site is a much more efficient arrangement for the current park-n-ride and also establishes the site for the future commuter rail and bus rapid transit stations.

Background Information

The Westminster City Council established the Mandalay Gardens (also known as the Shops at Walnut Creek) Urban Renewal Area on March 17, 2003. On April 14, 2003, WEDA selected a development team, CDC Real Estate Company and RED Development, to negotiate a development agreement with WEDA for this project area. Included in the development plan was a set aside of land for the movement of the current Church Ranch RTD park-n-ride to the northwest side of the site (see attached site map).

The parking lot was designed to integrate with the retail development as well as to accommodate a future commuter rail and bus rapid transit station. An underpass was constructed connecting the Shops at Walnut Creek to the Promenade, which will allow RTD buses and passengers better access and additional parking on the east side of the highway. Bus pullout ramps will be constructed on both sides of the highway allowing the buses easy access on and off US 36, saving valuable commuting time. A copy of the current plan for the bus pullout ramp configuration is attached.

The parking lot will accommodate approximately 275 cars, with an additional 144 spaces provided on the east side of the highway just north of the Promenade. In addition, land is set aside for a future commuter rail parking lot that will accommodate additional parking. The current park-n-ride lot is at overflow capacity.

WEDA will pay back the funds provided by the City's General Capital Improvement Fund over time as the Mandalay Gardens Urban Renewal Authority revenues allow. The first obligation against these revenues is to meet debt service from the WEDA bonds that were issued in 2004. Staff anticipates that the funds will be paid back within the next five years.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments – Councillor's Bill
IGA
Shops at Walnut Creek Site Plan
Bus Pullout Ramp Diagram

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **12**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,668,000 is hereby increased by \$630,000 which, when added to the fund balance as of the City Council action on February 27, 2006 will equal \$8,238,000. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. A portion of Promenade Land Sale is being appropriated as part of 2005 Carryover to be transferred to WEDA for the RTD Parking lot project.

Section 2. The \$630,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$0	<u>\$630,000</u>	\$630,000
Total Change to Revenues			<u>\$630,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers WEDA	75010900.79800.0680	\$0	<u>\$630,000</u>	\$630,000
Total Change to Expenses			<u>\$630,000</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 27th day of February, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of March, 2006.

ATTEST:

City Clerk

Mayor

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER
AND THE WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY CONCERNING
THE SHOPS AT WALNUT CREEK PARK-N-RIDE**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into this ___ day of _____, 2006, by and between **THE CITY OF WESTMINSTER**, a home-rule municipal corporation (“City”) and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** (“Authority”).

WHEREAS, the City is a Colorado home-rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the Authority is a Colorado urban renewal authority, with all the powers and authority granted to it pursuant to part 1 of Article 25 of Title 31, Colorado Revised Statutes; and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and part 2 of Article 1 of Title 29, Colorado Revised Statutes, the City and the Authority are authorized to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each governmental entity; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, and to enter into agreements with the Authority respecting such actions to be taken by the City; and

WHEREAS, the City and WEDA are parties to a certain Agreement of Cooperation dated November 11, 1991, and a “1997 Cooperation Agreement” dated December 15, 1997, concerning the redevelopment of the Westminster Plaza Urban Renewal Area, as well as future redevelopment projects (the “Cooperation Agreements”); and

WHEREAS, the “Walnut Creek Area” is approximately 65 acres of property located at approximately the northwest corner of the intersection of US Highway 36 and Church Ranch Boulevard in the City of Westminster;

WHEREAS, on March 17, 2003, the Westminster City Council adopted an Urban Renewal Plan for the Walnut Creek Area, known as the Mandalay Gardens Urban Renewal Area, pursuant to the Colorado Urban Renewal Law; and

WHEREAS, the City and the Authority now wish to supplement the Cooperation Agreements with this Agreement to set forth their respective obligations to the other concerning certain parking lot improvements needed for an RTD Park-N-Ride as part of the redevelopment of the Walnut Creek Area.

NOW, therefore, the parties agree as follows:

1. The City agrees to provide the estimated \$630,000 in funds necessary to complete the Shops at Walnut Creek Park-N-Ride parking lot improvements in a timely manner.
2. The Authority agrees to repay the City the funds provided to the Authority pursuant to paragraph 1 above not later than June 30, 2010. The repayment to the City shall be without interest.
3. Nothing herein shall be deemed or construed as modifying the Cooperation Agreements except as specifically set forth herein.

CITY OF WESTMINSTER

**WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Nancy McNally, Mayor

Nancy McNally, Chairman

Attest:

Attest:

Linda Yeager, City Clerk

Secretary

Future Commuter Rail Parking

New RTD Park-N-Ride

BURLINGTON NORTHERN
SANTA FE RAILROAD

TARGET

WALNUT CREEK

TOWN CENTER DRIVE

US HIGHWAY 36

CHURCH RANCH BOULEVARD

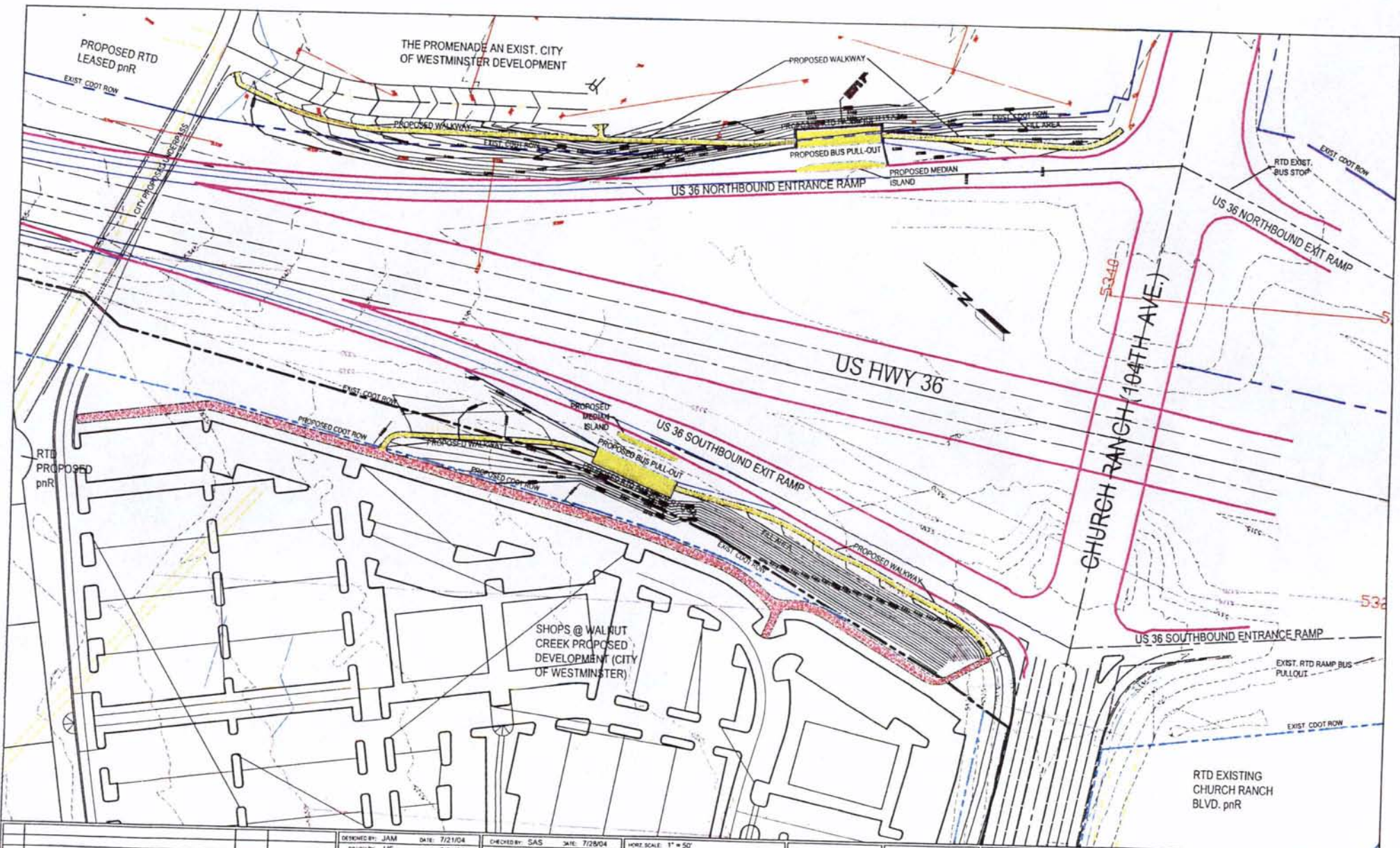


Calibre
ENGINEERING
10000 Grandview Ave.
1000 South Jackson Street, Suite 200
Denver, CO 80202-1475, Colorado
Managerial Engineering Development Studio Parking
Prepared for: CITY OF WALTHAMSTON

MANDALAY TOWN CENTER
SITE LAYOUT
OVERALL EXHIBIT
APRIL 12, 2004

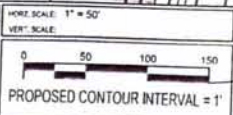
Sheet
X1

of 1 Sheets
Project: TMC, Church Ranch, Walthamston
Drawing Name: A4100001
File: LPM010000010000A1.dwg



NO.	REVISIONS	BY	DATE

DESIGNED BY: JAM DATE: 7/21/04 CHECKED BY: SAS DATE: 7/28/04
 DRAWN BY: JJF DATE: 7/21/04 APPROVED BY: DATE:



US 36 / CHURCH RANCH BLVD.
RTD RAMP BUS PULL-OUTS
 CONCEPTUAL SITE PLAN

SHEET
 NUMBER



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



Subject: Resolution No. 11 re Recovery Contract Interest Rate

Prepared By: Frances A. Velasquez, Secretary

Recommended City Council Action

Adopt Resolution No.11 establishing the 2006 calendar year interest rate for non-City-funded public improvement recovery contracts at 9.25 percent and an interest rate of 4.38 percent for City-funded public improvements.

Summary Statement

- In accordance with Section 8(A) of Title XI, Chapter 6, of the City Code, Staff requests that City Council establish interest rates on recovery agreements for 2006. For more than 15 years, it has been City practice to add two percent to the Prime Rate for non-City funded recovery contracts. The Prime Rate on January 1, 2006, was 7.25 percent. It is proposed that the recovery interest rate for 2006 on non-City-funded public improvements be the Prime Rate plus two percent, or 9.25 percent.
- Staff is proposing that the recovery interest rate on City-funded projects for 2006 be set at 4.38 percent in accordance with the average Bond Buyer 20 Index for 2005, which is consistent with the methodology used to set the 2005 rate.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does the City Council concur with the proposed methods of assessing interest on recoveries associated with new private developments and City-funded projects?

Alternative

Council could establish a different interest rate for recovery agreements than the proposed rates. This is not recommended as the proposed rates are tied to the established index that provides good credibility for recovery interest paid to developers or the City.

Background Information

Several years ago, City Council established a recovery system that enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer. The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement Projects is usually much less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. From 1993 through 2004, Council approved the use of the Municipal Bond Index as the recovery interest rate for City projects. Because this Index is set weekly and can fluctuate greatly throughout the year, Staff proposed a different approach last year. In 2005, council selected the average Bond Buyer 20 Index for the preceding year as a more representative benchmark of the City's true cost of borrowing money. Staff recommends that this method of calculating the interest rate for recoveries associated with City-funded projects be used again this year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **11**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

ESTABLISHING THE 2006 RECOVERY CONTRACT INTEREST RATE

WHEREAS, Section 11-6-9.75(A) of the Westminster City Code provides the City Council shall establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, the Westminster City Code provides that such interest rates are to be established from time to time; and

WHEREAS, these interest rates have traditionally been calculated at the beginning of each calendar year; and

NOW, THEREFORE, be it resolved that the City Council of the City of Westminster hereby establish the 2006 calendar year interest rate for any non-City funded public improvement recovery contract to be 9.25 percent and the 2006 calendar year interest rate for City-funded public improvements to be 4.38 percent.

PASSED AND ADOPTED this 27th day of February 2006.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Resolution No. 12 re Amendment to the Building Permit Fee Schedule for Individual Lot Grading Review and Inspection

Prepared By: David R. Downing, City Engineer

Recommended City Council Action

Adopt Resolution No. 12 to amend the Building Permit Fee Schedule to include a \$400 per lot fee for the review and inspection of grading on individual residential lots.

Summary Statement

- Due to a lack of available resources, City Staff has previously performed very little inspection of the manner in which individual residential lots are graded prior to the issuance of Certificates of Occupancy (CO) for the houses on those lots. In the past, this lack of inspection has not caused significant problems for residents. But, with the current trend toward smaller lots and reduced building setbacks from property lines, the opportunity for inadvertent drainage problems on individual lots has increased and the severity of these problems has heightened. City Staff now recognizes the need to perform enhanced review and inspection services for lot grading.
- Staff has identified a Westminster-based engineering and surveying firm that is capable of providing the desired services in a competent, timely and cost-effective manner. It is proposed that the City contract with this firm to perform lot grading review and inspection services on all new residential subdivisions in the City.
- It is further recommended that the \$400 per lot charge for a “normal” review and inspection of the grading on an individual lot as well as additional charges for any re-inspections necessitated by the builders failure to comply with City requirements be passed on to the home builders.
- The attached Resolution No. 12 accomplishes the appropriate amendment to the Building Permit Fee Schedule to include these charges for lot grading review and inspection. Additionally, the estimated use tax section of the fee schedule is proposed to be modified to reflect the 0.6% increase based upon the passage of the public safety tax in November of 2003. Although the correct rate of tax has been collected, the fee schedule was never updated. This is a housekeeping item to correctly identify the tax rate collected with the building permit issuance.
- This item was discussed with City Council at the January 30th, 2006 study session.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City impose a new fee on home builders to pay for the review and inspection of the grading of residential lots?

Alternatives

1. The City could absorb the costs associated with the services proposed to be provided by the private consultant. This alternative is not recommended due to the fact that the proposed review and inspection of individual lot grading represent valuable services to the future owners of these lots as well as a service to the home builders' industry. In addition, the City's General Fund is not in a position to absorb these costs.
2. The City Council could create new positions on Staff to perform the proposed review and inspection services. This alternative is not recommended because the cost of "out-sourcing" this work is very reasonable and much more economical than the cost of hiring new employees.
3. Existing City Staff could attempt to provide the proposed new review and inspection services. This alternative is not recommended due to the ongoing high level of activity within the Building and Engineering Divisions of the Department of Community Development that would preclude Staff's ability to undertake these additional duties. Furthermore, some of the proposed inspection services would best be performed by a Professional Land Surveyor (PLS). While there is currently one PLS on Staff within the Engineering Division, this employee is fully occupied serving as the Senior Projects Engineer on such major endeavors as the 144th Avenue/I-25 Interchange construction.

Background Information

One component of the construction plan package that is provided by all developers of property within the City of Westminster is an Overlot Grading Plan for their site. Personnel of the City's Engineering Division review the Overlot Grading Plan for general conformance with the approved Drainage Study for the development. But, this Plan is a big picture view of the entire development; it does not show the detail of drainage patterns on individual lots. Frequently, the developer of a subdivision will not know which model of house will be constructed on any given lot, so it is usually impossible for the Overlot Grading Plan to reflect the proposed grading on individual lots to any level of specificity.

Later in the development process, personnel of the City's Building Division check for adequate drainage away from the foundations of homes during the course of their inspection of the building construction. "Plot plans" of individual lots are also provided to the Building Division with building permit applications, but these plans typically only indicate the horizontal alignment of the structure on the lot. As a result, the final grading of each lot occurs in an independent fashion with attention paid to draining the one lot in question instead of consideration for how the grading of each lot will fit together in an integrated manner. As randomly spaced lots within a subdivision are fine graded, it is not unusual for last-minute revisions, such as the installation of unanticipated retaining walls, to be implemented to allow the last few lots to properly drain. Unfortunately, the home builders on some of the final remaining lots within developments will find themselves "boxed in" by the grading work that previously occurred on adjacent lots leaving little opportunity for appropriate drainage on those last lots.

The recent trend toward smaller lots with homes designed to the minimum setback lines and reduced setbacks from property lines has caused individual lot grading problems to increase in number and to intensify in severity. A larger lot with greater setbacks allows room for minor mistakes in the elevation or horizontal location of the foundation to be mitigated within the boundaries of that same lot. But, a small lot leaves little margin for error. Staff is now spending an extraordinary amount of time negotiating lot grading problems with home builders that sometimes result in undesirable solutions such as the installation of an inordinate number of retaining walls or marginally effective drainage swales. There is a need for greater scrutiny of the design and execution of individual lot grading that cannot be provided through current staffing.

In December of last year, Staff contacted a Westminster-based engineering and surveying firm that is experienced in private development to explore the possibility of out-sourcing the services necessary to effectively inspect the grading of individual lots. This consultant responded with an attractive offer to perform the following services:

- 1) Review and provide comments to City Staff on the submitted plot plan for a residential lot;
- 2) Survey the forms before the foundation is poured to assure proper elevation and horizontal location within the lot; and
- 3) Perform a final onsite inspection of the lot grading for the total price of approximately \$400 per lot.

This charge would be exclusive of any costs for the re-inspection of the plot plan or re-survey of the foundation forms necessitated by the home builders' failure to meet City requirements. Furthermore, the consultant committed to a maximum turnaround time of 48 hours for any of the three facets of the proposed scope of work.

Staff has advised the members of the Home Builder's Association (HBA) that this enhanced level of individual lot grading inspection is likely to be implemented by the City. HBA members exhibited much interest in this proposal and provided valid comments to City Staff. Staff believes that the issues raised by the HBA members, most of which dealt with the timing of site inspections, have been adequately addressed to the satisfaction of the builders. Staff will continue to monitor this new process to ensure that home building activities are not unnecessarily delayed due to the actions of the City's consultant.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. 12

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**AMENDING RESOLUTION NO. 19, SERIES OF 2003,
ESTABLISHING BUILDING PERMIT FEES**

WHEREAS, the City of Westminster has adopted the 2000 editions of the International Codes as the building and fire codes for the City; and

WHEREAS, the 2000 International Codes provide for fees to be paid to the City of Westminster for each building permit issued; and

WHEREAS, the City Council wishes to provide fair and uniform fees for building permits and services; and

WHEREAS, City Council adopted Resolution No. 19, Series of 2003, establishing building permit fees on May 19, 2003; and

WHEREAS, the City wishes to amend that Building Permit Fee Schedule to incorporate a plan review and inspection fee for individual lot grading and reflect the .6 percent increase to the "Estimated Use Tax" section of the Schedule as a result of the passage of the public safety tax.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Council hereby adopts the schedule of fees associated with the International Building Codes as adopted by the City, as shown below; and
2. The fees shall become effective on February 28, 2006, and shall become due and payable by all persons applying for or holding a Building Permit issued by the City of Westminster

Fee Schedule. The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1 to \$500	\$19.50
\$501 to \$2,000	\$19.50 for the first \$500 plus \$2.65 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$59.25 for the first \$2,000 plus \$11.90 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$332.95 for the first \$25,000 plus \$8.55 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$546.70 for the first \$50,000 plus \$5.95 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$844.20 for the first \$100,000 plus \$4.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,684.20 for the first \$500,000 plus \$3.95 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,659.20 for the first \$1,000,000 plus \$2.65 for each additional \$1,000 or fraction thereof

Other Permit Fees

Miscellaneous Permit Fees:

Mobile Home Set-up w/elec	\$125.00
Construction trailer w/elec	\$125.00
Banners	\$ 25.00
Bus Bench	\$ 25.00
Election Sign	\$ 25.00
Permanent Sign	Per Fee Schedule

Miscellaneous SFD Residential Permit Fees:

Detached Storage Shed	\$20.00
Re-Siding	\$20.00
Re-Roofing	\$20.00
Water Heater Replacement	\$20.00
Air Conditioner*	\$20.00
Furnace Replacement*	\$20.00
Evaporative Cooler*	\$20.00
Lawn Irrigation Sprinkler	\$20.00
Aboveground Pool	\$42.50
Spas/Hot Tub*	\$20.00
Gas Log	\$20.00 **
Fence	\$20.00

Fire Department Fees

1. Operational permits, per event 50.00
2. Construction permits Based on valuation and assessed in accordance with the building permit fee schedule.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge of two hours) \$50.00 per hr.
2. Re-inspection fees \$50.00
3. Inspections for which no fee is specifically indicated \$50.00 per hr.
4. Additional plan review required by changes, additions, or other revisions to plans INCLUDING INDIVIDUAL RESIDENTIAL LOT GRADING RE-REVIEWS OR RE-INSPECTIONS. \$50.00 per hr.
5. For use of outside consultants for plan review and inspection, or both actual costs***
6. Copies of previously issued Certificate of Occupancy \$5.00 each
7. Letter of code compliance \$25.00
8. Removal of stop work order \$250.00
9. Temporary Certificate of Occupancy - 5% of building permit fee but not less than \$100.00
10. Plan Review Fee - 65% of building permit fee
11. Estimated Use Tax - 3-1/4 3.85% of 50% of total valuation
12. PLAN REVIEW AND INSPECTION FEE FOR INDIVIDUAL RESIDENTIAL LOT GRADING \$400 PER LOT

* May also require an electrical permit fee

** See Section 11-9-3(E)2 for exceptions

***Actual costs are those above and beyond the plan review fee as established by Section 11-9-3(E)4

PASSED AND ADOPTED this 27th day of February, 2006.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Resolution No. 13 Sheridan Boulevard at 72nd Avenue – Right-of-Way Acquisition

Prepared by: John Burke, Senior Engineer

Recommended City Council Action

Adopt Resolution No. 13 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the Sheridan Boulevard Widening Project at 72nd Avenue, including the use of eminent domain, if necessary; and authorize up to \$56,000 for appraisal costs and all related expenses.

Summary

- In order to proceed with the redevelopment of the Shoenberg Shopping Center it is necessary for the City to have the ability to pursue the necessary right-of-way acquisitions to accommodate the widening of Sheridan Boulevard to a six lane facility from 70th Avenue to 74th Avenue.
- There are seven private ownerships affected by the improvements, requiring the acquisition of right-of-way and easements for construction. Fair market value estimates from the appraiser will determine the value of the acquisitions, but negotiations and/or court ordered valuations will determine the final cost. Funding for right-of-way acquisition will be a component of the entire Sheridan Boulevard project cost.
- Portions of the right-of-way will be dedicated at no cost to the City with the proposed new developments on the west side of Sheridan between 70th and 74th Avenues.
- The attached Resolution will allow City Staff to pursue the activities needed to acquire the necessary right-of-way and easements for the Sheridan Boulevard at 72nd Avenue Project. This includes filing condemnation cases under the City's right of eminent domain if negotiations with the property owners do not result in legal possession of the parcels necessary to start construction in a timely manner.

Expenditure Required: \$56,000

Source of Funds: General Capital Improvement Fund
– Sheridan Boulevard Widening Project Account

Policy Issue

Should the City proceed with the process for right-of-way acquisitions for the Sheridan Boulevard widening at 72nd Avenue project?

Alternative

The City could decide to not proceed with the acquisition process at this time. Staff does not recommend this action as this would create significant delays in the redevelopment and Sheridan Boulevard widening project.

Background Information

Through the public process of redeveloping the Shoenberg Shopping Center on the southwest corner of 72nd Avenue and Sheridan Boulevard, the City has committed to reinvest the sales tax revenue into the existing neighborhood. The primary benefit is an increased landscape setback adjacent to the single family residential units on the east side of Sheridan Avenue between 70th and 72nd Avenues created by shifting Sheridan Boulevard approximately 30 feet. The design of Sheridan will also conform to the Denver Regional Council of Governments Regional Transportation Plan with a six-lane street section for Sheridan Boulevard. Additionally, architectural brick walls will be installed along the existing residential units adjacent to Sheridan Boulevard and 72nd Avenue.

In order to accomplish the widening and shifting of Sheridan Boulevard, it will be necessary to acquire additional rights-of-way from the adjacent private owners. An appraiser will be hired to determine the fair market value of these partial acquisitions. The timing of this acquisition is important to continue the redevelopment efforts.

After the appraisals are complete and valuations have been determined, Staff will return to City Council to request authorization of funds to acquire the properties. The attached resolution authorizes Staff to proceed with the activities and expenditures necessary to secure legal possession and acquire right-of-way for the Sheridan Boulevard Widening project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **13**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the Sheridan Boulevard Widening at 72nd Avenue Project; and

WHEREAS, property appraisals prepared by a professional appraisal company experienced in performing appraisals, will determine the fair market value of the property rights being acquired in each of the parcels; and

WHEREAS, the City will make an earnest good faith offer to purchase each of the subject parcels; and

WHEREAS, a delay in the acquisition of any of the parcels could result in a delay of the Sheridan Boulevard Widening at 72nd Avenue Project, thus creating a hardship on the general population of the City of Westminster wishing to utilize the proposed improvements; and

WHEREAS, legal counsel for the City of Westminster has advised that the City may exercise its right of eminent domain should normal negotiations fail; and

WHEREAS, the City finds that if acquisition by condemnation of any parcel described in this resolution is commenced, immediate possession by the City may be necessary for the public health, safety and welfare in order to keep the Sheridan Boulevard Widening at 72nd Avenue Project on the desired schedule.

NOW, THEREFORE, the City Council of the City of Westminster resolves that:

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Sheridan Boulevard Widening at 72nd Avenue Project.

2. City Staff is authorized to proceed with negotiations to acquire the necessary property interests, including remainders pursuant to W.M.C section 15-1-11, on the basis of the appraised value, or such higher value as is considered just and necessary to facilitate the acquisition and avoid the necessity of condemnation.

3. The City Manager is hereby authorized to acquire such property interests consistent with applicable law, including the execution of all documents necessary to complete these purchases.

4. The City Attorney of the City of Westminster is authorized to take all necessary legal measures to acquire the property interests in question, including proceeding with condemnation of the properties in question against the owner or owners and any other persons or entities claiming an interest therein or thereto, and to take such further action as may be reasonably necessary for or incidental to the filing and diligent prosecution of any litigation or proceedings required to obtain property interests should normal negotiations fail or exceed the time constraints of the overall project. In the event that acquisition by condemnation is commenced, the City Attorney is further authorized to request a grant of immediate possession of the necessary property interests.

5. The City Manager shall be further authorized to incur reasonable costs associated with acquiring the properties in question, including, without limitations, contractual services, the cost of title examination, title insurance, appraisal fee payments mandated by statute, normal closing costs, filings fees and charges and all other related or incidental costs or expenses customarily associated with the acquisition or condemnation of property.

6. The City Engineer is hereby authorized to call for amendment of the legal descriptions of the parcel interests to be acquired, and the nature of the interests to be acquired, including the commencement date and duration of any temporary easement, if necessary in the course of the project.

Passed and adopted this 27th day of February, 2006.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
February 27, 2006



SUBJECT: Resolution No. 14 re the First Modification to the September 2000 Service Plan and Financial Plan for the Huntington Trails Metropolitan District to permit the District to issue up to \$6,000,000 of debt

Prepared By: Tammy A. Hitchens, Finance Director
John Carpenter, Director, Community Development
Robert C. Smith, Treasury Manager

Recommended City Council Action

1. Re-open and conduct the public hearing.
2. Adopt Resolution No. 14 approving a Petition from the Board of Directors for the Huntington Trails Metropolitan District to amend the Finance Plan and the Service Plan to permit the District to issue up to \$6,000,000 of debt to finance public improvements within the District.

Summary Statement

- On September 25, 2000 City Council adopted Resolution 74 to unconditionally approve the Service Plan for the Huntington Trails Metropolitan District (“Huntington Trails MSD”). That Plan anticipated asking voters to approve a debt limit of \$6,000,000 in the November election but stipulated that if the District wanted to issue more that \$4,750,000 of debt, City Council approval would be required.
- On November 7, 2000 voters in the District authorized the District to issue up to \$6,000,000 of debt and for the District to impose a mill levy not to exceed 35 mills on property within the District to generate revenue to pay the debt service on any debt that was issued.
- Until recently there was only limited construction activity at the site. A new developer has taken ownership of the property. The new developer updated the estimated costs of the public improvements and determined that they will be higher than estimated in 2000. To finance the District’s share of the improvements the District will have to issue a minimum of \$5,600,000 of debt.
- In 2005 representatives of the District submitted to the City a petition to amend the 2000 Service Plan to allow the District to issue up to \$6,000,000 of debt along with a revised Financing Plan to show that the District’s revenue from the mill levy would support that level of debt.
- An independent consultant was hired to analyze the developer’s residential absorption plan as proposed in the Revised Financial Plan presented to staff in May 2005. The purpose was to determine if conditions in the local and regional residential market place support the developer’s analysis. The consultant’s conclusion was that the developer’s Revised Financial Plan was reasonable.
- A notice of public hearing to be held on January 23, 2006 was published in the Westminster Window on January 19, 2006. Public hearings were opened and continued on January 23, 2006 and February 13, 2006 because staff and the independent consultant required more time to review recent changes to the Finance Plan that the developer proposed.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City approve the request of the Board of Directors of the Huntington Trails Metropolitan District to revise its Service Plan and Financial Plan?

Alternative

Do not approve the First Modification to the 2000 Service Plan. This is not recommended as this would limit the debt the District could issue to \$4,750,000 that the District believes is about \$1,000,000 lower than needed to complete the public improvements at the site.

Background Information

Huntington Trails is a residential development that is generally located at the southwest corner of the intersection of North Huron Street and 144th Avenue. The proposed development consists of about 133 acres of undeveloped land. As initially proposed in 2000 the development would have consisted of 200 semi-custom, custom and estate homes selling between \$450,000 and \$900,000. The developer at that time was Sutton Western Corporation.

In 2000 Sutton Western estimated that the total cost of infrastructure improvements required to develop the land would be about \$18.3 million. To help finance these costs the developer proposed creating a Metropolitan Special District (MSD) under Title 32 of the Colorado Revised Statutes.

On September 25, 2000 Council adopted Resolution 74 to unconditionally approve the Service Plan thereby creating the Huntington Trails Metropolitan District. That Service Plan and attached Finance Plan anticipated that the District would pay for about \$3,600,000 of the public improvements. To finance that level of project expense it was estimated in the Service Plan that the District would issue about \$4,390,000 of debt, including financing costs.

On November 7, 2000 voters in the District authorized the District to issue up to \$6,000,000 of debt to finance public improvements in the District. They also authorized the District to levy up to 35 mills on properties within the District to pay interest, principal payments and other fees on any debt the District issues.

Until the middle of 2005 no significant construction activity occurred in the District. Also during that time Huntington Trails Inc replaced Sutton Western Corporation as the developer. The new developer has updated the estimated costs of the infrastructure improvements and expects them to be much higher. As a result they now anticipate that the District's share of the costs will be about \$5,178,000. Including financing costs, a total of \$5,600,000 of debt must be issued to finance these improvements. The current developer also has changed the proposed mix of residential development and expected pricing for the homes to be built. The current development calls for construction of 210 homes priced between \$600,000 and \$1,100,000.

Though voters approved debt limit is \$6,000,000, Section V of the 2000 Service Plan contained a provision that the District could not issue debt in excess of \$4,750,000 without approval of the City. Therefore representatives of the District submitted to staff a petition to increase the amount of debt the District may issue per the Service Plan to an amount equal to that amount approved by voters in 2000. They also submitted an updated Service Plan and Finance Plan describing the debt service requirements and development absorption plan that would support the higher level of debt.

Because of the changes to the proposed development plan and the Financing Plan staff decided that the residential market analysis conducted by an independent consultant in 2000 should be updated. The intent of the analysis is to evaluate whether or not the District property tax collected on the homes built in the development would be sufficient to cover the debt service on bonds the District now proposes to issue. The developer agreed to reimburse the City for the costs it incurred to commission the study. The City

hired National Valuation Consultants, Inc (NVC) to conduct the market study. The analysis was based on the following assumptions about the number of homes and the price range: For the 121 semi-custom homes, values between \$550,000 and \$800,000 and for the 89 custom and estate homes, values between \$800,000 and \$1,200,000. For the semi-custom homes the proposed absorption period was 36 months and for the custom and semi custom homes 57 months. After a thorough review of the local and regional market for homes similar to those in the developer's proposed development plan and an evaluation of the absorption and valuation estimates of the developer NVC concluded "that the developer's estimates for home prices, mill levy and absorption levels are considered reasonable within the Finance Plan for the Huntington Trails Metro District."

In the final Service Plan submitted for Council review the average price for the semi-custom homes is stated as \$750,000 and for the custom and estate homes \$ 1,100,000. The absorption periods have been extended to 48 months and 72 months respectively. The impact is to increase the time over which property tax revenues from the mill levy imposed by the District reach their full level. Despite the slower absorption levels assumed, the Finance Plan shows adequate revenues to cover the debt service proposed in the Revised Service Plan.

Based on the information the District provided and the independent assessment of consultant, staff agreed to forward to Council for its consideration the petition for approval for Huntington Trails Metropolitan District to issue up to \$6,000,000 of debt.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments -
Petition
Exhibit A
Exhibit B
Exhibit C

RESOLUTION

RESOLUTION NO. **14**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

WHEREAS, the City of Westminster, Colorado (the "City"), is a political subdivision of the State of Colorado (the "State"), a body corporate and politic, and a home-rule city pursuant to Article XX of the State Constitution; and

WHEREAS, pursuant to the provisions of Part 2 of Article 1 of Title 32, C.R.S., as amended, (the "Act"), no special district shall be organized if its boundaries are wholly contained within the boundaries of a municipality, except upon adoption of a resolution of approval by the governing body of the municipality; and

WHEREAS, pursuant to the provisions of the Act, the City Council of the City adopted Resolution No. 74, Series of 2000, on September 25, 2000, which unconditionally approved the Service Plan for the Huntington Trails Metropolitan District (the "Original Service Plan"); and

WHEREAS, pursuant to the provisions of the Act the District was then organized by Order of the District Court following a public election on November 7, 2000 at which District voters approved the organization of the District and authorized the District to issue up to \$6,000,000 of debt and to impose a mill levy not to exceed 35 mills on property in the District for the purposes of paying the financing costs for that any District debt; and

WHEREAS, Section V of the Original Service Plan stipulated that if the Huntington Trails Metropolitan District (the "District") desired to issue debt in excess of \$4,750,000 City Council approval would be required; and

WHEREAS, the Board of Directors of the District has submitted a petition to the City for Approval for Huntington Trails Metropolitan District to Issue up to \$ 6,000,000 of Debt under its Service Plan (the "Petition for Approval") and an updated Bond Financing Plan dated January 20, 2006 (the "Series 2006 Financing Plan"), which will replace the Bond Financing Plan set forth in the service Plan in accordance with Section V.B thereof; and to amend the Original Service Plan to permit the District to issue up to \$6,000,000 of debt without further approval of the City Council; and

WHEREAS, A Notice of Public Hearings regarding this First Modification to Original Service Plan was published in the Westminster Window on January 19, 2006; and

WHEREAS, the City Council of the City held a public hearing on February 27, 2006, for consideration of the First Modification to the Original Service Plan of the Districts; and

WHEREAS, at such hearing, the City Council considered the Petition for Approval and the Series 2006 Financing Plan for the District and all other testimony and evidence presented at the hearing; and

WHEREAS, it appears to the City Council that the Series 2006 Financing Plan should be approved.

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

Section 1. That the City Council of the City of Westminster, Colorado, does hereby determine that all of the requirements of Title 32, Article 1, Part 2, C.R.S., as amended, relating to the Petition for Approval have been fulfilled, or alternatively are inapplicable, and the Petition for Approval and the Series 2006 Financing Plan as set forth in Exhibit A of the Petition for approval are hereby approved.

Section 2. That the City Council does hereby find and determine that in accordance with the provisions of the Petition for Approval, The District is authorized to incur bonded indebtedness in an amount not greater than \$6,000,000 as previously authorized by District voters and contemplated by the Service Plan, exclusive of refunding or other refinancings, without any further approval of the City Council or City officials. The District shall, however, issue its bonds in conformance with the provision of the 2006 Financing Plan, except for non-material changes that may be approved by the City's Finance Department.

Section 3. That a certified copy of this Resolution be filed in the records of the City and submitted to the Petitioners for the purpose of filings as required pursuant to Title 32, Colorado Revised Statutes.

PASSED AND ADOPTED this 27th day of February, 2006.

ATTEST:

City Clerk

Mayor

**PETITION FOR APPROVAL
FOR
HUNTINGTON TRAILS METROPOLITAN DISTRICT
TO ISSUE UP TO \$6,000,000 OF DEBT
UNDER ITS SERVICE PLAN**

February 16, 2006

The Service Plan dated September 2000 (the "Service Plan") for Huntington Trails Metropolitan District (the "District") was approved by the City Council (the "Council") of the City of Westminster, Colorado (the "City") by Resolution No. 74, Series of 2000 on September 25, 2000.

Under the Service Plan, the Council authorized the District to (i) seek voter approval for as much as \$6,000,000 of debt to finance public improvements within the District but (ii) issue only up to \$4,750,000 of debt to finance such public improvements, without first obtaining the Council's approval to issue additional debt.

On November 7, 2000, the District's voters authorized the District to issue up to \$6,000,000 of debt to finance public improvements within the District, including \$2,220,600 to finance drainage improvements.

The Financial Plan of the Service Plan assumed that the total costs of public improvements to be financed, constructed, installed and/or acquired by the District within the Development (as defined in the Service Plan) would be approximately \$3,600,000 (see Section III.C of the Service Plan). The District currently estimates that it will finance \$4,926,152 of such construction and/or acquisition costs, as more fully set forth in the District's proposed Bond Financing Plan dated February 14, 2006 prepared by Kirkpatrick Pettis (the "2006 Financing Plan") attached hereto as Exhibit A, which is intended to update and fully replace the Financial Plan in the Service Plan as authorized in Section V.B of the Service Plan.

The Service Plan estimated the costs of the McKay Lake drainage improvements to be \$890,061, which estimate was provided by the City's consulting engineer. Other District infrastructure improvements were estimated to be \$2,709,939 (see Section III.C of Service Plan). The current estimated costs of the McKay Lake drainage improvements have increased to over \$2,014,222, and the costs of other District infrastructure improvements (including allowances for construction management and engineering/design/inspection) have increased to over \$9,808,885 (see the current Costs of Infrastructure Improvements in Exhibit B attached hereto).

The District currently plans to issue its first series of general obligation bonds in 2006 in the voter-approved amount of \$6,000,000, subject to the Council's prior approval. The City's Finance Department has previously reviewed and, subject to the final review and approval of the Council, has generally approved the 2006 Financing Plan.

The District has conferred with the City's Finance Department regarding the City's Policies and Procedures for Title 32 District Formation dated November 2004 (the "Special District Policies"), which do not apply to the District because the Service Plan was approved before the Special District Policies were established.

Because Section V.B of the Service Plan specifically authorized the District to request up to \$6,000,000 of debt from the District's voters, as was subsequently approved by District voters, the Council may now approve the District's issuance of up to \$6,000,000 of debt to finance the increased costs of the public improvements within the District, without such action constituting a material modification of the Service Plan under either Article 1 of Title 32, C.R.S. or the Special District Policies.

In summary, the changes in scope and the increases in the estimated costs of the public improvements require that the authorization to issue debt be changed as follows:

	<u>Original Estimated Costs</u>	<u>Current Estimated Costs</u>
McKay Lake Drainage Improvements	\$890,061	\$2,709,939
Other Public Improvements Financed by District	\$3,600,000	\$11,823,107
	<u>Existing Authorization</u>	<u>Requested Authorization</u>
Voter-Approved Debt	\$6,000,000	Same
Service Plan Debt	\$4,750,000	\$6,000,000

The Board of Directors of the District hereby respectfully requests that the Council pass a resolution (a proposed form of which Resolution is attached hereto as Exhibit C) authorizing the District to issue up to \$6,000,000 of debt, as previously authorized by District's voters and contemplated by the Service Plan, to finance the construction and/or acquisition of public improvements within the District in conformance with the 2006 Financing Plan.

Respectfully Submitted,

COLLINS COCKREL & COLE,
A Professional Corporation

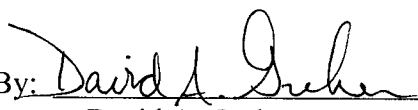
By: 
David A. Greher
Attorney for Huntington Trails
Metropolitan District

EXHIBIT A
2006 FINANCING PLAN

HUNTINGTON TRAILS METROPOLITAN DISTRICT
 Development Projection at 35.00 Debt Service Mills – Service Plan Sensitivity Version
 Ser. 2006 & 2009 Non-Rated Bonds, 30-yr maturities

YEAR	Residential				Platted/Developed Lots				Total Assessed Value	Mill Levy For Debt Svc	Total Collections @ 98%	Specific Ownership Tax @ 10% of Propy Taxes
	Total Residential Units	Mkt Value Biennial AV Reasses'tnt @ 2.0%	Cumulative Market Value	Ased Value @ 7.96% of Market Value (2-yr lag)	Cumulative Market Value	Ased Value @ 29% of Market Value (2-yr lag)	Total Assessed Value	Mill Levy For Debt Svc				
2004	0	\$0	\$0	\$0	\$0	\$0	\$0	0	35.000	\$0	\$0	\$0
2005	37	0	31,250,000	0	3,058,824	0	0	0	35.000	25,014	2,501	2,501
2006	45	1,420,600	71,030,000	0	3,926,471	729,265	729,265	729,265	35.000	115,747	11,575	11,575
2007	58	1,420,600	126,447,360	2,487,500	2,735,294	887,059	3,374,559	3,374,559	35.000	232,988	23,299	23,299
2008	42	1,420,600	184,332,486	5,653,988	970,588	1,138,676	6,792,664	6,792,664	35.000	372,445	37,244	37,244
2009	11	3,286,650	180,716,564	10,065,210	1,294,118	793,235	10,858,445	10,858,445	35.000	458,328	45,833	45,833
2010	17	201,362,875	201,362,875	13,080,866	0	281,471	13,362,336	13,362,336	35.000	506,279	50,628	50,628
2011	0	4,027,258	205,390,133	14,385,039	0	375,294	14,760,333	14,760,333	35.000	549,777	54,978	54,978
2012	0	4,107,803	209,497,936	16,028,485	0	0	16,028,485	16,028,485	35.000	560,773	56,077	56,077
2013	0	4,189,959	209,497,936	16,349,055	0	0	16,349,055	16,349,055	35.000	560,773	56,077	56,077
2014	0	4,273,758	213,687,894	16,676,036	0	0	16,676,036	16,676,036	28.450	464,945	46,494	46,494
2015	0	4,359,233	217,961,652	17,009,556	0	0	17,009,556	17,009,556	28.450	474,243	47,424	47,424
2016	0	4,446,418	222,320,885	17,349,748	0	0	17,349,748	17,349,748	28.450	483,728	48,373	48,373
2017	0	4,535,346	226,767,303	17,696,742	0	0	17,696,742	17,696,742	28.450	493,403	49,340	49,340
2018	0	4,626,053	231,302,649	18,050,677	0	0	18,050,677	18,050,677	28.450	503,271	50,327	50,327
2019	0	4,718,574	235,928,702	18,411,691	0	0	18,411,691	18,411,691	28.450	513,336	51,334	51,334
2020	0	4,812,946	240,647,276	18,779,925	0	0	18,779,925	18,779,925	28.450	523,603	52,360	52,360
2021	0	4,909,204	245,460,222	19,155,523	0	0	19,155,523	19,155,523	28.450	534,075	53,408	53,408
2022	0	5,007,389	250,369,426	19,538,634	0	0	19,538,634	19,538,634	28.450	544,757	54,476	54,476
2023	0	5,107,536	255,376,815	19,929,406	0	0	19,929,406	19,929,406	28.450	555,652	55,565	55,565
2024	0	5,209,687	260,484,351	20,327,994	0	0	20,327,994	20,327,994	28.450	566,765	56,676	56,676
2025	0	69,038,412	265,694,038	20,734,554	0	0	20,734,554	20,734,554	28.450	578,100	57,810	57,810
2026	0		265,694,038	20,734,554	0	0	20,734,554	20,734,554	28.450	578,100	57,810	57,810
2027	0				0	0			28.450			
2028	0				0	0			28.450			
2029	0				0	0			28.450			
2030	0				0	0			28.450			
2031	0				0	0			28.450			
2032	0				0	0			28.450			
2033	0				0	0			28.450			
2034	0				0	0			28.450			
2035	0				0	0			28.450			
2036	0				0	0			28.450			
2037	0				0	0			28.450			
2038	0				0	0			28.450			
2039	0				0	0			28.450			
210										15,853,880	1,585,388	1,585,388

HUNTINGTON TRAILS METROPOLITAN DISTRICT
 Development Projection at 35.00 Debt Service Mills – Service Plan Sensitivity Version
 Ser. 2006 & 2009 Non-Rated Bonds, 30-yr maturities

YEAR	Int. Income on Cum. Surplus @ 3%	Series 2006		Series 2009		Annual Surplus	Surplus Release @ 45% DIA	Cumulative Surplus \$600,000 Target	Senior Debt-to-Assessed Ratio	Senior Debt-to-Actual Ratio
		Net Available for Debt Svc	Net Debt Service	Net Debt Service	Net Debt Service					
2004	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	0%
2005	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	0%	10%
2006	0	27,515	0	0	0	27,515	0	27,515	411%	4%
2007	825	128,148	140,000	0	0	(11,852)	0	15,663	89%	2%
2008	470	256,757	240,000	0	0	16,757	0	32,420	88%	4%
2009	973	410,662	240,000	\$47,500	\$47,500	123,162	0	155,582	55%	3%
2010	4,667	508,828	240,000	225,000	225,000	43,828	0	199,410	45%	3%
2011	5,982	562,890	240,000	225,000	225,000	97,890	0	297,300	41%	3%
2012	8,919	613,674	260,000	225,000	225,000	128,674	0	425,973	37%	3%
2013	12,779	629,629	268,400	230,000	230,000	131,229	357,202	200,000	36%	3%
2014	6,000	622,850	266,000	229,625	229,625	127,225	127,225	200,000	36%	3%
2015	6,000	517,439	273,600	234,250	234,250	9,589	9,589	200,000	35%	3%
2016	6,000	517,439	270,400	238,500	238,500	8,539	8,539	200,000	35%	3%
2017	6,000	527,668	277,200	237,375	237,375	13,093	13,093	200,000	34%	3%
2018	6,000	527,668	278,200	241,250	241,250	8,218	8,218	200,000	33%	3%
2019	6,000	538,101	283,800	244,750	244,750	9,551	9,551	200,000	32%	3%
2020	6,000	538,101	283,600	242,875	242,875	11,626	11,626	200,000	32%	2%
2021	6,000	548,743	288,000	251,000	251,000	9,743	9,743	200,000	30%	2%
2022	6,000	548,743	286,600	253,375	253,375	8,768	8,768	200,000	30%	2%
2023	6,000	559,598	294,800	255,375	255,375	9,423	9,423	200,000	28%	2%
2024	6,000	559,598	298,000	252,000	252,000	10,798	10,798	200,000	27%	2%
2025	6,000	570,670	298,000	258,625	258,625	14,045	14,045	200,000	26%	2%
2026	6,000	570,670	298,000	259,500	259,500	12,770	12,770	200,000	25%	2%
2027	6,000	581,963	308,000	260,000	260,000	13,963	13,963	200,000	23%	2%
2028	6,000	581,963	306,000	265,125	265,125	10,838	10,838	200,000	22%	2%
2029	6,000	593,483	313,200	269,500	269,500	10,783	10,783	200,000	20%	2%
2030	6,000	593,483	313,800	268,125	268,125	11,558	11,558	200,000	19%	1%
2031	6,000	605,232	318,200	276,375	276,375	10,657	10,657	200,000	17%	1%
2032	6,000	605,232	321,000	273,500	273,500	10,732	10,732	200,000	15%	1%
2033	6,000	617,217	322,200	285,250	285,250	9,767	9,767	200,000	13%	1%
2034	6,000	617,217	326,800	280,500	280,500	9,917	9,917	200,000	11%	1%
2035	6,000	629,441	329,400	285,375	285,375	14,666	14,666	200,000	8%	1%
2036	6,000	629,441	0	629,125	629,125	316	316	200,000	6%	0%
2037	6,000	641,910	0	641,250	641,250	.660	.660	200,000	3%	0%
2038	6,000	641,910	0	639,625	639,625	2,285	2,285	202,285	0%	0%
2039	184,616	17,623,884	8,182,400	8,524,750	8,524,750	916,734	916,734	0	0%	0%

HUNTINGTON TRAILS METROPOLITAN DISTRICT

Operations Revenue and Expense Projection

YEAR	Total Assessed Value	Oper'n's Mill Levy	Total Collections @ 98%	Specific		Total Available For O&M	Less District Operations @ of \$70,000 Infr. @ 1% or max 5.0 mills	Developer Advances for Operations	Developer Repayment for Operations	Annual Surplus
				Ownership Tax @ 10% of Prop'y Taxes	Operations @					
2004	0	0	0	0	0	0	0	0	0	0
2005	0	0	0	0	0	0	70,000	70,000	0	0
2006	729,265	5.000	3,573	357	3,931	3,931	70,700	66,769	0	0
2007	3,374,559	5.000	16,535	1,654	18,189	18,189	71,407	53,218	0	0
2008	6,792,664	5.000	33,284	3,328	36,612	36,612	72,121	35,509	0	0
2009	10,858,445	5.000	53,206	5,321	58,527	58,527	72,842	14,315	0	0
2010	13,362,336	5.000	65,475	6,548	72,023	72,023	72,023	0	0	(0)
2011	14,760,333	5.000	72,326	7,233	79,558	79,558	74,306	0	5,252	0
2012	16,028,485	5.000	78,540	7,854	86,394	86,394	75,049	0	11,344	0
2013	16,349,055	5.000	80,110	8,011	88,121	88,121	75,800	0	12,321	0
2014	16,349,055	5.000	80,110	8,011	88,121	88,121	75,800	0	12,321	0
2015	16,676,036	5.000	81,713	8,171	89,884	89,884	77,324	0	11,563	0
2016	16,676,036	5.000	81,713	8,171	89,884	89,884	77,324	0	11,563	0
2017	17,009,556	5.000	83,347	8,335	91,682	91,682	78,097	0	11,787	0
2018	17,009,556	5.000	83,347	8,335	91,682	91,682	78,097	0	11,787	0
2019	17,349,748	5.000	85,014	8,501	93,515	93,515	79,667	0	12,804	0
2020	17,349,748	5.000	85,014	8,501	93,515	93,515	79,667	0	12,804	0
2021	17,696,742	5.000	86,714	8,671	95,385	95,385	80,463	0	13,052	0
2022	17,696,742	5.000	86,714	8,671	95,385	95,385	80,463	0	13,052	0
2023	18,050,677	5.000	88,448	8,845	97,293	97,293	81,268	0	12,477	0
2024	18,050,677	5.000	88,448	8,845	97,293	97,293	81,268	0	12,477	0
2025	18,411,691	5.000	90,217	9,022	99,239	99,239	82,081	0	13,305	0
2026	18,411,691	5.000	90,217	9,022	99,239	99,239	82,081	0	13,305	0
2027	18,779,925	5.000	92,022	9,202	101,224	101,224	82,901	0	12,484	0
2028	18,779,925	5.000	92,022	9,202	101,224	101,224	82,901	0	12,484	0
2029	19,155,523	5.000	93,862	9,386	103,248	103,248	83,730	0	13,563	0
2030	19,155,523	5.000	93,862	9,386	103,248	103,248	83,730	0	13,563	0
2031	19,538,634	4.305	82,425	8,243	90,668	90,668	84,568	0	12,726	0
2032	19,538,634	4.305	82,425	8,243	90,668	90,668	84,568	0	12,726	0
2033	19,929,406	4.305	84,082	8,408	92,490	92,490	85,413	0	13,826	0
2034	19,929,406	4.305	84,082	8,408	92,490	92,490	85,413	0	13,826	0
2035	20,327,994	4.306	85,772	8,577	94,349	94,349	88,001	0	14,094	0
2036	20,327,994	4.306	85,772	8,577	94,349	94,349	88,001	0	14,094	0
2037	20,734,554	4.306	87,496	8,750	96,246	96,246	88,881	0	13,222	0
2038	20,734,554	4.306	87,496	8,750	96,246	96,246	88,881	0	13,222	0
2039	20,734,554	4.349	88,371	8,837	97,208	97,208	89,770	0	4,308	9,170
			2,568,783	256,878	2,825,662	2,816,491	239,811	239,811	239,811	9,170

HUNTINGTON TRAILS METROPOLITAN DISTRICT
Residential Only Development Projection (updated 2/14/06) -- Service Plan Sensitivity Version

YEAR	Residential Development					<u>Semi-Custom</u>					<u>Custom / Estate</u>				
	# Lots Devel'd	Incr/(Decr) in Finished Lot Value @ 10%	# Units Completed [121 target]	Price, Inflat. @ 2%	Market Value	# Lots Devel'd	Incr/(Decr) in Finished Lot Value @ 10%	# Units Completed [89 target]	Price, Inflat. @ 2%	Market Value	# Lots Devel'd	Incr/(Decr) in Finished Lot Value @ 10%	# Units Completed [89 target]	Price, Inflat. @ 2%	Market Value
2004	0	0	0	\$0	\$0	0	0	0	\$0	\$0	0	0	0	\$0	\$0
2005	21	1,544,118	0	\$735,294	\$0	9	970,588	0	\$1,078,431	\$0	0	0	0	\$1,078,431	\$0
2006	30	220,588	27	\$750,000	20,250,000	13	323,529	10	\$1,100,000	11,000,000	10	10	10	\$1,100,000	11,000,000
2007	33	220,588	30	765,000	22,950,000	21	647,059	15	1,122,000	16,830,000	15	15	15	1,122,000	16,830,000
2008	31	(220,588)	34	780,300	26,530,200	15	(970,588)	24	1,144,440	27,466,560	24	24	24	1,144,440	27,466,560
2009	6	(1,764,706)	30	795,906	23,877,180	12	0	12	1,167,329	14,007,946	12	12	12	1,167,329	14,007,946
2010	0	0	0	811,824	0	14	323,529	11	1,190,875	13,097,429	11	11	11	1,190,875	13,097,429
2011	0	0	0	828,061	0	5	(1,294,118)	17	1,214,489	20,646,311	17	17	17	1,214,489	20,646,311
2012	0	0	0	844,622	0	0	0	0	1,238,779	0	0	0	0	1,238,779	0
2013	0	0	0	861,514	0	0	0	0	1,263,554	0	0	0	0	1,263,554	0
2014	0	0	0	878,745	0	0	0	0	1,288,825	0	0	0	0	1,288,825	0
2015	0	0	0	896,319	0	0	0	0	1,314,602	0	0	0	0	1,314,602	0
2016	0	0	0	914,246	0	0	0	0	1,340,894	0	0	0	0	1,340,894	0
2017	0	0	0	932,531	0	0	0	0	1,367,712	0	0	0	0	1,367,712	0
2018	0	0	0	951,181	0	0	0	0	1,395,066	0	0	0	0	1,395,066	0
2019	0	0	0	970,205	0	0	0	0	1,422,967	0	0	0	0	1,422,967	0
2020	0	0	0	989,609	0	0	0	0	1,451,427	0	0	0	0	1,451,427	0
	121	(0)	121		93,607,380	89	0	89		103,048,246					

HUNTINGTON TRAILS METROPOLITAN DISTRICT

Residential Only Development Projection (updated 2/14/06) -- Service Plan Sensitivity Version

YEAR	Residential			Total Residential Units Compl	Total Residential Lots Dev'd	Cumulative Residential Market Value	Value of Residential Platted / Developed Lots
	Total Residential Market Value	Total Residential Lots Dev'd	Total Residential Units Compl				
2004	\$0	\$0	0	0	0	0	0
2005	\$0	\$0	30	0	30	0	2,514,706
2006	31,250,000	31,250,000	43	37	43	0	544,118
2007	39,780,000	71,030,000	54	45	54	0	867,647
2008	53,996,760	125,026,760	46	58	46	0	(1,191,176)
2009	37,885,126	162,911,886	18	42	18	0	(1,764,706)
2010	13,097,429	176,009,315	14	11	14	0	323,529
2011	20,646,311	196,655,626	5	17	5	0	(1,294,118)
2012	0	196,655,626	0	0	0	0	0
2013	0	196,655,626	0	0	0	0	0
2014	0	196,655,626	0	0	0	0	0
2015	0	196,655,626	0	0	0	0	0
2016	0	196,655,626	0	0	0	0	0
2017	0	196,655,626	0	0	0	0	0
2018	0	196,655,626	0	0	0	0	0
2019	0	196,655,626	0	0	0	0	0
2020	0	196,655,626	0	0	0	0	0
	<u>196,655,626</u>		<u>210</u>	<u>210</u>			<u>0</u>

SOURCES AND USES OF FUNDS

**HUNTINGTON TRAILS METROPOLITAN DISTRICT
SERIES 2006 BONDS
Non Rated Bonds, 30-year maturity
Service Plan Sensitivity Version**

Dated Date 06/01/2006
Delivery Date 06/01/2006

Sources:

Bond Proceeds:	
Par Amount	3,000,000.00
	<hr/>
	3,000,000.00
	<hr/>

Uses:

Project Fund Deposits:	
Project Fund Deposit	2,438,946.06
Other Fund Deposits:	
Capitalized Interest Fund	441,053.94
Delivery Date Expenses:	
Cost of Issuance	120,000.00
	<hr/>
	3,000,000.00
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BOND DEBT SERVICE
HUNTINGTON TRAILS METROPOLITAN DISITRICT
SERIES 2006 BONDS
Non Rated Bonds, 30-year maturity
Service Plan Sensitivity Version

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
06/01/2006					
12/01/2006			120,000	120,000	120,000
06/01/2007			120,000	120,000	
12/01/2007			120,000	120,000	240,000
06/01/2008			120,000	120,000	
12/01/2008			120,000	120,000	240,000
06/01/2009			120,000	120,000	
12/01/2009			120,000	120,000	240,000
06/01/2010			120,000	120,000	
12/01/2010			120,000	120,000	240,000
06/01/2011			120,000	120,000	
12/01/2011			120,000	120,000	240,000
06/01/2012			120,000	120,000	
12/01/2012			120,000	120,000	240,000
06/01/2013			120,000	120,000	
12/01/2013	20,000	8.000%	120,000	140,000	260,000
06/01/2014			119,200	119,200	
12/01/2014	30,000	8.000%	119,200	149,200	268,400
06/01/2015			118,000	118,000	
12/01/2015	30,000	8.000%	118,000	148,000	266,000
06/01/2016			116,800	116,800	
12/01/2016	40,000	8.000%	116,800	156,800	273,600
06/01/2017			115,200	115,200	
12/01/2017	40,000	8.000%	115,200	155,200	270,400
06/01/2018			113,600	113,600	
12/01/2018	50,000	8.000%	113,600	163,600	277,200
06/01/2019			111,600	111,600	
12/01/2019	55,000	8.000%	111,600	166,600	278,200
06/01/2020			109,400	109,400	
12/01/2020	65,000	8.000%	109,400	174,400	283,800
06/01/2021			106,800	106,800	
12/01/2021	70,000	8.000%	106,800	176,800	283,600
06/01/2022			104,000	104,000	
12/01/2022	80,000	8.000%	104,000	184,000	288,000
06/01/2023			100,800	100,800	
12/01/2023	85,000	8.000%	100,800	185,800	286,600
06/01/2024			97,400	97,400	
12/01/2024	100,000	8.000%	97,400	197,400	294,800
06/01/2025			93,400	93,400	
12/01/2025	110,000	8.000%	93,400	203,400	296,800
06/01/2026			89,000	89,000	
12/01/2026	120,000	8.000%	89,000	209,000	298,000
06/01/2027			84,200	84,200	
12/01/2027	130,000	8.000%	84,200	214,200	298,400
06/01/2028			79,000	79,000	
12/01/2028	150,000	8.000%	79,000	229,000	308,000
06/01/2029			73,000	73,000	
12/01/2029	160,000	8.000%	73,000	233,000	306,000
06/01/2030			66,600	66,600	
12/01/2030	180,000	8.000%	66,600	246,600	313,200
06/01/2031			59,400	59,400	
12/01/2031	195,000	8.000%	59,400	254,400	313,800
06/01/2032			51,600	51,600	
12/01/2032	215,000	8.000%	51,600	266,600	318,200
06/01/2033			43,000	43,000	
12/01/2033	235,000	8.000%	43,000	278,000	321,000
06/01/2034			33,600	33,600	
12/01/2034	255,000	8.000%	33,600	288,600	322,200
06/01/2035			23,400	23,400	
12/01/2035	280,000	8.000%	23,400	303,400	326,800
06/01/2036			12,200	12,200	
12/01/2036	305,000	8.000%	12,200	317,200	329,400
	3,000,000		5,642,400	8,642,400	8,642,400

NET DEBT SERVICE

HUNTINGTON TRAILS METROPOLITAN DISITRICT SERIES 2006 BONDS Non Rated Bonds, 30-year maturity Service Plan Sensitivity Version

Date	Principal	Interest	Total Debt Service	Capitalized Interest Fund	Net Debt Service	Annual Net D/S
12/01/2006		120,000	120,000	120,000		
06/01/2007		120,000	120,000	120,000		
12/01/2007		120,000	120,000	120,000		
06/01/2008		120,000	120,000	100,000	20,000	
12/01/2008		120,000	120,000		120,000	140,000
06/01/2009		120,000	120,000		120,000	
12/01/2009		120,000	120,000		120,000	240,000
06/01/2010		120,000	120,000		120,000	
12/01/2010		120,000	120,000		120,000	240,000
06/01/2011		120,000	120,000		120,000	
12/01/2011		120,000	120,000		120,000	240,000
06/01/2012		120,000	120,000		120,000	
12/01/2012		120,000	120,000		120,000	240,000
06/01/2013		120,000	120,000		120,000	
12/01/2013	20,000	120,000	140,000		140,000	260,000
06/01/2014		119,200	119,200		119,200	
12/01/2014	30,000	119,200	149,200		149,200	268,400
06/01/2015		118,000	118,000		118,000	
12/01/2015	30,000	118,000	148,000		148,000	266,000
06/01/2016		116,800	116,800		116,800	
12/01/2016	40,000	116,800	156,800		156,800	273,600
06/01/2017		115,200	115,200		115,200	
12/01/2017	40,000	115,200	155,200		155,200	270,400
06/01/2018		113,600	113,600		113,600	
12/01/2018	50,000	113,600	163,600		163,600	277,200
06/01/2019		111,600	111,600		111,600	
12/01/2019	55,000	111,600	166,600		166,600	278,200
06/01/2020		109,400	109,400		109,400	
12/01/2020	65,000	109,400	174,400		174,400	283,800
06/01/2021		106,800	106,800		106,800	
12/01/2021	70,000	106,800	176,800		176,800	283,600
06/01/2022		104,000	104,000		104,000	
12/01/2022	80,000	104,000	184,000		184,000	288,000
06/01/2023		100,800	100,800		100,800	
12/01/2023	85,000	100,800	185,800		185,800	286,600
06/01/2024		97,400	97,400		97,400	
12/01/2024	100,000	97,400	197,400		197,400	294,800
06/01/2025		93,400	93,400		93,400	
12/01/2025	110,000	93,400	203,400		203,400	296,800
06/01/2026		89,000	89,000		89,000	
12/01/2026	120,000	89,000	209,000		209,000	298,000
06/01/2027		84,200	84,200		84,200	
12/01/2027	130,000	84,200	214,200		214,200	298,400
06/01/2028		79,000	79,000		79,000	
12/01/2028	150,000	79,000	229,000		229,000	308,000
06/01/2029		73,000	73,000		73,000	
12/01/2029	160,000	73,000	233,000		233,000	306,000
06/01/2030		66,600	66,600		66,600	
12/01/2030	180,000	66,600	246,600		246,600	313,200
06/01/2031		59,400	59,400		59,400	
12/01/2031	195,000	59,400	254,400		254,400	313,800
06/01/2032		51,600	51,600		51,600	
12/01/2032	215,000	51,600	266,600		266,600	318,200
06/01/2033		43,000	43,000		43,000	
12/01/2033	235,000	43,000	278,000		278,000	321,000
06/01/2034		33,600	33,600		33,600	
12/01/2034	255,000	33,600	288,600		288,600	322,200
06/01/2035		23,400	23,400		23,400	
12/01/2035	280,000	23,400	303,400		303,400	326,800
06/01/2036		12,200	12,200		12,200	
12/01/2036	305,000	12,200	317,200		317,200	329,400
	3,000,000	5,642,400	8,642,400	460,000	8,182,400	8,182,400

SOURCES AND USES OF FUNDS

**HUNTINGTON TRAILS METROPOLITAN DISITRICT
SERIES 2009 BONDS
Non Rated Bonds, 30-year maturity
Service Plan Sensitivity Version**

Dated Date 12/01/2009
Delivery Date 12/01/2009

Sources:

Bond Proceeds:	
Par Amount	3,000,000.00
	<hr/>
	3,000,000.00
	<hr/>

Uses:

Project Fund Deposits:	
Project Fund Deposit	2,706,651.54
Other Fund Deposits:	
Capitalized Interest Fund	173,348.46
Delivery Date Expenses:	
Cost of Issuance	120,000.00
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	3,000,000.00
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BOND DEBT SERVICE
HUNTINGTON TRAILS METROPOLITAN DISTRICT
SERIES 2009 BONDS
Non Rated Bonds, 30-year maturity
Service Plan Sensitivity Version

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
12/01/2009					
06/01/2010			112,500.00	112,500.00	
12/01/2010			112,500.00	112,500.00	225,000
06/01/2011			112,500.00	112,500.00	
12/01/2011			112,500.00	112,500.00	225,000
06/01/2012			112,500.00	112,500.00	
12/01/2012			112,500.00	112,500.00	225,000
06/01/2013			112,500.00	112,500.00	
12/01/2013			112,500.00	112,500.00	225,000
06/01/2014			112,500.00	112,500.00	
12/01/2014	5,000	7.500%	112,500.00	117,500.00	230,000
06/01/2015			112,312.50	112,312.50	
12/01/2015	5,000	7.500%	112,312.50	117,312.50	229,625
06/01/2016			112,125.00	112,125.00	
12/01/2016	10,000	7.500%	112,125.00	122,125.00	234,250
06/01/2017			111,750.00	111,750.00	
12/01/2017	15,000	7.500%	111,750.00	126,750.00	238,500
06/01/2018			111,187.50	111,187.50	
12/01/2018	15,000	7.500%	111,187.50	126,187.50	237,375
06/01/2019			110,625.00	110,625.00	
12/01/2019	20,000	7.500%	110,625.00	130,625.00	241,250
06/01/2020			109,875.00	109,875.00	
12/01/2020	25,000	7.500%	109,875.00	134,875.00	244,750
06/01/2021			108,937.50	108,937.50	
12/01/2021	25,000	7.500%	108,937.50	133,937.50	242,875
06/01/2022			108,000.00	108,000.00	
12/01/2022	35,000	7.500%	108,000.00	143,000.00	251,000
06/01/2023			106,687.50	106,687.50	
12/01/2023	40,000	7.500%	106,687.50	146,687.50	253,375
06/01/2024			105,187.50	105,187.50	
12/01/2024	45,000	7.500%	105,187.50	150,187.50	255,375
06/01/2025			103,500.00	103,500.00	
12/01/2025	45,000	7.500%	103,500.00	148,500.00	252,000
06/01/2026			101,812.50	101,812.50	
12/01/2026	55,000	7.500%	101,812.50	156,812.50	258,625
06/01/2027			99,750.00	99,750.00	
12/01/2027	60,000	7.500%	99,750.00	159,750.00	259,500
06/01/2028			97,500.00	97,500.00	
12/01/2028	65,000	7.500%	97,500.00	162,500.00	260,000
06/01/2029			95,062.50	95,062.50	
12/01/2029	75,000	7.500%	95,062.50	170,062.50	265,125
06/01/2030			92,250.00	92,250.00	
12/01/2030	85,000	7.500%	92,250.00	177,250.00	269,500
06/01/2031			89,062.50	89,062.50	
12/01/2031	90,000	7.500%	89,062.50	179,062.50	268,125
06/01/2032			85,687.50	85,687.50	
12/01/2032	105,000	7.500%	85,687.50	190,687.50	276,375
06/01/2033			81,750.00	81,750.00	
12/01/2033	110,000	7.500%	81,750.00	191,750.00	273,500
06/01/2034			77,625.00	77,625.00	
12/01/2034	130,000	7.500%	77,625.00	207,625.00	285,250
06/01/2035			72,750.00	72,750.00	
12/01/2035	135,000	7.500%	72,750.00	207,750.00	280,500
06/01/2036			67,687.50	67,687.50	
12/01/2036	150,000	7.500%	67,687.50	217,687.50	285,375
06/01/2037			62,062.50	62,062.50	
12/01/2037	505,000	7.500%	62,062.50	567,062.50	629,125
06/01/2038			43,125.00	43,125.00	
12/01/2038	555,000	7.500%	43,125.00	598,125.00	641,250
06/01/2039			22,312.50	22,312.50	
12/01/2039	595,000	7.500%	22,312.50	617,312.50	639,625
	3,000,000		5,702,250.00	8,702,250.00	8,702,250

NET DEBT SERVICE
HUNTINGTON TRAILS METROPOLITAN DISITRICT
SERIES 2009 BONDS
Non Rated Bonds, 30-year maturity
Service Plan Sensitivity Version

Date	Principal	Interest	Total Debt Service	Capitalized Interest Fund	Net Debt Service	Annual Net D/S
06/01/2010		112,500.00	112,500.00	112,500		
12/01/2010		112,500.00	112,500.00	65,000	47,500.00	47,500
06/01/2011		112,500.00	112,500.00		112,500.00	
12/01/2011		112,500.00	112,500.00		112,500.00	225,000
06/01/2012		112,500.00	112,500.00		112,500.00	
12/01/2012		112,500.00	112,500.00		112,500.00	225,000
06/01/2013		112,500.00	112,500.00		112,500.00	
12/01/2013		112,500.00	112,500.00		112,500.00	225,000
06/01/2014		112,500.00	112,500.00		112,500.00	
12/01/2014	5,000	112,500.00	117,500.00		117,500.00	230,000
06/01/2015		112,312.50	112,312.50		112,312.50	
12/01/2015	5,000	112,312.50	117,312.50		117,312.50	229,625
06/01/2016		112,125.00	112,125.00		112,125.00	
12/01/2016	10,000	112,125.00	122,125.00		122,125.00	234,250
06/01/2017		111,750.00	111,750.00		111,750.00	
12/01/2017	15,000	111,750.00	126,750.00		126,750.00	238,500
06/01/2018		111,187.50	111,187.50		111,187.50	
12/01/2018	15,000	111,187.50	126,187.50		126,187.50	237,375
06/01/2019		110,625.00	110,625.00		110,625.00	
12/01/2019	20,000	110,625.00	130,625.00		130,625.00	241,250
06/01/2020		109,875.00	109,875.00		109,875.00	
12/01/2020	25,000	109,875.00	134,875.00		134,875.00	244,750
06/01/2021		108,937.50	108,937.50		108,937.50	
12/01/2021	25,000	108,937.50	133,937.50		133,937.50	242,875
06/01/2022		108,000.00	108,000.00		108,000.00	
12/01/2022	35,000	108,000.00	143,000.00		143,000.00	251,000
06/01/2023		106,687.50	106,687.50		106,687.50	
12/01/2023	40,000	106,687.50	146,687.50		146,687.50	253,375
06/01/2024		105,187.50	105,187.50		105,187.50	
12/01/2024	45,000	105,187.50	150,187.50		150,187.50	255,375
06/01/2025		103,500.00	103,500.00		103,500.00	
12/01/2025	45,000	103,500.00	148,500.00		148,500.00	252,000
06/01/2026		101,812.50	101,812.50		101,812.50	
12/01/2026	55,000	101,812.50	156,812.50		156,812.50	258,625
06/01/2027		99,750.00	99,750.00		99,750.00	
12/01/2027	60,000	99,750.00	159,750.00		159,750.00	259,500
06/01/2028		97,500.00	97,500.00		97,500.00	
12/01/2028	65,000	97,500.00	162,500.00		162,500.00	260,000
06/01/2029		95,062.50	95,062.50		95,062.50	
12/01/2029	75,000	95,062.50	170,062.50		170,062.50	265,125
06/01/2030		92,250.00	92,250.00		92,250.00	
12/01/2030	85,000	92,250.00	177,250.00		177,250.00	269,500
06/01/2031		89,062.50	89,062.50		89,062.50	
12/01/2031	90,000	89,062.50	179,062.50		179,062.50	268,125
06/01/2032		85,687.50	85,687.50		85,687.50	
12/01/2032	105,000	85,687.50	190,687.50		190,687.50	276,375
06/01/2033		81,750.00	81,750.00		81,750.00	
12/01/2033	110,000	81,750.00	191,750.00		191,750.00	273,500
06/01/2034		77,625.00	77,625.00		77,625.00	
12/01/2034	130,000	77,625.00	207,625.00		207,625.00	285,250
06/01/2035		72,750.00	72,750.00		72,750.00	
12/01/2035	135,000	72,750.00	207,750.00		207,750.00	280,500
06/01/2036		67,687.50	67,687.50		67,687.50	
12/01/2036	150,000	67,687.50	217,687.50		217,687.50	285,375
06/01/2037		62,062.50	62,062.50		62,062.50	
12/01/2037	505,000	62,062.50	567,062.50		567,062.50	629,125
06/01/2038		43,125.00	43,125.00		43,125.00	
12/01/2038	555,000	43,125.00	598,125.00		598,125.00	641,250
06/01/2039		22,312.50	22,312.50		22,312.50	
12/01/2039	595,000	22,312.50	617,312.50		617,312.50	639,625
	3,000,000	5,702,250.00	8,702,250.00	177,500	8,524,750.00	8,524,750

EXHIBIT B

COSTS OF INFRASTRUCTURE IMPROVEMENTS

EXHIBIT B
Costs of Infrastructure Improvements
Huntington Trails Development
Westminster, Colorado

	Metro District Service Plan 6-29-00					
	Hard Costs	8.5% Soft Cost	Subtotal	10% Contingency	Total Cost	District Share
Offsite Roadways - Huron Street Includes demolition, regrading, new 4-lane roadway with median, landscaping, walks, signal and street lights 1/3 District, 1/3 City, 1/3 Adjacent Property Owner	\$1,456,173	\$123,775	\$1,579,948	\$157,995	\$1,737,942	\$879,314 33%
Offsite Roadways - 144th Avenue Includes demolition, regrading, new 4-lane roadway with median, landscaping, walks, signal and street lights 1/3 District, 1/3 City, 1/3 Adjacent Property Owner	\$1,058,612	\$89,982	\$1,148,594	\$114,859	\$1,263,453	\$421,151 33%
Storm - 8A McKay Lake Drainage Way Includes west pathway crossing, grass lined channel, east pathway crossing and channel to Huron.	\$315,960	\$26,857	\$342,817	\$34,282	\$377,098	\$377,098
Storm - 8B Onsite Storm Sewer Includes piping, inlets within internal streets	\$370,587	\$31,500	\$402,087	\$40,209	\$442,296	\$442,296
Storm - 8C McKay Lake Dam Improvements Includes improvements to existing dam and new spillway construction (includes soft cost & contingencies) 32% District, 68% Other	\$163,293	\$13,880	\$177,173	\$17,717	\$194,890	\$448,000 32%
Storm - 8D McKay Lake Drainageway (Crossing at Huron) Includes 11x18' Box Culvert at Huron** 1/3 District, 1/3 City, 1/3 Adjacent Property Owner	\$597,295	\$2,986	\$600,281	\$60,028	\$660,310	\$0 \$660,310
Onsite Roadways and Infrastructure Includes water, sanitary sewer, dry utility, curb and gutter installation and paving						\$64,963 33%
Landscape - Central Open Space and Drainage Corridor Recreation Facilities Includes swimming pool, cabana building and land scaping						\$0
District Formation Costs						\$587,975 \$88,894
						TOTAL \$3,600,000

** - Original June 29, 2000 Anticipated 4x16' Box Culvert

Huntington Trails Development
Westminster, Colorado

5/6/2005

Metro District Service Plan 4-27-05					
Hard Costs	Soft Costs (Varies)	Subtotal	5% Contingency	Total Cost	District Share
	(Provided in Public Improvement Agreement)			\$2,527,815	\$942,605
	(Provided in Public Improvement Agreement)			\$2,698,836	\$899,612
\$1,097,205	\$137,151	\$1,234,356	\$61,718	\$1,296,074	\$1,296,074
\$654,259	\$81,782	\$736,041	\$36,802	\$772,843	\$772,843
	(Provided by City as open bid)			\$1,410,430	\$451,338
\$677,613	\$84,702	\$762,315	\$38,116	\$800,430	\$266,810
\$4,519,069	\$451,907	\$4,970,976	\$0	\$4,970,976	\$4,970,976
\$1,666,000	\$49,980	\$1,715,980	\$0	\$1,715,980	\$1,715,980
				TOTAL	\$11,823,107

- Offsite Roadways - Huron Street
Includes demolition, regrading, new 4-lane roadway with median, landscaping, walks, signal and street lights
- 1/3 District, 1/3 City, 1/3 Adjacent Property Owner
- Offsite Roadways - 144th Avenue
Includes demolition, regrading, new 4-lane roadway with median, landscaping, walks, signal and street lights
- 1/3 District, 1/3 City, 1/3 Adjacent Property Owner
- Storm - 8A McKay Lake Drainage Way
Includes west pathway crossing, grass lined channel, east pathway crossing and channel to Huron.
- Storm - 8B Oesize Storm Sewer
Includes piping, inlets within internal streets
- Storm - 8C McKay Lake Dam Improvements
Includes improvements to existing dam and new spillway construction (includes soft cost & contingencies)
- 32% District, 68% Other
- Storm - 8D McKay Lake Drainageway (Crossing at Huron)
Includes 11'x18' Box Culvert at Huron**
- 1/3 District, 1/3 City, 1/3 Adjacent Property Owner
- Oesize Roadways and Infrastructure
Includes water, sanitary sewer, dry utility, curb and gutter installation and paving.
- Landscape - Central Open Space and Drainage Corridor
Recreation Facilities
Includes swimming pool, cabana building and land scaping
- District Formation Costs

** - Original June 29, 2000 Anticipated 4'x16' Box Culvert

Huntington Trails Development
Westminster, Colorado

5/6/2005

	Metro District Service Plan 6-29-00 District Share	Metro District Service Plan 6-29-00 District Share	Difference
Offsite Roadways - Huron Street Includes demolition, grading, new 4-lane roadway with median, landscaping, walks, signal and street lights 1/3 District, 1/3 City, 1/3 Adjacent Property Owner	\$579,316	\$842,605	\$263,291
Offsite Roadways - 144th Avenue Includes demolition, grading, new 4-lane roadway with median, landscaping, walks, signal and street lights 1/3 District, 1/3 City, 1/3 Adjacent Property Owner	\$421,151	\$899,612	\$478,461
Storm - 8A McKay Lake Drainage Way Includes west parkway crossing, grass lined channel, east parkway crossing and channel to Huron.	\$377,898	\$1,296,074	\$918,976
Storm - 8B Onsite Storm Sewer Includes piping, inlets within internal streets	\$442,296	\$772,843	\$330,548
Storm - 8C McKay Lake Dam Improvements Includes improvements to existing dam and new spillway construction (includes soft cost & contingies) 32% District, 68% Other	\$448,000	\$451,338	\$3,338
Storm - 8D McKay Lake Drainage way (Crossing at Huron) Includes 11'x18' Box Culvert at Huron** 1/3 District, 1/3 City, 1/3 Adjacent Property Owner	\$64,963	\$266,810	\$201,847
Onsite Roadways and Infrastructure Includes water, sanitary sewer, dry utility, curb and gutter installation and paving.	\$0	\$4,970,976	\$4,970,976
Landscape - Central Open Space and Drainage Corridor	\$660,310	\$1,715,980	\$1,055,670
Recreation Facilities Includes swimming pool, cabana building and land scaping	\$587,975	\$587,975	
District Formation Costs	\$18,894	\$18,894	
Summary	\$3,600,000	\$11,823,107	\$8,223,107

** - Original June 29, 2000 Anticipated 4'x16' Box Culvert

EXHIBIT C

**FORM OF
RESOLUTION NO. _____, SERIES OF 2006**

A RESOLUTION APPROVING THE PETITION FOR APPROVAL OF HUNTING TRAILS METROPOLITAN DISTRICT TO ISSUE UP TO \$6,000,000 OF DEBT UNDER ITS SERVICE PLAN.

WHEREAS, the City of Westminster, Colorado (the "City"), is a political subdivision of the State of Colorado (the "State"), a body corporate and politic, and a home-rule city pursuant to Article XX of the State Constitution; and

WHEREAS, pursuant to the provisions of Part 2 of Article 1 of Title 32, C.R.S., as amended (the "Act"), the City Council of the City (the "City Council") on September 25, 2000 adopted Resolution No. 74, Series of 2000, under which it was determined that the requirements for the filing and approval of the Service Plan (the "Service Plan") for Huntington Trails Metropolitan District (the "District") and the organization of the District had been fulfilled; and

WHEREAS, pursuant to the provisions of the Act, the District was then organized by Order of the District Court following a public election at which District voters approved the organization of the District and the incurrence of indebtedness in the sum of \$6,000,000; and

WHEREAS, the Board of Directors of the District has submitted the Petition for Approval for Huntington Trails Metropolitan District to Issue up to \$6,000,000 of Debt under its Service Plan (the "Petition for Approval") and an updated Bond Financing Plan dated February 14, 2006 (the "2006 Financing Plan"), which will replace the Bond Financing Plan set forth in the Service Plan in accordance with Section V.B thereof; and

WHEREAS, the City Council held a public hearing on February 27, 2006 regarding the Petition for Approval; and

WHEREAS, the City Council considered the Petition for Approval, the 2006 Financing Plan, and all other testimony and evidence presented at the hearing; and

WHEREAS, the City Council has determined that the Petition for Approval and the 2006 Financing Plan are in the best interests of the District and should be approved.

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

Section 1. That the City Council hereby determines that the requirements of the Act, the Service Plan and all provisions of the City's Policies and Procedures for Title 32 District Formation relating to the Petition for Approval have been fulfilled, or alternatively are

inapplicable, and the Petition for Approval and the 2006 Financing Plan as set forth in Exhibit A attached hereto and incorporated herein are hereby approved.

Section 2. That in accordance with the provisions of the Petition for Approval, the District is authorized to incur bonded indebtedness in an amount not greater than \$6,000,000 as previously authorized by District voters and contemplated by the Service Plan, exclusive of refundings or other refinancings, without any further approval of the City Council or City officials. The District shall, however, issue its bonds in conformance with the provisions of the 2006 Financing Plan, except for non-material changes that may be approved by the City's Finance Department.

Section 3. That this Resolution is effective upon its approval by the City Council.

ADOPTED AND APPROVED this _____ day of _____, 2006.

CITY OF WESTMINSTER, COLORADO

Mayor

(S E A L)

ATTEST:

City Clerk

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, February 27, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the February 13, 2006 regular meeting were approved.

Council recognized employees with 20, 25, and 30 years of service and presented the Finance Department's Comprehensive Annual Financial Report project team with the Government Finance Officer's Certificate of Achievement for Excellence in Financial Reporting.

Council approved the following: January 2006 financial report; purchase of disposable medical supplies; payment of 2005 Westminster Conference Center property tax; 2006 concrete replacement project bids; 2006 gasoline recovery system technical assistance contract and operations and maintenance bids; IGA with UDFCD and the City and County of Broomfield for City Park Channel design and construction; permission to use ROW and open space during construction of City Park Channel; IGA with WEDA re funding for construction of RTD Parking Lot at the Shops at Walnut Creek; final passage of CB No. 9 re 2005 4th quarter budget supplemental appropriation; final passage of CB No. 10 re rights-of-way vacations for Greenbriar I and Medical North Subdivision plats; and final passage of CB No. 11 re un-appropriation from the Westfield Village CIP project budget.

A public hearing was conducted re proposed amendments to the service plan for Huntington Trails Metropolitan District.

Council adopted the following resolutions: Res. No. 11 re recovery contract interest rate for 2006; Res. No. 12 re building permit fee schedule amendment for lot grading review and inspection; Res. No. 13 re Sheridan Blvd at 72nd Ave right-of-way acquisition; and Res. No. 14 re Huntington Trails Metropolitan District service plan modification.

The following Councillor's Bill was passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS. Purpose: transfer of 2005 General CIP Fund carryover to WEDA.

The meeting adjourned at 8:14 p.m.

By Order of the Westminster City Council
Linda Yeager, City Clerk
Published in the Westminster Window on March 9, 2006

A BILL

**FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL,
 GENERAL CAPITAL IMPROVEMENT, SALES AND USE TAX, AND DEBT SERVICE FUNDS
 AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED
 REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$241,104 which, when added to the fund balance as of the City Council action on February 13, 2006 will equal \$95,384,078. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of grants, reimbursements, special event revenue, donations, contributions and building permit fees.

Section 2. The \$241,104 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$52,470	\$33,243	\$85,713
Contributions	1000.43100.0000	37,175	750	37,925
General Misc.	1000.43060.0000	206,522	750	207,272
Off Duty Fire Svcs	1000.41340.0013	0	1,887	1,887
State Grants	1000.40620.0000	24,370	4,004	28,374
Sale of Assets	1000.43040.0000	50,000	4,060	54,060
Youth Scholarships	1000.41030.0528	4,343	3,919	8,262
Adult Sports	1000.41030.0504	0	10,316	10,316
Youth Sports	1000.41030.0507	0	7,455	7,455
Preschool	1000.41030.0508	0	50,133	50,133
Building Permit ADCO	1000.40185.0010	300,000	124,587	424,587
Total Change to Revenues			<u>\$241,104</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
PD Contract Svcs	10020300.67800.0344	\$2,000	\$2,393	\$4,393
PD Salaries OT	10020300.60400.0344	208,673	12,217	220,890
PD Supplies	10020300.70200.0341	5,000	750	5,750
Fire Salaries OT	10025260.60400.0000	182,646	18,633	200,120
Fire Supplies – Prevention	10025260.70200.0547	4,500	750	5,250
Fire Supplies – EMS	10025260.70200.0546	3,500	871	4,371
Fire Salaries OT	10025260.60400.0546	70,000	1,016	71,016
Fire Contract Svcs	10025260.67800.0000	40,142	4,004	44,146
Lease Payments	10050550.67700.0106	13,903	4,060	17,963
Youth Scholarships	10050760.67600.0528	5,665	3,919	9,584
Rec Professional Svcs	10050760.65100.0504	59,358	10,316	69,674
Rec Contract Svcs	10050760.67800.0507	12,700	7,455	20,155
Rec Salaries Temp	10050760.60600.0508	82,875	50,133	133,008
CD Building Prof Svcs	10030370.65100.0000	50,000	<u>124,587</u>	174,587
Total Change to Expenses			<u>\$241,104</u>	

Section 3. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$882,120 which, when added to the fund balance as of the City Council action on February 13, 2006 will equal \$35,997,601. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of escrow funds, a rebate, reimbursements, contributions and a donation.

Section 4. The \$882,120 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Interest 01 COPS	7500.42520.0215	\$0	\$690	\$690
Interest COPS 2005	7500.42520.0274	0	245,240	245,240
SID Assessments	7500.40255.0065	0	156,559	156,559
Parks GOCO Grant	7501.40620.0026	5,100	(1,100)	4,000
Transfer from Sales Tax Fund	7500.45000.0530	262,080	<u>480,731</u>	742,811
Total Change to Revenue			<u>\$882,120</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Public Safety Bldg	80175020127.80400.8888	\$63,283	\$690	\$63,973
144 th Interchange	80575030713.80400.8888	15,800,000	245,240	16,045,240
New Development Participation	80175030011.80400.8888	813,401	156,559	969,960
Trails Development	80175050135.80400.8888	151,245	(1,100)	150,145
Transfer to Debt Service Fund	75010900.79800.0800	0	<u>480,731</u>	480,731
Total Change to Expenses			<u>\$882,120</u>	

Section 5. The 2005 appropriations for the Sales and Use Tax Fund do not change with the appropriation, however, the general ledger accounts changed are shown below for informational purposes:

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to Debt Service Fund	53010900.79800.0800	\$4,400,000	(\$480,731)	\$3,919,269
Transfer to General Capital Improvement Fund	53010900.79800.0750	262,080	<u>480,731</u>	742,811
Total Change to Expenses			<u>\$0</u>	

Section 6. The 2005 appropriations for the General Debt Service Fund do not change with the appropriation, however, the general ledger accounts changed are shown below for informational purposes:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer from General Capital Improvement Fund	8000.45000.0750	\$0	\$480,731	\$480,731
Transfer from Sales Tax Fund	8000.45000.0530	4,400,000	(480,731)	3,919,269
Total Change to Revenue			<u>\$0</u>	

Section 7 – 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 8. This ordinance shall take effect upon its passage after the second reading.

Section 9. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
AND PUBLISHED this 13th day of February, 2006. PASSED, ENACTED ON SECOND READING,
AND FULL TEXT ORDERED PUBLISHED this 27th day of February, 2006.

**A BILL
FOR AN ORDINANCE VACATING PORTIONS OF RIGHTS-OF-WAY FOR ALCOTT
STREET AND BRYANT STREET ON PROPERTY OWNED BY SAINT ANTHONY'S NORTH
AS DEDICATED ON THE GREENBRIAR 1 SUBDIVISION PLAT AND MEDICAL PLAZA
NORTH SUBDIVISION PLAT.**

WHEREAS, certain rights-of-way were dedicated on the final plats for Greenbriar 1 Subdivision (File 12, Map 226), and Medical Plaza North Subdivision (File 16, Map 145), all from Adams County Public Records; and

WHEREAS, the vacation is necessary since Saint Anthony's North Hospital has purchased all of the land that is served by these streets and these streets no longer serve the general public; and

WHEREAS, utility easements will be dedicated for existing utilities within the proposed right-of-way vacations; and

THE CITY OF WESTMINSTER ORDAINS:

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

Section 2. Legal Descriptions for vacations: See attached legal descriptions in Exhibits A, B and 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.

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 13th day of February, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of February, 2006.

Price - Major

A BILL

FOR AN ORDINANCE AMENDING THE 2006 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING THE UN-APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,668,000 is hereby decreased by \$57,300 which, when subtracted from the fund balance as of the City Council action on February 13, 2006 will equal \$7,550,700. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The un-appropriation is due an addendum to the IGA with Highland Hills Park and Recreation District.

Section 2. The \$57,300 decrease in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Park Capital Impr. Contributions	7501.43100.0000	\$1,500,060	(\$57,300)	\$1,442,760
Total Change to Revenues			(\$57,300)	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Park Capital Impr. Approp. Holding	80375050302.80400.8888	\$57,300	(\$57,300)	\$0
Total Change to Expenses			(\$57,300)	

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 13th day of February, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of February, 2006.