



**CITY COUNCIL AGENDA**

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (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. Employee Service Awards
  - B. 2005 Metropolitan Mayors' and Commissioners' Youth Awards
- 7. Citizen Communication (5 minutes or less)**

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

- 8. Consent Agenda**
  - A. January 2005 Financial Report
  - B. Wadsworth Blvd-W 92<sup>nd</sup> Ave to W 110<sup>th</sup> Ave Preliminary Engineering Design Contract
  - C. Middfoil Project for Control of Eurasian Watermilfoil in Standley Lake
  - D. Second Reading Councillor's Bill No. 9 re Neighborhood Traffic Enforcement
  - E. Second Reading Councillor's Bill No. 10 re 4<sup>th</sup> Qtr Supplemental Appropriation
- 9. Appointments and Resignations**
- 10. Public Hearings and Other New Business**
  - A. Public Hearing re First Amended PDP for Prospector's Point Condominiums PUD
  - B. Councillor's Bill No. 11 re CLUP Amendment re Prospector's Point Land Use Changes
  - C. First Amended PDP for Prospector's Point Condominiums PUD
  - D. Resolution No.13 re South Sheridan Urban Renewal Area Boundary Amendment
  - E. Public Hearing re 5<sup>th</sup> Amended PDP and ODP for Park Centre Filing 1
  - F. 5<sup>th</sup> Amended PDP and ODP for Park Centre PUD
  - G. Councillor's Bill No. 12 re Pillar of Fire ROW Vacations
- 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
- 13. Adjournment**

**WESTMINSTER HOUSING AUTHORITY MEETING**

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, FEBRUARY 28, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

The Mayor led Council, Staff and the audience in the Pledge of Allegiance and was pleased to call on Skyler Hull, a student at Charles Moore Middle School, to sing the national anthem.

ROLL CALL

Mayor McNally, Mayor Pro-Tem Kauffman and Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, were also present.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Dixon to approve the minutes of the meeting of February 14, 2005. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, announced that the Westminster Housing Authority would meet following this meeting. Then Council would meet in executive session for purposes of discussing a business assistance package, an economic development matter, and a personnel matter.

CITY COUNCIL COMMENTS

Councillor Davia welcomed Linda Yeager to her first Council meeting as the new City Clerk.

Councillor Price thanked staff for organizing the retirement party for Michele Kelley, former City Clerk and asked that a video highlighting her career be televised on Channel 8.

Mayor Pro-Tem Kauffman commented that the Colorado Legislature was in session, and Council had attended a Colorado Municipal League (CML) forum to discuss strategies relative to anticipated legislation that would of import and/or impact to municipalities.

EMPLOYEE SERVICE AWARDS

Mayor Pro-Tem Kauffman presented certificates and pins for 20 years of service to: Tracy Haze, Marty McCullough, Cindy McDonald, Doug Sgambelluri, Keith Smith, Dan Strietelmeier, and Laurann Zielbauer.

Mayor McNally and Councilor Hicks presented certificates, pins, and a monetary stipend for 25 years of service to: Tim Burandt, Rand Farnsworth, Carol Gifford, David Green, Bob Hamon, Janice Kraft, Matt Lutkus, Phil Maimone, Ralph Moffat, Tony Noce, Rance Okada, and Sandy Schwab.

Councillor Dittman presented a certificate and 30-year service pin to Darrell Tygart.

2005 METROPOLITAN MAYORS' AND COMMISSIONERS' YOUTH AWARDS

The Council joined Mayor McNally to present certificates to Jason Blandin, Eduardo Rios, Mariah McCormick, Aaron Middleton, Skyler Hull, Ashley Bell, Elisa Moreno, and Phillip Gamber for receiving the 2005 Metropolitan Mayors' and Commissioners' Youth Award.

### CONSENT AGENDA

The following items were considered as part of the consent agenda: the January 2005 Financial Report; preliminary engineering design contract not to exceed \$100,000 with Muller Engineering Company, Inc. for Wadsworth Boulevard, West 92<sup>nd</sup> to West 110<sup>th</sup> Avenues; \$75,304 contract with EnviroScience, Inc. for control of Eurasian Watermilfoil in Stanley Lake; 2<sup>nd</sup> reading of Councillor's Bill No. 9 re Neighborhood Traffic Enforcement; and 2<sup>nd</sup> reading of Councillor's Bill No. 10 re 4<sup>th</sup> Quarter Supplemental Appropriation.

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

Councillor Davia moved, seconded by Dixon to adopt the consent agenda items as presented. The motion carried unanimously.

### PUBLIC HEARING RE PROSPECTOR'S POINT CONDOMINIUMS PUD

At 7:52 P.M. a public hearing was opened to consider a comprehensive land use plan amendment and 1<sup>st</sup> Amended Preliminary Development Plan for Prospector's Point Condominiums Planned Unit Development, the initial steps to ready the 15-acre parcel for expansion of St. Anthony North Hospital. Patrick Caldwell, Planner, entered copies of the agenda memorandum and other related items as exhibits. Cathy Sauter, representing the applicant, provided a power point presentation; and Jim Koneune, President of the Prospector's Point Homeowners Association stated the Association's concerns. James Foster, Administrator of St. Anthony Hospital, 2551 West 84<sup>th</sup> Avenue, explained the hospital's plans. The public hearing was declared closed at 7:56 P.M.

### COUNCILLOR'S BILL NO. 11 AMENDING THE WESTMINSTER CLUP

Councillor Dittman moved, seconded by Davia to adopt Councillor's Bill No. 11 as an emergency ordinance amending the Westminster Comprehensive Land Use Plan to allow a change from R-18 Residential land use to Public/Quasi Public. This action was based on a finding that the proposed amendment would be in the public good; was in need of revision as proposed; was in conformance with the overall purpose and intent and the goals and policies of the CLUP; was compatible with existing and planned surrounding land uses; and would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Upon roll call vote, the motion carried unanimously.

### 1<sup>ST</sup> AMENDED PRELIMINARY DEVELOPMENT PLAN PROSPECTOR'S POINT PUD

Councillor Dittman moved, seconded by Price to approve the First Amended Preliminary Development Plan Prospector's Point Condominiums Planned Unit Development to allow a reconfiguration of Parcel 2 and to allow Hospital, Medical Office and Related Medical Offices on the new Lot 1 of Parcel 2. This action was based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code had been met. The motion carried unanimously.

### COUNCILLOR'S BILL NO. 12 RE PILLAR OF FIRE ROW VACATIONS:

Upon motion of Mayor Pro-Tem Kauffman, seconded by Hicks, the Council voted unanimously by roll call to adopt Councillor's Bill No. 12 as an emergency ordinance to vacate various rights-of-way recorded on the Westminster Plat, Westminster 2<sup>nd</sup> Filing Plat, The Observatory Addition to Westminster Plat and the Greenbrier I Subdivision Plat.

### RESOLUTION NO. 13 RE AMENDMENT TO SOUTH SHERIDAN URBAN RENEWAL AREA

Councillor Price moved, seconded by Hicks to adopt Resolution No. 13 to add public rights-of-way generally located along Sheridan Boulevard south of 7<sup>th</sup> Avenue and on 72<sup>nd</sup> Avenue west of Depew

Street, more specifically defined in Attachment A, into the existing South Sheridan Urban Renewal Area. The motion passed unanimously upon roll call vote.

PUBLIC HEARING ON PARK CENTRE FILING 1

At 8:00 P.M., the Mayor opened a public hearing to consider the Fifth Amended Preliminary Development Plan and Fifth Amended Official Development Plan of Lots 1 and 2, Block 2, Park Center Filing No. 1 to add the “car wash” use to the existing allowed uses within the area. Michele McLoughlin, Planner, entered copies of the agenda memorandum and other related items as exhibits. Dan Foster, the applicant, showed slides of the referenced property. There was no opposition. The hearing was closed at 8:08 P.M.

COMBINED 5<sup>th</sup> AMENDED PDP AND ODP FOR PARK CENTRE PUD

It was moved by Councillor Dittman and seconded by Hicks to approve the combined Fifth Amended Preliminary Development Plan and Fifth Amended Official Development Plan for Lots 1 and 2, Block 2, Park Centre Filing No. 1 within the Park Centre Planned Unit Development. The motion passed unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:10 P.M.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**

**COLORADO**

**Agenda Memorandum**

City Council Meeting  
February 28, 2005



**SUBJECT:** Presentation of Employee Service Awards

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

**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 recognition to the City's 25-year employees with the presentation of a \$2,500 bonus.

**Summary Statement**

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup> anniversary 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 12 employees celebrating 25 years of service, and each will be presented with a check for \$2,500, less income tax withholding following their 25<sup>th</sup> anniversary date.
  - Councillor Dittman will present the 30-year certificate.
  - Mayor McNally will present the 25-year certificates.
  - Mayor Pro Tem Kauffman will present the 20-year certificates.

**Expenditure Required:** \$30,000

**Source of Funds:** Fire Department \$12,500, General Services \$5,000, Public Works and Utilities \$2,500, and Police \$10,000 in the General Fund

**Policy Issue**

Should the City continue to provide bonuses to employees who achieve 25 years of service with the organization?

**Alternative**

Provide Staff with direction with regard to any changes Council would like to see in the bonus program.

**Background Information**

The following 20-year employees will be presented with a certificate and service pin:

|                   |                               |                       |
|-------------------|-------------------------------|-----------------------|
| Tracy Haze        | Fire Department               | Fire Engineer         |
| Marty McCullough  | City Attorney’s Office        | City Attorney         |
| Cindy McDonald    | Parks, Recreation & Libraries | Recreation Specialist |
| Doug Sgambelluri  | Police Department             | Sergeant              |
| Keith Smith       | Police Department             | Senior Police Officer |
| Dan Strietelmeier | Public Works & Utilities      | Senior Engineer       |
| Laurann Zielbauer | Parks, Recreation & Libraries | Facility Assistant    |

The following 25-year employee will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

|                 |                          |  |
|-----------------|--------------------------|--|
| Tim Burandt     | Fire Department          | Fire Lieutenant                        |
| Rand Farnsworth | Fire Department          | Fire Paramedic                         |
| Carol Gifford   | General Services         | Employee Development Analyst           |
| David Green     | Fire Department          | Fire Lieutenant                        |
| Bob Hamon       | Fire Department          | Fire Captain                           |
| Janice Kraft    | Police Department        | Neighborhood Services Administrator    |
| Matt Lutkus     | General Services         | Deputy City Manager for Administration |
| Phil Maimone    | Police Department        | Senior Police Officer                  |
| Ralph Moffat    | Public Works & Utilities | Equipment Operator II                  |
| Tony Noce       | Fire Department          | Fire Engineer                          |
| Rance Okada     | Police Department        | Senior Police Officer                  |
| Sandy Schwab    | Police Department        | Administrative Coordinator             |

The following 30-year employees will be presented with a certificate and service pin:

|                |                   |                  |
|----------------|-------------------|------------------|
| Darrell Tygart | Police Department | Police Commander |
|----------------|-------------------|------------------|

On March 2, the City Manager will host an employee awards luncheon at which time 7 employees will receive their 10 year of service pin, and 16 employees will receive their 5 year service pin, while recognition will also be given to those who are celebrating their 20<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup> anniversary. This is the first luncheon for 2005 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 620 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

## **20 year employees**

**Tracy Haze** was hired in September 24, 1984 as a meter reader. On September 24, 1984, Tracy changed careers and was promoted to Firefighter II, and promoted again in November 1987 to Firefighter I. Tracy's ability and interest to drive fire apparatus resulted in his promotion to Fire Engineer in 1992, his current position. Tracy is currently a member of the Dive Team, providing surface support for the divers, including boat and equipment maintenance. As a member of the Dive Team, Tracy developed and engineered a one-person system to maneuver both the boat motor and sonar equipment, freeing up another member of the team for emergency dive operations. Tracy has also taken on the responsibility of maintenance, testing and repair of the Fire Department's self-contained breathing apparatus (SCBA). A highlight of Tracy's career today date was his involvement as the Fire Department's Project Coordinator for the Fire Station 2 Capital Improvement Program from 1997 through its completion in November, 2003. Tracy indicated an interest early on to participate in this project and proved to be a great asset in gathering input from the troops and maintaining a focus on the project details that are important to fire department functionality. Tracy worked directly with the contractors and sub contractors ensuring that every detail was done per specification. When not on the job, Tracy enjoys spending time with his wife and two daughters boating on Mountain Lakes or at Lake Powell. He also enjoys hunting and fixing things which has garnered him the label of "McGiver" from his supervisors and peers within the Fire Department.

**Marty McCullough (MUH CUL UH)** received his undergraduate degree from the University of Virginia in 1973. He obtained a masters degree in analytical chemistry from Florida State University in 1975. After a brief career with the Dow Chemical Company, Marty attended law school at the University of Houston, and graduated with honors in 1982. Marty joined the City of Westminster in 1985 as an Assistant City Attorney and was appointed City Attorney in 1986. He is a past president of the Metro City Attorney's Association and the Attorney's Section of the Colorado Municipal League. He received designation as a Fellow in Local Government Law by the International Municipal Lawyers Association in October 2004. Marty's practice emphasizes land use and development, construction, contracting, real estate, municipal finance, and appellate litigation.

### **Cindy McDonald will not be at the City Council Meeting**

**Doug Sgambelluri (SKAM-BUH-LUR-EE)** was hired by the City on January 7, 1985. He has worked in the Patrol Division and Investigation Division. He was awarded Detective of the Year in 1992 by Jefferson County District Attorney's Office. Me received his Masters Degree from University of Colorado, Denver in 1991 and was promoted to Sergeant in April, 2001.

### **Keith Smith will not be at the City Council Meeting**

## **20 Year Employees**

**Dan Strietelmeier (STREET-UHL-MEYER)** began his career at the City in 1985 as a Water Resources Analyst. Dan has since moved up through various levels of Water Resources Engineer and now as Water Resources Engineering Coordinator, he is responsible for all of the City's raw water supply operations. Throughout his career Dan has been involved in the maintenance of the canal system that delivers water to Standley Lake and Dan serves on all three Ditch Company Boards that are part of the system. Dan has worked on various projects for the City and Canal Companies during his career including the Leyden Reservoir Rehab and land trade, ditch spillgate construction, ditch lining, the preliminary design of the Reclaimed Water system and serves on the City Emergency Management team. Dan has also coordinated the acquisition of over \$25 million dollars of water rights for the City. The highlight of Dan's career was his involvement in managing the recently completed Standley Lake Dam Renovation project, one of the most important projects in Westminster's history. Dan is married to Jill, they have three children with many school, Church and sports related activities. The sports include baseball, basketball, hockey, volleyball, tennis, swimming and soccer, sometimes all occurring on the same day. Since Dan's dream of playing in the NBA is probably over, he enjoys coaching the kid's teams and playing golf, tennis and volleyball when he can sneak away.

**Laurann Zielbauer (ZEEL BOWER)** Laurie began working for the City on June 14, 1984, as a substitute clerk receptionist at the Swim and Fitness Center for Parks, Recreation and Libraries. She was later promoted to a part-time clerk receptionist and eventually to full-time status in that same position. Laurie currently works as a part-time Facility Assistant for the Swim and Fitness Center and also worked at the Swim and Fitness Center during the recent facility renovations. She says that she has really enjoyed seeing the facility change and grow over the years. Laurie's hobbies are reading and gardening and she loves to travel and enjoy snorkeling whenever she gets a chance.



## **25 Year Employees**

**Tim Burandt (BUR ANT)** was hired in February 1980 as a firefighter trainee in order to open up what was then new Fire Station 4. Tim came to Westminster from Wisconsin, where he was born and raised. Within 2 years, Tim promoted to the rank of Fire Engineer. In 1992, Tim tested and promoted to the rank of Fire lieutenant, which is the rank he currently holds. During Tim's tenure, he has been very active in the organization especially in apparatus replacement and design. He started participating on the apparatus purchasing committee in 1984 and to date has been involved with over 10 major fire apparatus purchases. Lt. Burandt has also been involved in several other internal customer service areas like pump testing, aerial certifications and compressed breathing air testing and certification. Tim moved to Westminster back in 1978, and still resides within the City today. Lt. Burandt believes the City is well managed and appreciates all the trail systems, golf courses and other amenities this community has to offer. Tim states that his most involved call while on the department was the train wreck in August of 1985. He was the engineer on Engine 4 which was first on scene and also last to leave a couple of days later. His most rewarding call was the saving of drowning victim in December of 2004. A seven year old male was revived with CPR and Advanced Life Support after retrieving him from icy waters. This young man is alive and well today due to the fine efforts of Tim and his Crew. After 25 years, Tim still enjoys coming to work, serving the community, learning something new, and the camaraderie of his co-workers and other city employees.

**Rand Farnsworth:** Rand joined the City team on February 1, 1980 as a part-time Firefighter Trainee II. Rand promoted to Firefighter II in March of 1981 and then to Fire Paramedic in December 25, 1981, a position he currently holds. Rand was a member of the Fire Department's Dive Team through 1987. Rand also served as the Department's Employee Advisory Committee Representative and as a COG representative. As a senior paramedic, Rand enjoys the opportunity to train and mentor new paramedics assigned to his shift. Rand volunteers his time off duty as a Medical Volunteer for Copper Mountain Ski Resort. He also enjoys skiing, mountain biking, and recently went to school to learn to drive an Indy racing car.

**Carol Gifford (GIF ERD)** began her career with the City on March 17, 1980. She developed an outdoor recreation program, supervised the outdoor swimming pools, planned special events, and helped supervise the Countryside Recreation Center. The Outdoor Recreation Program provided citizens from pre-schoolers to senior citizens the opportunity to learn, experience, and enjoy the great outdoors and soon became known for being one of the best programs in Colorado. During her 18-year tenure with the Parks, Recreation and Libraries Department she also supervised programs for after-school, playgrounds, pre-school and arts and crafts. Under her leadership the Arts and Crafts Program was the recipient of the National Recreation and Parks Association's Dorothy Mullen Arts and Humanity Award. In 1995 Carol was given an opportunity to assist in the development of the City's award winning Employee Development and Training Program. She is instrumental in the design and development of the Employee Development and Training Newsletter and oversees the COW.University Online Learning Program. Carol loves the outdoors and enjoys traveling. Her dream is to train "assist dogs" for the handicapped and hopes to begin as a "puppy raiser" in the near future.

## 25 Year Employees

**Dave Green:** was hired in February 1, 1980 as a part-time Firefighter Trainee II. Dave moved quickly through the Firefighter ranks and was then promoted to Fire Engineer on March 25, 1982. On May 13, 1992, Dave was promoted to his current position as Fire Lieutenant. In 1990, Dave was selected as one of the first three Fire Investigators and is still a member of the Fire Investigation Team. For eight years, Dave also competed in the National Firefighter Combat Challenge. This challenge consisted of a series of firefighter endurance and fitness tests including dragging a 175 pound “dummy,” a hose pull, a 5 story hose hoists, moving a 165 pound beam with a sledge hammer, and a 5 story tower climb in full firefighter gear with air and hose-pack. During his participation as a team member, the team finished as high as 2<sup>nd</sup> place nationally and Dave finished as high as 3<sup>rd</sup> place in the individual category. Lieutenant Green also developed a fitness training program for new firefighter recruits and serves at the academy’s Fitness Instructor. While off duty, Dave’s hobbies include traveling to Arizona, Florida, and the southwest desert regions to enjoy the weather and his favorite sport - golf.

**Bob Hamon (HAM ON)** was hired on February 1, 1980 as a part-time Firefighter Trainee I. Prior to permanent employment with the City of Westminster, Bob worked as a Volunteer Firefighter. On May 25, 1980 he was promoted to Paramedic. He was then promoted to Station Officer on April 10, 1981 and then reclassified to Fire Lieutenant on March 25, 1982. On September 10, 1982, Bob was promoted to Fire Captain, which his current position at Fire Station #2. Captain Hamon has demonstrated a long term interest in specialized fire/rescue training and has been key to advancing this technical training within the organization as well as promoting firefighter safety. Bob and his wife Stacy have 2 children. 15 year-old Nikki who is currently attending Legacy High School as a freshman and 19 year-old Adam who is attending Iowa State University studying Architecture. When off-duty, Bob enjoys all types of hunting and fishing. Currently he is training a German Short Hair Pointer dog as a hunting companion. Bob also enjoys classic cars and is a member of the Hot Times Kool Cars organization, a group of metro area firefighters who volunteer hundreds of hours to sponsor one of the largest cars shows in Colorado to benefit Children’s Hospital. Each year through ticket sales and raffle the group has been able to donate an average of about \$80,000 to the hospital.

**Janice Kraft** was hired as a Communications Supervisor February 19, 1980. The responsibilities of her position changed to that of Communications/Records Administrator in 1996. In 1999 her title changed to Technical Services Administrator and the Property/Evidence unit was added to the units that she supervised. In February 2003 she rotated into the position of Neighborhood Services Administrator, and she is responsible for Code Enforcement, Animal Management and the Community Service Officer program. Janice has also managed a variety of projects for the City; including the computer aided dispatch and records management system implementations, radio system communications upgrade, multi-agency Enhanced 9-1-1 system implementation, and the new Public Safety Center building project.

**Matt Lutkus (LUT CUS)** the Deputy City Manager for Administration, has been a department head for the City since 1984. His primary duties are overseeing the City’s most diverse department, General Services. His accomplishments include serving with a handful of municipal officials who created the Colorado Intergovernmental Risk Sharing Agency (CIRSA), serving as chairperson for the past five years of the Adams County Community Transit Program, and playing a part in the development of several progressive employee benefits. He is a past president of Adams Community Mental Health and the Westminster Rotary Club and currently a mentor for high school students through the Goodwill School to Work program. His interests include spending time with his eight year old daughter, sea kayaking and collecting and restoring antique radios.

## 25 Year Employees

**Phil Maimone (MAY\_MO-NEE)** Started in Jan. of 1980 in patrol in 1985. He moved to Vice/Narcotics and DEA for 3 years and then moved back and forth from patrol and traffic. In 2003 he was assigned to motorcycle traffic, where he is working today.

**Ralph Moffatt (MOFF IT)** has been with the City for 25 years working at the Big Dry Creek Wastewater Treatment Facility as a Maintenance Worker and Equipment Operator LI. Ralph has a 24 year old daughter, Mari. He enjoys riding ATV's and is the founder and president of the Colorado Quad Runners ATV Club. Ralph also teaches safe and responsible ATV riding. Ralph's other hobbies include hunting and fishing.

**Tony Noce (NO CHEE)** joined the City on February 1, 1980 as a part-time Firefighter Trainee promoting through the Firefighter ranks until his promotion to his current position as Fire Engineer on February 11, 1988. Tony has a distinguished 25-year career with WFD. He has established a reputation as an easy going employee who comes to work everyday with a positive attitude. Tony truly believes in providing quality external and internal customer service and has received many letters of recognition from the customers he has served in his career. Tony was one of the first commissioned Fire Investigator's to graduate in the early 1990s. He continues to serve as a lead Fire Investigator and is one of the department's most experienced and educated members of the Fire Investigation Team. Tony has been a Fire Engineer for over 15 years and with all of his emergency driving responses he has never been involved in a motor vehicle accident. Tony earned a department life-saving award in 2002 for his heroic act of diving into a raging water swelled ditch to rescue a trapped citizen. For eight years Tony was a member of the early Fire Department's Dive Team. Tony is also known as one of the department's best cooks. His recipes are passed along from fire station to fire station and will likely be used long after he retires.

**Rance Okada (O CAH DUH)** was hired by the City in January 1980. He was a SWAT team member from 1982 to 2002 in the position of sniper. He has been a Firearms Instructor from 1985 to present; He is qualified to instruct in Pistol, Shotgun, Patrol Rifle and Sniper Rifle. Rance was awarded "Top Gun" trophy 4 times, Second Place trophy 5 times, 3rd place trophy 6 times. He was awarded the Crimestoppers Police Officer of the Year in 1989; Elks Lodge Police Officer of the Year in 2003. He was awarded a Medal of Valor in November 1986, Purple Heart in April 2001 and Meritorious Service Medal, March 2002. He is a Certified Police Cyclist Instructor from IPMBA (International Police Mountain Bicycle Association)

**Sandy Schwab (SHH WAHB)** was hired on February 4, 1980 for a new Clerk Typist II position in the Patrol Division of the Police Department. She was reclassified to Secretary on September 25, 1980. She worked in the Patrol Division as the Division Chief's secretary until March 30, 1987, then promoted to Administrative Secretary for the Chief of Police. In 1999, she was promoted to Administrative Coordinator for the Police Department. During her tenure with the City, she has received numerous Excellence in Action Awards, Teams in Action Awards, CMO Choice Awards, and commendations. She has also had the opportunity to serve on several committees, task forces, projects, and the Board of Directors for the Credit Union. One of the largest projects she participated on is the Public Safety Center building project. Sandy states her 25 years with the City have been a very positive experience for her because of the people she has had the pleasure to work with.

### **30 Year Employee**

**Darrell Tygart** began his career with the City on February 25, 1975. He attended the Jefferson County Sheriff's Academy. He was assigned to Patrol for 6 years serving on several committees and was a Field Training Officer. Darrell was one of the first Police Office Liaison's to the Special Permit and License Board. He transferred to investigation for 4 years, primarily assigned to Homicide, Assault and death investigations. He was promoted to Sergeant in 1985, serving in this position for 18 years. During this time he supervised Crimes Against Persons Detectives, Vice/Narcotics Detectives, Community Services Personnel and Patrol Personnel. He was promoted to Lieutenant in 2003 and designated a Commander in 2004. Darrell was named the Adams County Peace Officer of the Year; been recognized with the Dale R. McLaughlin Award for outstanding Investigation Commander by the Victims Right Coalition; Westminster Police Protective Association Peace Officer of the Year; and been decorated with the Police Department's Medal of Distinguished Service for the single handed apprehension of an armed bank robbery suspect. He worked as the Commander of the Adams County Critical Incident Team (Shoot Team), a position he has held since 1989. He has supervised over 54 Officer Involved Shooting or Use of Force Investigations since that time. He has instructed and helped to form other shoot teams both in and out of state. He is currently assigned as the swing shift watch Commander



## Agenda Item 6 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
February 28, 2005

**SUBJECT:** 2005 Metropolitan Mayors' and Commissioners' Youth Award (MMCYA)

**Prepared By:** Christy Owen, Management Intern, II

**Recommended City Council Action**

Recognize the eight area youth selected for the first phase of the Metropolitan Mayors' and Commissioners' Youth Award.

Recognize and present certificates of achievement to:

Jason Blandin, Charles Moore Middle School, nominated by Kristopher Schuh  
Eduardo Rios, Shaw Heights Middle School, nominated by Shanda Pate  
Mariah McCormick, Charles Moore Middle School, nominated by Heidi Cancellieri  
Aaron Middleton, Westminster High School, nominated by Laura Mooney  
Skyler Hull, Charles Moore Middle School, nominated by Heidi Cancellieri  
Ashley Bell, Westminster High School, nominated by Laura Dinkey  
Elisa Moreno, Denver North High School, nominated by Kim Rasmussen  
Phillip Gamber, Westminster High School, nominated by Carolyn Maupin

**Summary Statement**

- Eight Westminster youth have been nominated through the Metropolitan Mayors' and Commissioners' Youth Award program for municipal- level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the February 28, 2005 City Council meeting and publicly during the meeting.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

No policy issues identified.

**Alternative**

No alternatives identified.

**Background Information**

The Metropolitan Mayors' and Commissioners' Youth Award (MMCYA) was established in 1986. This exciting program recognizes young people in our community whose contributions and achievements might otherwise be overlooked. The award honors young people who have overcome personal adversity, created positive change in a difficult environment, or have made strides beyond their limitations. This fall, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement in the areas of direct service to the community, other youth, the family, or to self. All of the nominees are honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she may also be honored by his or her county and by the entire metropolitan area. Introductory letters and nomination forms were sent to local churches in Westminster, school principals, and school counselors at the middle and high schools in the city.

Adams County Commissioners will hold a banquet honoring youths who were selected for County-level recognition on March 4. Elisa Moreno and Eduardo Rios will be recognized at the Adams County banquet. The Jefferson County recognition event will be held on March 8, where Jason Blandin and Skyler Hull will be recognized. The Metro Area recognition will be held on April 17.

The youths being recognized tonight by City Council have faced trauma with courage, emotional and physical health ailments with determination, financial hardship with resourcefulness, and challenges in school with perseverance. Due to the sensitive and confidential nature of many of the nominees' backgrounds, the Adams and Jefferson County MMCYA Selection Committees recommend conducting a more general recognition ceremony where descriptions of the adversity each nominee has overcome are not disclosed. Instead, a description of the award and its criteria will be conveyed, and each nominee's name, age, school and nominator's will be read as they receive their certificate. Additionally, City Council will host a brief reception for the nominees, nominators, principals and families prior to the Council meeting.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

## Agenda Memorandum

City Council Meeting  
February 28, 2005



**SUBJECT:** Financial Report for January 2005  
**Prepared By:** Tammy Hitchens, Acting 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. The January reports show comparisons to a pro-rated budget. The revenues are pro-rated based on historical averages. Expenses are pro-rated on 1/12 of the year.

- On a year-to-date basis, across all shopping centers, total sales & use tax receipts are up 2%.
- The Westminster Mall is down 12% from last year; other significant changes include the Village at Park Centre (NW Corner of 120<sup>th</sup> and Huron) up 37%; Mission Commons (West side of Wadsworth from 88<sup>th</sup>-90<sup>th</sup>) down 11%; Brookhill I & II (North side of 88<sup>th</sup> Avenue – Otis to Wadsworth) up 23%; Office Max Center (Southwest corner 88<sup>th</sup> Avenue and Sheridan Boulevard) up 34%; Village at the Mall (South side 88<sup>th</sup> Avenue – Depew to Harlan) down 13%; and the Promenade up 13%.
- Public Safety Tax (PST) receipts for the month of January were \$1,177,000.

Key items in this monthly financial report for January are as follows:

- Total Sales and Use Tax Fund revenues are \$108,000 under pro-rated budget for the year.
  - Non PST Sales and Use Tax are under pro-rated budget by \$215,000. December sales did not increase to the level that was anticipated.
  - Without the new PST, adjusted Sales Tax Returns (returns only) are under pro-rated budget by \$149,000.
  - The PST is over pro-rated budget by \$105,000.
  - The discrepancy between non-PST being under pro-rated budget and the PST being over pro-rated budget can be attributed to the fact Business Assistance Packages do not affect the PST.
- The General Fund has a positive variance over the pro-rated budget of \$1,606,000.
- The Open space Fund has a positive variance over pro-rated budget of \$78,000.
- The combined Utility Funds share a positive variance over pro-rated budget of \$1,041,000. The combined Utility Fund is under pro-rated budget in charges for services by \$234,000. However, this is \$120,000 more than what was received in changes for services January 2004.
- The combined Golf Course Funds have a negative variance under pro-rated budget by \$84,000.
- Interest Income for the year reflects the reversal of the unrealized loss recorded on the books for 2004.

**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.

For revenues, a positive indicator is a budget percentage at or above 100%. For expenditures, a positive indicator is a budget percentage that is below 100%. If a fund is on schedule for the year regarding revenues and/or expenditures, the percentage will be 100% of budget figures.

**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 such as City Manager, City Attorney, Finance, and General Services.

At the end of January, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues are over pro-rated budget by \$41,000, (100.7% of budget).
- Expenditures are under pro-rated budget by \$1.6 million (77% of budget), due to under-spending in several departments.

**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) was approved by the voters in the November 2003 election, and is a 0.6% sales and use tax to be used to fund public safety-related expenses. At the end of January, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are under pro-rated budget by \$108,000 (98.4% of budget). These numbers include the PST receipts.
- Sales & Use Tax Fund expenditures are even with budget because they represent the budgeted transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are under pro-rated budget by \$1,000 (99.8% of budget).
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget by \$80,000 (78% of budget).



**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. At the end of January, the enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$17,000 (99% of budget).
- Water revenues under pro-rated budget by \$12,000 (99.4% of budget).
  - Water revenues from rates and charges are under pro-rated budget by \$149,000 or 87% of budget.
  - Tap fees are over pro-rated budget by \$76,000 (111% of budget).
- Wastewater revenues under pro-rated budget by \$5,000 (99.5% of budget).
  - Wastewater revenues from rates and charges are under pro-rated budget by \$86,000 or 89% of budget.
  - Tap fees are under pro-rated budget by \$2,000 (98.7% of budget).
- Storm water Drainage revenues are slightly over pro-rated budget by \$3,000 (104% of budget).
- Combined Water & Wastewater expenses are under pro-rated budget by \$1,058,000 (52% of budget):
  - Water expenses are under pro-rated budget by \$695,000 (55% of budget) due to lower than budgeted contracted service and capital outlay expenses.
  - Wastewater expenses under pro-rated budget by \$363,000 (44% of budget) for the same reason – lower than budgeted contracted service costs and capital outlay.
  - Storm Drainage expenses under pro-rated budget by \$23,000 (0% of budget).

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

This enterprise reflects the operations of the City's two municipal golf courses. The enterprise as a whole is in a negative position, with net income currently \$84,000 under pro-rated budget for the year. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.

- Legacy – Revenues are under pro-rated budget by \$6,000 (81% of budget).
- Legacy – Operating expenses are over pro-rated budget by \$44,000 (211% of budget).
- Heritage – Revenues are over pro-rated budget by \$2,000 (103.5% of budget).
- Heritage – Operating expenses are over pro-rated budget by \$36,000 (152% of budget).

Staff will attend the February 28<sup>th</sup> City Council meeting.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**City of Westminster  
Financial Report  
For the One Month Ending January 31, 2005**

| Description<br>General Fund  | Budget            | Pro-rated<br>for Seasonal<br>Flows | Notes | Actual           | (Under) Over<br>Budget<br>Pro-Rated | %<br>Pro-Rated<br>Budget |
|------------------------------|-------------------|------------------------------------|-------|------------------|-------------------------------------|--------------------------|
| <b>Revenues</b>              |                   |                                    |       |                  |                                     |                          |
| Taxes                        | 4,503,416         | 53,240                             |       | 55,709           | 2,469                               | 105%                     |
| Licenses & Permits           | 1,730,000         | 145,800                            |       | 160,289          | 14,489                              | 110%                     |
| Intergovernmental Revenue    | 4,750,000         | 0                                  |       | 0                | 0                                   | 0%                       |
| Charges for Services         |                   |                                    |       |                  |                                     |                          |
| Recreation Services          | 5,254,500         | 283,815                            |       | 285,941          | 2,126                               | 101%                     |
| Other Services               | 5,945,257         | 197,945                            |       | 184,009          | (13,936)                            | 93%                      |
| Fines                        | 1,950,000         | 136,500                            |       | 161,065          | 24,565                              | 118%                     |
| Interest Income              | 250,000           | 20,833                             |       | 40,994           | 20,161                              | 197%                     |
| Misc                         | 335,392           | 27,949                             |       | 13,407           | (14,542)                            | 48%                      |
| Leases                       | 1,025,000         | 0                                  |       | 0                | 0                                   | 0%                       |
| Refunds                      | (65,000)          | (5,417)                            |       | 0                | 5,417                               | 0%                       |
| Interfund Transfers          | 57,262,989        | 4,771,916                          |       | 4,771,916        | 0                                   | 100%                     |
| Revenues                     | <u>82,941,554</u> | <u>5,632,581</u>                   |       | <u>5,673,330</u> | <u>40,749</u>                       | <u>101%</u>              |
| <b>Expenditures</b>          |                   |                                    |       |                  |                                     |                          |
| City Council                 | 190,233           | 15,853                             |       | 15,411           | (442)                               | 97%                      |
| City Attorney's Office       | 918,580           | 76,548                             |       | 89,725           | 13,177                              | 117%                     |
| City Manager's Office        | 1,107,609         | 92,301                             |       | 95,265           | 2,964                               | 103%                     |
| Central Charges              | 21,009,941        | 1,750,828                          |       | 1,065,636        | (685,192)                           | 61%                      |
| General Services             | 4,888,180         | 407,348                            |       | 344,351          | (62,997)                            | 85%                      |
| Finance                      | 1,572,918         | 131,077                            |       | 125,992          | (5,085)                             | 96%                      |
| Police                       | 18,834,202        | 1,569,517                          |       | 1,602,554        | 33,037                              | 102%                     |
| Fire Emergency Services      | 9,943,875         | 828,656                            |       | 872,366          | 43,710                              | 105%                     |
| Community Development        | 4,504,520         | 375,377                            |       | 334,170          | (41,207)                            | 89%                      |
| Public Works & Utilities     | 7,092,197         | 591,016                            |       | 134,123          | (456,893)                           | 23%                      |
| Parks Recreation & Libraries | 12,879,299        | 1,073,275                          |       | 666,944          | (406,331)                           | 62%                      |
| Total Expenditures           | <u>82,941,554</u> | <u>6,911,796</u>                   |       | <u>5,346,537</u> | <u>(1,565,259)</u>                  | <u>77%</u>               |
| Revenue Over(Under) Expend   | <u>0</u>          | <u>(1,279,215)</u>                 |       | <u>326,793</u>   | <u>1,606,008</u>                    |                          |



**WESTMINSTER**  
**COLORADO**  
Agenda Memorandum

City Council Meeting  
February 28, 2005



**SUBJECT:** Wadsworth Boulevard-West 92<sup>nd</sup> Avenue to West 110<sup>th</sup> Avenue Preliminary Engineering Design Contract

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

**Recommended City Council Action**

Authorize the City Manager to sign a contract with Muller Engineering Company, Inc. for the preliminary design of Old Wadsworth Boulevard between West 92<sup>nd</sup> Avenue and West 110<sup>th</sup> Avenue in an amount not to exceed to \$100,000.

**Summary Statement:**

- Traffic on Old Wadsworth Boulevard has increased with the improvements to Church Ranch Boulevard between West 104<sup>th</sup> Avenue and West 100<sup>th</sup> Avenue as well as the recent development of the Shops at Walnut Creek (Mandalay Town Center) including the Super Target Store.
- Both the City of Westminster and Jefferson County have a desire to improve Old Wadsworth Boulevard between West 92<sup>nd</sup> Avenue and West 110<sup>th</sup> Avenue. This section of Old Wadsworth Boulevard is a “bottleneck” in that some private developers have completed some of the road improvements but the majority of the road has remained as a two-lane rural road, which is not sufficient to handle the increasing traffic volume.
- On December 20, 2004, Council approved an Intergovernmental Agreement (IGA) with Jefferson County to address these concerns. This IGA identifies an equal split of the cost for preliminary design with the City leading the preliminary design effort.
- Proposals were requested from qualified engineering consultants. Each firm that responded was reviewed for its experience with similar projects, its familiarity with the Old Wadsworth Boulevard corridor, the value indicated by the proposed Scope or Work and fees for the expected scope of the work. Muller Engineering Company, Inc. was chosen from a group of six (6) short-listed consultants for the preliminary design effort. With a set budget of \$100,000, Muller’s proposed scope of services are judged to be reasonable and a good value.
- Authorization is sought for a total of \$50,000 to be combined with the \$50,000 already received from Jefferson County for a total of \$100,000. The preliminary design contract with Muller Engineering Company, Inc. will be a maximum amount of \$100,000.
- Funds for these expenses are available in the appropriate project account in the General Capital Improvement Fund

**Expenditure Required:** Not to Exceed \$100,000  
City of Westminster’s portion - \$50,000  
Jefferson County’s portion - \$50,000

**Source of Funds:** General Capital Improvement Fund – Old Wadsworth Improvements Project

**Policy Issues**

Should the City proceed with the preliminary design work for Old Wadsworth Boulevard-West 92<sup>n</sup> Avenue to West 110<sup>th</sup> Avenue?

**Alternatives**

Alternatives include postponing or abandoning the preliminary design of this roadway. This alternative is not recommended, given the mutual desire of both the City of Westminster and Jefferson County to have this project’s preliminary design completed so that budgeting for final design and construction can begin when funds become available. Jefferson County is motivated to participate with the City in this project because some portions of the Old Wadsworth Boulevard right-of-way are currently located within the unincorporated County. It is anticipated that the County will continue to participate in the final design and construction of this project in exchange for a commitment by the City to eventually annex and maintain the entire length of the roadway.

**Background Information**

The widening of the Old Wadsworth Boulevard Corridor between West 92<sup>nd</sup> Avenue and West 110<sup>th</sup> Avenue is becoming more important with the increased traffic flows along this corridor. This increased flow is largely due to the completion of the Church Ranch Boulevard connection of West 104<sup>th</sup> Avenue at its east end and West 100<sup>th</sup> Avenue at Wadsworth Parkway at its west end, along with the opening of the Super Target Store at the Shops at Walnut Creek. Two through lanes in both directions along with a center median have been established between West 92<sup>nd</sup> Avenue north to the railroad crossing (approximately 350 feet north of West. 92<sup>nd</sup> Avenue); these lanes feed into single lanes in both directions between this railroad crossing north to West 110<sup>th</sup> Avenue. This narrowing creates capacity and safety concerns along this increasingly important minor arterial roadway.

Staff advertised a Request for Proposals for the preliminary design of Old Wadsworth Boulevard in the Daily Journal and received 18 responses. Of these eighteen, six firms were “short-listed” by staffs from the City and Jefferson County. The fee proposals by the finalists are listed below:

| <b>Firm</b>                      | <b>Fees</b> |
|----------------------------------|-------------|
| ASCG Incorporated                | \$100,000   |
| Burns and McDonnell              | \$ 99,600   |
| Felsburg Holt & Ullevig          | \$100,000   |
| J.F. Sato & Associates, Inc.     | \$ 99,991   |
| Kirkham Michael & Associates     | \$100,000   |
| Muller Engineering Company, Inc. | \$100,000   |

A detailed review of the proposals by both Westminster and Jefferson County staffs concluded with the recommendation that Muller Engineering Company, Inc. be awarded the contract for preliminary design of the Old Wadsworth Boulevard, West 92<sup>nd</sup> Avenue to West 110<sup>th</sup> Avenue project. The proposal submitted by Muller Engineering Company, Inc. showed a thorough understanding of the objectives of the project. Muller added additional value to their scope of services beyond those of the other five firms, and Staff believes that they are a good choice for this project. Staff is recommending award of the contract for preliminary design to Muller Engineering Company, Inc.

It should be noted that the City has also been listed on the Denver Regional Council of Governments (DRCOG) 2005-2010 Transportation Improvement Program (TIP) to receive TEA-21 funding for the replacement of the Old Wadsworth Bridge over Big Dry Creek. City staff is presently working with Colorado Department of Transportation (CDOT) staff to obtain this funding and to set a construction schedule within the next five years.

Respectfully submitted,

J. Brent McFall  
City Manager



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
February 28, 2005



**SUBJECT:** Middfoil Project for Control of Eurasian Watermilfoil in Standley Lake

**Prepared by:** Mary Fabisiak, Water Quality Administrator

**Recommended City Council Action**

Upon recommendation of the City Manager, City Council finds that the public interest will best be served by a negotiated contract with EnviroScience, Inc. Authorize the City Manager to execute a contract with EnviroScience, Inc. for a sum not to exceed \$68,458 plus a project contingency of \$6,846 (10%), for a total project budget of \$75,304 to be divided among the Standley Lake cities, for the implementation of a biological control method that will address the Eurasian Watermilfoil concern in Standley Lake.

**Summary Statement**

- Eurasian Watermilfoil is a non-native aquatic weed that was first identified in Standley Lake in 1995. It grows in dense mats and chokes out beneficial native species of aquatic vegetation.
- During the summer of 2002 dense mats of Eurasian Watermilfoil were prevalent along 60% of the shoreline of Standley Lake.
- The Eurasian Watermilfoil in these mats creates areas where blooms of blue-green algae can occur. These blue-green algae blooms can cause major taste and odor events in the drinking water. Additionally, the mats interfere with recreation activities on Standley Lake.
- In 2001 the Standley Lake Cities (Northglenn, Thornton, and Westminster) investigated several methods of control including mechanical, chemical and biological, and selected biological control as the most appropriate method of control for Standley Lake.
- During 2002–2003 the Standley Lake Cities pilot tested a biological treatment method, which is a proprietary treatment, termed the MiddFoil Process.
- The success of the pilot project was mixed because of the extreme lake conditions of 2002 – 2003, which included a record setting drought and low lake level and then a rapid re-filling of the lake in the spring of 2003.
- Staff is recommending fully implementing the MiddFoil Process in 2005 to keep the Eurasian Watermilfoil in check.
- This is a joint project among the Standley Lake Cities (Westminster, Northglenn and Thornton) and costs will be split appropriately as per the Standley Lake Water Quality Intergovernmental Agreement previously approved by City Council. Westminster’s portion will be 45% of the total budget of \$75,304 or \$33,887. These funds are available in the 2005 Water Resources and Treatment operating budget.
- This project will encumber \$68,458 with a 10% contingency. The total project budget equals \$75,304. The Cities of Northglenn and Thornton have agreed to reimburse the City of Westminster for their share of the expenses.
- The Middfoil Process is a patented process and at this time there are no other similar processes available to solicit quotations from. Therefore, this is a sole source proposal.

**Expenditure Required:** \$75,304

**Source of Funds:** Utility Fund - Water Resources and Treatment Division Professional Services Operating Budget

## **Policy Issue**

Should the City contract with EnviroScience, Inc. as a sole source bid? The Middfoil Process is a patented process and at this time there are no other similar processes available to solicit quotations from. Therefore, this is a sole source proposal.

## **Alternatives**

The City could choose to not enter into an agreement with EnviroScience, Inc. and select a different method of control for the Eurasian Watermilfoil. Other control methods will be more costly (mechanical) or incompatible with a drinking water supply (chemical).

The City could choose to not control the Eurasian Watermilfoil; however, there will be long-term impacts on drinking water quality and recreation.

## **Background Information**

Eurasian Watermilfoil was first observed in Standley Lake in the mid 1990's as mats of floating aquatic plants. Over the next five years it progressively became worse in the amount of area that was colonized by the plant and the thickness of the beds. The plant was not positively identified until 2000, when at that time it was recognized that it was quickly taking over all of the shallow areas (less than 20 feet of water) of the lake and creating thick dense mats of floating material. {Picture attached}.

Eurasian Watermilfoil is not a native species to North America, but has been a significant problem in the Midwest, East Coast, and the Northwest for over 25 years. This plant quickly takes over lakes and other water bodies choking out native vegetation and forming a monoculture that is not healthy for other aquatic species that live in the water body. It forms dense floating mats that can entangle fishermen and water skiers. These dense mats also provide medium for the growth of blue-green algae, which can have significant implications on drinking water quality. The blue-green algae creates taste and odor problems in the drinking water supply.

Staff from Northglenn, Thornton, and Westminster worked together to investigate appropriate control measures for the Eurasian Watermilfoil. Options that were evaluated included mechanical harvesting, chemical control, physical controls, and biological controls. In the spring of 2001 the Standley Lake Cities hosted a statewide workshop to solicit information on Eurasian Watermilfoil and alternate control methods. Mechanical controls include harvesting or vacuuming the weed from the lake. This methodology is labor intensive, tends to spread the weed to other locations, and creates an on-going maintenance issue. Chemical control is effective but would require Standley Lake to not be used as a drinking water supply for 12 to 14 days. Westminster and Northglenn do not have economical options to obtain drinking water from other sources for that period of time. Other biological methods were evaluated such as grass carp (fish) but no species was identified that preferred Eurasian Watermilfoil.

At this time, the biological control method utilizing the Middfoil Process appears to be the most effective control that takes into account long term maintenance, short term and long-term costs, and compatibility with current recreation and drinking water uses.

The Middfoil Process consists of stocking the lake with an aquatic weevil that preferentially eats Eurasian Watermilfoil. The weevil hollows out the stems of the plant and it collapses upon itself. The process has been used successfully in over 20 lakes in the Midwest; however this is the first time it has been utilized in Colorado. The weevil is a native species to North America; however, it usually does not reproduce in large enough quantities to keep up with the rampant growth rate of Eurasian Watermilfoil. The Middfoil Process propagates sufficient numbers of the weevils that can be stocked in a given water body to provide the necessary level of control. Once the weevil population is established it should become self-sustaining to keep the Eurasian Watermilfoil in check, which staff hopes will be in the next few years, thus ending the need to stock weevils in the future.

The Standley Lake Cities performed a pilot test of this process during 2002 – 2003; however, the success of this project was clouded by record setting environmental events. The drought of 2002 quickly forced the lake level to drop and the weevils did not have enough time to act on the Eurasian Watermilfoil. The lowering of the lake level also allowed the Eurasian Watermilfoil to colonize areas of the lake that had normally been too deep. In January of 2003 it was feared that by the end of the growing season the Eurasian Watermilfoil would have had the opportunity to colonize greater than 50% of Standley Lake.

In 2003, the record setting March snowfall allowed Standley Lake to be refilled in a short period of time (approximately 30 days). This rapid refilling of Standley Lake did not allow the Eurasian Watermilfoil time to grow with the light and therefore effectively controlled the spread of the plant to approximately 1998 levels. Because milfoil was so scarce, no weevils could be planted in 2003.

In early summer 2004, EnviroScience, Inc. performed a survey to establish the quantity and distribution of Eurasian Watermilfoil in the lake. The result of this survey revealed again that milfoil was becoming more abundant and was spreading through large areas of the lake. Based on this, a recommendation was made to proceed with a large scale weevil stocking program. On July 20 and 21, 46,000 weevil eggs and larvae were stocked in two locations in the west side preserve area of Standley Lake. These sites were resurveyed on September 16, 2004. At the time of the survey, numerous adult weevils and significant weevil damage to the milfoil was noted in both of the stocked sites, indicating that the newly stocked weevils were actively reproducing.

A follow-up survey conducted in the Summer of 2005 will determine the survival rate of the weevils over the winter. Through this Council action, an additional 46,000 eggs and larvae will be planted in two sites, which will help distribute more weevils throughout the lake, further establishing a more stable and reproducing population. At the end of the growing season, it is expected that a noticeable impact will be observed in the areas of the stocked milfoil beds, especially in the 2004 sites. As is routine for these projects, the City of Westminster will contract with EnviroScience, Inc. and will be reimbursed by the Cities of Northglenn and Thornton for their respective share of the expenses. Thornton and Northglenn are in agreement and support of this project and have approved the contract.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

Eurasian Watermilfoil on Standley Lake south shore, August 2002







**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
February 28, 2005



**SUBJECT:** Second Reading of Councillor’s Bill No. 9 Neighborhood Traffic Enforcement and Education

**Prepared By:** A. L. Wilson, Commander Patrol Services Traffic Section  
Jeff Jones, Deputy Chief, Patrol Services  
Dan Montgomery, Chief of Police

**Recommended City Council Action:**

Pass Councillors Bill No. 9 on second reading regarding increased police personnel for neighborhood traffic enforcement and education.

**Summary Statement**

- In December Staff approached Council recommending a move away from traffic calming devices because of limited impact and effectiveness. Staff recommended placing an increased emphasis on strict traffic enforcement and education in residential neighborhoods.
- In order to accomplish increased residential traffic enforcement staff recommended a 1.0 FTE civilian administrative Police Department Traffic Enforcement Technician position, and an additional 1.0 FTE Traffic Accident Investigator position.
- Along with these two positions, one additional Traffic Accident Investigator position was recommended for the 2006 Police Department budget. Staff will evaluate this expense against revenue performance during 2005 before making a recommendation to amend the adopted 2006 budget.
- Establishing these positions would free up existing traffic enforcement officers for dedicated assignment to residential traffic complaints throughout the City in 2005.
- Staff recommends the Traffic Enforcement Technician position be created by reclassifying the Community Development Neighborhood Traffic Specialist position that is currently funded in the 2005 approved budget. The new 1.0 FTE Traffic Accident Investigator is an addition to the 2005 Staffing Plan, and the funding for this position will come from carryover of 2004 Public Safety tax revenues.
- The Traffic Enforcement Technician salary and benefits, and the expenses related to this position (equipment, training, etc.) is achieved from reclassifying the Community Development Neighborhood Traffic Specialist position to the Police Department.
- This Councillor’s Bill amends the 2005 budgets of the General Fund and the Sales & Use Tax Fund.
- This Councillor’s Bill was passed on first reading on February 14, 2005.

**Expenditure Required:** \$27,861

**Source of Funds:** Carryover from the 2004 public safety tax revenues

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **9**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL AND SALES AND USE TAX 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 \$27,861 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$82,969,415. 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 transfer of 2004 carryover from the Sales and Use Tax Fund. Additionally, included below is a reallocation of funds between Community Development and the Police Department that do not change the total budget for the General Fund but are shown for informational purposes.

Section 2. The \$27,861 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <b>REVENUE</b><br>Description   | Account Number      | Current<br>Budget | Amendment  | Revised<br>Budget |
|---------------------------------|---------------------|-------------------|------------|-------------------|
| Transfer from Sales and Use Tax | 1000.45000.0530     | \$54,910,581      | \$27,861   | \$54,938,442      |
| Total Change to Revenues        |                     |                   | \$27,861   |                   |
| <b>EXPENSES</b><br>Description  | Account Number      | Current<br>Budget | Amendment  | Revised<br>Budget |
| Salaries                        | 10030380.60200.0000 | \$1,103,746       | \$(57,700) | \$1,046,046       |
| Salaries                        | 10020500.60200.0348 | 1,475,039         | 67,799     | 1,542,838         |
| Overtime                        | 10020500.60400.0348 | 80,000            | 3,384      | 83,384            |
| Uniforms & Equip                | 10020500.61000.0348 | 6,000             | 1,410      | 7,410             |
| Career Dev                      | 10020500.61800.0348 | 13,400            | 1,300      | 14,700            |
| Lease payments                  | 10020050.67700.0000 | 194,553           | 330        | 194,883           |
| Ref Materials                   | 10020500.71400.0348 | 900               | 200        | 1,100             |
| Software                        | 10020050.75400.0000 | 0                 | 2,130      | 2,130             |
| Supplies                        | 10020500.70200.0348 | 5,520             | 600        | 6,120             |
| Other Equip                     | 10020300.76000.0343 | 229,984           | 2,300      | 232,284           |
| Med Ins ER BCBS                 | 10010900.63000.0594 | 3,623,454         | 6,108      | 3,629,562         |
| Total Change to Expenses        |                     |                   | \$27,861   |                   |

Section 3. The 2005 appropriation for Sales and Use Tax Fund initially appropriated by Ordinance No. 3162 in the amount of \$60,560,581 is hereby increased by \$27,861 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$60,588,442. The actual amount in the Sales and Use Tax 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 change is due to the appropriation of 2004 Public Safety Tax carryover.

Section 4. The \$27,861 increase in the Sales and Use Tax Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| <b>REVENUES</b>          |                     |                |                 |                |
|--------------------------|---------------------|----------------|-----------------|----------------|
| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
| Carryover                | 5300.40020.0911     | \$428,083      | <u>\$27,861</u> | \$455,944      |
| Total Change to Revenue  |                     |                | <u>\$27,861</u> |                |
| <b>EXPENSES</b>          |                     |                |                 |                |
| Description              | Account Number      | Current Budget | Amendment       | Revised Budget |
| Transfer to GF           | 53010900.79800.0100 | \$54,910,581   | <u>\$27,861</u> | \$54,938,442   |
| Total Change to Expenses |                     |                | <u>\$27,861</u> |                |

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 14<sup>th</sup> day of February, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of February, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
February 28, 2005



**SUBJECT:** Second Reading of Councillor's Bill No. 10 re 2004 4th Quarter Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Internal Auditor

**Recommended City Council Action**

Pass Councillor's Bill No. 10 on second reading providing for a supplemental appropriation to the 2004 budget of the General, General Capital Improvement, Open Space and Utility 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 2004 budget of the General, General Capital Improvement, Open Space and Utility Funds.

General Fund amendments total \$228,075

General Capital Improvement Fund amendments total \$187,296

Open Space Fund amendments total \$220,000

Utility Fund amendments total \$327,400

This Councillor's Bill was passed on first reading February 14, 2005

**Expenditure Required:** \$ 964,471

**Source of Funds:** The funding sources for these expenditures include grants, reimbursements, contributions, donations, program revenues, building permit fees, escrow funds, a rebate and tap fees.

Respectfully submitted,

J. Brent McFall  
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **10**

SERIES OF 2005

INTRODUCED BY COUNCILLORS  
KAUFFMAN - DITTMAN

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$229,775 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$86,868,982. 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 \$229,775 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <b>REVENUES</b>          |                     | Current  |                  | Revised   |
|--------------------------|---------------------|----------|------------------|-----------|
| Description              | Account Number      | Budget   | Amendment        | Budget    |
| Federal Grants           | 1000.40610.0000     | \$86,884 | \$17,246         | \$104,130 |
| Bldg Permit Adco         | 1000.40190.0010     | 725,000  | 152,147          | 877,147   |
| Youth Scholarship        | 1000.41030.0528     | 0        | 4,467            | 4,467     |
| Contributions            | 1000.43100.0000     | 35,875   | 1,875            | 37,750    |
| Adult Activities         | 1000.41030.0503     | 850,000  | 53,665           | 903,665   |
| General                  | 1000.43060.0000     | 160,754  | 375              | 161,129   |
| Total Change to Revenues |                     |          | <u>\$229,775</u> |           |
| <b>EXPENSES</b>          |                     | Current  |                  | Revised   |
| Description              | Account Number      | Budget   | Amendment        | Budget    |
| Overtime                 | 10020300.60400.0344 | \$30,136 | \$11,046         | \$41,182  |
| Prof Svcs                | 10020300.65100.0344 | 0        | 1,795            | 1,795     |
| Unif & Equip             | 10020500.61000.0000 | 153,638  | 4,405            | 158,043   |
| Spec Promotions          | 10050760.67600.0528 | 3,322    | 4,467            | 7,789     |
| Prof Svcs                | 10030370.65100.0000 | 50,000   | 152,147          | 202,147   |
| Spec Promotions          | 10030340.67600.0000 | 50,475   | 1,875            | 52,350    |
| Temp Salaries            | 10050760.60600.0504 | 70,400   | 15,000           | 85,400    |
| Prof Services            | 10050760.65100.0504 | 58,770   | 12,760           | 71,530    |
| Temp Salaries            | 10050760.60600.0507 | 30,820   | 6,507            | 37,327    |
| Temp Salaries            | 10050760.60600.0529 | 88,900   | 16,736           | 105,636   |
| Cont Services            | 10050760.67800.0533 | 31,700   | 2,662            | 34,362    |
| Rec Supplies             | 10050760.71200.0017 | 43,700   | 375              | 44,075    |
| Total Change to Expenses |                     |          | <u>\$229,775</u> |           |

Section 3. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$187,296 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$20,479,958. 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 \$187,296 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| <b>REVENUES</b>                               |                        | Current Budget | Amendment        | Revised Budget |
|---|------------------------|----------------|------------------|----------------|
| Description                                   | Account Number         |                |                  |                |
| Jeffco Revenue                                | 7500.40640.0020        | \$0            | \$50,000         | \$50,000       |
| General Misc                                  | 7500.43060.0000        | 0              | 86,125           | 86,125         |
| General Misc                                  | 7501.43060.0000        | 0              | 50               | 50             |
| Contributions                                 | 7500.43100.0000        | 1,541,750      | 1,121            | 1,542,871      |
| Transfer from WEDA                            | 7500.45000.0680        | 0              | <u>50,000</u>    | 50,000         |
| Total Change to Revenue                       |                        |                | <u>\$187,296</u> |                |
| <b>EXPENSES</b>                               |                        | Current Budget | Amendment        | Revised Budget |
| Description                                   | Account Number         |                |                  |                |
| Traffic Signals                               | 80175030143.80400.8888 | \$284,177      | \$86,125         | \$370,302      |
| Walker Bldg                                   | 80175012022.80400.8888 | 316,000        | 1,121            | 317,121        |
| CP Skateboard Park                            | 80375050326.80400.8888 | 394,900        | 50               | 394,950        |
| Retail Services                               | 80275030527.80400.8888 | 450,000        | 50,000           | 500,000        |
| Old Wads 92 <sup>nd</sup> – 108 <sup>th</sup> | 80575030401.80400.8888 | 0              | <u>50,000</u>    | 50,000         |
| Total Change to Expenses                      |                        |                | <u>\$187,296</u> |                |

Section 5. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$220,000 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$8,066,631. The actual amount in the Open Space 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 the receipt of a grant to assist in the purchase of open space.

Section 6. The \$220,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| <b>REVENUES</b>          |                     | Current Budget | Amendment        | Revised Budget |
|--------------------------|---------------------|----------------|------------------|----------------|
| Description              | Account Number      |                |                  |                |
| Other District           | 5400.40510.0000     | \$0            | <u>\$220,000</u> | \$220,000      |
| Total Changes to Revenue |                     |                | <u>\$220,000</u> |                |
| <b>EXPENSES</b>          |                     | Current Budget | Amendment        | Revised Budget |
| Description              | Account Number      |                |                  |                |
| Land Purchases           | 54010900.76600.0000 | \$4,167,287    | <u>\$220,000</u> | \$4,387,287    |
| Total Change to Expenses |                     |                | <u>\$220,000</u> |                |

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$38,281,200 is hereby increased by \$327,400 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$48,321,025. The actual amount in the Utility 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 the receipt of a fee paid by Huntington Trails, Inc for opting out of the reclaimed water system.

Section 8. The \$327,400 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| <b>REVENUES</b>          |                        | Current Budget | Amendment        | Revised Budget |
|--------------------------|------------------------|----------------|------------------|----------------|
| Description              | Account Number         |                |                  |                |
| Water Tap                | 2000.40720.0027        | \$3,500,000    | <u>\$327,400</u> | \$4,177,400    |
| Total Change to Revenue  |                        |                | <u>\$327,400</u> |                |
| <b>EXPENSES</b>          |                        | Current Budget | Amendment        | Revised Budget |
| Description              | Account Number         |                |                  |                |
| Water Purchases          | 80120035039.80400.8888 | \$1,407,098    | <u>\$327,400</u> | \$1,734,498    |
| Total Change to Expenses |                        |                | <u>\$327,400</u> |                |

Section 9. – 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 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. 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 14<sup>th</sup> day of February, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of February, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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

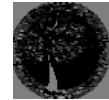


## Agenda Item 10 A - C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
February 28, 2005



**SUBJECT:** Public Hearing and Councillor's Bill No. 11 re CLUP and 1<sup>st</sup> Amended PDP  
Prospector's Point Condominiums PUD

**Prepared By:** Patrick Caldwell, Planner II

### Recommended City Council Action:

1. Hold a public hearing
2. Pass Councillor's Bill No. 11 as an emergency ordinance amending the Westminster Comprehensive Land Use Plan (CLUP) to allow a change from the existing R-18 Residential land use to Public/Quasi Public based on a finding that the proposed amendment will be in the public good and,
  - a) The proposed amendment is in need of revision as proposed; and
  - b) The proposed amendment is in conformance with the overall purpose and intent and the goals and policies of the CLUP; and
  - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Approve the First Amended Preliminary Development Plan (PDP) Prospector's Point Condominiums Planned Unit Development (PUD) to allow a reconfiguration of Parcel 2 and to allow Hospital, Medical Office and Related Medical Offices on the new Lot 1 of Parcel 2. This recommendation is based on a determination that the findings set forth in Section 11-5-14 of the Westminster Municipal Code have been met.

### Summary Statement:

- The existing PDP of the Prospector's Point Condominiums shows two parcels and Multi-family is the designated use for both parcels. Parcel 1 is 20 acres and is developed as the Prospector's Point condominium project. Parcel 2 is a 21.6 acre parcel and is located to the east of the existing Prospector's Point condominiums and north of 85<sup>th</sup> Avenue. Parcel 2 is entirely vacant. The proposed PDP amendment will change the allowed uses for the southern 15 acres of Parcel 2 to be hospital, medical office and related medical offices. The allowed land use of multi-family for the northern 6.6 acres of Parcel 2 will not change with the proposed PDP amendment.
- The 2004 Comprehensive Land Use Plan (CLUP) designates all 21.6 acres of Parcel 2 as R-18 Residential land use. The northern 6.6 acres of Parcel 2 will not change with the proposed CLUP amendment. The southern 15 acres of Parcel 2 are proposed to be designated for Public/Quasi Public uses. Hospital, medical office and related medical offices are within the scope of Public/Quasi Public uses.
- City Council has identified "healthcare services and facilities expansion" as one of the desired actions under its Strategic Plan goal of "Balanced, Sustainable Local Economy."
- An emergency ordinance is required in order to allow the sale of this property for the St. Anthony's North Hospital expansion to close by the agreed upon deadline between the buyer and the seller.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A



### **Planning Commission Recommendation**

The Planning Commission reviewed the proposals on February 8, 2005, and voted unanimously (7-0) to recommend the City Council approve the Comprehensive Land Use Plan (CLUP) amendment to designate 15 acres in Parcel 2 in the Prospector's Point Condominiums PDP as Public/Quasi Public. The Commission also recommended approval of an amendment to the Prospector's Point Condominiums PDP to separate Parcel 2 into two sub parcels to be known as Lot 1 (15 acres) and Lot 2 (6.6 acres), and to change the allowed land use on the 15 acres of Lot 1 from Multi-family to Hospital, Medical Office and Related Medical Offices.

Jim Koneune, President of the Prospector's Point HOA, spoke of the HOA concerns. James Foster, Hospital Administrator of St. Anthony Hospital addressed the hospital intentions and plans for the site and the concerns of the adjacent residents.

### **Policy Issues**

1. Should the City approve an amendment to the Comprehensive Land Use Plan for the 15 acre site in Parcel 2 in the proposed First Amended Prospector's Point Condominiums PDP?
2. Should the City approve an amendment to the Prospector's Point Condominiums PDP to:
  - a. Separate Parcel 2 into two sub parcels to be known as Lot 1 (15 acres) and Lot 2 (6.6 acres)?
  - b. Change the allowed land use on the 15 acres of Lot 1 from Multi-family to Hospital, Medical Office and Related Medical Offices?

### **Alternative**

Not amend the CLUP and not proceed with rezoning of the property at this time. This action would need to be based upon a finding that the proposed amendment will NOT be in the public good and is NOT in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, and does not meet one or more of the findings set forth in Section 11-5-14 of the Westminster Municipal Code.

### **Background Information**

The vacant land within the Prospector's Point PDP has been owned by the Pillar of Fire for many years. The adjacent St. Anthony Hospital wishes to expand its facilities onto 15 acres of this vacant land and has the parcel under contract to purchase. The CLUP amendment and the PDP amendment are the first step towards getting the 15 acres ready for the hospital expansion.

### Applicant/Property Owner

Contact:

Phillip J. Wolfram, Esq.

Pillar of Fire

1302 Sherman Street

Denver, Colorado 80203

### Surrounding Land Use and Comprehensive Land Use Plan Designation

North: Use is Vacant; R-18 Residential

East: Mobile Home and Hospital Use; R-3.5 Residential and Public/Quasi Public

West: Residential Condominiums Use; R-18 Residential

South: Office Use; Office

### Site Plan Information

CLUP amendments and PDP amendments do not typically have accompanying site plans, but the adjacent St. Anthony Hospital has a contract to purchase the 15 acre site shown on the PDP amendment as Lot 1 on Parcel 2. St. Anthony staff has stated that their intentions are to expand hospital and related medical services onto the 15 acres. Specific building locations, parking, landscaping, etc. will be reviewed through the Official Development Plan (ODP).

Traffic and Transportation

CLUP amendments and PDP amendments do not typically have accompanying detailed traffic studies and transportation plans, but St. Anthony has stated a desire to vacate some rights-of-way and to reconfigure other rights-of-way. To assure that a reasonable internal street system could be maintained even if St. Anthony did not incorporate Lot 1 of Parcel 2 into their existing facilities, the PDP amendment shows a proposed alignment for Clay Street between existing Clay Street to 88<sup>th</sup> Avenue and the western edge of the site, and an extension of Alcott Street to connect to the existing 86<sup>th</sup> Avenue and a vacation of a portion of a dedicated but not constructed section of Bryant Street.

Referral Agency Responses

All referral agency responses have been addressed. No significant issues were identified.

Public Comments

The adjacent Prospector's Point Homeowners Association (HOA) was provided the proposal and members of the HOA attended the Planning Commission hearing and spoke about their concerns with the future development of the property. St. Anthony representatives and Staff will work with the residents to resolve these concerns through the Official Development Plan review process.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

- Vicinity Map
- Comprehensive Land Use Plan Map
- Comprehensive Land Use Plan Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **11**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, an amendment of the Plan is necessary to provide a reasonable parcel of land for hospital, medical office and related medical uses in the Public/Quasi Public land use designation of the Plan; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council; and

WHEREAS, the existing land use designation is "R-18 Residential"; and

WHEREAS, the desired land use designation is "Public/Quasi-Public"; and

WHEREAS, City Council finds that the requested amendment will be in the public good and in compliance with the overall purpose and intent of the Westminster Comprehensive Land Use Plan and not merely to afford the applicant a more profitable use of its property.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Pillar of Fire Property from "R-18 Residential" to "Public/Quasi-Public", legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 29 BEARS N 89°53'56" E AND MONUMENTED AS FOLLOWS: THE CENTER QUARTER CORNER OF WHICH BEING A 3.25" ALUMINUM CAP, L.S. 12111. THE EAST QUARTER CORNER OF WHICH BEING A 2.5" ALUMINUM CAP, L.S. 27936. COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 29; THENCE N 89°53'56" E ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 29 A DISTANCE OF 707.48 FEET; THENCE N 01°01'13" W A DISTANCE OF 50.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 84TH AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT PARCEL OF LAND RECORDED AT BOOK 2446, PAGE 675, ADAMS COUNTY PUBLIC RECORDS; THENCE N 01°01'13" W ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND RECORDED AT BOOK 2446, PAGE 675 A DISTANCE OF 329.95 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK 1, PROSPECTOR'S POINT AMENDED, A SUBDIVISION RECORDED AT FILE 14, PAGE 604, ADAMS COUNTY PUBLIC RECORDS; THENCE N 89°53'56" E ALONG SAID SOUTHERLY LINE A DISTANCE OF 431.60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLAY STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY AND NORTHERLY RIGHT-OF-WAY OF WEST 85TH AVENUE THE FOLLOWING TWO (2) COURSES: 1) N 01°18'54" W A DISTANCE OF 30.00 FEET; 2) N 89°53'56" E A DISTANCE OF 30.00 FEET TO THE MOST EASTERLY SOUTHEAST CORNER OF SAID BLOCK 1, PROSPECTOR'S POINT AMENDED, A SUBDIVISION RECORDED AT FILE 14, PAGE 604, ADAMS COUNTY PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N 01°18'54" W ALONG THE EASTERLY LINE OF SAID BLOCK 1 AND THE EXTENSION THEREOF A DISTANCE OF 1061.55

FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CLAY STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE LONG CHORD BEARS N 14°34'20" E A DISTANCE OF 91.33 FEET, HAVING A RADIUS OF 166.81 FEET, A DELTA OF 31°46'28", AND AN ARC LENGTH OF 92.51 FEET; 2) N 01°18'54" W A DISTANCE OF 202.63 FEET; TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'. THENCE N 88°57'26" E A DISTANCE OF 524.40 FEET TO A POINT ON THE WESTERLY LINE OF LOT 1, BLOCK 1 GREENBRIER MOBILE HOME PARK, A SUBDIVISION RECORDED AT FILE 12, MAP 256 ADAMS COUNTY PUBLIC RECORDS; THENCE ALONG SAID WESTERLY LINE OF LOT 1, BLOCK 1, GREENBRIER MOBILE HOME PARK THE FOLLOWING TWO (2) COURSES: 1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE LONG CHORD BEARS S 09°03'40" E A DISTANCE OF 645.67 FEET, HAVING A RADIUS OF 605.00 FEET, A DELTA OF 64°30'00" AND AN ARC LENGTH OF 681.07 FEET; 2) ALONG THE ARC OF A CURVE TO THE LEFT WHOSE LONG CHORD BEARS S 46°17'57" E A DISTANCE OF 327.80 FEET, HAVING A RADIUS OF 1885.00 FEET, A DELTA OF 09°58'35", AND AN ARC LENGTH OF 328.22 FEET TO THE NORTHERLY CORNER OF LOT 1, MEDICAL PLAZA NORTH SUBDIVISION, A SUBDIVISION RECORDED AT FILE 16, MAP 145, ADAMS COUNTY PUBLIC RECORDS; THENCE S 36°41'06" W ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 A DISTANCE OF 126.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ALCOTT STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE EXTENSION THEREOF THE FOLLOWING THREE (3) COURSES: 1) N 53°18'54" W A DISTANCE OF 331.22 FEET; 2) ALONG THE ARC OF A CURVE TO THE LEFT WHOSE LONG CHORD BEARS N 71°42'25" W A DISTANCE OF 82.03 FEET, HAVING A RADIUS OF 130.00 FEET, A DELTA OF 36°47'02", AND AN ARC LENGTH OF 83.46 FEET; 3) S 89°53'56" W A DISTANCE OF 98.88 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF BRYANT STREET; THENCE S 01°18'54" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 622.31 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF WEST 85TH AVENUE; THENCE S 89°53'53" W ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 350.08 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 653,400 S.F. OR 15.0000 ACRES MORE OR LESS.

Section 2. Severability. 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 deemed unenforceable shall not affect any of the remaining provisions.

Section 3. Because an amendment to the City's Comprehensive Land Use Plan to change the designated land use from R-18 Residential to Public-Quasi Public for the described parcel of the Pillar of Fire property in Westminster is a condition to the sale of the land needed by St. Anthony's North Hospital for its expansion, and because this amendment to the Westminster Comprehensive Land Use Plan must occur on or before the agreed upon closing deadline between the buyer and the seller, and because the failure to close this sale could jeopardize the retention and expansion of the only hospital facility in the City, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 28, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28<sup>th</sup> day of February, 2005.

ATTEST:

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City Clerk

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Mayor



## Agenda Item 10 D

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
February 28, 2005



**SUBJECT:** Resolution No. 13 re Amendment to South Sheridan Urban Renewal Area

**Prepared By:** Aaron B. Gagné, Senior Projects Coordinator

### Recommended City Council Action:

Adopt Resolution No. 13 adding public rights-of-way generally located along Sheridan Boulevard south of 70<sup>th</sup> Avenue and on 72<sup>nd</sup> Avenue west of Depew Street, more specifically defined in Attachment A, into the existing South Sheridan urban renewal area (URA).

### Summary Statement:

- The City of Westminster established the South Sheridan urban renewal area in 2004, as defined in Attachment A.
- The proposed rights-of-way additions are contiguous with the existing urban renewal area boundary
- The City desires to make certain public improvements, including highway improvements and installation of brick architectural walls, in the rights-of-way proposed to be added to the URA.
- State law allows the City Council to make minor adjustments to the urban renewal boundary without an official finding of blight or lengthy public hearing process.
- The 8.31 acres of land to be added to the urban renewal area is less than 7% of the existing urban renewal area and consists wholly of public rights-of-way, supporting a finding that the proposed amendment is minor.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City Council add the public rights-of-way to the existing urban renewal area as a minor amendment?

**Alternatives**

1. City Council could choose to not proceed with incorporating the public rights-of-way into the URA at this time and direct Staff to present a blight study and pursue the associated public hearing process to establish a new urban renewal area. Staff recommends that this alternative not be pursued as the state statutes do permit a minor amendment process, the land area is extremely small, and there are no private properties included in the proposed amendment.
2. City Council could choose to not incorporate the land into the URA. Staff recommends the City not choose this alternative, as the property tax increment revenue generated from surrounding proposed redevelopment projects that are located within the existing URA boundaries would be well invested in the proposed rights-of-way improvements.

**Background Information**

In late 2003 and early 2004, the City of Westminster conducted a blight study and established an urban renewal area that included property highlighted as the adopted area on the attached map.

In 2004, staff began working with the owners of the Shoenberg Plaza Shopping Center at the southwest corner of 72<sup>nd</sup> and Sheridan, with Village Homes, the owner of lands west of Sheridan on Depew Street north and south of 72<sup>nd</sup> Avenue and with Jerry Tepper, the owner of the frontage properties and the historic Shoenberg Farm site at the northwest corner of 72<sup>nd</sup> and Sheridan. The overall efforts have been to achieve the goals and objectives set forth in the urban renewal plan – improving properties, infrastructure and economic health of the area. A major commercial project is under review for the Shoenberg Plaza site, residential plans under review for the Village Homes, and conceptual commercial and possibly mixed-use plans being developed for the Tepper properties. With this volume of activity, staff considers the buffering of adjacent existing neighborhoods to be a high priority.

In order to make the desired neighborhood investments, it is necessary to include the properties on which the tax-increment-financed funds would be spent within the URA. In this instance, all of those properties, highlighted on the attached map, are public rights-of-way.

Respectfully Submitted,

J. Brent McFall  
City Manager

Attachments: Resolution  
“Attachment A” – Vicinity Map

RESOLUTION

RESOLUTION NO. **13**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

AMENDING THE SOUTH SHERIDAN URBAN RENEWAL PLAN TO INCLUDE SHERIDAN BOULEVARD AND 72<sup>ND</sup> AVENUE RIGHTS-OF-WAY AS A MINOR MODIFICATION THERETO

WHEREAS, 8.31 acres of public rights-of-way has been identified along Sheridan Boulevard and West 72<sup>nd</sup> Avenue for the installation of brick architectural walls that is not currently included in the South Sheridan urban renewal area; and

WHEREAS, the subject rights-of-way is described herein on the map entitled "Attachment A"; and

WHEREAS, modification of the South Sheridan Urban Renewal Plan is governed by C.R.S. section 31-25-107(7); and

WHEREAS, addition of the subject rights-of-way to the existing South Sheridan urban renewal area would increase the size of the area by less than seven percent; and

WHEREAS, inclusion of the subject rights-of-way into the contiguous South Sheridan urban renewal area would permit the investment of property tax increment in buffering surrounding neighborhoods from pending commercial redevelopment and transportation facility expansion; and

WHEREAS, addition of the subject rights-of-way to the South Sheridan urban renewal area is a modification that will not substantially change the existing urban renewal plan in land area, land use, design, building requirements, timing, or procedure, as previously approved

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

1. The reinvestment of tax increment generated by new development projects in the South Sheridan urban renewal area is an appropriate furtherance of the adopted South Sheridan Urban Renewal Plan.

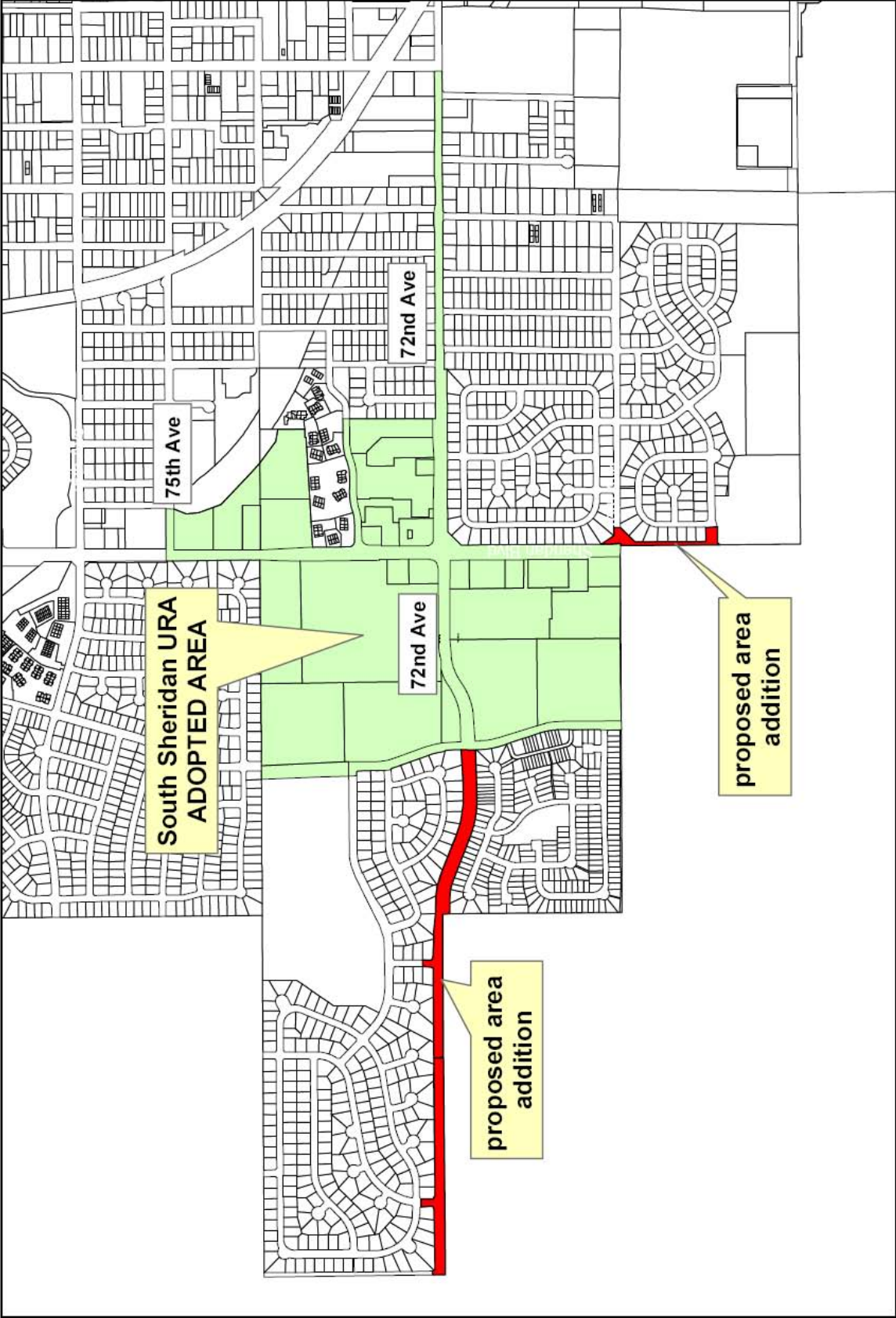
2. The South Sheridan Urban Renewal Area and Plan are hereby amended to include the subject rights-of-way, as described in Attachment A, as a minor modification.

ADOPTED, at a regular meeting of the City Council of the City of Westminster, Colorado, this February 28, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

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







**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
February 28, 2005



**SUBJECT:** Public Hearing and Combined Fifth Amended PDP and ODP for Park Centre PUD

**Prepared By:** Michele McLoughlin, Planner II

**Recommended City Council Action:**

1. Hold a public hearing.
2. Approve the combined Fifth Amended Preliminary Development Plan and Fifth Amended Official Development Plan for Lots 1 and 2, Block 2, Park Centre Filing No. 1 within the Park Centre Planned Unit Development.

**Summary Statement:**

- The proposed Park Centre Place is a 9.53 acre mixed-use retail center at the northeast corner of 120<sup>th</sup> Avenue and Tejon Street.
- The developer, DSF Investments, is proposing a high quality retail project incorporating two multi-tenant retail buildings, a full service car wash, a bank, and two sit-down restaurants.
- The Park Centre Preliminary Development Plan (PDP) is being amended to include “car wash” as an allowed use to the very specific list of allowed uses. The amendment to the Official Development Plan (ODP) is for the proposed mixed-use center.
- The development is proposed to be phased, with the two multi-tenant buildings to be built first, and the bank, car wash and restaurant pads to be developed as new users are identified. The individual pad sites will require amendments to the Official Development Plan.
- The proposed development is in compliance with the Westminster Comprehensive Land Use Plan, which designates this property as retail/commercial.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

The Planning Commission reviewed this proposal on February 8, 2005, and voted unanimously (7-0) to recommend approval to City Council of the Fifth Amended Preliminary Development Plan and Fifth Amended Official Development Plan of Lots 1 and 2, Block 2, Park Centre Filing No. 1.

No one spoke in favor of or in opposition to this proposal.

### **Policy Issue**

Should the City approve the Fifth Amended Preliminary Development Plan to add the “car wash” use to the existing allowed uses within this area of Park Centre?

### **Alternatives**

- 1) Deny the Fifth Amended Preliminary Development Plan (PDP) and the Fifth Amended Official Development Plan (ODP) for Lots 1 and 2, Block 2, Park Centre Filing No. 1, within the Park Centre Planned Unit Development based on a determination that one or more of the findings in 11-5-14 and 11-5-15 of the Westminster Municipal Code have not been met.
- 2) Approve the Fifth Amended Preliminary Development Plan and the Fifth Amended Official Development Plan for Lots 1 and 2, Block 2, Park Centre Filing No. 1, within the Park Centre Planned Unit Development subject to conditions deemed appropriate by City Council.

### **Background Information**

The combined PDP/ODP for Park Centre Place would add “car wash” to the list of allowable uses and proposes a mixed-use high quality retail project incorporating two multi-tenant retail buildings, a full service car wash, a bank and two restaurants. The developer is proposing a mix of brick and EIFS (stucco) on the buildings.

#### ***Applicant/Property Owner***

Contact: Dan Foster  
DSF Investments  
2080 South Josephine Street #5  
Denver, Colorado 80210

#### **Surrounding Land Use and Comprehensive Land Use Plan Designation (CLUP)**

The property to the north and west is designated as Business Park and is currently developed; to the east is the existing Park Centre shopping center, designated Retail Commercial per the CLUP; to the south is the Ranch Open Space.

#### **Site Plan Information**

Access to the site is from a full turn access along Tejon Street and a full turn access from 121<sup>st</sup> Avenue. The two multi-tenant retail buildings along the north and west of the parcel will be developed in the first phase. Future phases will include a full-service car wash at the northeast corner of the property, a bank on the west side of the property and two full-service restaurants adjacent to 120<sup>th</sup> Avenue. The developer is proposing a pedestrian friendly atmosphere with tables, benches and planters interspersed throughout the development and colored patterned concrete walks directing pedestrian traffic throughout the site.

Traffic and Transportation

The developer will dedicate additional right-of-way and build a westbound deceleration lane on the north side of 120<sup>th</sup> Avenue adjacent to their property east of Tejon Street. There are two proposed full movement access points to this site, one from Tejon Street and the other from West 121<sup>st</sup> Avenue.

Service Commitment Category

Service commitments will be awarded out of Category C for non-residential developments. This development will utilize reclaimed water for the irrigation of the landscaped areas.

Referral Agency Responses

A response was received from Colorado Department of Transportation (CDOT) stating that any work within CDOT right-of-way would require a permit.

Public Comments

A neighborhood meeting was held on September 21, 2004, and there were no concerns expressed from the surrounding property owners.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
February 28, 2005



**SUBJECT:** Councillor’s Bill No. 12 re: Pillar of Fire ROW Vacations

Prepared By: John Burke, Senior Civil Engineer

**Recommended City Council Action**

Adopt Councillor’s Bill No. 12 as an emergency ordinance vacating various rights-of-way that were recorded on the Westminster Plat, Westminster 2<sup>nd</sup> Filing Plat, The Observatory Addition to Westminster Plat and the Greenbrier I Subdivision Plat.

**Summary Statement**

- City Council action is requested on the attached Councillor’s Bill to vacate various rights-of-way (see Exhibit A.1) on the Pillar of Fire property.
- An emergency ordinance is needed because the vacation of the rights-of-way within the Pillar of Fire property in Westminster is a condition to the sale of the land needed by St. Anthony’s North Hospital for its expansion, and must occur on or before the agreed upon closing deadline between the buyer and the seller, and because the failure to close this sale could jeopardize the retention and expansion of the only hospital facility in the City.
- The property owner is requesting the right-of-way vacations since the streets and alleys were platted in the early 1900’s and will not be used in future development.
- No streets or alleys were constructed within the rights-of-way.
- A utility easement will be dedicated for existing utilities within the rights-of-way (see Exhibit A.2).
- The City has an Agreement (Exhibit A) with the Pillar of Fire which requires them to convey parcels along Bradburn Boulevard, Federal Boulevard, Lowell Boulevard, West 88<sup>th</sup> Avenue and West 84<sup>th</sup> Avenue to the City of Westminster without compensation for future roadway improvements adjacent to the Pillar of Fire property (see Exhibit A.3).
- Legal descriptions of the rights-of-way to be vacated are included in Exhibit B.
- Permanent easements for rededicated utilities are included in Exhibit C.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Shall the City Council vacate the rights-of-way, which by state statute must be vacated by an ordinance of the City Council?

**Alternative**

Do not vacate the rights-of-way. This alternative is not recommended because the subject portion of the rights-of-way is not needed by the City.

**Background Information**

The Pillar of Fire has requested to vacate these rights-of-way to "clean up" their property for future development. The rights-of-way were dedicated on the above listed plats in the early 1900's for the construction of streets and alleys. None of this infrastructure was ever constructed.

In response to this request, the City has finalized an agreement with Pillar of Fire that will enable the City to acquire additional rights-of-way from the Pillar of Fire without compensation for any street improvement project the City undertakes adjacent to their property.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments:

- Emergency Ordinance
- Exhibit A – Agreement to vacate existing right-of-way in exchange for future right-of-way dedication on the Pillar of Fire Property.
- Exhibit A.1 – Key map for rights-of-way to be vacated
- Exhibit A.2 – Key map for waterline easements to be dedicated
- Exhibit A.3 – Key map for possible future right-of-way dedication
- Exhibit B – Legal descriptions for rights-of-way to be vacated
- Exhibit C – Permanent easement for rededicated utilities

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2005

COUNCILOR'S BILL NO. **12**  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING VARIOUS RIGHTS-OF-WAY ON PROPERTY OWNED BY THE PILLAR OF FIRE AS DEDICATED ON THE WESTMINSTER PLAT, WESTMINSTER 2<sup>ND</sup> FILING PLAT, THE OBSERVATORY ADDITION TO WESTMINSTER PLAT AND THE GREENBRIER I SUBDIVISION PLAT, ACCEPTING DEDICATIONS FOR WATERLINE EASEMENTS, AND AUTHORIZING AN AGREEMENT FOR FUTURE RIGHT-OF-WAY DEDICATIONS.

WHEREAS, certain rights-of-way were dedicated on the final plats for Westminster (Book 3, Page 46), Westminster 2<sup>nd</sup> Filing (Book 1, Page 26), The Observatory Addition to Westminster (Book 3 Page 92), and the Greenbrier I Subdivision (Plat File 12, Map 26), all from Adams County Public Records; and

WHEREAS, those rights-of-way are no longer needed to serve the public access purpose for which they were originally intended; and

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

WHEREAS, future rights-of-way and easements will be dedicated during such time as the property is developed; and

WHEREAS, the Pillar of Fire has signed an Agreement that enables the City to acquire additional right-of-way as necessary from Pillar of Fire without compensation for any City street improvement project.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes the City Manager to sign the Agreement to Vacate Existing Right-of-Way attached as Exhibit A hereto and incorporated herein by reference.

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

Section 3. Legal Descriptions of Rights-of-Way, as attached on Exhibit B 1 through 19.

Section 4: The City Council reserves, pursuant to § 43-2-303(3), C.R.S., and accepts the easement dedication for existing utility lines, attached as Exhibit C hereto.

Section 5. Because the vacation of the rights-of-way within the Pillar of Fire property in Westminster is a condition to the sale of the land needed by St. Anthony's North Hospital for its expansion, and because this vacation must occur on or before the agreed upon closing deadline between the buyer and the seller, and because the failure to close this sale could jeopardize the retention and expansion of the only hospital facility in the City, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 28, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented, and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY  
ORDINANCE this 28<sup>th</sup> day of February, 2005.

ATTEST:

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

\_\_\_\_\_  
Mayor

**EXHIBIT A**

**AGREEMENT TO VACATE EXISTING RIGHT-OF-WAY  
IN EXCHANGE FOR FUTURE  
RIGHT-OF-WAY DEDICATION  
ON THE PILLAR OF FIRE PROPERTY**

I. Parties:

THIS AGREEMENT (the "Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by and between the CITY OF WESTMINSTER, a Colorado home rule municipality (the "City"), and PILLAR OF FIRE, a Colorado non-profit corporation ("Pillar of Fire").

II. Purpose:

The City and Pillar of Fire intend by this Agreement to commit to pursue vacation of platted rights-of-way encumbering Pillar of Fire property in exchange for Pillar of Fire's future conveyances of rights-of-way to the City, as further described herein.

III. Agreement:

- A. Concurrently with the approval of this Agreement, the City will vacate, by ordinance, the existing rights-of-way as shown on Exhibit A.1, attached hereto.
- B. Vacation shall be subject to any rights-of-way or easements reserved or dedicated for the continued use of existing sewer, gas, water, or similar pipelines and appurtenances, for ditches or canals and appurtenances, and for electric, telephone, and similar lines and appurtenances, as shown on Exhibit A.2, attached hereto.
- C. Pillar of Fire hereby agrees to convey certain portions of property along Bradburn Boulevard, Federal Boulevard, Lowell Boulevard, West 88<sup>th</sup> Avenue and West 84<sup>th</sup> Avenue (the "Streets") as generally depicted on Exhibit A.3 attached hereto in accordance with the following terms and conditions:
  - 1. Right-Of Way. Exhibit A.3 identifies the proposed roadway classifications for the Streets based upon the 1994 City of Westminster Comprehensive Roadway Plan (the "Plan"). The City shall not require Pillar of Fire to convey or otherwise dedicate right-of-way that would result in a roadway classification for any Street that is greater than the roadway classification contemplated by the Plan as in effect of the date hereof, without compensation. Further, the resulting width of the right-of-way requested along each Street must be in accordance with the City's Plan and roadway standards and specifications set forth in the City Municipal Code, as such roadway standards and specifications may be amended from time to time.
  - 2. Use. Subject to the limitations set forth in paragraph C (1) above, the right-of-way parcels subject to this Agreement may be used for public improvements related to streets and utilities, including but not limited to streets, sidewalks, trails, curbs, bicycle lanes, medians, buffers, landscaping adjacent to streets or sidewalks, public utilities provided by private or public entities, and traffic control areas and devices.



3. Timing. If the City is ready to construct public improvements on any of the Streets prior to development on the adjacent Pillar of Fire land, the right-of-way conveyance for the applicable Street shall be completed by deed in the manner contemplated in paragraph C (4) below. If development on Pillar of Fire land occurs prior to the City's completion of public improvements along the applicable Street, the City shall identify the right-of-way needed for future public improvements in accordance with the Plan so that such right-of-way can be dedicated by Pillar of Fire or its successor in interest by deed or on its final plat.
4. Conveyance by Deed. The parcels shall be conveyed to the City upon thirty days' written notice, subject to: (a) any and all matters of record in the records of the Clerk and Recorder of Adams County, Colorado, as of the date of this Agreement; (b) any matters approved by the City; and (iii) any utility, access and similar easements. The City will transmit with such notice, a prepared legal description and proposed deed for the applicable Street. Pillar of Fire shall cooperate in concluding the transactions within this deadline. The City shall not request conveyance of any parcel by deed until it has completed preliminary design of the public improvements project for the applicable Street, identified funding sources, and established a proposed project schedule and provided a copy of the same to Pillar of Fire for review on or before the day the City delivers notice to Pillar of Fire requesting conveyance of such parcel.
5. Severability. The obligations set forth in this Agreement with respect to any specific future right-of-way conveyances shall relate only to that portion of the Pillar of Fire property abutting the respective Street and in which such right-of-way is located, and no owner of a portion of the Pillar of Fire property shall be responsible for the conveyance obligations of an owner of any other portion of the Pillar of Fire property and, to such extent, are severable.
6. Lowell Boulevard and 84<sup>th</sup> Avenue. Pillar of Fire shall only be obligated under this Agreement to convey or otherwise dedicate right-of-way along Lowell Boulevard and 84<sup>th</sup> Avenue such width as required to accommodate one-half (1/2) the proposed Street expansion from the currently existing centerline of such Street.
7. Costs. No compensation shall be paid to Pillar of Fire for the conveyances required pursuant to this Agreement. The City will pay any closing or recording costs to complete conveyances by deed. Pillar of Fire shall assume all costs incurred in the preparation of any future final plats that may include the conveyances required by this Agreement.
8. Design. The design of the public improvements shall be determined in the sole discretion of the City. The final location of additional right-of-way will be based upon the City's engineering design requirements subject to paragraphs C (1) above.
9. Development. Nothing in this Agreement shall be construed to eliminate Pillar of Fire's obligation to dedicate right-of-way along the Streets necessary for acceleration and deceleration lanes for access to and from the Pillar of Fire property.

10. Additional Right-of-Way. If Pillar of Fire dedicates right-of-way on the Streets pursuant to this paragraph C, no additional right-of-way for these Streets will be required by the City to be dedicated without compensation in the future.
11. Termination. The obligations of Pillar of Fire with respect to any specific segment shall terminate upon the conveyance of right-of-way for such segment of the Street, and the City agrees to execute, acknowledge and deliver written releases in recordable form, evidencing the satisfaction of the obligations with respect to such segments of the Streets as may be requested by Pillar of Fire from time to time; provided, however, that no such releases shall be required to effectuate the termination of such obligations.

D. This Agreement shall not be construed to create access points or limit access points from Pillar of Fire property to public streets. Access points to the property shall be established during the development review process when the land is developed.

IV. Commencement and Duration:

This Agreement shall terminate when the Pillar of Fire has dedicated to the City approved right-of-way for all of the Streets in accordance with the terms and conditions of this Agreement.

V. Agreements Binding; Run with the Applicable Property.

- A. Subject to paragraph C (5) above, each and every one of the benefits and burdens of this Agreement shall inure to and be binding upon the respective legal representatives, heirs, executors, administrators, successors and assigns of the parties hereto.
- B. This Agreement concerns real property and shall be deemed a covenant running with said property subject to this Agreement. This Agreement shall be recorded in the public records of the Clerk and Recorder of Adams County.

VI. Miscellaneous:

This agreement shall be governed by the laws of the State of Colorado. No verbal promise not specifically set forth in this agreement shall be binding upon the parties.

CITY OF WESTMINSTER

By \_\_\_\_\_  
J. Brent McFall, City Manager

Approved as to legal form:

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

STATE OF COLORADO     )  
  ) ss.  
COUNTY OF ADAMS )

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by  
\_\_\_\_\_ as \_\_\_\_\_ City Manager of the City of Westminster.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

( S E A L )

\_\_\_\_\_  
Notary Public

PILLAR OF FIRE

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

STATE OF COLORADO     )  
  )ss.  
COUNTY OF \_\_\_\_\_)

The foregoing was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2005, by  
\_\_\_\_\_ as \_\_\_\_\_ of Pillar of Fire.

Witness my hand and official seal.

My commission expires: \_\_\_\_\_

( S E A L )

\_\_\_\_\_  
Notary Public

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, February 28, 2005. Mayor McNally, Councillors Davia, Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call.

The minutes of the February 14, 2005 meeting were approved.

Council recognized employees with 20, 25, and 30 years of service and eight area youth selected for the first phase of the Metropolitan Mayors' and Commissioners' Youth Award.

Council approved the following: January 2005 Financial Report; preliminary engineering design contract for Wadsworth Blvd between West 92<sup>nd</sup> and 110<sup>th</sup> Avenues; contract for control of Eurasian Watermilfoil in Standley Lake; first amended PDP for Prospector's Point Condominiums PUD; and fifth amended PDP and ODP for Park Centre PUD.

The following public hearings were held: a public hearing re Prospector's Point Condominiums PUD First Amended PDP and a public hearing re Park Centre Filing 1 5<sup>th</sup> Amended PDP and ODP.

The following Councillors' Bills were passed as emergency ordinances:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: CLUP amendment of Prospector's Point Condominiums PUD

A BILL FOR AN ORDINANCE VACATING VARIOUS RIGHTS-OF-WAY ON PROPERTY OWNED BY THE PILLAR OF FIRE AS DEDICATED ON THE WESTMINSTER PLAT, WESTMINSTER 2<sup>ND</sup> FILING PLAT, THE OBSERVATORY ADDITION TO WESTMINSTER PLAT AND THE GREENBRIER I SUBDIVISION PLAT, ACCEPTING DEDICATIONS FOR WATERLINE EASEMENTS, AND AUTHORIZING AN AGREEMENT FOR FUTURE RIGHT-OF-WAY DEDICATIONS. Purpose: Pillar of Fire right-of-way vacations and agreement

The following Councillors' Bills were adopted on second reading:

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL AND SALES AND USE TAX FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

The following Resolution was adopted:

Resolution No.13 re South Sheridan Urban Renewal Area Boundary Amendment

At 8:10 p.m. the meeting was adjourned

By order of the Westminster City Council

Linda Yeager, MMC, City Clerk

Published in the Westminster Window on March 10, 2005

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL AND SALES AND USE TAX 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 \$27,861 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$82,969,415. 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 transfer of 2004 carryover from the Sales and Use Tax Fund. Additionally, included below is a reallocation of funds between Community Development and the Police Department that do not change the total budget for the General Fund but are shown for informational purposes.

Section 2. The \$27,861 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <b>REVENUE</b>                  |                     | Current Budget | Amendment  | Revised Budget |
|---------------------------------|---------------------|----------------|------------|----------------|
| Description                     | Account Number      |                |            |                |
| Transfer from Sales and Use Tax | 1000.45000.0530     | \$54,910,581   | \$27,861   | \$54,938,442   |
| Total Change to Revenues        |                     |                | \$27,861   |                |
| <b>EXPENSES</b>                 |                     | Current Budget | Amendment  | Revised Budget |
| Description                     | Account Number      |                |            |                |
| Salaries                        | 10030380.60200.0000 | \$1,103,746    | \$(57,700) | \$1,046,046    |
| Salaries                        | 10020500.60200.0348 | 1,475,039      | 67,799     | 1,542,838      |
| Overtime                        | 10020500.60400.0348 | 80,000         | 3,384      | 83,384         |
| Uniforms & Equip                | 10020500.61000.0348 | 6,000          | 1,410      | 7,410          |
| Career Dev                      | 10020500.61800.0348 | 13,400         | 1,300      | 14,700         |
| Lease payments                  | 10020050.67700.0000 | 194,553        | 330        | 194,883        |
| Ref Materials                   | 10020500.71400.0348 | 900            | 200        | 1,100          |
| Software                        | 10020050.75400.0000 | 0              | 2,130      | 2,130          |
| Supplies                        | 10020500.70200.0348 | 5,520          | 600        | 6,120          |
| Other Equip                     | 10020300.76000.0343 | 229,984        | 2,300      | 232,284        |
| Med Ins ER BCBS                 | 10010900.63000.0594 | 3,623,454      | 6,108      | 3,629,562      |
| Total Change to Expenses        |                     |                | \$27,861   |                |

Section 3. The 2005 appropriation for Sales and Use Tax Fund initially appropriated by Ordinance No. 3162 in the amount of \$60,560,581 is hereby increased by \$27,861 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$60,588,442. The actual amount in the Sales and Use Tax 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 change is due to the appropriation of 2004 Public Safety Tax carryover.

Section 4. The \$27,861 increase in the Sales and Use Tax Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| <b>REVENUES</b>          |                     | Current Budget | Amendment | Revised Budget |
|--------------------------|---------------------|----------------|-----------|----------------|
| Description              | Account Number      |                |           |                |
| Carryover                | 5300.40020.0911     | \$428,083      | \$27,861  | \$455,944      |
| Total Change to Revenue  |                     |                | \$27,861  |                |
| <b>EXPENSES</b>          |                     | Current Budget | Amendment | Revised Budget |
| Description              | Account Number      |                |           |                |
| Transfer to GF           | 53010900.79800.0100 | \$54,910,581   | \$27,861  | \$54,938,442   |
| Total Change to Expenses |                     |                | \$27,861  |                |

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. 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 14<sup>th</sup> day of February, 2005. PASSED, ENACTED ON SECOND  
READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of February, 2005.

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$229,775 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$86,868,982. 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 \$229,775 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

| <b>REVENUES</b>          |                     | Current  |                  | Revised   |
|--------------------------|---------------------|----------|------------------|-----------|
| Description              | Account Number      | Budget   | Amendment        | Budget    |
| Federal Grants           | 1000.40610.0000     | \$86,884 | \$17,246         | \$104,130 |
| Bldg Permit Adco         | 1000.40190.0010     | 725,000  | 152,147          | 877,147   |
| Youth Scholarship        | 1000.41030.0528     | 0        | 4,467            | 4,467     |
| Contributions            | 1000.43100.0000     | 35,875   | 1,875            | 37,750    |
| Adult Activities         | 1000.41030.0503     | 850,000  | 53,665           | 903,665   |
| General                  | 1000.43060.0000     | 160,754  | 375              | 161,129   |
| Total Change to Revenues |                     |          | <u>\$229,775</u> |           |
| <b>EXPENSES</b>          |                     | Current  |                  | Revised   |
| Description              | Account Number      | Budget   | Amendment        | Budget    |
| Overtime                 | 10020300.60400.0344 | \$30,136 | \$11,046         | \$41,182  |
| Prof Svcs                | 10020300.65100.0344 | 0        | 1,795            | 1,795     |
| Unif & Equip             | 10020500.61000.0000 | 153,638  | 4,405            | 158,043   |
| Spec Promotions          | 10050760.67600.0528 | 3,322    | 4,467            | 7,789     |
| Prof Svcs                | 10030370.65100.0000 | 50,000   | 152,147          | 202,147   |
| Spec Promotions          | 10030340.67600.0000 | 50,475   | 1,875            | 52,350    |
| Temp Salaries            | 10050760.60600.0504 | 70,400   | 15,000           | 85,400    |
| Prof Services            | 10050760.65100.0504 | 58,770   | 12,760           | 71,530    |
| Temp Salaries            | 10050760.60600.0507 | 30,820   | 6,507            | 37,327    |
| Temp Salaries            | 10050760.60600.0529 | 88,900   | 16,736           | 105,636   |
| Cont Services            | 10050760.67800.0533 | 31,700   | 2,662            | 34,362    |
| Rec Supplies             | 10050760.71200.0017 | 43,700   | 375              | 44,075    |
| Total Change to Expenses |                     |          | <u>\$229,775</u> |           |

Section 3. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$187,296 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$20,479,958. 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 \$187,296 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

| <b>REVENUES</b> |                 | Current |           | Revised  |
|-----------------|-----------------|---------|-----------|----------|
| Description     | Account Number  | Budget  | Amendment | Budget   |
| Jeffco Revenue  | 7500.40640.0020 | \$0     | \$50,000  | \$50,000 |
| General Misc    | 7500.43060.0000 | 0       | 86,125    | 86,125   |
| General Misc    | 7501.43060.0000 | 0       | 50        | 50       |

|   |                        |           |                  |           |
|---|------------------------|-----------|------------------|-----------|
| Contributions                                 | 7500.43100.0000        | 1,541,750 | 1,121            | 1,542,871 |
| Transfer from WEDA                            | 7500.45000.0680        | 0         | <u>50,000</u>    | 50,000    |
| Total Change to Revenue                       |                        |           | <u>\$187,296</u> |           |
| <b>EXPENSES</b>                               |                        | Current   |                  | Revised   |
| Description                                   | Account Number         | Budget    | Amendment        | Budget    |
| Traffic Signals                               | 80175030143.80400.8888 | \$284,177 | \$86,125         | \$370,302 |
| Walker Bldg                                   | 80175012022.80400.8888 | 316,000   | 1,121            | 317,121   |
| CP Skateboard Park                            | 80375050326.80400.8888 | 394,900   | 50               | 394,950   |
| Retail Services                               | 80275030527.80400.8888 | 450,000   | 50,000           | 500,000   |
| Old Wads 92 <sup>nd</sup> – 108 <sup>th</sup> | 80575030401.80400.8888 | 0         | <u>50,000</u>    | 50,000    |
| Total Change to Expenses                      |                        |           | <u>\$187,296</u> |           |

Section 5. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$220,000 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$8,066,631. The actual amount in the Open Space 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 the receipt of a grant to assist in the purchase of open space.

Section 6. The \$220,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

|                          |                     |             |                  |             |
|--------------------------|---------------------|-------------|------------------|-------------|
| <b>REVENUES</b>          |                     | Current     |                  | Revised     |
| Description              | Account Number      | Budget      | Amendment        | Budget      |
| Other District           | 5400.40510.0000     | \$0         | <u>\$220,000</u> | \$220,000   |
| Total Changes to Revenue |                     |             | <u>\$220,000</u> |             |
| <b>EXPENSES</b>          |                     | Current     |                  | Revised     |
| Description              | Account Number      | Budget      | Amendment        | Budget      |
| Land Purchases           | 54010900.76600.0000 | \$4,167,287 | <u>\$220,000</u> | \$4,387,287 |
| Total Change to Expenses |                     |             | <u>\$220,000</u> |             |

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$38,281,200 is hereby increased by \$327,400 which, when added to the fund balance as of the City Council action on February 14, 2005 will equal \$48,321,025. The actual amount in the Utility 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 the receipt of a fee paid by Huntington Trails, Inc for opting out of the reclaimed water system.

Section 8. The \$327,400 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

|                          |                        |             |                  |             |
|--------------------------|------------------------|-------------|------------------|-------------|
| <b>REVENUES</b>          |                        | Current     |                  | Revised     |
| Description              | Account Number         | Budget      | Amendment        | Budget      |
| Water Tap                | 2000.40720.0027        | \$3,500,000 | <u>\$327,400</u> | \$4,177,400 |
| Total Change to Revenue  |                        |             | <u>\$327,400</u> |             |
| <b>EXPENSES</b>          |                        | Current     |                  | Revised     |
| Description              | Account Number         | Budget      | Amendment        | Budget      |
| Water Purchases          | 80120035039.80400.8888 | \$1,407,098 | <u>\$327,400</u> | \$1,734,498 |
| Total Change to Expenses |                        |             | <u>\$327,400</u> |             |

Section 9. – 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 10. This ordinance shall take effect upon its passage after the second reading.

Section 11. 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 14<sup>th</sup> day of February, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of February, 2005.



SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Dittman - Davia**

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, an amendment of the Plan is necessary to provide a reasonable parcel of land for hospital, medical office and related medical uses in the Public/Quasi Public land use designation of the Plan; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council; and

WHEREAS, the existing land use designation is "R-18 Residential"; and

WHEREAS, the desired land use designation is "Public/Quasi-Public"; and

WHEREAS, City Council finds that the requested amendment will be in the public good and in compliance with the overall purpose and intent of the Westminster Comprehensive Land Use Plan and not merely to afford the applicant a more profitable use of its property.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Pillar of Fire Property from "R-18 Residential" to "Public/Quasi-Public", legally described as follows:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO. BASIS OF BEARINGS: BEARINGS ARE BASED ON THE ASSUMPTION THAT THE SOUTH LINE OF SAID NORTHEAST QUARTER OF SECTION 29 BEARS N 89°53'56" E AND MONUMENTED AS FOLLOWS: THE CENTER QUARTER CORNER OF WHICH BEING A 3.25" ALUMINUM CAP, L.S. 12111. THE EAST QUARTER CORNER OF WHICH BEING A 2.5" ALUMINUM CAP, L.S. 27936. COMMENCING AT SAID CENTER QUARTER CORNER OF SECTION 29; THENCE N 89°53'56" E ALONG SAID SOUTH LINE OF THE NORTHEAST QUARTER OF SECTION 29 A DISTANCE OF 707.48 FEET; THENCE N 01°01'13" W A DISTANCE OF 50.01 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 84TH AVENUE, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF THAT PARCEL OF LAND RECORDED AT BOOK 2446, PAGE 675, ADAMS COUNTY PUBLIC RECORDS; THENCE N 01°01'13" W ALONG THE EASTERLY LINE OF SAID PARCEL OF LAND RECORDED AT BOOK 2446, PAGE 675 A DISTANCE OF 329.95 FEET TO A POINT ON THE SOUTHERLY LINE OF BLOCK 1, PROSPECTOR'S POINT AMENDED, A SUBDIVISION RECORDED AT FILE 14, PAGE 604, ADAMS COUNTY PUBLIC RECORDS; THENCE N 89°53'56" E ALONG SAID SOUTHERLY LINE A DISTANCE OF 431.60 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CLAY STREET; THENCE ALONG SAID WESTERLY RIGHT-OF-WAY AND NORTHERLY RIGHT-OF-WAY OF WEST 85TH AVENUE THE FOLLOWING TWO (2) COURSES: 1) N 01°18'54" W A DISTANCE OF 30.00 FEET; 2) N 89°53'56" E A DISTANCE OF 30.00 FEET TO THE MOST EASTERLY SOUTHEAST CORNER OF SAID BLOCK 1, PROSPECTOR'S POINT AMENDED, A SUBDIVISION RECORDED AT FILE 14, PAGE 604, ADAMS COUNTY PUBLIC RECORDS, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE N 01°18'54" W ALONG THE EASTERLY LINE OF SAID BLOCK 1 AND THE EXTENSION THEREOF A DISTANCE OF 1061.55 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF CLAY STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES: 1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE LONG CHORD BEARS N 14°34'20" E A DISTANCE OF 91.33 FEET, HAVING A RADIUS OF 166.81 FEET, A DELTA OF 31°46'28", AND AN ARC LENGTH OF 92.51 FEET; 2) N 01°18'54" W A DISTANCE OF 202.63 FEET; TO A POINT HEREINAFTER REFERRED TO AS POINT 'A'. THENCE N 88°57'26" E A DISTANCE

OF 524.40 FEET TO A POINT ON THE WESTERLY LINE OF LOT 1, BLOCK 1 GREENBRIER MOBILE HOME PARK, A SUBDIVISION RECORDED AT FILE 12, MAP 256 ADAMS COUNTY PUBLIC RECORDS; THENCE ALONG SAID WESTERLY LINE OF LOT 1, BLOCK 1, GREENBRIER MOBILE HOME PARK THE FOLLOWING TWO (2) COURSES: 1) ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT WHOSE LONG CHORD BEARS S 09°03'40" E A DISTANCE OF 645.67 FEET, HAVING A RADIUS OF 605.00 FEET, A DELTA OF 64°30'00" AND AN ARC LENGTH OF 681.07 FEET; 2) ALONG THE ARC OF A CURVE TO THE LEFT WHOSE LONG CHORD BEARS S 46°17'57" E A DISTANCE OF 327.80 FEET, HAVING A RADIUS OF 1885.00 FEET, A DELTA OF 09°58'35", AND AN ARC LENGTH OF 328.22 FEET TO THE NORTHERLY CORNER OF LOT 1, MEDICAL PLAZA NORTH SUBDIVISION, A SUBDIVISION RECORDED AT FILE 16, MAP 145, ADAMS COUNTY PUBLIC RECORDS; THENCE S 36°41'06" W ALONG THE NORTHWESTERLY LINE OF SAID LOT 1 A DISTANCE OF 126.01 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF ALCOTT STREET; THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE AND THE EXTENSION THEREOF THE FOLLOWING THREE (3) COURSES: 1) N 53°18'54" W A DISTANCE OF 331.22 FEET; 2) ALONG THE ARC OF A CURVE TO THE LEFT WHOSE LONG CHORD BEARS N 71°42'25" W A DISTANCE OF 82.03 FEET, HAVING A RADIUS OF 130.00 FEET, A DELTA OF 36°47'02", AND AN ARC LENGTH OF 83.46 FEET; 3) S 89°53'56" W A DISTANCE OF 98.88 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY OF BRYANT STREET; THENCE S 01°18'54" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 622.31 FEET TO A POINT ON SAID NORTHERLY RIGHT-OF-WAY LINE OF WEST 85TH AVENUE; THENCE S 89°53'53" W ALONG SAID NORTHERLY RIGHT-OF-WAY A DISTANCE OF 350.08 FEET TO THE POINT OF BEGINNING. THE ABOVE DESCRIBED PARCEL CONTAINS 653,400 S.F. OR 15.0000 ACRES MORE OR LESS.

Section 2. Severability. 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 deemed unenforceable shall not affect any of the remaining provisions.

Section 3. Because an amendment to the City's Comprehensive Land Use Plan to change the designated land use from R-18 Residential to Public-Quasi Public for the described parcel of the Pillar of Fire property in Westminster is a condition to the sale of the land needed by St. Anthony's North Hospital for its expansion, and because this amendment to the Westminster Comprehensive Land Use Plan must occur on or before the agreed upon closing deadline between the buyer and the seller, and because the failure to close this sale could jeopardize the retention and expansion of the only hospital facility in the City, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 28, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28<sup>th</sup> day of February, 2005.

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Kauffman - Hicks**

A BILL FOR AN ORDINANCE VACATING VARIOUS RIGHTS-OF-WAY ON PROPERTY OWNED BY THE PILLAR OF FIRE AS DEDICATED ON THE WESTMINSTER PLAT, WESTMINSTER 2<sup>ND</sup> FILING PLAT, THE OBSERVATORY ADDITION TO WESTMINSTER PLAT AND THE GREENBRIER I SUBDIVISION PLAT, ACCEPTING DEDICATIONS FOR WATERLINE EASEMENTS, AND AUTHORIZING AN AGREEMENT FOR FUTURE RIGHT-OF-WAY DEDICATIONS.

WHEREAS, certain rights-of-way were dedicated on the final plats for Westminster (Book 3, Page 46), Westminster 2<sup>nd</sup> Filing (Book 1, Page 26), The Observatory Addition to Westminster (Book 3 Page 92), and the Greenbrier I Subdivision (Plat File 12, Map 26), all from Adams County Public Records; and

WHEREAS, those rights-of-way are no longer needed to serve the public access purpose for which they were originally intended; and

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

WHEREAS, future rights-of-way and easements will be dedicated during such time as the property is developed; and

WHEREAS, the Pillar of Fire has signed an Agreement that enables the City to acquire additional right-of-way as necessary from Pillar of Fire without compensation for any City street improvement project.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes the City Manager to sign the Agreement to Vacate Existing Right-of-Way attached as Exhibit A hereto and incorporated herein by reference.

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

Section 3. Legal Descriptions of Rights-of-Way, as attached on Exhibit B 1 through 19.

Section 4: The City Council reserves, pursuant to § 43-2-303(3), C.R.S., and accepts the easement dedication for existing utility lines, attached as Exhibit C hereto.

Section 5. Because the vacation of the rights-of-way within the Pillar of Fire property in Westminster is a condition to the sale of the land needed by St. Anthony's North Hospital for its expansion, and because this vacation must occur on or before the agreed upon closing deadline between the buyer and the seller, and because the failure to close this sale could jeopardize the retention and expansion of the only hospital facility in the City, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on February 28, 2005, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented, and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 6. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28<sup>th</sup> day of February, 2005.