



WESTMINSTER  
COLORADO

March 29, 2004  
7:00 P.M.

## CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
  - A. Presentation of Awards by the Colorado Chapter of the American Public Works Association
  - B. Proclamations re Westminster High School, Standley Lake High School and Individual Wrestlers
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
  - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
  - A. February Financial Report
  - B. IGA for Continuation of the Community Transit Program in Adams County
  - C. Quarterly Insurance Report: October - December 2003
  - D. Purchase of Replacement Light Duty Trucks and New Public Safety Vehicles
  - E. CB No. 9 re Annexation of Bull Canal/United Power Properties (Dittman-Hicks)
  - F. CB No. 10 re CLUP Amendment for Bull Canal/United Power Properties (Dittman-Hicks)
  - G. CB No. 11 re Zoning for Bull Canal/United Power Properties (Dittman-Hicks)
  - H. CB No. 12 re Scottrade Inc BAP (Kauffman-McNally)
  - I. CB No. 13 re Amendment to 88<sup>th</sup> and Pierce BAP (Dixon-McNally)
  - J. CB No. 14 re Composition of City Library Board (Dittman-Dixon)
  - K. CB No. 15 re 2003 Community Emergency Response Team Grant (Dixon-Price)
  - L. CB No. 16 re Rental Leases for Strasburg Natural Resource Farm (Hicks-Dixon)
9. Appointments and Resignations
  - A. Resolution No. 19 re Appointment to Library Board
10. Public Hearings and Other New Business
  - A. Public Hearing re Chamberlain Property (south of Church Ranch Blvd west of Reed Street)
  - B. Annexation Agreement re Chamberlain Property
  - C. Resolution No. 20 re findings regarding the Chamberlain annexation property
  - D. Councillor's Bill No. 17 Annexing the Chamberlain property
  - E. Councillor's Bill No. 18 re CLUP amendment adding Chamberlain property as Retail Commercial
  - F. Councillor's Bill No. 19 zoning the Chamberlain property Planned Unit Development (PUD)
  - G. Councillor's Bill No. 20 re Roving Planet, Inc. Business Assistance Package
  - H. Intergovernmental Agreement with WEDA re Shops at Walnut Creek
  - I. Resolution No. 21 re South Sheridan Reinvestment Study and Urban Renewal Plan
  - J. First Amended Redevelopment Agreement/Transfer of Property Agreement with RED Development
  - K. Resolution No. 22 re Support for RTD FastTracks Ballot Proposal
11. Old Business and Passage of Ordinances on Second Reading

**12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**

- A. Citizen Communication
  - a. Citizen Communication – Hmong Senior Project
- B. City Council
- C. Executive Session

**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 29, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman and Price were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Mayor Pro Tem McNally moved, seconded by Dixon to approve the minutes of the meeting of March 15, 2004 with no additions or corrections. The motion carried unanimously.

PRESENTATION BY COLORADO CHAPTER OF THE AMERICAN PUBLIC WORKS ASSOCIATION

Mayor Moss and Ned Williams, Boulder Deputy Public Works Director and Vice President of the Colorado Chapter of the American Public Works Association, recognized the Department of Public Works and Utilities Staff for their outstanding efforts in the Public Works field. Utilities Foreman, Keith Alvis and Project Manager, Senior Engineer Kent Brugler; accepted the awards.

PROCLAMATIONS RE HIGH SCHOOL WRESTLERS

Councillor Dittman presented a proclamation to the Westminster High School wrestling team and coaches.

Councillor Hicks presented a proclamation to the Standley Lake High School wrestling team and coaches.

Mayor Moss presented proclamations to State Champion Kyle Sand of Arvada West High School and Runner-up Tim Sexton of Arvada High School.

CITIZEN COMMUNICATION

Rick Ponzo, of Stonebridge Company representing Fairfield Inn and Comfort Suites regarding the City's sales tax and use tax audit that was recently completed.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the Council Strategic Planning Retreat that will be held this weekend.

CITY COUNCIL COMMENTS

Councillor Dixon commented on the Rocky Flats meeting to be held at the Jefferson County Airport from 8:30-11:30.

Mayor Moss commented on the IGA for Continuation of the Community Transit Program in Adams County item on the agenda tonight, for \$26,000 which 3% of current need of seniors.

CONSENT AGENDA

The following items were considered as part of the consent agenda: February Financial Report; IGA for Continuation of the Community Transit Program in Adams County for \$26,420; Quarterly Insurance Report: October - December 2003; Purchase of Replacement Light Duty Trucks and New Public Safety Vehicles for \$344,931; CB No. 9 re Annexation of Bull Canal/United Power; CB No. 10 re CLUP Amendment for Bull

Canal/United Power Properties; CB No. 11 re Zoning for Bull Canal/United Power Properties; CB No. 12 re Scottrade Inc BAP; CB No. 13 re Amendment to 88<sup>th</sup> and Pierce BAP; CB No. 14 re Composition of City Library Board; CB No. 15 re 2003 Community Emergency Response Team Grant; and CB No. 16 re Rental Leases for Strasburg Natural Resource Farm.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request. Councillor McNally moved, seconded by Hicks to adopt the consent agenda items as presented. The motion carried unanimously.

#### RESOLUTION NO. 19 RE APPOINTMENT TO LIBRARY BOARD

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 19 appointing Marilyn Flachman to the Library Board with the term of office to expire on December 31, 2004. Upon roll call vote, the motion carried unanimously.

#### PUBLIC HEARING RE CHAMBERLAIN PROPERTY

At 7:44 p.m. the public hearing was opened on the Annexation of the Chamberlain Property located south of Church Ranch Blvd and west of Reed Street. Dave Falconieri, Planner III, gave a power point presentation and entered the following information into the record: a copy of the Agenda Memorandum and other related items. No others spoke either in favor or in opposition. The public hearing was declared closed at 7:54 p.m.

#### ANNEXATION AGREEMENT RE CHAMBERLAIN PROPERTY

Councillor Dittman moved, seconded by Hicks to authorize the City Manager to sign the Annexation Agreement for the Chamberlain Annexation Property. The motion carried unanimously.

#### RESOLUTION NO. 20 RE FINDINGS ON CHAMBERLAIN PROPERTY

Councillor Dittman moved, seconded by McNally to adopt Resolution No .20 making certain findings as required under Section 31-12-110 C.R.S. regarding the Chamberlain annexation property. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 17 RE ANNEXATION OF CHAMBERLAIN PROPERTY

Councillor Dittman moved, seconded by Hicks to pass Councillor's Bill No. 17 on first reading annexing the Chamberlain property to the City. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 18 RE CLUP AMENDMENT FOR CHAMBERLAIN PROPERTY

Councillor Dittman moved, seconded by Hicks to pass Councillor's Bill No. 18 on first reading amending the Comprehensive Land Use Plan (CLUP) adding the Chamberlain property with a designation of Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan: a. The proposed amendment 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. Upon roll call vote, the motion carried unanimously.

#### COUNCILLOR'S BILL NO. 19 RE ZONING ON CHAMBERLAIN PROPERTY

Councillor Dittman moved, seconded by McNally to pass Councillor's Bill No. 19 on first reading zoning the Chamberlain property Planned Unit Development (PUD), making the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied. Upon roll call vote, the motion carried unanimously.



COUNCILLOR'S BILL NO. 20 RE ROVING PLANET INC BUSINESS ASSISTANCE PACKAGE

Councillor Hicks moved, seconded by McNally to pass Councillor's Bill No. 20 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Roving Planet, Inc. in the amount of \$5,400. The BAP includes \$1,181 in permit fee rebates, \$844 in construction use tax rebates, and \$3,375 in equipment use tax rebates. Bob Luth, Chief Financial Officer for Roving Planet, was present and addressed Council. Upon roll call vote, the motion carried unanimously.

INTERGOVERNMENTAL AGREEMENT WITH WEDA RE SHOPS AT WALNUT CREEK

Councillor Dixon moved, seconded by Dittman to authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) whereby the City will advance up to \$700,000 through the use of short-term cash in the General Capital Improvements Fund for the purchase of land not currently in the Mandalay Urban Renewal Area as authorized by Resolution No. 18 adopted on March 15, 2004, to further the Shops at Walnut Creek project and to be repaid by WEDA after the land is added to the Mandalay Gardens Urban Renewal Area. The motion carried unanimously.

RESOLUTION NO. 21 SOUTH SHERIDAN REINVESTMENT STUDY/URBAN RENEWAL

Councillor Kauffman moved, seconded by Dixon to pass Resolution No. 21 adopting the South Sheridan Urban Renewal Plan and direct staff to commence the implementation of the Plan. The following people addressed Council with questions: Lisa Connelly of European Hair Creations, 7548 Sheridan Blvd; David Salaman, High Tech Auto Clinic, 8070 Sheridan Boulevard, Joseph Gendill, Jammin' Joe's, 7129 Sheridan Boulevard; Charles Woodward, representing Sheridan East, LLC, Sherry McMahon, 6600 S, Evergreen; John Weston, representing the Tepper properties. Upon roll call vote, the motion carried unanimously.

REDEVELOPMENT AGREEMENT/TRANSFER OF PROPERTY WITH RED DEVELOPMENT

Councillor Hicks moved, seconded by Dixon to authorize the Mayor to execute a First Amended Redevelopment Agreement and Transfer of Property Agreement with RED Development Co., in substantially the same form as the attached agreements, concerning Phase II development of the Shops at Walnut Creek. The motion carried unanimously.

RESOLUTION NO. 22 RE SUPPORT OF RTD OF FASTRACKS BALLOT PROPOSAL

Mayor Pro Tem McNally moved, seconded by Dixon to adopt Resolution No. 22 regarding support of the FasTracks Ballot proposal as amended. Upon roll call vote, the motion carried unanimously.

CITIZEN COMMUNICATION

Ge Thao, Shoua Moua, Elderly Coordinator and Evan Xiong, Executive Director addressed Council about the Hmong Senior Project requesting usage of the Senior Center for the Hmong Elderly Program.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session to discuss an attorney-client matter and a South Sheridan issue.

ADJOURNMENT:

The meeting was adjourned at 8:46 P.M.

ATTEST:

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City Clerk

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Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Presentation of Awards by the Colorado Chapter of the American Public Works Association

**Prepared By:** Ron Hellbusch, Director of Public Works and Utilities  
Lili Cox, Administrative Secretary

**Recommended City Council Action**

Mayor Moss and Mr. Ned Williams, Boulder Deputy Public Works Director and Vice President of the Colorado Chapter of the American Public Works Association, recognize the Department of Public Works and Utilities Staff for their outstanding efforts in the Public Works field.

**Summary Statement**

- Department of Public Works and Utilities Staff are being recognized by the Colorado Chapter of the American Public Works Association for their outstanding efforts in the public works field.
- Mr. Ned Williams, Vice President of the Colorado Chapter, will be present to make a presentation of the awards with the Mayor and City Council, and the award recipients.
- The Department of Public Works and Utilities Staff who will receive awards include the Northwest Water Treatment Facility, which received the Project of the Year Award in the Utility, Drainage and Environmental-Large Communities Category and will be accepted by Project Manager, Senior Engineer Kent Brugler; and Utilities Foreman Keith Alvis who was honored with the Individual Achievement Award in the Utility Operations Category.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

There is no policy issue associated with the presentation of these awards.

**Alternative**

No alternative to this item was identified.

**Background Information**

Department of Public Works and Utilities Staff were presented with plaques and recognition at the 18th Annual Colorado Chapter of the American Public Works Association Awards Luncheon that was held on January 27 at the Inverness Hotel and Golf Club.

The Northwest Water Treatment Facility received the Project of the Year Award in the Utility, Drainage and Environmental-Large Communities Category, and the Project Manager, Senior Engineer Kent Brugler, will accept the award Monday night on behalf of the entire project team. The design and construction of the Northwest Water Treatment Facility used the most current, proven technologies for water treatment facilities, resulting in reduced costs, expedited schedule and continued innovation, quality and reliability in the City's water service to the public. Through a series of pre-treatment and micro-filtration processes, the treatment system at the Northwest facility produces water of extremely high quality. The Northwest Water Treatment Facility is sized to fully handle the City's wintertime water needs, which allows the Semper Water Treatment Facility to be taken off-line for maintenance with no disruption in service.

Utilities Foreman Keith Alvis was selected for the Individual Achievement Award in the Utility Operations Category. Keith was nominated for his involvement with the Utilities Division Wastewater Collection System Maintenance Program. The wastewater collection system maintenance program is a major Public Works and Utilities project that is completed each year as an outsource project in conjunction with a contractor who is responsible for performing sewer system maintenance. The wastewater collection system maintenance program has allowed the Utilities Division to ensure the soundness of the wastewater system infrastructure, while allocating its personnel resources to achieve a variety of other utility related objectives. The success of the wastewater collection system maintenance program is largely due to Utilities Foreman Keith Alvis, who manages the contractor and oversees this activity. Keith's dedication to ensuring that the wastewater collection system maintenance is completed as specified and within budget has given the annual program high credibility.

The Colorado APWA Chapter Awards Committee reviews all entries and selects the award winners. Individual awards were given in seven categories: Administrative, Street Operations, Street Administration, Utility Operations, Utility and Environmental Administration, Public Works Administration, and Transportation. The project and program awards were given in four categories (Utility, Drainage, Environmental, Street/Traffic Control, General Public Works, and Community Award) based on size of the community, small communities (1-10,000 population), medium communities (10,000-60,000 population), and large communities (over 60,000 population). The criteria used to evaluate each nomination submittal was as follows: 1) Innovation - Has the individual, program, or project found new methods to provide better service or improve the public lives? 2) Achievement - Did the completed project or program achieve all set goals? Did the individual achieve the desired results and have a consistent history of achievement? 3) Transferability - Are the resulting improvements and/or innovations transferable to other communities and situations? 4) Cooperation - Was there special cooperation between individuals, agencies, businesses and the general public?

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004

**SUBJECT:** Proclamations re Westminster High School, Standley Lake High School and Individual Wrestlers

**Prepared By:** Nicole Jenkins, Senior Public Information Specialist

**Recommended City Council Action:**

Present Proclamations to the Standley Lake High School team and individual winners, Westminster High School Team and individual winners, and to State Champion Kyle Sand of Arvada West High School and Runner-up Tim Sexton of Arvada High School.

**Summary Statement**

The purpose of this Proclamation is to recognize the Standley Lake High School wrestling team, which placed second in the Class 5A State wrestling championship in February and their respective state champion and place winners, to recognize the Westminster High School wrestling team and their respective place winners, and to recognize two individuals, a state champion and runner up, who are children of Westminster employees. The accomplishments of these individuals and teams are a positive reflection of our community, schools and specific Westminster youth.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues:**

No policy issues identified.

**Alternatives:**

None Identified.

**Background Information:**

The 2004 State Wrestling Championships were held February 19th through 21st, 2004, at the Pepsi Center. Standley Lake High School, was the runner-up for the 5A State Title. Standley Lake, who is coached by Ron Granieri. Standley Lake qualified nine wrestlers and had six wrestlers place at State, including one State Champion, Matt Nissen at 152 lbs. This was his second state championship and the third time he has been in the State Championship match. The other five finishers were Trevor Schuch, 103 lbs., 4<sup>th</sup>, Matt Martinez, 125 lbs. 4<sup>th</sup>, Colton Cassady, 130 lbs., 4<sup>th</sup>, Brandon Baldi, 135 lbs., 2<sup>nd</sup>, Jeff Rickard, 275 lbs., 2<sup>nd</sup>. Westminster Police Department detective, Jim Wollack, and police officer trainee, Travis Engle, are assistant coaches with the team.

The Westminster High School wrestling team, who is coached by Rich Talmich, qualified six wrestlers for the 4A State Wrestling Championships. Three of the six qualifiers placed at State including, Nathan Gallegos, 119 lbs., 2<sup>nd</sup>, Lance Gallegos, 125 lbs., 5<sup>th</sup>, and Aaron Baltierra, 103 lbs., 6<sup>th</sup>. The other qualifiers were Chris Saykally, 112 lbs., Keven Hernandez, 130 lbs., and Rich Fresquez, 135 lbs. Nathan Gallegos has won two State Championships during his high school wrestling career and is the most decorated Westminster High School wrestler. Westminster High School had a very good season this year averaging four wrestlers in final round matches at every tournament this year. The team placed 17<sup>th</sup> out of 68 teams in the 4A State Tournament.

Two wrestlers from Arvada West High School and Arvada High School are also being recognized for their accomplishments. These wrestlers also hold the distinction of being the sons of Westminster employees. Kyle Sand, son of Karen (Human Resources) and Dale Sand is a four time State Champion and accomplished an undefeated high school wrestling career. Kyle was the first wrestler in the 69 year history of Colorado wrestling to go undefeated with an overall record of 125-0. Kyle will be inducted into the Colorado Wrestling Hall of Fame in April at the Air Force Academy. Tim Sexton, son of Karen (Police Department) and Pat Sexton (Public Works & Utilities Department Street Division), wrestled undefeated the entire season except for five matches, all against Kyle Sand. The anticipated "match of the night" at the State Wrestling Tournament was between Kyle and Tim. Kyle is coached by Jim Hafke and Tim is coached by John Howes, who received "Coach of the Year" honors in Jefferson County. These two wrestlers are good friends and are planning a trip to the Senior National Tournament in Cleveland, Ohio together this April.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

WHEREAS, the Standley Lake High School wrestling team, coached by Ron Granieri, placed second at the Colorado 5A State Wrestling Championship and

WHEREAS, the Standley Lake High School wrestling team, qualified nine wrestlers for State competition and had six medal finishers; and

WHEREAS, Standley Lake High School senior, Matt Nissen, finished as State Champion in the 152 lb. weight class; and

WHEREAS; Standley Lake High School senior, Jeff Rickard, placed second in the 275 lb. weight class; and

WHEREAS; Standley Lake High School junior, Brandon Baldi, placed second in the 135 lb. weight class; and

WHEREAS; Standley Lake High School senior, Matt Martinez, placed fourth in the 125 lb. weight class; and

WHEREAS; Standley Lake High School junior, Colton Cassady, placed fourth in the 130 lb. weight class; and

WHEREAS; Standley Lake High School freshman, Trevor Schuch, placed fourth in the 103 lb. weight class; and

WHEREAS; Standley Lake High School wrestlers Nick Schuch, Rocco DePaolo, and E.J. Howe qualified for the State Championship Tournament; and

WHEREAS; Standley Lake High School coaching staff of Ron Granieri, Nick Doyle, Jim Wollack, Travis Engle, and Ryan Plush spend hours of time working with these athletes to develop their athletic skills and provide positive role models for these athletes; and

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff hereby recognize the Standley Lake High School Wrestling Team and Coach Ron Granieri for an excellent season and a job well done.

Signed this 29th day of March 2004.

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Ed Moss, Mayor

**WHEREAS, the Westminster High School wrestling team, coached by Rich Talmich, had one of their best seasons finishing 17<sup>th</sup> out of 68 teams in the Colorado 4A State Wrestling Championship and**

**WHEREAS, the Westminster High School wrestling team, qualified six wrestlers for State competition and had three medal finishers; and**

**WHEREAS, Westminster High School senior, Nathan Gallegos, finished second in the 119 lb. weight class; and**

**WHEREAS; Westminster High School freshman, Lance Gallegos, placed fifth in the 125 lb. weight class; and**

**WHEREAS; Westminster High School sophomore, Aaron Baltierra, placed sixth in the 103 lb. weight class; and**

**WHEREAS; Westminster High School wrestlers Chris Saykally, Keven Hernandez, and Rich Fresquez qualified for the State Championship Tournament; and**

**WHEREAS; Westminster High School coaching staff of Rich Talmich, Sam Gallegos, Matt Talmich, Todd Leggy, Rich Fresquez, and Frank Gonzales spend hours of time working with these athletes to develop their athletic skills and provide positive role models for these athletes; and**

**NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff hereby recognize the Westminster High School Wrestling Team and Coach Rich Talmich for an excellent season and a job well done.**

**Signed this 29th day of March 2004.**

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**Ed Moss, Mayor**

WHEREAS, Kyle Sand is a four time State Champion and accomplished an undefeated high school wrestling career, the first wrestler in the 69 year history of Colorado Wrestling to go undefeated with an overall record of 125-0; and

WHEREAS, Kyle Sand attends Arvada West High School and is coached by Jim Hafke; and

WHEREAS, Kyle Sand is the son of Westminster human resources employee Karen Sand and father Dale Sand; and

WHEREAS; Kyle Sand will be inducted into the Colorado Wrestling Hall of Fame in April at the Air Force Academy; and

WHEREAS; Tim Sexton was runner-up to Kyle Sand in the Colorado 5A State Wrestling Championship 189 lb. weight class; and

WHEREAS; Tim Sexton had an undefeated season except for five matches, all against Kyle Sand; and

WHEREAS; Tim Sexton attends Arvada High School and is coached by John Howes; and

WHEREAS, Tim Sexton is the son of Westminster Police Department employee Karen Sexton and Public Works & Utilities employee Pat Sexton; and

WHEREAS, Kyle Sand and Tim Sexton have a good friendship that endures their fierce competition on the mat; and

WHEREAS, Kyle Sand and Tim Sexton are both accomplished wrestlers and model outstanding sportsmanship and respect.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff hereby recognize Kyle Sand and Tim Sexton for an excellent season and a job well done.

Signed this 29th day of March 2004.

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Ed Moss, Mayor





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Financial Report for February 2004

**Prepared By:** Mary Ann Parrot, Finance Director

**Recommended City Council Action**

Accept the Financial Report for February as presented.

**Summary Statement**

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects January sales and use tax receipts received in February. This report includes new information about the 0.6% Public Safety Tax (PST) receipts, which began to flow in January because of receipt of building use tax. February is the first month to see significant revenues from the 0.6% PST.

- Across all shopping centers, total sales & use tax receipts are up 3% over the one-month period from last year (Sales and Use Taxes). Last month this figure was positive 2%.
- The Westminster Mall is down 3% for February, compared to February of last year. Last month this figure was negative 8%.
- Public Safety Tax receipts for the month of February were \$654,802.

Key features of the monthly financial report for February are as follows:

- At the end of February, two months of 12 months of the year has passed. This is 16.7% of the year.
- The Sales and Use Tax Fund revenues are currently \$278,516 over pro-rated budget for the year. The February figures reflect the sales in January, tax receipts received in February. This is due, in part, to receipt of PST taxes, but is also due to excess revenues as Business Assistance Packages are retired, as well as a general upturn in the economy.
- Without the new PST, Sales Tax Returns (only) are up for February 2004 compared to February 2003 by 5.0% for the month or \$140,470 above February 2003.
  - Retired business assistance packages accounted for \$62,259 of this increase.
  - Economic upturn is responsible for the remaining \$78,211. Increases are across the board in various sectors and store types.
- Again, looking at year-to-date figures without the PST, analysis shows the following:
  - For the two months ending in February, Sales Tax Returns (only) are 4.6% ahead of 2003 year to date, or an increase of \$355,010.
  - For the one month of February, the entire fund is 1.2% ahead of February 2003.
  - For the two months ending in February, the fund is 0.1% ahead of 2003 year-to-date.
- The General Fund revenue is currently 103.6% of pro-rated budget for two months.

## **Policy Issues**

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

## **Alternatives**

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

## **Background Information**

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

## General Fund

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

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

- Revenues over pro-rated budget by \$400,911 (104% of pro-rated budget). This is due to excess revenues on a pro-rated basis in Recreational Services and Other Services (passes at Standley Lake, Senior Center and City Park).
- Expenditures under budget by \$3.4 million (75% of pro-rated budget), due to under spending in several departments. Spending does not occur evenly throughout the year in many departments, particularly with regard to insurances in Central Charges and capital spending in several other departments.

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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax was approved by the voters in the November 2003 election, and is a 0.6% sales and use tax to be used to fund public safety-related expenses. At the end of February, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are over pro-rated budget by \$278,516 (103% of pro-rated budget). Total revenues of \$3.64 million for February includes \$654,802 of PST receipts year to date, \$62,259 in income due to retired business assistance packages, and approximately \$78,211 in increased revenues due to improved economic activity in the City.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are over pro-rated budget by \$39,267 (105% of pro-rated budget), due to a one-time payment in January by Xcel for an easement at I-25 and 136<sup>th</sup> Avenue.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget by \$134,873 (81% of pro-rated budget).

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of February, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$786,327 (84% of budget):
  - Water revenues under pro-rated budget by \$411,477 (87% of pro-rated budget), due primarily to the reversal of the unrealized gain in interest income and due in part to revenues being lower during this first month than historical averages.
  - Wastewater revenues under pro-rated budget by \$374,851 (80% of pro-rated budget), due primarily to the reversal of the unrealized gain in interest income and due in part to revenues being lower during this first month than historical averages.
  - Storm water Drainage revenues under pro-rated budget by \$13,509 (91% of pro-rated budget).
- Combined Water & Wastewater expenses are under budget by \$2,084,898 (52% of budget):
  - Water expenses under budget by \$1,353,789 (55% of budget).
  - Wastewater expenses under budget by \$731,108 (44% of budget).
  - Storm water Drainage expenses under budget by \$33,272 (16% of budget).

Golf Course Enterprise (Legacy and Heritage Golf Courses)

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

- Legacy – Revenues are under budget by \$26,096 (68% of pro-rated budget).
- Legacy – Expenses are over budget in expenses by \$36,103 (137% of pro-rated budget).
- Heritage – Revenues are under budget by \$16,944 (75% of pro-rated budget).
- Heritage – Expenses are over budget by \$21,268 (113% of pro-rated budget).

Staff will attend the March 29th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**Subject:** Intergovernmental Agreement for Continuation of the Community Transit Program in Adams County

**Prepared by:** Matt Lutkus, Deputy City Manager for Administration

**Recommended City Council Action**

Authorize the Mayor to sign an Intergovernmental Agreement with Adams County for the purpose of continuing to provide special transit services for senior and disabled citizens residing in the Adams County portion of Westminster.

**Summary Statement**

- City Council action is requested to approve an intergovernmental agreement (IGA) with Adams County that would allow the continuation of special transit services for senior and disabled residents within urban areas of the County. City councils in four other Adams County cities are being asked to approve the same agreement.
- The Adams County Special Transit Program, which later became known as the ALift, officially became a reality in January 2000. Under this program, door-to-door transportation is provided through a contract with the Seniors' Resource Center to eligible residents for medical-related appointments, trips to nutrition sites, and grocery shopping trips.
- As part of the 2003-2004 Budget, City Council approved funds for the City's continued participation in the program. The City's 2004 contribution is projected to be \$26,420, which is within the amount budgeted.
- The new Intergovernmental Agreement is very similar to the agreements that Council approved for 2000, 2001, 2002 and 2003. The major difference in the 2004 agreement is that it will be renewed automatically unless the City Manager notifies the County of the City's desire to discontinue its participation.
- A comparable service is provided to Westminster Jefferson County residents by the Senior Resources Center. The City also contributes to this program through an annual contribution, currently \$15,000 per year.

**Expenditure Required:** \$26,420

**Source of Funds:** Central Charges budget in the General Fund

## **Policy Issue**

Should the City continue to participate with Adams County and other Adams County cities in this special transit program?

## **Alternatives**

City Council could decide to discontinue its involvement in this program that provides subsidized transit services for seniors and those with disabilities, or it could direct Staff to pursue an alternative means for providing such services. Given the success of the Community Transit Program to date, City Staff is not recommending that either of these options be pursued.

## **Background Information**

Up until April 1998, Metro Mobility provided transportation services to senior citizens and persons with disabilities in Adams County. However, at that time the agency discontinued operations due to financial and management issues. Later in 1998, the Adams County Commissioners created a Special Transportation Task Force, which completed preliminary planning and hired McDonald Transit Associates, Inc., a transportation-consulting firm from Fort Worth, to determine the level of need for transportation services in the County, develop service and organizational alternatives in meeting the transportation need and recommend an equitable funding model. Using these recommendations, the Task Force developed a transit program for seniors and the disabled population within the urban areas of the County. The participants in this effort initially identified a goal of meeting 5% of the unmet need. This goal was later reduced to 3% so that most of the interested entities would be able to participate at an affordable or "baseline" level. Under the model proposed by the consultant, a broker agency would be hired to administer the program under guidelines provided by a policy advisory group.

In the summer of 1999, Westminster City Council, the County, and other city governments within the County approved a plan for providing a special transportation system for senior citizens and disabled residents and appointed representatives to serve on the Community Transit Policy Council. The Policy Council subsequently utilized an RFP process to obtain the services of a transportation broker. As a result of this process, the Senior Resource Center (SRC) based in Wheat Ridge was selected. SRC has done an excellent job of providing ride brokerage and administrative services since the Program's inception. As a result, the Policy Council has approved a contract with SRC to provide these services through 2004.

The funding for the Community Transit Program has consisted of the County and City contributions, Title III Grant dollars available through DRCOG, a one-time grant from RTD, and additional monies through DRCOG and from other funding sources. The total usage of the service for 2003 was approximately 14,000 rides and it is anticipated that this will increase to 17,000 in 2004. The projected increase is due to both the public's increasing awareness of the program and the loss of Federal and State funding for medical trips for Medicaid-eligible individuals. On average, approximately 230 rides are being provided for Westminster Adams County residents each month or 2,760 trips per year. Starting late last year an A-Lift vehicle began operating from the Westminster Community Senior Center. The drivers are City of Westminster volunteers.

Currently, the Policy Council is made up of representatives from Adams County and the member cities, Commerce City, Federal Heights, Thornton, Northglenn, and Westminster. Representatives from DRCOG and the Senior Hub periodically participate in Council meetings. Westminster's representative, Deputy City Manager for Administration Matt Lutkus was recently re-elected as the chairperson of the Council for a fourth one-year term.

The attached intergovernmental agreement authorizing the City's participation in the program is very similar to three of the IGA's that Council passed previously. The only change of significance is the elimination of the reference to the current year's contributions. This will make it possible to have the

IGA in place on a continuing basis without requiring the approvals of the Commissions and City Councils every year. The agreement will be automatically renewed each year unless the City Manager provides notice that the City will not participate in the upcoming year. The document has been reviewed by City Staff, the City Attorney's Office, the Adams County Attorney's Office, and the Policy Advisory Council of Community Transit.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Quarterly Insurance Report: October - December 2003

**Prepared By:** Martee Erichson, Risk Management Officer

**Recommended City Council Action:**

This report requires no action at this time.

**Summary Statement:**

- The attached report provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer acting as the City Manager's designee has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issues**

None identified.

**Alternatives**

None identified.

**Background Information**

Information on the status of each claim received during the fourth quarter is provided on the attached spreadsheet.

For the fourth quarter to date, Staff has noted the following summary information:

- Only five of the 50 claims reported in the first three quarters of 2003 remain open at this time.
- Eight of the 11 claims reported in the fourth quarter of 2003 have been paid or denied and are now closed.
- Total claims for the quarter and year-to-date breakdown by department as follows:

	<b>4th Qtr 2003</b>			<b>YTD</b>
<b>Department</b>	<b>Total Claims</b>	<b>Open</b>	<b>Closed</b>	<b>Total</b>
Fire	0	0	0	4
CD	1	0	1	2
Police	2	0	2	14
PR&L	2	0	2	14
PWU - Streets	1	1	0	19
PWU - Utilities	5	2	3	8
<b>TOTAL</b>	<b>11</b>	<b>3</b>	<b>8</b>	<b>61</b>

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



Claim	DOL	Dept	Claimant	Address	Description	Reserves	Payments	Status *	Notes
2003-559	08-Oct-03	PWU - Util	Charles/Nadine Kline	3750 W 81st Place Westminster CO 80031	Claimant alleges dirt in water line from City line breaks caused blockage in his water softener and problems with his water pressure.	\$1,815.45	\$1,815.45	C	
2003-571	15-Oct-03	PWU - St	Mike Moad	12165 Bannock St #F Westminster CO 80234	Claimant drove his vehicle over a loose manhole cover causing the cover to come up and hit his vehicle.	\$2,500.00	\$0.00	O	CIRSA investigating
2003-577	10-Oct-03	PD	Randy Chilton	3179 W 111th Drive Westminster CO 80031	Claimant's home carpet irreparably damaged by fingerprint powder used during burglary investigation.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-580	30-Oct-03	PD	James Floyd	5240 Meade St Denver CO 80221	Police officer driving City patrol car made U-turn into path of claimant's vehicle.	\$4,548.78	\$4,548.78	C	
2003-583	22-Oct-03	PWU - Util	Glenda Beyers	2643 Fernwood Place Broomfield CO 80020	City employee driving City vehicle rear ended claimant's vehicle which was stopped in traffic	\$2,500.00	\$0.00	O	CIRSA investigating
2003-631	22-Nov-03	PRL	Chelsee Windle	10740 E 160th Brighton CO 80601	Claimant lost control of her vehicle on icy road and slid to a stop. City employee driving City vehicle lost control at same location and slid into claimant's vehicle.	\$2,702.50	\$2,702.50	C	
2003-639	01-Dec-03	PWU - Util	Ken Pister	7655 Osceola St Westminster CO	Sewer back up into claimant's basement caused by roots in City's main line. City line was previously identified as needing replacement.	\$4,101.93	\$4,101.93	C	
2003-671	08-Dec-03	PWU - Util	Tom Scribner	443 Valley View Dr., Boulder CO 80304	Claimant drove over a loose well cover for the gasoline recovery system at the MSC causing the cover to come up and damage the tire on the claimant's vehicle.	\$32.61	\$32.61	C	
2003-677	15-Dec-03	CD	Marianne Ingle	7851 Teller St Arvada CO 80003	Claimant drove her vehicle over a newly installed curb which had been improperly installed/marked.	\$124.45	\$124.45	C	
					<b>SUBTOTAL</b>	<b>\$18,325.72</b>	<b>\$13,325.72</b>		
<b>CLAIMS SUBMITTED IN 4th QUARTER WITH OCCURRENCE DATES PRIOR TO 4th QUARTER 2003</b>									
2003-646	25-Aug-03	PWU - Util	Dan Pergela	3720 W 81st Place, Westminster CO	Claimant alleges City water main break caused settling in brick pavers in front of his house.	\$100.00	\$0.00	O	CIRSA investigating
2003-587	24-Apr-02	PRL	Stanley/Paula Nakayama	11854 Vallejo St, Westminster CO 80234	Claimants' neighbor filed claim against city for water damage to neighbor's back yard. These claimants now feel they also have damage from same alleged cause. (Reference claim from John D. Ellard, 8/5/03)	\$0.00	\$0.00	C	Denied based on lack of negligence on the City's part and on Colorado Governmental Immunity Act.
					<b>SUBTOTAL</b>	<b>\$100.00</b>	<b>\$0.00</b>	<b>*O = Open</b>	
					<b>GRAND TOTAL</b>	<b>\$18,425.72</b>	<b>\$13,325.72</b>	<b>*C = Closed</b>	



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Purchase of Replacement Light Duty Trucks and New Public Safety Vehicles

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

**Recommended City Council Action**

Award the State of Colorado bid for sixteen light duty trucks to Daniels Chevrolet.

**Summary Statement**

- City Council action is requested to award vehicle purchases based on the State of Colorado award for light duty trucks.
- The City saves considerable dollars by purchasing these vehicles through the State Bid.
- All vehicles recommended for purchase have been previously approved for purchase by City Council in the 2004 Budget.

**Expenditure Required:** \$ 344,931

**Source of Funds:** General Capital Outlay Replacement Fund, and Utility Fund.

**Policy Issues**

Whether or not to approve the bid by the State of Colorado for light duty trucks.

**Alternatives**

- Reject 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 by the State Bid.
- Do not purchase some or all of the proposed replacement and new vehicles in 2004. 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 2003-2004 Budget, City Council approved the purchase of ten light duty trucks in 2004. In addition, six new units were approved with the passage of the sales tax for public safety.

The light duty trucks to be replaced are Units #2418, #7067, #7014, #6201, #1206, #9302, #9303, #9355, #8005 and #5102. They have reached a point that 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)
2418	1993	Chevrolet	1500	75,172	\$16,375.02
7067	1994	Chevrolet	2500	65,882	\$12,412.33
7014	1991	Chevrolet	One Ton	58,771	\$15,901.48
6201	1994	Chevrolet	One Ton	50,640	\$20,622.59
1206	1995	Chevrolet	S-10	67,440	\$15,129.21
9302	1995	Chevrolet	1500	87,279	\$13,103.76
9715	1995	Chevrolet	2500	96,345	\$13,818.45
9355	1996	Chevrolet	2500	74,320	\$14,404.81
8005	1994	Chevrolet	Van	89,801	\$6,336.33
5102	1997	GMC	Yukon	101,303	\$9,234.54

The State bid was sent out in September of 2003 and received responses from local vendors. The bid from Daniels Chevrolet for the light duty trucks meets all specifications and requirements set by the City. The cost of the ten staff vehicles, \$208,544 is within the amount previously approved by City Council for this expense. Those vehicles are as follows:

- |                                  |                   |
|----------------------------------|-------------------|
| Community Development Department | Chevy 1500        |
| Park Services Division           | Chevy 2500        |
|                                  | Chevy 2500 HD     |
| Street Division                  | Chevy One Ton DRW |
| Utilities Division               | Chevy 1500        |
|                                  | Chevy 2500        |
|                                  | Chevy 2500        |
|                                  | Chevy 2500        |
| Police Department                | Chevy Cargo Van   |
| Fire Department                  | Chevy Tahoe       |

The bid price of the six new units approved by the Public Safety Sales Tax is \$136,387, which is within the amount previously approved by City Council for this expense. The bid prices average 18% off of dealer invoice, a discount that the City would not be able to obtain by bidding these vehicles on its own.

These vehicles are a follows:

Police Department

Chevy Tahoe  
Chevy Colorado  
Chevy One ton Cargo Van

Fire Department

Chevy Colorado  
Chevy Tahoe  
Chevy Astro Passenger Van

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Second Reading of Councillor's Bill No. 9, 10 and 11 re the Annexation, Comprehensive Land Use Plan Amendment and Zoning of the Bull Canal and United Power Properties

**Prepared By:** David Falconieri, Planner III

**Recommended City Council Action:**

1. Pass Councillor's Bill No. 9 on second reading annexing the unincorporated portion of the Bull Canal property and the United Power property to the City.
2. Pass Councillor's Bill No. 10 on second reading amending the Comprehensive Land Use Plan to include the Bull Canal and United Power properties, and to assign a land use designation of District Center.
3. Pass Councillor's Bill No. 11 on second reading zoning the Bull Canal and United Power properties Planned Unit Development (PUD).

**Summary Statement:**

- The unincorporated portion of the Bull Canal is that portion that is south of 136<sup>th</sup> Avenue and east of Huron Street. The parcel contains 6.1 acres. The canal was relocated as a part of the Quail Creek realignment associated with the 136<sup>th</sup> Avenue/I-25 project. The old canal right-of-way will be conveyed by the Farmers' Reservoir and Irrigation Company (FRICO) to the adjacent property owners.
- The United Power property is located at the southwest corner of I-25 and 136<sup>th</sup> Avenue. This is a one-acre property that was purchased by the City to provide land for the construction of the new 136<sup>th</sup> Avenue/I-25 interchange. The electrical facilities that were on the property have all been relocated.
- Both properties are entirely surrounded enclaves within the City.
- These requests were approved on first reading by City Council on March 15, 2004.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 9

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado, are enclaves entirely surrounded, by the city for a period of not less than three years; 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. 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 described herein may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy 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 situate, lying and being in the County of Adams, State of Colorado, to wit:

Parcel 1

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89'58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based thence along the north line of said section N89'58'56"W, 199.56 feet; thence at right angles to said line S00'01'04"W, 30.00 feet to the true point of beginning a point at the intersection of the west line of US Highway I-25 and the south line of west 136<sup>th</sup> Avenue a point on the west line of the annexation to the City of Westminster recorded at reception number 621803 of the records of the Adams County Clerk and Recorder.

Thence along said west line S00'52'40"E, 208.70 feet to a point on the lines of the annexation to said city recorded at reception number B626335 of said records; thence along said lines N89'58'56"W, 208.70 feet; thence continuing along said lines N00'52'40"W, 208.70 feet to a point on the south line of West 136<sup>th</sup> Avenue on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89'58'56"E, 208.70 feet to the true point of beginning.

Contains 43556 square feet or 0.9999 acres more or less.

Parcel 2

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based; thence along the north line of said section N89°58'56"W, 1956.20 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point on the south line of West 136<sup>th</sup> Avenue a point on the northerly line of the annexation to the City of Westminster recorded at reception number 626335 of the records of the Adams County Clerk and Recorder;

Thence along the lines of said annexation and the following 6 courses 1) S26°00'03"E, 808.92 feet; 2) N87°41'04"E, 160.50 feet; 3) N67°29'48"E, 520.10 feet; 4) N80°13'44"E, 190.46 feet; 5) S58°38'48"E, 567.35 feet to a point of curve right; 6) along said curve with a central angle of 33°00'11", a radius of 269.45 feet and an arc length of 155.21 feet, long chord bears S42°08'43"E, 153.07 feet to a point on the west line of US Highway I-25 on the west line of the annexation to said city recorded at reception number 621803 of said records; thence along said west line S00°52'40"E, 225.75 feet to a point on the easterly line of the annexation to said city recorded at reception number B626334 of said records to a point on a non-tangent curve right; thence along said line along said curve with a central angle of 02°28'40", a radius of 269.45 feet and an arc length of 11.65 feet, long chord bears S25°07'36"W, 11.65 feet; thence continuing along said line S26°21'56"W, 176.78 feet to a point on the north line of the annexation to said city recorded at reception number 959691 of said records; thence along said line N89°58'46"W, 106.01 feet to a point on the lines of the annexation to said city recorded at reception number B626334 of said records; thence along the lines of said annexation and the following 7 courses 1) N26°21'56"E, 223.82 feet to a point of curve left; 2) along said curve with a central angle of 85°00'44", a radius of 174.45 feet and an arc length of 258.84 feet, long chord bears N16°08'26"W, 235.74 feet; 3) N58°38'48"W, 531.71 feet; 4) S80°13'44"W, 144.22 feet; 5) S67°29'48"W, 526.41 feet; 6) S87°41'04"W, 239.48 feet; 7) N26°00'03"W, 917.36 feet to a point on the south line of West 136<sup>th</sup> Avenue a point on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 105.71 feet to the true point of beginning.

Containing 265358 square feet or 6.0918 acres more or less.

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

Section 3. 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 15th day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. 10  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Bull Canal annexation property, legally described as follows:

Parcel 1

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89'58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based thence along the north line of said section N89'58'56"W, 199.56 feet; thence at right angles to said line S00'01'04"W, 30.00 feet to the true point of beginning a point at the intersection of the west line of US Highway I-25 and the south line of west 136<sup>th</sup> Avenue a point on the west line of the annexation to the City of Westminster recorded at reception number 621803 of the records of the Adams County Clerk and Recorder.

Thence along said west line S00'52'40"E, 208.70 feet to a point on the lines of the annexation to said city recorded at reception number B626335 of said records; thence along said lines N89'58'56"W, 208.70 feet; thence continuing along said lines N00'52'40"W, 208.70 feet to a point on the south line of West 136<sup>th</sup> Avenue on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89'58'56"E, 208.70 feet to the true point of beginning.

Contains 43556 square feet or 0.9999 acres more or less.

Parcel 2

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89'58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based; thence along the north line of said section N89'58'56"W, 1956.20 feet; thence at right angles to said line S00'01'04"W, 30.00 feet to the true point of beginning a point on the south line of West 136<sup>th</sup> Avenue a point on the northerly line of



the annexation to the City of Westminster recorded at reception number 626335 of the records of the Adams County Clerk and Recorder;

Thence along the lines of said annexation and the following 6 courses 1) S26°00'03"E, 808.92 feet; 2) N87°41'04"E, 160.50 feet; 3) N67°29'48"E, 520.10 feet; 4) N80°13'44"E, 190.46 feet; 5) S58°38'48"E, 567.35 feet to a point of curve right; 6) along said curve with a central angle of 33°00'11", a radius of 269.45 feet and an arc length of 155.21 feet, long chord bears S42°08'43"E, 153.07 feet to a point on the west line of US Highway I-25 on the west line of the annexation to said city recorded at reception number 621803 of said records; thence along said west line S00°52'40"E, 225.75 feet to a point on the easterly line of the annexation to said city recorded at reception number B626334 of said records to a point on a non-tangent curve right; thence along said line along said curve with a central angle of 02°28'40", a radius of 269.45 feet and an arc length of 11.65 feet, long chord bears S25°07'36"W, 11.65 feet; thence continuing along said line S26°21'56"W, 176.78 feet to a point on the north line of the annexation to said city recorded at reception number 959691 of said records; thence along said line N89°58'46"W, 106.01 feet to a point on the lines of the annexation to said city recorded at reception number B626334 of said records; thence along the lines of said annexation and the following 7 courses 1) N26°21'56"E, 223.82 feet to a point of curve left; 2) along said curve with a central angle of 85°00'44", a radius of 174.45 feet and an arc length of 258.84 feet, long chord bears N16°08'26"W, 235.74 feet; 3) N58°38'48"W, 531.71 feet; 4) S80°13'44"W, 144.22 feet; 5) S67°29'48"W, 526.41 feet; 6) S87°41'04"W, 239.48 feet; 7) N26°00'03"W, 917.36 feet to a point on the south line of West 136<sup>th</sup> Avenue a point on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 105.71 feet to the true point of beginning.

Containing 265358 square feet or 6.0918 acres more or less.

The properties described above shall be changed from Unincorporated Adams County, to District Center, as shown on the attached "Exhibit A".

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. 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 15<sup>th</sup> of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29<sup>th</sup> day of March, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILOR'S BILL NO. 11  
INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-2 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. 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.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-2 to City of Westminster PUD. A parcel of land located in Section 27, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

Parcel 1

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89'58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based thence along the north line of said section N89'58'56"W, 199.56 feet; thence at right angles to said line S00'01'04"W, 30.00 feet to the true point of beginning a point at the intersection of the west line of US Highway I-25 and the south line of west 136<sup>th</sup> Avenue a point on the west line of the annexation to the City of Westminster recorded at reception number 621803 of the records of the Adams County Clerk and Recorder.

Thence along said west line S00'52'40"E, 208.70 feet to a point on the lines of the annexation to said city recorded at reception number B626335 of said records; thence along said lines N89'58'56"W, 208.70 feet; thence continuing along said lines N00'52'40"W, 208.70 feet to a point on the south line of West 136<sup>th</sup> Avenue on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89'58'56"E, 208.70 feet to the true point of beginning.

Contains 43556 square feet or 0.9999 acres more or less.

Parcel 2

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based; thence along the north line of said section N89°58'56"W, 1956.20 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point on the south line of West 136<sup>th</sup> Avenue a point on the northerly line of the annexation to the City of Westminster recorded at reception number 626335 of the records of the Adams County Clerk and Recorder;

Thence along the lines of said annexation and the following 6 courses 1) S26°00'03"E, 808.92 feet; 2) N87°41'04"E, 160.50 feet; 3) N67°29'48"E, 520.10 feet; 4) N80°13'44"E, 190.46 feet; 5) S58°38'48"E, 567.35 feet to a point of curve right; 6) along said curve with a central angle of 33°00'11", a radius of 269.45 feet and an arc length of 155.21 feet, long chord bears S42°08'43"E, 153.07 feet to a point on the west line of US Highway I-25 on the west line of the annexation to said city recorded at reception number 621803 of said records; thence along said west line S00°52'40"E, 225.75 feet to a point on the easterly line of the annexation to said city recorded at reception number B626334 of said records to a point on a non-tangent curve right; thence along said line along said curve with a central angle of 02°28'40", a radius of 269.45 feet and an arc length of 11.65 feet, long chord bears S25°07'36"W, 11.65 feet; thence continuing along said line S26°21'56"W, 176.78 feet to a point on the north line of the annexation to said city recorded at reception number 959691 of said records; thence along said line N89°58'46"W, 106.01 feet to a point on the lines of the annexation to said city recorded at reception number B626334 of said records; thence along the lines of said annexation and the following 7 courses 1) N26°21'56"E, 223.82 feet to a point of curve left; 2) along said curve with a central angle of 85°00'44", a radius of 174.45 feet and an arc length of 258.84 feet, long chord bears N16°08'26"W, 235.74 feet; 3) N58°38'48"W, 531.71 feet; 4) S80°13'44"W, 144.22 feet; 5) S67°29'48"W, 526.41 feet; 6) S87°41'04"W, 239.48 feet; 7) N26°00'03"W, 917.36 feet to a point on the south line of West 136<sup>th</sup> Avenue a point on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 105.71 feet to the true point of beginning.

Containing 265358 square feet or 6.0918 acres more or less.

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 15<sup>th</sup> day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29<sup>th</sup> day of March, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Second Reading of CB No. 12 re Scottrade, Inc. Business Assistance Package

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 12 on second reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Scottrade, Inc. (Scottrade) in the amount of \$31,800. The BAP includes \$6,300 in permit fee rebates, \$10,500 in construction use tax rebates, and \$15,000 in equipment use tax rebates.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading that authorizes the execution of the attached business assistance agreement with Scottrade.
- Computer Research Inc. and Scottrade are affiliated companies in a financial services and software business considering locating to the four story office building in Church Ranch Corporate Center.
- Scottrade and Computer Research Inc (CRI) will employ 50 people at move-in.
- Assistance is based upon occupying existing space that has been vacant for over three years.
- The rebate under the BAP will be paid to Scottrade, but will be calculated based on building permits fees and use taxes attributable to from both Scottrade and CRI.
- This Councillor's Bill was passed on first reading on March 15, 2004.

**Expenditure Required:** \$31,800 (Permit Fees and Use Tax Rebates)

**Source of Funds:** The business assistance package with Scottrade will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from the relocation of Scottrade and CRI's relocation to Church Ranch Corporate Center.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**ASSISTANCE AGREEMENT FOR  
SCOTTRADE, INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, between the CITY OF WESTMINSTER (the "City"), and SCOTTRADE, INC. (Scottrade).

WHEREAS, the City wishes to provide certain assistance to Scottrade to aid in the relocation to vacant space in the City; and

WHEREAS, Scottrade and it's affiliate Computer Research Inc. (CRI) plan to occupy 29,000 square feet of existing space on the third floor of the four story office building at Church Ranch Corporate Center, thus providing additional primary job creation within the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Scottrade agrees as follows:

1. Building Permit Fee Rebates. The City shall rebate to Scottrade 50% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from Scottrade and CRI in connect with the finish and occupancy of 29,000 square feet of the four story office building at Church Ranch Corporate Center, with a projected move-in date of November 1, 2004. The permit fee rebate shall not exceed \$6,300.

2. Use Tax Rebate- Construction. The City shall rebate to Scottrade 50% of the Building Use Tax on the construction materials, collected from Scottrade and CRI in connection with the tenant finish of the 29,000 square foot facility in Church Ranch Corporate Center in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to Scottrade. The rebate shall not exceed \$10,500.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for Scottrade and CRI for the new offices made during 3 months prior and the 3 months after Scottrade and CRI obtain the Certificate of Occupancy, the City shall rebate 50% of the General Use Tax remitted to the City of Westminster by Scottrade and CRI on the use tax return for the new offices. The total rebate pursuant to this paragraph shall not exceed \$15,000 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from Scottrade and CRI and attributable to the imposition against Scottrade and CRI, of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

4. Payments of Rebates. Rebates will be paid to Scottrade by the City in quarterly installments from revenue actually collected and received by the City from Scottrade and CRI. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and Scottrade and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Scottrade and Computer Research Inc. have not moved into Church Ranch Office Building by March 31, 2005 or should Scottrade or CRI not comply with the City regulations or code.

7. Business Termination. In the event Scottrade or Computer Research Inc. ceases business operations within the City within three (3) years after the new operations commence, then Scottrade shall pay to the City the total amount of fees and taxes that were due and payable by Scottrade and CRI to the City but were rebated by the City, as well as reimburse the City for any funds provided to Scottrade pursuant to this Agreement.

8. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

10. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

**SCOTTRADE (d.b.a. COMPUTER RESEARCH INC.  
AND SCOTTRADE**

**CITY OF WESTMINSTER**

\_\_\_\_\_  
Jeffrey Polsgrove  
Chief Information Officer

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

ATTEST:

ATTEST:

\_\_\_\_\_  
Title Michele Kelley  
City Clerk

**Adopted by Ordinance No. 3100**

BY AUTHORITY

ORDINANCE NO **3100**

COUNCILLOR'S BILL NO. **12**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Kauffman - McNally**

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SCOTTRADE, INC. TO AID IN THEIR RELOCATION OF SCOTTRADE AND THEIR AFFILIATE, COMPUTER RESEARCH INC. TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Scottrade and their affiliate Computer Research Inc. plan to occupy 29,000 square feet in the four story office building at Church Ranch Corporate Center, off of US 36 and Church Ranch Boulevard in Westminster, and

WHEREAS, a proposed Assistance Agreement between the City and Scottrade is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Scottrade in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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 15<sup>th</sup> day of March 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29<sup>th</sup> day of March 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**Subject:** Second Reading of CB No. 13 re Amendment to the Business Assistance Package with 88<sup>th</sup> and Pierce Business Center LLLP

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 13 on the second reading authorizing the City Manager to execute a business assistance package (BAP) amendment between the City of Westminster and 88<sup>th</sup> and Pierce Business Center LLLP (88<sup>th</sup> and Pierce Business Center).

**Summary Statement**

- On October 13, 2003, Council adopted Councillor's Bill No. 52, authorizing the execution of a business assistance package (BAP) between 88<sup>th</sup> and Pierce Business Center LLLP and the City of Westminster.
- The BAP is funded by sales tax rebates only and is time sensitive, expiring three years from the date of execution. Since sales rebates from the opening of JoAnn Stores, Inc. fund this BAP, 88<sup>th</sup> and Pierce Business Center LLLP has requested that the BAP be amended to coincide with the issuance of the Certificate of Occupancy from JoAnn Stores, Inc.
- This Councillors Bill was passed on first reading on March 15, 2004.

**Expenditure Required:** \$270,000 – authorized previously by City Council

**Source of Funds:** Sales and Use Tax Fund

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments



BY AUTHORITY

ORDINANCE NO. **3101**

COUNCILLOR'S BILL NO. **13**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dixon - McNally**

A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE BUSINESS ASSISTANCE PACKAGE BETWEEN 88<sup>th</sup> AND PIERCE BUSINESS CENTER LLLP (88<sup>th</sup> and Pierce Business Center) AND THE CITY OF WESTMINSTER TO MODIFY THE START DATE OF THE TIME PERIOD OF THE AGREEMENT TO COINCIDE WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR JOANN STORES, INC.

WHEREAS, this amendment would modify the start date of the time period of the agreement to coincide with the Certificate of Occupancy for JoAnn Stores Inc.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Amendment to the Business Assistance Agreement with 88<sup>th</sup> and Pierce Business Center LLLP in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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 15th day of March 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

**AMENDMENT TO BUSINESS ASSISTANCE AGREEMENT WITH 88<sup>th</sup> AND PIERCE BUSINESS CENTER LLLP FOR THE ATTRACTION OF JOANN STORES, INC. AND THE FAÇADE AND SIGNAGE IMPROVEMENTS AT BROOKHILL TOWNE CENTER III IN THE CITY OF WESTMINSTER**

THIS AMENDED AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, between the CITY OF WESTMINSTER (the "City"), and 88th and Pierce Business Center LLLP (88<sup>th</sup> and Pierce Business Center)

WHEREAS, this amendment would modify the start date of the time period of the agreement to coincide with the certificate of occupancy for JoAnn Stores Inc.

WHEREAS, City Council finds the execution of this Amendment to the Business Assistance Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by assisting this economic development project within the City.

In consideration of the mutual promises set forth below, the City and 88th and Pierce Business Center LLLP agrees as follows:

1. Sales Tax Rebate

The City shall rebate to 88th and Pierce Business Center LLLP, 50% of the sales tax collected from JoAnn Store, Inc. Such rebate shall be payable exclusively from sales tax revenues collected by the City from JoAnn Store Inc. and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments and shall not exceed a total of \$270,000 or three years from the date of issuance of the CERTIFICATE OF OCCUPANCY FOR JOANN STORE, INC. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to 88th and Pierce Business Center designated financial institution.

All remaining terms of the existing BAP, adopted as Councillor Bill 52 on October 13, 2003, remain the same.

88<sup>TH</sup> AND PIERCE BUSINESS CENTER LLLP

CITY OF WESTMINSTER

By \_\_\_\_\_  
Bruce Etkin, President

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

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Michele Kelley  
City Clerk

**ADOPTED BY ORDINANCE NO. 3101**



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Second Reading of CB No. 14 re Composition of City Library Board

**Prepared By:** Sharon Widener, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 14 on second reading, changing the member composition of the Library Board.

**Summary Statement:**

- City Council recently made appointments and re-appointments to the personnel of the City's Boards and Commissions. After reviewing the composition of the Boards and Commissions, Council directed Staff to prepare an ordinance changing the number of members of the Library Board, to increase the number of members from seven to eight.
- City Council action is requested to pass the attached Councillors Bill on second reading.
- This Councillor's Bill was passed on first reading on March 15, 2004.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **14**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE LIBRARY BOARD

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-1-1(E), W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION 3 to read as follows:

**2-1-1: APPOINTMENT OF MEMBERS; TERMS:**

(E) Terms shall be staggered as follows:

1. For five (5) member Boards or Commissions, three (3) members shall have terms that expire on even-numbered years and two (2) members shall have terms that expire on odd-numbered years.
2. For seven (7) member Boards or Commissions, four (4) members shall have terms that expire on even-numbered years and three (3) members shall have terms that expire on odd-numbered years.
3. FOR EIGHT (8) MEMBER BOARDS OR COMMISSIONS, FOUR (4) MEMBERS SHALL HAVE TERMS THAT EXPIRE ON EVEN-NUMBERED YEARS AND FOUR (4) MEMBERS SHALL HAVE TERMS THAT EXPIRE ON ODD-NUMBERED YEARS.
- ~~3.~~ 4. Alternates shall have terms that expire on odd-numbered years.

This section shall not apply to the Election Commission.

Section 2. Section 2-4-1, W.M.C., is hereby AMENDED to read as follows:

**2-4-1: CREATION:** There is hereby created a Library Board, hereinafter referred to as "THE BOARD," consisting of ~~seven (7)~~-EIGHT (8) regular members and one (1) alternate member.

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 15th day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March, 2004.

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Mayor

ATTEST:

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Second Reading CB No. 15 re 2003 Community Emergency Response Team Grant

**Prepared By:** Mike Reddy, Emergency Management Coordinator

**Recommended City Council Action:**

Pass Councillor's Bill No. 15 on second reading providing for a supplemental appropriation in the amount of \$11,000 allowing the City to receive a Community Emergency Response Team (CERT) Grant provided through the Colorado Office of Emergency Management (COEM).

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2004 budget of the General Fund.
- This Councillor's Bill was passed on first reading March 15, 2004.
- In December 2003, staff submitted a proposal for CERT funding and more recently was notified by the State of approval for this request. The grant funds will be used to purchase an emergency management software system and provide all hazard training and education material for citizens, schools and businesses. These funds are provided with no local government match required.

**Expenditure Required:** \$11,000

**Source of Funds:** COEM Grant Funds

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **15**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$11,000 which, when added to the fund balance as of the City Council action on March 15, 2004 will equal \$81,142,718. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the receipt of a grant from the Federal Emergency Management Agency.

Section 2. The \$11,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	1000.40610.0000	\$0	<u>\$11,000</u>	\$11,000
Total change to revenues			<u>\$11,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Comp Soft/Hard	10025260.75400.0000	\$25,816	\$3,600	\$29,416
Train & Ref Mtrls	10025260.71400.0000	11,527	5,000	16,527
Contract Svcs	10025260.67800.0000	10,056	<u>2,400</u>	12,456
Total change to expenses			<u>\$11,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 15th day of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Second Reading CB No. 16 re Rental Leases for the Strasburg Natural Resource Farm

**Prepared By:** David Cross, Water Quality Specialist

**Recommended City Council Action**

Pass Councillor's Bill No. 16 on second reading authorizing the City Manager to sign rental lease agreements with three tenants at the City's Strasburg Natural Resource Farm.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill on second reading, authorizing the City Manager to sign rental lease agreements with three tenants at the City's Strasburg Natural Resource Farm.
- This Councillor's Bill was passed on first reading on March 15, 2004.
- The City of Westminster owns approximately 3,000 acres of farmland used for biosolids application.
- The land and improvements are leased to tenants generating an average total income of \$50,000 per year for the City.
- Lease agreements are used to define the responsibilities of each party, to protect the interests of the City, and to insure the long-term usefulness of the land for biosolids application.
- Leasing of property owned by the City must be ratified by ordinance under Section 13.4 of the City's Charter.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **16**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE TO CONVEY LEASE AGREEMENTS FOR CITY-OWNED PROPERTY  
KNOWN AS THE STRASBURG NATURAL RESOURCE FARM

WHEREAS, the City owns a property in central Adams County for the purpose of applying biosolids; and

WHEREAS, it is in the City's interest to maximize the income generated from such operation by collecting rental income from use of the land and improvements,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager is hereby authorized to execute leases with the following parties as summarized below:

Mr. Bruce Vetter	1700 acres dry farmland	1/3 of grain produced
Mr. Matthew Sweeny	8551 Headlight Road, Strasburg	\$4800/year
Mr. Thomas Linnebur and Mrs. Janet Linnebur	57101 East 88 <sup>th</sup> Avenue, Strasburg	\$10,200/year

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

Section 3. 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 15th DAY OF MARCH, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS  
29th DAY OF MARCH, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Resolution No. 19 re Appointment to Library Board

**Prepared By:** Michele Kelley, City Clerk

**Recommended City Council Action**

Adopt Resolution No. 19 appointing Marilyn Flachman to the Library Board.

**Summary Statement**

- At the March 15<sup>th</sup> City Council meeting, City Council passed an ordinance on first reading amending the number of members of the Library Board
- City Council will be adopting this ordinance on second reading at the March 29<sup>th</sup> City Council meeting.
- Since this ordinance has passed on second reading, a vacancy currently exists on the Library Board, and adopting the attached Resolution will fill this vacancy.

**Expenditure Required:** \$ 0

**Source of Funds:** Not applicable.

**Policy Issue:**

Whether Council should appoint a person to the Library Board at this time.

**Alternatives:**

Do not make the appointment to the Library Board at this time. This alternative is not recommended since it is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster

**Background Information**

City Council recently amended the City Code to change the number of regular members of the Library Board from 7 members to 8 members.

Per the newly adopted ordinance, the Board member's term of office will expire on December 31, 2004.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **19**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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CITY OF WESTMINSTER LIBRARY BOARD APPOINTMENT

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

WHEREAS, City Council recently amended the City Library Board members from seven regular members to eight regular members.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individual to the City of Westminster Library Board with the terms of office to expire December 31, 2004.

<b>BOARD/COMMISSION</b>	<b>NAME</b>	<b>TERM OF OFFICE</b>
Library Board	Marilyn Flachman	December 31, 2004

Passed and adopted this 29<sup>th</sup> day of March, 2004.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Public Hearing and Action on the Annexation, Comprehensive Land Use Plan Amendment and Zoning for the Chamberlain Property

**Prepared By:** Dave Falconieri, Planner III

**Recommended City Council Action:**

1. Hold a public hearing.
2. Authorize the City Manager to sign the Annexation Agreement for the Chamberlain Annexation Property.
3. Approve Resolution No. 20 making certain findings as required under Section 31-12-110 C.R.S. regarding the Chamberlain annexation property.
4. Pass Councillor's Bill No. 17 on first reading annexing the Chamberlain property to the City.
5. Pass Councillor's Bill No. 18 amending the Comprehensive Land Use Plan (CLUP) adding the Chamberlain property with a designation of Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan.
  - a. The proposed amendment 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.
6. Pass Councillor's Bill No. 19 zoning the Chamberlain property Planned Unit Development (PUD), making the finding that the standards set forth in Section 11-5-3 of the Westminster Municipal Code have been satisfied.

**Summary Statement:**

- The Chamberlain property is located south of Church Ranch Boulevard and west of Reed Street (Please refer to the attached vicinity map). The City has contracted to purchase the westernmost 2.2 acres of the property in order to provide a site for the relocation of the BP service station that is currently located within the boundaries of the Shops at Walnut Creek Project.
- The relocation of the service station is essential to the future development of the Walnut Creek project, since it is located at what will become the main entrance to the development.
- An annexation agreement is attached that addresses the future disposition of the balance of the Chamberlain property. As a condition of the sale of the City parcel, assurances were requested that the balance of the property be annexed and zoned for retail uses.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### **Planning Commission Recommendation**

Due to the need to schedule this item for City Council action on March 29, the Planning Commission recommendation has not been included in this agenda memorandum. Staff will verbally provide City Council with the Planning Commission recommendation at the City Council meeting on March 29, 2004.

### **Policy Issue**

Should the Chamberlain property be annexed at this time, and if so, should the CLUP be amended to include the property as Retail Commercial?

### **Alternatives**

Make a finding that the Chamberlain property not be annexed at this time and take no further action. If this action is taken, the Mandalay Town Center project would be impacted since the BP service station could not be relocated. In that event, significant changes to the approved ODP would be necessary.

### **Background Information**

The City is proposing to annex the western end of the Chamberlain property in order to have a site to relocate the BP service station that is currently located on the opposite side of Church Ranch Boulevard. The existing station is located right at the entrance to the new development and if it were not relocated it would be incompatible with the balance of the project.

The Mandalay Preliminary Development Plan (PDP) has already been amended to include the existing service station site. If this annexation is approved, a separate Preliminary Development Plan and Official Development Plan (PDP/ODP) will be submitted for this property and construction on the new service station will begin soon thereafter.

As a condition of the sale of the parcel on which the service station will be built, the owners of the remainder of the Chamberlain property have requested an annexation agreement be approved in which the City staff agrees to recommend approval of the annexation and retail zoning for the balance of the property. Should the City Council not agree to the annexation and retail zoning, an additional \$100,000 would be added to the purchase price of the Reed Street right-of-way.

### Applicant/Property Owner

The City of Westminster

### Surrounding Land Use and Comprehensive Land Use Plan Designations

The adjacent Shops at Walnut Creek project to the north is categorized as District Center; Church Ranch Corporate Center to the south and west is classified as Business Park; and the adjacent Park-n-Ride is classified as Public/Quasi-Public.

### Site Plan Information

No development is proposed with the annexation. A separate PDP/ODP will be submitted if the annexation is approved.

### Service Commitment Category

Service Commitments will be awarded out of Category C. The number of commitments will be determined at time of ODP approval.

### Referral Agency Responses

None received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

## **Annexation Agreement**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between the CITY OF WESTMINSTER ("City") and ROBERT F. CHAMBERLAIN, TRUSTEE OF ROBERT F. CHAMBERLAIN REVOCABLE TRUST, U/T/A DATED SEPTEMBER 17, 1997 (OWNER).

WHEREAS, Mr. Chamberlain is the owner of the property described in Exhibit "A" attached hereto (the "Property"), and

WHEREAS, the Owner intends to petition the City for annexation of the Property to the City; and

WHEREAS, the City and the Owner agree that there would be mutual benefits to be realized from the annexation of the Property to the City; and

WHEREAS, the City and the Owner wish to set forth the terms upon which such annexation will occur.

NOW, THEREFORE, in consideration of the above premises, the covenants, promises, and agreements set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree as follows:

1. Annexation.

Except as otherwise specifically modified by this agreement, the annexation and subsequent development of the Property shall be subject to all City ordinances, rules, regulation and policies. The annexation of the Property will not be deemed effective until its final approval by the City Council, recording of the Annexation Plat and Annexation Ordinance with the Jefferson County Clerk and Recorder, and the execution and recording of this Annexation Agreement.

2. Streets.

The City agrees that any cost related to the construction of Reed Street shall be installed and financed entirely by the City.

3. Water and Sewer Services.

The City agrees to provide water and sanitary sewer service to the property in accordance with all City ordinances and policies. The cost of any tap fees and the extension of any lines necessary to serve the site shall be the responsibility of the Owner or his assignee.

4. Zoning.

City Staff shall recommend to the City Planning Commission and the City Council that the Property be zoned "Planned Unit Development" (PUD), and that the Comprehensive Land Use Plan (CLUP) be amended to designate the Property as Retail Commercial. The City shall adopt the zoning ordinance and CLUP amendment for the Property prior to final enactment of the annexation ordinance. In the event that, prior to second reading of the annexation ordinance, the property is not zoned PUD and/or the CLUP is not amended as described above, the City shall pay an additional \$100,000 above the purchase price as agreed to in the Purchase and Sale Agreement. All future development of the Property shall require submission and approval of a preliminary and official development plan in accordance with City Code.

5. Annexation Fees.

Any fees due for the annexation of the Property pursuant to this agreement shall be waived by the City.

6. Recording and Annexation Agreement.

This Annexation Agreement shall be recorded with the Jefferson County Clerk and Recorder. The terms and conditions of this Annexation Agreement shall inure to the benefit of and be binding upon the successors in interest or the legal representatives of the parties, including all heirs, transferees, successors, assigns, purchasers, lessors, and subsequent owners of any lot or parcel within the Property, and all such provisions and conditions shall be deemed as covenants running with the Property.

7. No Waiver.

Nothing contained in this Agreement shall constitute or be interpreted as a repeal of existing codes or ordinances, or as a waiver or negation of the City's legislative, governmental, or police powers to promote and protect the health, safety or general welfare of the City and its citizens, nor shall this Agreement prohibit the application by the City of any future fee which is uniform or of general application.

8. Severability.

The fact that any portion of this Agreement may be held unenforceable shall not affect the enforceability of the remaining portions hereof, it being the intent of the parties that any such unenforceable provisions shall be deemed severable from the remaining provisions of this Agreement. No waiver of any provision hereof in any circumstance shall constitute a waiver of such provision in other instances.

9. Entire Agreement.

This Agreement embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained herein. Except as specifically modified herein, this Agreement shall be construed in a manner which makes it consistent with the City Code and City Charter. This Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties. This Agreement may not be modified except in writing and executed with the same formalities as this Agreement.

CITY OF WESTMINSTER

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

ATTEST:

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

Chamberlain \_\_\_\_\_

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

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by \_\_\_\_\_.

Witness my hand and official seal.  
My commission expires: \_\_\_\_\_

(S E A L)

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



## Exhibit A

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

## RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

\_\_\_\_\_

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 SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the City of Westminster desires to annex a parcel of City owned land pursuant to Section 31-12-106 (3) C.R.S.; and

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108, 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 THAT:

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 attachment of 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 29th day of March, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

Chamberlain Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **17**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the City of Westminster has purchased a contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements as described in Section 31-12-106 (3) C.R.S.; and

WHEREAS, City Council has heretofore adopted Resolution No. 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 may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy 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 situate, lying and being in the County of Jefferson, State of Colorado, to wit:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89° 48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said

office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arc length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

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

Section 3. 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 29th day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of April, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

Chamberlain Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **18**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Chamberlain annexation property, legally described as follows:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12 feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly

boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00° 05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan to Retail Commercial, as shown on the attached "Exhibit A".

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. 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 29<sup>th</sup> of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of April, 2004.

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Mayor

ATTEST:

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City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **19**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 and 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

- a. That an application for the zoning of the property described below from Jefferson County A-2 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.
- b. 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.
- c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.
- d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.
- e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County A-2 to City of Westminster PUD. A parcel of land located in Sections 11 and 14, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land being a portion of tract 55, Mandalay Gardens, in the County of Jefferson, State of Colorado, per plat recorded in the Office of the Clerk and Recorder of said county, lying within the southeast quarter of section 11 and the northeast quarter of section 14, township 2 south, range 69 west of the sixth principal meridian, in said county and state, more particularly described as follows:

Commencing at the southeast corner of said section 11, whence the south quarter corner of said section 11 bears south 88°52'45" west, and all bearings are made as a reference hereon; thence south 83°39'39" west 330.74 feet to the southerly right-of-way of Reed Street, as described in the warranty deed to the City of Westminster recorded October 25, 1996 at reception no. F0321025 in the office of the clerk and recorder of said county, also being the southerly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation to the City of Westminster per annexation map recorded at reception no. F1027164 in said office of the clerk and recorder and the point of beginning; thence along the southerly, southwesterly, and southeasterly right-of-way of said Reed Street and along the southerly, southwesterly, and southeasterly boundary of said annexation the following 4 courses: 1) south 89°48'37" west 164.12



feet to the beginning of a tangent curve concave northeasterly having a radius of 103.00 feet; 2) northwesterly along said curve through a central angle of 49°03'00" an arc length of 88.18 feet; 3) tangent to said curve, north 41°08'23" west 78.64 feet to the beginning of a tangent curve concave southerly having a radius of 33.00 feet; 4) westerly along said curve through a central angle of 92°10'16" an arc length of 53.09 feet to the southeasterly right-of-way of Church Ranch Boulevard as described in the warranty deed to the City of Westminster recorded March 15, 1990 at reception no. 90021374, in said office of the clerk and recorder and the beginning of a compound curve concave southwesterly having a radius of 1613.50 feet; thence along said southeasterly right-of-way, continuing along said southeasterly boundary of the U.S. Highway 36/Church Ranch Boulevard annexation, and southwesterly along said curve through a central angle of 00°15'41" an arch length of 7.36 feet to the westerly line of said tract 55, Mandalay Gardens and the easterly boundary of the Church Ranch Homeplace annexation to the City of Westminster per annexation map recorded at reception no. 88080480 in said office of the clerk and recorder; thence along the westerly and southerly boundary of said tract 55 and along the easterly and northerly boundary of said Church Ranch Homeplace annexation the following 2 courses: 1) non-tangent to said curve, south 00°05'32" west 430.85 feet; 2) north 88°52'14" east 230.05 feet; thence departing said southerly and northerly boundaries, north 00°05'32" east 188.87 feet to the beginning of a non-tangent curve concave northwesterly having a radius of 133.50 feet, the radius point of said curve bears north 49°54'59" west; thence northeasterly along said curve through a central angle of 03°41'57" an arc length of 8.62 feet; thence tangent to said curve, north 36°23'05" east 144.20 feet to the beginning of a tangent curve concave southeasterly having a radius of 86.50 feet; thence northeasterly along said curve through a central angle of 23°24'06" an arc length of 35.33 feet to the point of beginning.

Containing 2.181 acres (95,019 sq. ft.), more or less.

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 29<sup>th</sup> day of March, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of April, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

Chamberlain Zoning



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Councillor's Bill No. 20 re Roving Planet, Inc. Business Assistance Package

**Prepared By:** Becky Johnson, Economic Development Program Coordinator

**Recommended City Council Action**

Pass Councillor's Bill No. 20 on first reading, authorizing the City Manager to execute a Business Assistance Package (BAP) with Roving Planet, Inc. in the amount of \$5,400. The BAP includes \$1,181 in permit fee rebates, \$844 in construction use tax rebates, and \$3,375 in equipment use tax rebates.

**Summary Statement**

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached business assistance package with Roving Planet, Inc.
- Roving Planet, Inc. is an information technology company that builds software products that enable management, control and integration of wireless local area networks.
- Roving Planet Inc. will employ 32 people at move-in.
- Roving Planet Inc. is considering locating to the single story office space at Church Ranch Business Center.
- Assistance is based upon the attraction of quality, high paying jobs to Westminster and filling existing space.

**Expenditure Required:** \$5,400 (Rebates of Permit Fees and Use Tax)

**Source of Funds:** The business assistance package with Roving Planet, Inc. will be funded through the rebate of permit fees, construction use tax, and equipment use tax directly generated from the relocation of Roving Planet Inc. to Church Ranch Corporate Center.

**Policy Issue**

Does Council desire to provide assistance to Roving Planet Inc. to promote the filling of existing space in the City?

**Alternatives**

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City’s value of attracting quality companies and filling existing vacant space would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is considered modest.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. Staff has recommended an assistance package that is 7% of the total 5-year projected revenue. There is room for additional funding. However, it is staff’s opinion that additional assistance is not needed.

**Background Information**

Roving Planet Inc. is a Boulder based information technology company that builds software products that enable management, control and integration of wireless local area networks. This company was founded in February 2001. In December 2003, Roving Planet closed its first institutional round of venture capital financing in the amount of \$9.5 million.

Roving Planet plans to lease approximately 13,000 square feet in the single story office space at Church Ranch Business Center, of which a portion of the space will be subleased from Mystro TV. Roving Planet will employ 32 people at move-in with an estimated average salary of \$137,500 per year. In five years the company anticipates growth to 250 employees with an average payroll of \$27.6 million.

It is anticipated that Roving Planet will generate over \$85,200 of new revenue directly to the City in the first five years of operation. This is based on \$75,000 in tenant finish and new equipment purchases of \$150,000 at move-in.

Therefore, based on a 5-year projection of direct City tax and fee revenue, staff recommends the following business assistance package:

**Proposed Assistance**

**Approximate  
Value**

Building Permit-Fee Rebate

\$1,181

75% of building related fees attributable to Roving Planet Inc.(excluding water & sewer tap fees) will be rebated ( $\$1,575 \times 75\% = \$1,181$ )

Building Use Tax Rebate

\$ 844

75% of the General Use Tax attributable to Roving Planet Inc. (excludes the City’s .25% Open Space Tax and .6% Public Safety Tax) on construction materials for this project will be rebated ( $\$75,000 \times 50\% = \$37,500 \times 3\% = \$1,125 \times 75\% = \$844$ )

Use Tax on Furniture and Fixtures Rebate \$ 3,375

For the period 3 months prior and the 3 months after Roving Planet Inc. obtains a Certificate of Occupancy for the new Westminster facility, the City will rebate 75% of the General Use Tax attributable to Roving Planet Inc. (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility (\$150,000 new equipment x 3% = \$4,500 Use Tax x 75% = \$3,375)

**Total Proposed Assistance Package Not To Exceed** **\$ 5,400**

This assistance package is based upon the City's goals to attract quality companies, add primary jobs, and fill existing space. The capital investment by Roving Planet at move-in is modest. This made the space in Church Ranch Business Center all the more attractive to Roving Planet. With average salaries per employee double to that of the median household income in Westminster, as well as the company's long-term growth potential, staff recommends rebates at 75% to encourage this company to locate and grow in the City of Westminster.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**BUSINESS ASSISTANCE PACKAGE FOR  
ROVING PLANET, INC. IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, between the CITY OF WESTMINSTER (the "City"), and ROVING PLANET, INC.

WHEREAS, the City wishes to provide certain assistance to Roving Planet, Inc. to aid in the relocation to vacant space in the City; and

WHEREAS, Roving Planet, Inc. plans to occupy 13,000 square feet in the single story office space at Church Ranch Business Center, thus providing additional primary job creation within the City; and

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

In consideration of the mutual promises set forth below, the City and Roving Planet Inc. agrees as follows:

1. Building Permit Fee Rebates. The City shall rebate to Roving Planet Inc. 75% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from Roving Planet, Inc. in connection with the finish and occupancy of 13,000 square feet of single story space at Church Ranch Business Center, with a projected move-in date of third quarter 2004. The permit fee rebate shall not exceed \$1,181.

2. Use Tax Rebate- Construction. The City shall rebate to Roving Planet Inc. 75% of the Building Use Tax on the construction materials, collected from Roving Planet Inc. in connection with the tenant finish of the 13,000 square foot facility in Church Ranch Business Center in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to Roving Planet Inc. The rebate shall not exceed \$844.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for Roving Planet Inc. for the new offices made during 3 months prior and the 3 months after Roving Planet Inc. obtain the Certificate of Occupancy, the City shall rebate 75% of the General Use Tax remitted to the City of Westminster by Roving Planet Inc. on the use tax return for the new offices. The total rebate pursuant to this paragraph shall not exceed \$3,375 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from Roving Planet Inc. and attributable to the imposition against Roving Planet Inc., of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax).

4. Payments of Rebates. Rebates will be paid to Roving Planet Inc. by the City in quarterly installments from revenue actually collected and received by the City from Roving Planet Inc. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically. Payments will begin with the calendar quarter during which the Certificate of Occupancy is issued.

5. Entire Agreement. This instrument shall constitute the entire agreement between the City and Roving Planet Inc. and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Roving Planet Inc. has not moved into Church Ranch Office Building by December 31, 2004 or should Roving Planet Inc. not comply with the City regulations or code.

7. Business Termination. In the event Roving Planet Inc. ceases business operations within the City within three (3) years after the new operations commence, then Roving Planet Inc. shall pay to the City the total amount of fees and taxes that were due and payable by Roving Planet Inc. to the City but

were rebated by the City, as well as reimburse the City for any funds provided to Roving Planet Inc. pursuant to this Agreement.

8. Subordination. The City's obligations pursuant to this Agreement are subordinate to the City's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. The City shall meet its obligations under this Agreement only after the City has satisfied all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by the City, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

9. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

10. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this agreement, the parties agree that prior to commencing any litigation, they shall first engage in a good faith the services of a mutually acceptable, qualified, and experience mediator, or panel of mediators for the purpose of resolving such dispute. The venue for any lawsuit concerning this agreement shall be in the District Court for Jefferson County, Colorado.

**ROVING PLANET INC.**

**CITY OF WESTMINSTER**

\_\_\_\_\_  
Michael Sobolik  
Controller

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

ATTEST:

ATTEST:

\_\_\_\_\_  
Title Michele Kelley  
City Clerk

**Adopted by Ordinance No.**

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **20**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH ROVING PLANET INC. TO AID IN THEIR RELOCATION OF ROVING PLANET INC. TO CHURCH RANCH BUSINESS CENTER IN WESTMINSTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Roving Planet Inc. plans to occupy 13,000 square feet in the single story office building at Church Ranch Business Center, off of US 36 and Church Ranch Boulevard in Westminster, and

WHEREAS, a proposed Business Assistance Package between the City and Roving Planet Inc. is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into a Business Assistance Package with Roving Planet in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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 29<sup>th</sup> day of March 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of April 2004.

ATTEST:

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Mayor

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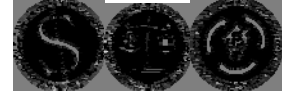
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Intergovernmental Agreement with WEDA re Shops at Walnut Creek

**Prepared By:** Robert C. Smith, Treasury Manager

**Recommended City Council Action**

Authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) whereby the City will advance up to \$700,000 through the use of short-term cash in the General Capital Improvements Fund for the purchase of land not currently in the Mandalay Urban Renewal Area as authorized by Resolution No. 18 adopted on March 15, 2004, to further the Shops at Walnut Creek project and to be repaid by WEDA after the land is added to the Mandalay Gardens Urban Renewal Area.

**Summary Statement**

- In order to complete the assemblage of land for the Shops at Walnut Creek Project, City Council approved Resolution 18 on March 15, 2004 authorizing the acquisition of certain land south of Church Ranch Boulevard.
- The parcel authorized to be purchased by Resolution No. 18 is located south of Church Ranch Boulevard on the east side of Walnut Creek. The purchase of part of this property is necessary for the right-of-way for the relocation of Reed Street. The purchase of the remaining property is necessary to allow the relocation of the existing BP service station on the north side of Church Ranch Boulevard to the south side of Church Ranch Boulevard. The service station must be relocated to permit the redevelopment of the Shops at Walnut Creek Project to proceed since the service station at the current location does not conform to the plan for this project.
- WEDA cannot directly purchase this land using proceeds from the Tax Increment Bonds the Authority issued on August 28, 2003 because the land currently is not a part of the Mandalay Gardens Urban Renewal Area.
- City Council is requested to authorize the Mayor to enter into an intergovernmental agreement with the Westminster Economic Development Authority whereby the Authority agrees to repay the City for the cost it incurs to purchase the property once the property is added to the Mandalay Gardens Urban Renewal Area.

**Expenditure Required:** Not to Exceed \$700,000

**Source of Funds:** City General Capital Improvement Reserve Funds with future reimbursements from WEDA Bonds and Developer contributions.



**Policy Issues**

Should the City advance \$700,000 for WEDA to acquire right-of-way and the land necessary for the relocation of the existing BP service station subject to the agreement with WEDA that WEDA repay the City from funds in the Project after the property has been added to the Mandalay Gardens Urban Renewal Area?

**Alternatives**

The alternatives to the recommended action is to not authorize acquisition of the land. This alternative is not recommended, since the right-of-way for Reed Street is necessary for the new Reed Street and Church Ranch Boulevard Intersection as part of the Shops at Walnut Creek Project. In addition, it is necessary to have a connection to the existing RTD Park-n-Ride on the south side of Church Ranch Boulevard. Lastly, the acquisition of this last parcel of land is necessary to carry out the purposes of the Mandalay Gardens Urban Renewal Plan concerning the relocation of the BP service station currently located north of Church Ranch Boulevard to another location.

**Background Information**

The Westminster City Council established the Mandalay Gardens Urban Renewal Area on March 17, 2003. On April 14, 2003, WEDA selected a development team, CDC Real Estate Company and RED Development, to negotiate a development agreement with WEDA for this project area. The original Urban Renewal Area did not include parcels on the south side of Church Ranch Boulevard that are necessary for right of way required to realign Reed Street and provide continued access to the RTD Park N Ride and for the relocation of the existing BP service station.

It is necessary for the City to front the cost of purchasing the right-of-way for Reed Street until this area is included in the Urban Renewal Plan since proceeds of the WEDA Series 2003 bond issue cannot be used for project costs outside of the Urban Renewal Area. As part of the negotiations to purchase the right-of-way it is desirable for the City also to purchase the necessary parcel for the BP relocation. For this reason, on March 15 Council approved Resolution 18 that authorized the City Manager, City Attorney and Staff to take such actions necessary to acquire the property on the basis of the appraised value, or such amount as may seem just and reasonable to facilitate such acquisition. It is possible that the property negotiations for the acquisition will fail; therefore, it may be necessary to use the power of eminent domain to secure the Reed Street right-of-way. Therefore, City Council in Resolution 18 also authorized the City Attorney to take legal measures to acquire the properties in question, including proceeding with condemnation if necessary. Staff is optimistic that this will not be necessary.

Once the parcels are acquired, Staff will return to the WEDA Board to request to amend the Urban Renewal Area to include the new parcels. Once the parcels have been added to the URA, WEDA will use funds in the Project Fund of the Series 2003 Trust to reimburse the City for the costs incurred to acquire the parcels.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**INTERGOVERNMENTAL AGREEMENT  
BETWEEN THE CITY OF WESTMINSTER  
AND THE WESTMINSTER ECONOMIC  
DEVELOPMENT AUTHORITY**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2004, by and between **THE CITY OF WESTMINSTER**, a home-rule municipal corporation (“City”) and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** (“Authority”).

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

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

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

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

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

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

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

WHEREAS, the City and the Authority now wish to supplement the Cooperation Agreements with this Agreement to set forth their respective obligations to the other concerning certain property needed for the future redevelopment of the Walnut Creek Area.

NOW, therefore, the parties agree as follows:

1. The City agrees to provide the estimated \$700,000 in funds necessary to complete the Chamberlain Property Acquisition in a timely manner.
2. The Authority agrees to repay the City the funds provided to the Authority pursuant to paragraph 1 above not later than June 30, 2004. The repayment to the City shall be without interest.
3. Nothing herein shall be deemed or construed as modifying the Cooperation Agreements except as specifically set forth herein.

**CITY OF WESTMINSTER**

**WESTMINSTER ECONOMIC  
DEVELOPMENT AUTHORITY**

By: \_\_\_\_\_  
Ed Moss, Mayor

\_\_\_\_\_  
Ed Moss, Chairman

Attest:

Attest:

\_\_\_\_\_  
Michele Kelley, City Clerk

\_\_\_\_\_  
Secretary



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** Resolution No. 21 re South Sheridan Reinvestment Study and Urban Renewal Plan

**Prepared By:** Aaron Gagne, Senior Project Coordinator

**Recommended City Council Action**

Pass Resolution No. 21 adopting the South Sheridan Urban Renewal Plan and direct staff to commence the implementation of the Plan.

**Summary Statement**

- In January of 2004, the City Council was presented with a draft of the South Sheridan Reinvestment Study and Plan. Subsequent to the presentation, Council directed staff to proceed with the drafting of an Urban Renewal Plan for the area. In March of 2004, Staff advanced a proposal to revise the initially drawn boundaries of the URA, moving the northern edge from the original 81<sup>st</sup> Place south to 75<sup>th</sup> Avenue.
- The revised Comprehensive Land Use Plan calls for commercial improvements and redevelopment along the entire Sheridan Boulevard corridor within the proposed South Sheridan urban renewal area.
- The South Sheridan gateway to the City of Westminster is anticipated to play an even more strategic role as a connection to the planned Transit Oriented development and commuter rail station in South Westminster. Improvements to existing road networks will be critical to the success of that overall program, including 72<sup>nd</sup> Avenue east of Sheridan Boulevard.
- One of the financing mechanisms viewed as appropriate for the area is a formal urban renewal area designation, which will allow for the capture and reinvestment of both property and sales tax revenue increment generated by future development activities.
- In accordance with Colorado Revised Statutes, the draft plan was forwarded to the City of Westminster Planning Commission and on February 10, 2004 the Commission did conclude that the draft plan is consistent with the adopted Comprehensive Land Use Plan and recommended adoption of the urban renewal plan by the City Council.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

Should the City pursue designation of South Sheridan as an urban renewal area, and proceed with the preparation of a formal urban renewal plan?

## **Alternative**

Do not designate the South Sheridan as an urban renewal area. This would not enable the City to pursue the use of urban renewal powers in the South Sheridan Area. Staff does not favor this option since urban renewal powers could be critical to facilitating redevelopment of older commercial projects in the area.

## **Background Information**

The consulting firm of URS was retained to prepare a blight study for the South Sheridan area. The attached blight study evaluates a generally narrow area of properties between the City's south boundary at 69<sup>th</sup> Avenue and approximately 81<sup>st</sup> Place to the north. Notable extensions of the area are west to Depew Street and a right-of-way extension along 72<sup>nd</sup> Avenue to approximately Raleigh Street. A detailed map of the area is contained in the attached Study. The boundaries of the proposed URA are actually a sub-set of that study, utilizing West 75<sup>th</sup> Avenue as the northern boundary instead of 81<sup>st</sup> Place.

The blight study finds a number of substandard conditions that meet the definition of blight contained in the urban renewal law. These conditions include slum, deteriorated or deteriorating structures, defective and inadequate street layout, faulty lot layout, unsanitary or unsafe conditions, deterioration of site or other improvements, and inadequate public improvements or utilities. As a result of these findings, the entire study area is believed to be eligible for designation of an urban renewal area. Based on the 25-year time limitation of a designated Urban Renewal Area, Staff believes that it is important to only create an Urban Renewal Area where redevelopment efforts are imminent. Staff believes that as a result of private market forces as well as ongoing marketing and redevelopment efforts in the corridor, the timing is appropriate.

The urban renewal plan, which incorporates the blight determination, is hereby submitted to City Council for its review and adoption with a formal public input process. If the urban renewal plan is adopted, the Westminster Economic Development Authority (WEDA) would be authorized to undertake projects within the urban renewal area that may include infrastructure improvements or redevelopment of specific properties utilizing tax increment financing and other mechanisms available to the Westminster Economic Development Authority. The urban renewal powers can also be used to *prevent* deterioration, not just to remedy it once it has occurred. As Council is aware, WEDA has powers that the City government lacks as they relate to land assemblage for redevelopment purposes as well as being able to issue tax increment bonds (TIF) to finance needed infrastructure.

Suggested strategies include limiting strip development, streetscape improvements and land assembly where appropriate. The South Westminster Strategic Revitalization plan additionally calls for redevelopment and revitalization strategies involving housing, economic development, community image and character, and public facilities and services.

In accordance with Colorado Revised Statutes:

- The draft plan and a property tax summary of the area and anticipated projects was forwarded to the Adams and Jefferson Counties as well as JeffCo Schools and Adams County District 50 Schools for review and comment.

**SUBJECT:** Resolution No. 21 re South Sheridan Reinvestment Study and Urban Renewal Plan Page 3

- Mailings were conducted on February 16, 2004 as a means of notification of both property owners and property occupants about the plan and the public hearing scheduled for March 29, 2004. A second mailing was conducted on March 18, 2004 informing business and property owners of proposed revisions to the URA boundary.
- A Notice of Public Hearing was published in the Westminster Window, the publication or record for the City of Westminster, on February 19, 2004.

City Staff and consultants for this project will be prepared to make a presentation and answer Council's questions at the March 29, 2004 meeting.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

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A RESOLUTION

FOR APPROVAL OF THE SOUTH SHERIDAN URBAN RENEWAL PLAN AND FINDING THAT THE SOUTH SHERIDAN URBAN RENEWAL AREA IS A BLIGHTED AREA, DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT PURSUANT TO THE URBAN RENEWAL PLAN, AND FINDING THAT THE ACQUISITION, CLEARANCE, REHABILITATION, CONSERVATION, DEVELOPMENT, REDEVELOPMENT OR A COMBINATION THEREOF OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, MORALS, AND WELFARE OF THE CITIZENS OF THE CITY OF WESTMINSTER

WHEREAS, an urban renewal plan for the South Sheridan Area has been submitted to the City Council of the City of Westminster for appropriate action pursuant to Part 1 of Article 25 of Title 31, C.R.S.; and

WHEREAS, the South Sheridan area which is subject to the South Sheridan Urban Renewal Plan is described in Exhibit A to this Resolution; and

WHEREAS, the City Council of the City of Westminster adopted the Westminster Comprehensive Land Use Plan on June 23, 1997, which is the general plan for the development of the City of Westminster; and

WHEREAS, the South Sheridan Urban Renewal Plan has previously been submitted to the Westminster Planning Commission for its review and recommendations as to conformity with the Westminster Comprehensive Land Use Plan pursuant to C.R.S. §31-25-107(2); and

WHEREAS, the Westminster Planning Commission has determined that the South Sheridan Urban Renewal Plan does conform to the Westminster Comprehensive Land Use Plan; and

WHEREAS, no property in the South Sheridan Urban Renewal Area has been included in an urban renewal plan previously submitted to the City Council of the City of Westminster; and

WHEREAS, the City Clerk of the City Westminster has published the notice of the time, place, and purpose of the public hearing to consider the adoption of the South Sheridan Urban Renewal Plan in the Westminster Window in conformance with C.R.S. §31-25-107(3); and

WHEREAS, the City Westminster has provided written notice of the public hearing to consider the adoption of the South Sheridan Urban Renewal Plan to all property owners, residents and business owners within the proposed South Sheridan Urban Renewal Area at their last known addresses in conformance with C.R.S. §31-25-107(4)(c); and

WHEREAS, the Adams and Jefferson County Commissioners have received notification of and copies of the South Sheridan Urban Renewal Plan as well as such additional information as is required by C.R.S. §31-25-107(3.5); and

WHEREAS, the Adams County School District No. 50 and Jefferson County School District have received notification of and copies of the South Sheridan Urban Renewal Plan and has been given an opportunity to participate in an advisory capacity; and

WHEREAS, City Council of the City of Westminster has conducted a public hearing and considered the public testimony received; and.

WHEREAS, the City Council of the City of Westminster has considered the testimony and evidence introduced as part of the public hearing process, including the South Sheridan Reinvestment Study prepared by the URS Corporation and the proposed South Sheridan Urban Renewal Plan.

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

1. Blight, as defined by C.R.S. §31-25-103(2), is present in the South Sheridan Urban Renewal Area as documented by the South Sheridan Reinvestment Study prepared by the URS Corporation and based on evidence presented at the public hearing. The following blight factors are present in the South Sheridan Urban Renewal Area:

- Slum, deteriorated or deteriorating structures: a significant number of structures exhibited primary and secondary deterioration, abandonment and evidence of vandalism and unsafe and unauthorized human occupancies.
- Faulty lot layout: presence of faulty lot layout in relation to size, adequacy, accessibility and usefulness including inefficient and unworkable layout of parking spaces in relation to commercial structures which creates unusable tracts of land, poor and dangerous traffic circulation, a lack of pedestrian walkway system, and poor internal pedestrian circulation.
- Unsanitary or unsafe conditions that endanger life or property: conditions that include unsafe and hazardous conditions for pedestrians and bicyclists, lack of street and parking area lighting, lack of adequate provision for the disabled, lack of fire protection facilities and planned emergency access.
- Deterioration of site improvements: deteriorated street, curb and gutter surfaces; missing or damaged signage; trash, debris, weeds and signs of vandalism; substandard public and common area improvements; unscreened trash; deteriorated parking surfaces; lack of landscaping;
- Inadequate public improvements: substandard water, sewer, and transportation systems.
- Defective or inadequate street layout: there is evidence of a defective and inadequate street layout within the Study Area. A combination of poor parking layout, poor vehicular access to and from Sheridan Boulevard, and poor internal circulation of smaller commercial properties contribute to this finding.

2. The South Sheridan Urban Renewal Area is a blighted area and is appropriate for an urban renewal project pursuant to Part 1 of Article 25 of Title 31, C.R.S.

3. The boundaries of the South Sheridan Urban Renewal Area have been drawn as narrowly as feasible to accomplish the planning and development objectives for the South Sheridan Urban Renewal Area. The South Sheridan Urban Renewal Area includes an area of open land that may be redeveloped with housing and commercial uses.<sup>4</sup> A shortage of housing of sound standards and design, which is decent, safe, and sanitary, exists in the municipality; the need for housing accommodations will be increased as a result of the clearance of slums in other areas; the conditions of blight in the urban renewal area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and the potential acquisition of the land in the South Sheridan Urban Renewal Area for residential uses is an integral part of and essential to the South Westminster Strategic Revitalization Plan and the South Sheridan Urban Renewal Plan.

5. The proposed commercial uses are necessary and appropriate to facilitate the proper growth and development of the City and South Sheridan Urban Renewal Area in accordance with sound planning standards and local community objectives and the potential acquisition of land in



the South Sheridan Urban Renewal Area may require the exercise of governmental action, as provided by state law, because of being in a blighted area.

6. The South Sheridan Urban Renewal Plan conforms to the Westminster Comprehensive Land Use Plan, which is the general plan for the development of the City of Westminster.

7. The South Sheridan Urban Renewal Plan is hereby approved.

8. There exist feasible methods for the relocation of individuals and families and business concerns in accommodations or areas suitable for their relocation.

9. The South Sheridan Urban Renewal Plan will afford maximum opportunity, consistent with the sound needs of the City of Westminster as a whole, for the rehabilitation or redevelopment of the South Sheridan Urban Renewal Area by private enterprise.

10. The acquisition, clearance, rehabilitation, conservation, development or redevelopment of the South Sheridan Urban Renewal Area pursuant to the South Sheridan Urban Renewal Plan is necessary in the best interests of the public health, safety, morals, and welfare of the citizens of the City of Westminster.

11. The City Council has taken reasonable efforts to provide written notice of the public hearing prescribed by CRS 31-25-107 (3) and (4) and no more than 120 days have passed since the commencement of said public hearing.

Passed and adopted this 29th day of March, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

**SOUTH SHERIDAN  
REINVESTMENT PLAN**

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**

**March, 2004**

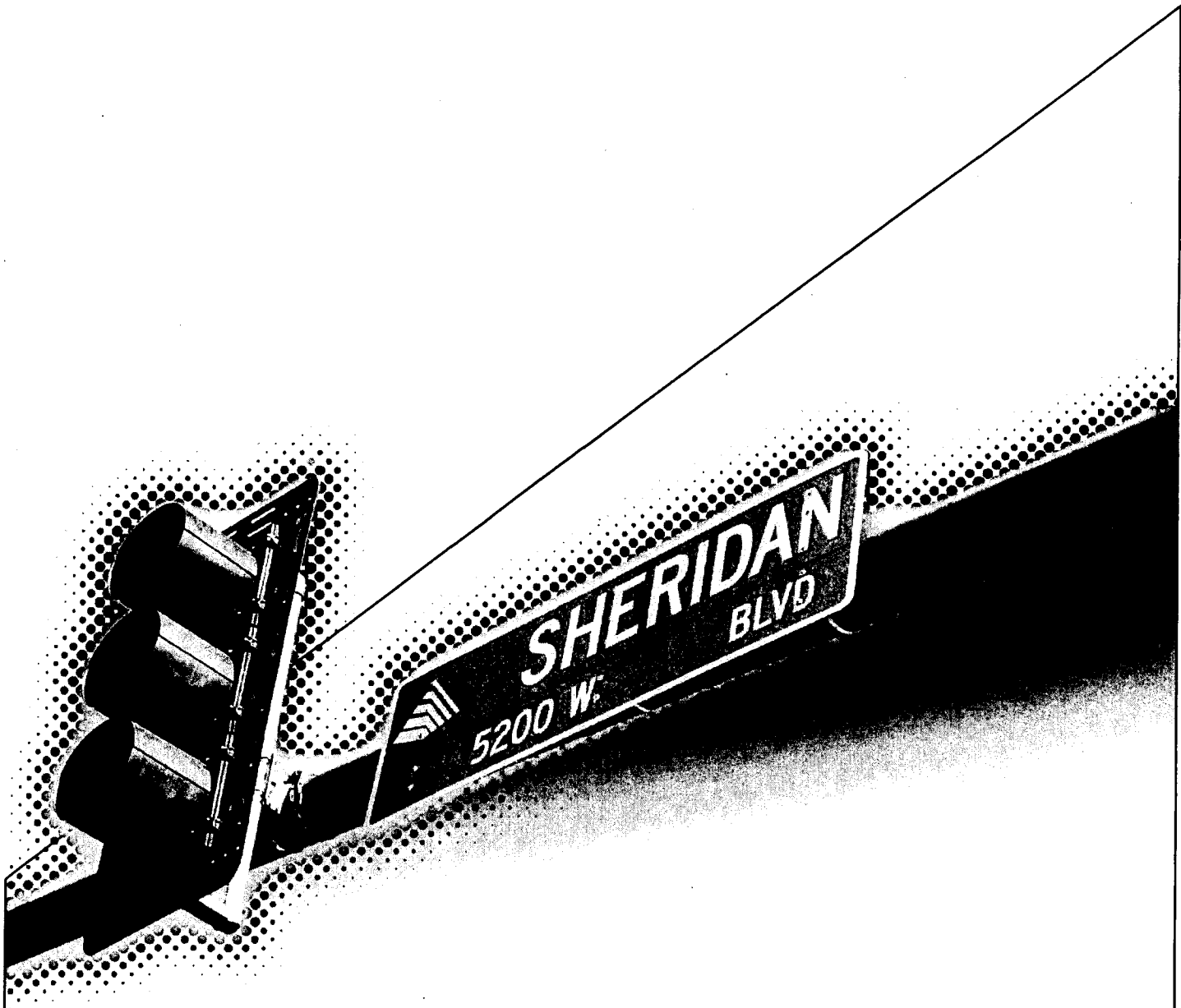
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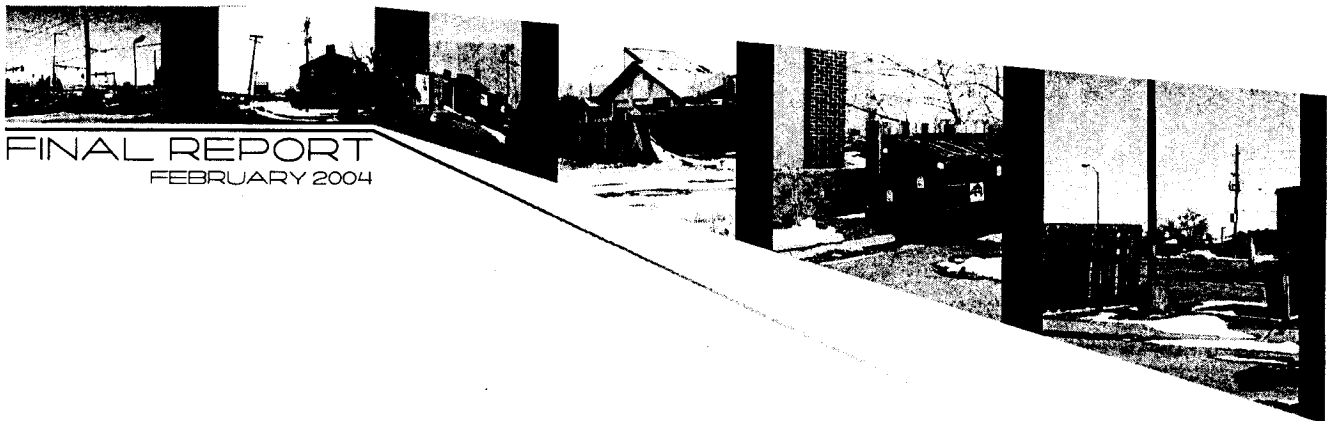
**FIGURE 1**

**SOUTH SHERIDAN REINVESTMENT AREA**





# SOUTH SHERIDAN REINVESTMENT STUDY



FINAL REPORT  
FEBRUARY 2004

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## 1.0 Reinvestment Study Purpose and Methodology

The purpose of this reinvestment study is to determine whether the Westminster South Sheridan Study Area (“Study Area”) constitutes a “blighted area” within the meaning of Colorado Urban Renewal Law, and whether the Study Area should be recommended for such urban renewal efforts as the City of Westminster may deem appropriate to prevent further deterioration and blight.

The methodology employed in this study was to obtain and evaluate data on a wide range of physical and non-physical conditions that are present in the Study Area. This data was collected from various public agencies and supplemented by a careful field survey of the Study Area.

This study includes the following tasks:

- Task 1: Project Initiation, Data Collection and Mapping
- Task 2: Field Survey and Verification
- Task 3: Documentation and Presentation of Findings

# **SOUTH SHERIDAN REINVESTMENT PLAN**

**FEBRUARY, 2004**

## **I. INTRODUCTION**

### **1.1 Preface**

This South Sheridan Reinvestment Plan ("Plan") has been prepared by the Westminster Economic Development Authority ("WEDA") for adoption by the City Council of the City of Westminster pursuant to provisions of the Urban Renewal Law of the State of Colorado, Article 25 of Title 31, Colorado Revised Statutes. This Reinvestment Plan is prepared and adopted to satisfy the requirements of § 31-25-107, C.R.S., that an urban renewal plan be adopted by the governing body of the municipality before an urban renewal authority undertakes an urban renewal project. The administration of this project and the enforcement and execution of this Plan shall be performed by WEDA.

### **1.2 Background**

South Sheridan is an area generally situated along Sheridan Boulevard between West 70<sup>th</sup> Avenue (the southerly City boundary) to the south and West 75<sup>th</sup> Avenue to the north. The area includes the right-of-way along 72<sup>nd</sup> Avenue, east to approximately Raleigh Street. The area includes all or a portion of 32 individual parcels plus rights-of-way totaling 126+/- acres.

Most of the developed properties along Sheridan Boulevard within the study area are used for commercial retail or office, with a few scattered residential properties found between West 70<sup>th</sup> and West 75 Avenues. These older homes typically sit on larger lots, with some ancillary structures reflecting the agricultural history of the area. The commercial properties along Sheridan Boulevard are located within a mix of small stand-alone structures and small to mid-sized shopping centers, including a mixture of bars, restaurants and gas stations.

The South Sheridan corridor serves as a gateway to over 40,000 vehicles per day entering and exiting the City of Westminster. Traffic congestion, particularly along Sheridan Boulevard, is a challenge to the area, and forces traffic onto secondary roads. The intersection of 72<sup>nd</sup> is in need of significant capital improvements, including double left turn lanes, acceleration and deceleration lanes. Per the DRCOG Transportation Improvement Plan, Sheridan Boulevard also needs to be expanded to 6 travel lanes.

The expansion of nearby regional shopping centers and big box stores has also eroded the neighborhood-level market position of the area, contributing to the lack of reinvestment into existing facilities. The physical blight conditions, coupled with the obsolescence of many of the existing retail areas, severely limit the near and long term viability of many of the retail properties.



These conditions are sufficiently troubling to cause the City Council to take action. Urban renewal is an important tool to address the problems in the South Sheridan area. The area around the intersection of West 72<sup>nd</sup> Avenue and Sheridan Boulevard and the Sheridan and 72<sup>nd</sup> rights-of-way are immediate priorities for redevelopment.

### **1.3 Definitions**

Cooperation Agreement: Any agreement between WEDA and the City of Westminster or any other public body respecting action taken pursuant to any of the powers set forth in the Urban Renewal Law, or in any other provision of Colorado law, for the purpose of facilitating public undertakings deemed necessary or appropriate by WEDA under this Reinvestment Plan.

Plan: This South Sheridan Reinvestment Plan as it may be amended from time to time.

Redevelopment Agreement: An agreement between WEDA and a developer or developers respecting the redevelopment or rehabilitation of property within the South Sheridan Reinvestment Area.

South Sheridan Reinvestment Area: The property described in Section 2.5 of this Plan which has been found to be blighted and for which the undertaking of urban renewal projects is declared to be necessary.

## **2. LEGISLATIVE FINDINGS**

### **2.1 Qualifying Conditions**

Based on the Reinvestment Study prepared by URS Corporation dated January, 2004, and evidence presented at the public hearing, the City Council finds that there exists blight, as defined by § 31-25-103(2), C.R.S., in the South Sheridan Reinvestment Area.

The Reinvestment Study found approximately 85 instances of blight in the revised area which indicate that contribute to six factors of blight present in the South Sheridan Reinvestment Area, as required by § 31-25-103(2), C.R.S. The factors found to exist include:

- a) Slum, deteriorated or deteriorating structures: a significant number of structures exhibited primary and secondary deterioration or evidence of vandalism.
- b) Defective and inadequate street layout: approximately 30% of the street layout is defective or inadequate.
- c) Faulty lot layout: presence of faulty lot layout in relation to size, adequacy, accessibility and usefulness including inefficient and unworkable layout of parking spaces in relation to commercial structures which creates unusable tracts of land, poor and dangerous traffic

circulation, a lack of pedestrian walkway system, and poor internal pedestrian circulation.

- d) Unsanitary or unsafe conditions that endanger life or property: conditions that include unsafe and hazardous conditions for pedestrians and bicyclists, lack of street and parking area lighting, and lack of adequate provision for the disabled.
- e) Deterioration of site improvements: deteriorated street, curb and gutter surfaces; missing or damaged signage; trash, debris, weeds and signs of vandalism; substandard improvements such as unscreened trash, deteriorated parking surfaces, and lack of landscaping.
- f) Inadequate public improvements: substandard water, sewer, and transportation systems.

The City Council finds that the presence of these factors in the area substantially impairs or arrests the sound growth of the City of Westminster, retards the provision of housing accommodations, constitutes an economic and social liability and is a menace to the public health, safety, morals and welfare of the City of Westminster.

## **2.2 Reinvestment Projects**

The South Sheridan Reinvestment Area is appropriate for one or more reinvestment projects and other undertakings of WEDA as authorized by the Urban Renewal Law.

## **2.3 Planning Approval**

A general plan for the City of Westminster, known as the Comprehensive Land Use Plan ("CLUP"), has been adopted by the City Council. This Plan has been submitted to the Planning Commission for review and recommendations as to its conformity with the CLUP. The Planning Commission met on February 10, 2004, and has submitted its written findings of consistency with the adopted Comprehensive Land Use Plan to the City Council. This Plan has also been submitted to the Boards of County Commissioners of Jefferson County and Adams County as required by C.R.S. 31-25-107.

## **2.4 Public Hearing**

The City Council of the City of Westminster has held a public hearing to consider this Plan after public notice thereof in compliance with the Urban Renewal Law in the Westminster Window newspaper, describing the time, date, and purpose of the public hearing, identifying the South Sheridan Reinvestment Area and outlining the general scope of the projects being considered for implementation pursuant to this Plan. A similar notice was also mailed to property owners and occupants within the proposed area.

## **2.5 Boundaries of the South Sheridan Reinvestment Area**

The boundaries of the South Sheridan Reinvestment Area are set forth in Figure 1 attached hereto. The City Council finds that the boundaries of the Area have been drawn as narrowly as feasible to accomplish the planning and development objectives of this Plan.

## **2.6 Other Findings**

- 2.6.1 One or more of the projects may require the demolition and clearance, subject to other restrictions, of certain property within the Area as provided in this Plan. Such actions may be necessary to eliminate unhealthy, unsanitary, and unsafe conditions, eliminate obsolete and other uses detrimental to the public welfare, and otherwise remove and prevent the spread of deterioration.
- 2.6.2 Other portions of the Area may be conserved or rehabilitated through appropriate public action, as authorized or contemplated by the Urban Renewal Law, and through the cooperation and voluntary action of the owners and tenants of such property.
- 2.6.3 In order to eliminate or reduce the qualifying conditions currently existing within the Area, as well as those qualifying conditions which may be reasonably anticipated to develop within the South Sheridan Reinvestment Area in the absence of public action, it is the intent of the City Council in adopting this Plan that WEDA exercise all powers authorized to be exercised by WEDA under the Urban Renewal Law and which are necessary, convenient, or appropriate to accomplish the objectives of this Plan. It is the intent of this Plan that except as otherwise provided herein, WEDA shall exercise all such powers as may now be possessed or hereafter granted to WEDA for the elimination of qualifying conditions within the Area. Acquisition of property or any interest in property by WEDA within the Area may be undertaken by any means authorized by WEDA, including the use of eminent domain.
- 2.6.4 A feasible method exists for the relocation of individuals, families, and business concerns that may be displaced by an urban renewal project through the adoption of a relocation policy by WEDA insuring that decent, safe and sanitary dwelling accommodations and business locations can be made available.
- 2.6.5 The powers conferred by the Urban Renewal Law are for public uses and purposes for which public money may be expended and the police powers exercised, and this Plan is in the public interest and necessity, such finding being a matter of legislative determination by the City Council.

2.6.6 WEDA may, in its discretion, issue bonds, including revenue bonds or other obligations, to the extent permitted by law.

2.6.7 Compliance with South Westminster Strategic Revitalization Plan - On January 22, 2001, the Westminster City Council adopted a document relative to revitalization of the south Westminster neighborhood, within which the entire Urban Renewal Area and the Northgate Project Area are located. The goals of the South Westminster Strategic Revitalization Plan ("Revitalization Plan") guide the implementation of the Urban Renewal Plan. The goals as provided in the Revitalization Plan include:

- Provide a wide range of safe and habitable residential opportunities promoting and sustaining social and economic diversity.
- Promote and facilitate development and rehabilitation activity to support and sustain a healthy economic base aimed at developing, attracting, and retaining a diverse range of businesses neighborhood supporting businesses.
- Develop and promote the neighborhood as a positive and desirable Westminster asset attractive to existing residents and newcomers alike.
- Improve opportunities for community participation in social, recreation and cultural programs and use of public facilities and property, in an innovative manner that is enticing and fulfilling to residents and visitors.

### 3. DESCRIPTION OF PLAN OBJECTIVES

This Plan is an important tool to address the problems confronting the South Sheridan area. The Plan helps to further the goals for the area previously outlined in the CLUP. The objectives for the Plan include the following:

- Reduce the traffic congestion and enhance mobility in the area.
- Renovate or redevelop the deteriorated and/or outdated retail, manufacturing and office buildings.
- Enhance the aesthetic appearance of the area to make it more appealing to residents of the City, shoppers and employees.
- Assemble vacant and developed parcels as needed to facilitate redevelopment.
- Increase tax revenues collected from the area.
- Reduce the retail vacancy rate in the area and enhance other non-residential areas.

- Improve property values in the area.
- Secure and improve additional public parks, opens space and trail connections, including additional trail connections under Sheridan Boulevard.
- Furtherance of the South Westminster Revitalization Plan.

#### **4. PLAN IMPLEMENTATION**

In order to accomplish the objectives of this Plan and to fully implement this Plan, WEDA shall be authorized to undertake the following activities:

##### **4.1 Redevelopment and Rehabilitation Actions**

Redevelopment and rehabilitation actions within the South Sheridan area may include such undertakings and activities as are in accordance with this Plan and the Urban Renewal Law, including without limitation: renovation and rehabilitation of existing buildings; demolition and removal of buildings and improvements as set forth herein; installation, construction and reconstruction of public improvements as set forth herein; elimination of unhealthful, unsanitary or unsafe conditions; programs for repair, alteration and rehabilitation of existing improvements; elimination of obsolete or other uses detrimental to the public welfare; and other actions to remove or to prevent the spread of deterioration or to provide land for needed public facilities. WEDA is authorized to solicit interest from developers in redevelopment projects and to negotiate with landowners, developers, and investors regarding appropriate projects within the South Sheridan area.

##### **4.2 Property Acquisition and Land Assemblage**

It is the principal intent of this Plan that property for projects in the Area be acquired by private individuals and entities. While WEDA is authorized to acquire real property or any interest in real property by purchase, gift, donation, lease or other conveyance, this principal intent is the foundation upon which this Plan has been developed. If necessary, WEDA is authorized to acquire property or interests in property by condemnation as provided in Article 1 and Article 7 of Title 38 of the Colorado Revised Statutes.

##### **4.3 Relocation Assistance and Payments**

In the event it is necessary to relocate or displace any resident, business or commercial establishments as a result of any property acquisition, WEDA may adopt relocation policies for payment of relocation expenses. Such expenses may include moving expenses, actual direct losses of property for business concerns, and goodwill and lost profits that are reasonably related to relocation of the business, resulting from its displacement for which reimbursement or compensation is not otherwise made.

#### **4.4 Demolition, Clearance and Site Preparation**

With respect to property acquired by WEDA, it may demolish and clear, or contract to demolish and clear, those buildings, structures and other improvements from property pursuant to this Plan if in the judgment of WEDA such buildings, structures and other improvements are not to be rehabilitated in accordance with this Plan.

#### **4.5 Public Improvements and Facilities**

WEDA may undertake certain actions which would make the Area more attractive for private investment. These actions may include but are not limited to street and traffic improvements, streetscape improvements, landscaping, park and recreation facilities, utility improvements and public art projects, stormwater management projects and historic preservation efforts.

Public projects are intended to stimulate private sector investment in and around the Urban Renewal Area. The combination of public and private investment will assist in the reinvestment and conversion of the Urban Renewal Area into an attractive and viable urban neighborhood. Public improvements may include, but are not limited to, street and traffic improvements, streetscape improvements, landscaping, public spaces, sidewalks, utility undergrounding, lighting, park and recreation facilities, storm drainage improvements, utility improvements and public art projects. WEDA may also, or cause others to, install, construct and reconstruct any other authorized improvements in the Urban Renewal Area, which may include, without limitation, other authorized undertakings or improvements for the purpose of promoting the objectives of this Plan, the South Westminster Urban Renewal Plan and the Urban Renewal Law.

#### **4.6 Property Disposition**

WEDA may sell, lease, or otherwise transfer real property or any interest in real property subject to such covenants, conditions and restrictions, including architectural and design controls, time restrictions on development, and building requirements, in addition to zoning and building code regulations. Real property or interests in real property may be sold, leased or otherwise transferred for uses in accordance with this Plan.

#### **4.7 Redevelopment Agreements**

WEDA is authorized to enter into one or more Redevelopment Agreements with developer(s) and such other entities as are determined by WEDA to be necessary or desirable by WEDA to carry out the purposes of this Plan. Such Redevelopment Agreements may contain such terms and provisions as shall be deemed necessary or appropriate by WEDA for the purpose of undertaking the activities contemplated by this Plan or the Urban Renewal Law, and may further provide for such undertakings by WEDA, including financial assistance, as may be necessary for the achievement of the objectives of this Plan or as may otherwise be authorized by the Urban Renewal Law.

#### **4.8 Intergovernmental Cooperation**

WEDA may enter into one or more Cooperation Agreements with the City of Westminster or other public bodies pursuant to the Urban Renewal Law. Cooperation Agreements may provide, without limitation, for financing, for construction of public improvements, for administration, for technical assistance and for other purposes.

### **5. PROJECT FINANCING**

#### **5.1 Tax Increment Financing**

The primary method of financing the projects undertaken in furtherance of this Plan shall be the use of sales tax and property tax increment financing pursuant to Section 31-25-107(9), C.R.S., which is by this reference incorporated herein as if set forth in its entirety. If there is any conflict between the Urban Renewal Law and this Plan, the provisions of the Urban Renewal Law shall control. All property and sales taxes collected within the South Sheridan Urban Renewal Area ("Area") shall be divided as follows:

- a) That portion of property and sales taxes equal to the amount collected within the boundaries of the Area in the twelve-month period ending on the last day of the month prior to the effective date of the approval of this Plan shall be paid into the funds of each such public body as are all other taxes collected by or for such public body.
- b) Except as WEDA may legally provide otherwise under the Urban Renewal Law, the portion of such property and sales taxes in excess of the amounts described in paragraph a), above, shall be allocated to and, when collected, paid into a special fund to fund WEDA's obligations with respect to any project, including payment of the principal of, the interest on, and any premiums due in connection with the bonds, loans or advances to, or indebtedness incurred by (whether funded, refunded, assumed, or otherwise) WEDA for financing or refinancing, in whole or in part, the reinvestment projects or applicable redevelopment agreements.
- c) When such bonds, loans, advances, and indebtedness, if any, including interest thereon and any premiums due in connection therewith, have been paid, but in no event later than 25 years following the adoption of this Plan for the construction of the projects' improvements, any excess property and sales tax collections not allocated pursuant to this paragraph or any Cooperation Agreement between WEDA and City or other taxing jurisdiction, shall be paid into the funds of said jurisdiction or public body. Unless and until the total property and sales tax collections in the Area exceed the base year property and sales tax collections in the Area, as provided in paragraph a), above, all such property and sales tax collections shall be paid into the funds of the appropriate public body. WEDA

reserves the right to enter into Cooperation Agreements with select taxing jurisdictions relative to allocation of incremental tax revenues.

- d) The adoption of this Plan shall be deemed an adoption of a provision that taxes, if any, levied after the effective date of the approval of this Plan upon taxable property in the Area shall be divided among WEDA and various taxing entities for a period of 25 years thereafter or such lesser period as provided in Section 31-25-107(9), C.R.S., or in any Cooperation Agreement between WEDA and a county, school district, the City or a special district.
- e) WEDA and the City may, by Cooperation Agreement or other agreement, provide for the method by which sales tax increments shall be allocated and paid to WEDA pursuant to the provisions of this Plan and the Urban Renewal Law. Such agreements, and similar agreements between WEDA and other public bodies, may provide for additional assistance by the City and cooperation between WEDA and the City in support of the projects as may be more fully set forth in the provisions of such Cooperation Agreement or other agreement.

## **5.2 Additional Taxing Entities**

WEDA recognizes that tax increment financing is the primary tool for funding redevelopment activities. However, Colorado law allows the creation of additional political subdivisions within a municipality to provide services within a defined area. These entities include metropolitan and other special districts as well as general and business improvement districts. These districts have available certain taxing powers that can generate revenues in addition to those generated by tax increment financing.

WEDA is committed to exploring a variety of strategies and mechanisms to complement tax increment financing. WEDA recognizes that it is imperative that financing mechanisms be flexible and creative to provide necessary assistance to a broad range of redevelopment activities.

## **5.3 Participating Interest in Projects**

WEDA may require a participating interest in private development projects for which it provides financial assistance. Public assistance is frequently needed for redevelopment projects in order to fill the gap between traditional equity and debt financing and the additional costs of a redevelopment project. In the event the project generates revenues at or greater than market return, the public should share in the success of the project. The terms of the participating interest will be specified in the Redevelopment Agreement at a level and on terms appropriate for each project.



**6. AMENDMENTS TO THIS PLAN**

This Plan may be amended or modified pursuant to provision of the Urban Renewal Law as provided in § 31-25-107, C.R.S.

## 2.0 Study Area Location and Definition

The South Sheridan Study Area is located in the City of Westminster in the State of Colorado, roughly six miles northwest of Downtown Denver (see Exhibit 1: Regional Context Map).

The Study Area is generally situated along Sheridan Boulevard between West 70th Avenue and approximately West 82nd Avenue (see Exhibit 2: Study Area Map).

The Study Area has been broken down into five subareas (see Exhibit 3: Subarea Definition Map). The use of these smaller geographical areas facilitates field survey data collection and allows information shown on maps in this report to be presented at a more readable scale. The five subareas are defined as follows:

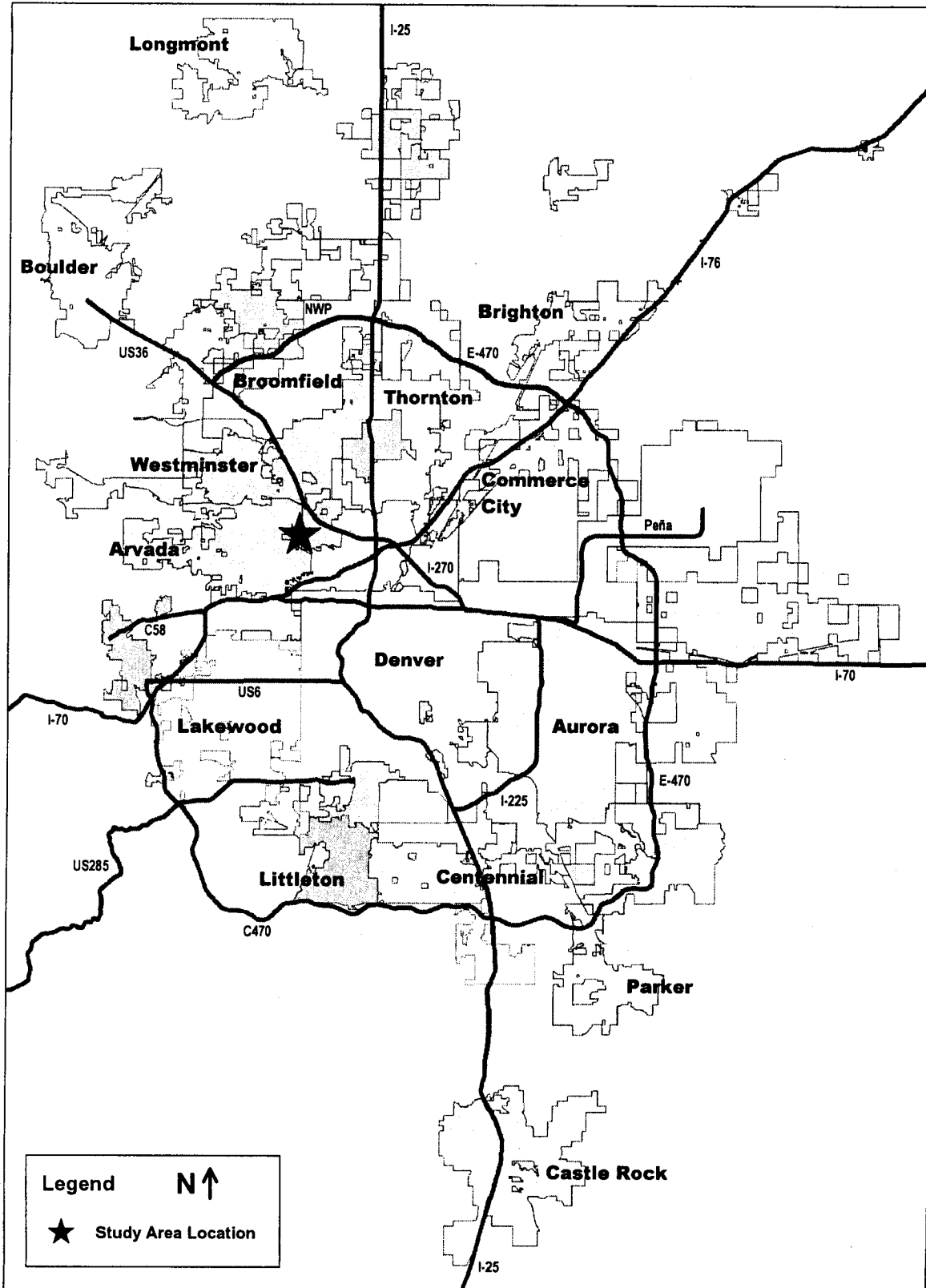
- Subarea 1: North of W. 80th Avenue
- Subarea 2: Between W. 78th Avenue and W. 80th Avenue
- Subarea 3: Between W. 75th Avenue and W. 78th Avenue
- Subarea 4: Between W. 72nd Avenue and W. 75th Avenue, east of Sheridan
- Subarea 5: Between W. 70th Avenue and approximately W. 74th Avenue, west of Sheridan

The Study Area is 176 acres in size and consists of 87 complete real estate parcels, one partial real estate parcel, and non-parcelized public streets and rights-of-way. For each parcel, the following information was gathered:

- Assessor's Parcel Number
- Property Owner Name
- Property Site Address
- County Location
- General Land Use
- Area in Acres

The total land area of the 88 real estate parcels within the Study area is approximately 137 acres (see Exhibit 4: Study Area Real Estate Parcels). The non-parcelized public streets and rights-of-way cover the remaining 39 acres.

Exhibit 1: Regional Context Map



### Exhibit 2: Study Area Map



Exhibit 3: Subarea Definition Map



**Exhibit 4: Study Area Real Estate Parcels**

Assessor's Parcel Number	Property Owner	Property Address	County Location	General Land Use	Area (Acres)
<b>Subarea 1</b>					
0171930320007	Berman Andrew P	8020 Sheridan Boulevard	Adams	Commercial	0.17
0171930320005	Lutgen Vernon A	8060 Sheridan Boulevard	Adams	Commercial	0.29
0171930320001	Osage Properties LLC	8070 Sheridan Boulevard	Adams	Commercial	0.41
0171930300023	Blue Owl Investments LLC	8080 Sheridan Boulevard	Adams	Commercial	0.72
0171930311005	Sheridan Investors LLC	8120 Sheridan Boulevard	Adams	Commercial	1.98
0171930310012	Total Petroleum Inc	8160 Sheridan Boulevard	Adams	Commercial	0.72
0171930310014	Merritt Bobby J	8190 Sheridan Boulevard	Adams	Commercial	0.87
0171930300013	Luevano Ignacio Trust	4977 W. 80th Avenue	Adams	Commercial	0.73
0171930300012	Luevano Ignacio Trust	4991 W. 80th Avenue	Adams	Commercial	1.01
0171930321001	Storage Equities Inc	5005 W. 80th Avenue	Adams	Commercial	4.01
0171930300008	Wash Me Car Wash	5051 W. 80th Avenue	Adams	Commercial	0.58
0171930300035	Action Holdings LLC	5155 W. 80th Avenue	Adams	Commercial	0.42
0171930300007	Action Holdings LLC	5161 W. 80th Avenue	Adams	Commercial	0.31
0171930320008	Fuller & Son LLC	5185 W. 80th Avenue	Adams	Commercial	0.30
0171930310004	Carlson Clarke D	5005 W. 81st Place	Adams	Commercial	0.59
0171930310015	Little Park Ranches LLP	5100 W. 81st Place	Adams	Commercial	3.66
0171930300027	Action Holdings LLC	No Site Address	Adams	Commercial	0.13
0171930300036	Action Holdings LLC	No Site Address	Adams	Commercial	1.19
0171930310009	Carlson Clarke D	No Site Address	Adams	Commercial	0.06
0171930310016	Cammann Michael M	No Site Address	Adams	Commercial	0.64
					<b>18.16</b>

<b>Subarea 2</b>					
0171931217001	D & A Inc	7810 Sheridan Boulevard	Adams	Commercial	0.37
0171931213009	Sheridan East Partners LLC	7820 Sheridan Boulevard	Adams	Commercial	0.48
0171931213008	Sheridan East Partners LLC	7850 Sheridan Boulevard	Adams	Commercial	0.58
29-361-01-053	Miller Thomas A	7855 Sheridan Boulevard	Jefferson	Commercial	0.75
0171931213007	Sheridan East Partners LLC	7930 Sheridan Boulevard	Adams	Commercial	0.34
0171931213006	Sheridan East Partners LLC	7940 Sheridan Boulevard	Adams	Commercial	0.36
0171931213005	Bean Gilbert A Trustee	7960 Sheridan Boulevard	Adams	Commercial	0.51
0171931213004	Jones L Bruce	7970 Sheridan Boulevard	Adams	Commercial	0.45
0171931200004	Walker Roger W	7980 Sheridan Boulevard	Adams	Commercial	0.54
0171931200001	80th & Sheridan Associates	7990 Sheridan Boulevard	Adams	Commercial	0.31
0171931213021	Stroup / Ciri Properties LLP	7901 Zenobia Street	Adams	Commercial	0.02
0171931213026	Westminster Colony Office	7901 Zenobia Street	Adams	Commercial	0.37
0171931213022	Stroup / Ciri Properties LLP	7903 Zenobia Street	Adams	Commercial	0.03
0171931213023	Stroup / Ciri Properties LLP	7905 Zenobia Street	Adams	Commercial	0.02
0171931213024	Borchers Richard M	7907 Zenobia Street	Adams	Commercial	0.02
0171931213025	Larson Micki	7909 Zenobia Street	Adams	Commercial	0.02
0171931213029	Tramutt Michael H	7919 Zenobia Street	Adams	Commercial	0.02
0171931213030	Heil Land Co The	7919 Zenobia Street	Adams	Commercial	0.02
0171931213031	Heil Land Co The	7919 Zenobia Street	Adams	Commercial	0.31
0171931217002	D & A Inc	5141 W. 78th Avenue	Adams	Commercial	0.35
29-361-01-057	Roberts Patricia L	5210 W. 78th Place	Jefferson	Commercial	0.68
29-361-01-056	W 78th LLC	5240 W. 78th Place	Jefferson	Commercial	0.58
29-361-01-054	Robertson June	5305 W. 78th Place	Jefferson	Residential	0.59
0171931213034	Bennett Family Holdings	5130 W. 80th Avenue	Adams	Commercial	0.95
0171931213033	Hyatt Management LLC	5150 W. 80th Avenue	Adams	Commercial	0.53
0171931213015	Bean Gilbert A Trustee	No Site Address	Adams	Commercial	0.33
0171931213016	Bean Gilbert A Trustee	No Site Address	Adams	Commercial	0.32
0171931213017	Sheridan East Inc	No Site Address	Adams	Commercial	0.55
0171931213018	Bean Gilbert A Trustee	No Site Address	Adams	Commercial	0.46
0171931213028	Jones L Bruce	No Site Address	Adams	Commercial	0.06
					<b>10.92</b>

**Exhibit 4: Study Area Real Estate Parcels (continued)**

Assessor's Parcel Number	Property Owner	Property Address	County Location	General Land Use	Area (Acres)
<b>Subarea 3</b>					
0171931301017	M & S Kim LLC	7500 Sheridan Boulevard	Adams	Commercial	2.02
0171931302020	Thomas-Witcoff LLC	7578 Sheridan Boulevard	Adams	Commercial	0.50
0171931301011	Diamond Shamrock Refining	7580 Sheridan Boulevard	Adams	Commercial	0.34
0171931301018	Diamond Shamrock Refining	7584 Sheridan Boulevard	Adams	Commercial	0.51
0171931302021	Kloor Patricia A	7590 Sheridan Boulevard	Adams	Commercial	0.31
0171931301012	Diamond Shamrock Refining	No Site Address	Adams	Commercial	0.17
0171931302019	Diamond Shamrock Refining	No Site Address	Adams	Commercial	0.11
0171931302022	Thomas-Witcoff LLC	No Site Address	Adams	Commercial	0.07
					<b>4.04</b>

<b>Subarea 4</b>					
0171931324001	De Palma Mike	7370 Sheridan Boulevard	Adams	Residential	3.10
0171931300003	Culbreath J Gail Und	7480 Sheridan Boulevard	Adams	Residential	1.00
0171931300021	Byers Family Trust	7490 Sheridan Boulevard	Adams	Residential	2.60
0171931328007	Joseph Felix Realty Co	4955 W. 72nd Avenue	Adams	Commercial	1.81
0171931328008	Bascos Cosme A	4955 W. 72nd Avenue	Adams	Commercial	2.38
0171931328013	Joseph Felix Realty Co	5055 W. 72nd Avenue	Adams	Commercial	0.93
0171931328014	Albertsons, Inc.	5005 W. 72nd Avenue	Adams	Commercial	3.82
0171931328010	Mc Donalds Corporation	5155 W. 72nd Avenue	Adams	Commercial	1.10
0171931328001	Breck Mountain Properties LLC	5165 W. 72nd Avenue	Adams	Commercial	0.44
0171931300024	HG Investments	No Site Address	Adams	Residential	1.86
0171931300026	De Palma Mike	No Site Address	Adams	Residential	3.62
0171931328006	Joseph Felix Realty Co	No Site Address	Adams	Commercial	0.36
0171931328009	Joseph Felix Realty Co	No Site Address	Adams	Commercial	1.15
					<b>24.15</b>

<b>Subarea 5</b>					
39-011-00-004	Anderson Richard D	7007 Sheridan Boulevard	Jefferson	Residential	1.19
39-011-01-006	Shoenberg Venture	7051 Sheridan Boulevard	Jefferson	Commercial	0.84
39-011-01-005	Shoenberg Venture	7061 Sheridan Boulevard	Jefferson	Commercial	1.41
39-011-01-003	Shoenberg Venture	7141 Sheridan Boulevard	Jefferson	Commercial	0.65
39-011-01-002	Shoenberg Venture	7151 Sheridan Boulevard	Jefferson	Commercial	1.26
39-011-01-001	Shoenberg Venture	7171 Sheridan Boulevard	Jefferson	Commercial	0.68
39-011-01-007	Shoenberg Venture	7199 Sheridan Boulevard	Jefferson	Commercial	4.23
29-364-00-008	Tepper Debra E	7201 Sheridan Boulevard	Jefferson	Residential	0.87
29-364-00-007	Tepper Jerry J Co-trustee	7225 Sheridan Boulevard	Jefferson	Residential	0.66
29-364-00-005	Tepper Partners LLC	7255 Sheridan Boulevard	Jefferson	Industrial	25.33
29-364-00-006	Wells Fargo Bank Northwest	7200 Depew Street	Jefferson	Residential	8.84
39-011-01-004	Shoenberg Venture	5330 W. 72nd Avenue	Jefferson	Commercial	6.46
29-364-00-001*	City Of Westminster	6109 W. 73rd Avenue	Jefferson	Public	0.80
29-364-00-002	Wells Fargo Bank Northwest	No Site Address	Jefferson	Residential	8.22
39-011-00-001	Wells Fargo Bank Northwest	No Site Address	Jefferson	Residential	1.21
39-011-00-002	Imperial Bank	No Site Address	Jefferson	Residential	8.76
39-011-00-003	Imperial Bank	No Site Address	Jefferson	Residential	8.52
					<b>79.91</b>

<b>Study Area Parcels</b>	<b>137.17</b>
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\* The entire parcel is approximately 29 acres in size of which only 0.80 acres has been included within the Study Area  
 Sources: City of Westminster Community Development, Jefferson County Assessor, Adams County Assessor

### 3.0 Study Area Description

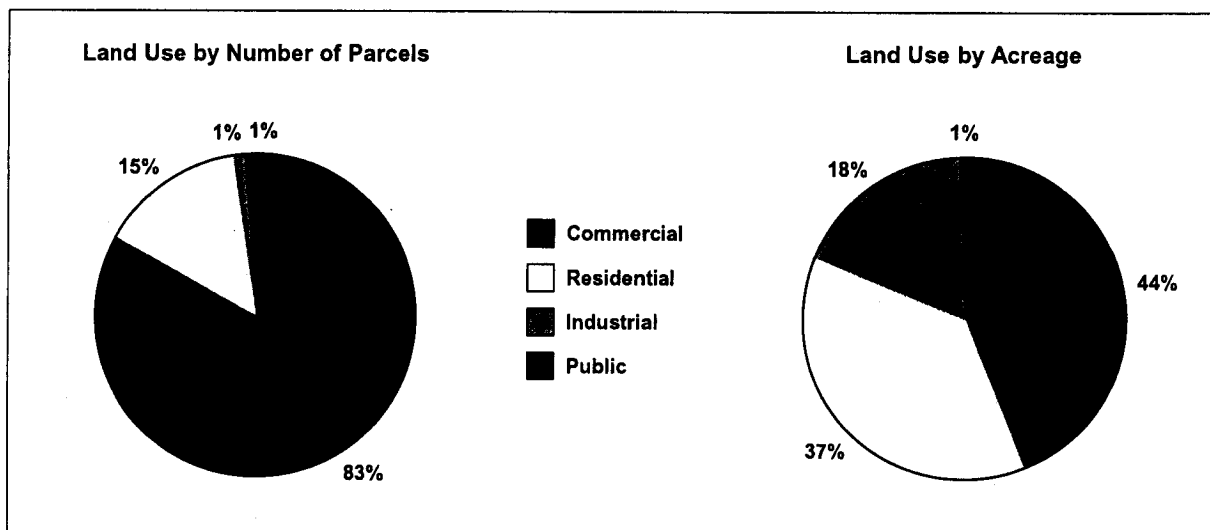
The Study Area is generally situated along Sheridan Boulevard between W. 70th Avenue and approximately W. 82nd Avenue. Sheridan Boulevard is a principal arterial serving the west-central part of the Denver metropolitan area and providing north/south mobility from the City of Littleton in the south to the City and County of Broomfield in the north.

Most of the properties along Sheridan Boulevard within the Study Area are commercial, with a few scattered residential properties found between W. 70th and W. 75th Avenues. These older homes typically sit on larger lots, some with ancillary structures, and reflect the area’s agricultural roots.

The commercial properties along Sheridan Boulevard are mostly neighborhood and community retail, located within a mix of small stand-alone structures and small to mid-sized shopping centers, and featuring a number of bars, restaurants, and gas stations. The largest retail property, Hidden Lake Shopping Center, is located at the northeast corner of Sheridan and W. 72nd Avenue and includes an Albertson’s grocery store as the anchor tenant. A few office and semi-industrial uses are also found within the Study Area. Several small multi-tenant office buildings are located primarily in the area north of W. 78th Avenue and two large self-storage businesses and an industrial equipment rental business are found further north along W. 81st Place. A large, mostly vacant, industrial parcel located on the west side of Sheridan just south of W. 74th Avenue houses an emissions testing facility.

Exhibit 5: Study Area Land Use, shown below, is based on the general land use classifications associated with each parcel in the real property databases of the Jefferson and Adams County Assessor’s offices. These land use classifications include both vacant and non-vacant parcels.

**Exhibit 5: Study Area Land Use**





## 4.0 Colorado Urban Renewal Law

In the Colorado Urban Renewal Law, Colo. Rev. Stat. § 31-25-101 et seq. (the “Urban Renewal Law”), the legislature has declared that an area of blight “constitutes a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state in general and municipalities thereof; that the existence of such areas contributes substantially to the spread of disease and crime, constitutes an economic and social liability, substantially impairs or arrests the sound growth of municipalities, retards the provision of housing accommodations, aggravates traffic problems and impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and statewide concern....”

Under the Urban Renewal Law, the term “blighted area” describes an area with an array of urban problems, including health and social deficiencies, and physical deterioration. See Colo. Rev. Stat. § 31-25-103(2). Before remedial action can be taken by a public agency, however, the Urban Renewal Law requires a finding by the appropriate governing body that an area such as the Study Area constitutes a blighted area. *Id.* § 107(1).

The determination that an area constitutes a blighted area is a cumulative conclusion attributable to the presence of several physical, environmental, and social factors. Indeed, blight is attributable to a multiplicity of conditions, which, in combination, tend to accelerate the phenomenon of deterioration of an area. For purposes of the study, the definition of a blighted area is premised upon the definition articulated in the Urban Renewal Law, as follows:

*“Blighted area’ means an area that, in its present condition and use and, by reason of the presence of at least four of the following factors, substantially impairs or arrests the sound growth of the municipality, retards the provision of housing accommodations, or constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare:*

- a. *Slum, deteriorated, or deteriorating structures;*
- b. *Predominance of defective or inadequate street layout;*
- c. *Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;*
- d. *Unsanitary or unsafe conditions;*
- e. *Deterioration of site or other improvements;*
- f. *Unusual topography;*
- g. *Defective or unusual conditions of title rendering the title non-marketable;*
- h. *The existence of conditions that endanger life or property by fire and other causes;*
- i. *Buildings that are unsafe or unhealthy for persons to live or work in;*
- j. *Environmental contamination of buildings or property; or*
- k. *Inadequate public improvements or utilities.”*

Additionally, paragraph (l.) states, *“if there is no objection by the property owner or owners and the tenant or tenants of such owner or owners, if any, to the inclusion of such property in an urban renewal area, ‘blighted area’ also means an area that, in its present condition and use and, by reason of the presence of any one of the factors specified in paragraphs (a) to (k) of this subsection....”*

Several principles have been developed by Colorado courts to guide the determination of whether an area constitutes a blighted area under the Urban Renewal Law. First, the absence of widespread violation of building and health codes does not, by itself, preclude a finding of blight. “The definition of ‘blighted area’ contained in [the Urban Renewal Law] is broad and encompasses not only those areas containing properties so dilapidated as to justify condemnation as nuisances, but also envisions the prevention of deterioration.”

Second, the presence of one well-maintained building does not defeat a determination that an area constitutes a blighted area. A determination of blight is based upon an area “taken as a whole,” and not on a building-by-building or parcel-by-parcel basis.

Third, an authority’s “determination as to whether an area is blighted...is a legislative question and the scope of review by the judiciary is restricted.” A court’s role in reviewing such a blight determination is simply to verify independently if the conclusion is based upon factual evidence and consistent with the statutory definition.

URS was retained by the City of Westminster to perform an independent survey of the Study Area and to determine if it constitutes a blighted area under the Urban Renewal Law. Based upon the conditions existing in the Study Area, this study will make a recommendation as to whether the Study Area constitutes a blighted area. The actual determination itself remains the responsibility of the City’s legislative body. Each real estate parcel was surveyed and evaluated to determine the level of blight within the parcel. When determining whether the Study Area is blighted, however, the entire Study Area was analyzed as a whole.

The collection of site condition data consists of a phased field survey approach. The Phase 1 field survey includes the collection and evaluation of data on seven of the eleven possible blight criteria discussed above. Those seven criteria are:

- Slum, deteriorated, or deteriorating structures
- Predominance of defective or inadequate street layout
- Faulty lot layout in relation to size, adequacy, accessibility, or usefulness
- Unsanitary or unsafe conditions
- Deterioration of site or other improvements
- Unusual topography
- Inadequate public improvements or utilities

These seven blight criteria have been identified as those that are often the most commonly occurring criteria that contribute to a finding of blight, as well as those requiring a slightly less intrusive field reconnaissance effort. If sufficient documentation of blight conditions from these seven criteria is found within the Study Area to satisfy the requirements of the Colorado urban renewal statutes, it would be unnecessary to survey for the remaining four criteria, which are:

- Defective or unusual conditions of title rendering the title non-marketable
- The existence of conditions that endanger life or property by fire and other causes
- Buildings that are unsafe or unhealthy for persons to live or work in
- Environmental contamination of buildings or property

With the exception of "defective or unusual conditions of title," these remaining criteria require a survey of both the interior of the various buildings on the site and the exterior grounds with a more technical focus on those elements that would qualify as evidence of environmental contamination, fire and health hazards, structural defects, etc. If insufficient or only marginally compelling evidence of blight is found through the first seven criteria, a Phase 2 field survey for these remaining criteria would then be conducted.

## 5.0 Conditions Contributing to a Finding of Blight

This section provides a detailed explanation of the type of site conditions that would contribute to the finding of blight for each of the eleven criteria established by Colorado statutes.

### **Slum, Deteriorated, or Deteriorating Structures**

Field survey efforts examining this blight criterion focus on the general condition and level of deterioration of a building's exterior components, such as:

- Exterior walls
- Visible foundation
- Fascia and soffits
- Gutters and downspouts
- Exterior finishes
- Windows and doors
- Exterior stairways and fire escapes
- Loading dock areas
- Fences, walls, and gates

The examination of these structural elements is limited to a visual inspection of condition and not a detailed engineering or architectural analysis. The intent of this portion of the field survey is to identify obvious indications of disrepair and deterioration in the exterior of the structures found within the Study Area.

### **Predominance of Defective or Inadequate Street Layout**

The analysis conducted for this blight criterion evaluates the effectiveness or adequacy of the streets that surround and penetrate the Study Area. Factors in this section include:

- Poor vehicular access to buildings or sites
- Poor internal vehicular circulation
- Substandard driveway or curb cut definitions
- Poor parking lot layout or access

The identification of deficiencies in these transportation-related areas is made through both observation in the field as well as through an analysis of Study Area site plan maps and the Study Area's overall integration with the surrounding transportation network.

**Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness**

This blight criterion requires an analysis of the Study Area with regard to its accessibility and usefulness as a developable or developed site. Conditions within this criterion include:

- Faulty lot shape
- Faulty lot layout
- Inadequate lot size
- Non-conforming or incompatible land use

These factors take into consideration the position and orientation of Study Area structures to other structures (both in and out of the Study Area) as well as the shape, orientation, location, and size of parcels, and if these attributes would negatively impact the potential for development or redevelopment. The analysis is performed both through observation in the field and through an analysis of the Study Area site plan maps and the site plans of the adjacent real estate parcels.

**Unsanitary or Unsafe Conditions**

Field survey efforts within this blight criterion focus on the following factors:

- Poorly lit or unlit areas
- Cracked or uneven surfaces for pedestrians
- Poor drainage or standing water
- Insufficient grading or steep slopes
- Presence of trash, debris, or weeds
- Presence of abandoned vehicles
- Presence of vagrants, vandalism, or graffiti

The presence of these conditions indicate or can contribute to an environment that is unsanitary or unsafe, especially for pedestrians and children.

**Deterioration of Site or Other Improvements**

This section focuses on conditions that indicate the lack of general maintenance at a site or, through the presence of these factors, an environment that reduces a site's usefulness and desirability.

- Presence of billboards
- Deterioration of signage
- Neglected, vacant or abandoned properties
- Unscreened trash or mechanical equipment
- Parking surface and/or parking curb deterioration
- General site maintenance problems
- Lack of landscaping

**Unusual Topography**

The focus in this section is on the presence of unusual topographical conditions, such as:

- Steep slopes
- Flood plains and wetlands
- Rock outcroppings
- Poor load-bearing soils

**Defective or Unusual Conditions of Title Rendering the Title Non-marketable**

This criterion, when it does apply, is usually known to exist at the commencement of the blight study, and can adversely affect the marketability and desirability of a property.

**The Existence of Conditions that Endanger Life or Property by Fire and Other Causes**

The presence of the following factors can lead to the finding of blight within this criterion:

- Buildings or sites inaccessible to fire and emergency vehicles
- Blocked or poorly maintained fire and emergency access routes or frontages
- Insufficient fire and emergency vehicle turning radii

**Buildings that are Unsafe or Unhealthy for Persons to Live or Work In**

Some of the conditions that can contribute to this blight criterion include:

- Poor structural design or construction
- Inadequate or improper installation of electrical, mechanical, or other utility components
- Lack of sanitary water or sewer systems

**Environmental Contamination of Buildings or Property**

Factors evaluated in this section include the presence of hazardous substances, liquids, or gasses found within the soils, structures, water sources, or other sites within the Study Area.

**Inadequate Public Improvements or Utilities**

This section identifies key deficiencies in the public infrastructure system within the Study Area, including:

- Deterioration of street pavement
- Deterioration of curb and gutter
- Insufficient street lighting
- Presence of overhead utilities
- Lack of sidewalks

## 6.0 Field Survey Findings

The overall findings of the South Sheridan Study Area field survey are presented in this section. This evaluation is based on the analysis of data and field surveys conducted in December of 2003. The field surveys occurred during several weekday and weekend mornings and afternoons, and on a weekday evening in order to observe nighttime lighting conditions.

### **Slum, Deteriorated or Deteriorating Structures**

Approximately half of the non-vacant properties within the Study Area contain structures that exhibit some form of visible deterioration. Many of these are relatively minor situations consisting of deteriorated building exterior finishes (such as chipped paint or faded wood or metal siding) and deteriorating fences, walls, and gates. This condition reflects the fact that many of the buildings in the Study Area were constructed in the 1960s and 1970s and are now exhibiting the effects of three or four decades of wear and tear and exposure to the elements. This results in a somewhat drab and tired visual appearance to these properties which diminishes the overall appeal of the area.

There are other properties, however, scattered about the Study Area that exhibit a higher level of building deterioration. Several of these are located along W. 80th Avenue and in much of Subarea 5 (west side of Sheridan, south of W. 74th Avenue). Some of the conditions found on these properties include:

- Rusted, damaged, or sagging fascia and soffits
- Broken window pane glass
- Broken or loose window and door frames
- Cracked, protruding or damaged walls

Some of these instances of deteriorating structures are likely due to a lack of general upkeep, while others indicate a more substantial deterioration of the structure itself.

### **Predominance of Defective or Inadequate Street Layout**

The primary instances of defective or inadequate street layout found within the Study Area involve poor internal circulation, poor parking lot layout, and poor vehicle access.

Several of the smaller commercial properties along Sheridan have a single vehicle access point (curb cut) to their parking lot, with no driveway looping around the building or providing access to the rear of the property, and parking lots constrained to a single drive lane that terminates at the front of the building. This results in poor internal circulation, with vehicles forced to turn around by using a parking space or, in the case of delivery trucks or when the parking lot is full, to exit the site by backing out into traffic on Sheridan.

While several sites have less than ideal parking lot configurations, one site in particular, the Shoenburg Center, has a particularly poor parking lot layout. The internal drive lanes within its large parking area are defined only by faded painted lines on the asphalt. The entire parking area completely lacks any vertical elements, such as curbs, bollards, or landscaped berms or islands, that would better define the internal drive lanes, parking rows, and pedestrian crossings, and assist the driver with safe navigation through the site. The center's parking area can be characterized as a "sea of asphalt." Consequently, many vehicles were observed cutting across the many empty parking rows at various odd angles to reach their destinations across the site, apparently following the "shortest distance between two points is a straight line" concept.

Many of the parcels along Sheridan Boulevard, particularly those on the east side between W. 78th Avenue and W. 81st Place, and on the west side between W. 70th Avenue and W. 74th Avenue, have vehicle access problems. These properties must endure, for all intents and purposes, a "right in, right out" access situation. It can be very difficult and unsafe to make a left turn out of the parking lots of these properties onto Sheridan, given the traffic volumes and vehicle spacing found along this busy arterial. In order to turn left onto Sheridan, many drivers will turn left from the parking lot driveway into the continuous left turn lane on Sheridan and dwell there until a gap in the traffic allows a merge into the through lanes. This obviously presents potential conflicts with vehicles already on Sheridan that enter the same continuous left turn lane to make a left turn movement. Similarly, access to these properties requiring a left turn from Sheridan is also problematic. This is particularly the case for those properties near a signalized intersection, where vehicles waiting to turn left must yield to not only through traffic on Sheridan, but to vehicles just entering Sheridan from the cross street. Properties on the other side of the signalized intersection often have left-turn access into their parking lots blocked by vehicles on Sheridan in queue at the stoplight.

### **Faulty Lot Layout**

The instances of faulty lot layout conditions would be the existence of several small, strip-like parcels found in several locations within the Study Area that are undeveloped and, given their inadequate size, will stay that way unless eventually assembled into a larger parcel during a future redevelopment.

### **Unsanitary or Unsafe Conditions**

Most of the examples of unsanitary or unsafe conditions found in the Study Area occur in the form of trash and weeds, as well as the presence of graffiti. Evidence of litter, weeds growing through cracks in pavement or within landscaped areas, and weeds of excessive height in undeveloped parcels, was found on 17 properties within the Study Area. Evidence of graffiti was found on buildings on 14 properties within the Study Area. Also, several instances of cracked or broken sidewalks or other surfaces intended for pedestrians were observed.

### **Deterioration of Site or Other Improvements**

A variety of conditions were identified that meet the criteria for deterioration of site or other improvements. Two of the most common instances were parking surface deterioration and unscreened



trash. Many parking lots in the Study Area show obvious signs of pavement deterioration, such as large pot holes and excessive cracking in the asphalt. In several parking lots, concrete “stop blocks” were found that were broken and crumbled with the metal rebar exposed. Many of the smaller, older commercial properties also had their dumpsters sitting out in plain view, with no fence or other screen to reduce the unsightliness of these objects as well as to prevent access to them by children or animals. The lack of landscaping was also evident, particularly in the parking lot areas of some of the commercial establishments along Sheridan.

#### **Unusual Topography**

No evidence of unusual topography was observed within the Study Area.

#### **Defective or Unusual Conditions of Title Rendering the Title Non-marketable**

No evidence of defective or unusual conditions of title is known relating to the real estate parcels within the Study Area.

#### **The Existence of Conditions that Endanger Life or Property by Fire and Other Causes**

As noted earlier in Section 4.0, the study methodology included a phased field survey approach. A survey for evidence of this blight criterion was not conducted as part of the Phase 1 survey.

#### **Buildings that are Unsafe or Unhealthy for Persons to Live or Work In**

A survey for evidence of this blight criterion was not conducted as part of the Phase 1 survey.

#### **Environmental Contamination of Buildings or Property**

A survey for evidence of this blight criterion was not conducted as part of the Phase 1 survey.

#### **Inadequate Public Improvements or Utilities**

Conditions of inadequate public improvements or utilities were found in the Study Area primarily in two forms: the lack of sidewalks and the presence of overhead utilities. In several locations along both the east and west side of Sheridan between W. 70th Avenue and W. 75th Avenue, a social path worn in the grass along the street is evidence that pedestrian activity routinely occurs, despite the absence of any sidewalk. Additionally, on three occasions during the field survey, pedestrians were observed along Sheridan in these areas with no sidewalks, walking sometimes within a few feet of the rushing traffic.

At several locations, particularly in the older developed areas, overhead utility poles and wires create visual blight and the potential for unsafe conditions from downed electric lines.

### 7.0 Summary of Findings

It is the conclusion and recommendation of this study that the Study Area, in its present condition and use, is a blighted area as defined in Colo. Rev. Stat. § 31-25-103(2). By reason of the presence of numerous factors identified in Section 103(2) of the Urban Renewal Law and discussed above in Section 6.0, the Study Area substantially impairs or arrests the sound growth of the City, retards the provision of housing accommodations, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare.

While some properties in the Study Area were found to be in better condition than others, taken as an entire Study Area, six of the eleven blight criteria are met. It should be noted that the conclusion and recommendation of this study is based on the Study Area as a whole, and is not based on the conditions found on individual parcels or sub-areas.

Overall, there were 25 different conditions that were identified that contribute to the finding of blight within the Study Area. Exhibit 6: Count of Blight Condition Observations, shown below, totals the count of instances of blight observed within each subarea and within each blight criterion.

**Exhibit 6: Count of Blight Condition Observations**

		SLUM, DETERIORATED OR DETERIORATING STRUCTURES										DEFECTIVE STREET LAYOUT			FAULTY LOT LAYOUT			UNSANITARY OR UNSAFE CONDITIONS					DETERIORATION OF SITE OR OTHER IMPROVEMENTS					INADEQUATE PUBLIC IMPROVEMENTS										
		Deteriorated External Walls	Deteriorated Visible Foundation	Deteriorated Fascia/Soffits	Deteriorated Gutters/Downspouts	Deteriorated Exterior Finishes	Deteriorated Windows and Doors	Deteriorated Stairways/Fire Escapes	Deteriorated Loading Dock Areas	Deteriorated Fences/Walls/Gates	Deteriorated Ancillary Structures	Poor Vehicular Access	Poor Internal Circulation	Substandard Driveway Definition/Curb cuts	Poor Parking Lot Layout	Faulty Lot Shape	Faulty Lot Layout	Non-Conforming Land Use	Inadequate Lot Size	Poorly Lit or Unlit Areas	Cracked or Uneven Surfaces for Pedestrians	Poor Drainage	Insufficient Grading/Sleep Slopes	Trash/Debris/Weeds	Abandoned Vehicles	Vagrants/Vandalism/Graffiti	Presence of Billboards	Deterioration of Signage	Neglected Properties	Unscreened Trash/Mechanical	Parking Surface Deterioration	Site Maintenance Problems	Lack of Landscaping	Deterioration of Street Pavement	Deterioration of Curb and Gutter	Insufficient Street Lighting	Presence of Overhead Utilities	Lack of Sidewalks
Subarea 1	Count	0	0	3	0	2	2	0	0	3	0	4	3	0	2	0	0	0	0	2	0	0	4	0	2	0	2	0	4	4	4	4	1	1	0	5	0	
	Total	10										9			0			8					18					7										
Subarea 2	Count	0	0	1	0	4	0	0	0	4	0	9	4	0	2	0	0	0	1	0	1	0	0	4	0	5	0	1	0	4	8	0	3	1	0	0	6	0
	Total	9										15			1			10					16					7										
Subarea 3	Count	0	0	1	0	0	0	0	0	0	0	0	0	0	1	0	0	0	3	0	0	0	0	0	0	2	0	0	0	2	4	0	2	0	2	0	0	0
	Total	1										1			3			2					8					2										
Subarea 4	Count	1	0	0	0	2	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	1	0	3	0	0	0	2	0	0	0	0	0	0	2	3	
	Total	6										0			0			4					2					5										
Subarea 5	Count	1	0	2	0	5	1	0	0	2	1	10	1	1	2	0	0	1	0	0	0	0	8	0	2	1	3	0	1	6	2	0	0	2	0	7	9	
	Total	12										14			1			10					13					18										
Study Area	Count	2	0	7	0	13	3	0	0	12	1	23	8	1	7	0	0	1	4	0	3	0	0	17	0	14	1	6	0	13	22	6	9	2	5	0	20	12
	Total	38										39			5			34					57					39										

The conclusion of this study is based on the following summaries of the blighted conditions found in the Study Area and described previously in Section 6.0:

1. *Slum, Deteriorated, or Deteriorating Structures.* There is evidence of structures that are deteriorated or in a deteriorating state within the Study Area. Many structures in the Study Area exhibit some form of physical deterioration, with several exhibiting significant evidence of disrepair.
2. *Defective or Inadequate Street Layout.* There is evidence of a defective and inadequate street layout within the Study Area. A combination of poor parking lot layout, poor vehicular access to and from Sheridan, and poor internal circulation of smaller commercial properties contribute to this finding.
3. *Faulty Lot Layout.* There is evidence of defective lot layout within the Study Area. Several parcels have no current potential for development given their small size or narrow shape.
4. *Unsanitary or Unsafe Conditions.* There is evidence of unsanitary and unsafe conditions within the Study Area. This is evident by the presence of dangerous conditions in the form of cracked or uneven surfaces for pedestrians, the presence of weeds and litter, open trash receptacles, and the presence of graffiti.
5. *Deterioration of Site or Other Improvements.* There is evidence of a deterioration of site or other improvements within the Study Area. This blight criterion can be found in the deterioration of the parking lot surfaces, lack of landscaping, and substandard improvements such as unscreened trash and mechanical systems.
6. *Inadequate Public Improvements.* There is evidence of inadequate public improvements within the Study Area. No sidewalks exist along several key portions of Sheridan Boulevard, placing pedestrians at risk, and the presence of overhead utility wires detracts from the visual appeal of the area.

## 8.0 Documentation of Blight

The following exhibits have been prepared to document the blight conditions observed within the Study area:

Exhibit 7: Blight Conditions by Parcel, uses a matrix format to identify the blight conditions observed within each parcel in the Study Area.

Exhibit 8: Blight Conditions by Photograph, uses a matrix format to identify the blight conditions in evidence in each of the photographs.

Exhibit 9: Photograph Location Maps, identifies the location and direction of view of each photograph taken to document the evidence of blight within the Study Area.

Exhibit 10: Photograph Index, provides a thumbnail view index of all photographs taken.

Exhibit 11: Photographs of Blight Conditions, presents the photographs that were taken documenting the evidence of blight within the Study Area.



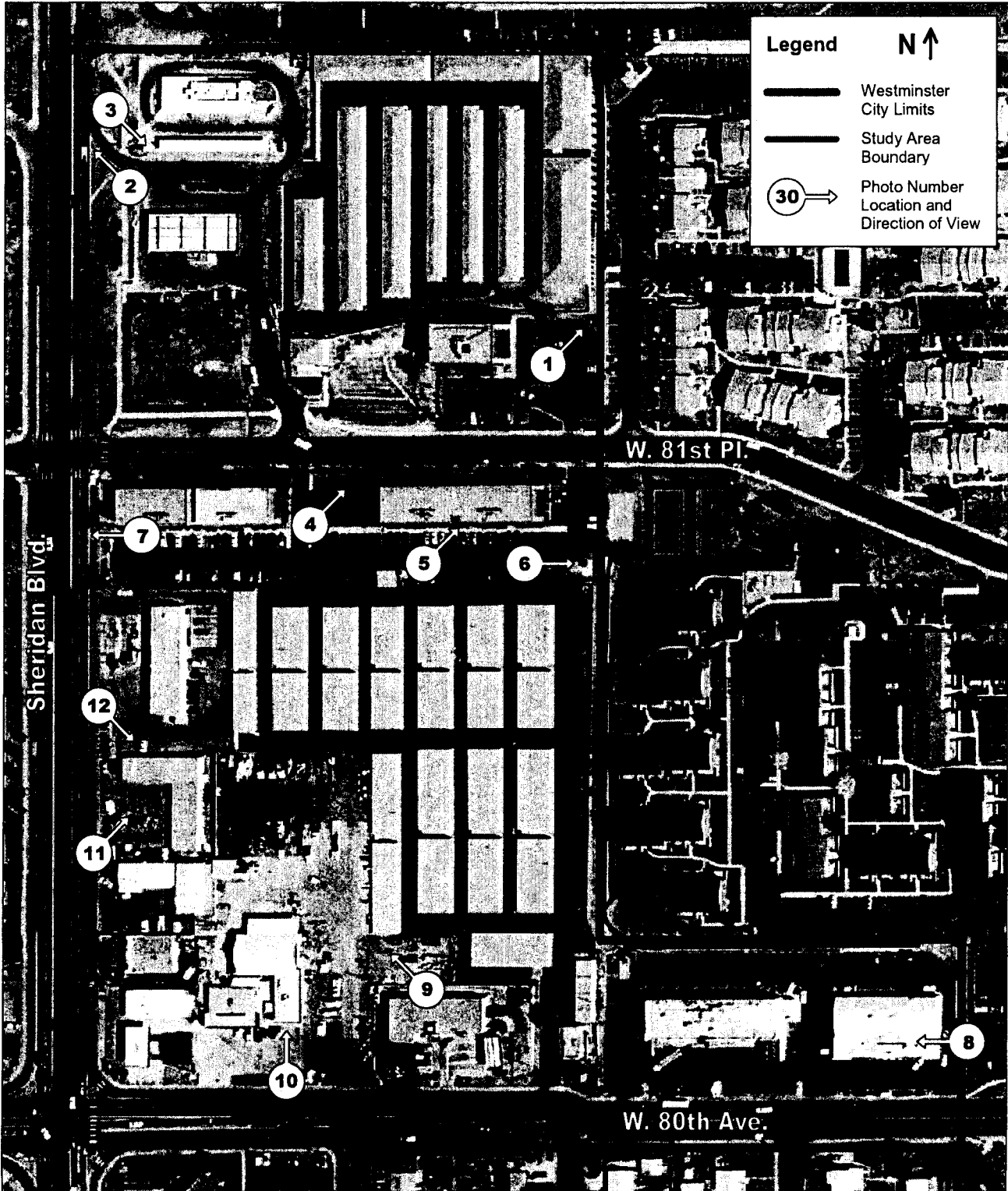
### Exhibit 7: Blight Conditions by Parcel (continued)

Assessor's Parcel Number	Property Address	SLUM, DETERIORATED OR DETERIORATING STRUCTURES							DEFECTIVE STREET LAYOUT	FAULTY LOT LAYOUT		UNSANITARY OR UNSAFE CONDITIONS					DETERIORATION OF SITE OR OTHER IMPROVEMENTS					INADEQUATE PUBLIC IMPROVEMENTS																													
		Deteriorated External Walls	Deteriorated Visible Foundation	Deteriorated Fascia/Soffits	Deteriorated Gutters/Downspouts	Deteriorated Exterior Finishes	Deteriorated Windows and Doors	Deteriorated Stairways/Fire Escapes	Deteriorated Loading Dock Areas	Deteriorated Fences/Walls/Gates	Deteriorated Ancillary Structures	Poor Vehicular Access	Poor Internal Circulation	Substandard Driveway Definition/Curb cuts	Poor Parking Lot Layout	Faulty Lot Shape	Faulty Lot Layout	Non-Conforming Land Use	Inadequate Lot Size	Poorly Lit or Unlit Areas	Cracked or Uneven Surfaces for Pedestrians	Poor Drainage	Insufficient Grading/Steep Slopes	Trash/Debris/Weeds	Abandoned Vehicles	Vagrants/Vandalism/Graffiti	Presence of Billboards	Deterioration of Signage	Neglected Properties	Unscreened Trash/Mechanical	Parking Surface/Curb Deterioration	Site Maintenance Problems	Lack of Landscaping	Deterioration of Street Pavement	Deterioration of Curb and Gutter	Insufficient Street Lighting	Presence of Overhead Utilities	Lack of Sidewalks													
<b>Subarea 3</b>																																																			
0171931301017	7500 Sheridan Boulevard																																																		
0171931302020	7578 Sheridan Boulevard																																																		
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0171931301018	7584 Sheridan Boulevard																																																		
0171931302021	7590 Sheridan Boulevard																																																		
0171931301012	No Site Address											●																																							
0171931302019	No Site Address																																																		
0171931302022	No Site Address																																																		
<b>Subarea 4</b>																																																			
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0171931300003	7480 Sheridan Boulevard	●			●				●																																					●	●				
0171931300021	7490 Sheridan Boulevard																																													●	●				
0171931328007	4955 W. 72nd Avenue																																																		
0171931328008	4955 W. 72nd Avenue																			●																															
0171931328013	5055 W. 72nd Avenue																				●																														
0171931328014	5005 W. 72nd Avenue										●																																								
0171931328010	5155 W. 72nd Avenue																																																		
0171931328001	5165 W. 72nd Avenue																																																		
0171931300024	No Site Address																																																		
0171931300026	No Site Address																																																		
0171931328006	No Site Address																																																		
0171931328009	No Site Address																																																		
<b>Subarea 5</b>																																																			
39-011-00-004	7007 Sheridan Boulevard				●					●																																					●	●			
39-011-01-006	7051 Sheridan Boulevard									●																																							●	●	
39-011-01-005	7061 Sheridan Boulevard				●					●																																							●	●	
39-011-01-003	7141 Sheridan Boulevard									●																																							●	●	
39-011-01-002	7151 Sheridan Boulevard									●																																								●	●
39-011-01-001	7171 Sheridan Boulevard			●	●					●																																								●	●
39-011-01-007	7199 Sheridan Boulevard									●																																									
29-364-00-008	7201 Sheridan Boulevard									●																																									
29-364-00-007	7225 Sheridan Boulevard									●																																								●	●
29-364-00-005	7255 Sheridan Boulevard	●		●	●					●						●																																		●	●
29-364-00-006	7200 Depew Street									●																																									
39-011-01-004	5330 W. 72nd Avenue					●				●			●																																					●	●
29-364-00-001	6109 W. 73rd Avenue																																																		
29-364-00-002	No Site Address									●																																								●	
39-011-00-001	No Site Address																																																		
39-011-00-002	No Site Address																																																		
39-011-00-003	No Site Address																																																		

**Exhibit 8: Blight Conditions by Photograph**

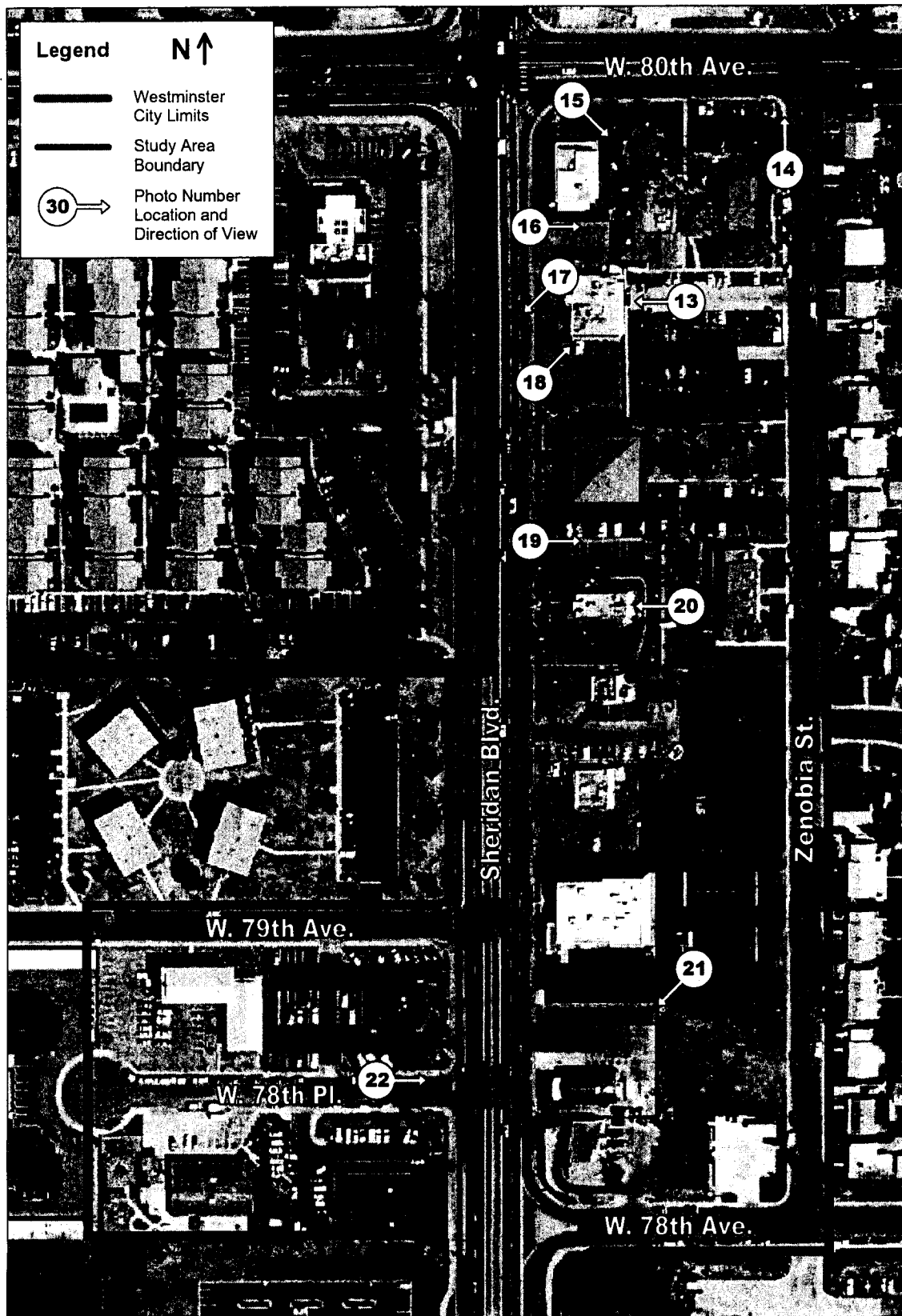
Photograph Number	SLUM, DETERIORATED OR DETERIORATING STRUCTURES								DEFECTIVE STREET LAYOUT			FAULTY LOT LAYOUT				UNSANITARY OR UNSAFE CONDITIONS					DETERIORATION OF SITE OR OTHER IMPROVEMENTS					INADEQUATE PUBLIC IMPROVEMENTS												
	Deteriorated External Walls	Deteriorated Visible Foundation	Deteriorated Fascia/Soffits	Deteriorated Gutters/Downspouts	Deteriorated Exterior Finishes	Deteriorated Windows and Doors	Deteriorated Stairways/Fire Escapes	Deteriorated Loading Dock Areas	Deteriorated Fences/Walls/Gates	Deteriorated Ancillary Structures	Poor Vehicular Access	Poor Internal Circulation	Substandard Driveway Definition/Curb cuts	Poor Parking Lot Layout	Faulty Lot Shape	Faulty Lot Layout	Non-Conforming Land Use	Inadequate Lot Size	Poorly Lit or Unlit Areas	Cracked or Uneven Surfaces for Pedestrians	Poor Drainage	Insufficient Grading/Sleep Slopes	Trash/Debris/Weeds	Abandoned Vehicles	Vagrants/Vandalism/Graffiti	Presence of Billboards	Deterioration of Signage	Neglected Properties	Unscreened Trash/Mechanical	Parking Surface/Curb Deterioration	Site Maintenance Problems	Lack of Landscaping	Deterioration of Street Pavement	Deterioration of Curb and Gutter	Insufficient Street Lighting	Presence of Overhead Utilities	Lack of Sidewalks	
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### Exhibit 9: Photograph Location Map – Subarea 1

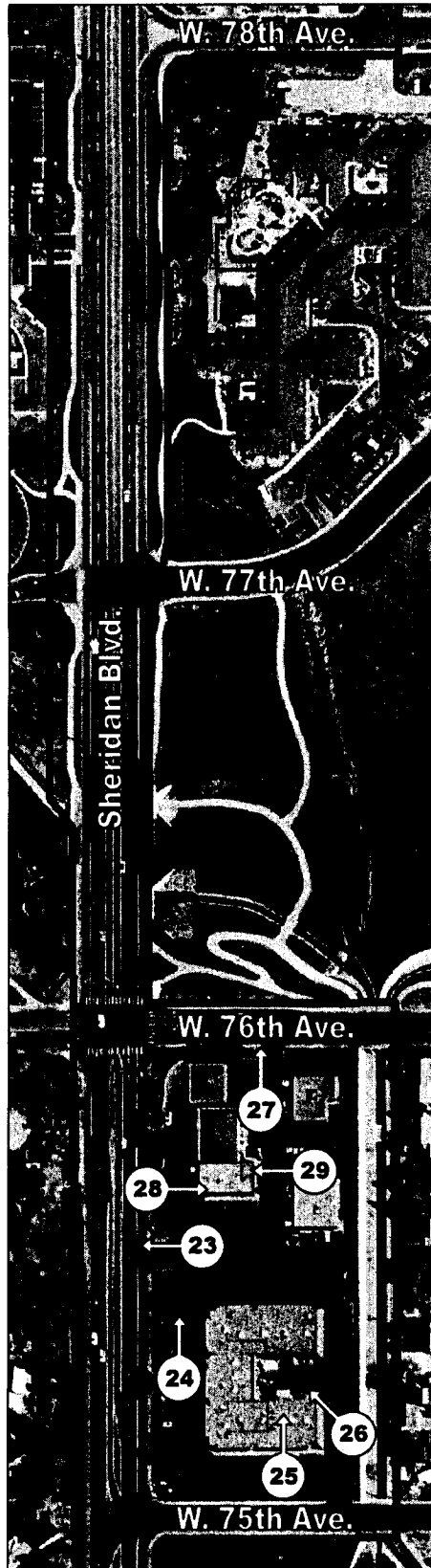







### Exhibit 9: Photograph Location Map – Subarea 2



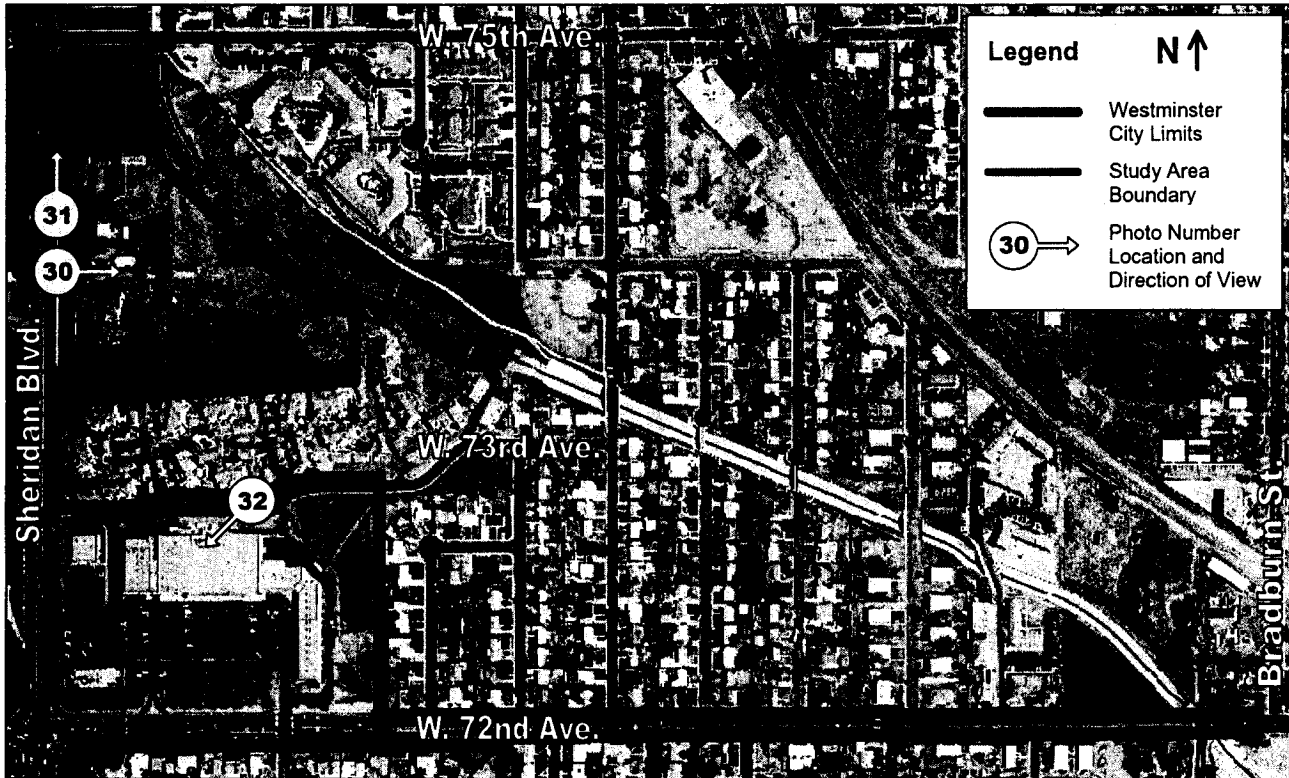
### Exhibit 9: Photograph Location Map – Subarea 3



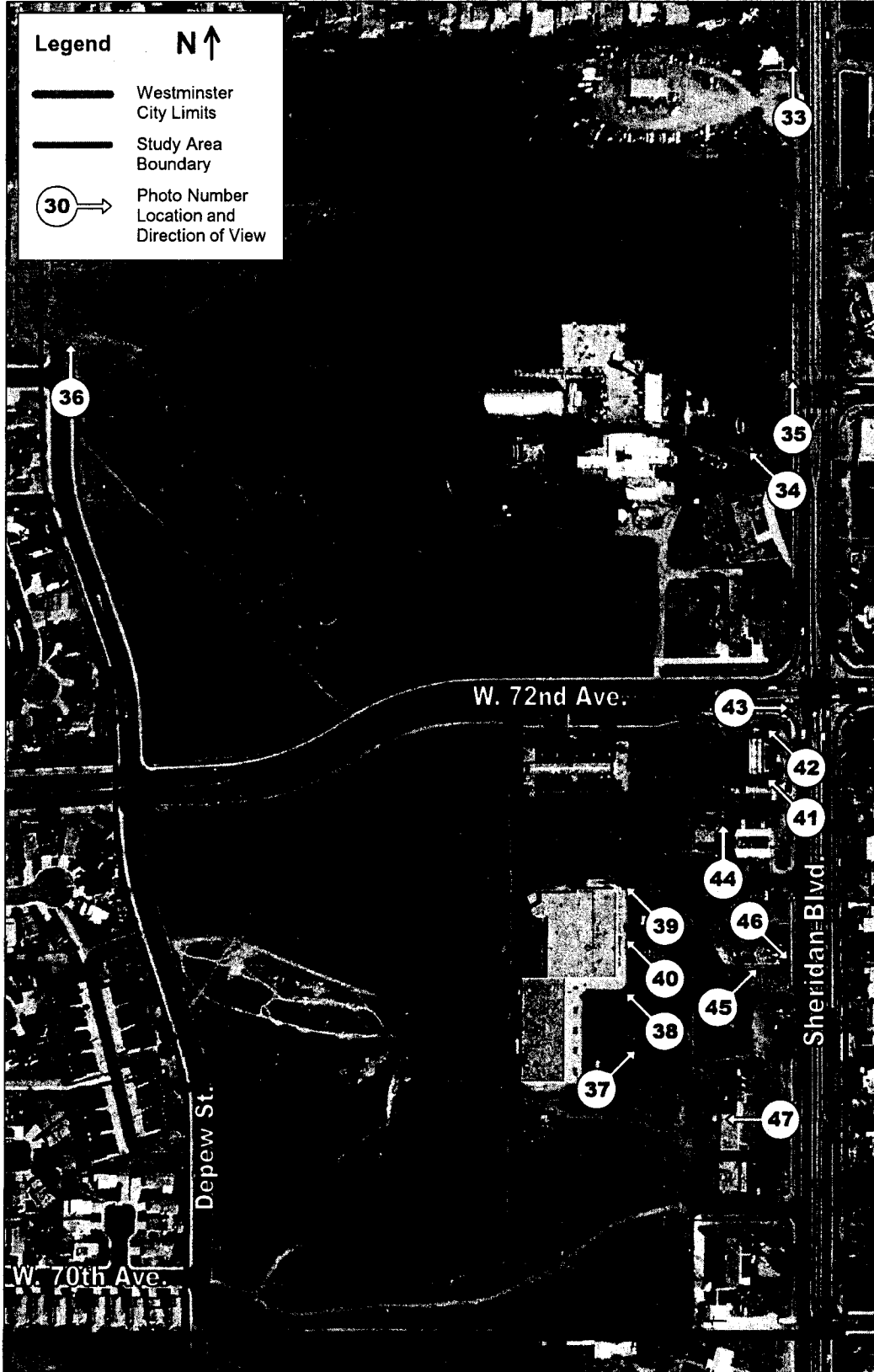
**Legend**      N ↑

-  Westminister City Limits
-  Study Area Boundary
-  Photo Number Location and Direction of View

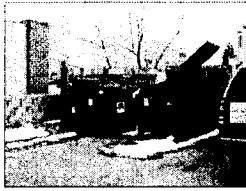
### Exhibit 9: Photograph Location Map – Subarea 4



### Exhibit 9: Photograph Location Map – Subarea 5



### Exhibit 10: Photograph Index



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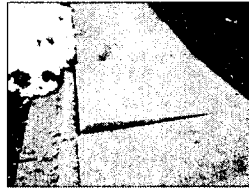
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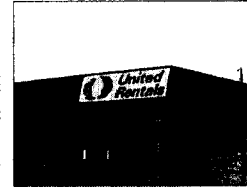
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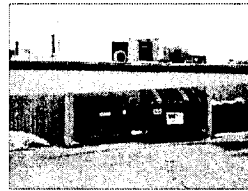
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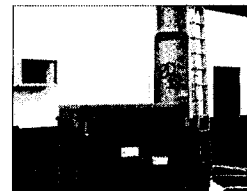
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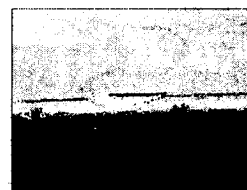
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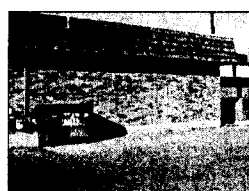
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### Exhibit 10: Photograph Index (continued)



31



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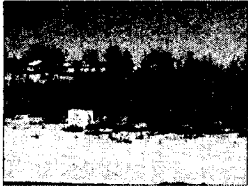
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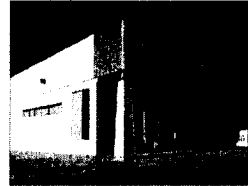
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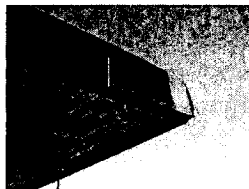
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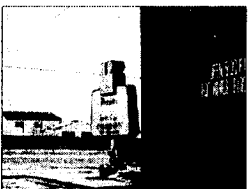
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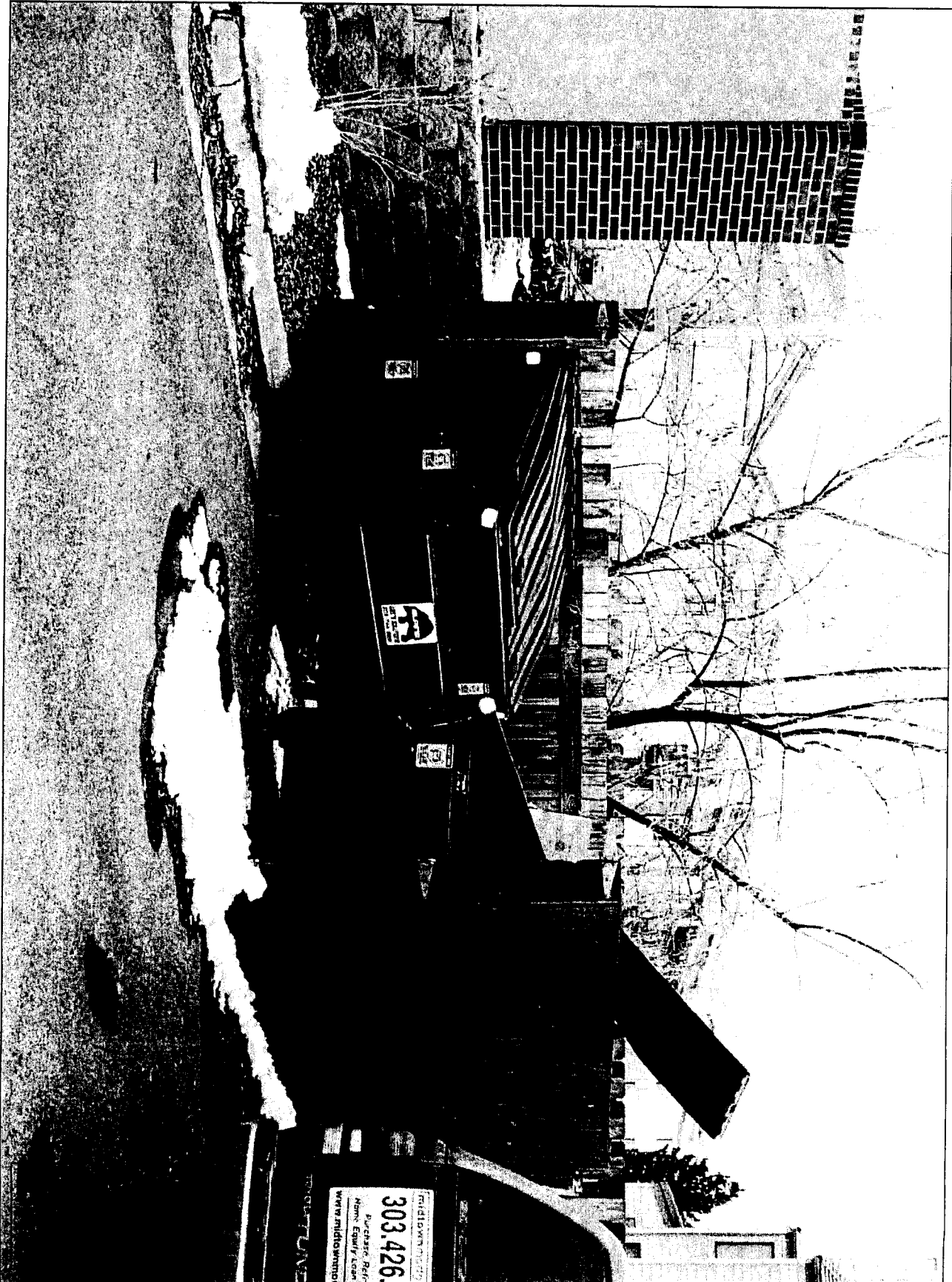


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## Exhibit 11: Photographs of Blight Conditions

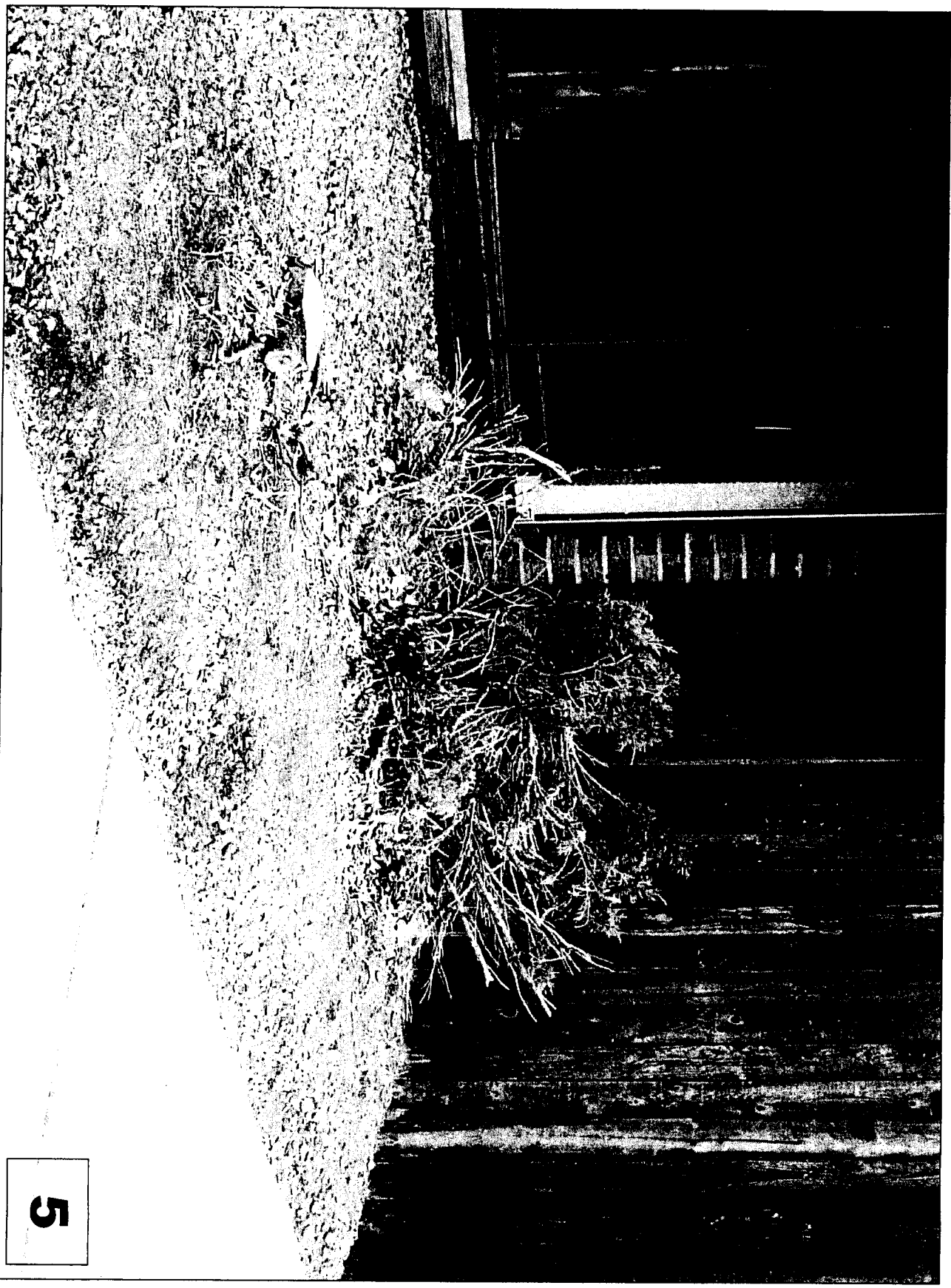




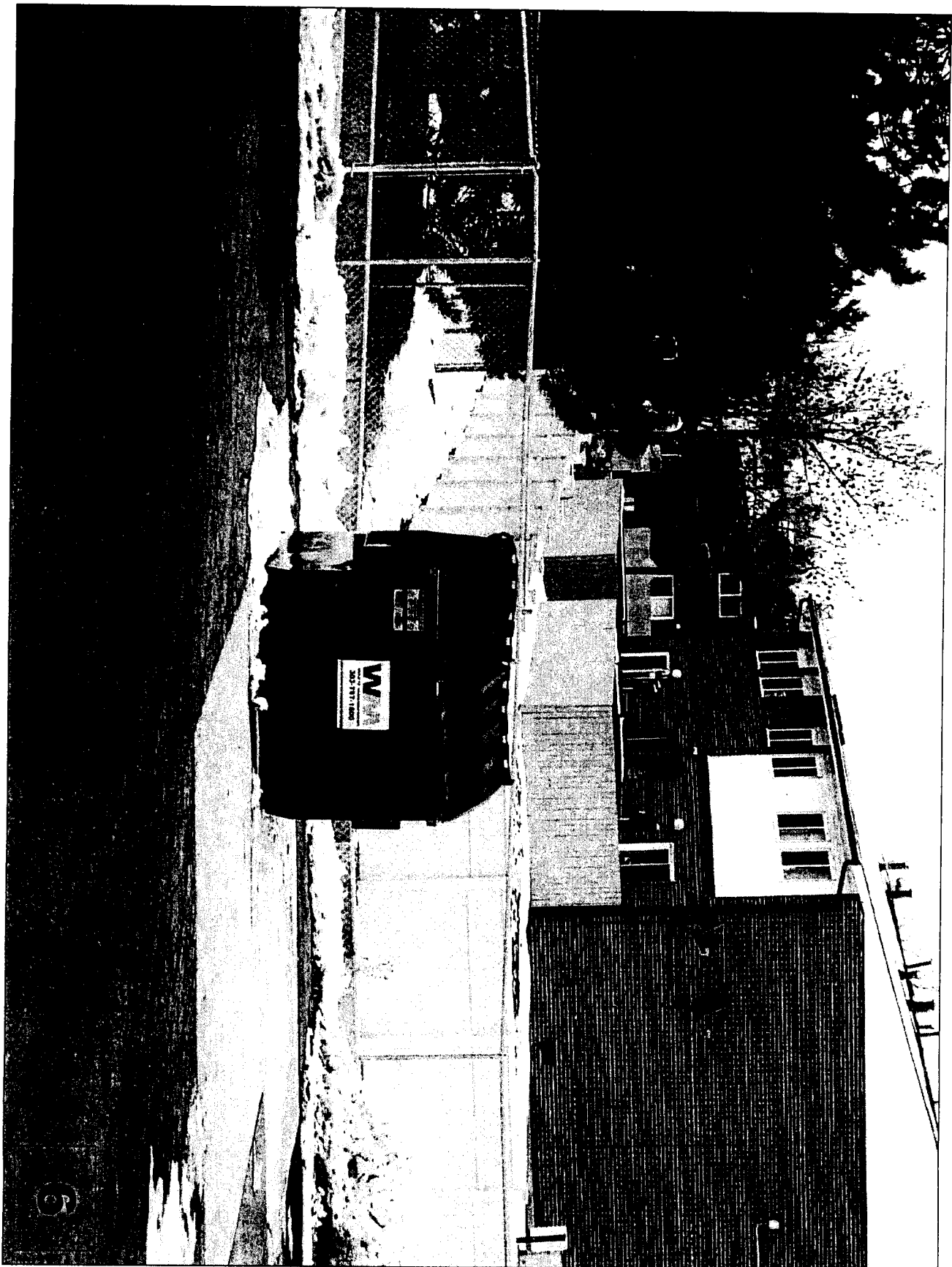








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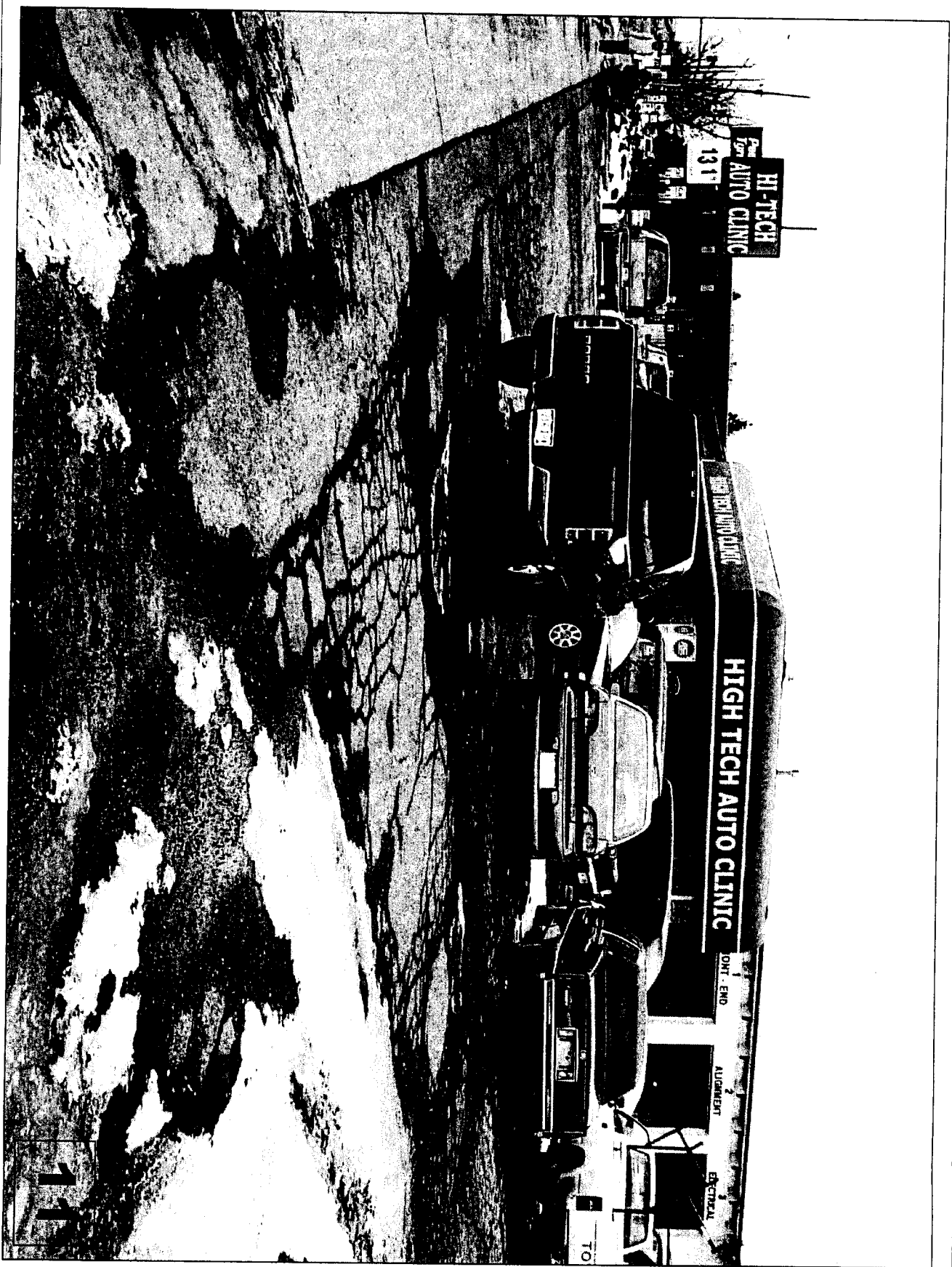
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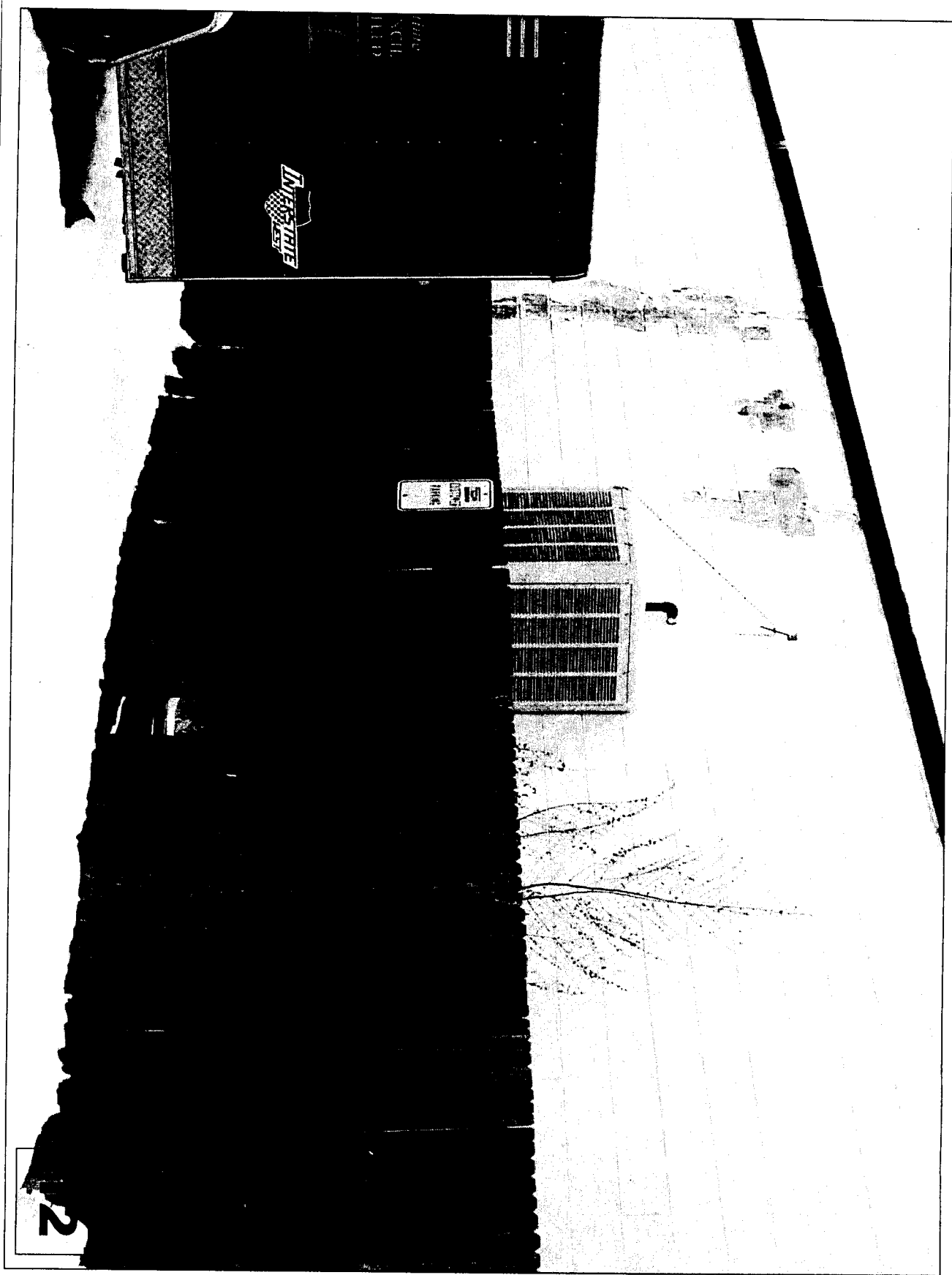








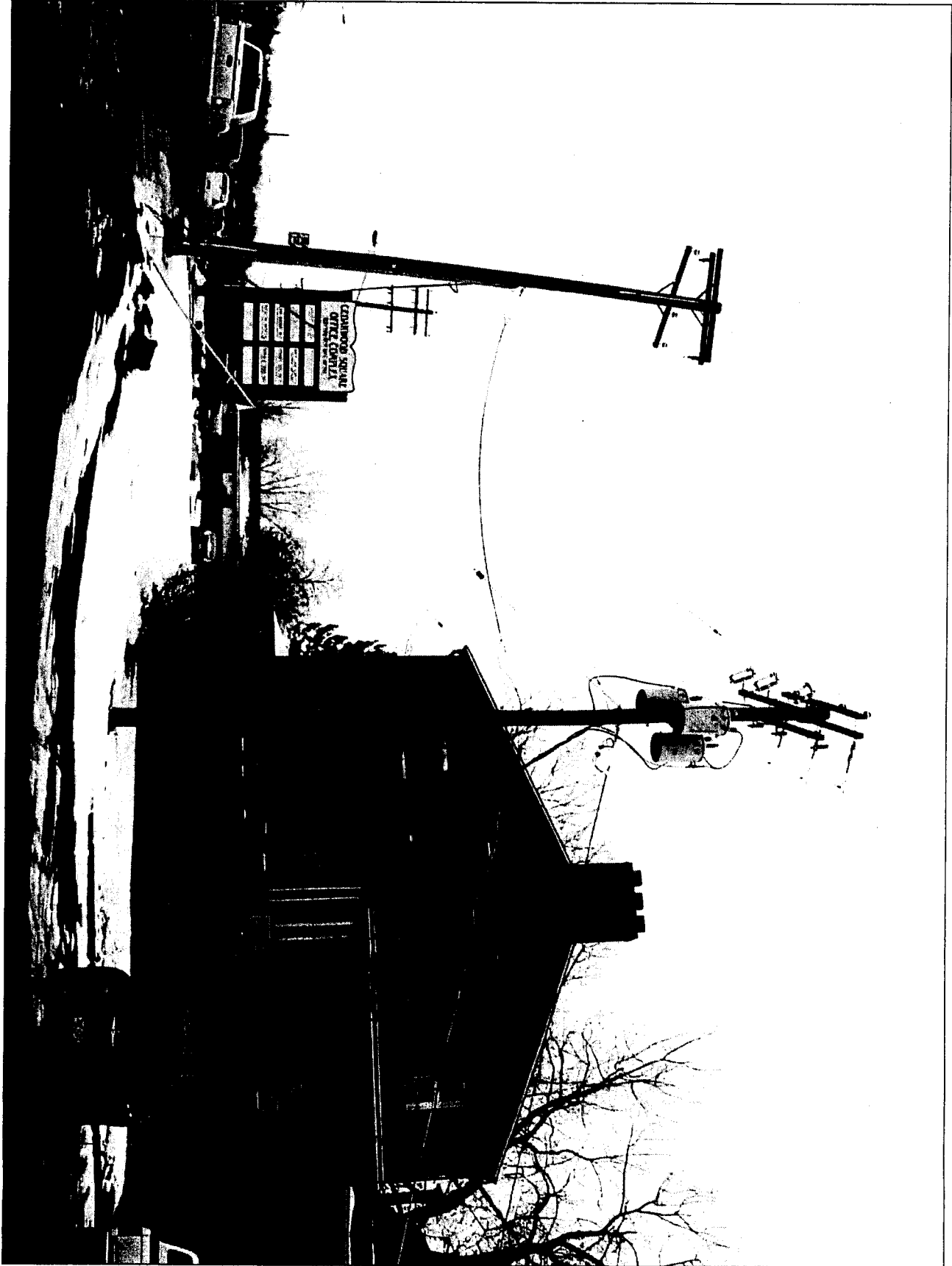
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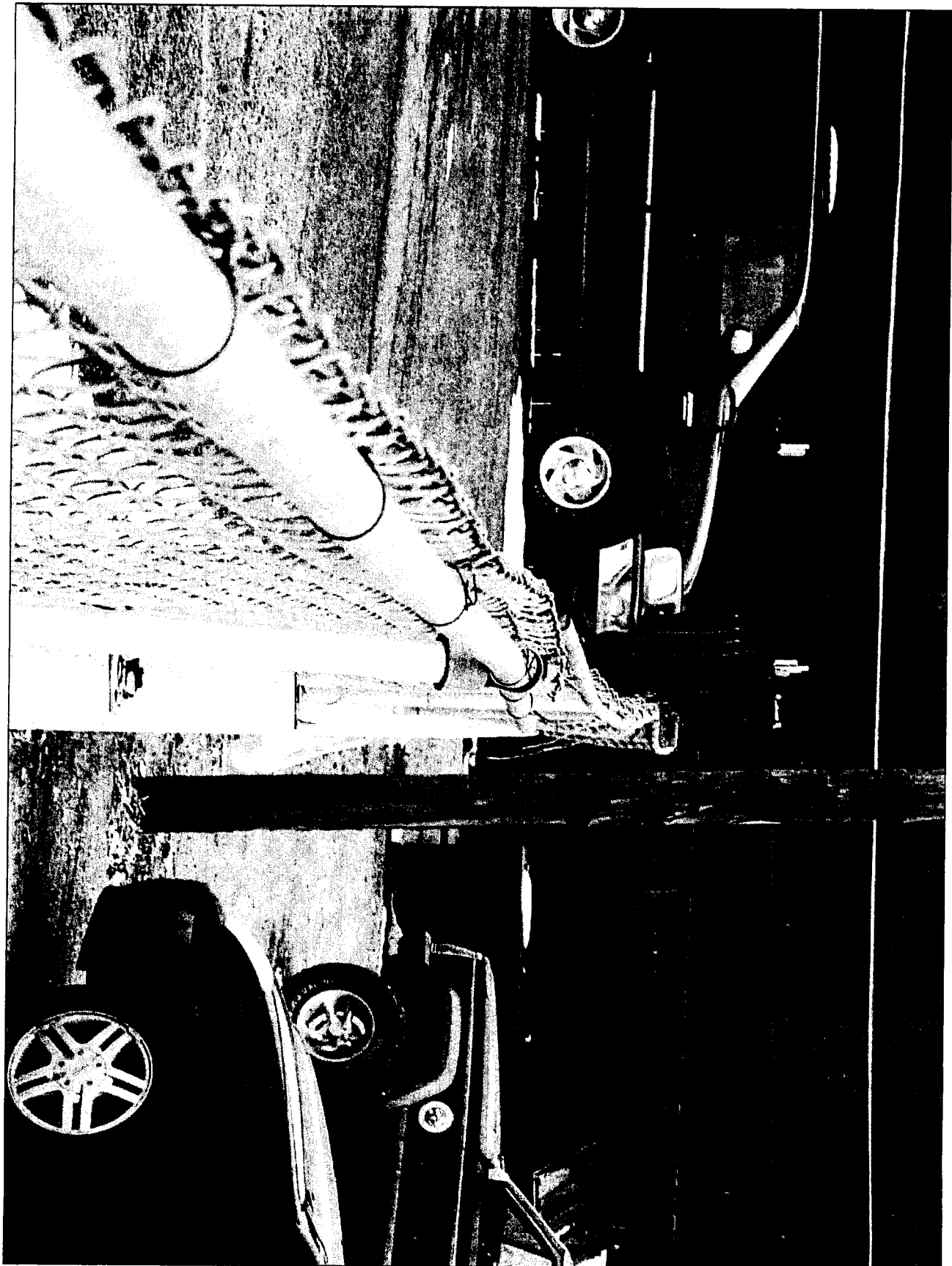




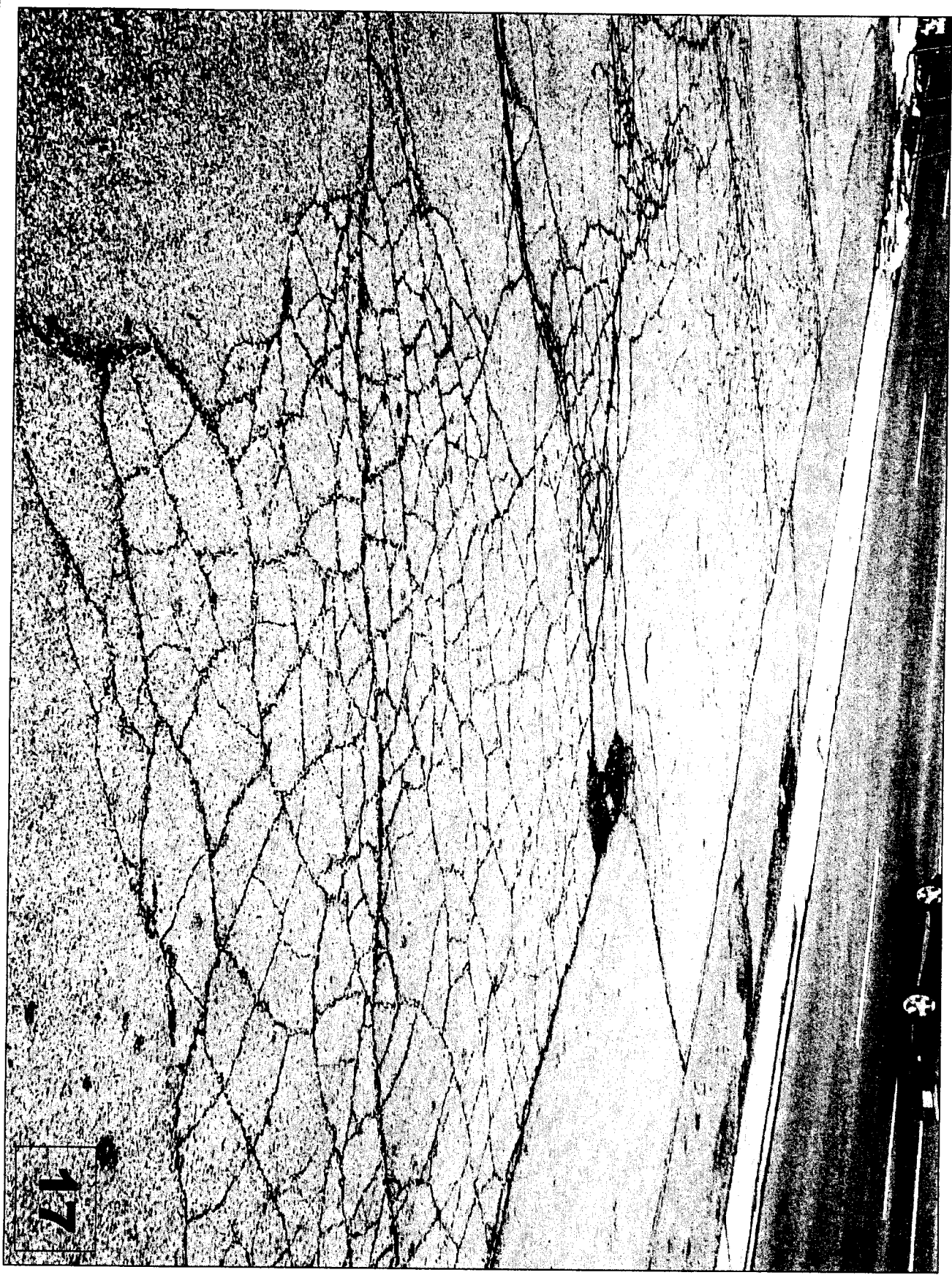
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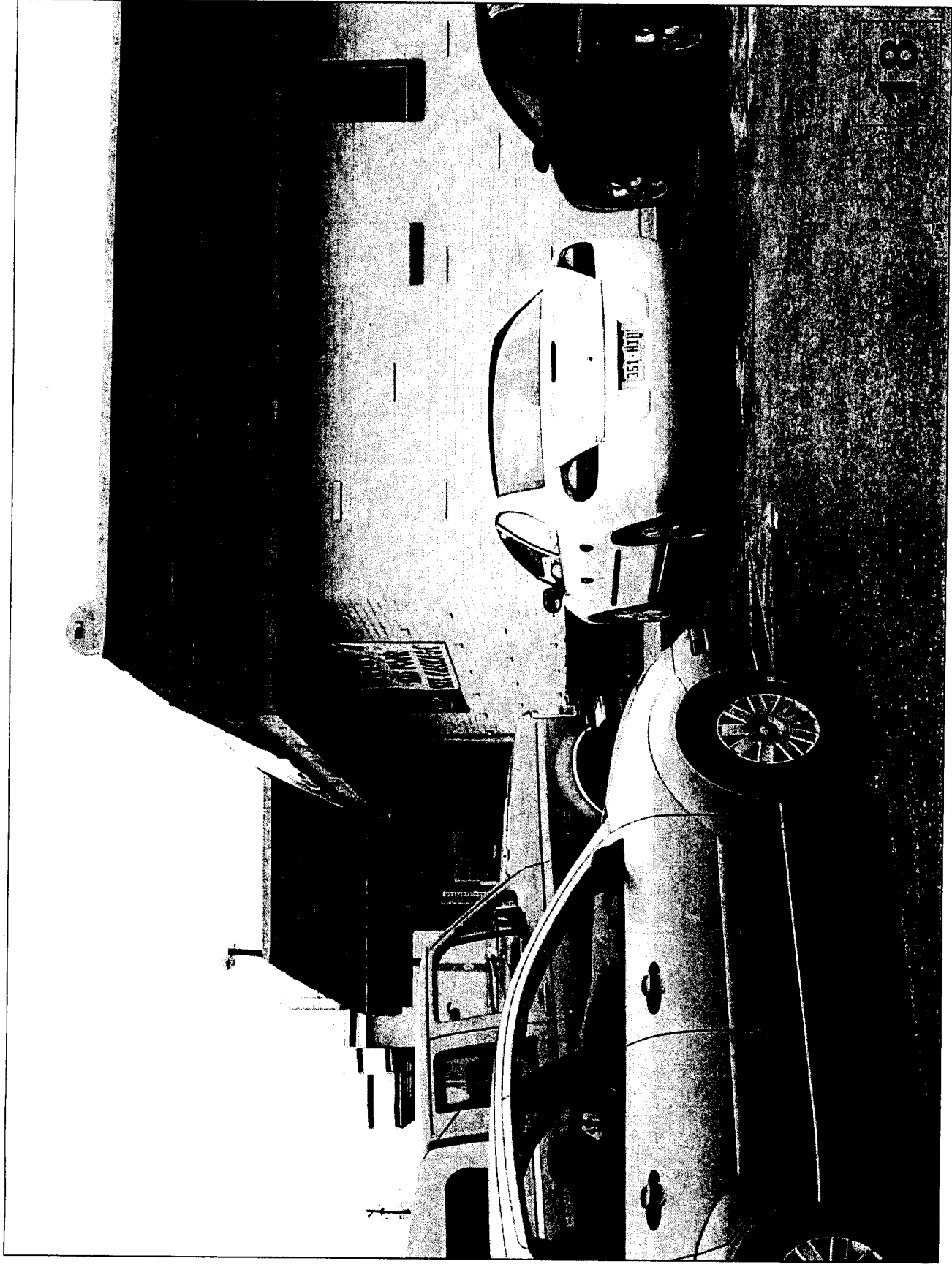


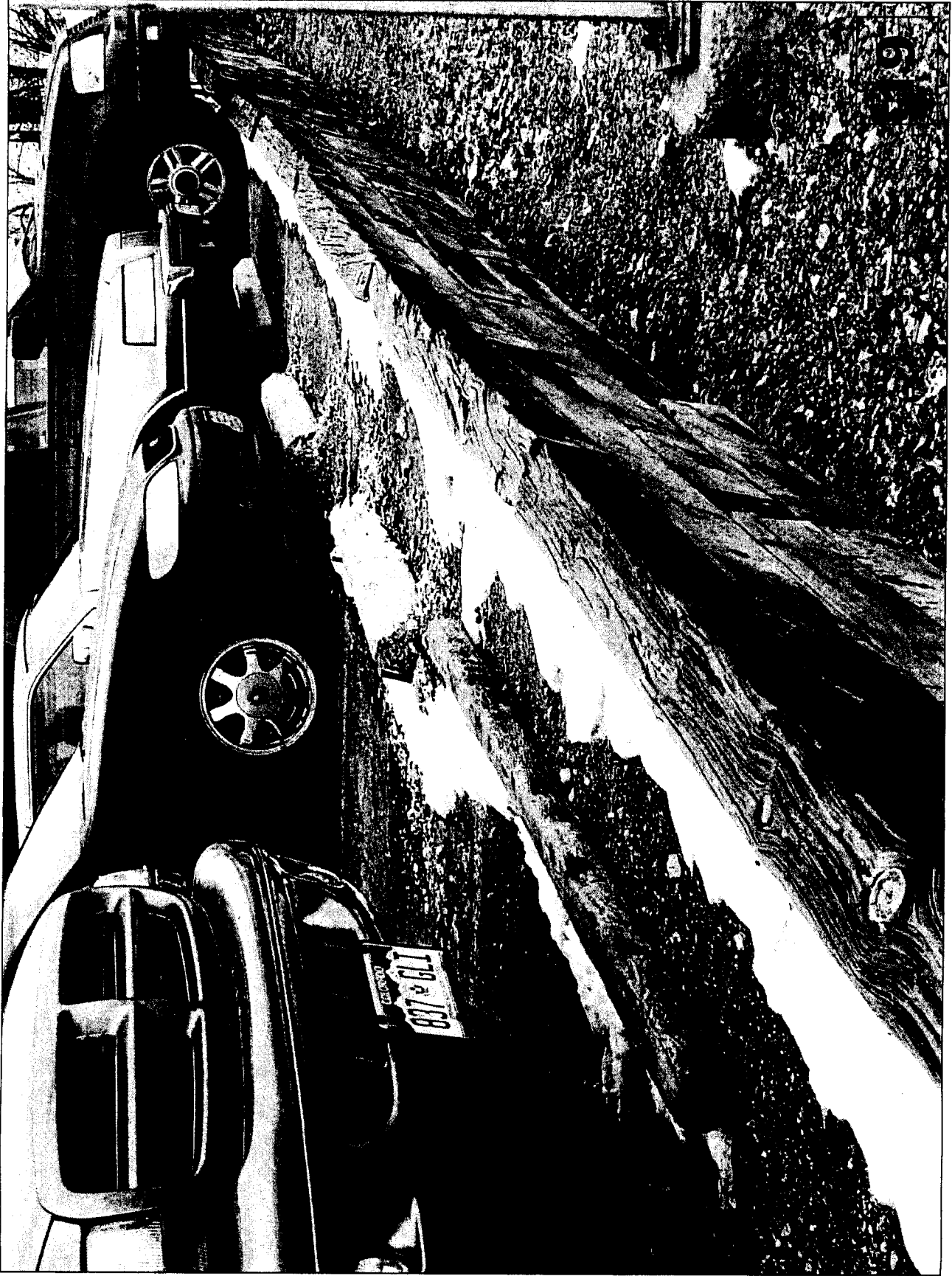


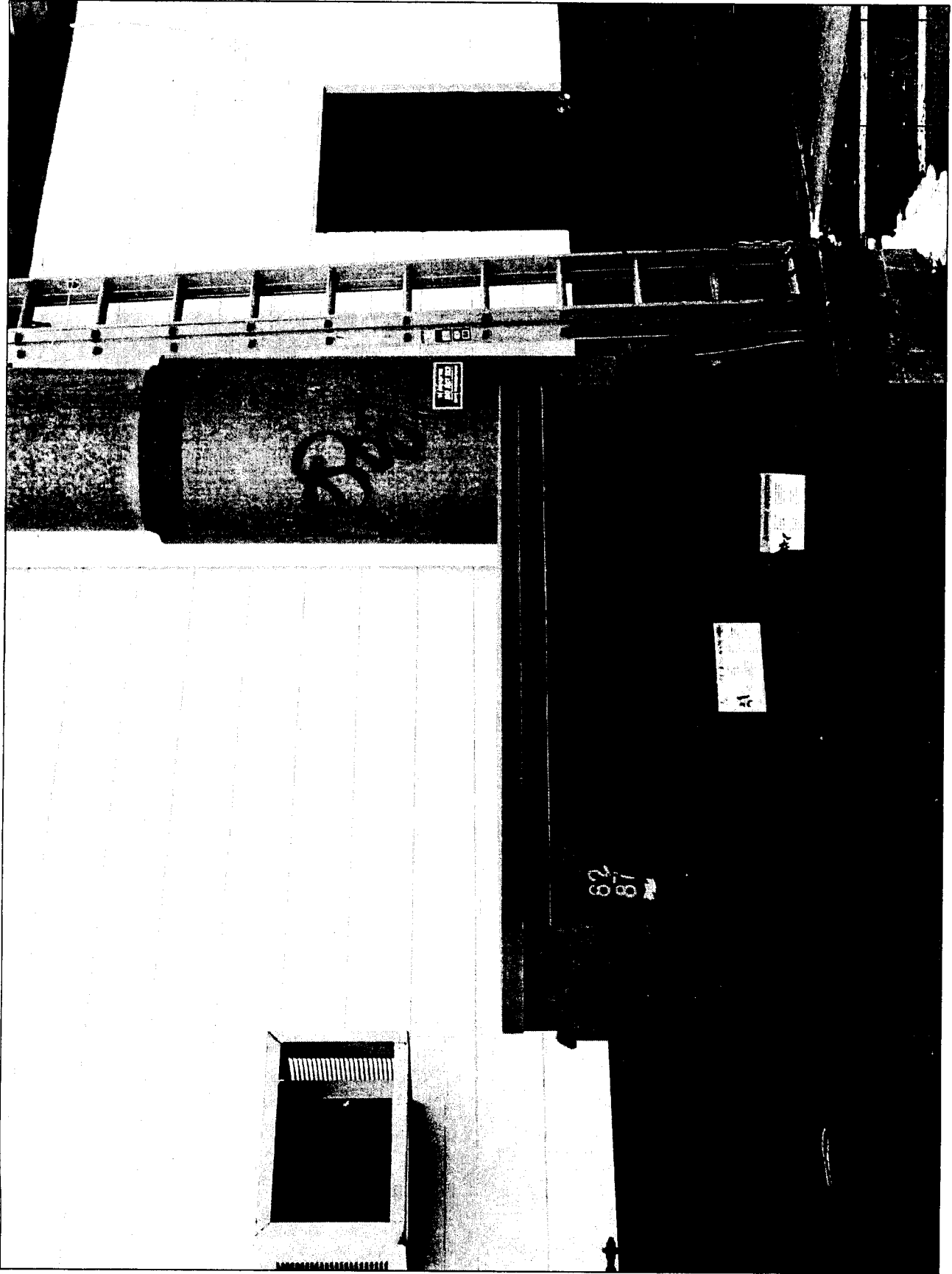










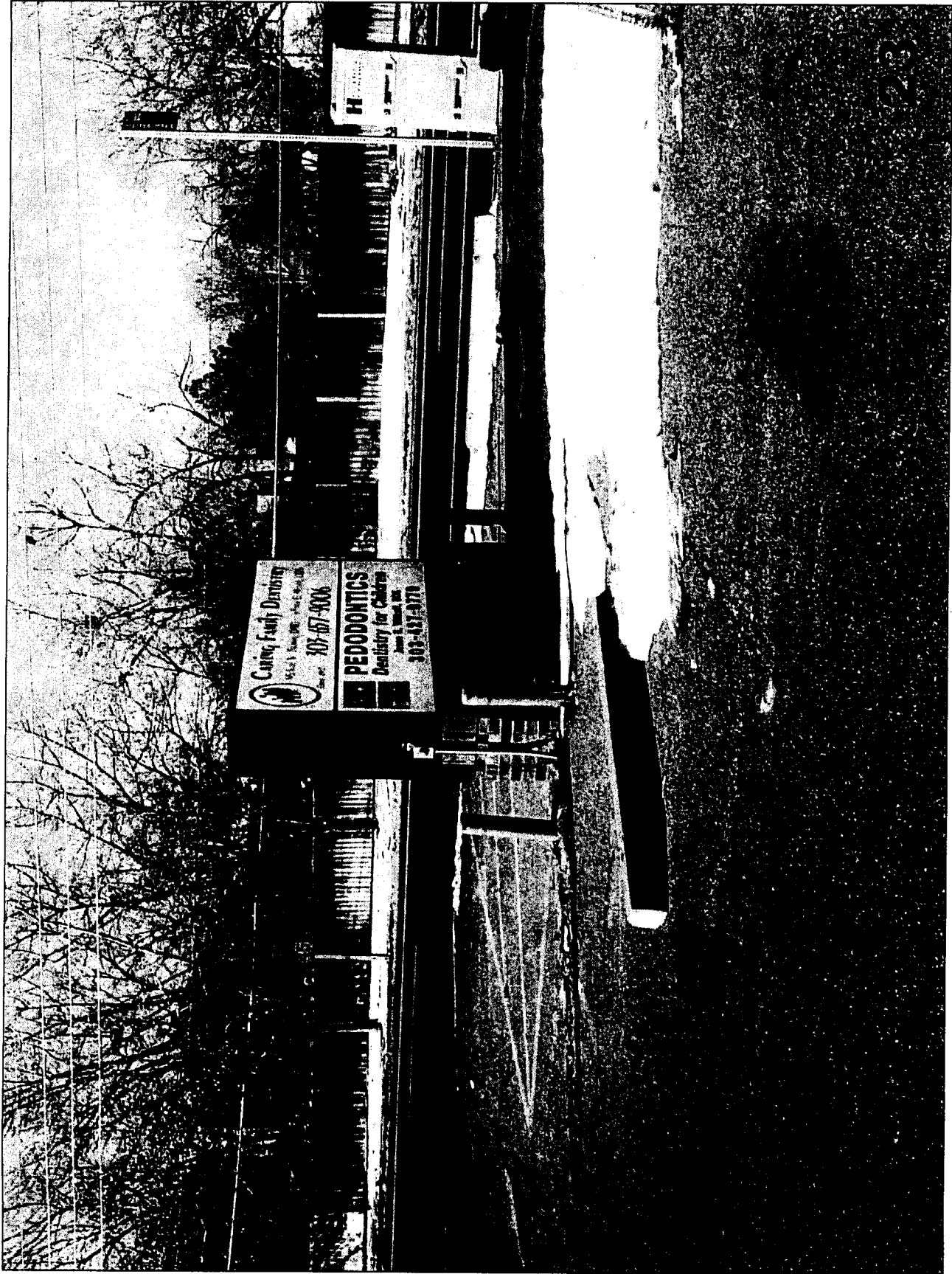






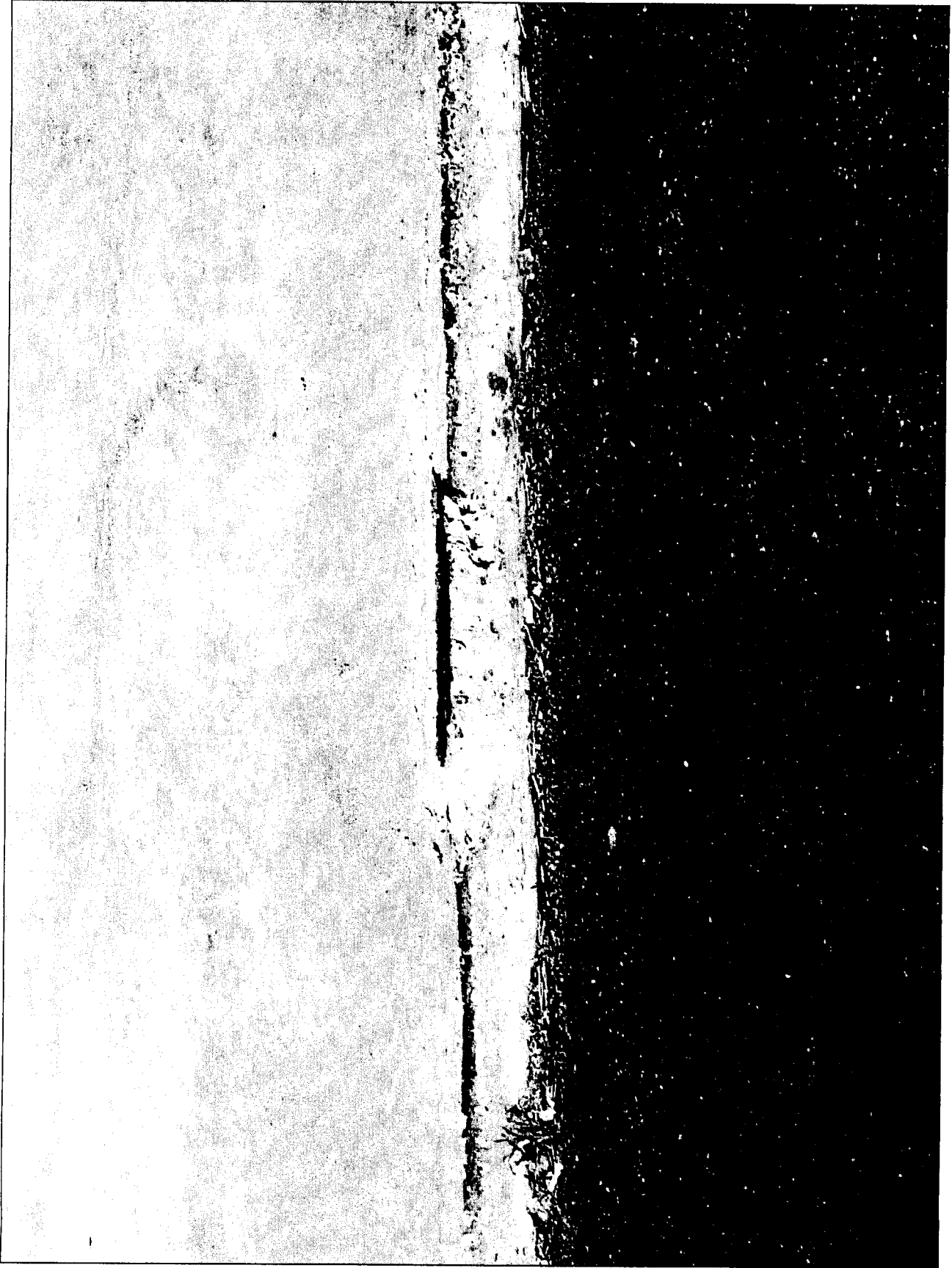
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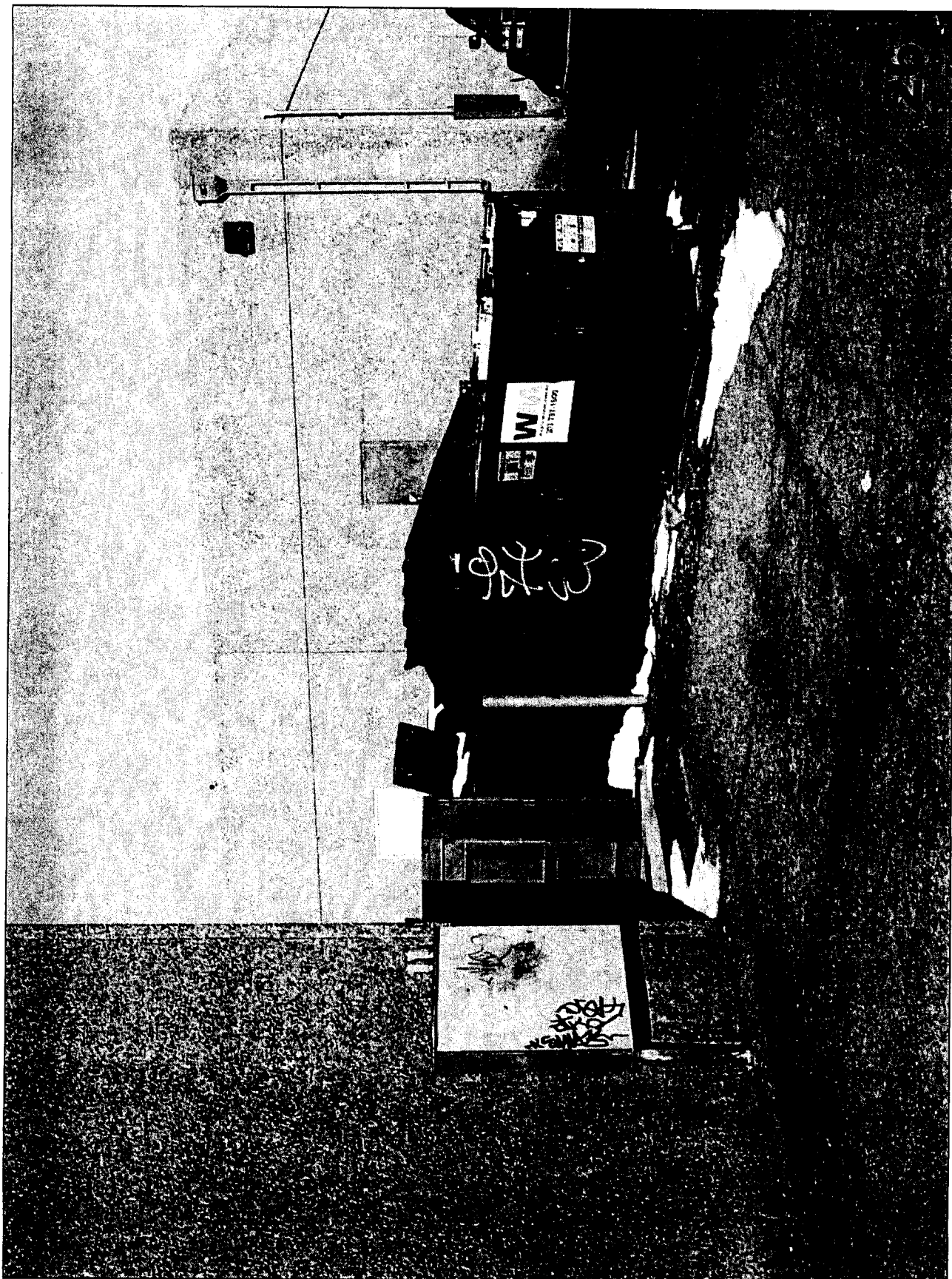


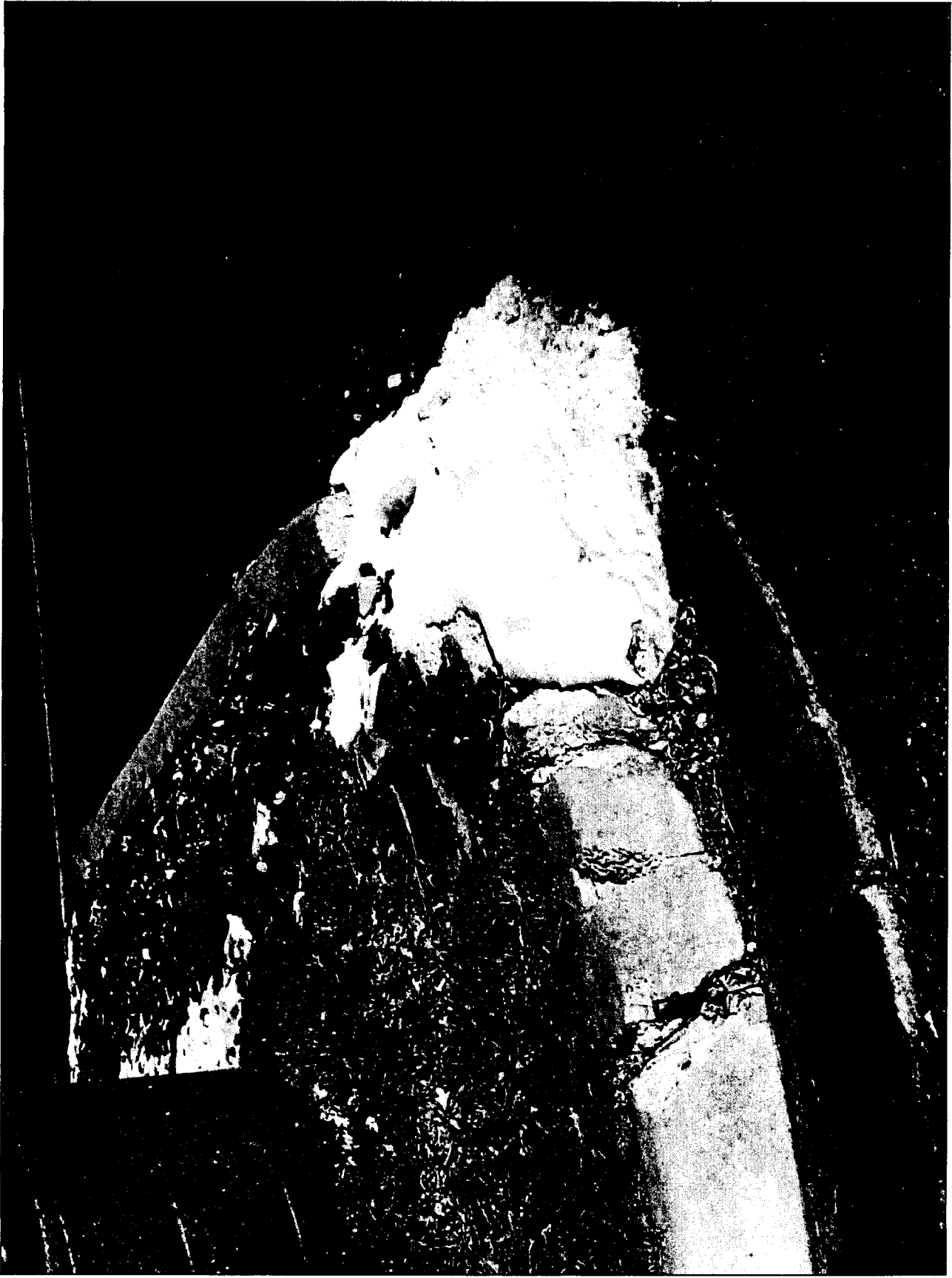




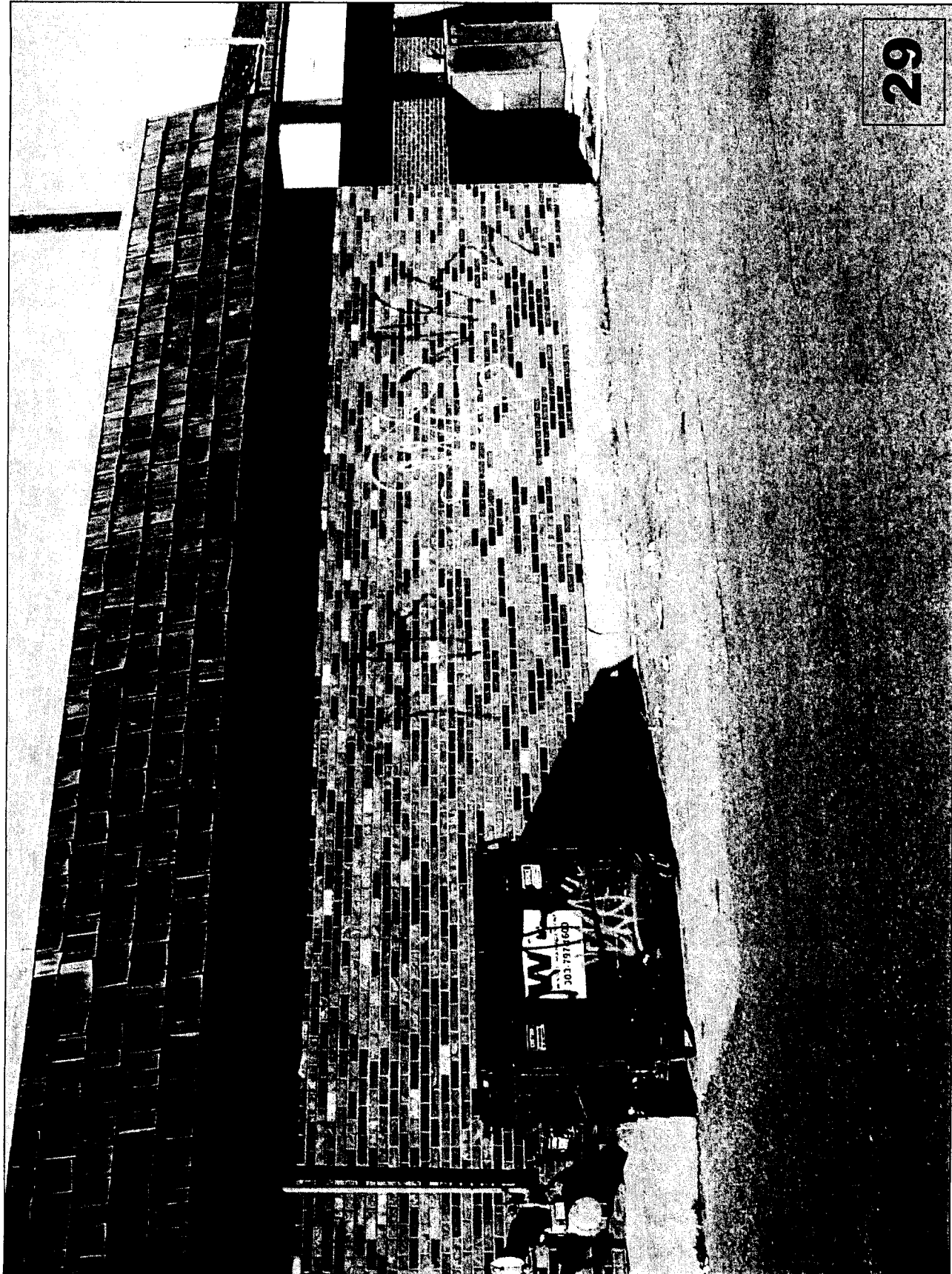




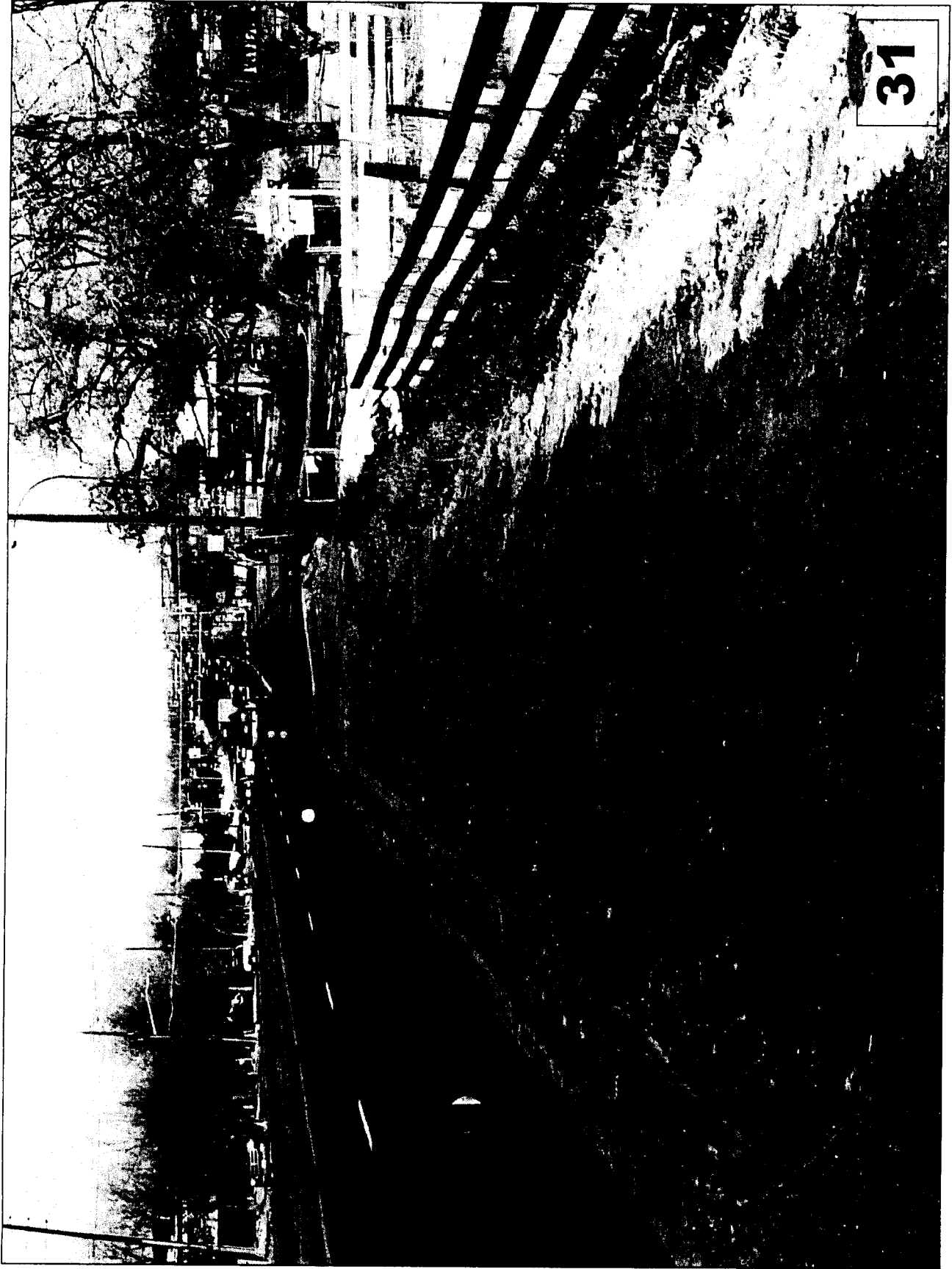




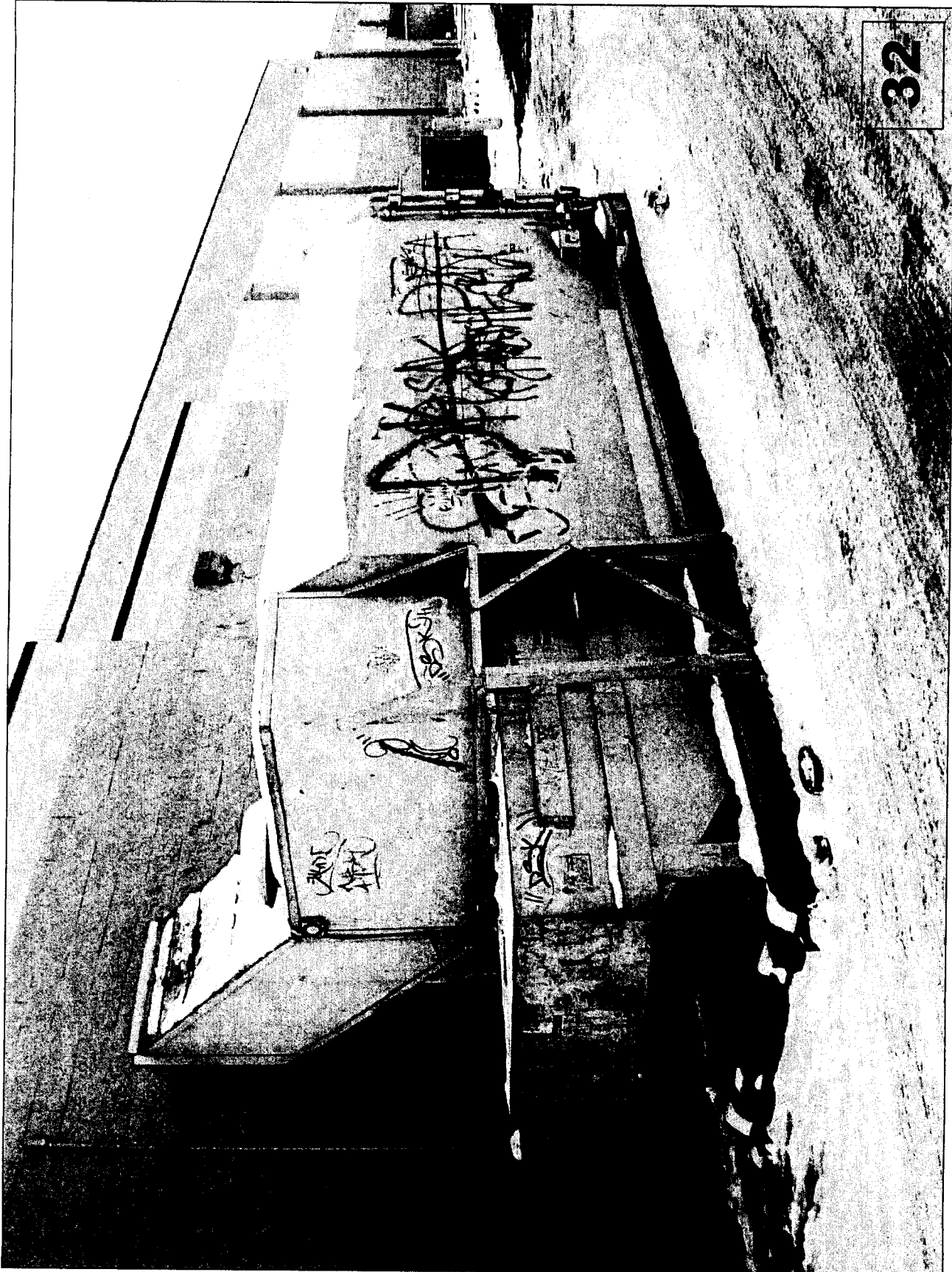












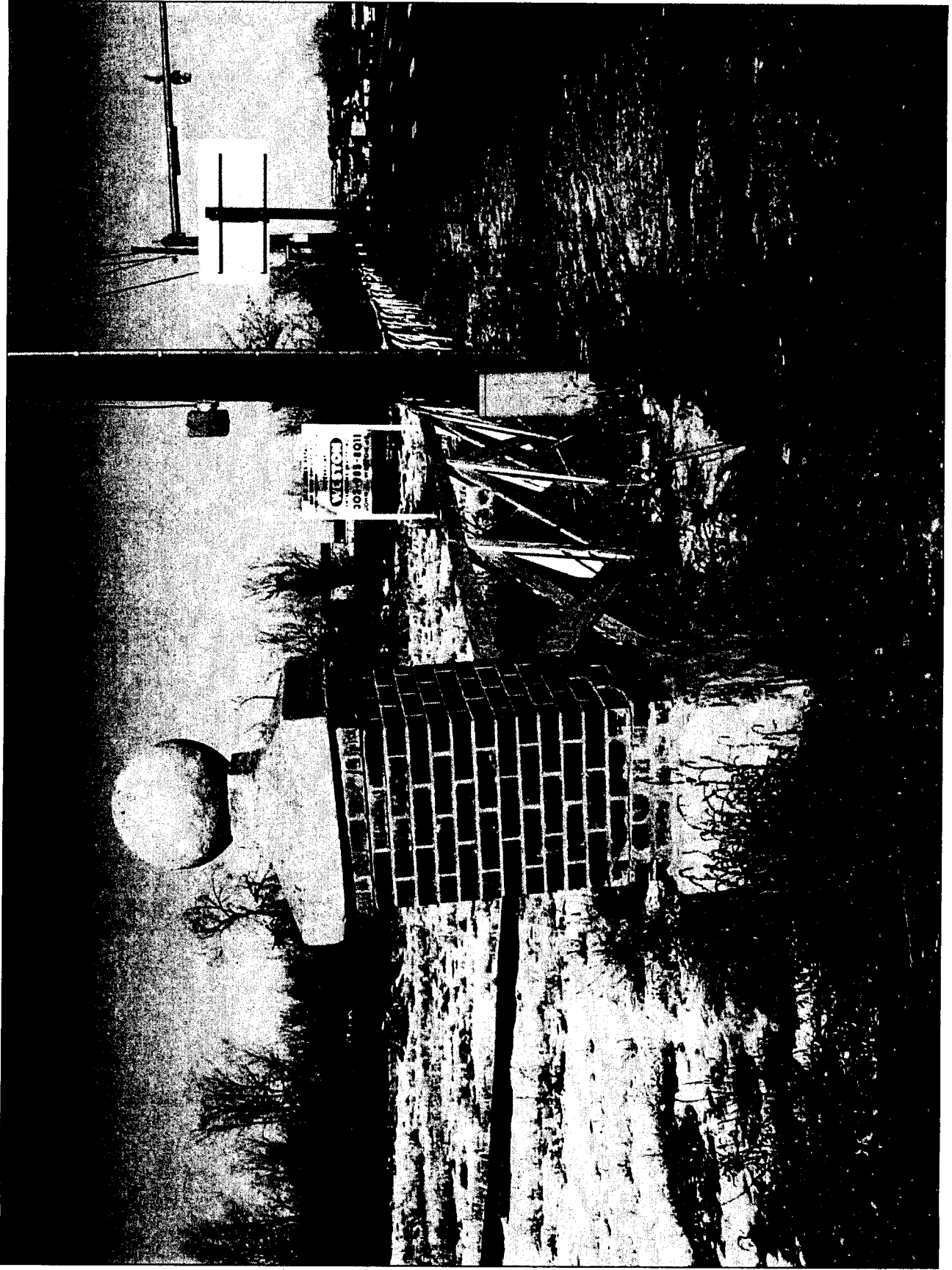
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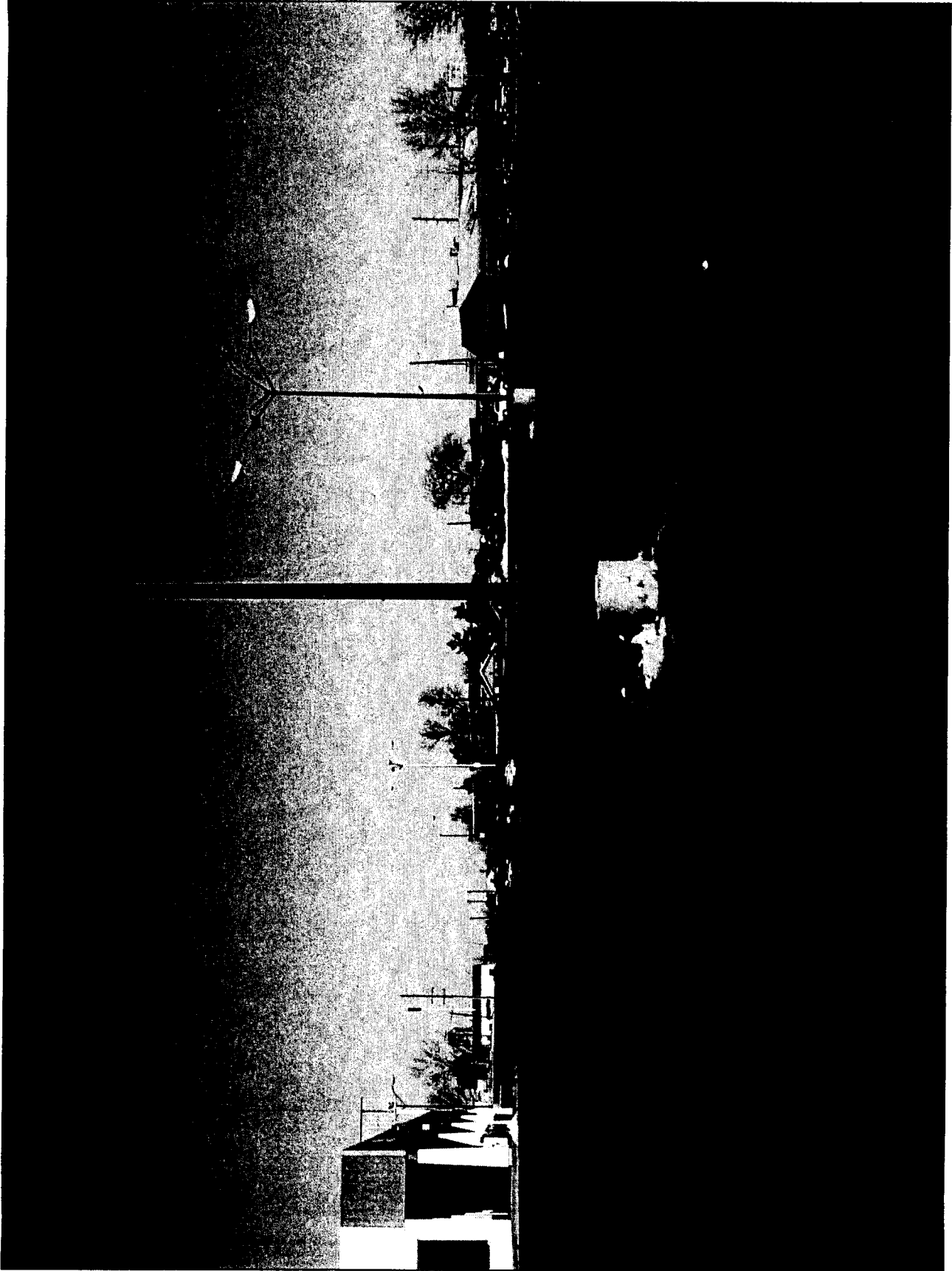


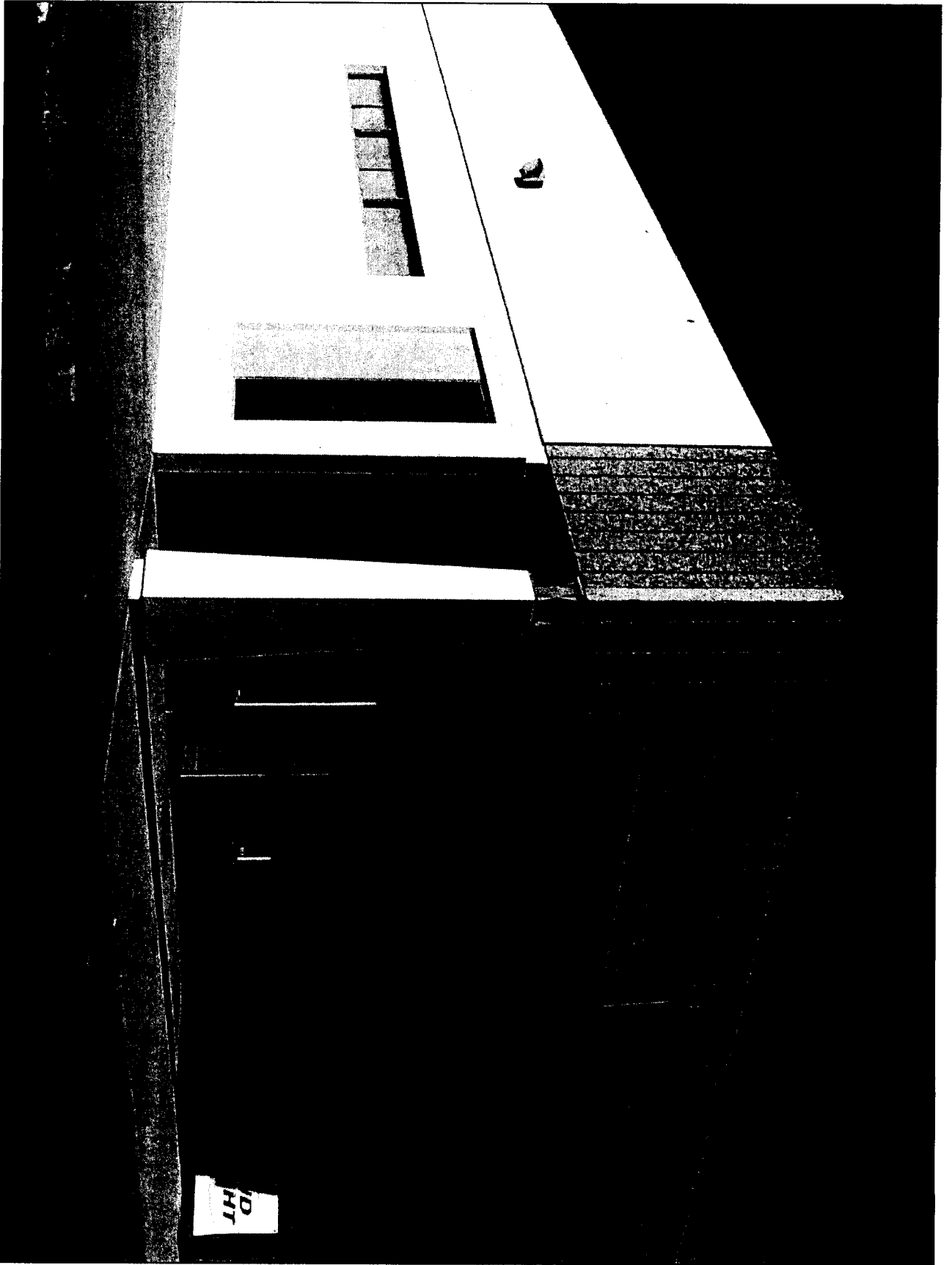


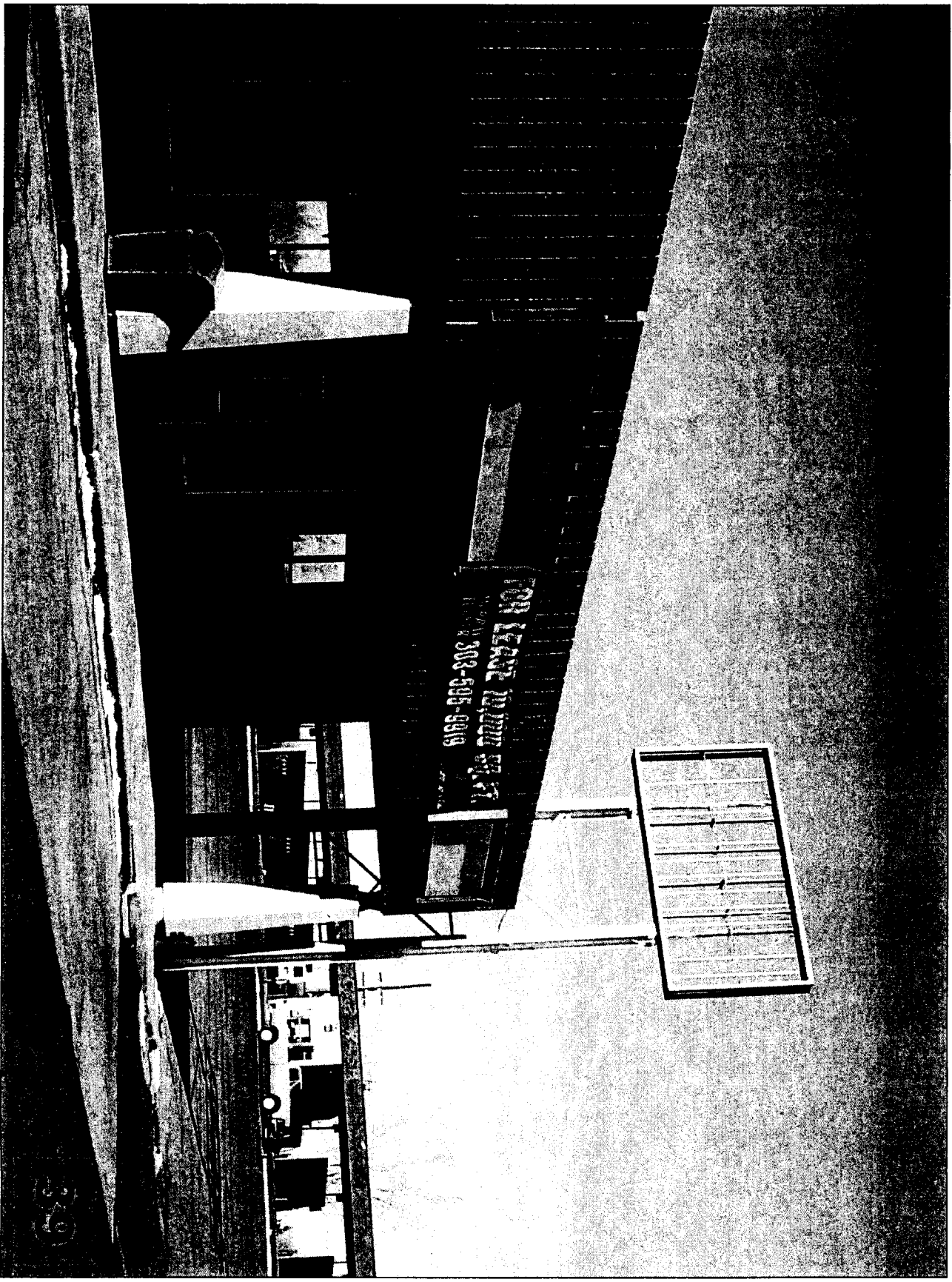




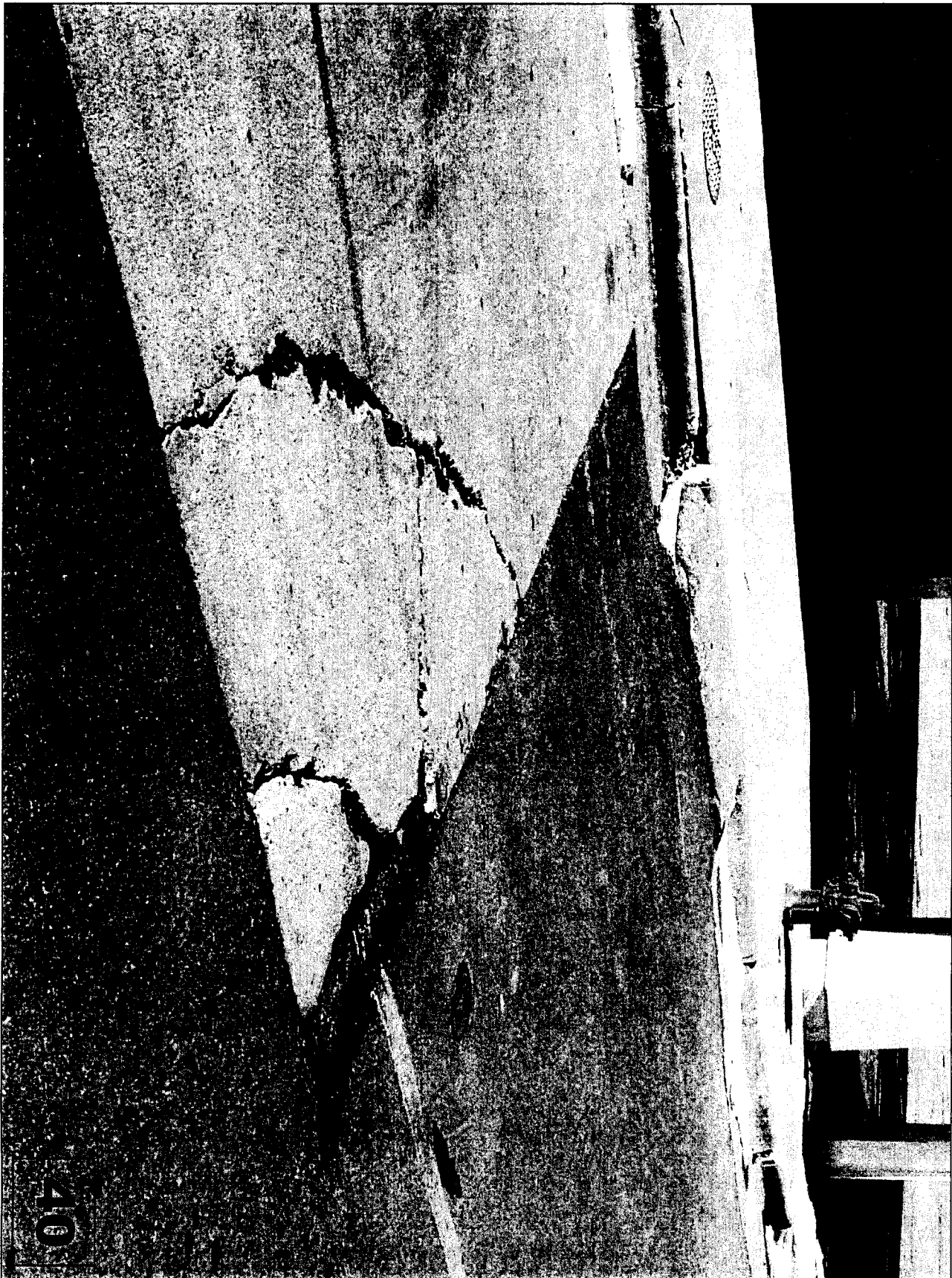
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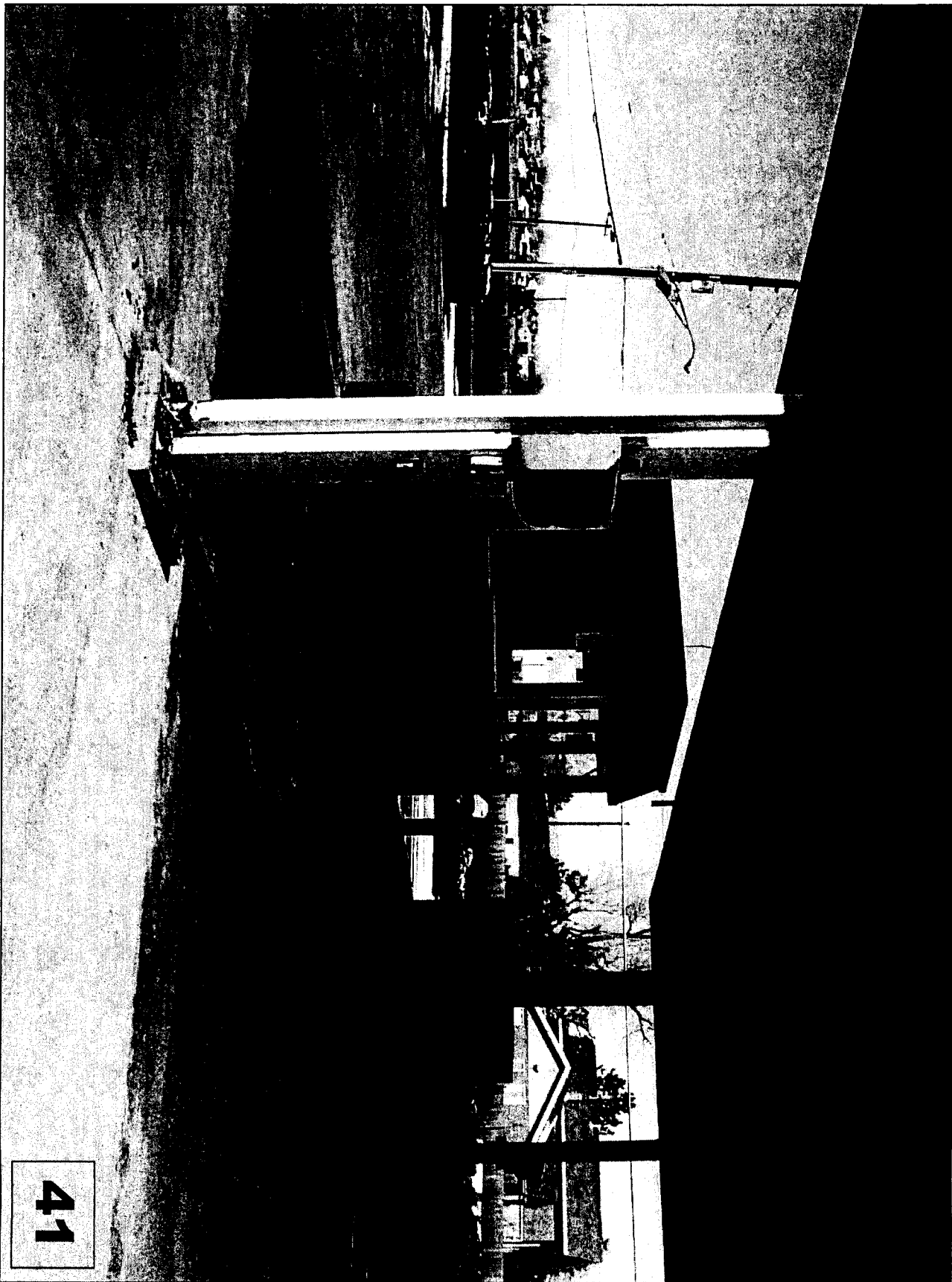






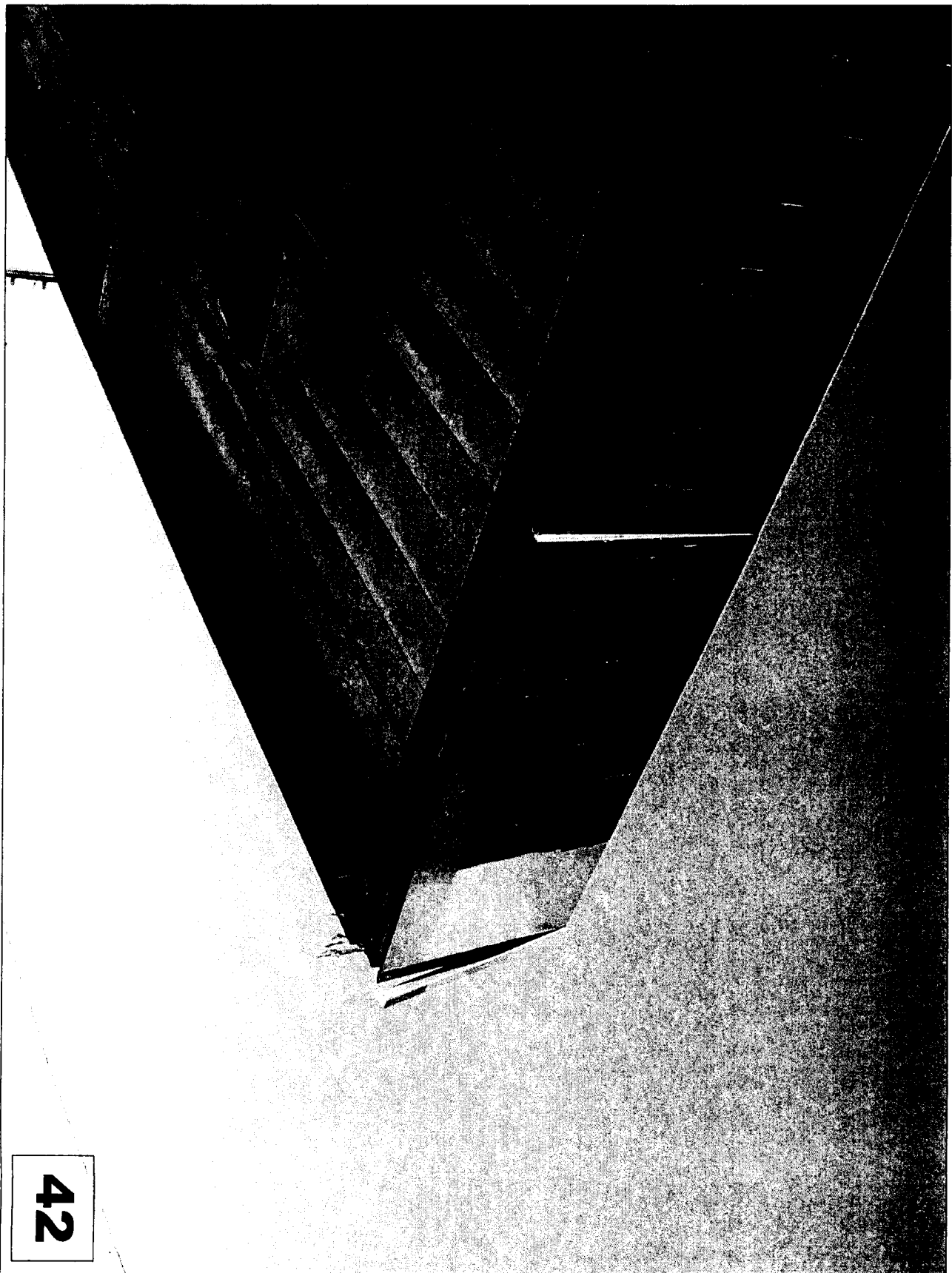




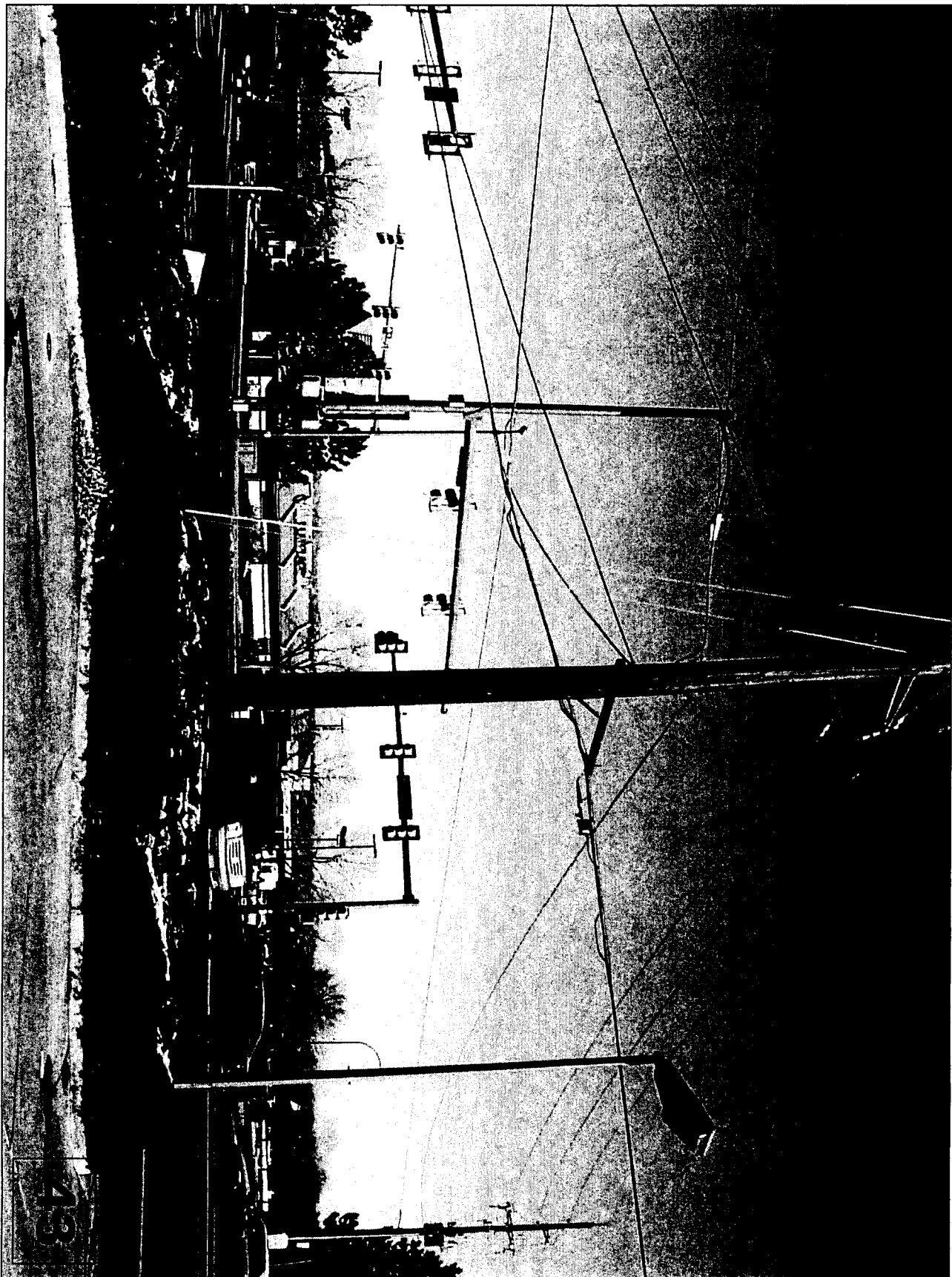


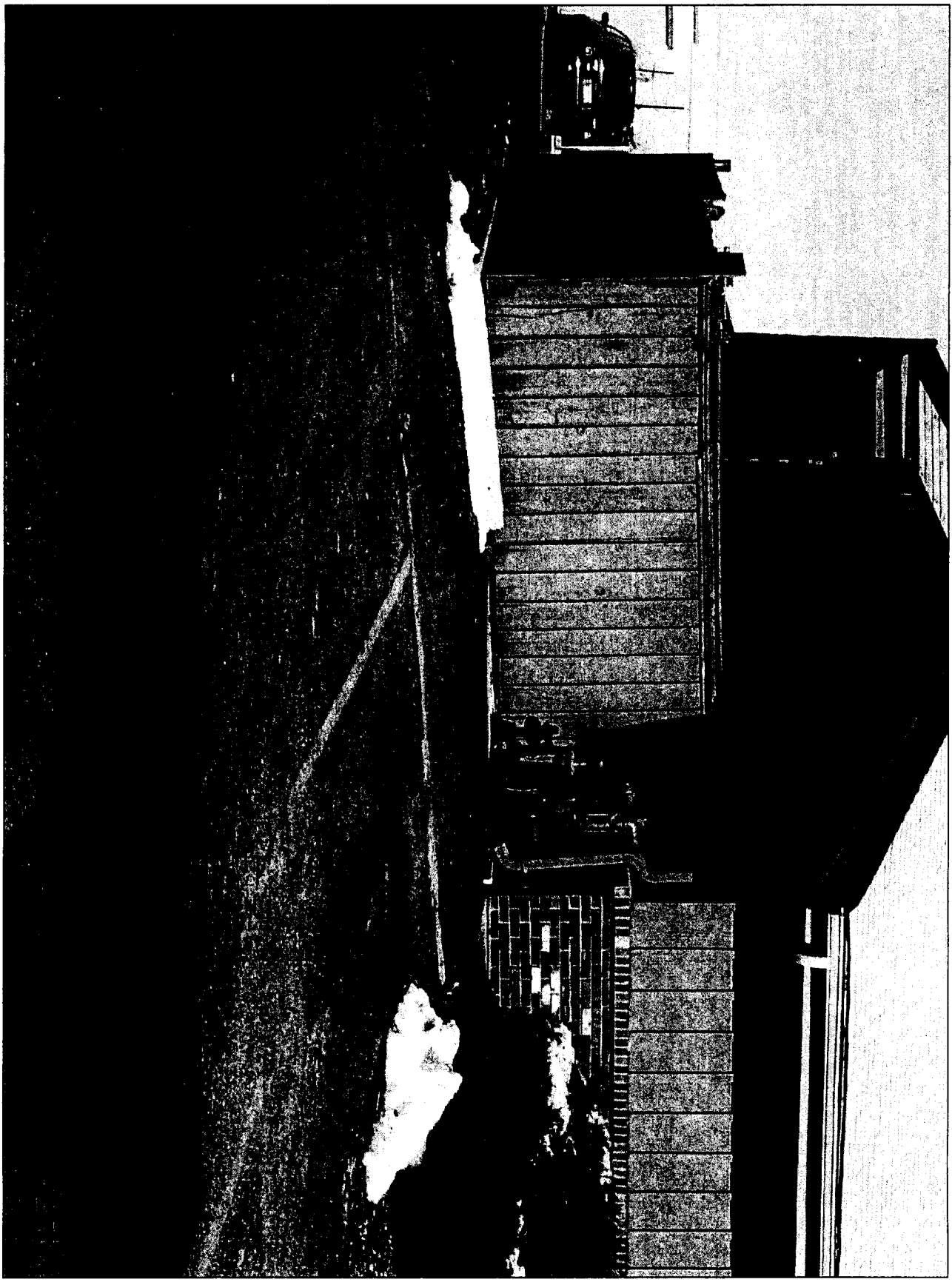
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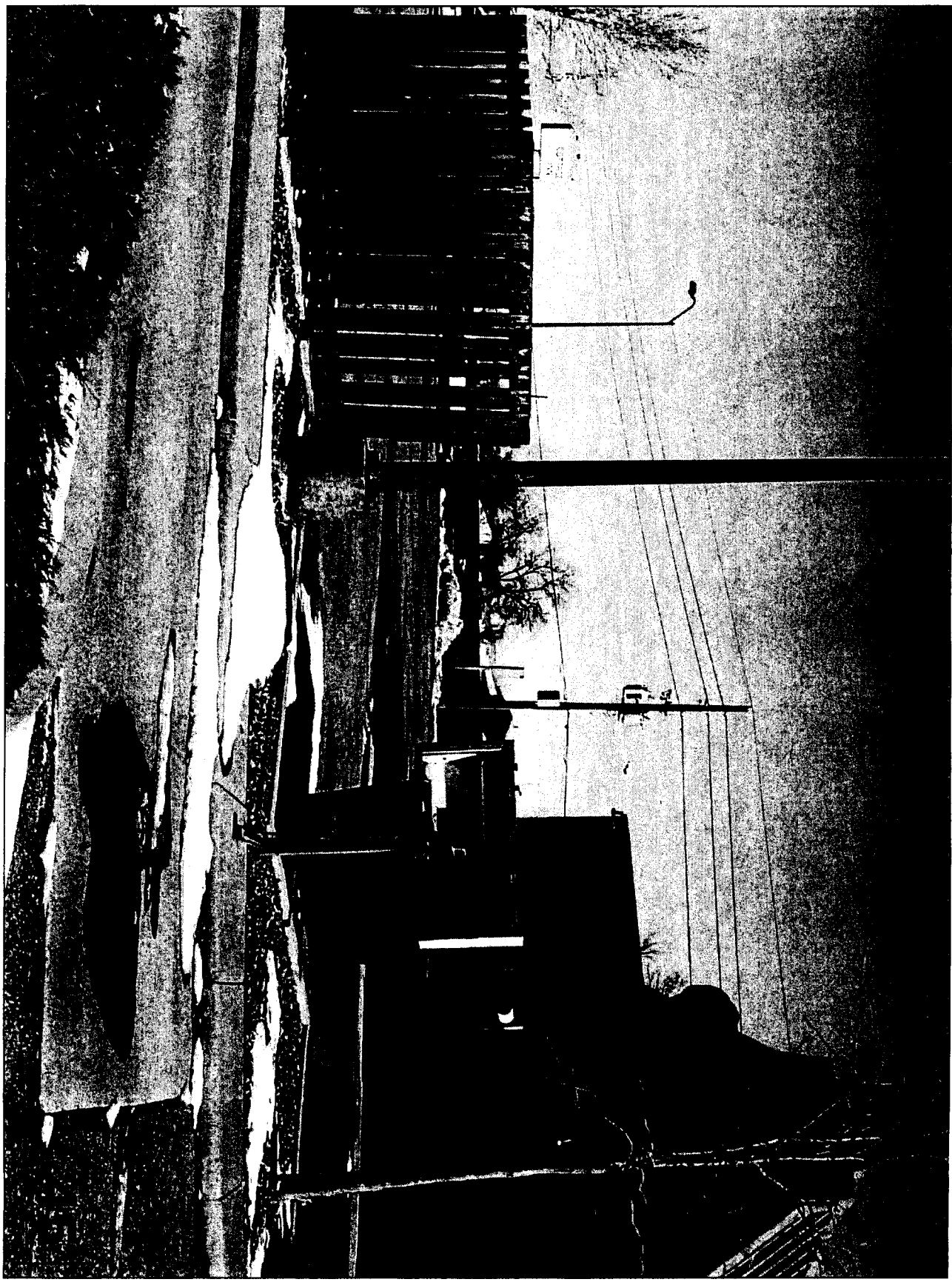


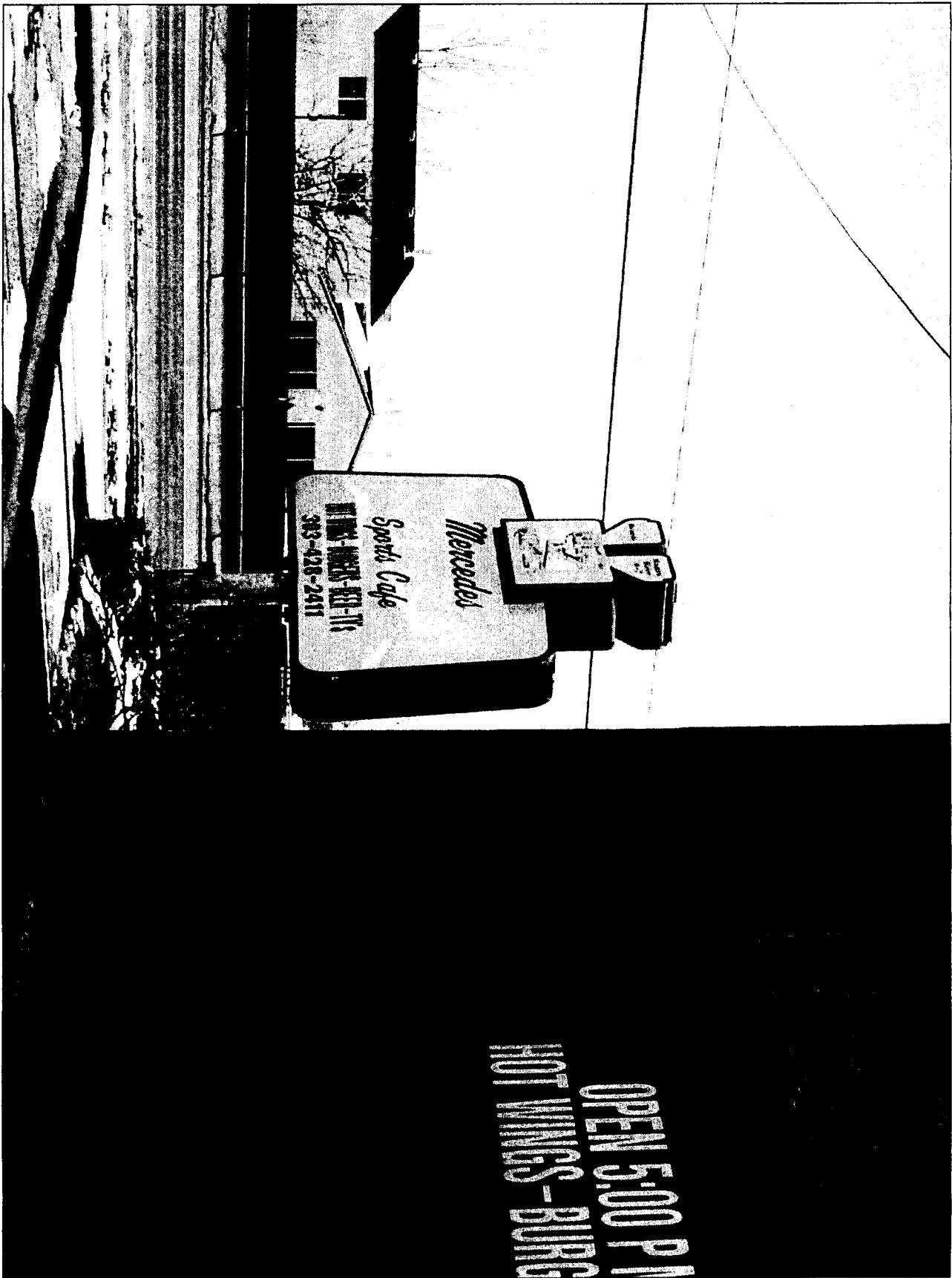


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**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004



**SUBJECT:** First Amended Redevelopment Agreement and Transfer of Property Agreement with RED Development

**Prepared By:** Alan Miller, Special Projects Director  
Malcolm Murray, Special Legal Counsel

**Recommended City Council Action**

Authorize the Mayor to execute a First Amended Redevelopment Agreement and Transfer of Property Agreement with RED Development Co., in substantially the same form as the attached agreements, concerning Phase II development of the Shops at Walnut Creek.

**Summary Statement**

- City Staff and RED Development Company have concluded discussions regarding a First Amended Redevelopment Agreement and Transfer of Property Agreement addressing changes that have occurred in the project since the initial Redevelopment Agreement was approved by City Council on June 23, 2003.
- The First Amended Redevelopment Agreement includes payment by RED to WEDA for the net added acreage for retail development from the Sup-Cal land purchase at \$6.00 per sq. ft.
- The agreement also provides for RED to make the final payment to WEDA for the remaining approximate 35 acres in the approximate amount of \$4,086,300.
- The agreement provides for WEDA to pay RED \$2.2 million for the relocation of the Amoco station net of the cost to WEDA to acquire the property including the right of way needed for the relocated Amoco. That land cost is anticipated to be approximately \$680,000.
- The Agreement to Transfer Property basically establishes the arrangements for Amoco to relocate, which primarily is a \$1.8 million payment to Amoco by RED Development doing business as Westminster Development Company.
- The First Amended Redevelopment Agreement includes an updated site plan that is the recently approved ODP for the Phase II development.

**Expenditure Required:** No expenditures by the City. WEDA will be obligated to pay \$2.2 million for the Amoco relocation and will receive approximately \$4,086,300 in land sales income.

**Source of Funds:** WEDA Bond Proceeds

## **Policy Issues**

Should City Council enter into agreements for the development of Phase II of the shops at Walnut Creek?

## **Alternatives**

Do not enter into these agreements with WEDA and RED Development Company.

This is not recommended for the following reasons:

1. Not approving these agreements will prevent RED Development from proceeding with Phase II.
2. Many letters of intent from retailers have been signed based on Phase II proceeding at this time. Delays will cause retailers to go elsewhere.
3. The business points that have been negotiated are fair to WEDA, the City and RED Development and allow for bank financing. Trying to shift more expenses on to the developer will drop the return on investment and prevent the ability to obtain bank financing.

## **Background Information**

The Mandalay Town Center project, now called the Shops at Walnut Creek, has undergone more than a name change since June of 2003 when the initial redevelopment agreement was adopted. Negotiations were concluded with RTD to construct a new park and ride facility in the project and established the layout/footprint for a future commuter retail station. The Phase II retail area was reconfigured to provide better storefront access to Town Center Drive and to accomplish necessary increased parking. Site and building construction development costs have become more precise. This has revealed that there are more savings in site development costs and more expense in the building costs. The building costs have increased by approximately \$3 million over original estimates. In addition, there was another \$2.5 million in expenses for Target that RED Development failed to take into account in their pro forma. Since there were savings in the site development costs being paid for by WEDA this First Amended Redevelopment Agreement provides for WEDA absorbing \$1.5 million in added expense through the reduction in amount of land cost paid by RED and WEDA. This is essential to the project since it will provide a return on investment of about 10.5%, which is a threshold for obtaining bank financing for the building construction. There is a provision in the agreement that if the return on investment exceeds 12%, then WEDA shares in the returns. Overall, it is conservatively estimated that this project will provide a return to the City through WEDA, of approximately \$40 million over the life of the bonds even with the increased costs of land acquisition and paying \$800,000 for constructing the RTD park and ride facility.

This urban renewal project started in earnest early in 2003 and has proceeded at a remarkably fast pace, especially considering all the complications associated with urban renewal. With adoptions of these agreements the final project objectives can be achieved.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments





**WESTMINSTER**  
**COLORADO**

## Agenda Item 10 K

City Council Meeting  
March 29, 2004



**SUBJECT:** Resolution No. 22 re Support for RTD FasTracks Ballot Proposal

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

**Recommended City Council Action:**

Adopt Resolution No. 22 regarding support of the FasTracks Ballot proposal.

**Summary Statement**

- During 2002, the State Legislature authorized RTD to go to the voters to consider a proposal for expansion of the Denver Metropolitan area's rapid transit system.
- RTD has developed the FasTracks proposal to be on the ballot this fall for consideration by the region's 1.5 million voters. A petition process has begun to get this measure on the ballot.
- The proposal includes comprehensive upgrades to the regions bus routes and light rail lines, the addition of three commuter rail lines, 18 miles of Bus Rapid Transit (BRT) along US 36, and the construction of numerous new transit stations and new park-n-rides.
- The Ballot proposal will ask voters to approve an increase in the current RTD sales tax rate of six tenths of one percent to one percent, or a new sales tax rate of 10 cents on each \$10 purchase. These funds would be used to pay the debt service on the bonds needed to finance the construction of the FasTracks rapid transit improvements as well as to cover operating costs for the larger system.
- FasTracks will fund significant rapid transit improvements along critical transportation corridors in Westminster, including US 36 and I-25. Staff is recommending that City Council take a position of support on this measure based on the benefits that FasTracks would bring to Westminster citizens and businesses.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issues**

Should the City take a position of support on the FasTracks Ballot Proposal?

**Alternative**

City Council could choose to remain neutral on the proposal. Staff does not recommend this alternative, as the FasTracks proposal would significantly improve transportation for Westminster residents and businesses. This proposal represents a comprehensive metro-wide solution to help alleviate transportation congestion in the region.

**Background Information**

Several proposals have come forward over the last 10 years to expand rapid transit in the Denver Metropolitan area. In 1997, a measure called “Guide the Ride” was put before the voters to expand the RTD system across the Denver Metropolitan area. In 1999, voters passed the “Trans Bonds” issue allowing the T-Rex project to move forward in the southeast corridor.

FasTracks has been under discussion over the last several years and got the official go ahead to be put on the ballot by the State Legislature in 2002. The FasTracks plan has been finalized by RTD after significant public input and is outlined on the attached diagram and background materials. The key components of the plan include:

- >New commuter service along US 36, north metro line to the east of I-25, line to DIA, and service to Longmont along SH 119
- >New Bus Rapid Transit (BRT) service along US 36
- >119 new miles of light rail
- >Enhanced suburb to suburb bus service
- >31 new park-n-rides
- >57 new transit stations
- >20,000 new parking spaces

One of the significant benefits to Westminster from FasTracks, if passed by the voters, is that this project will put into place commuter rail and BRT stations in strategic locations in Westminster. These stations, and the density of vehicular traffic that comes with them, create opportunities for quality Transit Oriented Development (TOD) that will benefit the City considerably. This is in addition to the direct benefit to Westminster citizens and businesses from the ready access to vastly improved rapid transit.

It is recognized that various studies are still ongoing, including the US 36 EIS, in regard to the final makeup and components that will be included in FasTracks. The City will be monitoring these developments closely to assure that modifications from the current proposal benefit Westminster residents and businesses.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **22**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

CITY'S FORMAL POSITION TO SUPPORT THE RTD FASTRACKS PROPOSAL

**WHEREAS:** This region has repeatedly identified that funding and implementing a multi-modal transportation system that includes a comprehensive rail and bus transit element as well as a highway element, are critical to the future economic health and quality of life of the Denver metro area; and

**WHEREAS:** transportation planning processes have recommended rail and bus transit projects in key transportation corridors in the Denver metro region, including the West, East, Gold Line (I-70 West), I-225, North Metro, US36, SH 119, Southwest and Southeast corridors, and

**WHEREAS:** given current RTD revenue forecasts, which assume another federal transit grant, only one of these projects could be built before 2020, leaving the other projects unfunded, and

**WHEREAS:** build-out of a rail and bus transit network is a critical infrastructure component for the City of Westminster, and

**WHEREAS:** the City supports a FasTracks proposal containing three Commuter Rail and Two Bus Rapid Transit station locations within the City of Westminster that will promote high quality transit oriented development, and

**WHEREAS:** HB02-1310/SB02-179, which was passed in the 2002 legislative session and signed by Governor Owens, authorizes an RTD ballot measure to let metro area voters decide on increasing funding for expanded rail and bus transit, and

**NOW, THEREFORE,** be it resolved that the City Council of Westminster supports an RTD FasTracks measure on the November 2004 election ballot in substantially the same form and content as the current proposal, and is committed to public education and coalition building in support of that goal.

Passed and adopted this 29th day of March, 2004 as amended.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
March 29, 2004

**SUBJECT:** Citizen Communication – Hmong Senior Project

**Prepared By:** Kim Farin, Administrative Secretary

**Recommended City Council Action**

Listen to the presentation by Ge Thao.

**Summary Statement**

Mr. Ge Thao, with the Hmong American Association of Colorado, who resides at 8909 Circle Drive in Westminster, has requested time on Monday night's agenda to address City Council regarding a program designed to benefit Hmong senior citizens. The program is called the Hmong Senior Project.

Mr. Thao's presentation will be longer than five minutes and therefore this time has been placed at the end of the meeting.

**Expenditure Required:** Unknown at this time

**Source of Funds:** n/a

Respectfully submitted,

J. Brent McFall  
City Manager

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, March 29, 2004. Present at roll call were Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the March 15, 2004 meeting were approved.

Mayor and Council recognized the Department of Public Works and Utilities Staff for their outstanding efforts in the Public Works field and presented proclamations to Standley Lake and Westminster High School wrestling teams, coaches and individual wrestlers for wrestling accomplishments.

Council approved the following: February Financial Report; IGA for Continuation of the Community Transit Program in Adams County for \$26,420; Quarterly Insurance Report: October - December 2003; Purchase of Replacement Light Duty Trucks and New Public Safety Vehicles for \$344,931; Annexation Agreement re Chamberlain Property; IGA with WEDA re Shops at Walnut Creek; and First Amended Redevelopment Agreement and Transfer of Property Agreement with RED Development Co for the Shops at Walnut Creek.

Council appointed Marilyn Flachman to the Library Board with term of office to expire on December 31, 2004.

At 7:44 p.m. a public hearing was opened on the Annexation, CLUP Amendment and Zoning of the Chamberlain Property located south of Church Ranch Blvd, west of Reed Street.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 AND 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: annexation of Chamberlain property

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN purpose: CLUP amendment for Chamberlain property

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTIONS 11 and 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO purpose: zoning for Chamberlain property

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH ROVING PLANET INC. TO AID IN THEIR RELOCATION OF ROVING PLANET INC. TO CHURCH RANCH BUSINESS CENTER IN WESTMINSTER purpose: Business Assistance Package for Roving Planet

The following Councillor's Bills were passed on second reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

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

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SCOTTRADE, INC. TO AID IN THEIR RELOCATION OF SCOTTRADE AND THEIR AFFILIATE, COMPUTER RESEARCH INC. TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

A BILL FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE BUSINESS ASSISTANCE PACKAGE BETWEEN 88<sup>th</sup> AND PIERCE BUSINESS CENTER LLLP (88<sup>th</sup> and Pierce Business Center) AND THE CITY OF WESTMINSTER TO MODIFY THE START DATE OF THE TIME PERIOD OF THE AGREEMENT TO COINCIDE WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANY FOR JOANN STORES, INC

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE LIBRARY BOARD

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THESE FUNDS

A BILL FOR AN ORDINANCE TO CONVEY LEASE AGREEMENTS FOR CITY-OWNED PROPERTY KNOWN AS THE STRASBURG NATURAL RESOURCE FARM

The following Resolutions were adopted:

Resolution No. 19 re Appointment to Library Board

Resolution No. 20 re findings re Chamberlain Property

Resolution No. 21 re South Sheridan Reinvestment Study and Urban Renewal Plan

Resolution No. 22 re Support for RTD Fastrack Ballot Proposal as amended

At 8:46 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on April 8, 2004

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dittman – Hicks**

## A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado, are enclaves entirely surrounded, by the city for a period of not less than three years; 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. 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 described herein may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy 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 situate, lying and being in the County of Adams, State of Colorado, to wit:

## Parcel 1

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based thence along the north line of said section N89°58'56"W, 199.56 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point at the intersection of the west line of US Highway I-25 and the south line of West 136<sup>th</sup> Avenue a point on the west line of the annexation to the City of Westminster recorded at reception number 621803 of the records of the Adams County Clerk and Recorder.

Thence along said west line S00°52'40"E, 208.70 feet to a point on the lines of the annexation to said city recorded at reception number B626335 of said records; thence along said lines N89°58'56"W, 208.70 feet; thence continuing along said lines N00°52'40"W, 208.70 feet to a point on the south line of West 136<sup>th</sup> Avenue on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 208.70 feet to the true point of beginning.

Contains 43556 square feet or 0.9999 acres more or less.

Parcel 2

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89'58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based; thence along the north line of said section N89'58'56"W, 1956.20 feet; thence at right angles to said line S00'01'04"W, 30.00 feet to the true point of beginning a point on the south line of West 136<sup>th</sup> Avenue a point on the northerly line of the annexation to the City of Westminster recorded at reception number 626335 of the records of the Adams County Clerk and Recorder;

Thence along the lines of said annexation and the following 6 courses 1) S26'00'03"E, 808.92 feet; 2) N87'41'04"E, 160.50 feet; 3) N67'29'48"E, 520.10 feet; 4) N80'13'44"E, 190.46 feet; 5) S58'38'48"E, 567.35 feet to a point of curve right; 6) along said curve with a central angle of 33'00'11", a radius of 269.45 feet and an arc length of 155.21 feet, long chord bears S42'08'43"E, 153.07 feet to a point on the west line of US Highway I-25 on the west line of the annexation to said city recorded at reception number 621803 of said records; thence along said west line S00'52'40"E, 225.75 feet to a point on the easterly line of the annexation to said city recorded at reception number B626334 of said records to a point on a non-tangent curve right; thence along said line along said curve with a central angle of 02'28'40", a radius of 269.45 feet and an arc length of 11.65 feet, long chord bears S25'07'36"W, 11.65 feet; thence continuing along said line S26'21'56"W, 176.78 feet to a point on the north line of the annexation to said city recorded at reception number 959691 of said records; thence along said line N89'58'46"W, 106.01 feet to a point on the lines of the annexation to said city recorded at reception number B626334 of said records; thence along the lines of said annexation and the following 7 courses 1) N26'21'56"E, 223.82 feet to a point of curve left; 2) along said curve with a central angle of 85'00'44", a radius of 174.45 feet and an arc length of 258.84 feet, long chord bears N16'08'26"W, 235.74 feet; 3) N58'38'48"W, 531.71 feet; 4) S80'13'44"W, 144.22 feet; 5) S67'29'48"W, 526.41 feet; 6) S87'41'04"W, 239.48 feet; 7) N26'00'03"W, 917.36 feet to a point on the south line of West 136<sup>th</sup> Avenue a point on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89'58'56"E, 105.71 feet to the true point of beginning.

Containing 265358 square feet or 6.0918 acres more or less.

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

Section 3. 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 15th day of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March, 2004.



SERIES OF 2004

INTRODUCED BY COUNCILLORS  
Dittman - Hicks

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

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

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Bull Canal annexation property, legally described as follows:

Parcel 1

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based thence along the north line of said section N89°58'56"W, 199.56 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point at the intersection of the west line of US Highway I-25 and the south line of west 136<sup>th</sup> Avenue a point on the west line of the annexation to the City of Westminster recorded at reception number 621803 of the records of the Adams County Clerk and Recorder.

Thence along said west line S00°52'40"E, 208.70 feet to a point on the lines of the annexation to said city recorded at reception number B626335 of said records; thence along said lines N89°58'56"W, 208.70 feet; thence continuing along said lines N00°52'40"W, 208.70 feet to a point on the south line of West 136<sup>th</sup> Avenue on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 208.70 feet to the true point of beginning.

Contains 43556 square feet or 0.9999 acres more or less.

Parcel 2

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based; thence along the north line of said section N89°58'56"W, 1956.20 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point on the south line of West 136<sup>th</sup> Avenue a point on the northerly line of the annexation to the City of Westminster recorded at reception number 626335 of the records of the Adams County Clerk and Recorder;

Thence along the lines of said annexation and the following 6 courses 1) S26°00'03"E, 808.92 feet; 2) N87°41'04"E, 160.50 feet; 3) N67°29'48"E, 520.10 feet; 4) N80°13'44"E, 190.46 feet; 5) S58°38'48"E, 567.35 feet to a point of curve right; 6) along said curve with a central angle of 33°00'11", a radius of 269.45 feet and an arc length of 155.21 feet, long chord bears S42°08'43"E, 153.07 feet to a point on the west line of US Highway I-25 on the west line of the annexation to said city recorded at reception number 621803 of said records; thence along said west line S00°52'40"E, 225.75 feet to a point on the easterly line of the annexation to said city recorded at reception number B626334 of said records to a point on a non-tangent curve right; thence along said line along said curve with a central angle of 02°28'40", a radius of 269.45 feet and an arc length of 11.65 feet, long chord bears S25°07'36"W, 11.65 feet; thence continuing along said line S26°21'56"W, 176.78 feet to a point on the north line of the annexation to said city recorded at reception number 959691 of said records; thence along said line N89°58'46"W, 106.01 feet to a point on the lines of the annexation to said city recorded at reception number B626334 of said records; thence along the lines of said annexation and the following 7 courses 1) N26°21'56"E, 223.82 feet to a point of curve left; 2) along said curve with a central angle of 85°00'44", a radius of 174.45 feet and an arc length of 258.84 feet, long chord bears N16°08'26"W, 235.74 feet; 3) N58°38'48"W, 531.71 feet; 4) S80°13'44"W, 144.22 feet; 5) S67°29'48"W, 526.41 feet; 6) S87°41'04"W, 239.48 feet; 7) N26°00'03"W, 917.36 feet to a point on the south line of West 136<sup>th</sup> Avenue a point on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 105.71 feet to the true point of beginning.

Containing 265358 square feet or 6.0918 acres more or less.

The properties described above shall be changed from Unincorporated Adams County, to District Center, as shown on the attached "Exhibit A".

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. 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 15<sup>th</sup> of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29<sup>th</sup> day of March, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Dittman - Hicks

## A BILL

FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Adams County A-2 to City of Westminster Planned Unit Development (PUD) zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. 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.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Adams County A-2 to City of Westminster PUD. A parcel of land located in Section 27, Township 1 South, Range 68 West, 6th P.M., County of Adams, State of Colorado, more particularly described as follows:

## Parcel 1

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based thence along the north line of said section N89°58'56"W, 199.56 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point at the intersection of the west line of US Highway I-25 and the south line of west 136<sup>th</sup> Avenue a point on the west line of the annexation to the City of Westminster recorded at reception number 621803 of the records of the Adams County Clerk and Recorder.

Thence along said west line S00°52'40"E, 208.70 feet to a point on the lines of the annexation to said city recorded at reception number B626335 of said records; thence along said lines N89°58'56"W, 208.70 feet; thence continuing along said lines N00°52'40"W, 208.70 feet to a point on the south line of West 136<sup>th</sup> Avenue on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 208.70 feet to the true point of beginning.

Contains 43556 square feet or 0.9999 acres more or less.

Parcel 2

Commencing at the north quarter corner of said section 27 from whence the northwest corner of said section bears N89°58'56"W, 2624.59 feet as shown on the City of Westminster GIS survey plats and on which all bearings hereon are based; thence along the north line of said section N89°58'56"W, 1956.20 feet; thence at right angles to said line S00°01'04"W, 30.00 feet to the true point of beginning a point on the south line of West 136<sup>th</sup> Avenue a point on the northerly line of the annexation to the City of Westminster recorded at reception number 626335 of the records of the Adams County Clerk and Recorder;

Thence along the lines of said annexation and the following 6 courses 1) S26°00'03"E, 808.92 feet; 2) N87°41'04"E, 160.50 feet; 3) N67°29'48"E, 520.10 feet; 4) N80°13'44"E, 190.46 feet; 5) S58°38'48"E, 567.35 feet to a point of curve right; 6) along said curve with a central angle of 33°00'11", a radius of 269.45 feet and an arc length of 155.21 feet, long chord bears S42°08'43"E, 153.07 feet to a point on the west line of US Highway I-25 on the west line of the annexation to said city recorded at reception number 621803 of said records; thence along said west line S00°52'40"E, 225.75 feet to a point on the easterly line of the annexation to said city recorded at reception number B626334 of said records to a point on a non-tangent curve right; thence along said line along said curve with a central angle of 02°28'40", a radius of 269.45 feet and an arc length of 11.65 feet, long chord bears S25°07'36"W, 11.65 feet; thence continuing along said line S26°21'56"W, 176.78 feet to a point on the north line of the annexation to said city recorded at reception number 959691 of said records; thence along said line N89°58'46"W, 106.01 feet to a point on the lines of the annexation to said city recorded at reception number B626334 of said records; thence along the lines of said annexation and the following 7 courses 1) N26°21'56"E, 223.82 feet to a point of curve left; 2) along said curve with a central angle of 85°00'44", a radius of 174.45 feet and an arc length of 258.84 feet, long chord bears N16°08'26"W, 235.74 feet; 3) N58°38'48"W, 531.71 feet; 4) S80°13'44"W, 144.22 feet; 5) S67°29'48"W, 526.41 feet; 6) S87°41'04"W, 239.48 feet; 7) N26°00'03"W, 917.36 feet to a point on the south line of West 136<sup>th</sup> Avenue a point on the south line of the annexation to said city recorded at reception number B621803 of said records; thence along said south line S89°58'56"E, 105.71 feet to the true point of beginning.

Containing 265358 square feet or 6.0918 acres more or less.

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 15<sup>th</sup> day of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29<sup>th</sup> day of March, 2004.

ORDINANCE NO **3100**

COUNCILLOR'S BILL NO. **12**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Kauffman - McNally**

A BILL

FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH SCOTTRADE, INC. TO AID IN THEIR RELOCATION OF SCOTTRADE AND THEIR AFFILIATE, COMPUTER RESEARCH INC. TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Scottrade and their affiliate Computer Research Inc. plan to occupy 29,000 square feet in the four story office building at Church Ranch Corporate Center, off of US 36 and Church Ranch Boulevard in Westminster, and

WHEREAS, a proposed Assistance Agreement between the City and Scottrade is attached hereto as Exhibit "A" and incorporated herein by this reference.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Scottrade in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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 15<sup>th</sup> day of March 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29<sup>th</sup> day of March 2004.

ORDINANCE NO. **3101**

COUNCILLOR'S BILL NO. **13**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dixon - McNally**

A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE BUSINESS ASSISTANCE PACKAGE BETWEEN 88<sup>th</sup> AND PIERCE BUSINESS CENTER LLLP (88<sup>th</sup> and Pierce Business Center) AND THE CITY OF WESTMINSTER TO MODIFY THE START DATE OF THE TIME PERIOD OF THE AGREEMENT TO COINCIDE WITH THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR JOANN STORES, INC.

WHEREAS, this amendment would modify the start date of the time period of the agreement to coincide with the Certificate of Occupancy for JoAnn Stores Inc.

NOW, THEREFORE, pursuant to the terms of the Constitution of the State of Colorado, the Charter and ordinances of the City of Westminster, and Resolution No. 53, Series of 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Amendment to the Business Assistance Agreement with 88<sup>th</sup> and Pierce Business Center LLLP in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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 15th day of March 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dittman - Dixon**

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE LIBRARY BOARD

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-1-1(E), W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION 3 to read as follows:

**2-1-1: APPOINTMENT OF MEMBERS; TERMS:**

(E) Terms shall be staggered as follows:

1. For five (5) member Boards or Commissions, three (3) members shall have terms that expire on even-numbered years and two (2) members shall have terms that expire on odd-numbered years.
2. For seven (7) member Boards or Commissions, four (4) members shall have terms that expire on even-numbered years and three (3) members shall have terms that expire on odd-numbered years.
3. FOR EIGHT (8) MEMBER BOARDS OR COMMISSIONS, FOUR (4) MEMBERS SHALL HAVE TERMS THAT EXPIRE ON EVEN-NUMBERED YEARS AND FOUR (4) MEMBERS SHALL HAVE TERMS THAT EXPIRE ON ODD-NUMBERED YEARS.
- ~~3.~~ 4. Alternates shall have terms that expire on odd-numbered years.

This section shall not apply to the Election Commission.

Section 2. Section 2-4-1, W.M.C., is hereby AMENDED to read as follows:

**2-4-1: CREATION:** There is hereby created a Library Board, hereinafter referred to as "THE BOARD," consisting of ~~seven (7)~~-EIGHT (8) regular members and one (1) alternate member.

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 15th day of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March, 2004.

**Dixion - Price**

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$11,000 which, when added to the fund balance as of the City Council action on March 15, 2004 will equal \$81,142,718. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the receipt of a grant from the Federal Emergency Management Agency.

Section 2. The \$11,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	1000.40610.0000	\$0	<u>\$11,000</u>	\$11,000
Total change to revenues			<u>\$11,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Comp Soft/Hard	10025260.75400.0000	\$25,816	\$3,600	\$29,416
Train & Ref Mtrls	10025260.71400.0000	11,527	5,000	16,527
Contract Svcs	10025260.67800.0000	10,056	<u>2,400</u>	12,456
Total change to expenses			<u>\$11,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 15th day of March, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 29th day of March, 2004.



ORDINANCE NO. **3104**

COUNCILLOR'S BILL NO. **16**

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Hicks - Dixon**

A BILL

FOR AN ORDINANCE TO CONVEY LEASE AGREEMENTS FOR CITY-OWNED PROPERTY  
KNOWN AS THE STRASBURG NATURAL RESOURCE FARM

WHEREAS, the City owns a property in central Adams County for the purpose of applying biosolids; and

WHEREAS, it is in the City's interest to maximize the income generated from such operation by collecting rental income from use of the land and improvements,

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager is hereby authorized to execute leases with the following parties as summarized below:

Mr. Bruce Vetter	1700 acres dry farmland	1/3 of grain produced
Mr. Matthew Sweeny	8551 Headlight Road, Strasburg	\$4800/year
Mr. Thomas Linnebur and Mrs. Janet Linnebur	57101 East 88 <sup>th</sup> Avenue, Strasburg	\$10,200/year

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

Section 3. 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 15th DAY OF MARCH, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED THIS 29th DAY OF MARCH, 2004.