



CITY COUNCIL AGENDA

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

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

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

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

8. Consent Agenda
 - A. Purchase of Ambulance for 2008
 - B. Purchase of Six Light Duty Vehicles
 - C. Purchase of Hybrid Passenger Sedans
 - D. Purchase of Water Treatment Chemicals
 - E. Purchase of Excess Workers' Compensation Insurance
 - F. Bluegrass and Right-of-Way Mowing Contract
 - G. Westminster Sports Center Roof Restoration Contract
 - H. 2008 Concrete Replacement Project Contract Renewal
 - I. Nottingham Park Playground Renovation Contract Awards
 - J. Special Legal Services Contract re Neumann Homes of Colorado LLC
 - K. Semper Water Treatment Facility 2008 Facility Improvements Engineering Services Contract
 - L. Table Mountain Animal Center Annual Assessment
 - M. First Amendment to Agreement Regarding Shoenberg Farm Buildings
 - N. Second Reading Councillor's Bill No. 4 re Rezoning from Open District to PUD for the Savory Farm Estates PUD
 - O. Second Reading Councillor's Bill No. 5 re Amendment to the CLUP for the North I-25 District Center
 - P. Second Reading Councillor's Bill No. 6 re 2007 4th Quarter Budget Supplemental Appropriation
 - Q. Second Reading Councillor's Bill No. 7 re Lease of Open Space Property to Doulos Ministries
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re Application to Designate the Dudley C. Shoenberg Memorial Farm as a Local Historic Landmark
 - B. Councillor's Bill No. 11 re Designating the Dudley C. Shoenberg Memorial Farm as a Local Historic Landmark
 - C. Resolution No. 16 re Right-of-Way Acquisition for Lowell Boulevard Improvements
 - D. Resolution No. 17 re Awarding Category B-2 Service Commitments to the Country Club Highlands East Project
 - E. Resolution No. 18 re Awarding Category E Service Commitments to the Crown Point Senior Housing Project
 - F. Resolution No. 19 re Awarding Category B-4 Service Commitments to the East Bradburn Development

11. Old Business and Passage of Ordinances on Second Reading

- A. Public Hearing re Fonay Annexation, CLUP Amendment, Rezoning, 6th Amended PDP for North Huron PUD
- B. Remove Items 11C through 11G from the Table re Fonay Annexation, CLUP Amendment, Rezoning, and PDP
- C. Councillor’s Bill No. 9 re CLUP Amendment re Fonay Property and Bull Canal Right-of-Way
- D. Councillor’s Bill No. 10 re Rezoning the Fonay Property and Bull Canal Right-of-Way from A-3 to PUD
- E. 6th Amended Preliminary Development Plan for the North Huron PUD inclusive of the Fonay Property
- F. Resolution No. 15 re Annexation Finding re Fonay Property and Bull Canal Right-of-Way
- G. Councillor’s Bill No. 8 re Annexation of the Fonay Property and Bull Canal Right-of-Way

12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session

- A. City Council

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

A. The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.

B. Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.

C. The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.

D. The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.

E. When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.

F. City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;

G. The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);

H. Staff presents any additional clarification necessary and states the Planning Commission recommendation;

I. All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.

J. Final comments/rebuttal received from property owner;

K. Final comments from City Staff and Staff recommendation.

L. Public hearing is closed.

M. If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MARCH 17, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Dittman and Councillors Briggs, Kaiser, Lindsey, Major, and Winter were present at roll call. J. Brent McFall, City Manager, Jane Greenfield, Assistant City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Major, to approve the minutes of the regular meeting of February 25, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that the long-awaited grand opening of The Orchard Town Center was rapidly approaching during the first week of April. He reminded everyone of the Prints of Pride that could be purchased for a \$60 contribution, proceeds from which would benefit the Westminster Legacy Foundation. Many activities were scheduled, including the Mayor presiding over the 10 a.m. April 3 Ribbon Cutting Ceremony. He urged everyone to participate in grand opening activities and to enjoy shopping, playing, and dining at The Orchard Town Center.

CITY COUNCIL COMMENTS

Councillor Briggs reported that all members of City Council had attended the National League of Cities Annual Conference in Washington, DC. The focus of many discussions had been the transportation crisis and funding sources for nationwide roadway construction and maintenance. He had spent an extra day in Washington following the conference to learn about railway and TOD's (transit-oriented developments).

Councillor Major reported having toured The Orchard Town Center over the weekend. The new commercial area had something for everyone from outdoor play areas, to fire pits, to fountain and landscape features, to a wide variety of restaurants, and lots of new shopping opportunities. He looked forward to the grand opening activities and marveled at the outstanding design of the buildings and layout of the facilities.

Councillor Lindsey echoed comments about the value of attending the National League of Cities Annual Conference and the range of topics presented. She, too, had toured The Orchard Town Center over the weekend and was excited about the forthcoming grand opening.

Councillor Winter commented that the full Council presented a strong, united delegation in meetings with federal elected representatives while in Washington, DC. They lobbied for increased transportation and CDBG (Community Development Block Grant) funding, issues of local control and Internet taxes. After returning home she had attended an exciting Fire vs. Police Department hockey game and hoped the Colorado Avalanche had not drafted any of the City's public safety officers.

Mayor McNally also had toured The Orchard Town Center and was impressed with the detailed features of the project design. Everything had a purpose, there was something for everyone, and it would be a valued community asset for years to come.

EMPLOYEE SERVICE AWARDS

Mayor Pro Tem Dittman presented certificates and pins for 30 years of service to Jerry Calabrese, Lonnie Coxsey, Jerry Magnetti, Steve McDuff, Mike Schafer, Vicky Sisto, and Mike Ziegler. Mayor McNally presented a certificate and pin for 35 years of service to Charlie Johnson and thanked all of the employees for their decades of contributions and dedication to the community.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the purchase of a Med Tec ambulance from Front Range Fire Apparatus in an amount not to exceed \$123,500; award the State of Colorado Bid for six General Motors light-duty vehicles to Dallenbach Motors for \$134,100; award the State of Colorado Bid for three passenger sedan hybrid vehicles to Go Toyota Scion for \$63,489; Award the bids for the purchase of Ferric Chloride to PVS Technologies, Caustic Soda and Sodium Hypochlorite to DPC Industries, and, based on the report and recommendation of the City Manager, determine that the public interest would best be served by awarding 15% of the annual usage of Sodium Hypochlorite to Treatment Technology, recognizing that the unit prices indicated on the bid tabulation for the three chemicals were for purchases on an as-needed basis up to a maximum of \$536,100; based on the report and recommendation of the City Manager, determine that the public interest would be best served by authorizing the purchase of Workers' Compensation Excess insurance for \$72,367 from Midwest Employers Casualty Company; authorize the City Manager to execute a contract for the City's bluegrass and right-of-way mowing, with options for two additional one-year renewals in 2009 and 2010, with Schultz Industries, Inc., the low bidder, in the amount of \$374,750; authorize the City Manager to execute a contract with Black Roofing Company, Inc. in the amount of \$129,285 for roof restoration at the City's Westminster Sports Center and authorize a \$10,000 contingency bringing the total project budget to \$139,285; authorize the City Manager to execute a renewal of the current concrete replacement project contract with Keene Concrete, Inc. for the 2008 calendar year in the amount of \$636,257 and authorize a contingency of \$56,126 for a total project budget of \$692,383; authorize the City Manager to execute a \$79,070.40 contract with Gametime for the supply, delivery, and installation of selected playground equipment and a \$50,869 contract with Imagination Playground Surfacing for the installation of playground safety surfacing, and authorize a \$12,994 contingency equal to 10% of the total contract costs; authorize the City Manager to sign a contract for legal services with Barnes & Thornburg LLP to serve as local special legal counsel in Chicago to assist with the recovery of the City's claim for use tax and utilities charges in connection with the Neumann Homes of Colorado, LLC, bankruptcy litigation; based on recommendation of the City Manager, find that the public interest would best be served by accepting the proposal of Boyle Engineering in the amount of \$135,796 to provide engineering design services of the necessary improvements to the Semper Water Treatment Facility and authorize a \$13,500 contingency; authorize payment of \$76,915.09 to Table Mountain Animal Center for the City's 2008 assessment for animal shelter services; authorize the City Manager to execute the First Amendment to the Agreement Regarding Shoenberg Farm Buildings in substantially the same form as the document attached to the agenda memorandum; pass on second reading Councillor's Bill No. 4 approving a rezone from Open District to Planned Unit Development for Savory Farm Estates Planned Unit Development; pass on second reading Councillor's Bill No. 5 amending the Comprehensive Land Use Plan for a subarea of the North I-25 District Center consisting of a map and related descriptive text; pass on second reading Councillor's Bill No. 6 providing for supplementary appropriations to the 2007 budget for the General, Storm Drainage, POST, WEDA, General Capital Improvement, CDBG, and Debt Service Funds; and pass on second reading Councillor's Bill No. 7 authorizing the execution of a 10-month lease, in substantially the same form as the document attached to the agenda memorandum, for the Doulos Ministries property located at 12550 Zuni Street.

Mayor McNally inquired if any member of Council wished to remove an item from the consent agenda for individual consideration. Councillor Major asked that Agenda Item 8F be removed from the consent agenda.

It was moved by Councillor Major, seconded by Councillor Kaiser, to approve all items on the consent agenda except Item 8F. The motion passed with all Council members voting yes.

CONTRACT AWARD FOR BLUEGRASS AND RIGHT-OF-WAY MOWING

Councillor Kaiser announced that he had a possible conflict of interest and would abstain from considering and voting on this matter.

It was moved by Councillor Major, seconded by Mayor Pro Tem Dittman, to authorize the City Manager to execute a \$374,750 contract containing two 1-year renewal options for 2009 and 2010 with Schultz Industries, Inc., the low bidder, for the City's bluegrass and right-of-way mowing. The motion passed with six Council members voting yes and Councillor Kaiser abstaining.

RESOLUTION NO. 16 RE RIGHT-OF-WAY ACQUISITION FOR LOWELL BLVD. IMPROVEMENTS

On roll call vote a motion made by Mayor Pro Tem Dittman, seconded by Councillor Major, passed unanimously and adopted Resolution No. 16 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for Lowell Boulevard Improvements, including the use of eminent domain, if necessary, and authorizing a total expenditure of \$50,000 to acquire the necessary property interests.

RESOLUTION NO. 17 AWARDED CATEGORY B-2 SERVICE COMMITMENTS

It was moved by Councillor Briggs, seconded by Councillor Major, to adopt Resolution No. 17 awarding Category B-2 Service Commitments to the Country Club Highlands East Project. At roll call, the motion passed unanimously.

RESOLUTION NO. 18 AWARDED CATEGORY E SERVICE COMMITMENTS

Councillor Briggs moved to adopt Resolution No. 18 awarding Category E Service Commitments to the Crown Point senior housing project. Councillor Major seconded the motion, which passed unanimously at roll call.

RESOLUTION NO. 19 AWARDED CATEGORY B-4 SERVICE COMMITMENTS

Upon a motion by Councillor Briggs, seconded by Councillor Major, the Council voted unanimously on roll call vote to adopt Resolution No. 19 awarding Category B-4 Service Commitments to the East Bradburn traditional mixed use neighborhood development.

PUBLIC HEARING RE DESIGNATION OF HISTORIC LANDMARK AT SHOENBERG FARM

At 7:34 p.m., Mayor McNally opened a public hearing to consider an application to designate Lots 5 and 14A of the Dudley C. Shoenberg Memorial Farm as a local historic landmark. Vicky Bunsen, Community Development Programs Coordinator, provided background information concerning the history of the Shoenberg Farm with a PowerPoint presentation of the current condition of buildings, their historic features, and their current and proposed location on the lots. The building and structures to be preserved and designated historic landmarks were significant because of their architecture and their associations with persons, events, and heritage in the Denver metropolitan area and Colorado history. Structures to be designated included the 1911 Superintendent's residence; the 1911 brick garage; the 1911 brick milk and ice house; the 1911 pumphouse; the 1911 brick dairy barn; the 1911 wood stave silo; and the 1950 poured concrete silo. All were within Lots 5 and 14A proposed for purchase by the City. Notice of this hearing had been published in the *Westminster Window* and the property posted to notify passersby. The Historic Landmark Board had reviewed the application and voted to recommend approval of the historic landmark designation. The agenda memorandum and attached documents were made part of the record.

Mayor McNally invited public testimony. Kaaren Hardy, 5133 West 73rd Avenue, and April Lubert, 3406 West 111th Drive, both members of the Historic Landmark Board voiced passionate support of the historic landmark designation and urged Council's approval.

During Council discussion, Ms. Bunsen confirmed that Dudley C. Shoenberg, the son of Louis Shoenberg, had died of tuberculosis at the age of 12. Councillors spoke of the historic significance of the farm to the City, region, and the state. After all questions were answered and comments offered, Mayor McNally closed the public hearing at 8:00 p.m.

COUNCILLOR'S BILL NO. 11 DUDLEY C. SHOENBERG MEMORIAL FARM HISTORIC LANDMARK

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to pass Councillor's Bill No. 11 on first reading to designate Lots 5 and 14A of the Dudley C. Shoenberg Memorial Farm as a Local Historic Landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. At roll call, the motion passed unanimously.

PUBLIC HEARING RE FONAY ANNEXATION, CLUP AMENDMENT, REZONE, 6TH AMENDED PDP

At 8:02 p.m., the Mayor opened a public hearing to consider the annexation, Comprehensive Land Use Plan amendment, and rezone of the Fonay property and Bull Canal right-of-way, and the 6th Amended Preliminary Development Plan for the North Huron PUD. David Shinneman, Planning Manager, introduced the public hearing providing background information. He entered the agenda memorandum and attendant documents in the record and advised that the notice of hearing had been published, the property posted, and neighboring landowners within 300 feet notified of this proposal according to the procedure contained in the Westminster Municipal Code. The Fonay property and Bull Canal right-of-way was 72.594 acres in size and was located in unincorporated Adams County between I-25 and Huron Street south of the West 142nd Avenue alignment.

Fred Cooke testified on behalf of all property owners. The proposed development was a key component in completing the north boundary of the City. There was a historic barn, held together with wooden pegs rather than nails, on the property that they were trying to move and preserve. Uses on the property were identified, the major one being a new Centura healthcare facility. Neighboring landowners were very supportive of the use and the fact that the area residents would benefit from the services. Adequate rights-of-way to handle traffic volume established via a traffic study would be dedicated.

In conclusion, Mr. Shinneman advised that the Planning Commission had reviewed this proposal and had voted to recommend approval.

No others wished to testify and all questions of Council had been answered. The Mayor closed the hearing at 8:14 p.m.

ITEMS 11C THROUGH 11G REMOVED FROM THE TABLE

Councillor Briggs moved to remove from the table Items 11C through 11G concerning the Fonay annexation, CLUP amendment, rezone, and PDP. Mayor Pro Tem Dittman seconded the motion and it passed unanimously.

COUNCILLOR'S BILL NO. 9 RE CLUP AMENDMENT FOR FONAY PROPERTY/BULL CANAL ROW

Councillor Briggs moved to pass, as an emergency ordinance, Councillor's Bill No. 9 approving the Comprehensive Land Use Plan amendment for the Fonay property and Bull Canal right-of-way designating the property "District Center," effective upon the adoption of Councillor's Bill No. 8 annexing the property. Councillor Briggs' motion was based on finding that the proposed amendment would be in the public good and that there was justification for the proposed change and the Plan was in need of revision as proposed; the proposed amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; the proposed amendment was compatible with existing and planned surrounding land uses; and the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems. Councillor Major seconded the motion, and on roll call vote, the motion passed unanimously.

COUNCILLOR'S BILL NO. 10 TO REZONE FONAY PROPERTY/BULL CANAL ROW

It was moved by Councillor Briggs, seconded by Councillor Major, to pass Councillor's Bill No. 10 as an emergency ordinance to rezone the Fonay property and Bull Canal right-of-way from Adams County A-3 to City of Westminster Planned Unit Development, effective upon passage of Councillor's Bill No. 8 annexing the property. This action was based on finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code had been met. At roll call, the motion passed unanimously.

SIXTH AMENDED PDP FOR NORTH HURON PUD (INCLUDING FONAY PROPERTY)

Councillor Briggs moved to approve the Sixth Amended Preliminary Development Plan for the North Huron Planned Unit Development (including the Fonay property), effective upon passage of Councillor's Bill No. 8 annexing the property and based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met. Councillor Major seconded the motion and it carried unanimously.

RESOLUTION NO. 15 MAKING FINDINGS RE FONAY PROPERTY/BULL CANAL ROW ANNEXATION

It was moved by Councillor Briggs and seconded by Councillor Major to adopt Resolution No. 15 making certain findings of fact as required under Section 31-12-110 C.R.S. regarding the Fonay property and Bull Canal right-of-way annexation. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 8 ANNEXING THE FONAY PROPERTY/BULL CANAL ROW

Councillor Briggs moved to pass Councillor's Bill No. 8 as an emergency ordinance annexing the Fonay property and the Bull Canal right-of-way to the City of Westminster. Councillor Major seconded the motion, which passed unanimously on roll call vote.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 8:19 p.m.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the City of Westminster City Council meeting of Monday, March 17, 2008. Mayor McNally, Mayor Pro Tem Dittman, and Councillors Briggs, Kaiser, Lindsey, Major, and Winter were present at roll call.

The minutes of the regular meeting of February 25, 2008, were approved as presented.

Council presented length of service awards to employees celebrating 30 and 35 years of tenure with the City, thanking them for their years of dedication and contributions.

Council approved the following: purchase of an ambulance for 2008; purchase of 6 light-duty vehicles; purchase of hybrid passenger sedans; purchase of water treatment chemicals; purchase of excess Workers' Compensation Insurance; Bluegrass and ROW mowing contract; Westminster Sports Center roof restoration contract; 2008 Concrete Replacement Project contract renewal; Nottingham Park Playground Renovation contract awards; special legal services contract re Neumann Homes of Colorado LLC; Semper Water Treatment Facility 2008 facility improvements engineering services contract; Table Mountain Animal Center annual assessment; first amendment to agreement regarding Shoenberg Farm Buildings; 6th amended PDP for the North Huron PUD inclusive of the Fonay Property; final passage of Councillor's Bill No. 4 re rezoning from Open District to PUD for the Savory Farm Estates PUD; final passage of Councillor's Bill No. 5 re CLUP amendment for the North I-25 District Center; final passage of Councillor's Bill No. 6 re 2007 4th quarter budget supplemental appropriation; and final passage of Councillor's Bill No. 7 re lease of open space property to Doulos Ministries.

Council conducted public hearings to consider an application to designate the Dudley C. Shoenberg Memorial Farm a local historic landmark and to consider the Fonay annexation, CLUP amendment, rezone, and 6th amended PDP for North Huron PUD.

Council removed from the table Resolution No. 15 re annexation finding on Fonay property and Bull Canal right-of-way; Councillor's Bill No. 8 re annexation of the Fonay property and Bull Canal right-of-way; Councillor's Bill No. 9 re CLUP Amendment for Fonay property and Bull Canal right-of-way; Councillor's Bill No. 10 rezoning the Fonay property and Bull Canal right-of-way from A-3 to PUD; and the 6th Amended PDP for the North Huron PUD that includes the Fonay property.

Council adopted the following Resolutions: Resolution No. 15 making annexation findings re Fonay property and Bull Canal right-of-way; Resolution No. 16 re right-of-way acquisition for Lowell Boulevard Improvements; Resolution No. 17 re awarding Category B-2 Service Commitments to the Country Club Highlands East Project; Resolution No. 18 re awarding Category E Service Commitments to the Crown Point Senior Housing Project; and Resolution No. 19 re awarding Category B-4 Service Commitments to the East Bradburn Development.

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

A BILL FOR AN ORDINANCE DESIGNATING LOTS 5 AND 14A OF THE DUDLEY C. SHOENBERG MEMORIAL FARM AS A LOCAL HISTORIC LANDMARK. Purpose: designate Lots 5 and 14A of the Dudley C. Shoenberg Memorial Farm as local historic landmarks.

The following Councillor's Bills were adopted as emergency ordinances:

A BILL FOR AN EMERGENCY ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: CLUP amendment for Fonay property and Bull Canal ROW designating the property District Center.

A BILL FOR AN EMERGENCY ORDINANCE AMENDING THE ZONING OF THE FONAY PROPERTY LOCATED AT THE SOUTHEAST CORNER OF HURON STREET AND THE WEST 142ND AVENUE ALIGNMENT, ADAMS COUNTY, COLORADO, FROM ADAMS COUNTY A-3 TO PLANNED UNIT DEVELOPMENT. Purpose: rezoning Fonay property and Bull Canal ROW from Adams County A-3 to PUD.

A BILL FOR AN EMERGENCY ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., ADAMS COUNTY, COLORADO. Purpose: annexing the Fonay property and Bull Canal ROW.

The meeting adjourned at 8:19 p.m.

By order of the Westminster City Council

Linda Yeager, MMC, City Clerk

Published in the Westminster Window on March 27, 2008

**A BILL
FOR AN ORDINANCE AMENDING THE ZONING OF THE 8.133 ACRE SAVORY FARM
ESTATES PUD SITE ON THE EAST SIDE OF FEDERAL BOULEVARD AT
APPROXIMATELY 109TH AVENUE, ADAMS COUNTY, COLORADO FROM O-1 TO PUD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located east of Federal Boulevard at approximately 109th Avenue, as described in attached Exhibit A, from the O-1 zone to the PUD zone, has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008 and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in Exhibit A, attached hereto and incorporated herein by reference, from the O-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit B, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of February, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 2008.

**Exhibit A
Legal Description
109th & Federal Blvd.**

Description for the Ten Eyck Parcel:

A tract of land located in the Northeast Quarter of Section 8, Township 2 South, Range 68 West of the 6th Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Considering the West line of the Northeast Quarter of said Section 8 as bearing, South 00°28'38" East, from an aluminum cap in a range box at the North Quarter corner of said Section 8 to an aluminum cap in a range box at the Southwest corner of said Northeast Quarter and with all bearings contained herein relative thereto:

Commencing at the North Quarter corner of said Section 8; thence along the West line of said Northeast Quarter, South 00°28'38" East, 1320.80 feet; thence, North 89°04'40" East, 50.00 feet to a point on the East Right-of-Way line of North Federal Boulevard and on the South line of Federal Square P.U.D., said point being the POINT OF BEGINNING; thence, continuing along said South line, North 89°04'40" East, 449.95 feet to the Northwest corner of Parcel 1 of the City of Westminster Golf Course and Open Space Areas; thence, along the West line of said Parcel 1, South 00°55'20" East, 754.94 feet; thence, South 39°13'24" West, 70.82 feet to a point on the North line of Parcel 3 of the City of Westminster Golf Course and Open Space Areas; thence, along said North line, North 80°46'36" West, 416.52 feet to a point on the East Right-of-Way line of North Federal Boulevard; thence, along said East line, North 06°11'16" West,

100.50 feet; thence, North 00°28'38" West, 300.00 feet; thence, North 05°15'32" East, 100.05 feet; thence, North 00°28'38" West, 236.18 feet to the Point of Beginning.

The above described tract contains 8.133 acres more or less and is subject to all easements, rights-of-ways and restrictions now on record of existing.

For tax purposes this property is known by the following Adams County Property Identification Number 171908100018 and Schedule Number R0033614. This property is also known as 10900 North Federal Boulevard, Westminster, Colorado 80030.

Exhibit B was not published and is available for public inspection in the City Clerk's Office as an attachment to Ordinance 3399.

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN FOR THE NORTH I-25 DISTRICT CENTER**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been prepared by the City of Westminster for approval pursuant to W.M.C. §11-4-16(D), for the properties shown in color on the map in attached Exhibit A, and for the accompanying descriptive text in Exhibit B, both exhibits incorporated herein by reference, requesting a change in the proposed uses for the North I-25 District Center, and requesting a change in the descriptive text for the properties in a subarea of the North I-25 District Center. The subarea of approximately 600 acres is bounded on the north by the alignment of 150th Avenue at the Broomfield City limit. The west boundary is Huron Street and the east boundary is Interstate 25. The south boundary is at approximately the alignment of 134th Avenue (the south boundary of the Interchange Business Center PDP that contains the Wal-Mart site).

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the requested amendments will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly that the amendments will more accurately show proposed and approved land use patterns in this subarea of the North I-25 District Center, and that the amendments will more accurately describe the City's updated vision for this subarea of the North I-25 District Center.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the text of the Westminster Comprehensive Land Use Plan as reflected in the attached Exhibits A and B.

Section 3. 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 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of February, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 2008.

Exhibits A & B were not published but are available for public inspection in the City Clerk's Office.

A BILL
FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL, STORM DRAINAGE, POST, WEDA, GENERAL CAPITAL IMPROVEMENT, CDBG, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the General, Storm Drainage, POST, WEDA, General Capital Improvement, CDBG, and Debt Service Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$27,147,189. This appropriation is due to the receipt of interest earnings, sponsorship funds, grants, recycling proceeds, building permit fees, reimbursements, program revenues, energy rebates, bond issuance proceeds, recycling proceeds, cash-in-lieu payment, and funds transfer.

Section 2. The \$27,147,189 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item # dated February 25, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$475,350
Storm Drainage Fund	\$6,149
POST Fund	\$7,967,589
WEDA Fund	\$285,500
General Capital Improvement Fund	\$7,192,774
CDBG Fund	\$72,921
Debt Service Fund	<u>\$11,146,906</u>
Total	<u>\$27,147,189</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25TH day of February, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 2008.

A BILL
FOR AN ORDINANCE APPROVING A LEASE AGREEMENT FOR THE LEASE OF THE
PROPERTY LOCATED AT 12550 ZUNI STREET, WESTMINSTER, CO 80234.

WHEREAS, the City of Westminster will purchase the Doulos Ministries property located at 12550 Zuni Street, Westminster, CO 80234. Doulos Ministries has requested that the City allow it to remain on this property and continue its current use of the facilities on the property through December, 2008; and

WHEREAS, Doulos Ministries negotiated the right to remain on the property through December, 2008 as part of the Purchase Agreement; and

WHEREAS, the tenant has been screened and determined to be suitable for the property; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such lease be approved by ordinance,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between Doulos Ministries Inc. and the City for the property located at 12550 Zuni Street, Westminster, CO 80234, in substantially the form attached to this Ordinance, is approved.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of February, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 2008.

LEASE AGREEMENT

THIS LEASE AGREEMENT, made this 18th day of March, 2008, between the **CITY OF WESTMINSTER**, a Colorado home rule municipality (the "City"), and Doulos Ministries, Inc., whose address is 12550 Zuni Street, Westminster, CO 80234, (the "Lessee").

WHEREAS, the City has purchased from the Lessee on this date the property described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, in conjunction with the sale of the Property to City, Lessee has requested permission to remain on the Property for a period of time pursuant to the terms of this Lease Agreement.

WITNESSETH that in consideration of the covenants and agreements by the Lessee hereinafter set forth, and for other good and valuable consideration, the City hereby leases unto the Lessee the Property situated in the County of Adams, State of Colorado, subject to the following Terms and Conditions:

TERMS AND CONDITIONS OF LEASE

A. The term of this Lease shall be for the period commencing on March 18, 2008, and ending on December 31, 2008, at 12:00 p.m. MST.

B. In consideration of the lease of the Property, the Lessee covenants and agrees as follows:

1. Lawful Use. To use the Property for no purpose prohibited by the laws of the United States or the State of Colorado, or the ordinances of the City of Westminster.

2. Entry by City: To allow the City access at all times to enter onto the Property.

3. Occupancy. Not to permit the Property to be used for any purpose which would render the insurance thereon void or the insurance risk more hazardous.

4. Alterations; Modifications. Not to make any alterations to, or modifications in or upon the Property without first obtaining the City's written consent. All such alterations or modifications shall be done in conformance with all applicable laws, codes, regulations, and rules of the City and the State of Colorado. All such alterations or modifications shall be done at the Lessee's expense. Further, unless the parties otherwise agree in writing, the Lessee shall be obligated to restore the Property to the original condition as entered upon if requested to do so in writing by City.

5. Duty of Care. To exercise reasonable supervision of all guests at all times when they are in or upon the Property.

6. Damage by Lessee. To reimburse the City for any expense incurred by it in repairing any damage to the Property caused by Lessee, his employees or agents, or any person in his care.

7. Indemnity. To indemnify and hold harmless the City from and against any claim for

personal injury or property damage resulting from any act or omission of Lessee or its agents, to carry liability insurance covering bodily injury and property damage in an appropriate amount and to make the City, its directors, officers, employees and agents additional named insured under its policy of liability insurance, and to provide the City with a copy of such insurance policy as evidence of coverage.

8. Subletting. To sublet no part of the Property, or assign this lease or any interest therein.

9. Nuisance. Not to permit any disorderly conduct or nuisance whatever about the Property or the Property, including the buildings and the building grounds, and to not annoy, disturb or interfere with the City's or the public's use of the Property.

10. Surrender in Good Condition. At the expiration or termination of this lease to surrender and deliver up the Property in as good order and condition as when the same were entered upon, loss by fire, and ordinary wear excepted.

C. The City and the Lessee further covenant and agree that:

1. Maintenance by Lessee. Lessee shall be responsible for the total caretaking and maintenance of the exterior and interior of the Property and all items brought onto the Property by the Lessee.

2. Maintenance by the City. Lessee accepts the Property "as is" and acknowledges that the City shall have no obligation for maintenance or repair of the Property.

3. Emergency Repairs. Lessee agrees to perform all repairs of an emergency nature necessary to protect the Property from undue and avoidable injury or damage.

4. Utilities. All charges for water and water rents, for heating, and for lighting of the Property are to be paid by Lessee.

5. Telephone Charges. Lessee will be responsible for payment for all telephone installation and service charges.

6. Keys. The City will provide Lessee with a reasonable number of keys for interior and exterior doors of the buildings on the Property.

7. The City is Not Responsible for Lessee's Personal Property. The City shall have no responsibility or liability for any loss or damage to any personal property of the Lessee or any fixtures installed by the Lessee, whether Lessee has obtained insurance coverage or not.

8. Flammable, Hazardous Materials. Lessee shall store no flammable, toxic, dangerous, hazardous or obnoxious materials anywhere on the Property.

9. Live Animals. Lessee shall neither bring nor permit the bringing of any live animals into the Property, except pets to the extent permitted by the Westminster Municipal Code.

10. Untenantable Conditions. If the Property become so damaged by fire, flood, act of God or any other casualty not caused by the Lessee so as to render the Property untenantable, the Lessee may terminate this Lease without further obligation.

11. Vacancy of Property. If the Property are left vacant the City may, at its option, either retake possession of the Property, terminating the Lease and the City's and Lessee's obligations hereunder, or it may re-rent the Property.

12. Insolvency of Lessee. If the Lessee becomes insolvent, or is declared bankrupt, the City may terminate this Lease forthwith, and all rights of the Lessee hereunder shall thereupon terminate.

13. Peaceable Surrender. At the expiration of the term of this Lease, whether by passage of time or by act of the City as provided in this Lease Agreement, the Lessee shall surrender and deliver up the Property peaceably to the City, and if the Lessee shall remain in possession after termination of this lease, the Lessee shall be deemed guilty of a forcible detainer of the Property under the statute, and shall be subject to eviction and removal in accordance with state law.

14. Default. If default shall be made in any of the covenants or agreements contained in this Lease Agreement to be kept by Lessee, it shall be lawful, upon 30 days written notice, for the City to declare the term ended and to repossess the Property in accordance with state law.

15. No Waiver. No assent, express or implied, to any breach of any one or more of the covenants or agreements contained in this Lease Agreement shall be deemed or taken to be a waiver of any succeeding or other breach.

16. Designated Representatives. The following persons are hereby designated by the parties as the persons responsible for the implementation of this Lease. Should Notices need to be sent or problems arise concerning this Lease the parties agree to contact:

For the Lessee:

Mack Sands
Doulos Ministries, Inc.
801 W. Mineral Avenue

Littleton, CO 80120-4501

For the City of Westminster:

Heather Cronenberg, Open Space Coordinator

Department of Community Development

City of Westminster

4800 West 92nd Avenue

Westminster, CO 80031

303-430-2400, Ext. 2142

17. Insurance. The City will provide insurance against loss to the fixtures only due to fire or other casualty. The Lessee will be solely responsible for any loss to any personal property associated with the Property.

IN WITNESS WHEREOF the parties have executed this indenture the day and year first above written.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, requesting a change in the land use designations from Adams County A3 to District Center for the Fonay Property located at the southeast corner of Huron Street and the West 142nd Street alignment.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Policy A1c that states that the City will consider the annexation of enclaves on a case by case basis taking into consideration fiscal, social and land use factors.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described as follows:

Fonay Property

A parcel of land located in the south one-half of the northwest quarter of Section 22, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the west quarter of said Section 22; Thence South 89°57'18" East, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 30.00 feet to the west line of North Huron Street right of way as described in Reception No. 20050620000646750 said point and being the point of beginning;

Thence North 00°42'47" West, along the west line of North Huron Street right of way described in Reception No. 20050620000646750 and Reception No. 20041025001072230; a distance of 1322.47 feet to the north line of the south one-half of the northwest quarter of said Section 22;

Thence South 89°56'14" East, along the north line of the south one-half of the northwest quarter of said Section 22, a distance of 2391.55 feet to the west line of a right of way described in Book 473, Page 187;

Thence South 00°45'07" East, along said west right of way line, along a line parallel with and 200.02 feet west of the east line of said south one-half of the northwest quarter of said Section 22, a distance of 1321.75 feet to the south line of the south one-half of the northwest quarter of said Section 22;

Thence North 89°57'18" West, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 2392.44 feet to the point of beginning;

Said annexation parcel contains 72.594 acres, more or less, subject to all easements and encumbrances of record.

to "District Center," as depicted on the map attached as Exhibit A.

Section 3. 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 4. Emergency. Because the purchase and sale agreements related to the Orchard Park Place project may be terminated if this Comprehensive Land Use Plan amendment is not timely concluded, and because the timely commencement and completion of the Orchard Park Place project will

produce significant economic development benefits to the City and its citizens including significant tax revenues and a major medical complex in a currently underserved area of 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 March 17, 2008, 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 enacted, and the enactment of Councillor's Bill No. 8.

Section 5. 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 17th day of March, 2008.

Exhibit A was not published and is available for public inspection in the City Clerk's Office as an attachment to Ordinance 3403.

**A BILL
FOR AN EMERGENCY ORDINANCE AMENDING THE
ZONING OF THE FONAY PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF HURON STREET AND THE WEST
142ND AVENUE ALIGNMENT, ADAMS COUNTY, COLORADO,
FROM ADAMS COUNTY A-3 TO PLANNED UNIT
DEVELOPMENT**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at the southeast corner of Huron Street and the West 142nd Avenue alignment as described below, from the Adams County A-3 zone to the Planned Unit Development (PUD) zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008 and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land located in the south one-half of the northwest quarter of Section 22, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the west quarter of said Section 22; Thence South 89°57'18" East, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 30.00 feet to the west line of North Huron Street right of way as described in Reception No. 20050620000646750 said point and being the point of beginning;

Thence North 00°42'47" West, along the west line of North Huron Street right of way described in Reception No. 20050620000646750 and Reception No. 20041025001072230; a distance of 1322.47 feet to the north line of the south one-half of the northwest quarter of said Section 22;

Thence South 89°56'14" East, along the north line of the south one-half of the northwest quarter of said Section 22, a distance of 2391.55 feet to the west line of a right of way described in Book 473, Page 187;

Thence South 00°45'07" East, along said west right of way line, along a line parallel with and 200.02 feet west of the east line of said south one-half of the northwest quarter of said Section 22, a distance of 1321.75 feet to the south line of the south one-half of the northwest quarter of said Section 22;

Thence North 89°57'18" West, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 2392.44 feet to the point of beginning;

Said annexation parcel contains 72.594 acres, more or less, subject to all easements and encumbrances of record.

From the Adams County A-3 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A attached hereto.

Section 3. 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 4. Emergency. Because the purchase and sale agreements related to the Orchard Park Place project may be terminated if this rezoning amendment is not timely concluded, and because the timely commencement and completion of the Orchard Park Place project will produce significant

economic development benefits to the City and its citizens including significant tax revenues and a major medical complex in a currently underserved area of 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 March 17, 2008, 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 enacted, and the enactment of Councillor's Bill No. 8.

Section 5. 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 17th day of March, 2008.

Exhibit A was not published and is available for public inspection in the City Clerk's Office as an attachment to Ordinance 3404.

A BILL
FOR AN EMERGENCY ORDINANCE ANNEXING A PARCEL OF LAND
LOCATED IN SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M.,
ADAMS COUNTY, COLORADO

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than 50 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Adams, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 15, Series of 2008, making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself that the proposed annexation conforms with the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Fonay Annexation

A parcel of land located in the south one-half of the northwest quarter of Section 22, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the west quarter of said Section 22; Thence South 89°57'18" East, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 30.00 feet to the west line of North Huron Street right of way as described in Reception No. 20050620000646750 said point and being the point of beginning;

Thence North 00°42'47" West, along the west line of North Huron Street right of way described in Reception No. 20050620000646750 and Reception No. 20041025001072230; a distance of 1322.47 feet to the north line of the south one-half of the northwest quarter of said Section 22;

Thence South 89°56'14" East, along the north line of the south one-half of the northwest quarter of said Section 22, a distance of 2391.55 feet to the west line of a right of way described in Book 473, Page 187;

Thence South 00°45'07" East, along said west right of way line, along a line parallel with and 200.02 feet west of the east line of said south one-half of the northwest quarter of said Section 22, a distance of 1321.75 feet to the south line of the south one-half of the northwest quarter of said Section 22;

Thence North 89°57'18" West, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 2392.44 feet to the point of beginning;

Said annexation parcel contains 72.594 acres, more or less, subject to all easements and encumbrances of record.

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. Emergency. Because the purchase and sale agreements related to the Orchard Park Place project may be terminated if this annexation is not timely concluded, and because the timely commencement and completion of the Orchard Park Place project will produce significant economic development benefits to the City and its citizens including significant tax revenues and a major medical complex in a currently underserved area of 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 March 17, 2008, 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 enacted.

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 17th day of March, 2008.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Presentation of Employee Service Awards

Prepared By: Debbie Mitchell, Human Resources Manager
Dee Martin, Human Resources Administrator

Recommended City Council Action

Present service pins and certificates of appreciation to employees celebrating 30 and 35 years of service with the City.

Summary Statement

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 30th and 35th anniversaries of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- The group for first quarter 2008 was split with 20 and 25 years of service employees recognized February 25th and the 30 and 35 years of service employees being recognized tonight.
 - Mayor McNally will present the 35-year certificate.
 - Mayor Pro-Tem Dittman will present the 30-year certificate.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

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

Jerry Calabrese	Fire Captain/Field Training Officer	Fire
Lonnie Coxsey	Plant Operator IV	Public Works & Utilities
Jerry Magnetti	Parks Supervisor	Parks, Recreation & Libraries
Steve McDuff	Fire Engineer	Fire
Mike Schafer	Fire Plans Examiner/Inspector	Fire
Vicky Sisto	Library Services Coordinator	Parks, Recreation & Libraries
Mike Ziegler	Fire Lieutenant	Fire

The following 35-year employee will be presented with a certificate and service pin:

Charlie Johnson	Commander	Police
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On February 27, 2008, the City Manager hosted an employee awards luncheon at which time 6 employees received their 15-year service pin, 2 employees received their 10-year service pin, and 6 employees received their 5-year service pin, while recognition was also given to those who celebrated their 20th, 25th, 30th, and 35th anniversary. This was the first luncheon for 2008 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees being recognized at this Council meeting is 245 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.

The recognition of employee’s years of service addresses Council’s Strategic Plan goal of Financially Sustainable City Government as part of the overall recognition program developed to encourage and recognize employee commitment to the organization. Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their valuable employee resource.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment



Agenda Item 8 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: 2008 Ambulance Purchase

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

Recommended City Council Action:

Authorize the purchase of a Med Tec ambulance from Front Range Fire Apparatus in an amount not to exceed \$123,500.

Summary Statement:

- City Council allocated \$129,500 in the 2008 General Capital Outlay Replacement Fund (GCORF) for the purchase of one ambulance.
- This ambulance will increase the ambulance fleet to seven. Four of these ambulances are considered frontline, a fifth is placed into service as staffing levels permit, and the remaining two function in a reserve status.
- Delivery is approximately 180 days after signing of the contract.
- The new ambulance will be assigned to Fire Station 4. The present ambulance (#5211) will move to reserve status.
- Formal bids were sent to eight vendors in accordance to City policy and under the supervision of the City Purchasing Agent. Three vendors responded. Front Range Fire, bidding a MEDTEC unit, is the low bid for the vendors meeting the bid specifications.
- The Fire Department purchased a MEDTEC in 2007 and assigned this unit to Fire Station 2. The ambulance has performed well and has met expectations.

Expenditure Required: \$123,500

Source of Funds: General Capital Outlay Replacement fund

Policy Issue

Does City Council want to approve the purchase of one ambulance for 2008 resulting in an increase to seven ambulances in the City’s fleet? Staff believes that by increasing the fleet from six to seven ambulances, it will reduce the need to use outside agencies to provide emergency medical transport when Westminster ambulances are out of service for repairs.

Alternatives

- 1) City Council could direct Staff to delay the purchase of this ambulance. Staff does not recommend this alternative. With a six month delivery time from the date of the contract, Staff is already looking at a third quarter delivery time. Pricing and chassis availability could be jeopardized by delaying purchase.
- 2) Direct Staff to have the ambulance re-bid. This is not recommended because Staff does not feel a re-bid process will generate a lower purchase price.

Background Information:

The life expectancy of an ambulance in Westminster has been five years, with three years of front-line service and two years as a reserve unit. With the Fire Department’s ability to often staff a fifth ambulance, the reserve ambulances are generally in constant use. A Fire Department ambulance will typically have over 100,000 miles and will have responded to over 7,000 calls by the time it is replaced. It is anticipated that this new ambulance would be placed into front-line service at Fire Station 4, located at 4580 West 112th Avenue.

Formal bids were sent to eight ambulance vendors who have a proven reputation for quality construction, strong safety features and reliability. The bids were sent out December 13, 2007 and were opened in front of the three vendors who submitted bids: Max Fire, Summit Emergency, and Front Range Fire. All vendors were able to meet or exceed the City’s required specifications. Listed below are the comparable bid prices.

<u>Vendor</u>	<u>Total Vehicle Price</u>
Max Fire (Braun Ambulance)	\$143,713
Summit Emergency Equipment (Road Rescue Ambulance)	\$128,850
Front Range Fire Equipment (MEDTEC Ambulance)	\$123,500

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

Front Range Fire Apparatus (MEDTEC)	\$3,100
Summit Emergency Equipment (Road Rescue)	\$2,987

Staff does not recommend prepaying the full amount for this purchase up front. Staff believes the City would benefit more financially by paying the full amount at the time of delivery. Staff also believes the vendor will be more accountable at meeting delivery times and working with Staff if the City’s approval and satisfaction in the product is met before final payment is made.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Purchase of Six Light Duty Vehicles

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the State of Colorado Bid for six General Motors light duty vehicles to Dallenbach Motors for \$134,100.

Summary Statement

- City Council action is requested to award six light duty vehicle purchases based on the State of Colorado award for light duty vehicles. Three will be for the Utilities Division, one for the Parks Division, one for Building Operations and Maintenance Division, and one for the Fire Department.
- The City saves considerable dollars by purchasing these vehicles through the State Bid.
- All vehicles recommended for purchase have been previously approved and are within the amount authorized by City Council in the 2008 Budget.

Expenditure Required: \$ 134,100

Source of Funds: General Capital Outlay Replacement Fund and Utility Fund

Policy Issue

Should the City approve the use of the State Bid for purchase of the vehicles outlined in this agenda memorandum?

Alternatives

1. Reject the State bid and instruct City Staff to re-bid vehicles. This is not recommended because the State Bid reflects the purchasing power of all the political subdivisions in the State. The City would not be able to match the bid prices afforded through the State Bid.
2. Do not purchase some or all of the proposed replacement vehicles in 2008. This is not recommended because all of these vehicles have a maintenance history that makes it impractical to keep them in regular service, based on Fleet Maintenance recommendations.

Background Information

As part of the 2008 Budget, City Council approved the purchase of six light duty vehicles in 2008. The six light duty vehicles to be replaced are units #1204, a GMC Sonoma in the Utilities Division; #9308, a Chevrolet half ton pickup in the Utilities Division; #9314, a GMC three quarter ton pick up in the Utilities Division; #1178, a GMC Sonoma in the Building Operations and Maintenance Division; #7719, a GMC 1500 pick up in the Parks Division; and #5033, a GMC Jimmy in the Fire Department. These vehicles are used to transport crews, tools and material to job sites around the City. They have reached a point where it is no longer economically reasonable to maintain them in service. Information regarding each vehicle replacement is as follows:

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
1204	1996	GMC	Sonoma	92,117	\$13,278.71
9308	1999	Chevrolet	S-10	98,069	\$14,892.41
9314	1993	GMC	2500	92,978	\$19,268.21
1178	1996	GMC	Sonoma	80,036	\$8,859.91
7719	1997	GMC	1500	93,068	\$9,541.74
5053	1996	GMC	Jimmy	83,898	\$13,268.60

The City operates a dedicated GM fleet of light duty vehicles. This saves on parts inventory and personnel training. The State Bid was sent out in September of 2007 and received responses from local vendors. The bids from Dallenbach Motors for the three ½ ton pickups, one ¾ ton pickup, one 1 ton pickup and one Tahoe meet all specifications and requirements set by the City. The \$134,100 is within the previously approved amount for these vehicles by City Council.

This project meets Council’s Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government and Beautiful City by maintaining a cost effective, dependable fleet of vehicles.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Purchase of Hybrid Passenger Sedans

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the State of Colorado Bid for three passenger sedan hybrid vehicles to Go Toyota Scion for \$63,489.

Summary Statement

- City Council action is requested to approve the purchase of three Toyota Prius hybrid sedans using the State of Colorado award for passenger sedan vehicles.
- The City saves considerable dollars by purchasing these vehicles through the State Bid.
- The purchase of the three gas-electric hybrid vehicles coincides with a number of other initiatives that the City has undertaken to reduce the consumption of fossil fuels and reduce the environmental impact of municipal operations.
- All vehicles recommended for purchase have been previously approved but are over the amount authorized by City Council in the 2008 Budget. The overage can be absorbed because of savings on other vehicle purchases and expenditure savings in 2008.

Expenditure Required: \$ 63,489

Source of Funds: General Capital Outlay Replacement and Utility Funds

Policy Issue

Should the City approve the purchase of three gas-electric hybrid vehicles at an initial cost that is higher than the cost of less fuel efficient vehicles?

Alternatives

1. Reject the State bid and instruct City Staff to re-bid vehicles. This is not recommended because the State Bid reflects the purchasing power of all the political sub-divisions in the state. The City would not be able to match the bid prices afforded through the State Bid.
2. Do not purchase hybrids and purchase standard non-hybrid sedans instead in 2008. This is not recommended because of the benefits that the City will receive with the purchase of more fuel-efficient, environmentally friendly vehicles.

Background Information

As part of the 2008 Budget, City Council approved the purchase of three passenger sedans in 2008. The sedans to be replaced are units #2334, a Chevrolet Corsica in the Building Division; and #8582, a Chevrolet Lumina in the Police Department. In addition, unit #9013, a Chevrolet S-10 pick-up truck in the Water Resources and Treatment Division – Wastewater Plant section, is proposed to be replaced with a hybrid sedan. They have reached a point where it is no longer economically reasonable to maintain them in service. Information regarding each vehicle replacement is as follows:

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
2334	1991	Chevrolet	Corsica	87,494	\$8,707.89
8582	1996	Chevrolet	Lumina	79,022	\$10,722.92
9013	1994	Chevrolet	S-10	68,752	\$7,508.75

The State Bid was sent out in September of 2007 and received responses from local vendors. The bids from Go Toyota Scion for the passenger sedans meet all specifications and requirements set by the City. The three replacement sedans were budgeted at \$14,900 each for 2008, for a total of \$44,700. The \$63,489 is not within the previously approved amount for these vehicles by City Council. The additional \$18,789 may be absorbed based on savings realized in the purchases of other vehicles and expenditure savings in 2008.

The extra cost of the hybrids, when prorated over the life of the vehicle (10 years) and taking into consideration the increased fuel efficiencies, is about \$200 per year per vehicle. The purchase further establishes the City’s position with regard of environment awareness, and Staff feels that the advantages of reducing fossil fuel usage, improving air quality and maintaining other environmentally-friendly practices outweigh the additional cost. The Prius was selected as the hybrid to purchase because of its exceptional gas mileage and the fact that it is on the State award. The hybrid Prius is estimated to receive 48 mpg whereas the hybrid Malibu is estimated to receive only 30 mpg and will not be available until 2009 or 2010 from the manufacturer.

The purchase of alternatively fueled vehicles are not new to the City. In the early 80’s the City had an all electric vehicle, and in the early 90’s the fleet operated as many as 28 compressed natural gas (CNG) vehicles. The user departments and Fleet Staff were involved extensively in the selection of the Prius and are excited to continue the City’s reputation as a leader in alternatively fueled vehicles.

The purchases meet Council’s Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government and Beautiful City by keeping a well maintained, dependable City fleet.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Purchase of Water Treatment Chemicals

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the bids for the purchase of Ferric Chloride to PVS Technologies, Caustic Soda and Sodium Hypochlorite to DPC Industries, and based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding 15% of the annual usage of Sodium Hypochlorite to Treatment Technology. The unit prices indicated on the bid tabulation for the three chemicals are for purchases on an as-needed basis up to a maximum of \$536,100.

Summary Statement

- Adequate funds for the purchase of water treatment chemicals were included in the approved 2008 Water Resources Division Budget.
- Three chemicals will be purchased in large quantities in 2008. They are Ferric Chloride, Caustic Soda, and Sodium Hypochlorite.
- In November 2006, the Multiple Assembly of Procurement Officials (MAPO) issued a bid for water treatment chemicals. This bid has been renewed for 2008 and is being recommended for the purchase of Ferric Chloride, Caustic Soda, and Sodium Hypochlorite.

Expenditure Required: Not to exceed \$536,100

Source of Funds: Utility Fund, Water Resources and Treatment Division Budget

Policy Issue

Should the City accept the MAPO bids for water treatment chemicals?

Alternative

Reject the MAPO bid and re-bid the chemicals. This is not recommended as the bids received through MAPO are valid bids that the City would most likely not to be able to improve upon.

Background Information

As part of the 2008 Budget, City Council approved the purchase of water treatment chemicals for the City’s water supply. Information regarding each chemical and its approximate annual usage and bid price follows:

CHEMICAL	APPROXIMATE QUANTITY	PRICE	EXTENDED PRICE	VENDOR
Ferric Chloride	400 tons	\$539 ton	\$215,600	PVS Technologies
Caustic Soda	200 tons	\$624 ton	\$124,800	DPC Industries
Sodium Hypochlorite	85 tons	\$1900 ton	\$161,500	DPC Industries
Sodium Hypochlorite	15 tons	\$2280 ton	\$34,200	Treatment Technologies

Ferric Chloride is used for coagulation/clarification in the treatment process at the Semper Water Treatment Facility. Caustic Soda is used for pH control. Sodium Hypochlorite is used for disinfection in the water treatment facilities. Staff recommends purchasing 15% of this chemical from Treatment Technologies to ensure an alternative supplier. The reason to ensure an alternative supplier is that chemical shortages have been happening for the past couple of years, and it is easier to get supplies of critical chemicals if we are an existing customer. There are only two manufactures of Sodium Hypochlorite in the Rocky Mountain Region. These chemicals are used at the Semper Water Treatment Facility and the Northwest Water Treatment Facility. The usage numbers are approximate since this is for the whole year’s usage, and factors such as weather and demand are unpredictable. The approximate usage figures are based on last year’s actual usage.

This bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district and other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Westminster City Code 15-1-4-A1 specifically states that this is an acceptable form of purchasing for the City.

Forty-three chemicals were put out on the MAPO bid. Twenty-one water chemical vendors responded to the bid notification. They were American Pride; Baker Tanks; Basic Chemical Solutions; BHS Marketing; Cal Pacific Carbon; Carus Chemical Corp; DPC Industries; Dimmitt Sulfur Products Ltd; Industrial Chemicals; Interstate Chemical; General Chemical Performance Products, LLC; Harcros Chemicals; Kemiron North America; Mississippi Lime; Nalco Company; NORIT; Peak Polymer; Polydyne; Thatcher Company; Treatment Tech.; and Univar.

The low bids for the three chemicals, Ferric Chloride to PVS Technologies in the annual approximate amount of \$215,600, Caustic Soda to DPC Industries in the annual approximate amount of \$124,800, Sodium Hypochlorite to DPC Industries in the annual approximate amount of \$161,500 and an alternative source for Sodium Hypochlorite to Treatment Technologies in the annual approximate amount of \$34,200 meets all specifications and requirements set by the City.

The annual estimated cost of the chemicals is within the amount previously approved by City Council for this expense.

This project meets Council's Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government and Beautiful City by keeping the City's water supply clean and safe and improving the service level of the treatment plants at the best possible price.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Purchase of Excess Workers' Compensation Insurance

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will be best served by authorizing the purchase of Workers' Compensation Excess insurance for \$72,367 from Midwest Employers Casualty Company.

Summary Statement

- City Council action is requested to authorize the expenditure for the 2008 annual premium for excess workers' compensation insurance effective April 1, 2008.
- The City annually purchases specific stop loss insurance to cover the cost of catastrophic on-the-job injuries to employees that would exceed the City's self insured amount. This insurance is purchased through a broker, IMA of Colorado, Inc., who will purchase the coverage for the City through Midwest Employers Casualty Company. The recommended quote from IMA for 2008 for excess workers' compensation coverage is \$72,367.
- The cost of coverage in 2007 was \$73,989. The quote for 2008 of \$72,367 represents a decrease in premium of \$1,622 (approximately 2%) from 2007. This quote reflects no change from 2007 in our excess coverage program; it is based on the City's history of not having experienced excess claims.

Expenditure Required: \$72,367

Source of Funds: Workers' Compensation Self Insurance Fund

Policy Issue

Should the City continue to self-insure its workers' compensation coverage, purchasing excess insurance to cover any catastrophic issues?

Alternatives

1. Take on a higher corridor deductible of \$150,000 for a premium of \$62,930 or a corridor deductible of \$250,000 for a premium of \$48,834. These alternatives are not recommended due to a new Workers' Compensation law enacted in 2007 that created an increased risk to the City of experiencing a claim that could exceed the City's current retention and corridor deductible.
2. Consider fully insuring the City's Workers' Compensation Insurance Program. This alternative is not recommended due to the almost certain increase in expense and the reduction in the City's ability to manage claims.

Background Information

The Risk Management Staff completed and submitted the application for excess workers' compensation coverage to IMA of Colorado, Inc. in late February 2008. IMA, acting as insurance broker on behalf of the City, then sought proposals on the open insurance market for this coverage. They received responses from only two carriers and submitted their renewal proposal to the City's Risk Management Officer on March 5. The City's current policy expired on March 1, 2008, but a one month extension of the policy was purchased to allow Council time to review the proposal.

The City currently self-insures the first \$350,000 of each workers' compensation claim with an additional corridor deductible of \$100,000. This high retention type of program allows for more control over claims handling and payment and reaps immediate rewards from the City's loss control and safety programs. By self-insuring the City also avoids some of the increases in premiums that continue to affect the government entity insurance market.

The City's broker received two responses on behalf of the City, but reported only one quote. Midwest Employers Casualty Company quoted a decrease from last year's premium with a bid of \$72,367. Safety National Casualty Company informed IMA that they are now requiring a minimum self insured retention for all Police and Fire employees of \$450,000; therefore, IMA recommended the City remain with the incumbent carrier, Midwest Employers, based on the reasons provided below:

- The increased liability if the City were to take on a higher retention through Safety National in the area of Police and Fire work related injuries.
- Continuing a relationship with one carrier can benefit the City on future year's quotes. The City has been with Midwest Employers for three years now and they know our safety programs and loss history well.
- When comparing the Midwest policy to the Safety National policy, Staff notes that the Midwest policy includes a blanket waiver of subrogation. This means that they permit the City to relinquish any rights the City might have to collect from another party for damages when it is required by contract.
- The Midwest policy does not include a commutation clause and the Safety National policy does. Commutation is the right of a carrier to value an open claim after the policy expires and pay that amount to the insured, thereby releasing the carrier from any further liability for the claim.
- The Midwest policy includes a Cash Flow Endorsement which, in the case of a catastrophic claim, would allow the City to spread its payments out over time with the excess carrier assisting with cash advances.
- Midwest Employers also offers the City several loss control resources such as on-line training and Best Practice seminars, as well as benchmarking reports, that Staff has found very helpful over the last three years.

In 2006, the City added a corridor deductible of \$100,000 to the self-insured program. This deductible would be payable by the City if any claims exceed the City's current retention limit but would be aggregate on all claims. Once the first \$100,000 over \$350,000 was paid it would be satisfied for the year and the excess carrier would pick up dollar one over \$350,000. Although Midwest Employers has offered two options for decreasing the premium even more by increasing the corridor deductible, Staff believes the City should maintain its current retention and deductible. With the passage of HB07-1008, that created a presumption that cancer in a fire fighter with a career of five or more years is work related and covered under the Workers' Compensation program, the City's risk of having a claim that goes over the City's self-insured retention limit is greater.

Given the current market conditions and a 5% increase to the City's payroll over the 2007 policy period, Risk Management Staff is very pleased with the renewal terms.

The Risk Management program addresses Council's Strategic Plan goals of Financially Sustainable City Government by working to mitigate the cost of insurance to the City by maintaining a loss control program to continually improve the City's loss history.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Bluegrass and Right-of-Way Mowing Contract Award

Prepared By: Richard Dahl, Park Services Manager
Marty Chase, ODP Inspector

Recommended City Council Action

Authorize the City Manager to execute a contract for the City's bluegrass and right-of-way (ROW) mowing, with options for two additional one-year renewals (2009 and 2010), with the low bidder, Schultz Industries, Inc., in the amount of \$374,750.

Summary Statement

- Funds are available in the 2008 General Fund Parks, Recreation and Libraries Department operating budget, the Storm Drainage Fund, and the Capital Improvement Projects Community Enhancement Fund for the maintenance of City-owned drainageways, streetscapes, and roadways.
- With increasing park acreage and maintenance responsibilities, Staff has found it more cost effective to use contractors to maintain non-park areas rather than City Staff.
- For the past fifteen years the Parks, Recreation and Libraries Department has contracted an average of 319 sites on a yearly basis.
- Formal bids were solicited in accordance with City bidding requirements for the 2008 Bluegrass and ROW mowing services. Requests for proposals were sent to 12 contractors with 6 responding.
- The low bidder, Schultz Industries, Inc., has successfully completed similar contracts in Westminster and the Denver Metro Area.
- Staff believes this is a competitive bid and adequate funds were budgeted and are available for this expense.

Expenditure Required: \$374,750

Source of Funds: General Fund - Parks, Recreation and Libraries Operating Budget
Storm Drainage Fund – Parks, Recreation and Libraries Operating Budget
General Capital Improvement Fund - Community Enhancement Project

Policy Issue

Does the City wish to continue the use of outside contractors to perform specific park maintenance operations instead of using in-house Staff, supplies and equipment?

Alternatives

1. Do not approve the Bluegrass and ROW Mowing Contract and rely on City Staff to take over the maintenance of the properties. Staff does not recommend this alternative because the cost of purchasing the specialized maintenance equipment along with the needed manpower would exceed the cost of the current low bidders.
2. Take no action. Due to the limited time frame involved for spring maintenance, Staff does not recommend this option if service levels are to be maintained.
3. Require Staff to re-bid the Bluegrass and ROW Mowing Contract to ensure the lowest possible price is achieved. Staff does not recommend this alternative because all the companies capable of handling the size of Westminster’s contracts have already been given an opportunity to bid on these projects.

Background Information

Beginning in 1985, the City was divided into four Park Services maintenance districts, with 92nd Avenue and Sheridan Boulevard being the dividing lines. In the beginning, this system worked well and allowed Staff to devote enough time to maintain the City’s parks and public facilities within each district. However, with the addition of new park sites, public facilities and streetscapes over the years, it became evident that new methods of utilizing available resources were needed. In light of this, Park Services employees proposed, researched, and collected information for the use of contract maintenance as a viable alternative to maintain drainageways and streetscapes throughout the City.

Using contractors to mow, irrigate, and clean areas such as drainageways, streetscapes, and roadsides allows Staff time to properly maintain new and existing parks to standards expected by Westminster residents as expressed in the City of Westminster’s Citizen Survey. For the past fifteen years, with some exceptions, the use of private contractors to maintain these areas has been an effective use of resources and City Council has been supportive in providing funding for contract maintenance. This private contractual approach has worked very well by allowing City crews to concentrate on services they can perform more efficiently and at a greater level of detail. A multi-year contract (three years) allows the contractor to amortize equipment required to maintain the areas, to build a working relationship with Staff, and results in more favorable bidding options.

In compliance with City Charter bidding requirements and with the assistance of the City’s Purchasing Agent and the City Attorney’s Office the following bids were received:

Company	Bluegrass & ROW Mowing
Schultz Industries, Inc.	\$374,750.00
JPL, Inc.	\$403,754.00
Vargas Property Service	\$404,528.07
CTM, Inc.	\$414,128.28
The Green Plan	\$755,422.00
CoCal Landscape	No Bid
Environmental Designs, Inc.	No Bid
Ground Services Co.	No Bid
Summit Services	No Bid
Urban Farmer, Inc.	No Bid
Western States Reclamation	No Bid

SUBJECT:

Bluegrass and ROW Mowing Contract Award

Page 3

This project meets City Council's Strategic Plan Goals of "Financially Sustainable City Government," "Vibrant Neighborhoods and Commercial Areas" and of "Beautiful City" by providing a well-designed and maintained City facility.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Westminster Sports Center Roof Restoration Contract

Prepared By: Jerry Cinkosky, Facilities Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with Black Roofing Company, Inc. in the amount of \$129,285 for roof restoration at the City's Westminster Sports Center and authorize a \$10,000 contingency bringing the total project budget to \$139,285.

Summary Statement

- The Westminster Sports Center is a City-run indoor soccer complex located at 6051 West 95th Avenue (95th and Harlan).
- The present metal roof system is the original roof constructed when the facility was built over 30 years ago. It is presently leaking in several locations causing dangerous slip/fall conditions on the interior playing surfaces and concrete walkways.
- Since 1998 the Building Operations & Maintenance Division has spent \$16,000 to treat and cover individual metal roof fasteners that have come loose. This process of attempting to identify individual roof fasteners and which areas of the roof are leaking has become very labor intensive.
- The present roof conditions have required recreation Staff to delay scheduled children's soccer and basketball games to prevent slip/fall incidents on the small hard surface field when inclement weather conditions are present.
- During the recently completed Bornengineering facility needs assessment, the recommendation was made to either replace the existing metal roof at a cost estimate of \$575,000 - \$600,000 or restore the roof with a liquid polyurethane elastomeric coating to seal the thousands of metal fasteners that are causing the leaking conditions. The estimated cost for using the liquid membrane process was \$130,000 - \$175,000.
- City Staff has been using the services of the Garland Asset Management Company since 2005 to assist with writing roof specifications, bidding of projects, oversight of roofing installations, as well as any possible future warranty issues. Roof projects that have been successfully completed with the services of Garland include City Park Recreation Center, Swim and Fitness Center, Municipal Service Center Administration and Operations buildings, the Police Department's radio communications facilities and, most recently, Fire Station # 1.
- In early January 2008, Garland Company assisted Staff with writing specifications, sending out requests for proposals and holding a pre bid meeting with four roofing contractors that included requiring the contractors to examine the roof at the Westminster Sports Complex.
- As a result of the competitive bid process, Staff is recommending awarding the roof restoration process to Black Roofing Company. This recommendation is based on their submittal of the lowest competitive bid price.

Expenditure Required: \$139,285

Source of Funds: General Capital Improvement Fund – Building Operations & Maintenance Division's Major Maintenance Project

Policy Issue

Should City Council award a contract to Black Roofing Company for restoration of the roof at Westminster Sports Center?

Alternative

Do not proceed with restoration at Westminster Sports Center. Staff is not recommending this action based on the age and existing deterioration of the existing roof, inconvenience to citizens and City Staff and the potential exposure involving slip/fall incidents.

Background Information

The Westminster Sports Center (formerly the Trend Home manufacturing facility) was acquired in 1994 to be remodeled for the use as an indoor soccer complex. The facility was then leased to a private soccer group to provide indoor league play for both adults and youth in the community. In April 2007, the Parks Recreation & Libraries Department, Recreation Division took possession of the facility and, after completion of a much needed remodel, opened for business in November 2007.

The City's Building Operation & Maintenance Division has been aware of existing leaking condition and has spent \$16,000 on repairs since 1998. However, with the installation of a children's hard court surface in place of artificial turf, it has become evident that there are many more leaks that are in need of repair. During the recent facility needs assessment provided by Bornengineering, the recommendation was made to either replace the existing metal roof at an estimated cost of \$575,000 to \$600,000, or apply a liquid elastomeric product to restore the roof and seal the thousands of metal fasteners on the roof.

In January 2008, with the assistance of Garland Roofing Asset Management Company, the Building Operations & Maintenance Division sent a request for proposals to four pre-approved roofing contractors for applying a liquid membrane elastomeric material to the Sports Center metal roof.

Bid results received February 1st for the roof restoration at Westminster Sports Center are as follows:

CONTRACTOR	BID AMOUNT
Black Roofing	\$129,285
Colorado Moisture Control, Inc.	\$132,794
B&M Roofing	\$157,650
Alpine Roofing Inc.	\$184,530

Based on Black Roofing Company's submittal of the lowest responsive bid and reference checks on work performed on similar roofing restoration projects completed by Black Roofing Company, Staff is recommending City Council's approval of a contract with Black Roofing for the roof restoration project at the City's Westminster Sports Center.

Staff believes it is important to note that although funds for this project are available and will initially come from the General Fund Major Maintenance Capital Improvement Project budget, a grant that PR&L Staff applied for from Jefferson County was awarded in February 2008. One of the requirements of the Jefferson County grant is that the project must be completed and then the City will be reimbursed for the expense of the roof restoration. Upon receipt of the funds from Jefferson County, Staff will request City Council's approval through the supplemental appropriation process to reimburse the Major Maintenance Capital Improvement Budget.

SUBJECT: Westminster Sports Center Roof Restoration Contract

Page 3

The roof restoration project at Westminster Sports Center supports the City Council Strategic Plan Goals of Safe and Secure Community and Financially Sustainable City Government in the following areas:

- Well-maintained City infrastructure and facilities
- Effective cost containment/control measures for living within revenues and budget

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: 2008 Concrete Replacement Project Contract Renewal

Prepared By: Dave Cantu, Contract Maintenance Supervisor
Ray Porter, Street Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a renewal of the current concrete replacement project contract with Keene Concrete, Inc. for the 2008 calendar year in the amount of \$636,257 and authorize a contingency of \$56,126 for a total project budget of \$692,383.

Summary Statement

- City Council approved funds for this expense in the 2008 Department of Public Works and Utilities, Street Operations Division and Utilities' Field Operations Division budgets for replacement of 15,100 linear feet of deteriorated curbs, gutters, sidewalks, crosspans, and curb ramps in conjunction with planned street and City Facility Pavement Rehabilitation projects scheduled for 2008 and 2009 as well as concrete replacement required during water main replacement and repair on an as needed basis.
- On March 12, 2007, City Council approved the current concrete replacement project contract with Keene Concrete, Inc. with the option of annual contract renewals for 2008 and 2009.
- Staff met with Keene Concrete, Inc. concerning contract renewal, 2008 quantities and unit price increases. The contractor requested an 8% increase and substantiated industry cost increases associated with the project including concrete, asphalt, testing, fuel and labor.
- Given the positive experience working with Keene Concrete, Inc., Keene's responsiveness to citizens concerns, substantiation of cost increase and given the fact that 2008 unit pricing is still 7.5% lower than the 2007 second low bidder items; Staff recommends extension of the current contract for one additional year.

Expenditure Required: \$692,383

Source of Funds: General Fund - Street Operations Division Operating Budget - \$617,383
 Utility Fund - Utilities Field Operations Budget - \$55,000
 General Capital Improvement Fund
 - City facilities parking lot maintenance program - \$20,000

Policy Issue

Should the City extend the current Concrete Replacement Project contract with Keene Concrete, Inc., for the replacement of concrete curbs, gutters and sidewalks as specified in the contract documents for this project?

Alternative

The City could choose to prepare bid documents and advertise the 2008 Concrete Replacement Project contract for competitive bid submittals. The 2007 Concrete Replacement Project contract was bid competitively and approved with renewal options for 2008 and 2009. Keene Concrete, Inc. provided a very competitive bid in 2007 and substantiated 2008 industry increases associated with the project. 2008 pricing is 7.5% lower than the 2007 second low bid prices. Another round of bidding is highly unlikely to result in any savings to the City and could possibly increase City costs. In addition, going through the bid process would delay 2008 Concrete Replacement Projects and any 2008 Pavement Rehabilitation Projects contingent on concrete replacement. Staff does not recommend this alternative based on all of the above mentioned reasons.

Background Information

Formal bids were solicited in accordance with the City bidding requirements for the 2007 Concrete Replacement Project. Keene Concrete, Inc. was the successful low bidder of five contractors responding and was awarded the bid.

The contract documents for the 2007 Concrete Replacement Project included a clause to allow the renewal of the contract for two additional one-year periods (2008/2009), if beneficial to both parties. 2008 is the first renewal year for the Concrete Replacement Project.

Annual unit price cost adjustments, if any, were to be based on the Consumer Price Index for Urban Consumers which amounted to 2.2%. However, when Staff met with the contractor to discuss contract renewal issues, the contractor requested an 8% increase above 2007 unit prices to cover industry specific cost escalations outside of his control. Staff required the contractor to provide specific documentation detailing changes in fixed cost associated with the required work. In determining if continuance of the contract was beneficial to both parties, Staff verified the contractor submittals substantiating cost increases in fuel, raw materials, testing and labor. Staff also checked on other bids for similar work in the Denver Metro area and found prices ranging from 14% to 23% higher than the City's projected 2008 costs on larger quantity items. In addition, 2008 pricing is still 7.5% lower than the 2007 second low bidder.

During the 2007 bid process, Westminster also included concrete replacement bid quantities for Adams County School Districts #12 and #50 at various school sites. Both school districts intend to renew their respective contracts for another year. The School District's portion of the bid is not reflected in the \$692,383.

The proposed Council action supports City Council's goals and objectives of Financially Sustainable City Government and Vibrant Neighborhoods and Commercial Areas by providing well maintained City infrastructure and facilities through curb, gutter and sidewalk improvements; Safe and Secure Community by eliminating pedestrian hazards through the Concrete Replacement Program.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Nottingham Park Playground Renovation Contract Awards

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to execute a contract with Gametime, in the amount of \$79,070.40 for the supply, delivery, and installation of selected playground equipment; and authorize the City Manager to execute a contract with Imagination Playground Surfacing in the amount of \$50,869 for the installation of playground safety surfacing, and to authorize a \$12,994 contingency, equal to 10% of the total contract costs.

Summary Statement

- Nottingham Park is located at 8695 Allison Street. The plaza area, including two reservable picnic shelters, was renovated in 2003. The playground renovation is scheduled to be completed by the end of May 2008 to provide limited disruption to the shelter reservation season.
- Gametime was selected by a cooperative bid process thru the U.S. Communities Government Purchasing Program.
- A single bid for playground equipment was solicited from Triple M Recreation on behalf of Gametime, an approved vendor on the US Communities Allowance list.
- Bids were solicited from four playground surfacing companies, with Imagination Playground Surfacing submitting the lowest bid.
- Funds were budgeted and are available in the 2008 General Capital Improvement Fund for this expense.

Expenditure Required: \$142,993.40

Source of Funds: General Capital Improvement Fund - Park Renovation Account

Policy Issue

Should the City proceed with renovation of Nottingham Park Playground?

Alternatives

1. City Council could choose to not authorize the renovation of Nottingham Park playground. Staff does not recommend this as there the playground is in need of renovation to ensure the safety of the playground users.
2. City Council could direct Staff to reduce the scope of the project with decreased funding. Staff does not recommend this option, as this park contains two reservable picnic shelters and insufficient playground equipment would limit the desire of patrons to reserve at this park.

Background Information

The playground equipment at Nottingham Park is 18 years old, far exceeding the City’s preferred playground equipment replacement schedule of every 10 years. Safety guidelines have changed significantly in the past 18 years, and even with the retro-fits that have been done to keep this equipment useable, it is no longer viable to try to maintain this playground in a workable order. Additionally, handicap accessibility guidelines have also changed significantly and an update of this equipment would bring this park into compliance with the Americans with Disabilities Act. This bid was put out on behalf of the U.S. Communities Government Purchasing Program, a cooperative of state, municipal, county, special district, school district and other local government agencies. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Westminster City Code 15-1-4-A1 specifically states that this is an acceptable form of purchasing for the City. Gametime has supplied the equipment for several other City parks, including most recently, Cheyenne Ridge Park.

The playground surfacing component of the project will replace the sand and rubber tile surfacing with a poured-in-place rubber safety surfacing. The surfacing will provide a barrier-free playground that meets the Americans with Disabilities Act guidelines and accommodate a diverse array of users. Bids were solicited from five reputable surfacing companies for this project. Imagination Playground Surfacing has completed projects for the City in the past, including Willowbrook Park and Sherwood Park. The surfacing bids are as follows:

Safety Surfacing:

Imagination Playground Surfacing	\$8.25 per square foot
Child’s Play	\$9.75 per square foot
Triple M Recreation	\$10.50 per square foot
Children’s Playstructures and Recreation	\$11.49 per square foot
Rocky Mountain Recreation	\$11.75 per square foot

In order to reduce the overall cost of this renovation, the Department of Parks, Recreation and Libraries’ Design Development Construction Crew will complete the demolition of the existing play equipment and removal of the existing play surface and prepare the subgrade for the new play surfacing. Installation of the playground and the surfacing is included in the construction bid awards as the Construction Crew has previous time commitments for spring 2008 that will not allow the crew to provide installation of the playground equipment while keeping the project within the schedule necessary to honor existing picnic shelter reservations for June 2008.

This project meets City Council’s Strategic Plan Goals of “Financially Sustainable City Government,” “Vibrant Neighborhoods and Commercial Areas” and of “Beautiful City” by providing a well-designed and maintained City facility.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

LOCATION MAP - NOTTINGHAM PARK





Agenda Item 8 J

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Special Legal Services Contract

Prepared By: Eugene Mei, Assistant City Attorney

Recommended City Council Action

Authorize the City Manager to sign a contract for legal services with Barnes & Thornburg LLP to serve as local special legal counsel in Chicago to assist with the recovery of the City's claim for use tax and utilities charges in connection with the Neumann Homes of Colorado, LLC, bankruptcy litigation.

Summary Statement

- On November 1, 2007, Neumann Homes filed for Chapter 11 bankruptcy in Chicago bankruptcy court.
- Neumann Homes is the developer of the Village at Harmony Park, a 314-unit, single-family detached development located at 128th Avenue and Zuni Street.
- Based upon recent audits of similar residential construction contracts, the City has a significant use tax claim and a claim for unpaid utility charges against Neumann Homes that should be asserted in the bankruptcy.
- Given the specialized nature of bankruptcy law, an attorney who specializes in bankruptcy law should be retained.
- Chicago local bankruptcy court rules of procedure require affiliation with local counsel.
- City Staff contacted Kevin Driscoll at Barnes & Thornburg LLP in Chicago, IL. Mr. Driscoll has substantial experience in representing municipalities with secured tax claims in bankruptcy, and comes highly recommended.
- Mr. Driscoll has agreed to represent the City in the matter, and his current hourly rate is \$320.

Expenditure Required: Not to exceed \$15,000

Source of Funds: Sales Tax Audit/Enforcement Contra Account

Policy Issue

Should the City retain local special legal counsel in Chicago to assist with the recovery of the City's claim for use tax in the Neumann Homes bankruptcy?

Alternative

To not hire local special legal counsel. This alternative is not recommended given the need for specialized legal services to fully analyze and advise the City in the recovery of its use tax claim. In addition, local bankruptcy court rules of procedure require affiliation with local counsel.

Background Information

On November 1, 2007, Neumann Homes, Inc., and a number of its subsidiaries, including Neumann Homes of Colorado, LLC, filed for Chapter 11 bankruptcy in Chicago bankruptcy court. Neumann Homes, Inc., is a major residential land developer and homebuilder with operations in Illinois, Michigan, Wisconsin, and Colorado. Neumann Homes of Colorado, LLC (Neumann Homes), is the developer of the Village at Harmony Park located at the northeast corner of 128th Avenue and Zuni Street, which consists of 314 single-family detached homes.

Based upon recent audits of similar residential construction contracts, Staff believes the City has a significant use tax claim against Neumann Homes that should be asserted in the bankruptcy. Audits completed in 2007 showed that residential building valuations were underestimated by 40-50%. The Finance Department has issued Neumann Homes a Notice of Audit to ascertain the correct total tax liability, but has not received a response. In addition, Westminster's utility billing records show that Neumann Homes owes the City approximately \$2,300 in utility service charges, and this debt should be asserted in the bankruptcy.

The City is anticipating that Neumann Homes will object to the City's use tax claim and resist paying, given the dollar amount involved. Under local bankruptcy court rules of procedure, the City must be affiliated with local legal counsel in contested matters such as an objection to a claim. In anticipation of the City's involvement in a contested matter, Staff believes it is in the best interest of the City to retain local special legal counsel in Chicago with an expertise in bankruptcy law regarding secured municipal taxes. Staff has contacted Kevin Driscoll at Barnes & Thornburg LLP in Chicago, IL, based on recommendations from other taxing authorities that have engaged Barnes & Thornburg LLP on similar matters. Mr. Driscoll has substantial experience in representing municipalities with secured tax claims in bankruptcy, and was admitted to practice in the U.S. District Court, Northern District of Illinois, in 2000. Mr. Driscoll's current hourly rate is \$320.

In sum, the value of the City's claim and the complex legal issues posed by Neumann Homes' bankruptcy merit the investment in outside counsel who not only specializes in bankruptcy law, but who also regularly practices in the Chicago bankruptcy court.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of _____, 2008, by and between **BARNES & THORNBURG LLP**, One North Wacker Drive, Suite 4400, Chicago, Illinois 60606-2833 (the "Firm") and the **CITY OF WESTMINSTER** (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Illinois.

AGREEMENT

1. The Firm shall furnish special legal services in connection with the Neumann Homes of Colorado, LLC, bankruptcy litigation.
2. Kevin Driscoll of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$320 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on March 17, 2008.
7. Payments for legal services pursuant to this Contract shall not exceed \$15,000 without further written authorization by the City.

BARNES & THORNBURG LLP

By _____

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Semper Water Treatment Facility 2008 Facility Improvements
Engineering Services Contract

Prepared By: Tom Settle, Water Treatment Superintendent
Mike Happe, Water Resources & Treatment Manager

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest would best be served by accepting the proposal of Boyle Engineering for the identified work. Authorize the City Manager to execute a contract with Boyle Engineering in the amount of \$135,796 to provide engineering design services of the necessary improvements to the Semper Water Treatment Facility (Semper WTF) and authorize a contingency of \$13,500.

Summary Statement

- The Utility System Infrastructure Master Plan that was conducted by URS Corporation identified the need for several improvements to the aging Semper WTF to ensure its continued operation at peak performance and to facilitate maintenance of all the water supply facilities.
- During the 2007/2008 Budget Process, four specific projects were identified for the Semper WTF: addition of chemical storage, improvement of the water treatment sludge handing system, repair/replacement of the lime feed system and addition of dry storage space for equipment maintenance operations.
- Due to the small size of each project, Staff recommends bundling the design work of these four related projects to reduce overhead costs.
- Of the four responses to the Request for Proposals, Boyle Engineering provided the best proposal meeting all requirements.

Expenditure Required: \$149,296

Source of Funds: Utility Fund Capital Improvement Funds – Semper WTF Maintenance Shop Expansion, Semper WTF Permanganate Bulk Storage, Semper WTF North Trac Vac Pump System Improvements and Semper WTF Lime System Improvements projects

Policy Issue

Should the City authorize the contract with Boyle Engineering for the amount of \$135,796 with a contingency of \$13,500?

Alternative

The City could choose not to approve the contract, and either place the projects on hold or solicit other engineering proposals to execute the work. This is not recommended since it would delay the design of these necessary Semper WTF improvements. Another option is to award the contract to one of the other three engineering firms that submitted proposals to the City. This is not recommended since Staff believes that Boyle Engineering provided the most qualified proposal meeting all the City's requirements.

Background Information

The Semper WTF was first constructed in 1969 with a capacity of six million gallons per day (mgd) and is the City's largest and primary potable water treatment plant. The plant underwent major expansions in 1973, 1979, 1985 and 1995 resulting in its current capacity of 44 mgd. The facility will not be expanded any further and now, and in the future, will rely on periodic process improvement projects, major equipment replacements and structural rehabilitation projects to maintain its viability.

The 2006 URS Water and Sewer Infrastructure Master Plan identified a series of improvements that were needed at the Semper WTF to maintain effective operations. For 2008, the projects recommended and approved in the Utility Fund Capital Improvement Projects (CIP) plan include the following:

- Installation of chemical bulk storage facilities for Sodium Permanganate, a treatment chemical used for removal of manganese and iron from drinking water
- Improvements to the settling process sludge removal pumping system in the north sedimentation basins
- Repair or replacement of the Lime feed system
- Expansion of the parts storage area of the Maintenance Shop

Each of these projects is budgeted as an individual line item in the Utility Fund Capital Improvement Plan. Due to the fairly small size of each project, staff feels that handling the engineering design costs of each project individually would be highly inefficient and escalate the design costs unreasonably. Staff, therefore, recommended bundling the design work of these four related projects. When design is complete, each project will then be evaluated for the best approach to construction and/or implementation.

The City sent out a Request for Proposal to six Engineering firms. These firms were among those identified in the 2007 Public Works and Utilities Consultant Statement of Qualification review as being qualified for this type of design work. Four Engineering firms responded to the Request as follows:

Engineering Firm	Engineering Fee
Burns & McDonnell	\$129,345
Boyle Engineering	\$135,796
Black & Veatch	\$136,825
Malcolm Pirnie	\$177,500

After conducting pre-proposal meetings with each of these firms, Staff reviewed the proposals for project understanding, project team experience and availability, administrative and contractual concerns and cost. The Burns & McDonnell proposal requested significant modifications to the City's standard form of contract and therefore was not given further consideration. The City is recommending Boyle Engineering based upon their understanding of the project, project team and acceptance of City terms.

The engineers will complete the design and Engineer's Estimate of Construction for each of the four project components. Staff will then use this information to plan the implementation phases of each project, most likely during the winter of 2008-2009 when there is the least demand on Semper WTF plant processes.

This project helps achieve the City Council's Strategic Plan Goal of Financially Sustainable City Government by contributing to the objective of a Well-maintained City Infrastructure and Facilities.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Table Mountain Animal Center Annual Assessment

Prepared By: Mike Cressman, Deputy Police Chief

Recommended City Council Action

Authorize payment of \$76,915.09 to Table Mountain Animal Center for the City's 2008 assessment for animal shelter services.

Summary Statement

- On November 25, 1996, City Council authorized the City Manager to enter into an intergovernmental agreement (IGA) for the provision of all animal sheltering functions for the City of Westminster to be located at Table Mountain Animal Center (TMAC). Westminster is party to this agreement with Jefferson County, Lakewood, Wheat Ridge, Arvada, Golden, Morrison, Mountain View and Edgewater.
- Annual contributions to the operating costs of TMAC are shared by these nine entities and are determined by an assessed valuation based on population. The intergovernmental agreement restricts these assessments paid to TMAC to no more than 50% of the annual operating costs. The remaining amount is to be obtained through fundraising efforts.
- The assessment of \$76,915.09 (a 4.6% increase from 2007) is \$2,415.09 above the amount budgeted for this expense. This is due to the fact that Table Mountain provided the city with the 2008 assessment after the adoption of the 2007/2008 budget. The overage will be absorbed within the 2008 Police Department General Fund Operating Budget.

Expenditure Required: \$76,915.09

Source of Funds: General Fund – Police Department Operation Budget

Policy Issue

Should City Council authorize the expense of \$76,915.09 for Westminster's 2008 assessment of operating costs for Table Mountain Animal Center?

Alternative

The City could examine alternatives to obtaining animal sheltering services from Table Mountain Animal Center. Staff has examined alternatives for this service in the past and has not found a cost effective option. Boulder Valley Humane Society has recently approached Staff with two possible alternatives, but if either of these options were to materialize, the time horizon would be one to four years out.

Background Information

In November 1996 City Council directed the City Manager to enter into an agreement with Table Mountain Animal Center for the provision of all animal sheltering functions, effective January 1, 1997. This intergovernmental agreement set out the method for calculating each participating agencies assessment for TMAC operating expenses. An annual operating budget is to be established by the TMAC Manager and approved by a Board of Directors made up of representatives of each of the nine participating agencies. Each of those participating entities' contribution to that operating budget is determined by population. No more than 50% of TMAC's annual operating budget is funded through these assessments. The remaining amount comes through fundraising efforts by the Table Mountain Animal Center Foundation Board. Historically, the City's assessment has increased by about 5% per year. The increase from the 2007 assessment amount to the 2008 assessment is 4.6%.

Table Mountain Animal Center and its Board of Directors have been working on a project to address some significant building deficiencies and space constraints at their current facility. Sholar Architecture has performed a building deficiency study, a preliminary building program to identify future space needs, and a schematic design to make an initial cost estimate for a new facility. The Jefferson County Board of Commissioners and the City Managers from the TMAC participating agencies are evaluating options for funding construction of a new facility. An agreement has been reached that involves adoption of a county-wide animal licensing program. The fees collected from the dog licensing program would be funneled to Table Mountain Animal Center. All or a portion of licensing fees could be applied to the capital costs for construction of a new facility. The remaining costs for construction would need to be obtained through a fundraising effort by the Table Mountain Animal Center Foundation Board and a separate Capital Campaign Implementation Committee. Details of the license fee amount and how the fees collected would be disbursed are outlined in an intergovernmental agreement signed in 2007.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: First Amendment to Agreement Regarding Shoenberg Farm Buildings

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Authorize the City Manager to execute the First Amendment to the Agreement Regarding Shoenberg Farm Buildings in substantially the same form as the attached document.

Summary Statement

- An agreement was authorized by City Council on October 9, 2006, with the owner of Shoenberg Farm and the developer of the adjacent Shoenberg Farm commercial area that provides the City an opportunity to purchase Shoenberg Farm prior to January 11, 2009 (the Option Agreement).
- This proposed first amendment would allow the City to purchase Lot 5 and a portion of Lot 14 of the Shoenberg Farm commercial area. This amendment allows the City to purchase a portion of the land described in the Option Agreement, but does not obligate the City to close on a purchase until further approval of the City Council.
- The purchase of Lot 5 and a portion of Lot 14 would not obligate the City to purchase the remaining portion of the Shoenberg Farm.
- Jerry Tepper and Cadence Development have signed off on this Amendment.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council authorize amendment of the Agreement Regarding Shoenberg Farm Buildings to permit purchase of an area smaller than the entire farm?

Alternative

Do not authorize amendment of the Agreement. This alternative is not recommended because the Agreement Regarding Shoenberg Farm Buildings currently does not permit the City to acquire an area smaller than the entire Farm area. Acquisition of a smaller area would be beneficial to the City's preservation strategy for the Farm.

Background Information

The City entered into an Agreement Regarding Shoenberg Farm Buildings (the Option Agreement), effective as of January 11, 2007, which allowed the City to acquire an area that consisted of roughly 3.5 acres. Since the date of that Agreement, the area has been platted and is under development. The City has also identified a possible strategy to implement for the preservation of the farm buildings. Part of that strategy is a proposal to acquire less than an acre of the area described in the Option Agreement so that the City can seek grant funding for the benefit of this smaller area, which contains the oldest farm structures. The attached First Amendment would allow the City to acquire this smaller area instead of the entire 3.5 acre farm area. This smaller area was originally described as Subparcel A in the Option Agreement and was roughly defined because the area had not yet been platted. It is now understood that Subparcel A includes platted Lot 5 and a portion of Lot 14, as indicated on Exhibit 1 to the attached First Amendment. If the City proceeds with a purchase of the Subparcel A area, the portion of Lot 14 must be replatted prior to closing.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Amendment to Agreement Regarding Shoenberg Farm Buildings

**AMENDMENT TO
AGREEMENT REGARDING SHOENBERG FARM BUILDINGS**

This first Amendment to the Agreement Regarding Shoenberg Farm Buildings (“Amendment”) is made and entered into this __ day of _____, 2008, by and between Tepper Partners, LLC, Jerry J. Tepper, Debra E. Tepper, Cook Islands Trust LLC (together referenced herein as “Owner”), Cadence Capital Investment (“Developer”), and the City of Westminster (“City”), a Colorado home rule city, 4800 West 92nd Avenue, Westminster, Colorado 80031.

1. The Owner, the Developer, and the City entered into that certain Agreement Regarding Shoenberg Farm Buildings on January 11, 2007 (“Agreement”) pursuant to which the Owner and the Developer granted to the City an option to purchase a parcel of land known in the Agreement as the Farm Parcel.

2. The Farm Parcel described in the Agreement was divided into Sub-Parcel A and Sub-Parcel B. The Sub-Parcels were depicted on a map included as Attachment B to the Agreement.

3. The parties now desire to amend the Agreement to amend said Attachment B by relocating the western line of Sub-Parcel A further to the west and to permit the purchase, by the City, of Sub-Parcel A separate and apart from Sub-Parcel B.

4. For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree to the following amendments to the Agreement as follows:

a. A new paragraph B. 7. is added to the Agreement to read:

Notwithstanding any language herein that might otherwise imply to the contrary, the City will have the option to purchase Farm Sub-Parcel A separate and apart from, and prior to the purchase of, Farm Sub-Parcel B. All references herein to the Farm Parcel or the Farm Parcels shall be understood to apply to either or both Sub-Parcels, except as provided in paragraph C and paragraph D below.

b. Attachment B to the Agreement is hereby replaced by Exhibit A attached hereto and incorporated herein by reference.

5. This Amendment shall bind and inure to the benefit of the parties hereto and their respective heirs, personal representatives, successors and assigns.

6. This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall be construed as one and the same instrument.

7. The parties agree that all other provisions of the Agreement shall remain unchanged and in full force and effect.

TEPPER PARTNERS, LLC

By: _____
Printed Name: _____
Title: _____

Jerry J. Tepper

Debra E. Tepper

COOK ISLANDS TRUST, LLC

By: _____
Printed Name: _____
Title: _____

DEVELOPER

CADENCE DEVELOPMENT LLC

By: _____
Title: _____

CITY OF WESTMINSTER, COLORADO

By: _____
J. Brent McFall
City Manager

Approved as to legal form:

City Attorney

Attest:

By: _____
Printed Name: _____
Title: _____

Attest:

By: _____
Printed Name: _____
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Attest:

By: _____
Linda Yeager
City Clerk

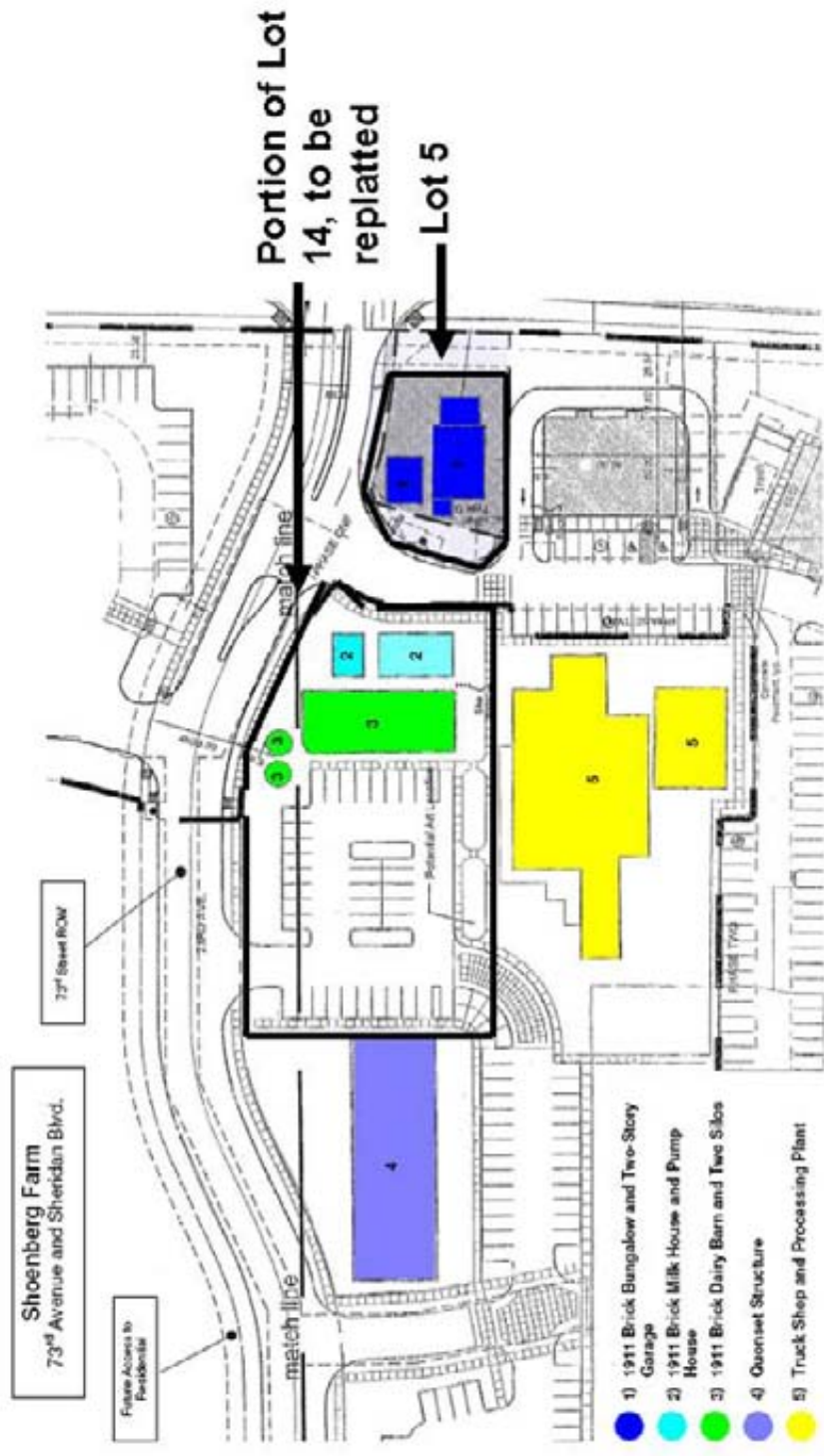


Exhibit A

First Amendment to Agreement Regarding Shoenberg Farm Buildings.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Second Reading of Councillor's Bill No. 4 for a Rezoning from Open District to Planned Unit Development for the Savory Farm Estates Planned Unit Development

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

Pass Councillor's Bill No. 4 on second reading approving a rezoning from Open District to Planned Unit Development for Savory Farm Estates Planned Unit Development. This recommendation is based on a finding that the criteria set forth in Sections 11-5-14 of the Westminster Municipal Code have been met.

Summary Statement

- The 8.133 acre site is located east of Federal Boulevard at approximately the alignment of 109th Avenue.
- The proposed rezoning will change the currently designated zone from Open District (O1) to Planned Unit Development (PUD).
- The Preliminary Development Plan and Official Development Plan (PDP/ODP) for Savory Farm Estates was approved by the City Council on December 10, 2007 and will allow 24 single family detached residential units on the site. Public and private open spaces are part of that PDP/ODP.
- The City's Comprehensive Land Use Plan (CLUP) was amended on January 14, 2008, to R-3.5. This designation is consistent with the approved ODP.
- This Councillor's Bill was approved on first reading by City Council on February 25, 2008.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Zoning Ordinance

- Exhibit A (Legal Description for 109th & Federal Blvd.)
- Exhibit B (Zoning Map for Zoning Ordinance)

BY AUTHORITY

ORDINANCE NO. **3399**

COUNCILLOR'S BILL NO. **4**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

Briggs - Winter

A BILL

FOR AN ORDINANCE AMENDING THE ZONING OF THE 8.133 ACRE SAVORY FARM ESTATES PUD SITE ON THE EAST SIDE OF FEDERAL BOULEVARD AT APPROXIMATELY 109TH AVENUE, ADAMS COUNTY, COLORADO FROM O-1 TO PUD

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located east of Federal Boulevard at approximately 109th Avenue, as described in attached Exhibit A, from the O-1 zone to the PUD zone, has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008 and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described in Exhibit A, attached hereto and incorporated herein by reference, from the O-1 zoning district to the PUD zoning district, as depicted on the map marked Exhibit B, attached hereto.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of February, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17th day of March, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Exhibit A
Legal Description
109th & Federal Blvd.

Description for the Ten Eyck Parcel:

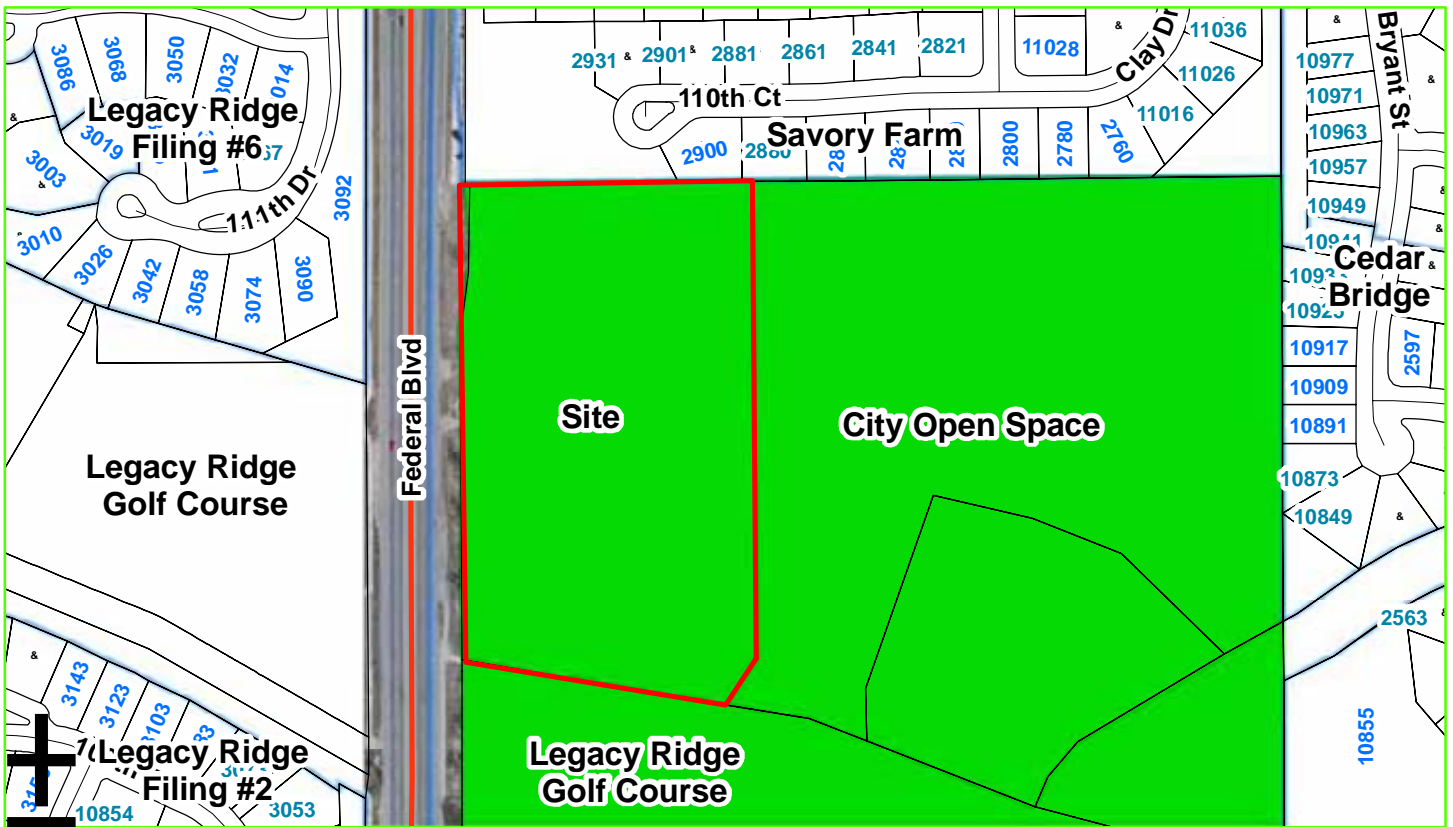
A tract of land located in the Northeast Quarter of Section 8, Township 2 South, Range 68 West of the 6th Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Considering the West line of the Northeast Quarter of said Section 8 as bearing, South 00°28'38" East, from an aluminum cap in a range box at the North Quarter corner of said Section 8 to an aluminum cap in a range box at the Southwest corner of said Northeast Quarter and with all bearings contained herein relative thereto:

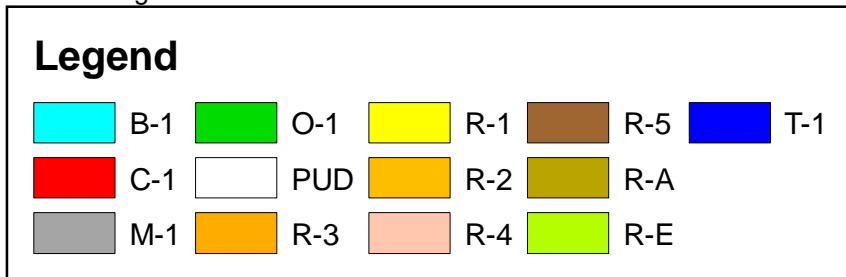
Commencing at the North Quarter corner of said Section 8; thence along the West line of said Northeast Quarter, South 00°28'38" East, 1320.80 feet; thence, North 89°04'40" East, 50.00 feet to a point on the East Right-of-Way line of North Federal Boulevard and on the South line of Federal Square P.U.D., said point being the POINT OF BEGINNING; thence, continuing along said South line, North 89°04'40" East, 449.95 feet to the Northwest corner of Parcel 1 of the City of Westminster Golf Course and Open Space Areas; thence, along the West line of said Parcel 1, South 00°55'20" East, 754.94 feet; thence, South 39°13'24" West, 70.82 feet to a point on the North line of Parcel 3 of the City of Westminster Golf Course and Open Space Areas; thence, along said North line, North 80°46'36" West, 416.52 feet to a point on the East Right-of-Way line of North Federal Boulevard; thence, along said East line, North 06°11'16" West, 100.50 feet; thence, North 00°28'38" West, 300.00 feet; thence, North 05°15'32" East, 100.05 feet; thence, North 00°28'38" West, 236.18 feet to the Point of Beginning.

The above described tract contains 8.133 acres more or less and is subject to all easements, rights-of-ways and restrictions now on record of existing.

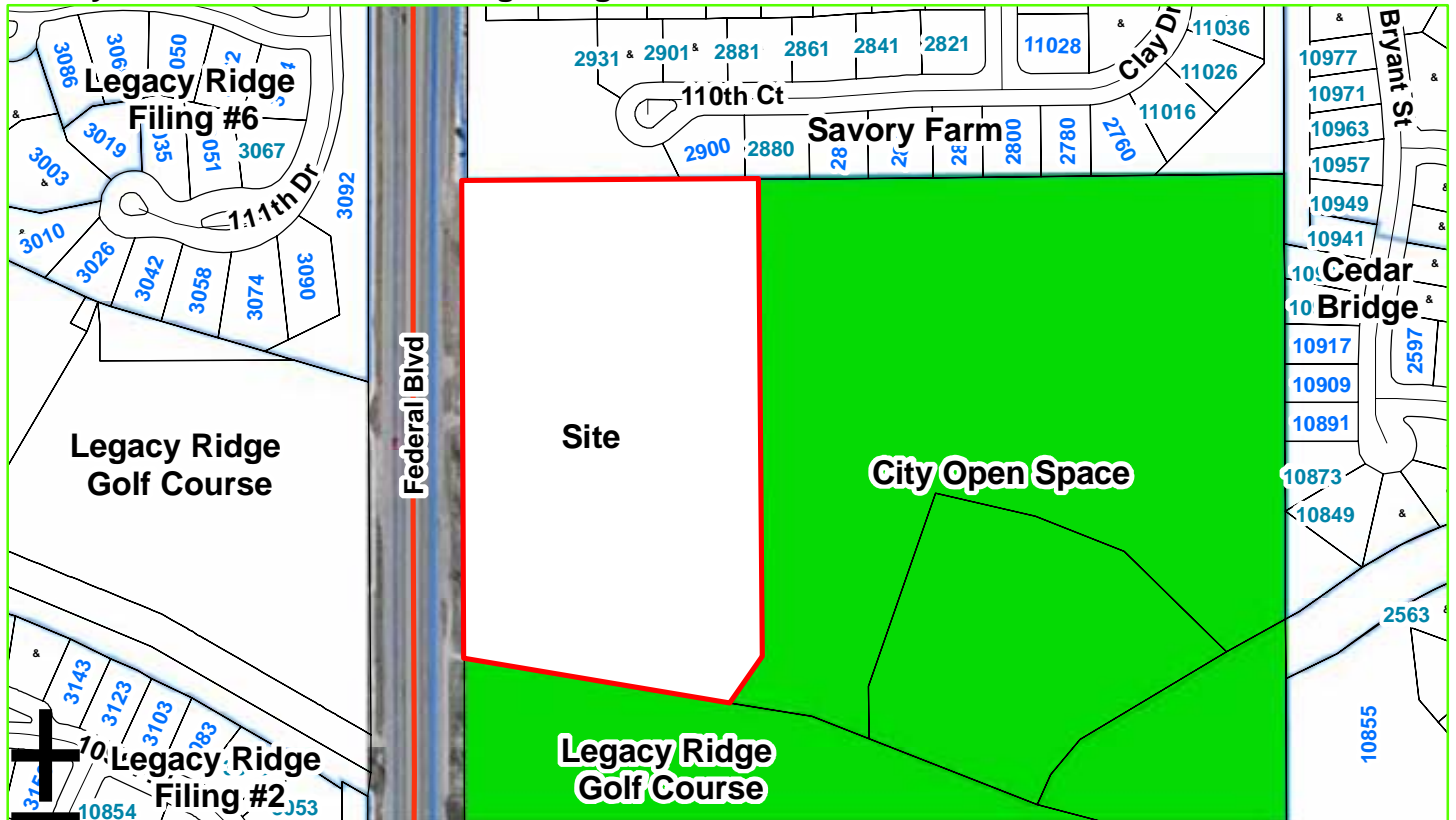
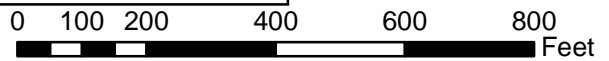
For tax purposes this property is known by the following Adams County Property Identification Number 171908100018 and Schedule Number R0033614. This property is also known as 10900 North Federal Boulevard, Westminster, Colorado 80030.



Description of Change: O-1 zoning to PUD



Savory Farm Estates New Zoning Designation





WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 5 re an Amendment to the Comprehensive Land Use Plan for the North I-25 District Center

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

Pass Councillor’s Bill No. 5 on second reading amending the Comprehensive Land Use Plan for a subarea of the North I-25 District Center consisting of a map and related descriptive text. This recommendation is based on a finding that the proposed amendment will be in the public good and that:

- a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
- b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; 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.

Summary Statement

- The I-25 Corridor Study was completed in February 2002 and since that time the land uses planned for the corridor have become more defined.
- The Comprehensive Land Use Plan (CLUP) amendment will not change the North I-25 District Center land use designation. The underlying land use designations shown on a portion of a subarea plan will be adjusted and defined through both text and a sketch plan map for the North I-25 District Center.
- Councillor’s Bill No. 5 was approved on first reading by City Council on February 25, 2008.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Comprehensive Land Use Plan Ordinance
 - Exhibit A (Comprehensive Land Use Plan Map of the North I-25 District Center)
 - Exhibit B (New Descriptive Text and Existing Text/Map that is to be Replaced)

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN FOR THE NORTH I-25 DISTRICT CENTER**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been prepared by the City of Westminster for approval pursuant to W.M.C. §11-4-16(D), for the properties shown in color on the map in attached Exhibit A, and for the accompanying descriptive text in Exhibit B, both exhibits incorporated herein by reference, requesting a change in the proposed uses for the North I-25 District Center, and requesting a change in the descriptive text for the properties in a subarea of the North I-25 District Center. The subarea of approximately 600 acres is bounded on the north by the alignment of 150th Avenue at the Broomfield City limit. The west boundary is Huron Street and the east boundary is Interstate 25. The south boundary is at approximately the alignment of 134th Avenue (the south boundary of the Interchange Business Center PDP that contains the Wal-Mart site).

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the requested amendments will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly that the amendments will more accurately show proposed and approved land use patterns in this subarea of the North I-25 District Center, and that the amendments will more accurately describe the City's updated vision for this subarea of the North I-25 District Center.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the text of the Westminster Comprehensive Land Use Plan as reflected in the attached Exhibits A and B.

Section 3. 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 4. This ordinance shall take effect upon its passage after second reading.

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 25th day of February, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 17th day of March, 2008.

ATTEST:

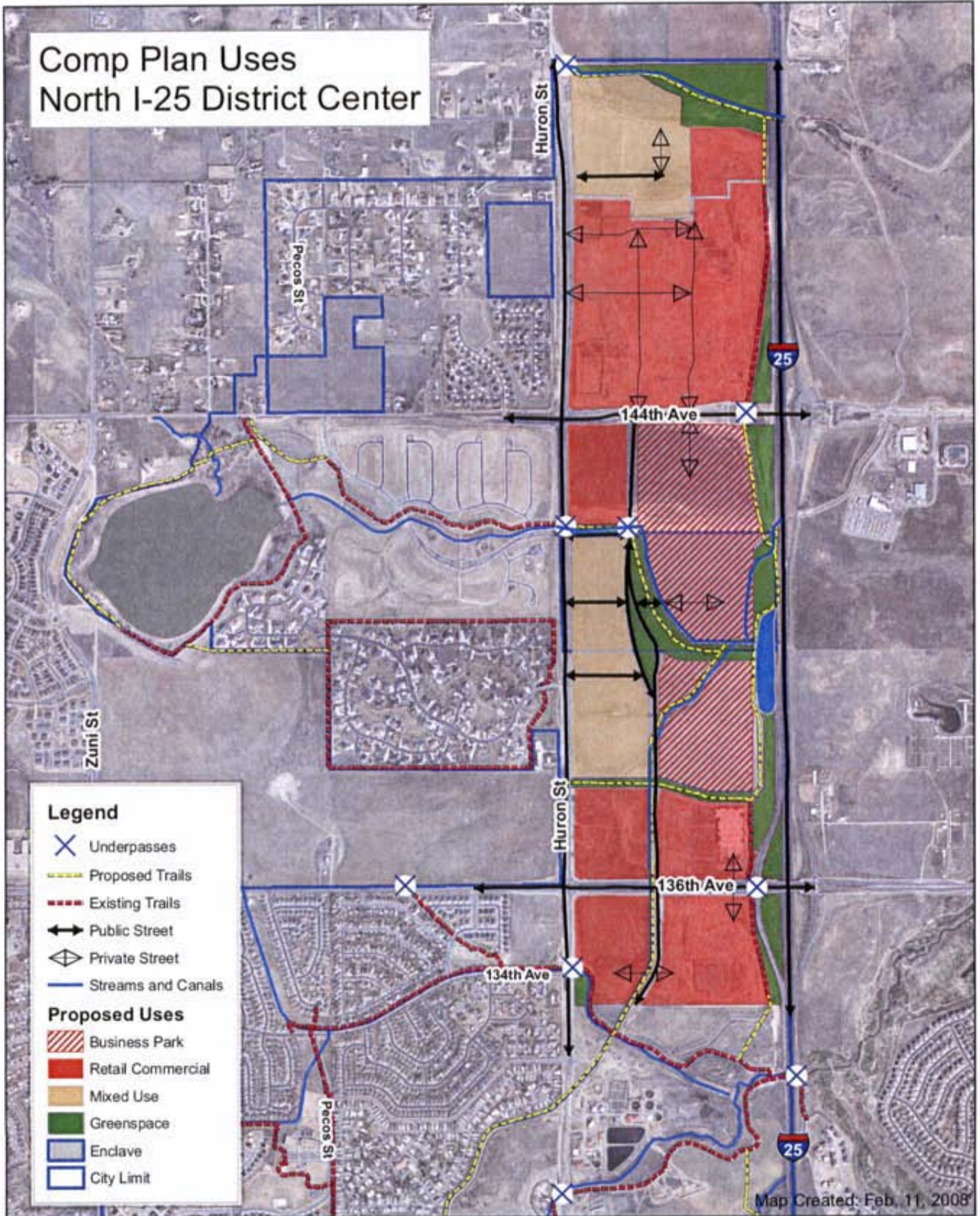
Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Exhibit A



This plan is conceptual, to assist in defining the City's vision for the North I-25 District Center. No changes to the Comprehensive Plan or to the road system will be required for minor modifications to the uses shown.



0 0.05 0.1 0.2 0.3 0.4 0.5 Miles

The City has made every reasonable effort to obtain and maintain this data as accurately as possible. However, the data and maps are provided without warranty of any kind, either expressed or implied. The City does not guarantee the accuracy, completeness, timeliness, or correct sequence of the data and hereby expressly disclaims any responsibility for the validity and accuracy of any data and information.

EXHIBIT B

North I-25 District Center

The area bounded by Huron Street, I-25, 134th Avenue and 150th Avenue is planned as a district center with a mix of employment, retail, and residential uses with natural open spaces, drainage areas and trails. High quality architecture and landscaping on all new development will assist in further defining this area.

Design concepts for the entire area include:

- building forms enclosing and defining parking fields;
- building forms defining the edges of Orchard Parkway, Huron Street and other new public streets;
- building forms following a "gradient," with the smallest scale buildings closest to Huron Street.
- buildings with double fronts – facing both the street and parking fields;
- publicly accessible open spaces arranged to be visible landmarks as well as functional spaces.

The I-25 District Center is physically characterized by its landform, a gently sloping "V" shaped valley between high points north of 144th (The Orchard retail center) and south of 128th (Adams 12 middle and high schools). In the center is the main business/research employment center with its mixed-use buildings.

This district center will draw its distinct regional identity from a significant joint drainage and open space system woven throughout the developed spaces and tied into the City's trail system by a series of smaller private parks, trails, and sidewalks. This open space system, unique within the district center, is a result of its location at the low point of the area, receiving drainage from a large watershed including McKay Lake and the storm outflow from the adjacent developed areas.

The open space system is configured as a three-fingered set of spaces that gather and direct flowages from west to east towards

the continuous green belt along the eastern edge of the district center abutting I-25.

North of 144th Avenue will be the mixed-use regional "lifestyle center," The Orchard. Set on approximately 215 acres and extending northward from 144th Avenue to the northern city limit, the project will feature over 1.1 million square feet of retail and office and residential uses. Reflecting a "prairie style" design, the center is expected to integrate big-box retail users and intimate, pedestrian-scale shopping and gathering areas into an area with regional appeal.

At the midpoint of the entire district center will be the landscaped corridor of Orchard Parkway between 136th and 144th Avenues. This collector street provides a consistent identity element and facilitates movement through the entire area. The Parkway's most important landmark feature is an urban park that passes through the mixed-use core of the main business/research employment center.

The vision for this area of the district center may feature a small street-oriented "new-urbanist style" residential mixed-use development with the provision of street-oriented retail/office and loft-style urban apartments and condominiums.

The vision includes the following developmental zones:

1. Huron Street Arterial Pads. This zone is located at the southeast corner of Huron Street and 144th Avenue west of Orchard Parkway. Huron Street should have a rhythm of freestanding buildings of 1-2 stories, served by surface parking. The buildings should embody a very high quality of architectural design reflecting their prescribed uses and a quality of landscaping consistent with that of the expanded and improved Huron Street and the larger developments of which they are a part. They should reflect

EXHIBIT B

- consistent design themes, and not a typical disjointed “pad” style of development.
2. Orchard Parkway West: The buildings between Huron Street and Orchard Parkway and south of the Huron Street retail zone should be developed as a part of a mixed use employment/office area with a limited amount of residential and retail secondary uses. All buildings in this zone should be street-defining (i.e.: built parallel to and within 15-25 feet of the curb along Orchard Parkway) and should have two fronts – one to Orchard and one to their surface parking areas. Buildings should not be allowed to be developed in this area as “island” architecture surrounded by parking. Instead, they should develop with consistent streetscapes, and they should have service access at the gaps between buildings to further reinforce the “two front” building type concept. These buildings should be narrower footprints and can be taller proportionally (2-6 stories) to take advantage of mountain views and the interior open space and trail system.
 3. Orchard Parkway East. This area is located between I-25 and Orchard Parkway south of the Orchard Ponds campus. These buildings should also be street-defining with mixed uses (office and retail). The vision is for these buildings to have larger floor plates (20-25,000 SF) suited to a wide range of tenants, while maintaining a general height massing, and articulation and high quality architecture corresponding with the Orchard Parkway West buildings. The Bull Canal is also intended to be reconstructed in this area to align with Orchard Parkway in a more natural fashion along with a parallel pedestrian trail.
 4. Orchard Ponds Campus: The zone between Orchard Parkway and I-25 will take advantage of the water-oriented open space and trail system and the high degree of long-range visibility associated with travelers on the I-25 corridor. In this zone large landmark Class A general office buildings, hotel users and medical offices of 40-50,000 SF floor plates and 300,000 GSF areas are suitable and achievable in this area with the provision of some structured parking.
 5. “Known” projects: North of 144th Avenue is The Orchard Town Center lifestyle center, with the first phases opened in the second half of 2006. The mixed-use center will contain over 1 million SF of retail space and approximately 500 units of housing in a prairie-style pedestrian format.
 6. Lastly, both north and south of 136th Avenue are big-box anchored retail projects with commercial out-parcels. The concentrated retail areas fronting along 136th Avenue are expected to maintain the very high quality of architecture already established by the initial projects. Predominant masonry, significant building variation in height and depth, exceptional landscaping including mature tree preservation and the incorporation of public art should be hallmarks of all projects in the corridor, with special attention to detail paid to the retail sites on 136th Avenue.

Certain design elements or themes should carry through the entire North I-25 corridor. These include retaining and maintaining healthy mature trees, a consistent streetscape, the continuation of a pedestrian trail parallel to I-25, Bull Canal greenery and the incorporation of public art using the Commercial Design Guidelines as a minimum standard.

I-25 District Center

The area east of Huron Street and north of 124th Avenue is planned as a district center with a mix of employment, retail, and residential uses, with ample open space, trails, and high quality design. The District Center is subject to an Intergovernmental Agreement (IGA) between Thornton and Westminster. It encompasses approximately 500 acres, not including unincorporated lands within the area's boundaries. The City has prepared a specific plan for the area which outlines the location of future interchanges at 144th Avenue and 136th Avenue, and describes the mix of transit-oriented land uses (the I-25 Corridor Study). The District Center will be served by a network of roadways, including improvements to Huron Street, 128th Avenue, 136th Avenue, and 144th Avenue, as well as a continuous north-south collector street. As described in that plan, the concept for the I-25 District Center is to serve as an attractive northern "gateway" for the City.

The northern portion of the District Center, located north of 144th Avenue, relates to the regional influences of I-25 and a planned interchange at 144th Avenue, the Northwest Parkway, and E-470. Planned land uses include regional retail or employment and open space.

The central portion of the District Center, bounded by 136th and 144th Avenues, is planned for a mix of employment, mixed-use, and retail development, with a planned transit-oriented development node centered between the two planned interchanges and a park and ride. This area may also include some residential units as part of the transit-oriented development area. The southern portion of the District Center, located between 136th Avenue and the Park Centre development, is planned for a mix of specialty retail, public uses, and employment.

The land uses shown on the North I-25 Concept Plan (as shown to the right) are more detailed than what is shown in the Comprehensive land Use Plan. Nevertheless, the uses shown govern.





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 6 re 2007 4th Quarter Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor’s Bill No. 6 on second reading providing for supplementary appropriations to the 2007 budget of the General, Storm Drainage, POST, WEDA, General Capital Improvement, CDBG, and Debt Service Funds.

Summary Statement

- City Council action is requested to adopt the attached Councillor’s Bill on second reading authorizing a supplemental appropriation to the 2007 budget of the General, Storm Drainage, POST, WEDA, General Capital Improvement, CDBG, and Debt Service Funds.
 - General Fund amendments total: \$475,350
 - Storm Drainage Fund amendments total: \$6,149
 - POST Fund amendments total: \$7,967,589
 - WEDA Fund amendments total: \$285,500
 - General Capital Improvement Fund amendments total: \$7,192,774
 - CDBG Fund amendments total: \$72,921
 - Debt Service Fund amendments total: \$11,146,906
- This Councillor’s Bill was passed on first reading February 25, 2008.

Expenditure Required: \$27,147,189

Source of Funds: The funding sources for these expenditures include interest earnings, sponsorship funds, grants, building permit fees, reimbursements, program revenues, energy rebates, bond issuance proceeds, recycling proceeds, cash-in-lieu payment, and funds transfer.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Major - Dittman

A BILL

FOR AN ORDINANCE AMENDING THE 2007 BUDGETS OF THE GENERAL, STORM DRAINAGE, POST, WEDA, GENERAL CAPITAL IMPROVEMENT, CDBG, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the General, Storm Drainage, POST, WEDA, General Capital Improvement, CDBG, and Debt Service Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$27,147,189. This appropriation is due to the receipt of interest earnings, sponsorship funds, grants, recycling proceeds, building permit fees, reimbursements, program revenues, energy rebates, bond issuance proceeds, recycling proceeds, cash-in-lieu payment, and funds transfer.

Section 2. The \$27,147,189 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item # dated February 25, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$475,350
Storm Drainage Fund	\$6,149
POST Fund	\$7,967,589
WEDA Fund	\$285,500
General Capital Improvement Fund	\$7,192,774
CDBG Fund	\$72,921
Debt Service Fund	<u>\$11,146,906</u>
Total	<u>\$27,147,189</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25TH day of February, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 17TH day of March, 2008.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Item 8 Q

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 7 re Lease of Open Space Property to Doulos Ministries

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Pass Councillor’s Bill No. 7 on second reading authorizing the execution of a 10 month lease in substantially the same form as the attached agreement for the Doulos Ministries property located at 12550 Zuni Street, Westminster, CO 80234.

Summary Statement

- City Council approved the purchase of the Doulos Ministries property at the September 24, 2007 meeting. The City plans to acquire the 38-acre Doulos Ministries property for open space on March 18, 2008. This property will be acquired for open space and for the Big Dry Creek trail that runs through this property.
- The City entered into a Purchase and Sale Agreement with Doulos Ministries Inc. on November 1, 2007 to acquire the property. The Purchase and Sale Agreement included the right for Doulos Ministries to lease the property from the City after the purchase for a period of 10 months to allow the owners to continue operation of their youth camp through December 31, 2008. The Seller agreed to lower the purchase price by \$100,000 from the appraised value of \$2,750,000 in part to give consideration for the lease.
- Included in the City Council approval was the statement that staff will present a proposed ordinance approving the lease of the property back to Doulos Ministries, per the City Charter requirements, prior to closing on this acquisition so the tenant can continue its current use of the property. The form of lease has been approved by the City Attorney’s Office and by the Tenant. The lease will not be executed until after the property closing has occurred.
- This Councillor’s Bill was approved on first reading by City Council on February 25, 2008.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachment (Form of lease)

BY AUTHORITY

ORDINANCE NO. **3402**

COUNCILLOR'S BILL NO. **7**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Briggs - Dittman

A BILL

**FOR AN ORDINANCE APPROVING A LEASE AGREEMENT FOR THE LEASE OF THE
PROPERTY LOCATED AT 12550 ZUNI STREET, WESTMINSTER, CO 80234.**

WHEREAS, the City of Westminster will purchase the Doulos Ministries property located at 12550 Zuni Street, Westminster, CO 80234. Doulos Ministries has requested that the City allow it to remain on this property and continue its current use of the facilities on the property through December, 2008; and

WHEREAS, Doulos Ministries negotiated the right to remain on the property through December, 2008 as part of the Purchase Agreement; and

WHEREAS, the tenant has been screened and determined to be suitable for the property; and

WHEREAS, the final form of the lease agreement has been agreed to by the parties; and

WHEREAS, the City Charter requires such lease be approved by ordinance,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease Agreement between Doulos Ministries Inc. and the City for the property located at 12550 Zuni Street, Westminster, CO 80234, in substantially the form attached to this Ordinance, is approved.

Section 2. This ordinance shall take effect upon its passage after second reading.

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 25th day of February, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 17th day of March, 2008.

ATTEST:

Mayor

City Clerk

LEASE AGREEMENT

THIS LEASE AGREEMENT, made this 18th day of March, 2008, between the **CITY OF WESTMINSTER**, a Colorado home rule municipality (the "City"), and Doulos Ministries, Inc., whose address is 12550 Zuni Street, Westminster, CO 80234, (the "Lessee").

WHEREAS, the City has purchased from the Lessee on this date the property described in Exhibit "A", attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, in conjunction with the sale of the Property to City, Lessee has requested permission to remain on the Property for a period of time pursuant to the terms of this Lease Agreement.

WITNESSETH that in consideration of the covenants and agreements by the Lessee hereinafter set forth, and for other good and valuable consideration, the City hereby leases unto the Lessee the Property situated in the County of Adams, State of Colorado, subject to the following Terms and Conditions:

TERMS AND CONDITIONS OF LEASE

A. The term of this Lease shall be for the period commencing on March 18, 2008, and ending on December 31, 2008, at 12:00 p.m. MST.

B. In consideration of the lease of the Property, the Lessee covenants and agrees as follows:

1. Lawful Use. To use the Property for no purpose prohibited by the laws of the United States or the State of Colorado, or the ordinances of the City of Westminster.

2. Entry by City: To allow the City access at all times to enter onto the Property.

3. Occupancy. Not to permit the Property to be used for any purpose which would render the insurance thereon void or the insurance risk more hazardous.

4. Alterations; Modifications. Not to make any alterations to, or modifications in or upon the Property without first obtaining the City's written consent. All such alterations or modifications shall be done in conformance with all applicable laws, codes, regulations, and rules of the City and the State of Colorado. All such alterations or modifications shall be done at the Lessee's expense. Further, unless the parties otherwise agree in writing, the Lessee shall be obligated to restore the Property to the original condition as entered upon if requested to do so in writing by City.

5. Duty of Care. To exercise reasonable supervision of all guests at all times when they are in or upon the Property.

6. Damage by Lessee. To reimburse the City for any expense incurred by it in repairing any damage to the Property caused by Lessee, his employees or agents, or any person in his care.

7. Indemnity. To indemnify and hold harmless the City from and against any claim for personal injury or property damage resulting from any act or omission of Lessee or its agents, to carry liability insurance covering bodily injury and property damage in an appropriate amount and to make the City, its directors, officers, employees and agents additional named insured under its policy of liability insurance, and to provide the City with a copy of such insurance policy as evidence of coverage.

8. Subletting. To sublet no part of the Property, or assign this lease or any interest therein.

9. Nuisance. Not to permit any disorderly conduct or nuisance whatever about the Property or the Property, including the buildings and the building grounds, and to not annoy, disturb or interfere with the City's or the public's use of the Property.

10. Surrender in Good Condition. At the expiration or termination of this lease to surrender and deliver up the Property in as good order and condition as when the same were entered upon, loss by fire, and ordinary wear excepted.

C. The City and the Lessee further covenant and agree that:

1. Maintenance by Lessee. Lessee shall be responsible for the total caretaking and maintenance of the exterior and interior of the Property and all items brought onto the Property by the Lessee.

2. Maintenance by the City. Lessee accepts the Property "as is" and acknowledges that the City shall have no obligation for maintenance or repair of the Property.

3. Emergency Repairs. Lessee agrees to perform all repairs of an emergency nature necessary to protect the Property from undue and avoidable injury or damage.

4. Utilities. All charges for water and water rents, for heating, and for lighting of the Property are to be paid by Lessee.

5. Telephone Charges. Lessee will be responsible for payment for all telephone installation and service charges.

6. Keys. The City will provide Lessee with a reasonable number of keys for interior and exterior doors of the buildings on the Property.

7. The City is Not Responsible for Lessee's Personal Property. The City shall have no responsibility or liability for any loss or damage to any personal property of the Lessee or any fixtures installed by the Lessee, whether Lessee has obtained insurance coverage or not.

8. Flammable, Hazardous Materials. Lessee shall store no flammable, toxic, dangerous, hazardous or obnoxious materials anywhere on the Property.

9. Live Animals. Lessee shall neither bring nor permit the bringing of any live animals into the Property, except pets to the extent permitted by the Westminster Municipal Code.

10. Untenantable Conditions. If the Property become so damaged by fire, flood, act of God or any other casualty not caused by the Lessee so as to render the Property untenantable, the Lessee may terminate this Lease without further obligation.

11. Vacancy of Property. If the Property are left vacant the City may, at its option, either retake possession of the Property, terminating the Lease and the City's and Lessee's obligations hereunder, or it may re-rent the Property.

12. Insolvency of Lessee. If the Lessee becomes insolvent, or is declared bankrupt, the City may terminate this Lease forthwith, and all rights of the Lessee hereunder shall thereupon terminate.

13. Peaceable Surrender. At the expiration of the term of this Lease, whether by passage of time or by act of the City as provided in this Lease Agreement, the Lessee shall surrender and deliver up the Property peaceably to the City, and if the Lessee shall remain in possession after termination of this lease, the Lessee shall be deemed guilty of a forcible detainer of the Property under the statute, and shall be subject to eviction and removal in accordance with state law.

14. Default. If default shall be made in any of the covenants or agreements contained in this Lease Agreement to be kept by Lessee, it shall be lawful, upon 30 days written notice, for the City to declare the term ended and to repossess the Property in accordance with state law.

15. No Waiver. No assent, express or implied, to any breach of any one or more of the covenants or agreements contained in this Lease Agreement shall be deemed or taken to be a waiver of any succeeding or other breach.

16. Designated Representatives. The following persons are hereby designated by the parties as the persons responsible for the implementation of this Lease. Should Notices need to be sent or problems arise concerning this Lease the parties agree to contact:

For the Lessee:

Mack Sands
Doulos Ministries, Inc.
801 W. Mineral Avenue
Littleton, CO 80120-4501

For the City of Westminster:

Heather Cronenberg, Open Space Coordinator
Department of Community Development
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031
303-430-2400, Ext. 2142

17. Insurance. The City will provide insurance against loss to the fixtures only due to fire or other casualty. The Lessee will be solely responsible for any loss to any personal property associated with the Property.

IN WITNESS WHEREOF the parties have executed this indenture the day and year first above written.

CITY OF WESTMINSTER

LESSEE:

By: _____
J. Brent McFall
City Manager

Attest:

By: _____
Linda Yeager
City Clerk

Approved as to legal form:

City Attorney

City of Westminster Historic Landmark Application

Name of Site: Dudley C. Shoenberg Memorial Farm aka Shoenberg Farm

Location: 7231 Sheridan Boulevard (fka 7255 and 7259 Sheridan Blvd)
Westminster CO 80030

Resources Included in Nomination: Contributing: Two-story 1911 Farmhouse, two-story 1911 Garage (after relocation to north side of Farmhouse), 1911 Underground Power Plant, 1911 Milkhouse, 1911 Dairy Barn, Wooden-Stave Silo, Poured-Concrete Silo, Quonset-type Structure, Metal Truck Plant. The nomination also includes a large processing plant that was described as non-contributing due to additions and lack of integrity in a Preliminary Evaluation prepared by the owner and filed with the Colorado Historical Society. Structures not included in nomination: Small metal wellhouse that will be removed by the adjacent commercial developer, non-historic telecommunications facilities that are expected to be relocated.

Legal description: Lots 5 and 14, Shoenberg Farm Commercial Center, 6th P.M., T.2 S., R.69 W, E ½ of SE ¼ of SE ¼ of Section 36, City of Westminster, Jefferson County, Colorado

State of Colorado Site No.: 5JF.4336

UTM coordinates:
Zone 13 495424mE 4408487mN NAD 27:

Nominated by: Westminster Historic Landmark Board

Ownership: Shoenberg Farm is owned by Tepper Partners LLC, Jerry J. Tepper, Debra E. Tepper, Cook Islands Trust LLC. The owners consent to the nomination of Shoenberg Farm as a local historical landmark only if the historic designation takes effect upon their conveyance of the property, or portions thereof, to the City of Westminster. As of the date of this nomination, the City of Westminster is investigating the purchase of all contributing resources except the metal truck shop and the Quonset-style structure. Consideration of the eligibility of these resources will be included in this nomination so that the entire site can be reviewed by the Historic Landmark Board.

Reasons for designation pursuant to W.M.C. section 11-13-5:

Shoenberg Farm qualifies for designation as a Westminster historic landmark based on the following criteria in W.M.C. section 11-13-5

1. The resources are 50 to 97 years old.
2. Shoenberg Farm is historically significant for its association to the National Jewish Hospital for Consumptives (NJH) and its role in the treatment of tubercular patients in the twentieth century. It is believed to be the last, intact farm in the Denver area associated with the twentieth-century sanatorium movement.
3. Due to its association with early Colorado settlers and 20th Century dairy and egg production in the Denver metropolitan area, Shoenberg Farm exemplifies the cultural, political, economic and social heritage of the local and regional community.

4. Shoenberg Farm represents an association with the work of a notable person, Louis D. Shoenberg Beaumont, a founder of the May Department Store chain and international philanthropist. Shoenberg Farm may be the earliest extant example of Mr. Shoenberg's philanthropy.
5. Shoenberg Farm represents an association with the work of a notable dairy and egg farmer, Jacob J. Tepper, who was responsible for innovation and regional growth of these industries.
6. Shoenberg Farm represents an association with the contributions of early Jewish settlers to the development of health care and the dairy and egg industries in Colorado, including the founding of National Jewish Hospital, the entrepreneurial efforts of Louis Shoenberg, and the farming and production innovations of the Tepper operation.
7. Standing at a prominent location at the southwest corner of West 73rd Avenue and Sheridan Boulevard, Shoenberg Farm is an established and familiar visual feature of the community.
8. Each building exemplifies specific elements of an architectural style of the period in which it was built.
9. The Quonset-style structure represents an innovation in construction, materials and design.
10. The Dairy Barn suffered extensive damage early in the 20th Century and underwent significant historic remodel prior to 1947;
11. The Milk & Ice House was expanded in the 1940s, roughly doubling its size, resulting in an addition that has historic significance.

Statement of Historical Significance:

Shoenberg Farm's history divides into two periods of historical significance. The first was the period of ownership by National Jewish Hospital from 1911 to 1921. During this time, the Farm was devoted to supplying milk and eggs to the Hospital. While a number of wooden outbuildings existed on the property that are no longer present, it was still a smaller 70-acre farm in the countryside supplying the needs of the specialized Hospital program.

The second period of historical significance is the Tepper ownership from 1921 until about 2000. The Tepper operation expanded the farm in every way: land holdings, major buildings, production and delivery of a high volume of dairy products and eggs on a regional basis, and a truck fleet to carry out this business. All buildings currently on the site were constructed by 1947 and were part of a much larger complex of a few dozen structures. In addition, some of the site characteristics from the Tepper era remain today, including the concrete lot between the Dairy Barn and the Quonset structure and drive lanes in several locations.

A more detailed historical summary is attached hereto as Exhibit 1.

In the owner's Preliminary Evaluation of the site for National Register eligibility, the following statement of historical significance was included:

Shoenberg Farm is historically significant for its association to the National Jewish Hospital for Consumptives (NJH) and its role in the treatment of tubercular patients in the

twentieth century. NJH, as a “scientific charity” applied science and efficient business methods to all aspects of life and medicine in its role to eradicate tuberculosis from its patients. It believed in holistically treating tubercular patients through diet, health and education. NJH’s sanatorium included not only its Denver hospital and trade school, but the Shoenberg Farm that provided fresh milk, eggs and meat for the patient’s regimen of nutritious food essential in rebuilding “wasted “ bodies. The Dudley C. Shoenberg Memorial Farm was donated to NJH by his father, Louis D. Shoenberg in 1911. When its distance from the hospital became impractical to maintain, the farm was sold in 1921 to Jewish dairyman Jacob Tepper, who kept the name Shoenberg Farm and continued to provide NJH with milk, eggs, and meat for several decades. It is believed to be the last intact farm in the Denver area associated with the twentieth-century sanatorium movement.

In addition, the farm is representative of early twentieth-century poultry and dairy farms and the built environment which typified the first dairy farms established in northern Jefferson County. The poultry and dairy farm operated from 1911 until August of 2000, first as a direct supplier to National Jewish Hospital and later as a wholesale dairy operation that provided dairy products to restaurants, hotels, hospitals, large dairies, and institutions. The farm embodies the distinctive characteristics of the dairy farm found in northern Jefferson County in the first half of the twentieth century, as well as variations with its distinctive elliptical Quonset hut, wood and concrete silos, and bungalow residence.

The Elliptical Quonset hut is architecturally significant for its architecture, as a prefabricated, metal building that represents a building type and method of construction of Quonsets built for agricultural use in the early 1940s. The building possesses integrity of location, design, workmanship, materials and association. It represents a rare resource type found in the City of Westminster.

Preliminary Property Evaluation Form, Colorado Historical Society, State Site No. 5JF,4336 (October 25, 2005).

Architectural and Site Description

The buildings on the Shoenberg Farm site are identified by the names assigned to buildings as listed in the Twelfth Annual Report (May 1912) of the National Jewish Hospital for Consumptives, Denver, Colorado, who originally owned the farm. Unless otherwise noted, the date of construction was obtained from this document.

1911 Brick Superintendent’s Residence. The one-and-a-half story, red-brick dwelling is a Bungalow-style popular in Colorado between 1900 and 1930. Its main characteristics include a gently pitched roof with a front gable, overhanging eaves with exposed rafter ends, a broad porch supported with thick brick columns, and simple horizontal lines. The almost square plan has a front-gable composition roof with vertical, board and batten in the gable face. Two symmetrical pairs of windows are in both the front and rear gable ends. One pair is immediately on either side of the bracketed gable. The roof has deep overhangs, plain verge board in gable end and exposed rafter ends on the side elevations. The building has a pair of exterior chimneys on the north and south elevations. It has a symmetrical façade with a full, shed-roof porch with thick brick columns. The porch roof has open ends, a deep overhang with exposed rafters, and composition shingles. The raised porch is partially opened with a decorative, wood-slat balustrade and a decorative, wood-slat skirt under the porch. The front façade features two non-historic 1/1 aluminum windows and aluminum storm windows. The non-historic main entry door is wood panel with an aluminum and glass storm door. In the early-to-mid 1970s, the north windows

were replaced with glass block windows. One of the north windows retains its rusticated stone sill. The rest of the windows were replaced with 1/1 aluminum windows which echo the 1/1 style of the original windows. At the west end of the north elevation, the original inset, rear porch was enclosed with a vertical wood panel and the original brick column is visible. On the west or rear elevation, a circa 1990 wood-frame porch with a hip composition roof has been added. The entrance to the full concrete basement has a glaze and wood panel door with a wood frame screen door. The only window on this elevation is actually the original door. The brick stoop has been removed, the door partially bricked (non-original) and a 1/1 aluminum window with brick sill and wood lintel installed. The south elevation has four non-historic 1/1 aluminum windows with wood lintel and rusticated stone sills. A small pair of non-historic 1/1 aluminum windows with rusticated stone sills are located near the front of the house. The basement has two small windows on the north and south elevations located at ground level.

1911 Brick Garage

The one-and-a-half story garage is also built in a Bungalow style and is similar to the Superintendent's Residence, using red brick, vertical board and batten frame, and a gently pitched roof line. As part of the approvals for the adjacent commercial development, the developer received permission to move the garage by rotating it ninety degrees and moving it about fifty feet to the east, placing it five feet from the north wall of the Superintendent's Residence. This relocation was a negotiated alternative to the owner's proposed demolition of the garage and other structures. The directions and orientation in this description are for the post-relocation garage position. Historically, the first level was used for vehicle storage and the second story was a residential apartment. The first story is masonry and the second story exterior walls are vertical, board and batten construction. The composition roof has a front gable, deep overhang, plain verge board, and brackets. There are two dormers, one on the north and one on the south elevation. The south elevation has a gable with bracketed overhang over a horizontal, slider window with wood surround. The north dormer has a shed roof with deep overhang over a paneled door with aluminum storm door to the second-level apartment. There are metal stairs with railing that lead to the second level. The other windows on this level are 3/3. The windows in the south and east elevations at the garage level are twelve-light, fixed-pane and one is boarded over. The foundation is concrete. The garage door is a non-historic multi-paneled, overhead door on the west elevation.

1911 Brick Milk & Ice House

The one-story, rectangular plan is built in the style of the late 19th and early 20th Century American Movements. It has a front-gable composition roof with a louvered, cupola-ridge ventilator. The gable ends have a deep overhang with very broad, bracketed ends, and wood exterior faces. The exterior walls are red brick. The west elevation has a panel entry door with a transom light, a twelve-light fixed-pane window, and a 2/2 sash window with wood frame. The south elevation has two 2/2 sash windows with wood frames and a smaller, paned window with wire grating attached to wood frame. The east elevation of the main building has a 2/2 sash window with wood frame. All of the windows have brick sills. There are three, paneled-entry doors on the east elevation: one to the coal-fired boiler room, one to the refrigeration cooler room, and a third to the refrigeration compressor. The building has a concrete foundation. In the early to mid-1940s, an addition was made to the original building, expanding the plant to the north and west side to accommodate a bottle-washing room and a room for pasteurization vats. The addition has a gabled, composition roof with deep overhang similar to the main section of the building. The exterior bricks of the addition match the main section of the building. The windows are twelve-light fixed pane and a single 2/1 sash. All have brick sills. A set of glaze & panel doors are on the east elevation of the addition, as well as a twelve-light fixed pane window. A concrete sidewalk runs along the side of the building. A second entry door, a panel door with

transom light, is on the north elevation. The interior ceiling of this section of the building is barrel-curved with all wall and ceiling surfaces tiled for easy cleaning.

1911 Brick Pump House

The pump house is a one-story, subterranean building with a rectangular plan, front-gable, composition roof, and concrete foundation. The gable ends are wood shingle with a simple verge board overhang. The exterior walls are red brick similar to the house, garage, and milk & ice house. A wood-panel cellar door opens onto concrete steps to the panel-entry door of the pump house. Above-ground windows are six-light, fixed-panel with wood surrounds. The pump house has a water storage tank and historic electrical generating equipment.

1911 Brick Dairy Barn

The one-and-a-half story, red brick barn has a concrete foundation and metal, gambrel roof with two pairs of gabled dormers on the east and west elevations. The dormers feature doors to the loft area and have metal ends. There are four round-pipe, ridge ventilators to allow heat to escape from the fodder storage area. The main entry to the barn is on the south elevation through a new oversized, overhead metal door. It is centrally located with a pair of 2/2 sash, wood-surround windows on the first level. On the second story, there is a large horizontal-sliding door with a pair of four-light windows in the peak. The west elevation features four panel doors (all have segmented arches with radiating voussoirs); two oversized livestock doors, a single-entry door, and a Dutch door. There are seven windows that are at 2/2 sash with wood surrounds and brick sills. On the north elevation, there are three livestock panel doors that at one time led to a corral area. The east elevation features ten windows with brick sills that include 2/2 sash, narrow 2/2 sash, and one nine-light that has thick wood muntins and a segmental arch with radiating voussoirs. There is also a panel door with segmental arch and radiating voussoirs that opened toward the milk house allowing easy access to the building east of the barn.

1911 Wooden Stave Silo

The tongue-in-groove, vertical wooden staves of this silo are held in place by iron bands and turnbuckles. It has a wood-shingle, conical roof with round ventilator on the peak. There is a concrete foundation and a ladder or wire steps enclosed by a wooden projection on the outside with several spaced openings. Remnants of red paint can be found on the exterior of the silo.

1950s Poured Concrete Silo

The poured concrete silo was formed of separately poured, stacked, concrete blocks. A ladder of metal rings is enclosed by a metal projection on the outside of the silo. Unloading is from the top. The silo has a concrete foundation and rounded metal ribbed roof.

Quonset-style Structure

The 1941-43 Quonset-style structure is fabricated of corrugated metal with parallel sets of wooden-arch ribs and perlins. It has a dirt and concrete foundation. It features short walls or side walls that are one continuous piece with the arc of the building. The 50' x 144' building was used to store farm equipment, trucks and straw for animals. The east elevation (front) has two nine-light, fixed-pane windows on either side of a large, horizontal sliding door. The south elevation has seven nine-light, fixed-pane windows and a large vehicular overhead door. The north elevation has nine nine-light fixed-pane windows.

1947 Milk Processing Plant

Built in the Modern Movements style, the irregular-shaped, flat-roofed processing plant is the result of additions in the 1950s through the 1980s. The red brick, concrete and steel building has a concrete basement/garden level. Including all additions and both levels, the building is about 20,000 SF. The office section added to the east elevation is approximately 750 square feet. The front façade features several vertical plate-glass windows. The entrance to the building is a pair of glass and steel doors set into a bank of large commercial fixed-pane windows with a large metal overhang that is also used as a commercial sign for the business (Shoenberg Farms, Inc., Office, 7255 Sheridan Blvd.). The rear addition of the building has exterior walls of red brick, steel skin/metal sandwich walls, and concrete. The red brick/concrete section of the building is the milk processing plant. The plant windows consist of narrow ribbons of glass block, glass-block with fixed pane, and pairs of glass block with fixed panes. The doors are either solid metal or metal and glazed. Some have wooden screen doors. There is a raised loading platform on the north and west elevations of the processing plant. The steel skin/metal-sandwich walled addition, located at the southwest corner, was the cooler. Eight bays are located at the rear of the building. Six of the doors are metal, motorized overhead.

Truck Maintenance Shop/Boiler Plant

Built in the 1940s, the rectangular-plan, prefabricated metal building was a truck maintenance garage and boiler plant for the dairy. It is approximately 2520 square feet in size, with 16' exterior walls and a 20' peak at the center ridge. The exterior walls are sheet metal with steel frames. The east elevation has a large, overhead door that is metal and glass pane. There is an asymmetrical entry door that is metal panel and glaze. There are two windows that are fifteen-light, fixed panes. Other windows on the south and north elevation are also fifteen-light, fixed panes. There is a centrally located chimney stack that is part of the boiler plant. The plant has a natural gas boiler and an oil boiler. The front-gable roof is low-pitched and constructed of metal. The building's foundation is concrete. Next to the plant, there is a small (12.5' x 16') well house of prefabricated metal and steel ribs, which is expected to be removed by the commercial developer working on behalf of the landowner. The building has two entry doors that are panel and glazed. The front-gabled roof is medium pitched with overhanging eaves and constructed of metal. It appears that the well house was built at the same time as the Truck Maintenance Shop.

Appendices

- 1. Summary of Shoenberg Farm History**
- 2. Historical Photos**
- 3. Site Plan & Current Photos**

Appendix 1

Historic Landmark Application - Shoenberg Farm

Summary of Shoenberg Farm History

History of Shoenberg Farm and National Jewish Hospitalⁱ

After the premature death of his son, Dudley, to tuberculosis, Jewish businessman and philanthropist Louis D. Shoenberg built and donated the Dudley C. Shoenberg Memorial Farm to Denver's National Jewish Hospital for the Consumptives to provide eggs and dairy products to the infirm in the sanatorium.

In 1886, Doctor Edward Livingston Trudeau, a physician who recovered from tuberculosis (TB), started the sanatorium movement in the United States at Saranac Lake, New York. He based it on the European model of strict supervision in providing fresh air and sunshine, bed rest, and nutritious foods. As infection-control measures took hold in large urban centers of the country, TB patients who could not be treated in local facilities were removed from the general population and placed into sanatoriums.ⁱⁱ At the same time, Colorado boosters proclaimed that the state's air had a curative quality. Tubercular patients from across the nation traveled to Colorado and once cured often remained to settle in the region.

National Jewish Hospital became one of the first of four ethnic and religious groups who opened a sanatorium in the Denver area to serve those in need. The directors and its hospital were proud of their motto, "None may enter who can pay—none can pay who enter." It was the first sanatorium in Colorado to treat indigent victims. Organized in 1899, it opened its doors in 1900. Crucial to NJH's therapeutic regimen for its patients was an abundant supply of nutritious foods, including large quantities of milk and eggs. The administrative director, Seraphine Pisko, pondered how to reduce the sanatorium's exorbitant food costs.

Early in its fundraising days, NJH realized that it had to seek assistance outside of Colorado to make it successful. A majority of its patients came from across the nation and fundraisers were sent to many of their home states. Board members were drawn from this pool of philanthropists. In 1901, Joseph Shoenberg, a New Yorker, became a member of the NJH Board of Trustees. In 1902, the first idea of purchasing a farm was introduced and a fund established

A longtime donor to Jewish relief organizations and charities, and at his brother Joseph's prompting, Louis Dudley Shoenberg joined the ever-growing list of contributors to the National Jewish Hospital for Consumptives. Shoenberg got his start in the clothing business in Leadville's boom mining period. David May of May department store fame and was interested in giving back to his former home state. His son Dudley C. Shoenberg had died of tuberculosis. After a search was conducted to find a farm in the Denver area, Louis purchased a tract of land in Jefferson County from Oscar and Anne Morrison. The 70-acre farm was one mile west of Westminster Station on the Denver and Interurban Railroad and already had some buildings on the property. An architect, George L. Bettcher of 607 Empire Building in Denver, was hired to design and oversee the construction of a superintendent's residence, a large barn, milk and ice house, silos, and a powerhouse to pump pure artesian water to the farm. Bettcher hired local builders, contractors, and laborers and within months the core center of the complex was visible. By the time the complex was completed in 1912, the cost was \$31,000. W.J. Abbott, a "scientific" farmer and graduate of Cornell University, was hired to supervise the operation of the farm. His monthly salary was one hundred dollars. He traveled to Wisconsin to find the best stock of Holsteins available, ordering twenty-one to be sent to the Jefferson County farm. Overtime Abbott ordered the "finest Leghorns" from California and constructed hen houses. To assist Abbott on the farm, he hired several farm hands, including a "milker" and a poultry man. The

milker was a local farmer who came to assist at milking times in the morning and evening. The poultry man and the farm hands lived on the property.

A dedication ceremony took place on October 27, 1912, with a modest group in attendance as well as various local newspaper reporters. In attendance were Rabbi William Friedman of the Denver Reform Temple, Ex-Governor C.S. Thomas, NJH President Samuel Grabfelder, clothier businessman David May, and Louis D. Shoenberg. The Denver Republic journalist described the farm setting and creatures in poetic prose, "These cows have a noble duty to perform. They are to furnish the richest cream and milk to be found in the state to make sick men and women well." The cows were soon to be joined by three thousand chickens.

The farm was designed to make the hospital self-sustaining. The intent was that every egg and glass of milk served at least six times a day would be the product of the farm. At the time the hospital's patients used more than 65 gallons of milk and cream and 30 dozen eggs a day. The "modern" farm was ahead of its time by installing "scientific equipment" for sterilization and pasteurization. It would not be until the late 1930s before pasteurization became compulsory in the dairy market. NJH doctors agreed that pasteurization was necessary to destroy any germs in the milk it served the patients of the sanatorium. With high hopes NJH officials and the Shoenberg Farm superintendent hoped to provide all the eggs, poultry, and milk the sanatorium would need, as well as have a surplus to sell to other sanitariums and private homes that cared for tubercular patients. Disappointingly, Pisko and the NJH Board eventually realized that the farm was expensive to run and its distance from the hospital prohibitive. In the early 1920s, when Shoenberg (who changed his name to Beaumont during World War I) offered to buy the hospital another farm, Pisko convinced him to donate a nurses' home on the hospital campus and the Beaumont building (which still stands today) joined the expanding campus. At the same time, she received permission to sell the farm.

Construction History During Tepper Eraⁱⁱⁱ

In subsequent years, poultry houses, cow sheds, corrals and ancillary structures were built to support the agricultural activities. Fields were planted with wheat, oats and grains. Numerous trees and gardens were planted to provide shade and fresh vegetables for the farm's kitchen, as well as surplus to the NJH hospital kitchen. In 1921, when Jacob Tepper bought the farm from NJH, a mill elevator was added. Eventually chicken houses were modernized and additional cow sheds and ancillary buildings torn down and reconstructed. Underground fuel tanks were installed to provide gas for the machinery. Two vehicle storage and maintenance buildings were constructed in the 1940s; one that also housed a boiler plant. The operation had grown from the initial 70 acre donation to Tepper's 747-acre wholesale dairy operation.

In the late 1940s and early 1950s, when Edward Tepper was beginning to take control of the operation from his father Jacob, the buildings included nine heated hen houses, one brooder house, two workers' houses, a mill elevator (90 ft. high) and plant, Quonset hut, five silos, miscellaneous outbuildings, cattle sheds, Shoenberg barn, Shoenberg milk house, Shoenberg garage and residence, a vehicle shed, two truck maintenance buildings. In 1947, Edward Tepper had a modern milk processing plant with offices built south of the Shoenberg milk house and barn. The offices once located in the superintendent's house (also Jacob Tepper's home) were moved to the new office building. Over the next decades, the modern milk processing plant was enlarged several times, including addition of a 40,000-gallon cooler. Over the years, as the operation concentrated solely on milk production, the hen houses and ancillary buildings were torn down or destroyed in a fire circa 1995. When the operation closed in 2000, the remainder of the buildings not associated with the central complex was demolished.

Commodore Louis D. Shoenberg (Beaumont)

Louis Beaumont (aka Shoenberg) was widely known during his long life (1857 to 1942) as an astute businessman who amassed a fortune and then donated his riches to fund dozens of educational and health care causes and institutions. The Shoenberg Farm in Westminster, Colorado, stands as a memorial to one of his earliest philanthropic projects.

Louis Dudley Shoenberg was born in Ohio and moved to Leadville, Colorado, in the 1870s, where he became business partners with David May.^{iv} After accumulating wealth in Leadville and in the May clothing store partnership, he devoted much of his life to philanthropic pursuits. The involvement with National Jewish Hospital (NJH) appears to have started with the Shoenberg family's construction of the Joseph E. Shoenberg Building in 1912 on the present-day NJH campus at East 14th Avenue and Jackson Street in Denver, and the construction of the Dudley C. Shoenberg Memorial Farm by Louis Shoenberg at West 72nd Avenue and Sheridan Boulevard in present-day Westminster. The farm was originally eight miles from Denver and covered 70 acres.

It was equipped with brick buildings and stocked with horses, cattle and poultry. It furnished eggs, hitherto an extremely large expense, butter churned at the farm, and poultry to the hospital along with fresh vegetables in summer.^v

The NJH administrator, Seraphine Pisko, realized after several years that the operation of the farm was cost-prohibitive. Shoenberg offered to buy another farm closer to the hospital, but Mrs. Pisko convinced him of the more urgent need for a nurses' home on the hospital campus.^{vi} During World War I, Shoenberg had changed his name to Beaumont, the French translation of the German Shoenberg ("beautiful mountain").^{vii} He was also nicknamed Commodore because of his fondness for boating. Thus, the nurses' home was built in 1922 by Commodore Louis Beaumont and still stands today on the NJH campus.

Both Louis Beaumont and Nathan Dauby were partners in the May Company and actively involved in the leadership of NJH throughout their lives. After Beaumont's death in 1942, Dauby directed the Louis D. Beaumont Fund, which gave millions of dollars to worthy institutions. When Beaumont died, he was described in the Denver press as "multimillionaire, merchant, prince, philanthropist, aviation enthusiast and cofounder of the May Department Stores company."^{viii} His fortune continued to be distributed for philanthropic causes throughout the 20th century. Another NJH facility, the Beaumont Therapy and Learning Center, which cost \$1.1 million, was completed in 1977 with a \$600,000 grant from the Louis D. Beaumont Foundation.^{ix}

Tepper History^x

The story of the Teppers of Shoenberg Farm began with the family of Masha (Emma 1862-1958) and Yitzchak (Isaac 1860-1955) Tepper who lived in eastern Poland, in a town called Czerhonovska near Warsaw.^{xi} Their son, Jacob J. Tepper (1886-1955), was the first to immigrate to the United States, arriving in 1903. According to family history^{xii} Jake fled Poland when the area was invaded by the Russian Army. In New York, Tepper, who desired nothing more to be a farmer and own land, worked odd jobs and studied agriculture at Cornell University. In July 1908 the Jewish Farmer, Agriculture, and Industrial Aid Society annual published one of Tepper's articles on farming techniques. With the assistance of the Jewish Relief Society, Tepper relocated in 1905 to Denver to satisfy his dream of buying a farm. Tepper's first farm was located on West Colfax Avenue across from the Jewish Consumptive Relief Society.

Jake married Mary Dolitzky and they had four children within seven years. Jake dedicated long strenuous hours getting his dairy farm established while Mary worked extremely hard caring for

the children and performing physically demanding farm chores such as hand-scrubbing the cloth used to strain milk. Eventually the hard labor affected her health and she left Jake and the children. Jake sold the farm in 1920 in order to provide a cash divorce settlement to her.^{xiii}

Jake worked for another dairy for a year until he acquired Shoenberg Farm from National Jewish Hospital (NJH) in 1921. NJH sold the farm because the costs of operating the farm were prohibitive, in part due to the distance of the farm from NJH's campus near West Colfax Avenue and Colorado Boulevard in Denver. Jake and the four children^{xiv} moved into the superintendent's house and the dairyman now learned how to care for a chicken farm as well. With the purchase of Shoenberg Farm, he became the owner of 1,900 chickens. He decided to keep them a year to see if it could be made profitable. Always up for a challenge, Tepper quickly educated himself on the fine art of raising poultry and electrified the hen houses. Jake discovered that by raising hens under artificial lights, they could be tricked into continuous egg-laying by regulating the length of their "day," thereby overcoming the challenge of feeding hundreds of chickens during the winter when they stop laying due to short daylight.^{xv} He also equipped the henhouses with rheostats, a series of resistance coils which drop the voltage, so that the lights dimmed gradually in simulations of sunset.^{xvi} With the addition of light in the houses, eggs that were once seasonal production became a year-round operation with hens laying 1200 dozen per day in 1946.^{xvii}

The shrewd businessman expanded the operations so that not only was it able to meet the dairy and poultry needs of NJH, but he was able to sell surplus wholesale to larger institutions in the Denver area. Shoenberg dairy and poultry products were delivered to restaurants, hotels, hospitals, and eventually supplied eggs and dairy products to Fitzsimmons Army Hospital and the U.S. Army during World War II and the Korean War.

Originally, the Tepper business was run out of their house. A room at the back of the house became the office. The full basement became a candling operation. The kitchen and rear porch were converted into a farm kitchen and dining hall for the farm hands. Tepper hired a cook. Everyone pitched in. The children worked the farm and drove routes delivering milk and eggs. Jacob constructed more and more structures on the property as his land holdings expanded, which eventually reached approximately 767 acres. Every phase of the business was overseen by Jacob who set high expectations and standards for himself as well as his family and employees. By 1949 Jacob Tepper's Shoenberg Farm was reportedly the largest dairy and poultry operation west of the Mississippi River.

At the same time that Jake transitioned to the Shoenberg Farm, the rest of his family immigrated to the Denver area from Poland. Jake's dad, Yitzchak, worked for A. D. Radinsky and Sons. Due to a machinery accident, Zaide (Grandpa) Tepper lost several fingers and was unable to continue with heavy physical work. He had been a scholar of Jewish studies and he became even more devoted to this pursuit after his disability. Most of the family then relocated to St. Louis, Missouri.

Dolly Madison Ice Cream Stores

When Jacob's son, Edward, took over operations, he continued his father's business plan and added a new project in 1941: Dolly Madison Ice Cream Stores. Ed Tepper eventually had 19 stores throughout the Denver metro area, which sold many flavors of ice cream, as well as eggs and other dairy products. Dolly Madison operated as both a neighborhood grocery stop as well as a soda fountain for milk shakes, ice cream cones and other treats.

After sixty years in business, the Dolly Madison stores closed in 2001 to the sorrow of its devoted customers.^{xviii}

End of an Era

By the time Jacob died in 1955, his son Edward, now college-educated, was running the family business and moving into the modern era of wholesale dairies. No longer were the Holsteins raised on the farm, but tankers delivered milk to the newly constructed dairy processing plant. Milk came from Utah, Nebraska, Kansas, Wyoming, and Colorado. After college, Edward's son, Jerry Tepper, joined the business with his father and continued its operation until August of 2000.

In an industry that started with the small farmer with his herd of dairy cows on a thirty to sixty acre farm, dairy farms and dairy production soon divided into the specialized businesses of supplier, processor and buyer. In 1956, there were approximately 170 dairies in Colorado with about sixty in the Denver metropolitan area. In 2005 Jerry Tepper reported that there were three large corporations who processed milk products with milk tankers arriving daily from throughout the western states. Throughout the ninety-four year history of the Shoenberg Farm, it has been a recognized landmark in northern Jefferson County and Westminster. The core of the complex is now a vacant sentinel of the history of dairy farming in northern Jefferson County.

ⁱ Research by historian Dawn Bunyak, on behalf of Shoenberg Farm owner Jerry Tepper (2005).

ⁱⁱ "History of Tuberculosis," Nebraska Health and Human Services System, www.hhs.state.ne.us/cod/Tuberculosis/TBHistory.htm, accessed 18 February 2005.

ⁱⁱⁱ Research by historian Dawn Bunyak, on behalf of Shoenberg Farm owner Jerry Tepper (2005).

^{iv} For a summary of David May's history in Leadville, Colorado, see http://www.prinzmetal.net/david_may_i.htm. The Shoeborgs were involved in a variety of business ventures. For example, Louis and his brother Joseph organized a beer company in 1882. Rocky Mountain News, *Millions in Stock* p. 3, col. 3 (March 4, 1882).

^v Fitzharris and Abrams, *A Place to Heal: The History of National Jewish Medical and Research Center* 16 (1997). See also Wilbur Fisk Stone (ed.), *History of Colorado* Vol. I, 681-87 (Denver 1913)

vi

In the early years of the 20th Century, turnover rates for nursing staff at hospitals throughout the country were extremely high. By the 1920s, many hospitals were erecting new, modern nurses' quarters in an attempt to attract high-quality staff, and Mrs. Pisko probably had this goal in mind when she persuaded Commodore Beaumont to direct his donation towards this project. In addition, she procured permission to sell the existing farm, as its considerable distance from the hospital grounds made it increasingly impractical to maintain. Plans were drawn up and critiques, a building committee selected, and a site chosen. The building was erected in 1922, and today it stands as the oldest building on campus.

Commodore Louis D. Beaumont, widely known in Denver, where he lived for many years, has been signally honored by the French government. He recently was presented with a replica in bronze of the statue of Wilbur Wright by the French ministry of aviation.

The presentation took place at Le Mons, France. The gift was in recognition of the services of Commodore Beaumont in aviation and with philanthropic organizations in France.

Denver Post, *Louis D. Beaumont, Widely Known Here, Honored by France* p. 2 (Aug. 8, 1922). Beaumont was also presented with the medal of the Legion of Honor by the French government for his benefactions in behalf of French orphans of World War I. Denver Post, *Last Survivor of May Stores Founders Dies* (Oct. 1, 1942).

^{viii} *Id.*

^{ix} The projects funded by Beaumont were diverse indeed. For example, an Antibes villa once owned by Beaumont and his young wife is maintained and open to the public as a result of his funding. <http://www.antibes-juanlespins.com/eng/culture/autreslieux/eilenroc/index.html> .

^x Unless otherwise noted, all research was completed by historian Dawn Bunyak, on behalf of Shoenberg Farm owner Jerry Tepper (2005).

^{xi} Tepper History as prepared by Erv Shulklin (5/7/01), sent by email dated 22 Oct 2003 to Deb Tepper.

^{xii} Memoirs of Mildred Pilot Tepper, dated August 1998 (cassette tape provided by Jerry J. Tepper).

^{xiii} *Id.*

^{xiv} Jake raised the children and never remarried. In Millie Tepper's memoirs, she said that the stigma of not having a mother was greater than the distinction of being the only Jewish child in the Harris School at West 72nd Avenue and Lowell Boulevard. *Id.*

^{xv} B. Caldwell, "The Egg and Mr. Tepper," *Rocky Mountain News*, p. 25 (Sept 8, 1946).

^{xvi} *Id.*

^{xvii} *Id.*

^{xviii}

Ice cream lovers in the Denver area are mourning the closing of six of the eight remaining Dolly Madison ice cream stores. The Denver Post reported on February 24 that the 60-year-old chain at one point had 19 stores, but that competition from grocers and chain ice cream shops squeezed the company financially, forcing the closings. The Post notes that the stores, decorated with wood paneling, were "a throwback to a time when soda fountains were community gathering places and a cone cost a nickel."

The decision to close the stores came after the brands patriarch, Ed Tepper, died last week at age 89. The store in the East 48th Avenue Dolly Madison plant in Denver will remain open. So, too, will one other store, on West 38th Avenue, at least temporarily. Fans of the stores, old and young alike, have been flocking in to say good-bye to the

stores, as well as to take advantage of their going-out-of-business 2-for-the-price-of-one [sales](#).

The stores, renowned for their featured ice cream flavors like [butter](#) brickle, rum raisin, and [tin](#) roof sundae, still were [selling milk](#) and eggs along with the ice cream, just as they had since the 1930s. Ken Simon, one of the store owners, told The Post, "You look at this store and it's still 1950. It's a fun [business](#). I'm just sorry to see it go."

Denver's landmark Dolly Madison stores close. AllBusiness.com, March 20, 2001.

Appendix 2
Historic Landmark Application - Shoenberg Farm
Historical Photos

NJH Period of Significance



**1921 Photo: Bungalow,
Milk & Ice House,
Dairy Barn**



**1921 Photo: Bungalow,
Milk & Ice House,
Dairy Barn**



Circa. 1911 -1921



1921 Photo: Rear of Bungalow, Garage roof and dormer



Circa 1911 to 1921: Dairy Barn, Wooden Stave Silo (rear silo is extant in 2008, only the foundation of the silo in foreground is extant in 2008)

Tepper Period of Significance



1936: Children of NJH Preventorium picnic at Shoenberg Farm. Note gables painted white (1921 photos showed contrasting dark paint on stickwork) Photo courtesy of Ira & Peryle Beck Archives, Penrose Library, University of Denver.

FOR THOSE WHO WANT NOTHING BUT THE BEST

DIRECT FROM
SHOENBERG FARMS
TO YOU

Eggs--Poultry--Milk--Butter--Dairy Products

We can control quality because we ourselves produce what we sell. Even the select grains fed to our choice chickens and fine dairy cows are raised on our own 800-acre farms! No wonder Shoenberg Farms products are famous for country-fresh flavor and goodness--richer in food value!

"The Standard of Quality"

SHOENBERG FARMS

J. J. Tepper

Edward Tepper

ARVADA, COLORADO

Serving Hotels, Restaurants, Resorts, Hospitals and Institutions for More Than a Quarter Century

1947 Advertisement: Note number of buildings in complex, drive lanes, and concrete lot between Quonset structure and Dairy Barn. Note Dairy Barn configuration with dormers and addition to Milk & Ice House, indicating reconstruction in modern configuration by 1947.

The two hay feeders sit in the center of the concrete lot. Each holds approximately 65 tons of chopped hay, and it is necessary to refill them every 2 months.

On Shoenberg Farms
Hay Feeders Cut Cost

Tepper (left) and his son, Jerry, take a look at some of their photostatic cows. The 28-stall barn is steam heated and cows are washed every day with warm water. Altogether the Teppers have 200 head of Holsteins, which includes replacement heifers and dry cows.

Dairy ... By H. H. LASCELLES

Twins

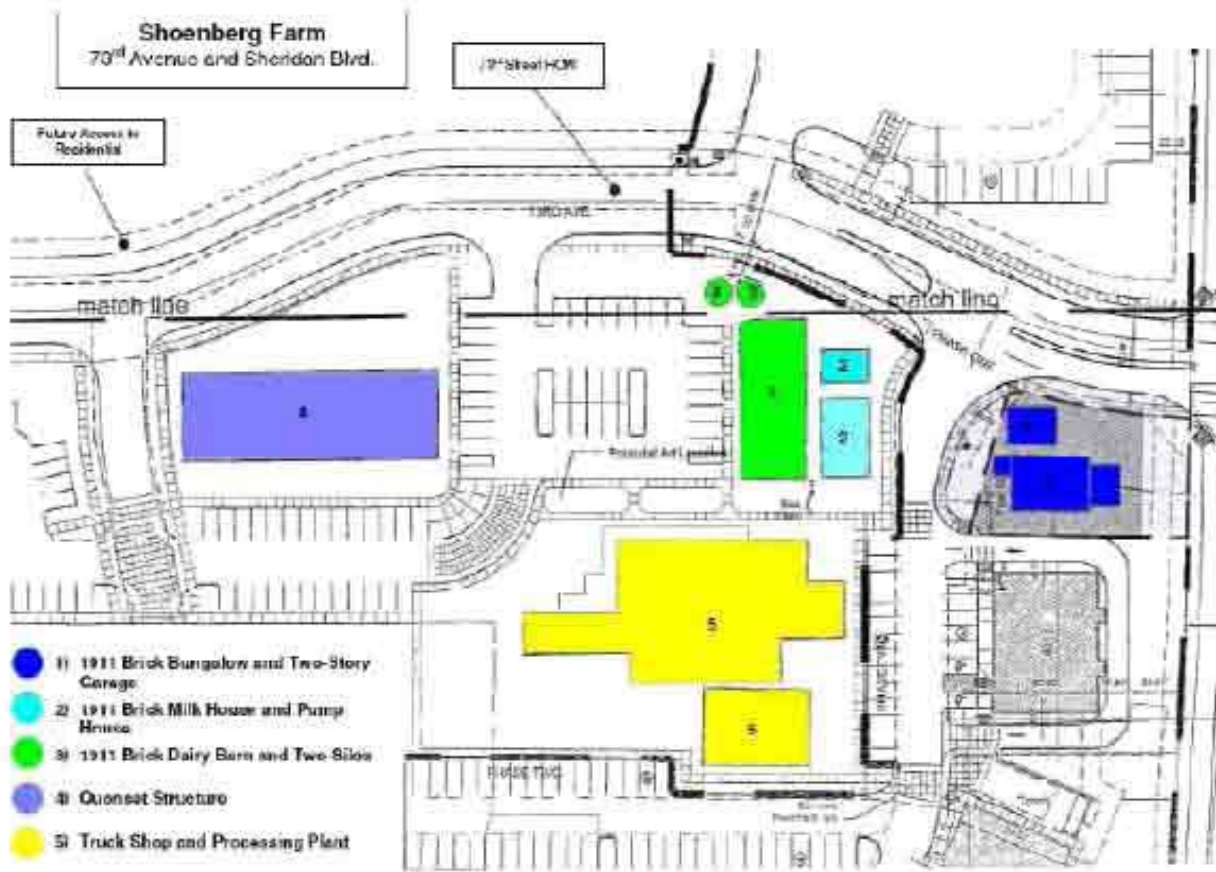
SOME bright morning you may go out to the lot and find that one of your best cows has presented you with twin calves. The local press might give you a write-up on your luck; but about all the luck

observer will have little difficulty in determining whether or not such twins are identical. Such twins can be expected to breed normally.

Dr. Ward points out that twins occur in about 1% of calvings but, of the twins born, somewhat in excess of 9% are identical. In Colorado about 100 sets of identical twins are born each year.

1958 *Colorado Farmer*. Photo faces south (Processing Plant in background). Caption at top left indicates "hay feeders in center of the concrete lot." The foundations of the feeders were recently demolished by road construction. The concrete lot remains in the area between the Quonset, Dairy Barn and Processing Plant, extant since at least 1947.

Appendix 3
Historic Landmark Application - Shoenberg Farm
Site Plan & Current Photos



Site Photos



Ruins of hay feeders on concrete lot between Quonset and Dairy Barn



Concrete lot west of Dairy Barn

1911 Brick Superintendent's Residence



East Elevation



South Elevation



North Elevation



West Elevation



Location of original back door

1911 Brick Garage



Former south elevation, relocated west elevation.



Former west elevation, relocated north elevation



Former north elevation, relocated east elevation



Former east elevation, relocated south elevation

1911 Brick Milk & Ice House



East elevation



South Elevation



West Elevation



North Elevation (Pump house on right)

1911 Brick Pump House



North Elevation

1911 Brick Dairy Barn



South Elevation



East Elevation from southeast corner



North portion of east elevation



South half of west elevation



North half of west elevation



North Elevation

Silos



Quonset-style Structure



East Elevation



North Elevation



South Elevation



Unusual construction method and design

1947 Milk Processing Plant



East Elevation, office addition



North Elevation, loading dock addition



West elevation, loading dock and cooler additions



West elevation, cooler addition and west entrance to interior loading dock



East elevation, east entrance to interior loading dock

Truck Maintenance Shop/Boiler Plant





Agenda Item 10 A&B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Public Hearing and Councillor's Bill No. 11 to Designate a Portion of the Dudley C. Shoenberg Memorial Farm as a Local Historic Landmark

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

1. Hold a public hearing on the application to designate Lots 5 and 14A of the Dudley C. Shoenberg Memorial Farm as a local historic landmark.
2. Pass Councillor's Bill No. 11 on first reading designating Lots 5 and 14A of the Dudley C. Shoenberg Memorial Farm as a Local Historic Landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.

Summary Statement

- An application has been prepared to designate a portion of the Dudley C. Shoenberg Memorial Farm (Shoenberg Farm) as a local historic landmark. The portion proposed for designation as a local historic landmark includes the properties within the farm area proposed for acquisition by the city (see attached map).
- Shoenberg Farm is located at the southwest corner of West 73rd Avenue and Sheridan Boulevard. The remaining structures are 60 to 97 years old. They are significant for both their architecture and their associations with persons, events and heritage in the Denver metropolitan area and Colorado state history.
- The Historic Landmark Board recommends that Lots 5 and 14A of Shoenberg Farm be designated as a local historic landmark.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council designate Lots 5 and 14A of Shoenberg Farm as a local historic landmark?

Alternative

Do not designate Lots 5 and 14A of Shoenberg Farm as a local historic landmark. This action is not recommended because it would prevent the City from applying to the State Historical Fund for grants to acquire and rehabilitate Shoenberg Farm.

Background Information

The proposal is to designate a portion of the Shoenberg Dairy as a local historic landmark. The area proposed for designation includes the following structures:

1. 1911 Superintendent's residence
2. 1911 Brick Garage
3. 1911 Brick Milk and Ice House
4. 1911 Pumphouse
5. 1911 Brick Dairy Barn
6. 1911 Wood Stave Silo
7. 1950 Poured Concrete Silo

These buildings are within the portion of the farm proposed for purchase by the City, also described as Lots 5 and 14A. Excluding from the designation are the Quonset structure, Processing Plant, and adjacent Truck Shop.

Historical Significance Shoenberg Farm is historically significant and qualifies for designation as a Westminster historic landmark based on the following criteria in W.M.C. section 11-13-5

1. The resources are 60 to 97 years old.
2. Shoenberg Farm is historically significant for its association to the National Jewish Hospital for Consumptives (NJH) and its role in the treatment of tubercular patients in the twentieth century. It is believed to be the last, intact farm in the Denver area associated with the twentieth-century sanatorium movement.
3. Due to its association with early Colorado settlers and 20th Century dairy and egg production in the Denver metropolitan area, Shoenberg Farm exemplifies the cultural, political, economic and social heritage of the local and regional community.
4. Shoenberg Farm represents an association with the work of a notable person, Louis D. Shoenberg Beaumont, a founder of the May Department Store chain and international philanthropist. Shoenberg Farm may be the earliest extant example of Mr. Shoenberg's philanthropy.
5. Shoenberg Farm represents an association with the work of a notable dairy and egg farmer, Jacob J. Tepper, who was responsible for innovation and regional growth of these industries.
6. Shoenberg Farm represents an association with the contributions of early Jewish settlers to the development of health care and the dairy and egg industries in Colorado, including the founding of National Jewish Hospital, the entrepreneurial efforts of Louis Shoenberg, and the farming and production innovations of the Tepper operation.
7. Standing at a prominent location at the southwest corner of West 73rd Avenue and Sheridan Boulevard, Shoenberg Farm is an established and familiar visual feature of the community.

8. Each building exemplifies specific elements of an architectural style of the period in which it was built.
9. The Dairy Barn suffered extensive damage early in the 20th Century and underwent significant historic remodel prior to 1947.
10. The Milk & Ice House was expanded in the 1940s, roughly doubling its size, resulting in an addition that has historic significance.

A more detailed review of the historical significance is attached as Appendix 1 to the Historic Landmark Application attached hereto.

Architectural Features to Be Preserved The architectural features of the existing structures were documented by the owner in a Preliminary Property Evaluation Form filed with the Colorado Historical Society on October 25, 2005. These features have been recorded in the Historic Landmark Application and are described in the proposed Councilor's Bill.

Ownership Status of Shoenberg Farm The Westminster Municipal Code requires owner consent prior to designation of a property as a local historic landmark. The owners of Shoenberg Farm opposed landmark designation if it restricted what they could do with the property in the future. The owners do, however, wish to cooperate with the City's efforts to obtain grant funding and acquire the property. Therefore, it is proposed that City Council approve this local landmark designation in the form of an ordinance that relieves the owner of the regulations contained in W.M.C. Section 11-13-9 to -12.

Compliance with Westminster Municipal Code

This nomination has been prepared on behalf of the Westminster Historic Landmark Board. The Westminster Municipal Code requires an application to include the following content:

1. Description of the characteristics of the proposed historic landmark that justify its designation pursuant to this chapter,
2. A description of the particular features that should be preserved, and
3. A legal description of the location and boundaries of the historic property.

In compliance with Westminster Municipal Code, the application provides the name, location, legal description, and owner of the proposed landmark. It further provides a statement of significance with information to support the architectural and historical significance of the site.

Notice of the March 17, 2008, public hearing was published in the Westminster Window on March 13, 2008, which is at least four days prior to the public hearing. The property was posted by City Staff before March 13, 2007. The application was referred to the Westminster Historical Society on March 5, 2008, as required by the Westminster Municipal Code.

Section 11-13-7(A)(3) requires the Director of Community Development to review an application in the following respects: (a) its relationship to the comprehensive plan; (b) the effect of the designation on the surrounding neighborhood; (c) the criteria set forth in this chapter; and (d) such other planning considerations as may be relevant to the proposed designation.

The area proposed for designation is zoned Commercial PUD and uses are subject to future ODP amendment. The effect of the designation will be to promote means of rehabilitating the historic buildings, which should enhance the neighborhood. In addition to rehabilitation, the designation will promote understanding of the history of Shoenberg Farm, thereby supporting the historic character of the area. Staff believes this application meets the criteria set forth in the ordinance.

City Council Findings

The City Council needs to consider the following issues:

1. Does this site meet the ordinance requirements for historical significance justifying its designation as a local historic landmark?
2. What features of the structures should be preserved in order to maintain their historical integrity?
3. The Council's decision must also include the name, location and legal description of the designated landmark.

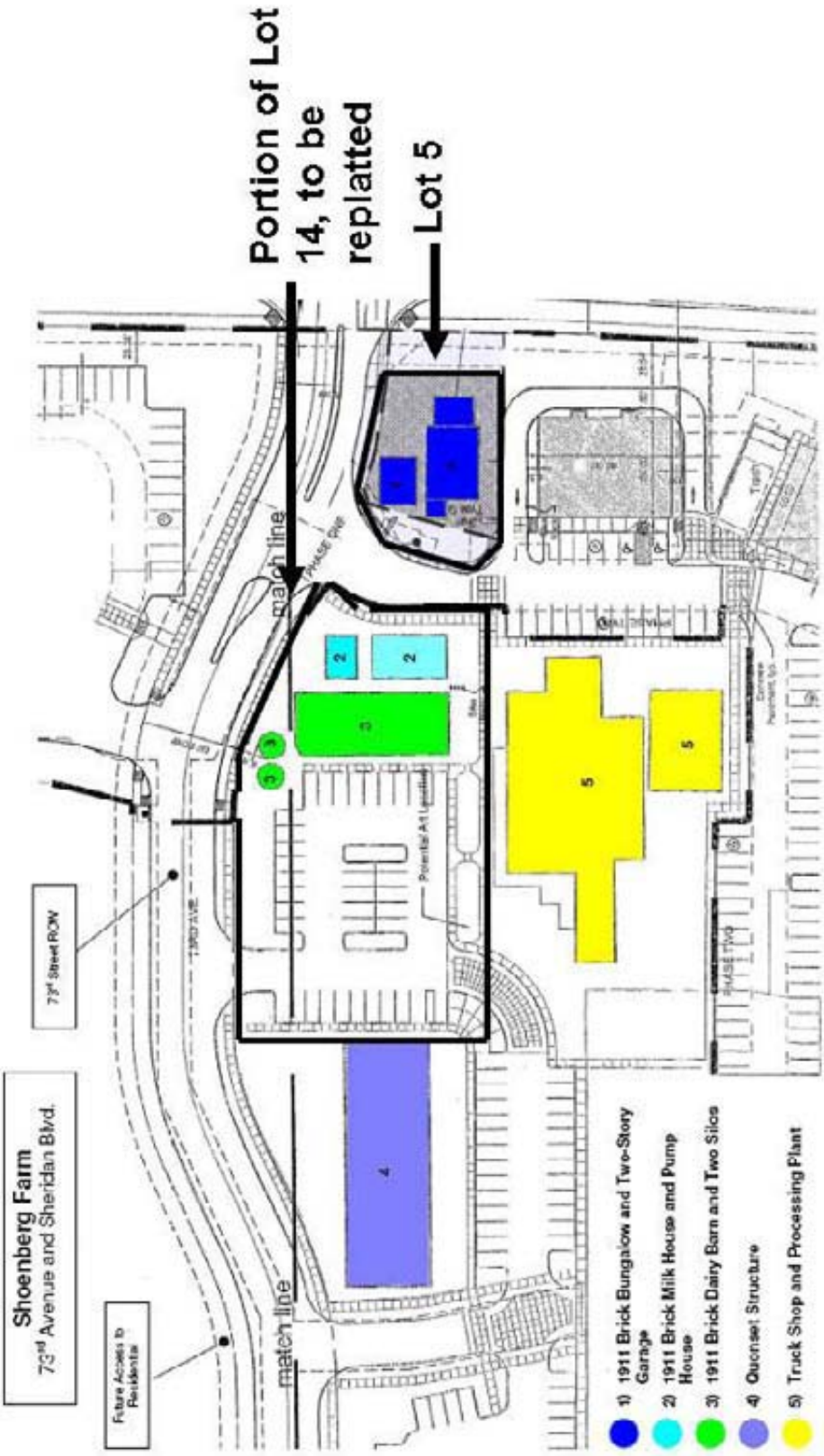
Recommendations by the Historic Landmark Board

The Historic Landmark Board recommends to the Westminster City Council that Lots 5 and 14A of Shoenberg Farm be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. The architectural features that they recommend be preserved are described in their attached resolution. These features have been included in the proposed City Councilor's Bill, also attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Map of Lots 5 and 14A
Historic Landmark Application
Historic Landmark Board Resolution
Proposed Councilor's Bill



Shoenberg Farm
73rd Avenue and Sheridan Blvd.

Future Access to Residents

Portion of Lot 14, to be replatted Lot 5

- 1) 1911 Brick Bungalow and Two-Story Garage
- 2) 1911 Brick Milk House and Pump House
- 3) 1911 Brick Dairy Barn and Two Silos
- 4) Quonset Structure
- 5) Truck Shop and Processing Plant

RESOLUTION

RESOLUTION NO. 2008-002

INTRODUCED BY BOARD MEMBER

SERIES OF 2008

Sinda Christington

WHEREAS, the Westminster Historic Landmark Board has nominated Shoenberg Farm to be designated as a historic landmark; and

WHEREAS, the Dudley C. Shoenberg Memorial Farm (Shoenberg Farm) is historically significant and qualifies for designation as a Westminster historic landmark based on the following criteria in W.M.C. section 11-13-5:

1. The resources are 60 to 97 years old.
2. Shoenberg Farm is historically significant for its association to the National Jewish Hospital for Consumptives (NJH) and its role in the treatment of tubercular patients in the twentieth century. It is believed to be the last, intact farm in the Denver area associated with the twentieth-century sanatorium movement.
3. Due to its association with early Colorado settlers and 20th Century dairy and egg production in the Denver metropolitan area, Shoenberg Farm exemplifies the cultural, political, economic and social heritage of the local and regional community.
4. Shoenberg Farm represents an association with the work of a notable person, Louis D. Shoenberg Beaumont, a founder of the May Department Store chain and international philanthropist. Shoenberg Farm may be the earliest extant example of Mr. Shoenberg's philanthropy.
5. Shoenberg Farm represents an association with the work of a notable dairy and egg farmer, Jacob J. Tepper, who was responsible for innovation and regional growth of these industries.
6. Shoenberg Farm represents an association with the contributions of early Jewish settlers to the development of health care and the dairy and egg industries in Colorado, including the founding of National Jewish Hospital, the entrepreneurial efforts of Louis Shoenberg, and the farming and production innovations of the Tepper operation.
7. Standing at a prominent location at the southwest corner of West 73rd Avenue and Sheridan Boulevard, Shoenberg Farm is an established and familiar visual feature of the community.
8. Each building exemplifies specific elements of an architectural style of the period in which it was built.
9. The Dairy Barn suffered extensive damage early in the 20th Century and underwent significant historic remodel prior to 1947;
10. The Milk & Ice House was expanded in the 1940s, roughly doubling its size, resulting in an addition that has historic significance.

NOW, THEREFORE, the Historic Landmark Board of the City of Westminster resolves that:

1. The Board recommends to the Westminster City Council that Shoenberg Farm be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.
2. Description of architectural features:

1911 Brick Superintendent's Residence. The one-and-a-half story, red-brick dwelling is a Bungalow-style popular in Colorado between 1900 and 1930. Its main characteristics include a gently pitched roof with a front gable, overhanging eaves with exposed rafter ends, a broad porch supported with thick brick columns, and

simple horizontal lines. The almost square plan has a front-gable composition roof with vertical, board and batten in the gable face. Two symmetrical pairs of windows are in both the front and rear gable ends. One pair is immediately on either side of the bracketed gable. The roof has deep overhangs, plain verge board in gable end and exposed rafter ends on the side elevations. The building has a pair of exterior chimneys on the north and south elevations. It has a symmetrical façade with a full, shed-roof porch with thick brick columns. The porch roof has open ends, a deep overhang with exposed rafters, and composition shingles. The raised porch is partially opened with a decorative, wood-slat balustrade and a decorative, wood-slat lattice skirt under the porch. The front façade features two non-historic 1/1 aluminum windows and aluminum storm windows. The non-historic main entry door is wood panel with an aluminum and glass storm door. In the early-to-mid 1970s, the north windows were replaced with glass block windows. One of the north windows retains its rusticated stone sill. The rest of the windows were replaced with 1/1 aluminum windows which echo the 1/1 style of the original windows. At the west end of the north elevation, the original inset, rear porch was enclosed with a vertical wood panel and the original brick column is visible. On the west or rear elevation, a circa 1990 wood-frame porch with a hip composition roof has been added. The entrance to the full concrete basement has a glaze and wood panel door with a wood frame screen door. The only window on this elevation is actually the original door. The brick stoop has been removed, the door partially bricked (non-original) and a 1/1 aluminum window with brick sill and wood lintel installed. The south elevation has four non-historic 1/1 aluminum windows with wood lintel and rusticated stone sills. A small pair of non-historic 1/1 aluminum windows with rusticated stone sills are located near the front of the house. The basement has two small windows on the north and south elevations located at ground level.

1911 Brick Garage. The one-and-a-half story garage is also built in a Bungalow style and is similar to the Superintendent's Residence, using red brick, vertical board and batten frame, and a gently pitched roof line. As part of the approvals for the adjacent commercial development, the developer received permission to move the garage by rotating it ninety degrees and moving it about fifty feet to the east, placing it five feet from the north wall of the Superintendent's Residence, with the overhead garage door facing west. This relocation was a negotiated alternative to the owner's proposed demolition of the garage and other structures. The directions and orientation in this description are for the post-relocation garage position. Historically, the first level was used for vehicle storage and the second story was a residential apartment. The first story is masonry and the second story exterior walls are vertical, board and batten construction. The composition roof has a front gable, deep overhang, plain verge board, and brackets. There are two dormers, one on the north and one on the south elevation. The south elevation has a gable with bracketed overhang over a horizontal, slider window with wood surround. The north dormer has a shed roof with deep overhang over a paneled door with aluminum storm door to the second-level apartment. There are metal stairs with railing that lead to the second level. The other windows on this level are 3/3. The windows in the south and east elevations at the garage level are twelve-light, fixed-pane and one is boarded over. The foundation is concrete. The garage door is a non-historic multi-paneled, overhead door on the west elevation.

1911 Brick Milk & Ice House. The one-story, rectangular plan is built in the style of the late 19th and early 20th Century American Movements. It has a front-gable composition roof with a louvered, cupola-ridge ventilator. The gable ends have a deep overhang with very broad, bracketed ends, and wood exterior faces. The exterior walls are red brick. The west elevation has a panel entry door with a transom light, a twelve-light fixed-pane window, and a 2/2 sash window with wood frame. The south elevation has two 2/2 sash windows with wood frames and a smaller, paned window with wire grating attached to wood frame. The east elevation of the main building has a 2/2 sash window with wood frame. All of the windows have brick sills. There are three, paneled-entry doors on the east elevation: one to the coal-fired boiler room, one to the refrigeration cooler room, and a third to the refrigeration compressor. The building has a concrete foundation. In the early to mid-1940s, an addition was made to the original building, expanding the plant to the north and west side to accommodate a bottle-washing room and a room for pasteurization vats. The addition has a gabled, composition roof with deep overhang similar to the main section of the building. The exterior bricks of the addition match the main section of the building. The windows are twelve-light fixed pane and a single 2/1 sash. All have brick sills. A set of glaze & panel doors are on the east elevation of the addition, as well as a twelve-light fixed pane window. A concrete sidewalk runs along the east side of the building. A second entry door, a panel door with transom light, is on the north elevation. The interior ceiling of this section of the building is barrel-curved with all wall and ceiling surfaces tiled for easy cleaning.

1911 Brick Pump House. The pump house is a one-story, subterranean building with a rectangular plan, front-gable, composition roof, and concrete foundation. The gable ends are wood shingle with a simple verge board overhang. The exterior walls are red brick similar to the house, garage, and milk & ice house. A wood-panel cellar door opens onto concrete steps to the panel-entry door of the pump house. Above-ground

windows are six-light, fixed-panel with wood surrounds. The pump house has a water storage tank and historic electrical generating equipment.

1911 Brick Dairy Barn (modified before 1947). The one-and-a-half story, red brick barn has a concrete foundation and metal, gambrel roof with two pairs of gabled dormers on the east and west elevations. The dormers feature doors to the loft area and have metal ends. There are four round-pipe, ridge ventilators to allow heat to escape from the fodder storage area. The main entry to the barn is on the south elevation through a new oversize, overhead metal door. It is centrally located with a pair of 2/2 sash, wood-surround windows on the first level. On the second story, there is a large horizontal-sliding door with a pair of four-light windows in the peak. The west elevation features four panel doors (all have segmented arches with radiating voussoirs); two oversize livestock doors, a single-entry door, and a Dutch door. There are seven windows that are at 2/2 sash with wood surrounds and brick sills. On the north elevation, there are three livestock panel doors that at one time led to a corral area. The east elevation features ten windows with brick sills that include 2/2 sash, narrow 2/2 sash, and one nine-light that has thick wood muntins and a segmental arch with radiating voussoirs. There is also a panel door with segmental arch and radiating voussoirs that opened toward the milk house allowing easy access to the building east of the barn.

1911 Wooden Stave Silo. The tongue-in-groove, vertical wooden staves of this silo are held in place by iron bands and turnbuckles. It has a wood-shingle, conical roof with round ventilator on the peak. There is a concrete foundation and a ladder or wire steps enclosed by a wooden projection on the outside with several spaced openings. Remnants of red paint can be found on the exterior of the silo.

1950s Poured Concrete Silo. The poured concrete silo was formed of separately poured, stacked, concrete blocks. A ladder of metal rings is enclosed by a metal projection on the outside of the silo. Unloading is from the top. The silo has a concrete foundation and rounded metal ribbed roof.

3. The legal description and location of the property are:

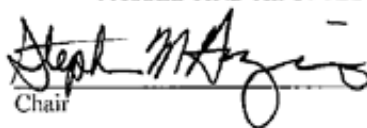
Address or location: 7231 Sheridan Boulevard (fka 7255 and 7259 Sheridan Blvd)
Westminster CO 80030

Legal description: Lots 5 and 14, Shoenberg Farm Commercial Center,
6th P.M., T.2 S., R.69 W, E ½ of SE ¼ of SE ¼ of Section 36, City
of Westminster, Jefferson County, Colorado

State of Colorado Resource No.: 5JP.4336

UTM coordinates: Zone 13 495424mE 4408487mN NAD 27:

PASSED AND ADOPTED this 12th day of March, 2008.


Chair

ATTEST:



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **11**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE DESIGNATING LOTS 5 AND 14A OF THE DUDLEY C.
SHOENBERG MEMORIAL FARM AS A LOCAL HISTORIC LANDMARK**

Section 1. The City Council finds that Lots 5 and 14A of the Dudley C. Shoenberg Memorial Farm (Shoenberg Farm) is historically significant and qualifies for designation as a Westminster historic landmark based on the following criteria in W.M.C. section 11-13-5

1. The resources are 60 to 97 years old.
2. Shoenberg Farm is historically significant for its association to the National Jewish Hospital for Consumptives (NJH) and its role in the treatment of tubercular patients in the twentieth century. It is believed to be the last, intact farm in the Denver area associated with the twentieth-century sanatorium movement.
3. Due to its association with early Colorado settlers and 20th Century dairy and egg production in the Denver metropolitan area, Shoenberg Farm exemplifies the cultural, political, economic and social heritage of the local and regional community.
4. Shoenberg Farm represents an association with the work of a notable person, Louis D. Shoenberg Beaumont, a founder of the May Department Store chain and international philanthropist. Shoenberg Farm may be the earliest extant example of Mr. Shoenberg's philanthropy.
5. Shoenberg Farm represents an association with the work of a notable dairy and egg farmer, Jacob J. Tepper, who was responsible for innovation and regional growth of these industries.
6. Shoenberg Farm represents an association with the contributions of early Jewish settlers to the development of health care and the dairy and egg industries in Colorado, including the founding of National Jewish Hospital, the entrepreneurial efforts of Louis Shoenberg, and the farming and production innovations of the Tepper operation.
7. Standing at a prominent location at the southwest corner of West 73rd Avenue and Sheridan Boulevard, Shoenberg Farm is an established and familiar visual feature of the community.
8. Each building exemplifies specific elements of an architectural style of the period in which it was built.
9. The Dairy Barn suffered extensive damage early in the 20th Century and underwent significant historic remodel prior to 1947;
10. The Milk & Ice House was expanded in the 1940s, roughly doubling its size, resulting in an addition that has historic significance.

Section 2: The City Council further finds that:

1. The Westminster Historic Landmark Board has nominated Shoenberg Farm to be designated as a historic landmark and passed its resolution 2008-002 recommending that the City Council designate Lots 5 and 14A of the Shoenberg Farm as a local historic landmark.
2. Westminster Municipal Code, section 11-13-6 requires landowner consent before the owner's land may be designated as a local historic landmark.
3. The City of Westminster is working in collaboration with the owners of Shoenberg Farm on transactions that may result in the City acquiring portions of Shoenberg Farm and causing the historic Farm structures to be rehabilitated and preserved for public purposes, including public education and interpretation.

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

1. Lots 5 and 14A of the Shoenberg Farm are hereby designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.
2. Description of architectural features:

1911 Brick Superintendent's Residence.

The one-and-a-half story, red-brick dwelling is a Bungalow-style popular in Colorado between 1900 and 1930. Its main characteristics include a gently pitched roof with a front gable, overhanging eaves with exposed rafter ends, a broad porch supported with thick brick columns, and simple horizontal lines. The almost square plan has a front-gable composition roof with vertical, board and batten in the gable face. Two symmetrical pairs of windows are in both the front and rear gable ends. One pair is immediately on either side of the bracketed gable. The roof has deep overhangs, plain verge board in gable end and exposed rafter ends on the side elevations. The building has a pair of exterior chimneys on the north and south elevations. It has a symmetrical façade with a full, shed-roof porch with thick brick columns. The porch roof has open ends, a deep overhang with exposed rafters, and composition shingles. The raised porch is partially opened with a decorative, wood-slat balustrade and a decorative, wood-slat skirt under the porch. The front façade features two non-historic 1/1 aluminum windows and aluminum storm windows. The non-historic main entry door is wood panel with an aluminum and glass storm door. In the early-to-mid 1970s, the north windows were replaced with glass block windows. One of the north windows retains its rusticated stone sill. The rest of the windows were replaced with 1/1 aluminum windows which echo the 1/1 style of the original windows. At the west end of the north elevation, the original inset, rear porch was enclosed with a vertical wood panel and the original brick column is visible. On the west or rear elevation, a circa 1990 wood-frame porch with a hip composition roof has been added. The entrance to the full concrete basement has a glaze and wood panel door with a wood frame screen door. The only window on this elevation is actually the original door. The brick stoop has been removed, the door partially bricked (non-original) and a 1/1 aluminum window with brick sill and wood lintel installed. The south elevation has four non-historic 1/1 aluminum windows with wood lintel and rusticated stone sills. A small pair of non-historic 1/1 aluminum windows with rusticated stone sills are located near the front of the house. The basement has two small windows on the north and south elevations located at ground level.

1911 Brick Garage

The one-and-a-half story garage is also built in a Bungalow style and is similar to the Superintendent's Residence, using red brick, vertical board and batten frame, and a gently pitched roof line. As part of the approvals for the adjacent commercial development, the developer received permission to move the garage by rotating it ninety degrees and moving it about fifty feet to the east, placing it five feet from the north wall of the Superintendent's Residence. This relocation was a negotiated alternative to the owner's proposed demolition of the garage and other structures. The directions and orientation in this description are for the post-relocation garage position. Historically, the first level was used for vehicle storage and

the second story was a residential apartment. The first story is masonry and the second story exterior walls are vertical, board and batten construction. The composition roof has a front gable, deep overhang, plain verge board, and brackets. There are two dormers, one on the north and one on the south elevation. The south elevation has a gable with bracketed overhang over a horizontal, slider window with wood surround. The north dormer has a shed roof with deep overhang over a paneled door with aluminum storm door to the second-level apartment. There are metal stairs with railing that lead to the second level. The other windows on this level are 3/3. The windows in the south and east elevations at the garage level are twelve-light, fixed-pane and one is boarded over. The foundation is concrete. The garage door is a non-historic multi-paneled, overhead door on the west elevation.

1911 Brick Milk & Ice House

The one-story, rectangular plan is built in the style of the late 19th and early 20th Century American Movements. It has a front-gable composition roof with a louvered, cupola-ridge ventilator. The gable ends have a deep overhang with very broad, bracketed ends, and wood exterior faces. The exterior walls are red brick. The west elevation has a panel entry door with a transom light, a twelve-light fixed-pane window, and a 2/2 sash window with wood frame. The south elevation has two 2/2 sash windows with wood frames and a smaller, paned window with wire grating attached to wood frame. The east elevation of the main building has a 2/2 sash window with wood frame. All of the windows have brick sills. There are three, paneled-entry doors on the east elevation: one to the coal-fired boiler room, one to the refrigeration cooler room, and a third to the refrigeration compressor. The building has a concrete foundation. In the early to mid-1940s, an addition was made to the original building, expanding the plant to the north and west side to accommodate a bottle-washing room and a room for pasteurization vats. The addition has a gabled, composition roof with deep overhang similar to the main section of the building. The exterior bricks of the addition match the main section of the building. The windows are twelve-light fixed pane and a single 2/1 sash. All have brick sills. A set of glaze & panel doors are on the east elevation of the addition, as well as a twelve-light fixed pane window. A concrete sidewalk runs along the side of the building. A second entry door, a panel door with transom light, is on the north elevation. The interior ceiling of this section of the building is barrel-curved with all wall and ceiling surfaces tiled for easy cleaning.

1911 Brick Pump House

The pump house is a one-story, subterranean building with a rectangular plan, front-gable, composition roof, and concrete foundation. The gable ends are wood shingle with a simple verge board overhang. The exterior walls are red brick similar to the house, garage, and milk & ice house. A wood-panel cellar door opens onto concrete steps to the panel-entry door of the pump house. Above-ground windows are six-light, fixed-panel with wood surrounds. The pump house has a water storage tank and historic electrical generating equipment.

1911 Brick Dairy Barn

The one-and-a-half story, red brick barn has a concrete foundation and metal, gambrel roof with two pairs of gabled dormers on the east and west elevations. The dormers feature doors to the loft area and have metal ends. There are four round-pipe, ridge ventilators to allow heat to escape from the fodder storage area. The main entry to the barn is on the south elevation through a new oversize, overhead metal door. It is centrally located with a pair of 2/2 sash, wood-surround windows on the first level. On the second story, there is a large horizontal-sliding door with a pair of four-light windows in the peak. The west elevation features four panel doors (all have segmented arches with radiating voussoirs); two oversize livestock doors, a single-entry door, and a Dutch door. There are seven windows that are at 2/2 sash with wood surrounds and brick sills. On the north elevation, there are three livestock panel doors that at one time led to a corral area. The east elevation features ten windows with brick sills that include 2/2 sash, narrow 2/2 sash, and one nine-light that has thick wood muntins and a segmental arch with radiating voussoirs. There is also a panel door with segmental arch and radiating voussoirs that opened toward the milk house allowing easy access to the building east of the barn.

1911 Wooden Stave Silo

The tongue-in-groove, vertical wooden staves of this silo are held in place by iron bands and turnbuckles. It has a wood-shingle, conical roof with round ventilator on the peak. There is a concrete foundation and a ladder or wire steps enclosed by a wooden projection on the outside with several spaced openings. Remnants of red paint can be found on the exterior of the silo.

1950s Poured Concrete Silo

The poured concrete silo was formed of separately poured, stacked, concrete blocks. A ladder of metal rings is enclosed by a metal projection on the outside of the silo. Unloading is from the top. The silo has a concrete foundation and rounded metal ribbed roof.

3. The legal description and location of the property are:

Address or location: 7231 Sheridan Boulevard (fka 7255 and 7259 Sheridan Blvd)
Westminster CO 80030

Legal description: Lots 5 and 14A, Shoenberg Farm Commercial Center,
6th P.M., T.2 S., R.69 W, E 1/2 of SE 1/4 of SE 1/4 of Section 36, City of
Westminster, Jefferson County, Colorado

State of Colorado Resource No.:5JF.4336

UTM coordinates: Zone 13 495424mE 4408487mN NAD 27:

Section 3. The requirements of Section 11-3-6(A) have been satisfied as this property shall not be subject to Westminster Municipal Code Sections 11-13-9, 11-13-10, 11-13-11, and 11-13-12 until such time as the owner of the subject property provides written consent thereto or the City exercises its option to purchase the subject property.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 17th day of March, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 31st day of March, 2008.

Mayor

ATTEST:

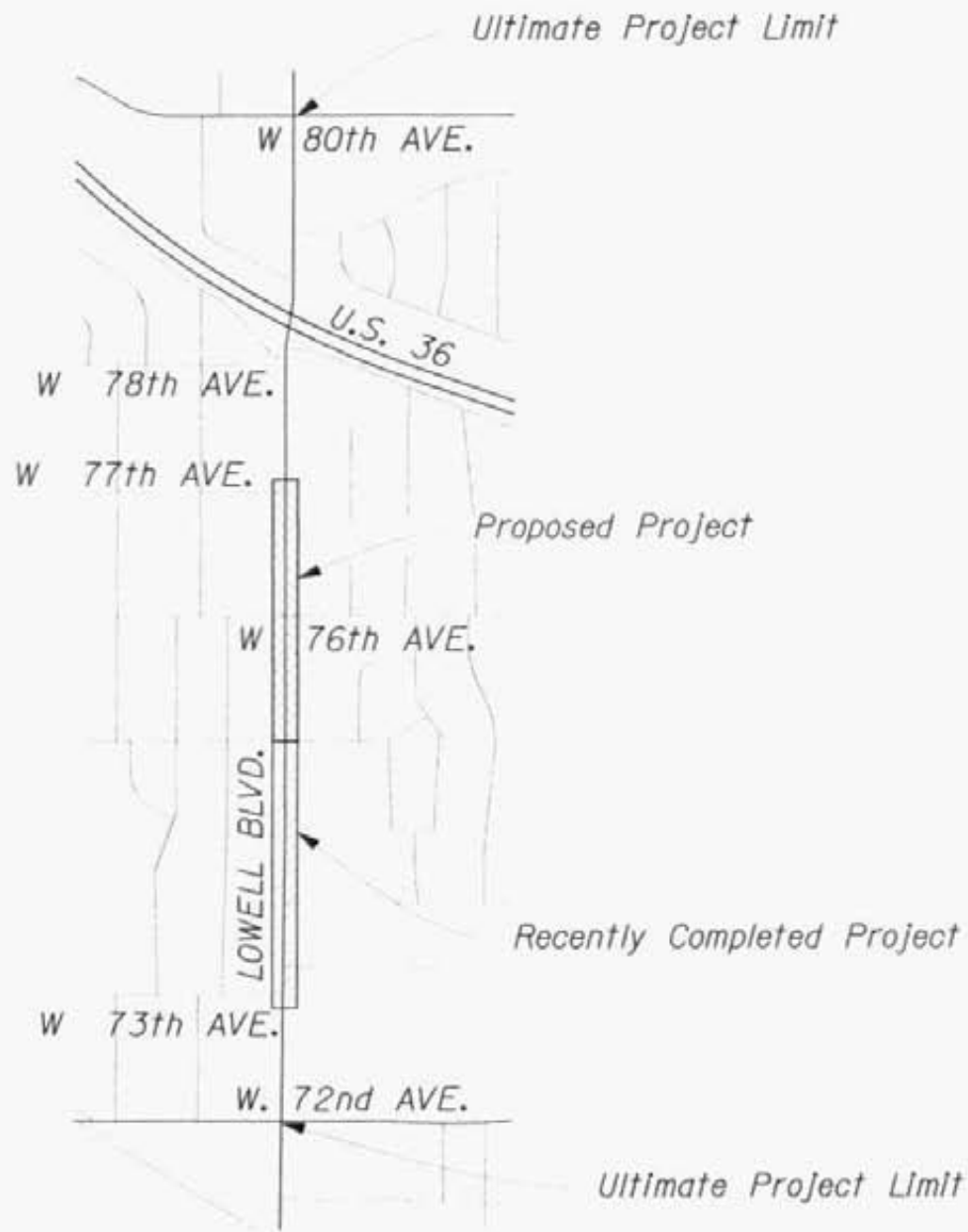
APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

LOWELL BOULEVARD

75TH TO 78TH AVENUE

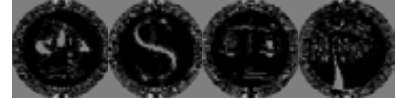




WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Resolution No. 16 re Right-of-Way Acquisition for Lowell Boulevard Improvements

Prepared by: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

Adopt Resolution No. 16 authorizing City Staff to proceed with the acquisition of rights-of-way and easements necessary for the Lowell Boulevard Improvements, including the use of eminent domain, if necessary; and authorize a total of \$50,000 to acquire the necessary property interests.

Summary

- Final design of the Lowell Boulevard Improvements between 75th Avenue and 78th Avenue will soon be complete. Reconstruction of the street is expected to be underway in the second quarter of 2008, following the underground relocation of overhead electric utility facilities in the corridor.
- There are at least three properties from which fee simple right-of-way or easement interests must be purchased in order to build the project. These are small parcels in relation to the size of their parent properties, and their purchase will not damage the remainder properties.
- The attached Resolution will allow City Staff to pursue the activities needed to acquire the necessary rights-of-way and easements for the Lowell Boulevard Improvements. Staff expects that the acquisitions can be accomplished through negotiation, but is requesting authority to use the City's power of eminent domain if negotiations with the property owners do not result in timely possession of the parcels necessary to start construction.

Expenditure Required: \$50,000

Source of Funds: General Capital Improvement Fund
- Lowell Boulevard Corridor Enhancements Project Account

Policy Issue

Should the City proceed with right-of-way acquisitions for the Lowell Boulevard project?

Alternative

The City Council could decide to not proceed with these acquisitions at this time. Staff does not recommend this action as this would create significant delays and modifications to the Lowell Boulevard project.

Background Information

Final design of the Lowell Boulevard Improvements project is close to completion. Utility relocations in the corridor are expected to begin in April or May of 2008 and will be followed closely by the reconstruction of Lowell Boulevard from 75th Avenue to between 77th and 78th Avenues (see attached project map). Generally, the project will reconstruct Lowell Boulevard by reconfiguring the curbs to provide additional space for wider sidewalks, detached from the curb by a landscape strip on the east side of Lowell Boulevard containing concrete pavers and street trees supported by an irrigation system.

For the most part, the improvements are being accomplished within the existing right-of-way, constrained as it is. However in several locations, the improvements necessitate the acquisition of additional right-of-way and/or temporary easements from private properties that flank Lowell Boulevard. These necessary parcels are small relative to the size of the parent properties and their purchase is not seen to be damaging to the remaining property. Public awareness of the project and Staff's contact with the property owners have been through open-house type functions and individual meetings, and there are indications that the acquisitions can be accomplished through negotiations. However, if cooperation is not given or the negotiations are not successful, the City should be prepared to pursue condemnation proceedings under the City's eminent domain authority.

Approval is sought for the expenditure of up to \$50,000 to secure the right of way for the project. This amount should cover the cost of the property rights purchased along with costs of title commitments and insurance, appraisers, and the services of a land acquisition agent if necessary. The attached resolution authorizes Staff to proceed with these activities and expenditures necessary to secure legal possession and acquire right-of-way for the Lowell Boulevard Improvements project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

DITTMAN - MAJOR

RIGHT-OF-WAY ACQUISITION FOR LOWELL BOULEVARD IMPROVEMENTS

WHEREAS, the City of Westminster has determined that it is necessary to the public health, safety and welfare to acquire certain parcels of land to accommodate the construction of the Lowell Boulevard Improvements in the project area shown on the attached Exhibit A; and

WHEREAS, the City will determine the fair market value of the property rights being acquired in each of the parcels; and

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

WHEREAS, a delay in the acquisition of any of the parcels could result in a delay of Lowell Boulevard Improvements, thus creating a hardship on the general population of the City of Westminster and Adams County wishing to utilize the proposed improvements; and

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

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

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

1. The City Manager is hereby authorized to establish minimum just compensation for acquisition of the property interests necessary to build the Lowell Boulevard Improvements in the project area shown in Exhibit A.

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

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

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

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

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

PASSED AND ADOPTED this 17th day of March, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

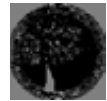


Agenda Item 10 D-F

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Resolution Nos. 17, 18, and 19 re Residential Competition Service Commitment Awards

Prepared By: Shannon Sweeney, Planning Coordinator

Recommended City Council Action

1. Adopt Resolution No. 17 awarding Category B-2 Service Commitments to the Country Club Highlands East project.
2. Adopt Resolution No. 18 awarding Category E Service Commitments to the Crown Point senior housing project.
3. Adopt Resolution No. 19 awarding Category B-4 Service Commitments to the East Bradburn traditional mixed use neighborhood development.

Summary Statement

- The City received four applications for the residential competition process: Country Club Highlands East in the Single-Family Attached (SFA) category, Crown Point (Westminster Senior Housing) and Panorama Pointe in the senior housing category, and East Bradburn in the Traditional Mixed Use Neighborhood (TMUND) category. For locations, please see the attached vicinity map.
- Staff recommends Service Commitment awards to three of the four projects. No award is recommended for the Panorama Pointe senior housing project due to the low score and incomplete application. Please see the Background section for details and a summary of each project.
- A total of 209.3 Service Commitments are requested for the three projects over a three-year period beginning in 2008.
- The attached resolutions are contingent upon ultimate City approval of any necessary documents and do not commit the City to approve any document or project as a result of these awards.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

As a result of the residential competition process, should the City award Service Commitments as proposed to one new single-family attached project, one new senior housing project, and one new traditional mixed use neighborhood development?

Alternatives

1. Do not adopt the attached resolutions awarding Service Commitments to the recommended residential projects. If this option is chosen, these projects would not be allowed to proceed to the City’s development review process, and developers of these projects would be required to compete in a future residential competition.
2. Adopt the attached senior housing competition resolution but amend the resolution to include award to the lower-scoring project, Panorama Pointe. If this alternative is chosen, an additional 15.4 Service Commitments would be necessary in 2008 to accommodate the project. Due to the considerable point difference in the two senior housing projects submitted (3,400 vs. 375), Staff does not recommend award to the second project. Additionally, because no concept plan for this project was submitted as required, the City does not have any details regarding site design for the project.

Background Information

As part of the City’s Growth Management Program, the intent of these Service Commitment (SC) competitions is for a limited number of new residential projects to proceed to the City’s development review process. Any project awarded SCs must process the required documents, including Comprehensive Land Use Plan (CLUP) amendments, if necessary. The City does not require that applications for the competitions comply with the CLUP designation for the site, but a CLUP amendment must be submitted with the application if a change is proposed. It is not necessary for projects to process their CLUP amendments prior to the awards. The SC awards do not obligate the City to approve any required plan or document as a result of the award. Should any project not receive approval of any required documents, the SCs are returned to the water supply figures.

The table below details each applicant’s request. Shaded rows indicate projects recommended for award.

RESIDENTIAL COMPETITION SUBMITTALS - 2008						# SCs Requested			
Project Name/Location	Developer	Acres	Units	du/a*	Score	2008	2009	2010	Totals
<i>Single-Family Attached Project:</i>									
1. Country Club Highlands East SEC Zuni & Federal Parkway	Byrne Realty	20.6	66	3.5	2575	10.8	31.8	16.2	58.8
TOTAL			66						
<i>Senior Housing Projects:</i>									
1. Crown Point NEC 100th & Garrison	Joberg Holdings	6.6	194	29.4	3400	0.0	67.9	0.0	67.9
2. Panorama Pointe 83rd Way & Alcott	MEM B Properties	2.45	44	18	375	15.4	0.0	0.0	15.4
TOTAL			238						
<i>Traditional Mixed Use Neighborhood Development Project:</i>									
1. East Bradburn SWC 120th & Lowell	Kinglet, LLC	10.14	118	11.5	n/a	16.8	24.5	41.3	82.6
TOTAL			118			Total for all projects submitted			224.7
						Total for recommended projects			209.3

*dwelling units per acre

As a reminder, in December 2007, City Council allocated 80 SCs to be awarded in 2008 on a competitive basis for the five competition categories. No projects were submitted this year in the Single-Family Detached and Multi-Family categories. With the three projects recommended for award, 27.6 SCs are requested in 2008. Each competition and additional information about each submittal is detailed below:

Single-Family Attached

Country Club Highlands East (Highlands Village) – Score 2575 – (32% of the total possible points)
Byrne Realty Advisors (developer) and Shadow Creek Homes (builder) propose a combination of 42 single-family detached homes and 24 duplexes on this 20.6-acre site.

In last year’s competition, this site received a Service Commitment award for a single-family detached project submitted by John Laing Homes, with a Comprehensive Land Use Plan (CLUP) amendment requesting a change from Business Park to R-3.5. Since that time, John Laing Homes decided not to proceed with their project and the developer, Mike Byrne, is now working with a different builder (Shadow Creek Homes). Late last year the developer asked Staff to look at the possibility of single-family attached on the site for a paired home (duplex) project. After discussing the request, Staff determined duplexes could be acceptable in that location provided the project would not exceed 3.5 dwelling units per acre (du/a). The R-3.5 CLUP designation allows single-family detached and duplexes but would not allow townhomes or condominiums.

This application includes another CLUP amendment request of R-3.5 for the property that would be processed in conjunction with the other necessary documents as part of the development review process. The applicant is aware that the SC award would be contingent on City Council approval of their CLUP amendment, and that there is no guarantee that the City will approve their request to change the land use designation on their site.

Because the project changed by adding a different type of residential product, the applicant competed in the more intensive (single-family attached) category this year and chose points for various incentive items: increased private park area above the 4% minimum; at least 50% to be ranch-style or two-story homes with a first-floor master bedroom and full bath; front porches meeting or exceeding the minimum size requirement on all of the units; tile roofs on all buildings; additional landscaping at the entry; street trees on both sides of the local streets; etc.

Senior Housing

1. Crown Point (Westminster Senior Housing) – Score 3400 – (68% of the total possible points)
This project proposes one building with 194 senior housing units on a 6.6-acre site on a portion of the Crown Point Planned Unit Development at northeast corner of 100th Avenue and Garrison Street. The CLUP designation for this parcel is District Center, and residential uses are permitted, so no CLUP amendment is necessary. Because the design would include only one building, all 67.9 SCs would be needed at one time and are requested in 2009. This project is the highest-scoring project ever submitted in the senior housing category.

Some of the incentives offered by the applicant for this project include: 75% or more masonry on all four sides of the building; additional landscaping at the entry and in private areas; additional right-of-way area for berming and additional landscaping; larger plant materials; tile roofing materials; private patios or balconies on at least 80% of the units; additional recreational features; decorative street lighting; wider internal site paths; detention area designed as a permanent water feature; etc.

2. Panorama Pointe – Score 375 – (7.5% of the total possible points)

The application for this project indicates a total of 44 assisted living units on a 2.5-acre site (Parcel B) at 83rd Way and Alcott Street with a gross density of 18 du/a and requests 15.4 SCs in 2008. This project did not meet the minimum application requirements, and no conceptual site plan or cover letter explaining a concept were submitted, so no details regarding site design are known. The score sheets submitted totaled 525 points, but errors were made in their calculations and the actual total is 375. With the considerable difference in points (3,400 vs. 375) between the two senior housing projects submitted, Staff does not recommend award to Panorama Pointe. The applicant has been notified of the Staff's recommendation.

Traditional Mixed Use Neighborhood Development

East Bradburn – (a point system is not applicable in this category)

This project at the southwest corner of 120th Avenue and Lowell is a re-submittal of a TMUND project that received SCs in 2004. The project received ODP approval, but because no units have been constructed, the ODP and SCs have expired. Receiving a new SC award would re-establish SCs for the project so the ODP can be reconsidered and approved. The developer, Kinglet, LLC now plans to move forward and requests 16.8 SCs in 2009, 24.5 in 2010, and 41.3 in 2011 for a total of 82.6 as previously awarded for the 118 SFA units. The application submitted matches the previously-approved Official Development Plan for the site.

The TMUND competition is the only category that is ordinarily judged by a design jury (a point system is not applicable to this competition), and the judging committee uses the criteria established in the City's TMUND Guidelines to evaluate the project. The six key design elements include: a compact and walkable community, a mixed-use center, a pedestrian-oriented district, interconnected street/block patterns, narrow streets, and a variety of parks. Because this project is a re-submittal of a project judged in a prior competition that was previously reviewed and approved, and no additional projects were submitted in this category, Staff did not require this project go through the normal TMUND judging process a second time.

Notification letters were mailed to the four applicants who submitted projects for these competitions indicating Staff's recommendation for the City Council meeting on March 17. Because detailed site development plans are not reviewed as part of this competition process, and significant changes typically occur during the development review process, the sketch plans submitted for these competitions are not reviewed with City Council as part of these competitions. Developers of these projects have been informed that presentations will not be scheduled for the City Council meeting on March 17 since the developers would tend to focus on site plans not yet reviewed with the City. Developers were also notified that, while it is not required for them to attend the City Council meeting, they are welcome.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Vicinity Map – New Residential Competitions 2008
- Resolution re Category B-2 Competition and Service Commitment Awards
- Resolution re Category E Competition and Service Commitment Awards
- Resolution re Category B-4 Competition and Service Commitment Awards

RESOLUTION

RESOLUTION NO. **17**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

Briggs - Major

**CATEGORY B-2 (NEW SINGLE-FAMILY ATTACHED)
COMPETITION AND SERVICE COMMITMENT AWARD**

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-2 (new single-family attached) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new single-family attached development is limited, and the City of Westminster has previously adopted Resolution No. 55, Series of 2003, specifying the various standards for new single-family attached projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 80 Service Commitments for the year 2008 for use in servicing new residential projects based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, one application was received for the single-family attached competition; and

WHEREAS, the application requested a total of 58.8 Service Commitments over a three-year period for the total build-out of the 66 total units proposed.

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

1. Category B-2 Service Commitment awards are hereby made to the specific project listed below as follows:

<u>Project</u>	<u>Location</u>	<u># SCs per Year</u>			
		<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Total</u>
Country Club Highlands East (Highlands Village)	SEC Zuni Street and Federal Parkway	10.8	31.8	16.2	58.8

2. These Service Commitment awards to the projects listed above are conditional and subject to the following:
 - a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
 - b. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the projects specified above.
 - c. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.

- d. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
 - e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category B-2 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-2 award.
 - f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - g. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
 - h. Awards shown for the year 2008 are effective as of the date of this Resolution (March 17, 2008). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
 - i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
 - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2011, or the entire Service Commitment award for the project shall expire.
 - 2) The project must be issued at least one building permit within three years of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
 - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any two successive calendar years.
 - j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - k. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project location.
3. The Category B-2 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

PASSED AND ADOPTED this 17th day of March, 2008.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. **18**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

BRIGGS - MAJOR

**CATEGORY E (NEW SENIOR HOUSING)
COMPETITION AND SERVICE COMMITMENT AWARD**

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for new senior housing projects shall be awarded in Category E on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new senior housing development is limited, and the City of Westminster has previously adopted Resolution No. 57, Series of 2003, specifying the various standards for new senior housing projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 80 Service Commitments for the year 2008 for use in servicing new residential projects based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, two applications were received for the senior housing competition: Crown Point (Westminster Senior Housing) with a score of 3,400 and Panorama Pointe with a score of 375; and

WHEREAS, staff recommends award to the highest-scoring project, Crown Point; and

WHEREAS, the Crown Point application requested a total of 67.9 Service Commitments over a three-year period for the total build-out of the 194 total units proposed.

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

1. Category E Service Commitment awards are hereby made to the specific project listed below as follows:

<u>Project</u>	<u>Location</u>	<u># SCs per Year</u>		
		<u>2008</u>	<u>2009</u>	<u>Total</u>
Crown Point (Westminster Senior Housing)	NEC W. 100th Avenue & Garrison Street	0	67.9	67.9

2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant as specified within the competition shall be included as part of the proposed development and listed on the Official Development Plan for the project.
- b. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the projects specified above.
- c. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.

- d. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
 - e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category E award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category E award.
 - f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - g. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
 - h. Awards shown for the year 2008 are effective as of the date of this Resolution (March 17, 2008). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
 - i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
 - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2011, or the entire Service Commitment award for the project shall expire.
 - 2) The project must be issued at least one building permit within three years of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
 - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any two successive calendar years.
 - j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - k. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project location.
3. The Category E Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

PASSED AND ADOPTED this 17th day of March, 2008.

ATTEST:

Mayor

City Clerk

RESOLUTION

RESOLUTION NO. 19

INTRODUCED BY COUNCILLORS

SERIES OF 2008

Briggs - Major

**CATEGORY B-4 (NEW TRADITIONAL MIXED-USE NEIGHBORHOOD DEVELOPMENT)
COMPETITION AND SERVICE COMMITMENT AWARD**

WHEREAS, the City of Westminster has adopted by Ordinance No. 2848 a Growth Management Program for the period 2000 through 2010; and

WHEREAS, the goals of the Growth Management Program include balancing growth with the City's ability to provide water and sewer services, preserving the quality of life for the existing Westminster residents, and providing a balance of housing types; and

WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded in Category B-4 (new traditional mixed-use neighborhood development) on a competitive basis through criteria adopted periodically by resolution of the City Council and that each development shall be ranked within each standard by the degree to which it meets and exceeds the said criteria; and

WHEREAS, the City's ability to absorb and serve new traditional mixed-use neighborhood development is limited, and the City of Westminster has previously adopted Resolution No. 30, Series of 2006, specifying the various standards for new traditional mixed-use neighborhood development projects based upon their relative impact on the health, safety and welfare interests of the community, and has announced to the development community procedures for weighing and ranking projects prior to receiving the competition applications; and

WHEREAS, the City of Westminster has previously allocated 80 Service Commitments for the year 2008 for use in servicing new residential projects based on the criteria set forth in Section 11-3-1 of the Westminster Municipal Code; and

WHEREAS, one application was received for the traditional mixed-use neighborhood development competition with a total of 82.6 Service Commitments requested over a three-year period beginning in 2008 for the total build-out of the 118 total residential units proposed; and

WHEREAS, staff recommends award to the East Bradburn project.

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

1. Category B-4 Service Commitment awards are hereby made to the specific project listed below as follows:

<u>Project</u>	<u>Location</u>	<u># SCs per Year</u>			
		<u>2008</u>	<u>2009</u>	<u>2010</u>	<u>Total</u>
East Bradburn	SWC W. 120th Avenue & Lowell Boulevard	16.8	24.5	41.3	82.6

2. These Service Commitment awards to the projects listed above are conditional and subject to the following:

- a. For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes.
- b. Service Commitment awards for the projects listed above, if approved by the City, may only be used within the projects specified above.
- c. These Service Commitment awards shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- d. Each Service Commitment award is conditional upon City approval of each project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.

- e. The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of property involved in this Category B-4 award nor shall any other binding effect be interpreted or construed to occur in the City as a part of the Category B-4 award.
 - f. Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
 - g. The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
 - h. Awards shown for the year 2008 are effective as of the date of this Resolution (March 17, 2008). Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
 - i. In order to demonstrate continued progress on a project, the following deadlines and expiration provisions apply:
 - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2011, or the entire Service Commitment award for the project shall expire.
 - 2) The project must be issued at least one building permit within three years of Official Development Plan approval, or the entire Service Commitment award for the project shall expire.
 - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any two successive calendar years.
 - j. If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the Service Commitment supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
 - k. This award resolution shall supersede all previous Service Commitment award resolutions for the specified project location.
3. The Category B-4 Service Commitment awards shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

PASSED AND ADOPTED this 17th day of March, 2008.

ATTEST:

City Clerk

Mayor

Vicinity Map - Fonay Annexation

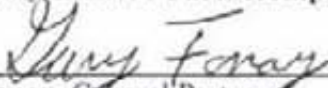


**ORCHARD LAKES
ANNEXATION PETITION**

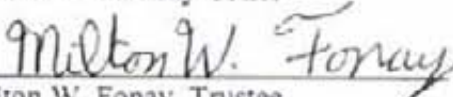
The Fonay Family Limited Partnership, Ltd., The Milton W. Fonay Trust and The Virginia M. Fonay Trust submit this Annexation Petition and Annexation Map in accordance with §§ 31-12-101, et seq., of the Colorado Revised Statutes (the "Municipal Annexation Act of 1965) and the Westminster City Code, Art. 11, Chapter 5, and state as follows:

1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
3. The signers of this petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys.
4. The undersigned hereby request the City of Westminster to approve the annexation of the area proposed to be annexed.
5. Signatures of landowners:

Fonay Family Limited Partnership, Ltd.

BY: 
Gary Fonay, General Partner

The Milton W. Fonay Trust

BY: 
Milton W. Fonay, Trustee

The Virginia M. Fonay Trust

BY: _____
Rhonda Swain, Trustee

6. Mailing address of signers:

Fonay Family Limited Partnership, Ltd.
306 Jemez
Hobbs, New Mexico 88240

The Milton W. Fonay Trust
306 Jemez
Hobbs, New Mexico 88240

The Virginia M. Fonay Trust
143 South Great Road
Lincoln, MA 01773

7. Legal description of land owned by signer:

See Exhibit "A" attached hereto and incorporated herein by this reference.

8. Date of signing:

Fonay Family Limited Partnership, Ltd.

Signed by Gary Fonay, as General Partner, on 12/7/07.

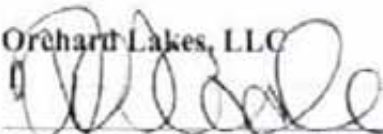
The Milton W. Fonay Trust

Signed by Milton W. Fonay, as Trustee, on 12/7/07.

The Virginia M. Fonay Trust

Signed by Rhonda Swain, as Trustee, on _____.

9. Signature of landowner's purchaser, Orchard Lakes, LLC, 11854 Bradburn Blvd. Westminister, CO 80031, under Purchase and Sale Agreement dated October 6, 2005, as amended, and Affidavit of purchaser as Petition Circulator that each signature herein is the signature of the person whose name it purports to be:

Orchard Lakes, LLC

By: Frederick G. Cooke, Manager

10. Four copies of the Annexation Map are attached and accompany this Petition.

11. This Annexation Petition is expressly conditioned upon City approval of a Preliminary Development Plan (PDP) for the Annexed Property that is acceptable to the City, the landowner and the landowner's purchaser in accordance with the applicable sections of the City Code, and the Petition may be withdrawn if a mutually acceptable PDP is not approved.

NOTARY VERIFICATION OF SIGNERS:

1. Gary Fonay, General Partner, FONAY FAMILY LIMITED PARTNERSHIP, LTD.

STATE OF New Mexico
COUNTY OF Lea) ss.

The foregoing Petition of Annexation was executed and sworn to under oath before me this 14 day of December, 2007, by Gary Fonay as General Partner of Fonay Family Limited Partnership, Ltd. Witness my hand and official seal the date and year first above written.

[Signature]
Notary Public

11211 Walker Hills, NM 88240
Address
May 10, 2009
My commission expires:

SEAL

2. Milton W. Fonay, Trustee, MILTON W. FONAY TRUST

STATE OF New Mexico
COUNTY OF Lea) ss.

The foregoing Petition of Annexation was executed and sworn to under oath before me this 14 day of December, 2007, by Milton W. Fonay as Trustee of Milton W. Fonay Trust. Witness my hand and official seal the date and year first above written.

[Signature]
Notary Public

11211 Walker Hills, NM 88240
Address
May 10, 2009
My commission expires:

SEAL

2. Rhonda Swain, Trustee, VIRGINIA M. FONAY TRUST

STATE OF _____)
)
COUNTY OF _____) ss.

The foregoing Petition of Annexation was executed and sworn to under oath before me this ___ day of _____, 2007, by Rhonda Swain, Trustee of Virginia M. Fonay Trust. Witness my hand and official seal the date and year first above written.

Notary Public

Address

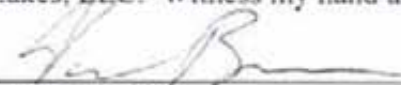
SEAL

My commission expires

3. Frederick G. Cooke, Manager Orchard Lakes, LLC:

STATE OF COLORADO)
)
COUNTY OF Adams) ss.

The foregoing Petition of Annexation was executed and sworn to under oath before me this 14th day of December, 2007, by Frederick G. Cooke as Manager of Orchard Lakes, LLC. Witness my hand and official seal the date and year first above written.



Notary Public

My Commission Expires 9/26/2011
5130 W. 120th Ave
Westminster, CO 80020

Address

My commission expires:



SEAL

**ORCHARD LAKES
ANNEXATION PETITION**

The Fonay Family Limited Partnership, Ltd., The Milton W. Fonay Trust and The Virginia M. Fonay Trust submit this Annexation Petition and Annexation Map in accordance with §§ 31-12-101, et seq., of the Colorado Revised Statutes (the "Municipal Annexation Act of 1965) and the Westminster City Code, Art. 11, Chapter 5, and state as follows:

1. It is desirable and necessary that the area shown on the attached annexation map be annexed into the City of Westminster.
2. The requirements of Sections 31-12-104 and 31-12-105 C.R.S. 1973, as amended, exist or have been met.
3. The signers of this petition comprise the landowners of more than fifty percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys.
4. The undersigned hereby request the City of Westminster to approve the annexation of the area proposed to be annexed.
5. Signatures of landowners:

Fonay Family Limited Partnership, Ltd.

BY: _____
Gary Fonay, General Partner

The Milton W. Fonay Trust

BY: _____
Milton W. Fonay, Trustee

The Virginia M. Fonay Trust

BY: Rhonda Swain, trustee
Rhonda Swain, Trustee

6. Mailing address of signers:

Fonay Family Limited Partnership, Ltd.
306 Jemez
Hobbs, New Mexico 88240

The Milton W. Fonay Trust
306 Jemez
Hobbs, New Mexico 88240

The Virginia M. Fonay Trust
143 South Great Road
Lincoln, MA 01773

7. Legal description of land owned by signer:

See Exhibit "A" attached hereto and incorporated herein by this reference.

8. Date of signing:

Fonay Family Limited Partnership, Ltd.

Signed by Gary Fonay, as General Partner, on _____.

The Milton W. Fonay Trust

Signed by Milton W. Fonay, as Trustee, on _____.

The Virginia M. Fonay Trust

Signed by Rhonda Swain, as Trustee, on December 7, 2007

9. Signature of landowner's purchaser, Orchard Lakes, LLC, 11854 Bradburn Blvd. Westminster, CO 80031, under Purchase and Sale Agreement dated October 6, 2005, as amended, and Affidavit of purchaser as Petition Circulator that each signature herein is the signature of the person whose name it purports to be:

Orchard Lakes, LLC

By: Frederick G. Cooke, Manager

10. Four copies of the Annexation Map are attached and accompany this Petition.

11. This Annexation Petition is expressly conditioned upon City approval of a Preliminary Development Plan (PDP) for the Annexed Property that is acceptable to the City, the landowner and the landowner's purchaser in accordance with the applicable sections of the City Code, and the Petition may be withdrawn if a mutually acceptable PDP is not approved.

2. Rhonda Swain, Trustee, VIRGINIA M. FONAY TRUST

STATE OF Massachusetts)
)
COUNTY OF Middlesex) ss.

The foregoing Petition of Annexation was executed and sworn to under oath before me this 7 day of December, 2007, by Rhonda Swain, Trustee of Virginia M. Fonay Trust. Witness my hand and official seal the date and year first above written.

Mary Colt Navins
Notary Public

152 Lincoln Rd, Lincoln ma 01773
Address
March 13, 2009
My commission expires



MARY COLT NAVINS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 13, 2009

3. Frederick G. Cooke, Manager Orchard Lakes, LLC:

STATE OF COLORADO)
)
COUNTY OF _____) ss.

The foregoing Petition of Annexation was executed and sworn to under oath before me this ___ day of _____, 2007, by Frederick G. Cooke as Manager of Orchard Lakes, LLC. Witness my hand and official seal the date and year first above written.

Notary Public

Address

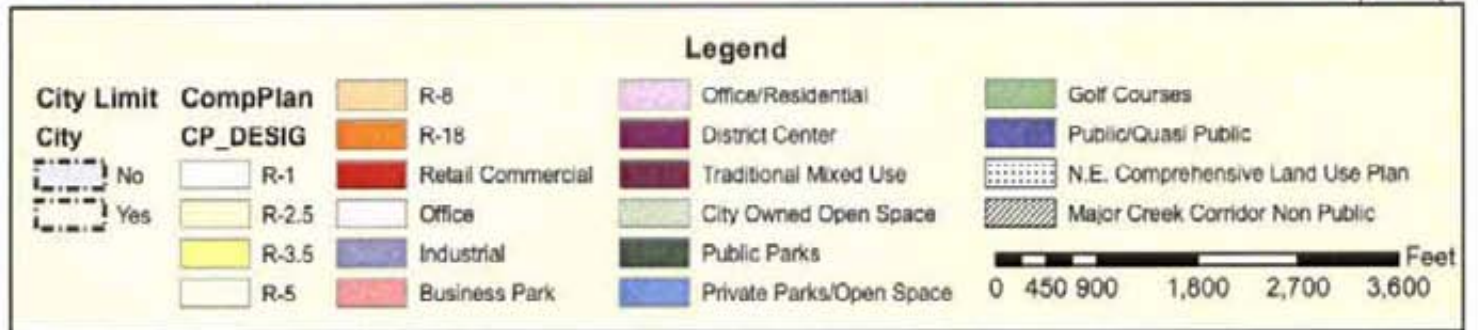
My commission expires:

SEAL



MARY COLT NAVINS
Notary Public
Commonwealth of Massachusetts
My Commission Expires
March 13, 2009

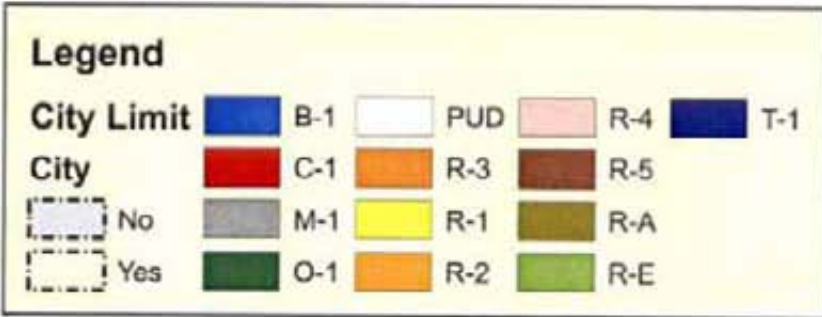
Fonay Annexation Existing CLUP - Not in City Limits



Fonay Annexation Proposed CLUP - District Center



Fonay Annexation Existing Zoning - Adams County A-3



Fonay Annexation Proposed Zoning - PUD



Exhibit A: Vicinity Map - Fonay Annexation





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
March 17, 2008



SUBJECT: Public Hearing and Action on the Fonay Annexation, Comprehensive Land Use Plan Amendment, Rezoning, and the Sixth Amended Preliminary Development Plan for the North Huron Planned Unit Development

Prepared By: Max Ruppeck, Senior Project Manager

Recommended City Council Action

1. Open and conduct the public hearing.
2. Pass Councillor’s Bill No. 9 as an emergency ordinance approving the Comprehensive Land Use Plan (“CLUP”) amendment for the Fonay property and Bull Canal right-of-way designating the property “District Center,” effective upon the adoption of Councillor’s Bill No. 8 annexing the property. This action is based on a finding that the proposed amendment will be in the public good and that:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed;
 - b) The proposed amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan;
 - 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. Pass Councillor’s Bill No. 10 as an emergency ordinance rezoning the Fonay property and Bull Canal right-of-way from Adams County A-3 to City of Westminster Planned Unit Development, effective upon the adoption of Councillor’s Bill No. 8 annexing the property. This recommendation is based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code have been met.
4. Approve the Sixth Amended Preliminary Development Plan for the North Huron Planned Unit Development (including the Fonay property), effective upon the adoption of Councillor’s Bill No. 8 annexing the property. This recommendation is based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code have been met.
5. Approve Resolution No. 15 making certain findings of fact as required under Section 31-12-110 C.R.S. regarding the Fonay property and Bull Canal right-of-way annexation.
6. Approve Councillor’s Bill No. 8 as an emergency ordinance annexing the Fonay property and the Bull Canal right-of-way to the City of Westminster.

Summary Statement

- The property to be annexed, the Fonay property and Bull Canal right-of-way, consists of 72.594 acres in unincorporated Adams County. This property is located between I-25 and Huron Street south of the W. 142nd Avenue alignment.
- The proposed Preliminary Development Plan (PDP) amendment includes the Fonay Property and a portion of the North Huron Planned Unit Development located at the southeast corner of 144th Avenue and Huron Street, consisting of 65.76 acres. The PDP includes the Bull Canal right-of-way on the Fonay property.
- Due to a technical defect in the annexation notice, the hearing originally scheduled for February 25, 2008, was cancelled and a new set of notices was published for tonight’s hearing.
- Under state law, the ordinance approving the CLUP amendment, the ordinance rezoning the Fonay and Bull Canal property, and the approval of the PDP may not become effective until the ordinance annexing the Fonay and Bull Canal property is adopted.

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

Planning Commission Recommendation

At the February 12, 2008, Planning Commission meeting, the Commissioners voted unanimously (6-0) to recommend that the City Council approve the annexation of the Fonay property and Bull Canal Right-of-Way; that the Comprehensive Land Use Plan be amended to designate this property "District Center;" that the property be rezoned from Adams County A-3 to Planned Unit Development (PUD); and that the Sixth Amended Preliminary Development Plan for the North Huron Planned Unit Development (including the Fonay Property) be approved.

Two individuals spoke at the public hearing. Mr. Rick White who owns land on the east side of I-25 (Thornton) supports the project, but is concerned with the drainage flows across I-25 onto his property. Drainage improvements are currently being designed and will be addressed by future plans. Mr. Richard Wagner, a Lexington resident and former President of the Lexington HOA, referred to the Foster Preliminary Development Plan (PDP) that states there shall be no intersection at Lexington Avenue and Huron Street. This issue will be considered when the property to the south submits their development plans, at which time the Lexington residents will be included in those discussions through the developer's neighborhood meeting.

Policy Issues

1. Should the City approve a Comprehensive Land Use Plan (CLUP) amendment for the Fonay property to District Center?
2. Should the City approve the rezoning of the Fonay property from Adams County A-3 to City of Westminster Planned Unit Development (PUD)?
3. Should the City approve the 6th Amended Preliminary Development Plan (PDP) for the North Huron PUD?
4. Should the City annex the Fonay property?

Alternatives

1. Deny the annexation of the Fonay property. Staff does not support this alternative because the annexation would greatly benefit the City by increasing the potential for tax revenue from the retail portions of the property and the employment base for the medical and office uses.
2. Deny the CLUP designation of District Center. Staff does not support this alternative because the District Center designation is the most appropriate in the Huron Street/I-25 corridor and is consistent with the designation of the properties to the north and south.
3. Deny the rezoning of the Fonay property to PUD. This recommendation is not supported by staff because the proposed zoning is in compliance with the requirements of the City Code.
4. Deny the Sixth Amended PDP. Staff does not support this alternative because the proposed PDP is in compliance with the provisions of City Code.

Background Information

Nature of Request

The applicant is combining two approximately equally sized properties into an overall development plan. The northern property consisting of 56.3 acres currently within the City of Westminster is a part of the North Huron PUD. The southern property (the Fonay property and Bull Canal parcel)

consists of 72.6 acres and must be annexed into the City, assigned a CLUP designation (District Center) and rezoned to PUD. The combined properties (totaling 128.9 acres) will make up the 6th Amended PDP of the North Huron PUD.

The land uses proposed in the PDP are as follows:

- a. Commercial/Retail uses on Parcel 4A (17.4 acres) at the southeast corner of 144th Avenue and Huron Street.
- b. Hospital/Medical Office uses on Parcel 4B (33.4 acres) at the southwest corner of I-25 and W. 144th Ave.
- c. Hospital/Medical Office and ancillary retail on Parcel 4C (16.8 acres) directly south of Parcel 4B.
- d. Retail Commercial, Office, Hospitality and residential uses on Parcel 4D (19.5 acres) along Huron Street south of 142nd Avenue.
- e. Medical Office/Hospitality uses on Parcel 4E (4.5 acres) adjacent to I-25 south of Parcel 4B.
- f. Commercial Mixed Use/Office/Ancillary Retail uses on Parcel 4F (7.6 acres) south of Parcel C.

Location

The site is located at the southwest corner of I-25 and West 144th Avenue, extending westward to Huron Street and southward approximately 2600 feet from W. 144th Avenue. (See attached vicinity map.)

Comprehensive Land Use Plan Amendment

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan (CLUP) to prove the amendment is in the public good and in overall compliance with the purpose and intent of the CLUP. Further, the CLUP provides four criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed amendment must, “Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” The northern portion of the site is currently designated “District Center” in the CLUP. The southern portion (the Fonay property and Bull Canal parcel) must be annexed into the City and assigned a CLUP designation. Since this is a unified development, Staff recommends that the annexed land should be the same land use designation, “District Center.”
2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:

Goal A1 Growth will occur in a manner that balances the pace of development with the City’s ability to provide quality services and capital improvements.

Policy A1c Annexation of county enclaves and adjoining lands will be considered on a case-by-case basis, taking into consideration the fiscal, social, and land use factors.

Goal A2 Retain areas for commercial and industrial developments as significant revenue or employment generators on the remaining developable land.

Policy A2a Residential development will be limited to that needed to support commercial and industrial areas, so as to protect areas for future economic development opportunities. An exception to this general policy would be the allowance of higher density housing in “Transit Oriented Developments,” “Traditional Mixed-Used Neighborhoods,” and City supported redevelopment areas.

Policy A2b The majority of the existing vacant land in the City will be reserved for non-residential or mixed-use development in order to achieve a higher jobs per capita mix within the City with an emphasis on primary employment.

- Goal C4** Higher density housing should be in “Transit Oriented Developments,” “Traditional Mixed-Use Development Neighborhoods,” or in “District Centers,” adjacent to existing transit facilities where high density residential uses are appropriate.
- Policy C4c** Higher density housing should be concentrated in “Transit Oriented Developments,” “Traditional Mixed-Use Development Neighborhoods,” or in “District Centers,” adjacent to existing or planned transit facilities where high density residential uses are appropriate.
- Goal D1** Preserve, maintain, and improve a variety of shopping facilities offering all necessary goods and services to community residents and businesses.
- Policy D1a** Necessary goods and services will continue to be made available within the City.
- Policy D1b** Emphasis will be placed on enhancing the quality and diversity of retail and office commercial developments in a manner that makes a positive contribution to the City’s image and business environment.
- Goal E1** Increase employment opportunities through the development of easily accessible, well-designed and planned light industrial, office, research, and other employment centers.
- Policy E1a** Continue programs to retain and attract new businesses and plan for sufficient strategically located land for new employment centers.
- Goal I2** Continue enhancements and improvements of transportation facilities within District Centers and Traditional Mixed-Use Neighborhood developments.
- Policy I2a** Enhance vehicular access and capacity for the roadways serving all of Westminster’s District Centers.

Based upon these goals and policies, staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

3. The proposed amendment must, “Be compatible with existing and surrounding uses.” The proposed mixed use development will be compatible with the existing “Orchard Town Center” development north of 144th (a regional shopping center with an office and residential component) and the developing commercial development to the south (Lowe’s and Wal-Mart and other retail uses.) The proposed development is enhanced by its proximity to the 144th Avenue/I-25 interchange.
4. The proposal must “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” The existing and proposed infrastructure is adequate to accommodate the proposed development. The existing water and sewer lines are adequately sized. The proposed Orchard Parkway running north/south through the middle of the development will be the primary access to the majority of the development and relieve traffic along Huron Street. The proposed McKay Lake outfall channel will convey the stormwater drainage through the property and the required detention will be provided on-site and on the Foster property to the south.

Public Notification

Westminster Municipal Code 11-5-13 requires the following three public notification procedures:

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least 30 days prior to City Council public hearings. Notice was published in the Westminster Window on January 31, 2008.

- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Three signs were posted on the property on February 1, 2008.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on January 31, 2008. State Statute requires the notice of an annexation hearing to be published four times, with the first publication at least 30 days before the hearing. Notice of the February 25, 2008 annexation hearing was published on, January 31, February 7, February 14, and February 21, 2008. Notice of the continued hearing on March 17, 2008 was published on February 14, February 21, February 28, and March 6, 2008.

Applicant/Property Owner

Applicant representing all property owners:
Fred Cooke
Biltmore Development, Inc.
11854 Bradburn Boulevard
Westminster, Colorado 80031

Surrounding Land Use and Comprehensive Land Use Plan Designations

Development Name	Zoning	CLUP Designation	Use
North: The Orchard	PUD	District Center	Retail
West: Huntington Trails, Lexington	PUD		Single Family Residential
East: I-25 Right-of-Way City of Thornton		None	Vacant
South: Foster Property	PUD	District Center	Vacant

Site Plan Information

The following site plan information explains how the proposal complies with the City’s land development regulations and guidelines and the criteria contained in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code.

- **Traffic and Transportation:** There are six proposed and existing access points to the site. Orchard Parkway traverses the site in a north/south direction extending from 144th Avenue to the Foster property to the south and eventually to 136th Avenue. There will be a second access point off of 144th Avenue opposite Delaware Street. Both Orchard Parkway and Delaware Street are signalized. Along Huron Street from north to south, there is a three quarter turn access point approximately 600 feet south of 144th Avenue. A proposed full turn signalized access point occurs at 142nd Avenue, opposite Huntington Trails Parkway to the east. A right-in/right-out movement to Huron Street is proposed at 141st Avenue. Approximately 350 feet south of the property is a proposed full turn, signalized intersection opposite Lexington Avenue. This access will require an amendment to the Foster property PDP.
- **Site Design:** Orchard Parkway will serve as the primary access to most of the development. The parkway right-of-way will range from 112 feet to 167 feet and will be extensively landscaped. Orchard Parkway will be located approximately 800 feet east of Huron Street. The site is comprised of six land use parcels. Proceeding down Orchard Parkway from north to south the land use parcels are described as follows:
 - Parcel 4A – is located on the west side of Orchard Parkway extending eastward to Huron Street between 144th Avenue and 142nd Avenue. This 17.4 acre parcel is primarily intended for retail commercial uses but may include an office and hotel component.

Parcel 4B – is the largest parcel consisting of 33.4 acres and is located on the east side of Orchard Parkway extending to I-25. This parcel is planned to be developed with medical, medical office and general office uses. Centura Health Corporation is the announced purchaser of Parcel 4B.

Parcel 4C – is located directly south of Parcel 4B and is planned for additional medical office uses, and may contain ancillary retail up to 35% of the total building floor area. Parcel 4C is 16.8 acres in area. Parcel 4D – is located between Huron Street and Orchard Parkway directly south of 142nd Avenue. This parcel is subdivided into two sub-parcels 4D (north) and 4D (south) separated by 141st Avenue. The sub-parcels are 12.1 acres and 7.4 acres respectively. These parcels are intended to be mixed use and may contain retail, office, hospitality and high density residential uses. Residential uses must be part of a mixed use development.

Parcel 4E – is located south of Parcel 4B and is also planned for medical office uses, but may also be developed with hotel uses. 4E is 4.6 acres in area.

The remaining parcels 4F-J are for right-of-way, detention, canal or other non-development purposes and will be described below.

- Landscape Design: the specific design of the public and private landscaping will be part of the Official Development Plan(s) for the area. Efforts will be made to preserve the existing mature trees along Huron Street.
- Public Land Dedication/School Land Dedication: It is not known at this point how many residences will be developed for this project. Once this is determined at the ODP stage, cash-in-lieu for public land and school land will be due. The drainage channels and detention pond will be dedicated to the City, but are not part of the required Public Land Dedication. (Parcel 4G). These areas will be maintained by the abutting property owners or the metropolitan district proposed to be formed for the areas.
- Parks/Trails/Open Space: Ten feet wide concrete trails will be provided along the McKay Lake outfall drainage channel, along I-25 and the Bull Canal (that will be realigned as shown on the plans).
- Architecture/Building Materials: General architectural guidelines are included in the PDP. The overall architectural theme may be described as “Colorado Contemporary” typically characterized by the use of:
 - Low sloped roofs with overhanging eaves
 - Overlapping horizontal forms with vertical mass elements
 - Local materials such as brick, stone and wood
 - Shading devices such as canopies, trellises, and awnings
 - A background palette of earth tones
 - Tower element

More detailed architectural guidelines will be required with the ODP.

Signage

The signage is to be designed to complement the architectural theme of the overall center and to provide clear direction to benefit both shoppers and merchants.

There is a hierarchy of signage letter sizes established to be appropriate to the size of the user. All signs are to be fabricated from a sampling of materials harmonious to the design of the architecture. In addition to tenant user identification signs, monument signs will be provided along Interstate 25, along 144th Avenue and along North Huron Street. Also, there will be project identity signage at major streets entering the project, as well as, directional signs throughout the site. There will be a major sign element at 144th Avenue and Huron Street.

A comprehensive sign program will be developed and submitted with the ODP. Signage will meet the City of Westminster signage standards unless specifically approved otherwise on the ODP.

Lighting

Light fixtures and supports will be of a consistent design and color and will match those installed along 136th and 144th Avenues. A photometric lighting study will be required with the ODP to assure no off-site glare will occur.

Referral Agency Responses

Copies of the Annexation Impact Report were sent to Adams County Commissioners. Referrals for the PDP were sent to Xcel Energy, Comcast, Qwest and the Colorado Department of Transportation. No responses have been received to date.

Service Commitment Categories

Service Commitments shall be allocated to this project from Category C for non-residential developments. The exact number of commitments will be calculated by staff at the time of building permit approval. If residential uses are proposed, a PDP amendment will need to be approved and Service Commitments awarded through the City's annual competition in the Traditional Mixed Use Neighborhood Development Category.

Neighborhood Meeting and Public Comments

A neighborhood meeting was held on January 30, 2008. Eleven individuals attended the meeting. Those in attendance expressed support of emergency medical facilities for the neighborhood and expressed a desire for buffering and landscaping on the project similar to that found north along Huron Street next to The Orchard Town Center development. One Thornton resident voiced concern over the quantity of storm water piped under I-25.

Councillors' Bills Nos. 8, 9 and 10 are being submitted for adoption as emergency ordinances because of timing issues related to the land transactions involved and the overall economic benefit that this development will produce for the City and its citizens.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments:

- Fonay Vicinity Map
- Annexation Petition
- Comprehensive Land Use Plan (CLUP) Ordinance
- Comprehensive Land Use Plan (CLUP) Amendment Map
- Zoning Ordinance
- Fonay Zoning Map
- Findings Resolution
- Annexation Ordinance
- Exhibit A (Vicinity Map – Fonay Annexation)
- Criteria and Standards for Land Use Applications

BY AUTHORITY

ORDINANCE NO. **3403**

COUNCILLOR'S BILL NO. **9**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
BRIGGS - MAJOR

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described below, requesting a change in the land use designations from Adams County A3 to District Center for the Fonay Property located at the southeast corner of Huron Street and the West 142nd Street alignment.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly Policy A1c that states that the City will consider the annexation of enclaves on a case by case basis taking into consideration fiscal, social and land use factors.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described as follows:

Fonay Property

A parcel of land located in the south one-half of the northwest quarter of Section 22, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the west quarter of said Section 22; Thence South 89°57'18" East, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 30.00 feet to the west line of North Huron Street right of way as described in Reception No. 20050620000646750 said point and being the point of beginning;

Thence North 00°42'47" West, along the west line of North Huron Street right of way described in Reception No. 20050620000646750 and Reception No. 20041025001072230; a distance of 1322.47 feet to the north line of the south one-half of the northwest quarter of said Section 22;

Thence South 89°56'14" East, along the north line of the south one-half of the northwest quarter of said Section 22, a distance of 2391.55 feet to the west line of a right of way described in Book 473, Page 187;

Thence South 00°45'07" East, along said west right of way line, along a line parallel with and 200.02 feet west of the east line of said south one-half of the northwest quarter of said Section 22, a distance of 1321.75 feet to the south line of the south one-half of the northwest quarter of said Section 22;

Thence North 89°57'18" West, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 2392.44 feet to the point of beginning;

Said annexation parcel contains 72.594 acres, more or less, subject to all easements and encumbrances of record.

to "District Center," as depicted on the map attached as Exhibit A.

Section 3. 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 4. Emergency. Because the purchase and sale agreements related to the Orchard Park Place project may be terminated if this Comprehensive Land Use Plan amendment is not timely concluded, and because the timely commencement and completion of the Orchard Park Place project will produce significant economic development benefits to the City and its citizens including significant tax revenues and a major medical complex in a currently underserved area of 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 March 17, 2008, 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 enacted, and the enactment of Councillor's Bill No. 8.

Section 5. 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 17th day of March, 2008.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO. **3404**

COUNCILLOR'S BILL NO. **10**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
BRIGGS - MAJOR

**A BILL
FOR AN EMERGENCY ORDINANCE AMENDING THE
ZONING OF THE FONAY PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF HURON STREET AND THE WEST
142ND AVENUE ALIGNMENT, ADAMS COUNTY, COLORADO,
FROM ADAMS COUNTY A-3 TO PLANNED UNIT
DEVELOPMENT**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the rezoning of the property generally located at the southeast corner of Huron Street and the West 142nd Avenue alignment as described below, from the Adams County A-3 zone to the Planned Unit Development (PUD) zone has been submitted to the City for its approval pursuant to W.M.C. §11-5-2.

b. That the notice requirements of W.M.C. §11-5-13 have been met.

c. That such application has been referred to the Planning Commission, which body held a public hearing thereon on February 12, 2008 and has recommended approval of the requested amendment.

d. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code and has considered the criteria in W.M.C. § 11-5-14.

e. That based on the evidence produced at the public hearing, a rezoning to the proposed PUD zoning complies with all requirements of City Code, including, but not limited to, the provisions of W.M.C §11-5-14, regarding standards for approval of planned unit developments and §11-4-3, requiring compliance with the Comprehensive Land Use Plan.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property, described as:

A parcel of land located in the south one-half of the northwest quarter of Section 22, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the west quarter of said Section 22; Thence South 89°57'18" East, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 30.00 feet to the west line of North Huron Street right of way as described in Reception No. 20050620000646750 said point and being the point of beginning;

Thence North 00°42'47" West, along the west line of North Huron Street right of way described in Reception No. 20050620000646750 and Reception No. 20041025001072230; a distance of 1322.47 feet to the north line of the south one-half of the northwest quarter of said Section 22;

Thence South 89°56'14" East, along the north line of the south one-half of the northwest quarter of said Section 22, a distance of 2391.55 feet to the west line of a right of way described in Book 473, Page 187;

Thence South 00°45'07" East, along said west right of way line, along a line parallel with and 200.02 feet west of the east line of said south one-half of the northwest quarter of said Section 22, a distance of 1321.75 feet to the south line of the south one-half of the northwest quarter of said Section 22;

Thence North 89°57'18" West, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 2392.44 feet to the point of beginning;

Said annexation parcel contains 72.594 acres, more or less, subject to all easements and encumbrances of record.

From the Adams County A-3 zoning district to the PUD zoning district, as depicted on the map marked Exhibit A attached hereto.

Section 3. 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 4. Emergency. Because the purchase and sale agreements related to the Orchard Park Place project may be terminated if this rezoning amendment is not timely concluded, and because the timely commencement and completion of the Orchard Park Place project will produce significant economic development benefits to the City and its citizens including significant tax revenues and a major medical complex in a currently underserved area of 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 March 17, 2008, 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 enacted, and the enactment of Councillor's Bill No. 8.

Section 5. 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 17th day of March, 2008.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

RESOLUTION

RESOLUTION NO. **15**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

Briggs - Major

A RESOLUTION

PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, ALSO KNOWN AS THE FONAY PROPERTY

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk petitions (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 1, series of 2008, finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.

3. The City Council further finds:
- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
 - b. That the annexation will not result in the detachment of any area from a school district;
 - c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
 - d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
 - e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.
4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.
5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 17th day of March, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Fonay Annexation

Criteria and Standards for Land Use Applications

Comprehensive Land Use Plan Amendments

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (PUD) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The PUD exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The PUD is compatible and harmonious with existing public and private development in the surrounding area.
5. The PUD provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The PUD has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

City Initiated Rezoning

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

Official Development Plan (ODP) Application

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.
5. The plan is compatible and harmonious with existing public and private development in the surrounding area.

6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

BY AUTHORITY

ORDINANCE NO. **3405**

COUNCILLOR'S BILL NO. **8**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
BRIGGS - MAJOR

**A BILL
FOR AN EMERGENCY ORDINANCE ANNEXING A PARCEL OF LAND LOCATED IN
SECTION 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., ADAMS COUNTY,
COLORADO**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to the Council of the City of Westminster a petition for annexation to the City of Westminster by the owner of more than 50 percent of the hereinafter-described contiguous, unincorporated area, exclusive of public streets and alleys, being in the County of Adams, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 15, Series of 2008, making certain findings of fact and conclusions regarding the proposed annexation, as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council has satisfied itself that the proposed annexation conforms with the Comprehensive Land Use Plan of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

Fonay Annexation

A parcel of land located in the south one-half of the northwest quarter of Section 22, Township 1 South, Range 68 West of the 6th P.M., County of Adams, State of Colorado, being more particularly described as follows:

Commencing at the west quarter of said Section 22; Thence South 89°57'18" East, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 30.00 feet to the west line of North Huron Street right of way as described in Reception No. 20050620000646750 said point and being the point of beginning;

Thence North 00°42'47" West, along the west line of North Huron Street right of way described in Reception No. 20050620000646750 and Reception No. 20041025001072230; a distance of 1322.47 feet to the north line of the south one-half of the northwest quarter of said Section 22;

Thence South 89°56'14" East, along the north line of the south one-half of the northwest quarter of said Section 22, a distance of 2391.55 feet to the west line of a right of way described in Book 473, Page 187;

Thence South 00°45'07" East, along said west right of way line, along a line parallel with and 200.02 feet west of the east line of said south one-half of the northwest quarter of said Section 22, a distance of 1321.75 feet to the south line of the south one-half of the northwest quarter of said Section 22;

Thence North 89°57'18" West, along the south line of the south one-half of the northwest quarter of said Section 22, a distance of 2392.44 feet to the point of beginning;

Said annexation parcel contains 72.594 acres, more or less, subject to all easements and encumbrances of record.

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. Emergency. Because the purchase and sale agreements related to the Orchard Park Place project may be terminated if this annexation is not timely concluded, and because the timely commencement and completion of the Orchard Park Place project will produce significant economic development benefits to the City and its citizens including significant tax revenues and a major medical complex in a currently underserved area of 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 March 17, 2008, 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 enacted.

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 17th day of March, 2008.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Fonay Annexation