



REVISED CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Elks' Citizen of the Year, Ben Beaty, Proclamation
 - B. Community Pride Day Proclamation
 - C. National Drinking Water Week Proclamation
 - D. National Crime Victims' Right Week Proclamation
 - E. "Just Say No" Week Proclamation
 - F. Colorado Archaeology and Historic Preservation Month Proclamation

7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda

- A. Financial Report for March 2007
- B. Quarterly Insurance Report: January – March 2007
- C. Change the Date of the Second City Council Meeting in May
- D. Assistance to Firefighters Grant
- E. 2006 Westminster Conference Center Property Tax
- F. Adult Sports Officiating Services Contract
- G. Survey Control Modernization Project Contract
- H. 2007 Pavement Rehabilitation Project Contract
- I. Municipal Service Center Facility Renovation Professional Services Contract
- J. Water and Sewer Infrastructure Study Change Order
- K. Second Reading Councillor's Bill No. 15 re Vacation of Easements re Mandalay Town Center Subdivision

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Councillor's Bill No. 16 re Change to Dog License Program
- B. Councillor's Bill No. 17 re Lease Proceeds for Legacy Ridge Golf Course Maintenance Equipment
- C. Legacy Ridge Golf Course Maintenance Equipment Package re Funding the Lease/Purchase Agreement
- D. Legacy Ridge Golf Course Maintenance Equipment Lease/Purchase
- E. Councillor's Bill No. 18 re Redevelopment Assistance Package for Northgate Shopping Center

11. Old Business and Passage of Ordinances on Second Reading

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

- A. City Council
- B. Executive Session – Obtain Direction from City Council re Proposed Economic Development Agreement with Sun Edison pursuant to WMC 1-11-3 (C)(4), WMC 1-11-3 (C)(7) and CRS 24-6-402(4)(e)

13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (separate agenda)

144th AVENUE GENERAL IMPROVEMENT DISTRICT MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, APRIL 23, 2007 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally invited members of Cub Scout Troop 835 to present the colors and to lead the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Price, to approve the minutes of the regular meeting of April 9, 2007, as written and presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that Council and Staff had conducted the annual Strategic Plan Retreat. Council had done an outstanding job updating the vision, and it was a pleasure to receive that type of guidance.

At the conclusion of this meeting, Council would convene meetings of the Westminster Economic Development Authority and the 144th Avenue General Improvement District. At the conclusion of those meetings, Council would convene an executive session to give Staff direction regarding a proposed economic development agreement with Sun Edison. Authority for the executive session was cited in Sections 1-11-3 (C)(4) and 1-11-3 (C)(7) of the Westminster Municipal Code and Section 24-6-402(4)(e), C.R.S.

Council would not meet on April 30, as there was no business to consider and it was the fifth Monday of the month.

Mr. McFall recognized Janice Kraft, Neighborhood Services Administrator, for her years of service to the City. Ms. Kraft had announced her retirement and would leave the City's employ May 1.

CITY COUNCIL COMMENTS

Councillor Price thanked Department Heads for the preparation and planning they had put into the Strategic Plan Retreat.

Mayor McNally reported that the 86th Annual Convention of the Colorado PTA (Parent Teachers Association) was held at the Westminster Westin. It was the national PTA organization's 100th Birthday and appropriate festivities were held.

PRESENTATIONS

Mayor McNally read a proclamation to recognize and honor Ben Beaty, the Westminster Elks' Citizen of the Year. Participating in the presentation were dignitaries from the Westminster Elks Lodge to formally present Mr. Beaty the Citizen of the Year plaque.

Councillor Kaiser presented to Patti Wright a proclamation declaring May 12 as Community Pride Day. Ms. Wright explained activities planned for the day and welcomed everyone's participation in the morning clean-up to be followed by entertainment and a barbeque sponsored by the City and Hyland Hills Park and Recreation District.

A proclamation declaring May 6 through 12 to be National Drinking Water Week was read by Councillor Major and presented to Mary Fabisiak, Water Quality Administrator. She described activities that would be held during that week and invited public participation.

Councillor Price read a proclamation naming the week of April 23 as Victims' Rights Week. Accepting the proclamation was Barbara Lamanna, Victims Services Coordinator.

Accepting a proclamation from Councillor Dittman that set April 29 to May 5 to be Just Say No Week were Eleanor Scott and Nancy Velasquez.

Councillor Lindsey read a proclamation declaring May to be Archaeology and Historic Preservation Month. Accepting the proclamation were members of the Historic Landmark Board and the staff liaison to the Board, Vicky Bunsen.

CITIZENS COMMENT

Jane Fancher, 7260 Lamar Court, spoke in opposition to the use of the Utility Fund to meet expenditures at the Municipal Service Center for planned renovations even though she realized the transaction was identified as a loan from the Utility Fund that would be repaid by the General Fund.

Dennis Emily, 10001 Ames Street, appreciated the City's repair of a fence he had reported April 9. He asked questions regarding a possible extension of Benton Street to Sheridan Boulevard or 101st Avenue, reiterating concern about the need for a safe left-turn access onto Sheridan Boulevard from the area where he lived; requested information about temporary parking on open space at 100th and Benton; and suggested a speed limit sign installed in the 100th and Ames neighborhood be removed and used elsewhere in the community.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: March 2007 Financial Report; 1st Quarter Insurance Report; changing the date of the last regularly scheduled meeting in May from May 28 to May 21; authority to submit an application to the United States Department of Homeland Security for a 2007 Assistance to Firefighters Grant; authority for the City Manager to pay to the Jefferson County Treasurer the 2006 property tax for the Westminster Conference Center in the amount of \$232,389.84; authority for the City Manager to execute a one-year contract, providing a two-year renewal option, with Professional and Recreational Officials of Sports Inc. (P.R.O.S.) for officiating and related services in an amount not to exceed \$85,000 annually; authority for the City Manager to sign a contract with Bohannon Huston, Inc. for surveying and related services to expand and update the City's survey control network and authority to expend \$105,300 for the three-phases of the contract plus a contingency of \$10,500; authority for the City Manager to execute a \$1,097,029 contract for the 2007 Pavement Rehabilitation Project with Asphalt Specialties Company, Inc., the low bidder, and authorize a \$64,283 contingency; based on the City Manager's recommendation, determine that the public interest would be best served by awarding a contract to Fisher Associates as the sole source for the work, authorize the City Manager to execute a design, bidding and construction management contract for the Municipal Service Center Renovation with Fisher Associates in the amount of \$656,088, and authorize a 10 percent contingency of \$65,608 for a total project budget of \$721,696; authorize a \$20,756 change order to compensate URS Corporation for additional services completed as part of the Water and Sewer Infrastructure Study and authorize the transfer of \$20,756 from the Utility Fund Water Project Contingency Capital Improvement Project (CIP) account to the Water Master Plan/Modeling CIP account; and final passage of Councillor's Bill No. 15 vacating ten easements on Lots 4 and 4E of the Final Plat for Mandalay Town Center Subdivision, Filing No. 2.

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

COUNCILLOR'S BILL NO. 16 TO CHANGE DOG LICENSE PROGRAM

It was moved by Councillor Major and seconded by Councillor Price to pass Councillor's Bill No. 16 on first reading to amend the Westminster Municipal Code relative to the Dog License Program.

Mr. McFall provided details concerning the proposed legislation. The City contracted with Table Mountain Animal Center for animal services whether the animal was found in Jefferson or Adams Counties. All municipalities within Jefferson County were in the process of adopting legislation to require owners to license their dogs, a practice currently limited to unincorporated areas of the county. Licensure would expedite reuniting lost dogs with their owners, allow jurisdictions to flag dangerous dogs or vicious animals through the licensing database, reduce Table Mountain staff time through reduced impoundments, and contribute to funding construction of a new animal shelter for Table Mountain or of capital improvements and maintenance of the current facility.

At roll call, the motion to pass Councillor's Bill No. 16 on first reading was unanimously approved.

COUNCILLOR'S BILL NO. 17 RE LEASE/PURCHASE OF GOLF COURSE EQUIPMENT

Upon a motion by Mayor Pro Tem Kauffman, seconded by Councillor Major, the Council voted unanimously at roll call to pass on first reading Councillor's Bill No. 17 appropriating up to \$547,000 in the Golf Court Fund for the lease proceeds for golf course maintenance equipment at Legacy Ridge Golf Course.

GOLF COURSE MAINTENANCE EQUIPMENT LEASE/PURCHASE ADDED TO MASTER LEASE

Mayor Pro Tem Kauffman moved with Councillor Major's second to authorize the City Manager to add to the existing master lease, a lease/purchase agreement in an amount not to exceed \$93,112 in annual budgeted payments or approximately \$651,700, including approximately \$104,700 in financing cost, to fund the Legacy Ridge Golf Course maintenance equipment package. The motion passed with all Council members voting affirmatively.

CONTRACTS FOR GOLF COURSE MAINTENANCE EQUIPMENT AUTHORIZED

It was moved by Mayor Pro Tem Kauffman, seconded by Councillor Major, based on the City Manager's report and recommendation, to determine that the public interest would be best served by awarding a negotiated contract to LL Johnson Distributing, the single source vendor, for Toro maintenance equipment and award the Multiple Assembly of Procurement Officials bid to Colorado Golf and Turf for John Deere turf utility vehicles and Club Car Carry Alls and Colorado Equipment for John Deere compact utility tractors, contingent on City Council passage of Councillor's Bill No. 17 on second reading. The motion carried unanimously.

COUNCILLOR'S BILL NO. 18 FOR NORTHGATE REDEVELOPMENT ASSISTANCE PACKAGE

Councillor Dittman moved to pass on first reading Councillor's Bill No. 18 authorizing the Mayor to enter into a redevelopment assistance package with Carlson Associates, Inc., in substantially the same form as the agreement included in the agenda packet to improve the Northgate Shopping Center located at the southeast corner of 72nd Avenue and Federal Boulevard. Councillor Price seconded the motion.

Following comments from Councillors, the motion passed unanimously on roll call vote.

CITIZEN PRESENTATIONS

Jane Fancher, 7260 Lamar Court, questioned the immediately preceding action of Council since the neighborhood meeting with Carlson Associates, Inc. had not been conducted. She opined that taxpayer funds should not be used to support businesses, a practice that her research showed involved millions of dollars since 1996.

Councillors noted that redevelopment assistance generally involved sales tax rebates, not a contribution of taxpayer funds from the City. Sales tax rebates were derived from customers who shopped at a business. No revenues were being derived from the Northgate Shopping Center currently. Redevelopment of the commercial center would produce jobs, as well as use tax revenues from construction and from occupants of the business spaces when completed.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 8:15 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007

SUBJECT: Proclamation Recognizing Elks' Citizen of the Year, Ben Beaty

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Present the attached proclamation recognizing Ben Beaty, the Westminster Elks' Citizen of the Year, for his dedicated service to the City of Westminster and its citizens.

Summary Statement

- The City Council wants to recognize Ben Beaty, who was recently named the Elks' Citizen of the Year.
- Ben Beaty has compassionately served the citizens of Westminster in a host of capacities during his residency in the community.
- Ken Bellamy, Debbie Lasley, and Debbie Iler, all dignitaries from the Westminster Elks Club, will be present to observe this presentation. Mayor Nancy McNally will present the proclamation recognizing Mr. Beaty's civic contributions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Ben Beaty, President of the Westminster Citizens Police Academy Alumni Association and a founding member of the Citizens on Patrol, was named the Westminster Elks' Citizen of the Year for his outstanding record of public service and community involvement.

Mr. Beaty's service on City Boards and Commissions officially started in 1995 as a member of the Environmental Advisory Board on which he served for 6 ½ years. In January 2001 he was appointed to the Open Space Advisory Board where he remains an active member.

Ben has been a Snowbuster since October 2000, assisting at least three residents per winter season. Known for his willingness to help the City, Mr. Beaty can be relied upon to assist with special events and projects. For instance, last summer he organized the Citizens Alumni to help with the Grand Opening of the Walnut Creek Center. Ben is a Board member and past President of the Westminster Legacy Foundation.

Ben has been an active participant in the College Hill COG (Community Oriented Governance) for many years. His community involvement renders him a great resource.

Ben Beaty takes pride in the community and exemplifies the qualities of good citizenship. The community benefits from his involvement and the City Council takes pride in acknowledging his appointment as the Elks' Citizen of the Year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Ben Beaty has served the citizens of Westminster with loyalty and integrity in a variety of appointed and volunteer capacities during his residency in the community; and

WHEREAS, Ben Beaty, through example, has inspired others to volunteer and get involved for the betterment of their community; and

WHEREAS, Ben Beaty was appointed to the Environmental Advisory Board in 1995, was a valued member of that Board until his resignation and appointed in January 2001 to the Open Space Advisory Board where he continues to serve as a vital member; and

WHEREAS, during his years of valued service Ben Beaty has volunteered as a Snowbuster, keeping sidewalks and driveways of the homes of senior or disabled individuals clear of snow and accessible; and

WHEREAS, Ben Beaty has been an active participant of the College Hill Community Oriented Governance group, vocalizing his concerns and providing perspective to improve his neighborhood; and

WHEREAS, Ben Beaty is a graduate of the Westminster Citizen Police Academy and serves as President of the Westminster Citizen Police Academy Alumni Association; and

WHEREAS, Ben Beaty is a founding member of the Citizens On Patrol, has volunteered countless hours and has made significant contributions to that program's success; and

WHEREAS, the City of Westminster wishes to publicly recognize Ben Beaty's outstanding record of citizenship and commitment to the betterment of the community.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby issue this proclamation to honor

BEN BEATY

by publicly thanking him for his years of public service to the citizens of Westminster and congratulate him for deservedly being named the 2007 Westminster Elks' Citizen of the Year.

Signed this 23rd day of April, 2007.

Nancy McNally, Mayor



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Proclamation re Community Pride Day

Prepared By: Richard Dahl, Park Services Manager
Patti Wright, Open Space Volunteer Coordinator

Recommended City Council Action

Proclaim May 12, 2007, as Community Pride Day in the City of Westminster.

Summary Statement

- For several years, the City of Westminster and Hyland Hills Park and Recreation District have partnered for Community Pride Day, the largest annual volunteer trash cleanup in Westminster.
- Community Pride Day activities will include litter pickup in rights-of-way, greenbelts, trails, parks, and open space sites throughout the City and District. This cleanup program fosters residents' commitment to a cleaner community and attracts volunteers from scout troops, homeowners associations, schools, COG groups, civic organizations, businesses, families, and church groups.
- The event will conclude at Westminster City Hall with a barbeque sponsored by the City of Westminster and Hyland Hills Park and Recreation District. Food, entertainment, music, door prizes, and fire engine rides are featured at the barbeque.
- Councillor Kaiser will present the proclamation to Open Space Volunteer Coordinator Patti Wright.

Expenditure Required: \$ 3,000

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

Policy Issue

Should the City continue to hold Community Pride Day?

Alternative

City Council could choose not to hold Community Pride Day in 2007. However, Staff still believes that this is a significant event that helps clean up the City, contributes to community pride, and fosters individual responsibility and land stewardship.

Background Information

Community Pride Day was established several years ago in recognition of the Keep America Beautiful anti-litter campaign. This popular volunteer cleanup event has grown from a few hundred volunteers to over 1,300 volunteers last year.

On May 12, volunteers will begin cleaning up along designated routes at approximately 8 a.m. After completion of their cleanup, volunteers meet at Westminster City Hall to celebrate their hard work with food, entertainment, and prizes. The barbecue's entertainment includes music and games provided by Bryce Jackman. Hotdogs and hamburgers will be hot off the barbecue grill at City Hall, courtesy of the Westminster Rotary Club chefs, along with soda pop, chips, and dessert. Sno-cones will again be provided by the First National Bank of Colorado, Westminster Branch. Partnership with the Westminster Rotary Club and donations by Wild Oats, Doubletree Hotel, Burger King, Carrabba's Restaurant and other area merchants are instrumental in providing a quality event for the volunteers.

At the Pride Day event, Mayor McNally will read the Community Pride Day proclamation and recognize sponsors. A representative from Hyland Hills Park and Recreation District will also be present. During the barbecue, the Westminster Fire Department will offer safety demonstrations and antique fire engine rides. Westminster's K-9 team will also amaze the volunteers during the barbecue. The Westminster Youth Advisory Panel is volunteering at the barbecue to help make it a success.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Keep America Beautiful, a national nonprofit organization, strives to empower individuals to take greater responsibility for enhancing their community environments, and therefore sponsors the Great American Cleanup; and

WHEREAS, The City of Westminster and Hyland Hills Park and Recreation District have joined together to mobilize citizens to take action in their communities and to support the nation's largest volunteer beautification and improvement project; and

WHEREAS, The goal of Community Pride Day is to bring together youth, government, businesses, families, neighborhoods, and community leaders to help clean up the City and Hyland Hills Park and Recreation District and share pride in our community; and

WHEREAS, Westminster and Hyland Hills Park and Recreation District have organized a cleanup program with sponsors and donations from the community; and

WHEREAS, The caring citizen-volunteers of our communities are ready and willing to do their part to engage in cleanup activities and demonstrate their civic pride and individual responsibility.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 12, 2007,

COMMUNITY PRIDE DAY

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster and Hyland Hills Park and Recreation District clean places to live.

Signed this 23rd day of April, 2007.

Nancy McNally, Mayor



Agenda Item 6 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Proclamation re National Drinking Water Week

Prepared By: Steve Ramer, Laboratory Analyst/Program Coordinator

Recommended City Council Action

Proclaim the week of May 6 through 12, 2007 as “National Drinking Water Week” in the City of Westminster.

Summary Statement

- City Council is requested to proclaim the week of May 6 through 12, as “National Drinking Water Week” in the City of Westminster.
- Steve Ramer, Water Quality Laboratory Analyst and Program Coordinator for the Westminster Water Week Program, will be at the City Council meeting to accept the proclamation.
- National Drinking Water Week focuses on the importance of a safe, domestic water supply and the limited nature of our Nation’s drinking water supply resources. The objective of this week is to educate and inform the public of the importance of a safe, reliable public water source, the need for wise use of water and water conservation and protection, and to encourage each local water utility to involve its citizens in water promotion activities.
- Councillor Major will present the proclamation.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The City program, scheduled for the week of May 6 through 12, will be coordinated by the Public Works and Utilities Department's Water Resources and Treatment Division. A booth and display will be set up at the Westminster Mall from May 6 through 12. The display will include a tabletop display on water treatment, a TV/VCR unit for viewing water related films, handouts and brochures on water conservation, water treatment, and water quality. A drawing will also be held for a gift certificate from Home Depot.

In conjunction with this activity, a poster contest for elementary school students and an essay contest for junior high school students will be conducted. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, citizens health, comfort and standard of living depend on an abundant supply of safe, high quality water; and

WHEREAS, the problems and challenges of meeting future water supply needs are many and growing in complexity; and

WHEREAS, the ever increasing need for domestic water makes expansion of storage, supply and distribution facilities, the water quality monitoring and continued training of skilled personnel essential.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 6 through 12, 2007, as

NATIONAL DRINKING WATER WEEK

in the City of Westminster and ask all citizens to join in extending our appreciation to the dedicated men and women of our Westminster Municipal water system, and urge that Westminster citizens participate in National Drinking Water Week activities and become more informed about Westminster's water supply and system.

Signed this 23rd day of April 2007.

Nancy McNally, Mayor



Agenda Item 6 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Proclamation re National Crime Victims' Rights Week

Prepared By: Dan Montgomery, Chief of Police
Barb Lamanna, Victim Services Coordinator

Recommended City Council Action

Present a proclamation to the Victim Services Coordinator proclaiming the week of April 23, 2007 as Victims' Rights Week in the City of Westminster.

Summary Statement

- The week of April 23, 2007 has been designated as National Crime Victims' Rights week and Staff is recommending that the City support this recognition.
- Locally, the Westminster Police Department Victim Services Unit is joining with criminal justice system professionals, victim services programs and concerned citizens to honor crime victims and their courage.
- The 2007 theme, "Every Victim, Every Time" is demonstrated by the Westminster Police Department's Victim Services Unit contact with over 3,500 victims in 2006.
- Councillor JoAnn Price will present the proclamation.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

The City has adhered to the victims' rights provided for in the Colorado Constitution with written policies and procedures as outlined in the Police Department Manual. The Westminster Municipal Court consistently upholds these constitutional provisions. This proclamation is consistent with City policy regarding the rights of crime victims.

Alternative

None identified

Background Information

The year 2007 marks the 24th anniversary of the commemoration of National Crime Victims' Rights Week. Since 1992, when the citizens of Colorado overwhelmingly supported a constitutional amendment guaranteeing specific rights to crime victims, the criminal justice system has acknowledged the hardships faced by victims of crime, and the courage they display in overcoming those hardships. The City of Westminster has been proactive to ensure that crime victims receive support, information and referrals to assist in their recovery and to afford them every opportunity to have input into the criminal justice system. The City of Westminster will be joining Jefferson County and Adams County at ceremonies honoring crime victims and those who work to ensure their rights.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, crime and the threat of violence have profound and devastating effects on individuals, families and communities in America; and

WHEREAS, over 24 million people in the United States are touched by crime each year; and

WHEREAS, the threat and reality of terrorism have challenged Americans to realize the devastating consequences of violent crime, and their important roles in providing support to individuals and communities who are victimized; and,

WHEREAS, crime in America results in significant physical, psychological, financial and spiritual effects on countless innocent victims; and

WHEREAS, there are over 10,000 community and system-based victim service programs across our nation that provide a wide range of services and support to victims of crime; and

WHEREAS, America as a nation continues to face threats to our personal and public safety, and continues to commit its collective energies to help our fellow citizens who are hurt by crime.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 23, 2007, as

CITY OF WESTMINSTER CRIME VICTIMS' WEEK

to urge the citizenry to honor crime victims and those who serve them during this week and throughout the year by continuing to fulfill the promise of justice and compassion for crime victims as individuals, as communities, and as a nation dedicated to justice for all.

Signed this 23rd day of April, 2007.

Nancy McNally, Mayor



Agenda Item 6 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Proclamation re “Just Say No” Week

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Proclaim April 29 to May 5, 2007 to be “Just Say No” Week in the City of Westminster.

Summary Statement

- Again this year, the City is supporting “Just Say No” Week.
- Locally, the City of Westminster in conjunction with the Westminster Area Community Awareness Action Team (CAAT), local schools, churches and area businesses have joined together to encourage all citizens of Westminster to participate in this effort and to be reminded that the use of alcohol, tobacco and other drugs by our youth is one of the most serious problems facing today’s society.
- Councillor Dittman will present the proclamation.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: "Just Say No" Week Proclamation

Page 2

Policy Issue

None identified

Alternative

None identified

Background Information

The City of Westminster has participated by proclaiming "Just Say No Week" since 1986. The Westminster Area Community Awareness Action Team's (CAAT) Drug-free Conference and "Just Say No" Carnival are community school-based programs dedicated to the well being of children and teenagers. The Westminster Area CAAT has requested that City Council proclaim April 29 through May 5 as "Just Say No" Week.

Skeet Hartman, Eleanor Scott, and Nancy Velasquez, members of the Westminster Area CAAT Board, will be present to accept this proclamation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Alcohol, tobacco and other drug use by our youth is one of the most serious problems facing our society today; and

WHEREAS, The Westminster Area Community Awareness Action Team works to empower youth to lead healthy, productive, drug-free lives; and

WHEREAS, Just Say No Week represents a comprehensive effort on the part of schools, parents, the community and children themselves to persuade youth not to use alcohol, tobacco and other drugs.

WHEREAS, The Drug Free Youth Conference; Red Ribbon Week Celebration; Parents Who Host, Lose the Most Campaign; “This is Us” Social Norm Project and “Just Say No” to Drugs Week are community and school based programs dedicated to the well being of children and teenagers and locally coordinated by Westminster Area Community Awareness Action Team; and

WHEREAS, Resiliency of youth is promoted through City, school and community programs by providing opportunities to form strong relationships with positive peers and adults within community institutions, develop and practice new life skills, and assume useful, meaningful roles in their communities.

NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 29 through May 5, 2007

JUST SAY NO WEEK

in the City of Westminster and encourage all citizens of Westminster to participate in this effort and remind our citizens that drug use by youth is a serious problem which requires everyone’s attention.

Signed this 23rd day of April, 2007.

Nancy McNally, Mayor



Agenda Item 6 F

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Proclamation of Colorado Archaeology and Historic Preservation Month

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Proclaim the month of May as Archaeology and Historic Preservation Month in the City of Westminster.

Summary Statement

- May is the statewide Archaeology and Historic Preservation Month. The Colorado Historical Society encourages local governments to recognize Archaeology and Historic Preservation Month by adopting proclamations and taking actions to educate the public concerning the benefits of archaeology and historic preservation in Colorado.
- Councillor Mary Lindsey will present the proclamation

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Colorado Historical Society (CHS) encourages local governments to join in a month-long statewide celebration of Archaeology and Historic Preservation Month. In print media and on its website the CHS has been promoting events across the state to celebrate our state's rich archeological and historic heritage.

The Westminster Historical Society recognizes Archaeology and Historic Preservation Month by annually recognizing someone who has contributed significantly to historic preservation in Westminster. This year, the recognition will go to the Pillar of Fire for its preservation of the former Westminster University, from which the City of Westminster derived its name. The award will be presented at 1:00 p.m. Saturday May 19, 2007, at the Pillar of Fire, 3455 West 83rd Avenue. Refreshments will be served and Pillar of Fire is offering guided tours of the building and tower.

The Historic Landmark Board is hosting a public meeting on May 9th at the Irving Street Library at which the results of the City's historic resources survey will be presented. This project, funded by the Colorado Historical Society Certified Local Government program, has surveyed 141 buildings in the Harris Park and Pillar of Fire neighborhoods, including ten transportation-related projects. The survey information will be used to kick off an initiative to educate local owners about the benefits of local historic landmark designations and the state income tax credits that may assist them in their repairs and improvements.

The City's historic preservation program has made great strides since its inception in 2003, with preservation projects and planning for the Westminster Grange Hall, the Rodeo Market, the Semper Farm, the Savery Savory Mushroom Farm Water Tower and the Wesley Chapel Cemetery. Assessments and preservation planning are underway for the Shoenberg Farm. The program also provides opportunities for private landowners to preserve their own historic homes and business properties and gain preservation income tax credits.

In February, the City was presented with the Colorado Historical Society's Stephen H. Hart Award for its achievements in historic preservation.

Members of the Historic Landmark Board will be present to accept the proclamation.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, the Colorado Historical Society encourages local governments to join in a month-long statewide celebration of Archaeology and Historic Preservation Month; and

WHEREAS, the City of Westminster has achieved certified local government (CLG) status pursuant to the program managed by the Colorado Historical Society; and

WHEREAS, the City of Westminster has an active historic preservation program, with a number of locally designated historic landmarks; and

WHEREAS, the City Council encourages the residents of the City of Westminster to learn more about archaeology and historic preservation and the educational and economic benefits of these pursuits.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, on behalf of the entire City Council and Staff, do hereby proclaim the month of May as

**ARCHAEOLOGY AND
HISTORIC PRESERVATION MONTH**

in the City of Westminster and call upon all citizens and civic organizations to acquaint themselves with the benefits of studying our history, identifying historically significant sites and structures, and adaptively re-using historic buildings for modern purposes.

Signed this 23rd day of April, 2007.

Nancy McNally, Mayor

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MARCH 2007

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use Total		
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	458,764	15,571	474,335	142,244	16,452	158,696	223	-5	199
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	390,368	2,590	392,958	357,303	5,959	363,261	9	-57	8
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	241,781	2,157	243,938	359,918	1,797	361,715	-33	20	-33
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	234,757	861	235,618	203,110	287	203,397	16	200	16
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	196,870	1,079	197,949	193,759	0	193,759	2	*****	2
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	184,495	2,661	187,156	34,936	33,522	68,458	428	-92	173
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	155,313	918	156,231	154,260	1,292	155,551	1	-29	0
SHOPS AT WALNUT CREEK 104TH & REED TARGET	151,978	3,645	155,623	94,402	2,287	96,690	61	59	61
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	125,140	898	126,039	151,304	2,246	153,550	-17	-60	-18
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	85,489	291	85,780	83,121	157	83,278	3	85	3
THE ORCHARD 144TH & I-25 JC PENNEY	65,061	258	65,320	0	0	0	*****	*****	*****
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	63,328	76	63,403	64,505	1,143	65,648	-2	-93	-3
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	60,783	203	60,986	67,092	85	67,177	-9	140	-9
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	54,781	928	55,710	55,115	345	55,460	-1	169	0
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	51,966	160	52,126	48,519	344	48,863	7	-54	7

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MARCH 2007

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEWAY STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	49,919	127	50,046	50,099	140	50,239	0	-9	0
SAFEWAY WILLOW RUN 128TH & ZUNI	48,094	58	48,151	53,240	106	53,346	-10	-45	-10
SAFEWAY NORTHVIEW S SIDE 92ND YATES-SHER	46,185	775	46,960	37,304	780	38,084	24	-1	23
ALBERTSONS CIRCLEPOINT 110TH & WESTMINSTER BLVD	0	43,993	43,993	0	3,169	3,169	*****	1288	1288
ALLOS THERAPEUTIC VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON	37,099	381	37,480	39,031	250	39,281	-5	52	-5
CB & POTTS LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL	15,765	19,321	35,086	9,529	26,429	35,958	65	-27	-2
LUCENT TECHNOLOGY HIDDEN LAKE NE CORNER 72 & SHERIDAN	31,489	368	31,857	26,730	853	27,582	18	-57	16
ALBERTSONS MISSION COMMONS W SIDE WADSWORTH 88-90TH	30,106	20	30,126	25,601	418	26,020	18	-95	16
BIG 5 SPORTS ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED	24,415	751	25,166	22,744	923	23,667	7	-19	6
ELWAY MOTORS STANDLEY PLAZA SW CORNER 88TH & WADS	22,760	1,332	24,091	22,143	376	22,519	3	254	7
WALGREENS									
	2,826,704	99,423	2,926,127	2,296,011	99,360	2,395,371	23	0	22

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF MARCH 2007

Center Location Major Tenant	YTD 2007 General Sales	YTD 2007 General Use	Total	YTD 2006 General Sales	YTD 2006 General Use	Total Sales	%Change	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	1,390,132	7,539	1,397,671	1,305,128	8,882	1,314,010	7	-15	6
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	1,261,820	12,448	1,274,268	1,576,034	10,574	1,586,608	-20	18	-20
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	865,734	4,470	870,204	763,439	1,577	765,016	13	183	14
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	778,843	44,453	823,295	432,794	51,268	484,062	80	-13	70
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	661,406	2,986	664,393	646,157	844	647,001	2	254	3
SHOPS AT WALNUT CREEK 104TH & REED TARGET	591,012	5,798	596,810	384,193	4,149	388,342	54	40	54
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	539,182	3,776	542,957	576,296	10,346	586,642	-6	-64	-7
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	475,433	5,499	480,932	541,183	5,884	547,067	-12	-7	-12
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	360,573	10,598	371,171	318,247	1,057	319,304	13	903	16
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	349,886	50,006	399,892	35,836	34,498	70,334	876	45	469
THE ORCHARD 144TH & I-25 JC PENNEY	301,004	1,728	302,732	0	0	0	*****	*****	*****
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	297,454	766	298,221	322,735	3,633	326,368	-8	-79	-9
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	250,528	1,092	251,620	256,589	1,013	257,603	-2	8	-2
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	176,318	1,592	177,910	182,830	1,006	183,836	-4	58	-3
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	161,329	959	162,288	169,042	798	169,840	-5	20	-4

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF MARCH 2007

Center Location Major Tenant	YTD 2007			YTD 2006			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WILLOW RUN 128TH & ZUNI SAFEWAY	160,178	641	160,819	166,667	950	167,617	-4	-33	-4
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	157,664	883	158,547	151,008	4,171	155,179	4	-79	2
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	137,101	3,982	141,083	115,267	1,456	116,723	19	174	21
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	115,263	9,717	124,980	126,422	1,821	128,243	-9	433	-3
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	102,264	1,020	103,284	90,687	1,774	92,461	13	-43	12
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	99,527	782	100,310	97,300	632	97,932	2	24	2
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	73,301	3,483	76,784	75,632	1,154	76,787	-3	202	0
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	71,363	2,633	73,996	77,495	2,076	79,572	-8	27	-7
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	65,289	1,319	66,608	15,109	3,324	18,433	332	-60	261
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	63,136	242	63,378	56,113	204	56,317	13	19	13
	9,505,742	178,411	9,684,153	8,482,206	153,091	8,635,297	12	17	12



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Financial Report for March 2007
Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

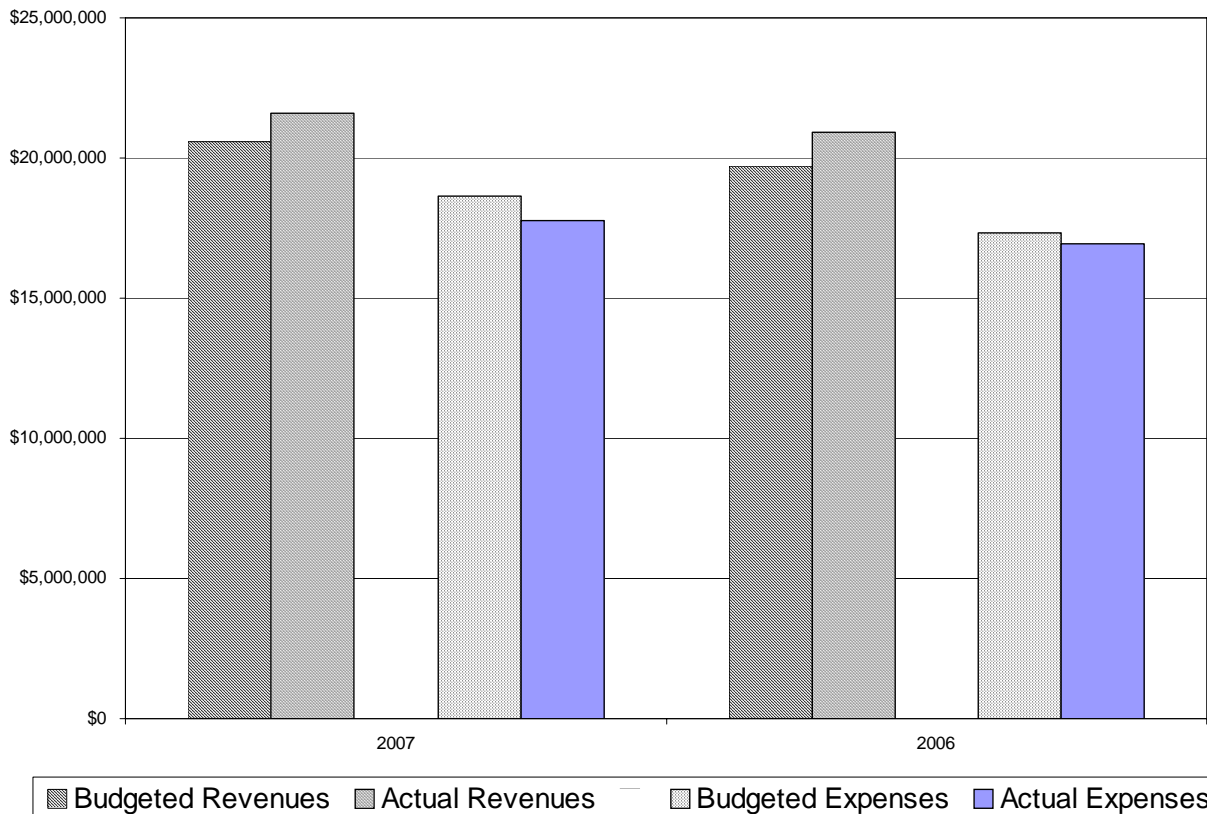
Accept the Financial Report for March as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$3,828,000. The following graph represents Budget vs. Actual for 2006 – 2007.

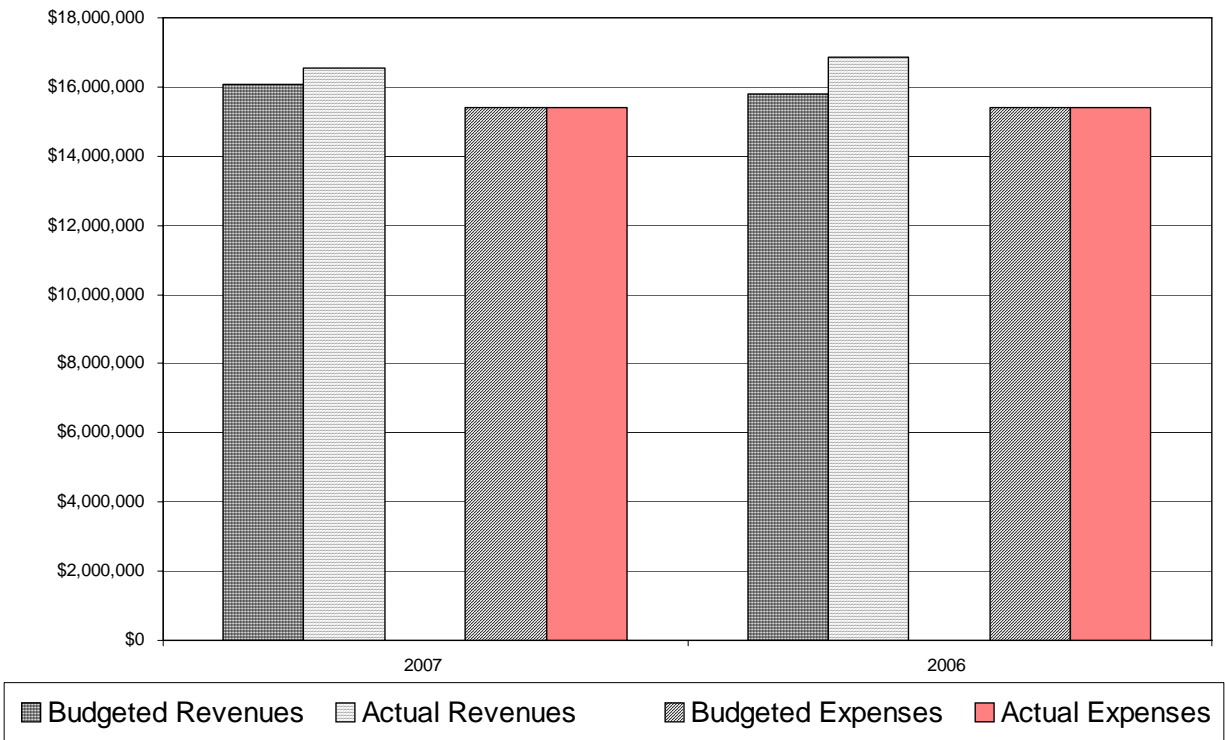
**General Fund
Budget vs Actual**



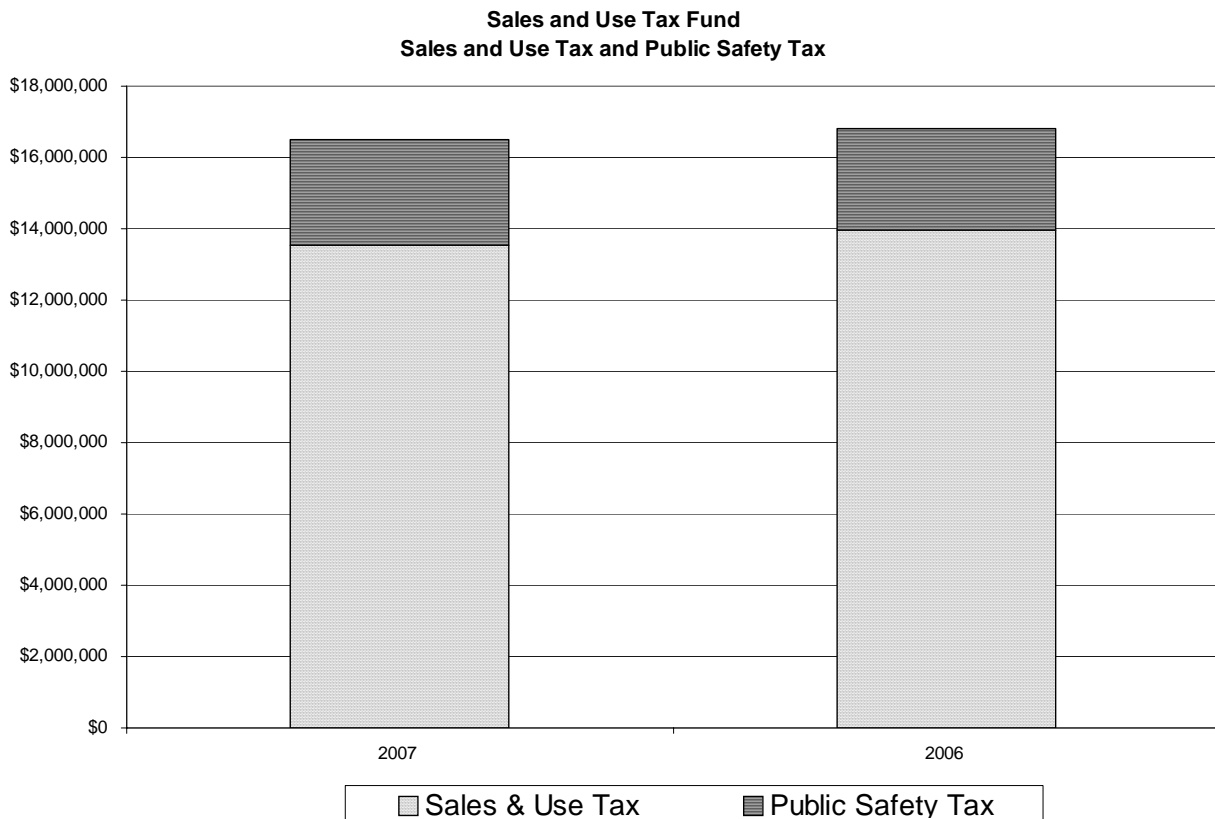
The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1,128,000

- On a year-to-date cash basis, sales & use tax returns are down 1.6%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 12.1% from the prior years. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 0.4%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 0.1% after adjusting for one time audit revenue and Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 20% on a year-to-date basis.
- Building Use Tax is down 20.1% year-to-date over 2006.

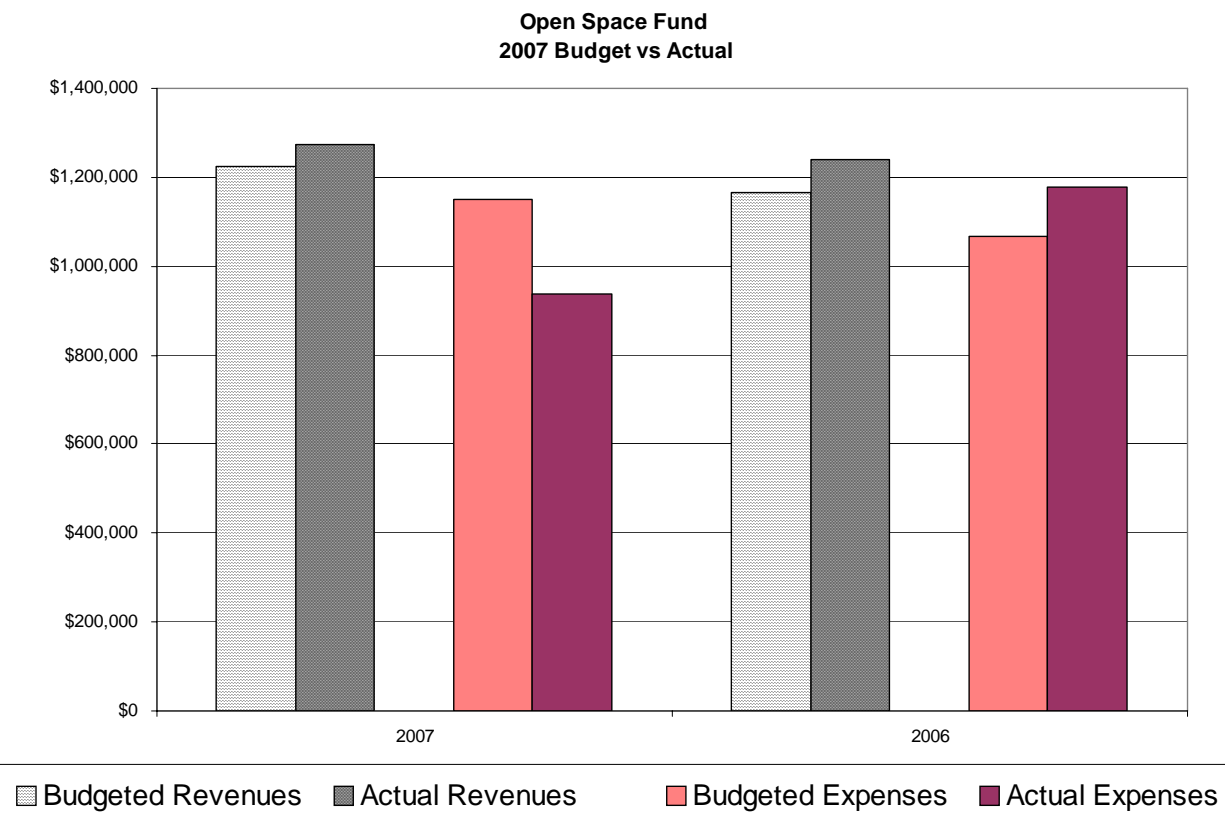
**Sales & Use Tax Fund
Budget vs Actual**



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

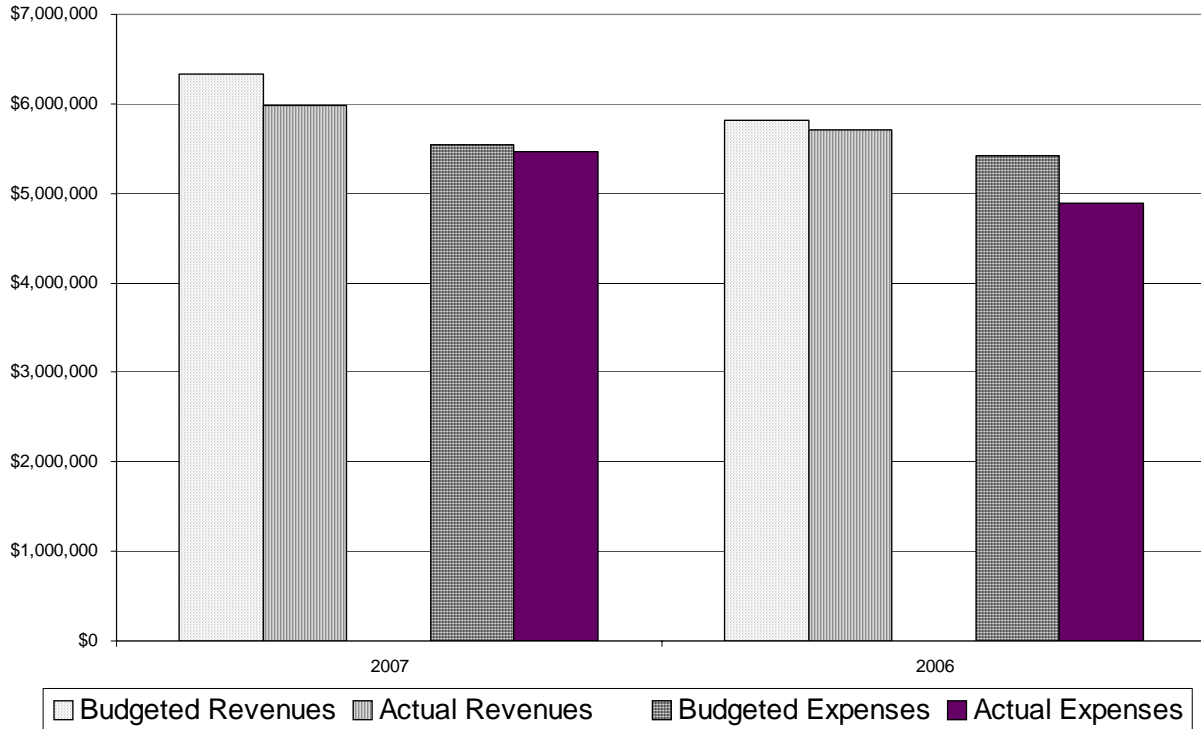


The Open Space Fund revenues exceed expenditures by \$338,000.



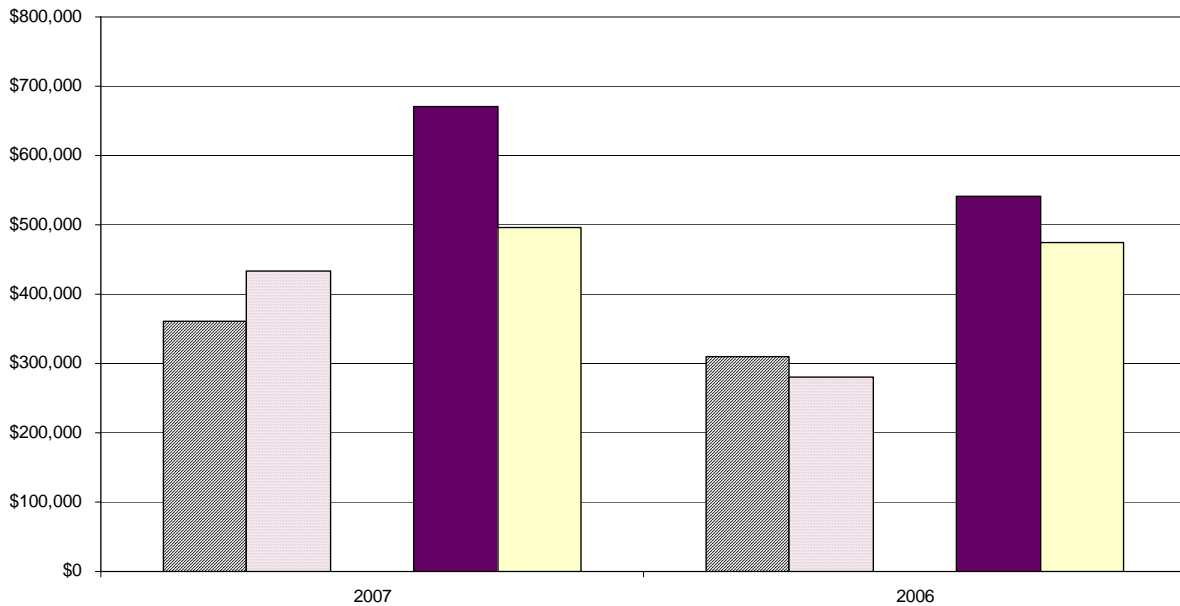
The combined Water & Wastewater Funds' operating revenues and carryover exceed operating expenses by \$517,000. \$18,523,000 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds
2007 Operating Budget vs Actual**



The combined Golf Course Funds' expenditures exceed revenues by \$62,000. A one time Other Financing Source and Use of \$582,144, which was for a lease purchase of golf carts, is not included in 2006. This adjustment was made in order to reflect a more appropriate comparison between years. The Heritage received the property tax payment from Countrydale Metropolitan Special District in March 2007 while in 2006 it was received in April. In addition, 7 corporate passes have been sold at \$8,000 each for a total of \$56,000.

**Golf Course Enterprise
Budget vs Actual**



■ Budgeted Revenues ■ Actual Revenues ■ Budgeted Expenses ■ Actual Expenses

Policy Issue

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

Alternative

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

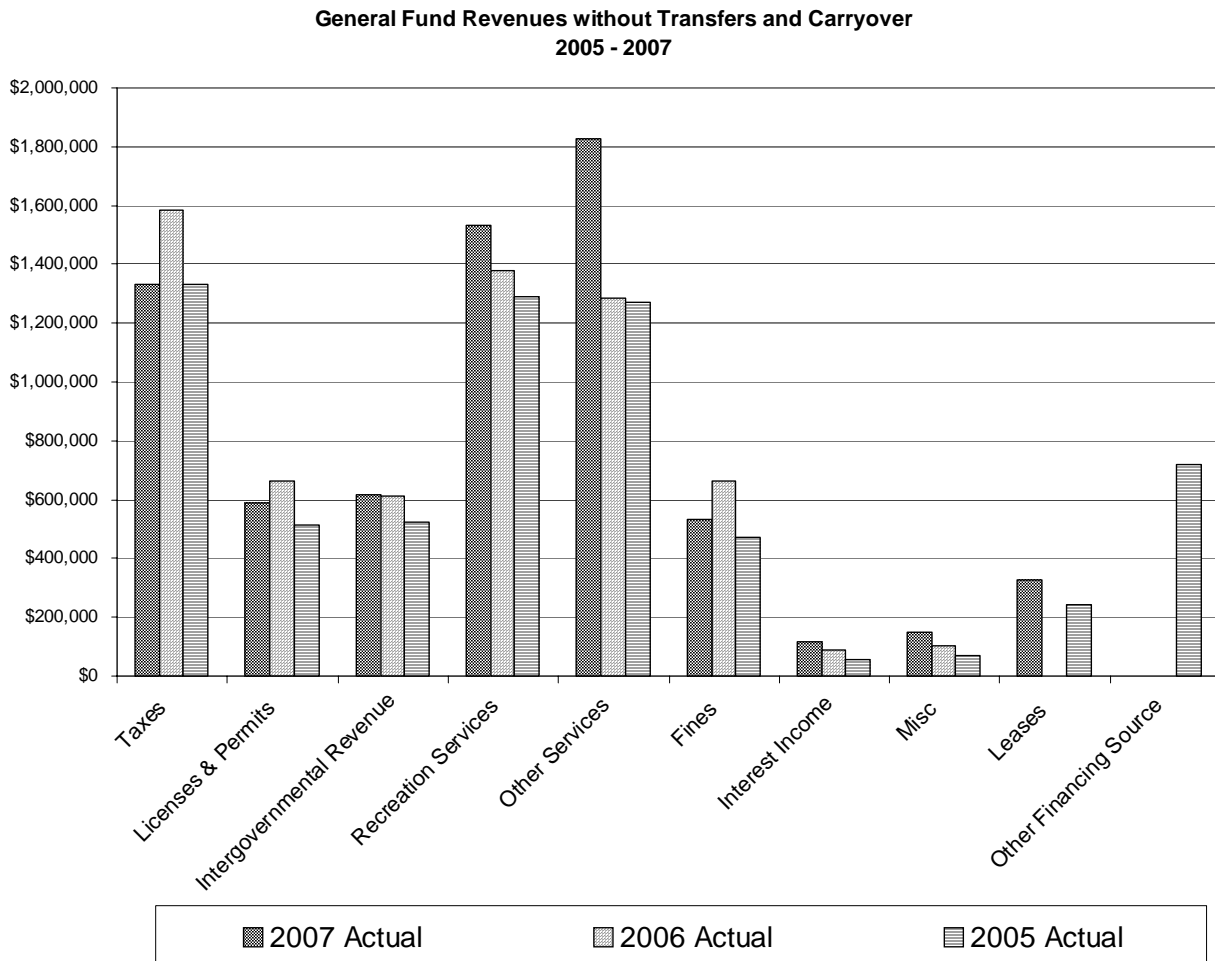
Background Information

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

General Fund

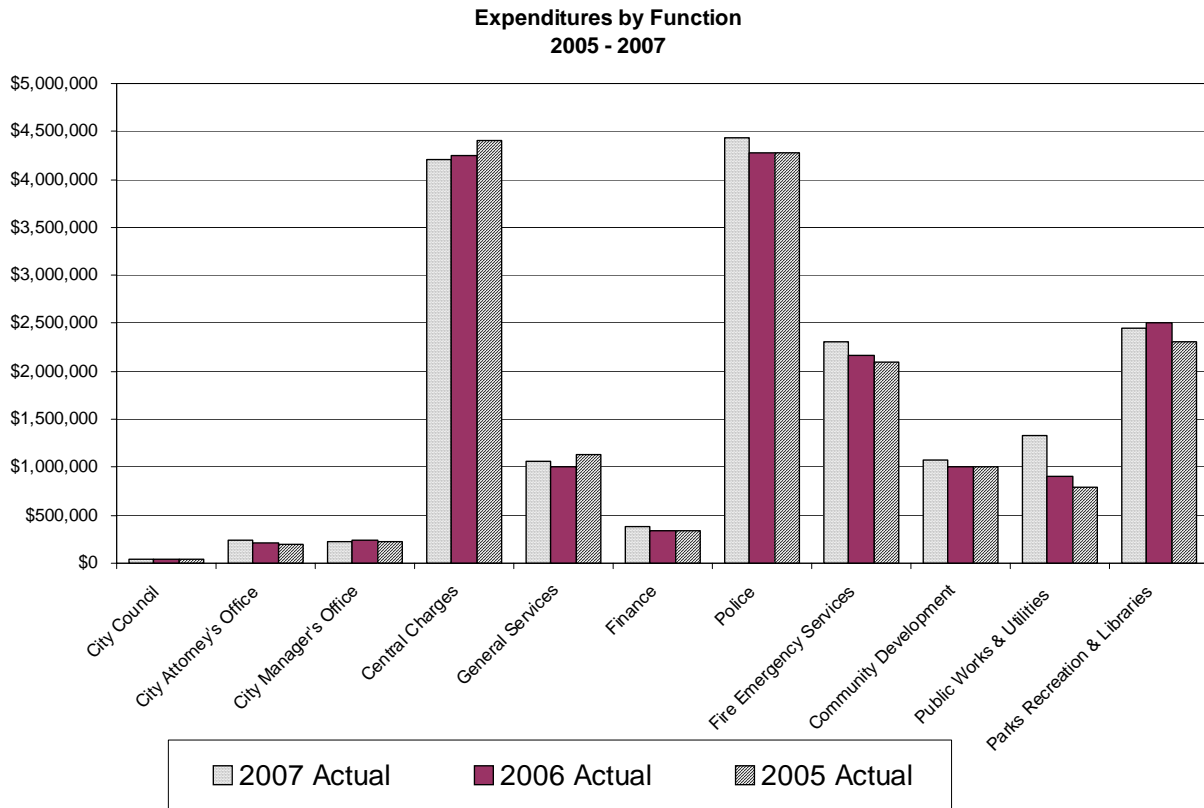
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2005 – 2007 year-to-date.



The increase in Other Services reflects the Infrastructure fee. The 2005 Other Financing Source was the lease purchase of computers. The increase in Recreation Services reflects the Standley Lake boat permits.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2005 –2007.

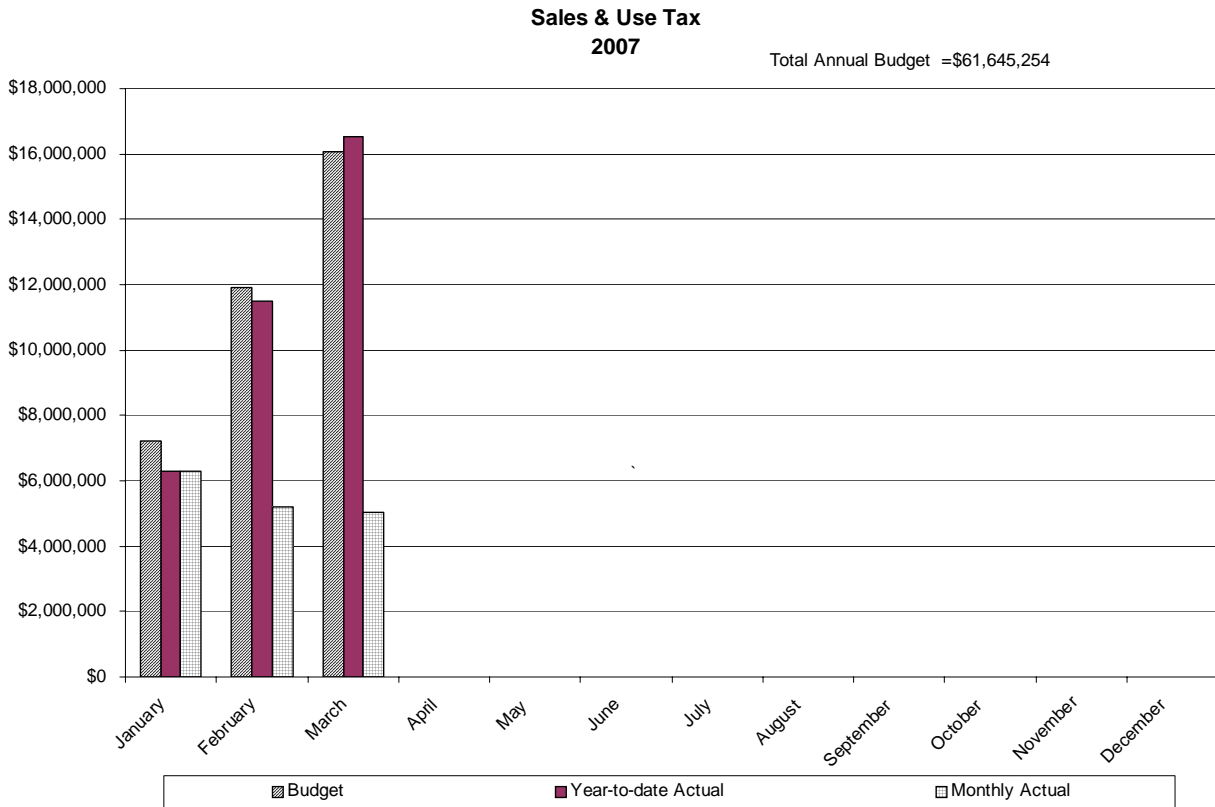


Public Works and Utilities have incurred additional expenses associated with the snow storms. They have spent 96% of the contractual services budget as well as 63% of their snow removal materials budget. The historical average is about 14.4%.

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

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

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

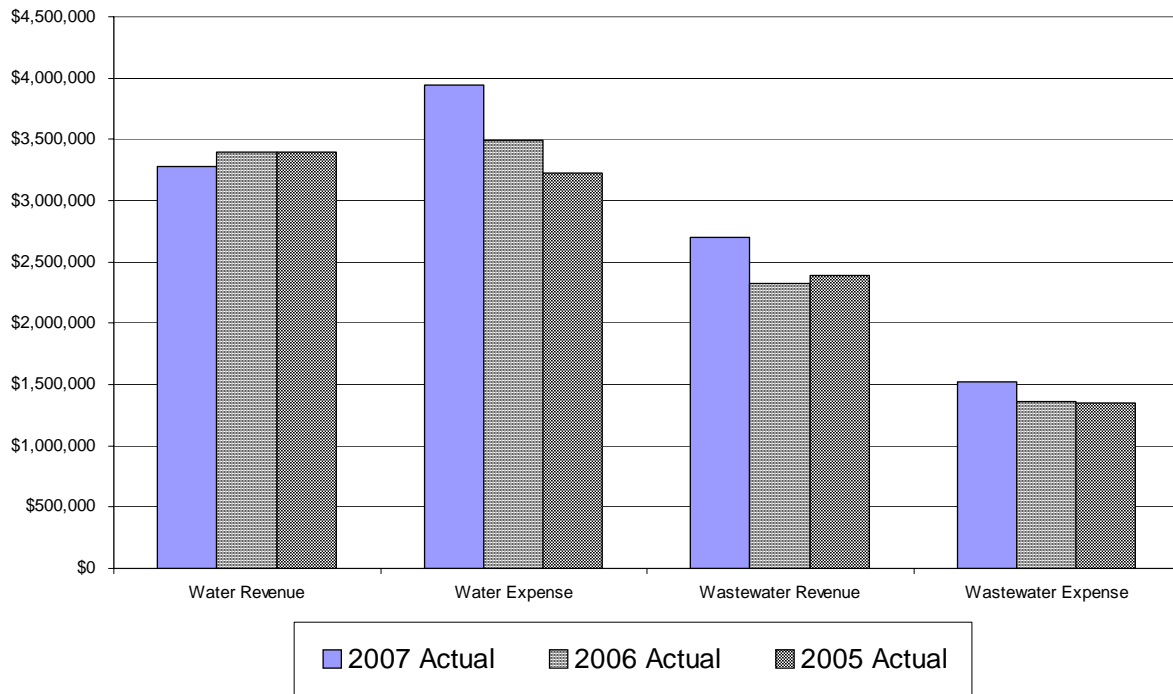


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

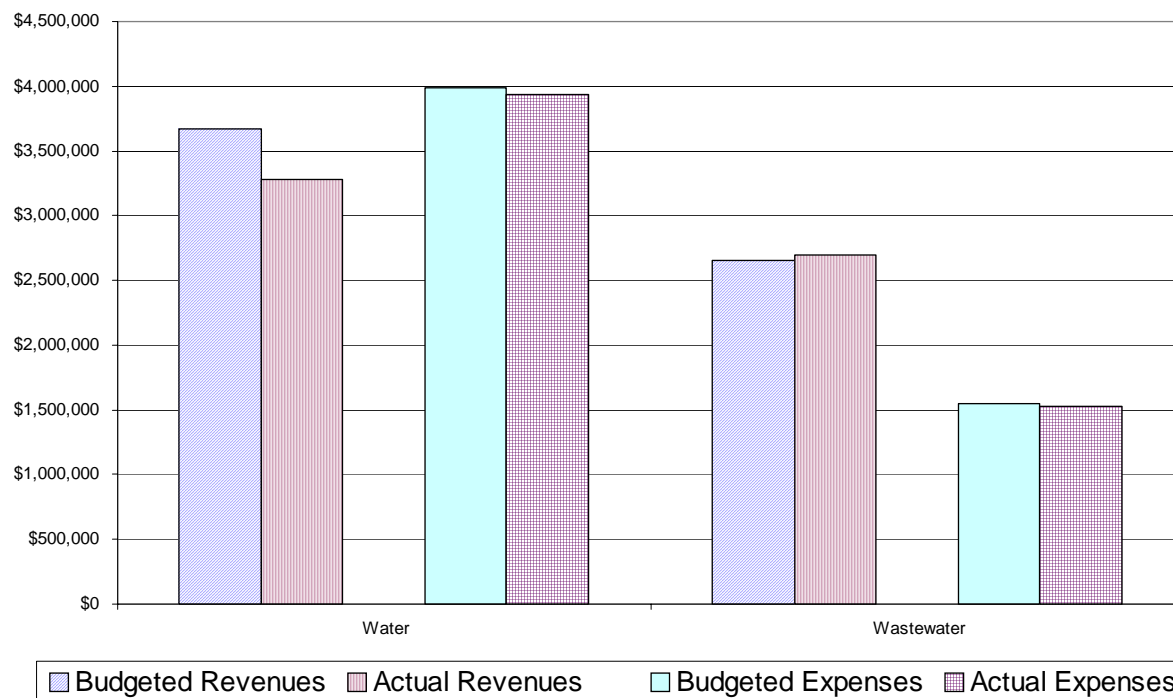
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

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

**Water and Wastewater Funds
Operating Revenue and Expenses 2005-2007**



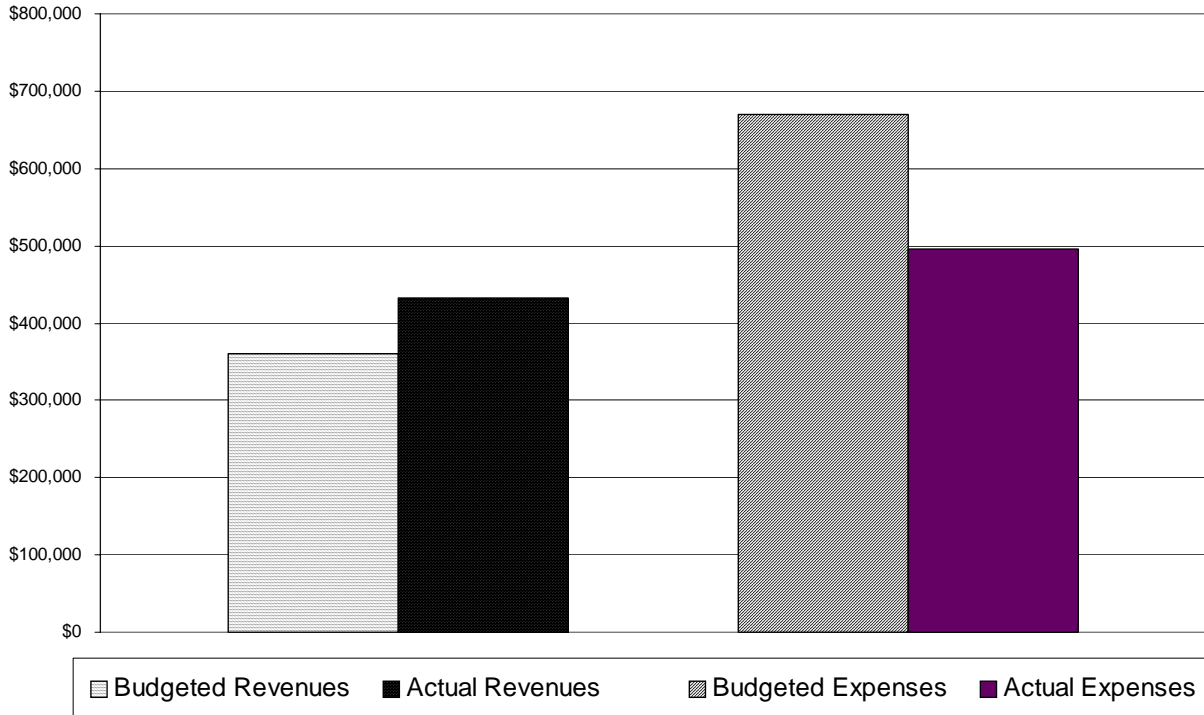
**Water and Wastewater Funds
2007 Operating Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

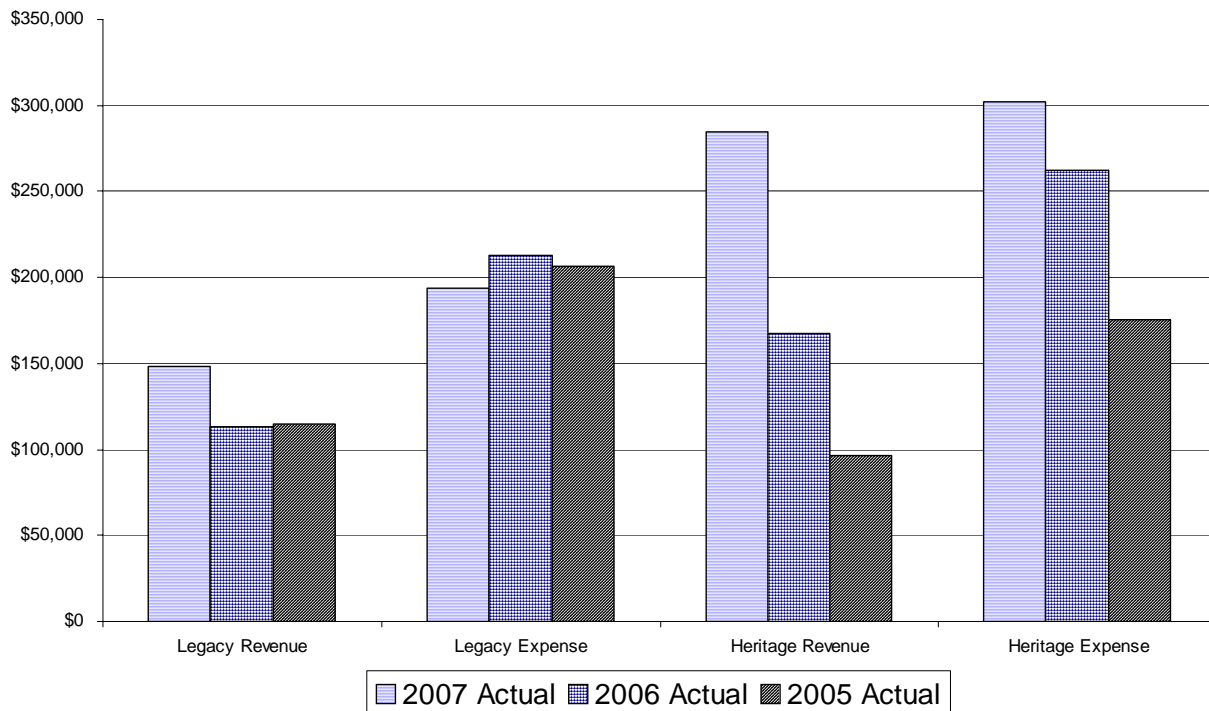
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses
2007 Budget vs Actual**



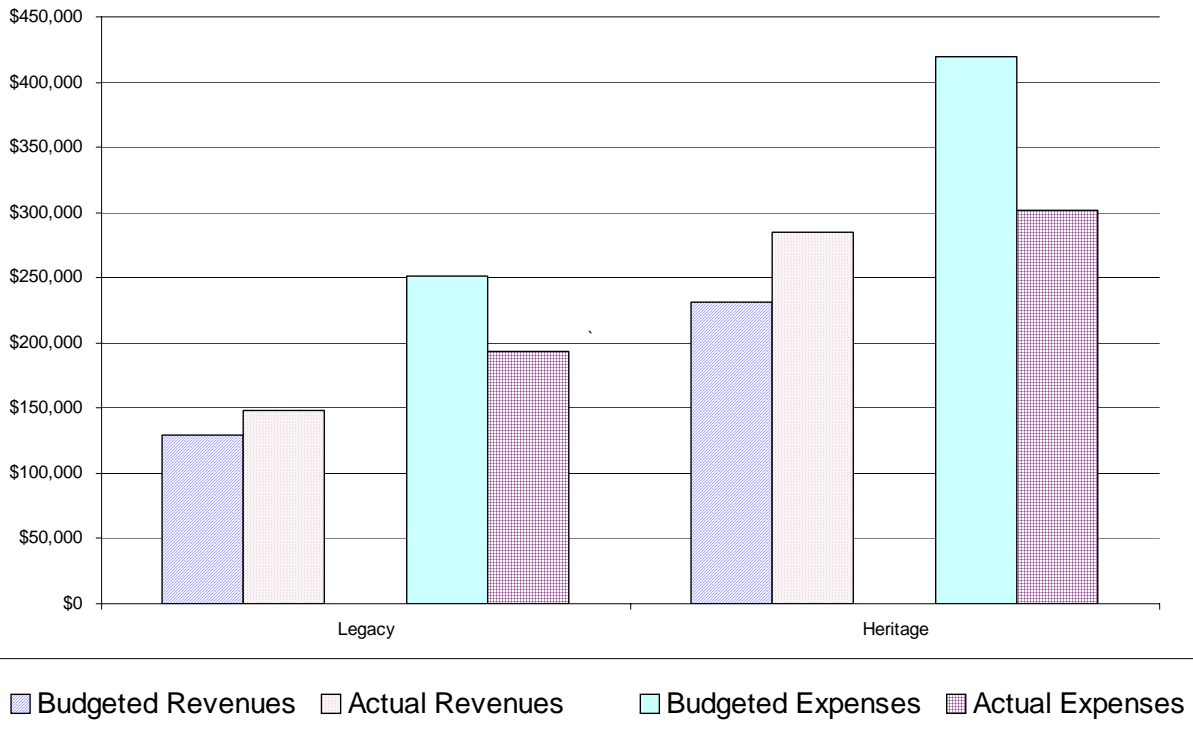
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2005-2007**



Heritage's expenses reflect the lease payments that were started in July of 2006. A one time Other Financing Source and Use of \$582,144, which was a lease purchase of golf carts, was omitted from 2006 Heritage Revenue and Expense for comparison purposes. As noted earlier, the Heritage received a property tax payment from Countrydale Metropolitan Special District in March in 2007, while in 2006 it was received in April. In addition, the 7 corporate passes have been sold at \$8,000 each for a total of \$56,000 plus pent up golfer demand and great weather early in the year has booked the tee sheets. The Heritage was the only golf course open in the metro area for a period of time.

**Legacy and Heritage Golf Courses
2007 Budget vs Actual**



Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For Three Months Ending March 31, 2007**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Revenues						
Charges for Services	3,188,834	249,055		321,165	72,110	129.0%
Interfund Transfers	448,200	112,050		112,050	-	100.0%
Total Revenues	<u>3,637,034</u>	<u>361,105</u>		<u>433,215</u>	<u>72,110</u>	<u>120.0%</u>
Expenses						
Central Charges	204,600	47,845		46,902	(943)	98.0%
Recreation Facilities	2,931,971	622,786		448,758	(174,028)	72.1%
Total Expenses	<u>3,136,571</u>	<u>670,631</u>		<u>495,660</u>	<u>(174,971)</u>	<u>73.9%</u>
Operating Income (Loss)	500,463	(309,526)		(62,445)	247,081	20.2%
Debt Service Expense	500,463	-		-	-	N/A
Revenues Over(Under) Expenditures	<u>-</u>	<u>(309,526)</u>		<u>(62,445)</u>	<u>247,081</u>	



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Quarterly Insurance Report: January - March 2007

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Accept the 1st Quarter 2007 Insurance Report.

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 adjuster 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 Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 1st quarter of 2007 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the 1st quarter of 2007, Staff has noted the following summary information:

- 18 of the 26 claims reported in the 1st quarter of 2007 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

Department	1st Qtr 2007			YTD
	Total Claims	Open	Closed	Total
Police	6	4	2	6
PR&L	5	1	4	5
PWU - Streets	11	1	10	11
PWU - Utilities	3	1	2	3
N/A	1	1	0	1
TOTAL	26	8	18	26

The attached report provides detailed information on each claim made during the first quarter of 2007.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**Quarterly Insurance Report
January - March 2007**

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
2007-007	1/6/2007	PWU - Streets	Drina Castro	5650 W. 103rd Ave. Westminster, CO 80020	City employee driving a snowplow hit the claimant's vehicle that was parked in front of her house.	\$1,634.15	Closed	
2007-049	1/10/2007	PRL	Les Smit	11549 W 103rd Ave., Westminster, CO 80021	Claimant alleges a City employee damaged his fence while plowing snow off the sidewalk along his fence line.	\$129.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was paid based on the City's "good neighbor" settlement program.
2007-045	1/24/2007	PRL	Lotte Falkenberg	7610 King St., Westminster, CO 80031	Claimant slipped and fell on early morning ice outside the Swim & Fitness Center and alleges it was due to the City's negligence.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2007-047	1/27/2007	PWU - Util	Edward DeHererra	11465 Fowler Dr., Northglenn, CO 80233	Claimant alleges his vehicle was sideswiped by a City employee driving a City tandem truck.	\$0.00	Closed	Claim denied when investigation found no evidence of negligence on the part of the City.
2007-063	2/2/2007	PRL	Vicki Williams	9494 Garrison Ct., Westminster, CO 80021	Claimant alleges a City employee damaged her fence while plowing snow off the sidewalk along her fence line.	\$580.91	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was paid based on the City's "good neighbor" settlement program.
2007-069	2/7/2007	PWU - Streets	Georgine Johns	3225 West 135th Ave., Broomfield, CO 80020	Claimant alleges vehicle damage due to driving over a pothole.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act
2007-070	2/7/2007	PWU - Streets	Oscar Almeida	13965 Sandtrap Cr., Broomfield, CO 80020	Claimant alleges vehicle damage due to driving over a pothole.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act
2007-074	2/8/2007	PD	Laura Robison	11931 Irma Dr., Northglenn, CO 80233	Police detective driving a City vehicle failed to stop at a stop sign and ran into the vehicle the claimant was driving.	\$3,402.50	Open	Damages continue to be identified and evaluated
2007-078	2/12/2007	PD	Phyllis Wheatley	5750 110th Ave., Westminster, CO 80020	Claimant's fence was damaged during a police foot pursuit of a suspect.	\$145.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was paid based on the City's "good neighbor" settlement program.
2007-075	2/12/2007	PWU - Streets	Shelley Long	8031 Queen St., Arvada, CO 80005	Claimant's windshield was damaged when a large dirt clod came loose from a City dump truck and struck her car while the vehicles were traveling on the highway.	\$190.20	Closed	

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
2007-086	2/12/2007	PRL	Todd Schlax	11121 West 107th Pl., Westminster, CO 80021	Claimant's homeowners' insurance company alleges the City damaged the claimant's fence during snow removal work by pushing snow against the fence. There was no direct damage to the fence from contact with a plow.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2007-079	2/14/2007	PD	Kameron Stover	12911 Prince Cr., Broomfield, CO 80020	Police Officer driving a City vehicle turned left in front of the claimant's vehicle causing the claimant to swerve to avoid a collision and hit a curb damaging his vehicle.	\$474.74	Closed	
2007-099	2/26/2007	PWU - Streets	DeLos Keech	9255 B Yarrow St., Westminster, CO 80021	Claimant alleges vehicle damage due to driving over a pothole.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act
2007-094	2/26/2007	PWU - Streets	Village At Cotton Creek HOA/Paul Nilles	Stuart St. and 112th Ave., Westminster, CO	Claimant alleges a City employee damaged a fence while plowing snow off the sidewalk along the fence line belonging to the HOA.	\$0.00	Open	CIRSA Investigating
2007-096	2/27/2007	PWU - Streets	John Feld	3859 W 98th Ave., Westminster, CO 80031	Claimant alleges driving over a large pile of snow and ice in the roadway caused damage to his vehicle	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2007-104	3/8/2007	PWU - Util	Heather Wilkie and Jerry Pence	7510 Xavier St., Westminster, CO 80030	While doing maintenance on a water line outside the claimant's home, City Utility employees failed to prevent air from entering the water system of the claimant's home causing the claimant's toilet to explode when the claimant flushed it.	\$295.25	Open	Damages continue to be identified and evaluated
2007-108	3/13/2007	PD	Richard Woolums	6855 W. 84th Way #33, Arvada, CO 80003	While attempting to stop a suspect in a vehicle, officers placed "stop sticks" in the roadway and the claimant drove over them in his vehicle damaging two tires.	\$0.00	Open	CIRSA Investigating
2007-108	3/13/2007	PD	Shaine Grieshaber	3111 Gardenia Way, Superior, CO 80027	While attempting to stop a suspect in a vehicle, an officer placed "stop sticks" in the roadway and the claimant drove over them in his vehicle damaging one tire.	\$0.00	Open	CIRSA Investigating
2007-141	3/28/2007	PWU - Streets	Tony Hernandez	1691 S Perry St., Denver, CO 80219	Claimant alleges a street sign blew off its pole and damaged his vehicle.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
CLAIMS SUBMITTED IN 1st QUARTER WITH OCCURRENCE DATES PRIOR TO 1st QUARTER 2007:								
2005-562	2/19/2005	PRL	Thomas Wright	6184 Garrison St., Arvada, CO 80004	The City received copy of a Summons and Complaint from CB Richard Ellis on behalf of Westcol Center, LLC and its tenant, EPR TRS I, Inc., who advised us that these two defendants were served the Complaint, along with Schumacker Colorado Bowling, LLC., by attorneys representing the plaintiff/claimant. The City is not named in the Complaint, but CB Richard Ellis is making a demand upon the City to defend and indemnify the defendants pursuant to the terms of the Westminster Promenade West Parking Declaration of Easements, Covenants and Restrictions between the City and WestCol Center, LLC. The plaintiff alleges negligence on the part of the defendants when he was attacked in the parking lot outside Splitz Bowling Alley	\$0.00	Open	CIRSA Investigating
2006-588	6/29/2006	PD	Rocco Antonio Dixon	PO Box 5001, Brighton, CO 80601	Claimant alleges that he was illegally arrested and assaulted by Westminster Police Officers.	\$0.00	Open	CIRSA Investigating
2006-589	8/12/2006	PWU - Streets	Jimmy Padilla	2380 W 76th Ave., Denver, CO 80221	Claimant alleges he was getting on the bus at the stop on Pecos between 75th and 76th when he fell breaking his ankle due to broken and uneven pavement at that location.	\$0.00	Closed	Claim denied based on the fact the City does not own or maintain the area where the accident occurred.
2007-126	9/27/2006	N/A	Ralph Jensen	8405 W. 74th Ave., Arvada, CO 80005	Claimant alleges loss of income as a result of the Broomfield-Westminster Open Space Foundation removing a billboard sign on the former Metzger property at 120th and Lowell Blvd.	\$0.00	Open	CIRSA Investigating
2006-570	12/20/2006	PWU - Streets	Glenn Kingsley	9320 W. 94th Ave., Westminster, CO 80021	City employee driving a snowplow hit the claimant's truck while the claimant was stopped at a stop light.	\$2,425.34	Closed	
2006-581	12/21/2006	PWU - Streets	Jack Templeton	9205 Raleigh St., Westminster, CO 80031	City employee driving a snowplow damaged the claimant's front yard fence.	\$672.50	Closed	
2006-590	12/26/2006	PWU - Util	Sandra Martin	10715 Zuni Dr., Westminster, CO 80234	Claimant's homeowner's insurance company alleges the claimant's home suffered water damage as a result of negligence by City employees when the water was turned on to her home.	\$0.00	Closed	Claim was denied as the damage was a result of the washer and dryer not being hooked up correctly and causing a leak. City staff does not check internal private hook-ups within the home when they turn the water on to a house.
GRAND TOTAL						\$9,949.59		



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2006



SUBJECT: Change the Date of the Second City Council Meeting in May

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the last regularly scheduled City Council meeting in May from May 28 to May 21.

Summary Statement

- Because the fourth Monday of May is Memorial Day and a legal holiday, it is suggested that Council reschedule the May 28 meeting to May 21.
- If approved, City Council will meet in study session on May 7 and in regular session on May 14 and 21.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

Council could decide to conduct its last regular meeting in May on a different date.

Background Information

Historically, City Council has changed regular meeting dates when conflicts arise because of national holidays. This year the fourth Monday in May is Memorial Day. Since study sessions and regular meetings normally are conducted on different Mondays of the month, changing the date of the last meeting in May to May 21 will eliminate the second study session of that month.

The public knows that Council meetings and study sessions are held on Mondays, and it is logical, therefore, to hold rescheduled meetings on another Monday when conflicts arise.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Assistance to Firefighters Grant

Prepared By: Ken Watkins, Deputy Chief of Technical Services

Recommended City Council Action

Authorize submittal of an application to the United States Department of Homeland Security for the 2007 Assistance to Firefighters Grant.

Summary Statement

- The United States Department of Homeland Security, Office of Domestic Preparedness has reauthorized the Assistance to Firefighters Grant (AFG) program for 2007. The purpose of the AFG program is to award one year grants directly to fire departments and first responders in order to enhance their abilities with respect to fire and fire-related hazards. The primary goal of the grant is to provide assistance to meet firefighting and emergency response needs. The application period for the grant is March 30, 2007 to May 4, 2007 and grants are generally awarded in September.
- With Council approval, Staff is planning to submit a grant application for \$103,100 to fund the replacement of basic firefighting equipment needs. Specifically this money would be used to replace firefighting hose, nozzles, and air bottles for self-contained breathing apparatus (SCBA). In the 2008 Fire Department budget, \$35,000 is allocated toward these needs. Staff budgets annually to replace a portion of this type of equipment; however much of the Department's hose and nozzle inventory is aging and in need of replacement. Grant approval by the AFG program would provide the additional funds necessary to allow the Department to replace all sections of older hose and nozzles, and to purchase enough SCBA bottles for a complete inventory.
- The AFG requires a 20% cash match; however staff is proposing a 30% match in order to improve the City's chance of a successful grant award. This match would come from the \$35,000 already budgeted for the replacement of these items. Because of the timing of the grant award, the City matching funds will come out of the 2008 budget.

Expenditure Required: Not to exceed \$35,000 City Funds
\$68,100 Grant Funds

Source of Funds: 2008 General Fund – Fire Department Operating Budget

Policy Issue

Should the City of Westminster submit an application for the 2007 Assistance to Firefighters Grant to partially fund the replacement of firefighting hose, nozzles, and SCBA bottles?

Alternative

Direct Staff to not submit an AFG application at this time. Staff would use current budget funds to continue the phased purchase of firefighting hose, nozzles, and SCBA bottles as allocated in the 2007 and 2008 operating budgets.

Background Information

Basic firefighting equipment such as hose, nozzles, and SCBA bottles are replaced based on age, condition, equipment failure, or new technology. The Fire Department continuously replaces and upgrades this equipment as needed, but is limited by budget and other pressing needs. In the 2007/2008 Fire Department Operating Budgets \$67,000 is earmarked for this equipment. A needs assessment determined that it would cost \$103,100 to bring all front line fire apparatus up to an acceptable level in regards to this type of equipment.

Depending on the type of hose, approximately 30-40% of the Department's hose inventory is over 20 years old and a significant number of nozzles are also over 20 years old. The continued use of this aged equipment has resulted in maintenance problems and increased equipment failures. Most nozzle repairs are completed in-house, but many of these older nozzles have been deemed unrepairable when sent back to the manufacturer. Each year nozzles have been taken out of service due to operability issues. Purchasing newer nozzles for all front line apparatus would necessitate a total of 24 nozzles, exceeding the annual budget for this type of equipment. The age of SCBA bottles create similar inventory problems as this equipment has a limited life span of 15 years. The Department has been aggressive in maintaining an appropriate inventory of this important piece of personal protective equipment but would like to purchase enough bottles for a complete inventory on all front line apparatus.

The United States Department of Homeland Security has allocated \$492 million in 2007 for the AFG. AFG funds are used by the nation's firefighters and first responders to increase the effectiveness of firefighting and emergency response operations. The AFG program assists rural, urban, and suburban fire departments throughout the United States by providing funds in two program areas:

1. Operations and Firefighter Safety (Includes training, equipment, personal protective equipment, wellness and fitness, and modifications to fire stations and facilities)
2. Firefighting Vehicle Acquisition

Staff is planning to submit a grant application under the first program area to fund replacement of firefighting hose, nozzles, and SCBA bottles.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: 2006 Westminster Conference Center Property Tax

Prepared By: Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action

Authorize the City Manager to pay the amount due to the Jefferson County Treasurer in the amount of \$232,389.84, for payment of the 2006 property tax for the Westminster Conference Center.

Summary Statement

- The adopted 2007 Budget includes \$244,000 toward payment of the 2006 Westminster Conference Center property tax. In 2006, the property tax paid for 2005 totaled \$223,717.54.
- As this dollar amount exceeds \$50,000, pursuant to Section 15-1-2 of the Municipal Code, City Council must authorize the expenditure.
- Staff is continuing discussions with the Westin Hotel and Inland Pacific Corporation on approaches to minimizing or eliminating this property tax obligation to the City.

Expenditure Required: \$232,389.84

Source of Funds: General Fund - Central Charges Budget

Policy Issue

Should City Council authorize the payment of the amount due for the 2006 Westminster Conference Center property tax in the amount of \$232,389.84?

Alternative

City Council could choose not to pay the 2006 property tax bill at this time. Staff does not recommend this alternative as payment is due April 30, 2007 and the City would be charged interest for each month the bill is in arrears.

Background Information

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

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

In October 2006, City Council approved the 2007/2008 Budget, which included \$244,000 in 2007 for the payment of the Westminster Conference Center property taxes. The 2006 payment for 2005 taxes totaled \$223,717.54; the 2007 payment is an \$8,672.30 (or 3.88%) increase over the 2006 payment.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Adult Sports Officiating Services Contract

Prepared By: Peggy Boccard, Recreation Services Manager
Viola I. Duran, Recreation Specialist

Recommended City Council Action

Authorize the City Manager to execute a one-year contract, with a two-year renewal option, to Professional and Recreational Officials of Sports Inc. (P.R.O.S.) for officiating and related services in an amount not to exceed \$85,000 annually.

Summary Statement

- Bids to provide officiating services for recreational adult and senior leagues were solicited through the City's bid process.
- Three vendors were contacted and P.R.O.S. was the only responsive bidder.
- P.R.O.S. meets all of the City's vendor requirements.
- Cost comparisons of other officiating providers indicate that P.R.O.S. is charging a competitive rate for their services.
- Westminster resident and non-resident team fees generate significant revenues (in excess of \$270,000) to offset officiating expenditures, maintenance and staff costs.
- Adequate funds were budgeted and approved for this expense.

Expenditure Required: Not to exceed \$85,000 annually

Source of Funds: General Fund - Recreation Programs Division Operating Budget

Policy Issue

Should the City accept a bid from P.R.O.S. and enter into a contract for officiating services for the City's recreational leagues?

Alternative

Council could choose to reject P.R.O.S.'s bid and ask Staff to re-bid the officiating services in hopes of receiving a lower bid. Staff does not recommend this as the bid received meets all of the City's criteria as well as the officiating needs of the leagues.

Background Information

As indicated in Principle D of the Strategic Plan, the Recreation Programs Division (Adult Sports and Senior Programming) offers convenient choices for an active, healthy lifestyle by providing ongoing athletic programs for seniors and adults in the Westminster community. Basketball and softball programs provide recreational team sports opportunities to over 7,573 participants each year. Knowledgeable and well-trained officials contribute significantly to the overall quality of the leagues.

The Recreation Programs Division has had a positive working relationship with P.R.O.S. (Professional and Recreational Officials of Sports, Inc.) for the past 18 years. P.R.O.S. is the only association in the north metro area that provides officiating services for local municipalities.

P.R.O.S. is currently responsible for training, certifying, and scheduling the officials for the Westminster recreational adult sports programs. Charges are paid on an as-used basis.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Survey Control Modernization Project

Prepared By: Stephen C. Baumann, Assistant City Engineer
David Murray, Geographic Information Systems Coordinator

Recommended City Council Action

Authorize the City Manager to sign a contract with Bohannon Huston, Inc. for surveying and related services to expand and update the City's survey control network; authorize the expenditure of \$105,300 for the three phases of the contract plus a contingency of \$10,500.

Summary Statement

- As the City has grown, the shortcomings of the survey control network that supports development and the City's operations overall have become more problematic. The City's existing vertical control is based on the North American Vertical Datum 29 (NAVD 29) but has errors based on its evolution over the past 50 years. Coordinating projects with the Colorado Department of Transportation (which uses NAVD 88), analyzing water system needs and verifying floodplain data are examples of activities that sometimes have significant inaccuracies due to the variances present in the existing control network. In addition, the Federal Emergency Management Agency (FEMA) will soon change from NAVD 29 to NAVD 88.
- These factors have led to the need to revise, update and expand the City's survey control network by restoring or establishing survey monuments in the City and restoring relational accuracies that do not exist now. A scope of work for the Survey Control Modernization Project was developed and responses were received from ten firms qualified to perform surveying and mapping. The firm of Bohannon Huston Inc. was chosen for the project based on their experience with similar projects and their innovative and money-saving approach to the tasks.
- A three-phase effort will be pursued under the proposed contract with Bohannon Huston for a total cost of \$105,300. With a contingency of 10%, approval of a total of \$115,800 is being requested. Funds for the project were budgeted in the 2007 General and Utility Capital Improvement Funds.

Expenditure Required: \$115,800

Source of Funds: General Capital Improvement Fund – GIS Upgrades Project
Utility Fund – GIS Elevation Updates

Policy Issue

Should the City pursue a project to update, correct and expand the existing survey control network?

Alternative

City Council could elect to delay or cancel the Survey Control Modernization Project. Neither option is recommended since the need for this update grows by the year. The City needs to change to the North American Vertical Datum 88 to conform to Federal Emergency Management Agency regulations in the National Flood Insurance Program and to align with the adoption by other agencies of the NAVD 88 datum, including CDOT and the Urban Drainage and Flood Control District. In addition, the variation in elevation data that has come about over the previous decades can no longer be tolerated due to the increasing need for relational accuracies between utility facilities for example. Further, technology for achieving a uniform control system is now available and a critical part of municipal operations and mapping.

Background Information

The City of Westminster encompasses an approximate area of 34 square miles, an area that is mapped and platted using approximately 212 survey monuments located at section and quarter section corners established with the Public Land Survey System (PLSS). These PLSS monuments are the basis for the location of physical improvements, property boundaries, and the mapping that exists in the City's Geographic Information System (GIS). Assuming the monuments are in place and have known coordinates, they make it possible for developments to be planned and built and for the City to accurately incorporate additions and changes to records for utility systems, parcel and zoning maps and a multitude of other layers of information that exist or will be needed in the GIS in the future.

As the City has grown, the number and location of the PLSS monuments within the City has grown as well. Survey monuments are occasionally disturbed or removed without replacement. At this time, it is estimated that over 10% of these monuments need refurbishment or replacement or need to be registered into the control data for the City's GIS to be of use. It is in the best interest of the public to maintain these monuments in an accurate and useful manner.

The City also relies on a scant few other benchmark monuments of the National Geodetic Survey (NGS) for an accurate basis for vertical control. Because these monuments are so spread out (there is only one within the City limits), and because the universal reference data (known as the North American Vertical Datum (NAVD)) has changed over time, projects in the City have ended up using vertical datum that do not agree with each other. One example of the problems this causes is in the analysis of water supply and facilities utilization. That analysis is only as good as the elevations given on plans for water tanks and pump stations that have been built over the past 50 years. When those elevations don't agree with each other, the analysis can be inaccurate and/or unreliable. The City's water treatment facilities and pump stations need a physical reference monument installed that is accurately related to other such facilities. The proposed Survey Control Modernization Project will install 11 utility infrastructure control points that will relate to each other and achieve system-wide accuracy.

Another example of the importance of uniform vertical control exists in the City's participation in the National Flood Insurance Program, through which the City administers and manages mapped floodplains for its citizens. Water surface elevations of theoretical flooding events are compared to building elevations to determine the need for flood insurance. When those comparisons lack accurate relative elevations, the determination may not be trusted. The Federal Emergency Management Agency (FEMA) has recently begun a conversion of its entire floodplain mapping from the NAVD 29 datum to the NAVD 88 datum. FEMA's change necessitates that the City modify its elevation datum to NAVD 88. The Colorado Department of Transportation switched to the NAVD 88 datum some years ago and this incompatibility with the City's datum has been problematic at times.

Given FEMA’s mandate and the desire to upgrade and expand the City’s control system in general, City Staff solicited proposals for the Survey Control Modernization Project. The request for proposals was organized in phases. An inventory phase would identify the extent and condition of all of the PLSS monuments in the City. It would be followed by a second phase that would establish horizontal and vertical coordinates for existing monuments, re-install any missing monuments and the new monuments needed for the utility system facilities, and install 10-14 new benchmark monuments for vertical control throughout the City. These new benchmarks would augment the one existing NGS monument, and make it possible for surveyors to be within two to three miles of a competent benchmark. A third phase would revise the entire vertical control system to the NAVD 88 datum and incorporate these changes into the databases and control mapping that exist in the GIS. It is anticipated that a future unbudgeted phase could then easily build on this work and provide updated topographic mapping of the City at a useful accuracy.

Ten firms submitted proposals for the first phase of the work and their fees ranged from \$20,000 to \$81,000. Several of these firms offered alternative approaches where some components of the first two phases were combined to generate efficiencies that would save costs over the whole effort. Of the firms that offered this option, three were short-listed for further consideration. They are listed below along with their approximate fees for the modified first phase of the project. The range of fees shown reflects the fact that until an inventory is completed, the extent of the effort to measure and set new monuments is only approximately known. Given the range of methodology and surveying techniques that would serve the City’s purposes, they are essentially equivalent.

Firm	Proposed Fee (Phase 1 only)
Bohannon-Huston, Inc.	\$40,000 to \$42,000
Farnsworth Group	\$47,000 to \$50,000
Flatirons Surveying, Inc.	\$38,000 to \$43,500

Of the firms that offered alternatives in their response to the City’s request for proposals, the team from Bohannon Huston Inc. (BHI) was chosen. They have recent and directly-related experience with a similar project for Morgan County, Colorado where they created the county’s survey control network. BHI also verified and developed the control network that will be used for RTD’s FastTracks projects, covering a 52-mile by 42-mile area. Their use of Global Positioning System (GPS) survey techniques (where appropriate for the desired accuracies) will result in a very efficient approach to the field work in the proposed Survey Control project. BHI’s references confirm they are very innovative and make the best use of modern survey technology while still providing the accuracies desired.

Looking ahead, Bohannon Huston has estimated that all three phases of the Survey Control Modernization project can be done for \$105,300. The contract for the work will be phased accordingly. Since each phase relies on the efforts and outcome of the previous phase, successive phases will proceed only with Staff’s approval. The first phase will be priced not to exceed \$41,885 and the second and third phases are estimated at \$45,000 and \$18,400 depending on the results of the inventory in the first phase. City Council is being asked to approve a total of \$115,800 (including a \$10,500 contingency) for all three phases and to authorize the City Manager to sign contracts with Bohannon Huston Inc. as needed. Several departments are participating in the Survey Control Modernization Project and funds were budgeted in the General Capital Improvement Fund and the Utility Fund. The project will get underway immediately and the third phase should be completed by the end of the year.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: 2007 Pavement Rehabilitation Project Bid
Prepared By: Dave Cantu, Contract Maintenance Supervisor
Ray Porter, Street Operations Division Manager

Recommended City Council Action

Authorize the City Manager to execute a contract for the 2007 Pavement Rehabilitation Project with the low bidder, Asphalt Specialties Company, Inc., in the amount of \$1,097,029; authorize a \$64,283 contingency, for a total project budget of \$1,161,312.

Summary Statement

- City Council action is requested to award the bid for the 2007 Pavement Rehabilitation Project.
- Formal bids were solicited in accordance with city bidding requirements for the 2007 Pavement Rehabilitation Project. Requests for proposals were sent to six contractors with all six responding.
- City Council approved funds for this expense in the 2007 Department of Public Works and Utilities Street Operations Division, Utility Field Operations, and Utility Fund CIP Water and Sewer Line Replacement Budgets.
- The low bidder, Asphalt Specialties Company, Inc., meets all of the City bid requirements and has successfully completed similar Westminster projects over the past 17 years.
- Adams County School Districts #12 and #50 participated in the bid process. Each entity will award and administer their own bid.
- Adequate funds were budgeted to cover the costs of this project.

Expenditure Required: \$1,161,312

Source of Funds:	General Fund - Street Division Operating Budget	\$542,548
	Utility Fund - Utilities Field Operations Division Budget	\$293,495
	Utility Fund - England Water Line Account	\$271,467
	Utility Fund - 78 th Avenue Water Line Account	\$53,802

Policy Issue

Should this bid be awarded to the low bidder, Asphalt Specialties Company, Inc., for the 2007 Pavement Rehabilitation Project?

Alternative

An alternative to this project is to combine the bids for the Concrete Replacement Project and the Asphalt Pavement Rehabilitation Project:

- City Administrative costs would decrease because there would be only one bid instead of two.
- Bid prices for concrete work or asphalt work would increase because the general contractor's profit margin and overhead expenses would be added to the subcontractor's cost.
- The contract time would have to be increased.

Staff does not recommend this alternative because it would not be as cost effective.

Background Information

The Pavement Rehabilitation Project includes resurfacing and reconstruction of 7.45 lane miles of paved roadway on 16 streets throughout the city (Street Operations Division), water main replacement trench patching at 20 planned locations (Utilities Field Operations) and reconstruction of four streets in conjunction with Utility Fund CIP water and sewer line replacements (see attached location list and map).

Westminster also included pavement rehabilitation bid quantities for Adams County School Districts #12 and #50 at various parking lots. The dollar amounts for the School District's portions are not reflected in the \$1,097,029 City award and will be administered by each respective entity.

These street improvements have been reviewed and determined appropriate through the City's Pavement Management Process and coincide with the Department's performance measure to maintain at least 65% of the City's roadways at a 70 or above pavement condition rating.

The low bidder, Asphalt Specialties Company, Inc., meets all City bid requirements and has successfully completed numerous roadway projects in Westminster since the early 1990's.

The following sealed bids were received:

- | | |
|--------------------------------------|-------------|
| 1. Asphalt Specialties Company, Inc. | \$1,097,029 |
| 2. Brannan Sand & Gravel Co. | \$1,232,431 |
| 3. Premier Paving, Inc. | \$1,271,096 |
| 4. LaFarge West, Inc. | \$1,338,858 |
| 5. Aggregate Industries Inc. | \$1,375,283 |
| 6. Asphalt Paving Company, Inc. | \$1,416,721 |

City Staff's Estimate	\$1,269,782
-----------------------	-------------

City Staff's estimated cost of \$1,269,782 included an increase over 2006 of 15% due to oil price increases, Asphalt Specialties Company, Inc. actual bid increased by 8%. The increase can be attributed to volatile oil prices over the past year.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

City of Westminster
Department of Public Works and Utilities
Street Operations Division
2007 Pavement Rehabilitation Project

Residential HMA Overlay

LOCATION:	FROM:	TO:
1. Owens Cir	10397 Owens Cir	10482 Owens Cir
2. Nelson St	105th Ave	104th Pl
3. 104th Pl	Nelson St	10621 W 104th Pl
4. Newcombe St	104th Pl	105th Ave
5. 105th Ave	Newcombe St	Moore Ct

Residential Reconstruction

LOCATION:	FROM:	TO:
1. Owens Cir	10482 Owens Cir	10397 Owens Cir
2. Newcombe Ct	103rd Pl	102nd Pl
3. Newcombe St	Countryside Dr	103rd Ave
4. Nelson Ct	Nelson St	104th Pl
5. Moore Ct	105th Ave	104th Pl
6. 104th Pl	10621 W 104th Pl	Newcombe St
7. Irving St	76th Ave	Turnpike Dr
*8. 78th Ave	Sheridan Blvd	East End
*9. Stuart St	78th Ave	75th Ave
*10. 78th Ave	Stuart St	West End
*11. Wolff St	80th Ave	81st Pl

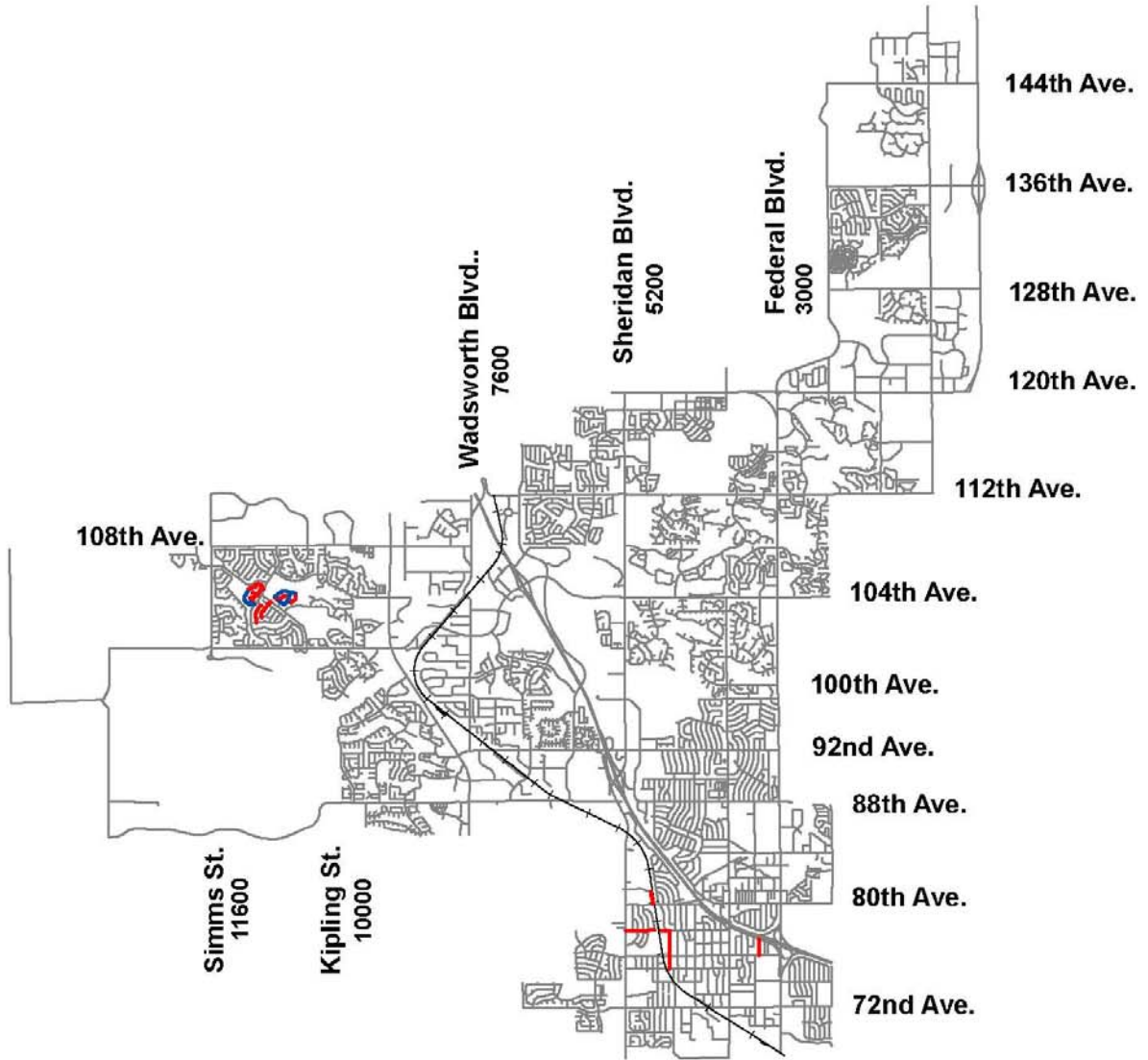
* CIP Water and Sewer Line Replacement Streets

City of Westminster
Department of Public Works and Utilities
Street Operations Division
2007 Pavement Rehabilitation Project

Water Line Replacement Trench Patching

LOCATION:	FROM:	TO:
1. 75 th Avenue	Zenobia Street east	Winona Court
2. Wolff Street	75th Avenue north	76th Avenue
3. Yates Drive	88th Avenue south / east	Wolff Court
4. Wolff Court	88th Avenue south	8641 Wolff Court
5. Wolff Street	80th Avenue north	81st Place
6. 93 rd Avenue	Irving Street east	Grove Street
7. Canosa Court	72nd Avenue north	74th Avenue
8. Elliot Street	74th Avenue south	73rd Avenue
9. 73 rd Avenue	Elliot Street east	Canosa Court
10. Irving Street	81st Avenue north	82nd Avenue
11. 77 th Drive	Zenobia Court east	Xavier Court
12. Xavier Court	77th Drive	7798 Xavier Court
13. Yates Street	77th Drive	78th Avenue
14. Bradburn Boulevard	76th Avenue north	78th Avenue
15. Bradburn Boulevard	78th Avenue north	80th Avenue
16. 111 th Circle	4101 111 th Circle	4241 111th Circle
17. Jellison Court	89th Way	cul-de-sac
18. Iris Court	89th Way north	cul-de-sac
19. Jason Drive	14557 Jason Dr. north/west	145th Pl.& Lipan St.
20. Ammons Circle	10420 Ammons Circle	1 10400 Ammons Circle

2007 Asphalt Pavement Rehabilitation Streets



Legend

—+—+— Railroad

REHABTYPE

— HMA Overlay

— HMA Reconstruction



1 inch equals 2 miles



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Professional Services Contract for the Municipal Service Center Facility Renovation

Prepared By: Michael C. Wong, PE, Senior Engineer
Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Based on the recommendation of the City Manager, determine that the public interest would be best served by awarding a contract to Fisher Associates as the sole source of the work; authorize the City Manager to execute a design, bidding and construction management contract for the Municipal Service Center (MSC) Renovation with Fisher Associates in the amount of \$656,088; authorize a contingency of 10 percent in the amount of \$65,608 for a total design, bidding and construction management project budget of \$721,696.

Summary Statement

- Staff previously bid out the preliminary design services of the MSC Renovation project in October 2005, with four architectural firms proposing on the work.
- City Council approved a contract with Fisher Associates on December 19, 2005 in the amount of \$103,757 and authorized a total budget of \$114,257 (included a \$10,500 contingency). The original contract included a space study and renovation design services of the Operations Building, minor modification to the Administration Building and two existing heated vehicle storage buildings.
- During the preliminary design, Staff recognized the need to conduct a master plan study for the entire MSC site to address issues that were not included in the original scope of work. Contract Amendment No. 1 addressed these additional services for the master plan study and was approved by City Council on July 10, 2006, increasing Fisher Associates Architects' contract from \$103,757 to \$166,652.
- At the December 4, 2006 Study Session, City Council was briefed on the findings and recommendations for improvements to the MSC site as outlined in the Master Plan. City Council directed Staff to look at alternate ways to finance the project prior to proceeding with the design. An alternate financial plan including a larger participation by the General Capital Improvement Fund was outlined in a Staff Report to City Council on January 8, 2007.
- Authorization of a sole sourced contract with Fisher Associates for additional services is recommended to finalize the design and prepare bidding documents for construction services. The new contract in the amount of \$656,088 will increase the total fees paid to Fisher Associates to \$822,740. As stated above Fisher Associates was selected through a competitive process.
- The \$822,740 total architectural fees including design and construction management is 9% of the estimated construction cost of \$9.1 million.
- All costs approved and requested are within the total approved budget of \$11,200,000.

Expenditure Required: \$721,696

Source of Funds: Utility Fund – Municipal Service Center Renovation Project

Policy Issue

Should City Council authorize the recommended sole source contract with Fisher Associates Architects, P.C. for design and construction phase services?

Alternative

The City could choose not to approve this contract amendment, and either place the project on hold, or solicit other proposals to complete the work. This is not recommended since it would delay the design and construction of the MSC Facility Renovation, resulting in ineffective space use, and higher design costs for another architect to become familiar with the project.

Background Information

Building History and Usage

The Municipal Service Center (MSC) was initially constructed in the mid 1970s, and was renovated and expanded in 1984. Over the years, the demand for municipal services and equipment, personnel and supplies have added significant demands on the MSC site. Three divisions work out of this seven-acre site including, Utilities Operations, Street Operations, and Fleet Maintenance. A fourth division, Building Operations and Maintenance (BO&M) will be added as part of the Renovation Project. In addition to storage of large snow plows, maintenance vehicles, and utilities materials, the MSC site also houses the City's primary fueling station, vehicle repair center, and office space for approximately 100 staff from the Building Operations and Maintenance, Street Operations and Utilities Operations Divisions.

This renovation project had been anticipated for a number of years. With the relocation of the staff from Parks, Recreation and Libraries Department from the existing MSC Operations Building to their new facility last year, it became possible to provide adequate office and storage spaces for Utilities, Streets, BO&M, and Fleet Maintenance Staff and vehicle/equipment to meet the City's needs.

Consultant Selection

During the original architect selection process, Staff developed a Request for Qualifications (RFQ) to pre-qualify architectural firms specialized in building renovation projects. Staff submitted the RFQ to 26 local architectural firms and received seven responses. After a thorough review of the statements of qualifications, Staff shortlisted four firms to receive an RFP for architectural services to include the space study, design, and construction phase of the renovation.

The criteria Staff used in determining the most qualified architect was based on the consultant's project understanding, project team, previous experience in municipal mixed use facilities, ability to achieve the project schedule, and proposed costs. Fisher Associates was selected as the most qualified architect for the design of the renovation project.

City Council approved the Fisher Associates' contract on December 19, 2005 in the amount of \$103,757. The original contract agreement scope of work included a space study, renovation design and construction-phase services of the Operations Building, minor modification to the Administration Building and two existing heated vehicles storage buildings. The contract amount was increased to \$166,652 on July 10, 2006 to include a master plan study of the entire MSC site to include a new heated storage building, maintenance material storage, drainage control, traffic circulation, as well as provide for moving the Building Operations and Maintenance Division (BO&M) to the Municipal Service Center. The work performed by Fisher Associates to date on this project has met expectations.

Fisher Associates previously was selected in a competitive process with three other firms due to their knowledge and experience with other similar municipal facility renovation projects. Also, Fisher Associates total design and construction management fee of 9% is competitive for the work that is being requested for this type of project. Staff believes that Fisher has demonstrated both their competence and cost competitiveness and negotiating a sole source contract is in the City's best interests.

Renovation Project

The Municipal Service Center is currently being used by Utilities Operations, Street Operations, Fleet Maintenance, and also serves as a fueling station for all City owned vehicles. During the preliminary renovation design, it became evident that the current MSC site is not properly laid out for storage of maintenance material and parking of large equipment and personal vehicles. Traffic circulation and safety of employees and the public were also a concern. The master plan study addressed both issues.

Preliminary plans for the MSC Renovation project include removing all equipment and vehicles from inside the Operations Building and better utilizing the existing heated storage vehicle buildings; redesign of the maintenance material storage yard; design of a new heated vehicle storage building; add a weld shop to the Fleet Maintenance Building; add a vehicle wash station to existing Heated Vehicle Building No. 3; complete upgrade of mechanical and electrical systems in the Operations Building; redesign the Administration Building; and landscape and improved drainage design of the entire MSC site.

The BO&M Division will be relocated from the City's Hydropillar Water Storage Tank site to the MSC site. The Building Operations and Maintenance Division is responsible for maintaining all buildings owned and operated by the City. Currently, maintenance supplies for the Division are stored in various locations throughout the City resulting in an inefficient use of storage space and BO&M Staff time in retrieving supplies.

Project Timelines

With the approval of this contract by City Council, the project will proceed with completing design services and initiating construction phase services beginning in May 2007 with estimated construction completion occurring in September 2008. The following is a preliminary project schedule with key milestone dates:

- 90% design for Owner review May 31, 2007
- Design submitted to IT for telecom & PC review May 31, 2007
- Design submitted to Parks for landscape review May 31, 2007
- Finalize construction sequencing plan and determine alternate location for staff and offsite material storage June 15, 2007
- Finalize design & construction document June 30, 2007
- Submit for Building Permit (6 weeks) July 1, 2007
- Advertise for bids (5 weeks) July 16, 2007
- Bid Opening August 17, 2007
- Anticipated Construction Contract Award by City Council September 10, 2007
- Utilities Ops/Street Ops staff relocation September 14, 2007
- Issuance of Notice-to-Proceed September 26, 2007
- Contractor Mobilization (2 weeks) September 27, 2007
- Phase I – Building Renovation (6-7 months) September 2007–March 2008
- Phase II – Construction of heated building/yard (5 months) April – August 31, 2008
- Project Record Drawing submittal and Final Completion September 30, 2008

Staff will be present at the April 23, 2007 City Council meeting to answer any questions City Council may have on this project.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Water and Sewer Infrastructure Study Change Order

Prepared By: Mike Wong, P.E., Senior Engineer
Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Authorize a change order in the amount of \$20,756 to compensate URS Corporation (URS) for additional services completed as part of the Water and Sewer Infrastructure Study; and authorize the transfer of \$20,756 from the Utility Fund Water Project Contingency Capital Improvement Project (CIP) account to the Water Master Plan/Modeling CIP account.

Summary Statement

- City Council approved a not-to-exceed contract of \$870,000 to URS on October 25, 2005, for the completion of an Infrastructure Master Plan of the City's water and wastewater systems. The Infrastructure Master Plan is the City's "roadmap" for future water and wastewater systems improvements.
- Funds for this change order are available in the City's Utility Fund Water Project Contingency capital improvement project account. There is currently \$245,000 available in this account.
- The change order is recommended for additional services that were identified during the Water and Sewer Infrastructure Study project, and authorized by Staff.
- The change order represents a 2.4% change to the original contract signed with URS.

Expenditure Required: \$20,756.

Source of Funds: Utility Fund CIP – Water Master Plan/Modeling Account.

Policy Issue

Should the City modify the not-to-exceed contract to compensate URS for additional services to the Water and Sewer Infrastructure Study?

Alternative

One alternative is to not pay URS for the additional services completed as part of the Water and Sewer Infrastructure Study. Staff does not recommend this alternative since Staff directed URS to complete the additional out of scope work tasks.

Background Information

The City entered into an agreement with URS for a Water and Sewer Infrastructure Study in October 2005. City Council authorized a not-to-exceed contract amount of \$870,000. After completing a competitive consultant selection process, Staff negotiated a scope of work with URS that included ten major task groups and a summary report of the findings. During the study, Staff identified several work tasks that were not included in the original scope of work. At the time the additional work tasks were identified, Staff had the option to do nothing or delay these issues until a later date. Staff authorized the additional services because it was felt there would be money left over in the original contract amount to cover the costs. Because all funds were expended in the not-to-exceed contract, it is necessary to authorize a change order over the contract amount.

The additional work tasks authorized by Staff included:

- 1) Conduct a condition assessment and recommend capital improvement projects to the Kershaw and Jim Baker Pump Stations, and 15 inactive groundwater wells owned by the City (\$9,253).
- 2) Perform water source trace modeling to assess the distribution of water resources within the City's distribution system from Semper, Northwest and the Thornton Interconnect (\$6,032).
- 3) Conduct additional hydraulic modeling of large diameter critical piping for vulnerability assessment analysis. URS had to perform multiple model runs with manual adjustment to the pipe network for every run to meet the City's needs (\$5,471).

The cost for the change order is \$20,756.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Second Reading of Councillor's Bill No. 15 re Vacation of Ten Easements within Lots 4 and 4E of the Mandalay Town Center Subdivision, Filing No. 2

Prepared By: Justin Hildreth, Senior Civil Engineer

Recommended City Council Action:

Pass Councillor's Bill No. 15 on second reading vacating ten easements on Lots 4 and 4E of the Final Plat for Mandalay Town Center Subdivision, Filing No. 2 and the Third Amendment to the Final Plat for Mandalay Town Center Subdivision, Filing No. 2

Summary Statement

- Utility and access easements were granted for the installation of water and sewer lines by the Final Plat for Mandalay Town Center Subdivision, Filing No. 2.
- During construction of the subdivision, it was determined that the utilities would not be located in portions of these easements. Replacement easements that reflect the location of the installed utilities were dedicated on the Third Amendment to the Mandalay Town Center Subdivision, Filing No. 2 Final Plat.
- A Councillor's Bill authorizing the vacation of the unnecessary portions of the previously dedicated easements and including the legal descriptions of the ten easements is attached to this Agenda Memorandum for action by City Council.
- This Councillor's Bill was passed on first reading on April 9, 2007.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3344**

COUNCILLOR'S BILL NO. **15**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Kauffman - Dittman

**A BILL
FOR AN ORDINANCE VACATING TEN (10) EASEMENTS WITHIN LOTS 4 AND 4E OF THE
FINAL PLAT OF MANDALAY TOWN CENTER FILING NO. 2**

WHEREAS, certain easements were dedicated on the Final Plat for Mandalay Town Center Filing No. 2, recorded at Reception Number F2004399 and the Third Amendment to the Final Plat for Mandalay Town Center Filing No. 2 at Reception Number 2006101513 in the records of the Jefferson County Clerk; and

WHEREAS, these ten (10) utility easements on Lots 4 and 4E contain no utility facilities nor is it necessary for future utility purposes; and

NOW THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easements in Section 2 and 3 thereof.

Section 2. Legal Descriptions for vacation: See legal description in 1 through 10 in Exhibit A.

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

INTRODUCED, PASSED ON FIRST READING AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of April, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of April, 2007.

Mayor

ATTEST:

City Clerk

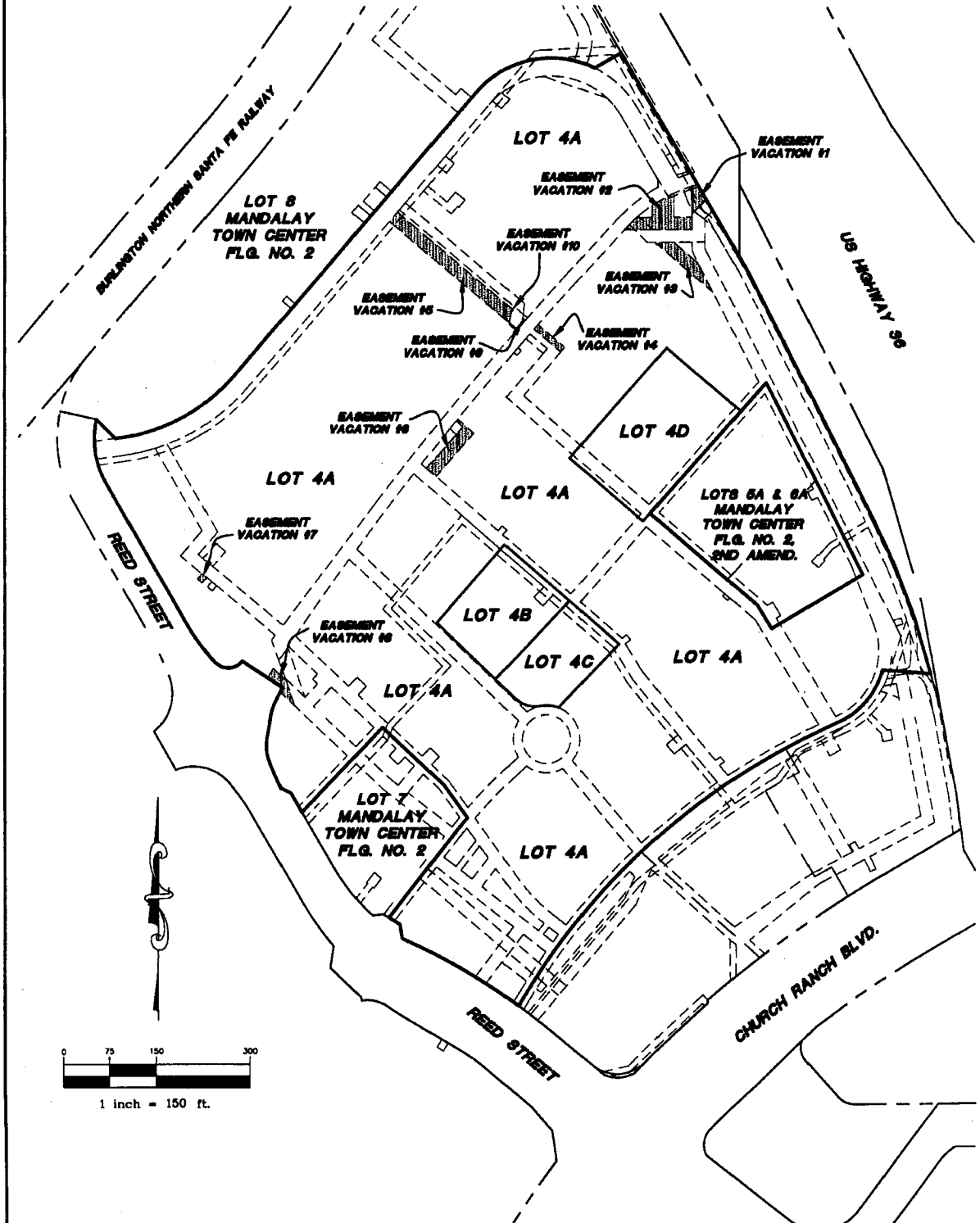
APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

UTILITY EASEMENT VACATION LEGAL DESCRIPTIONS

MANDALAY TOWN CENTER FILING NO. 2, 3RD AMENDMENT EASEMENT VACATION EXHIBIT



PATH: P:\23406-01\DWG
 DWG NAME: EASEMENT VACATION EXHIBIT.DWG
 JWG: JRW
 CHK: RDS
 JOB NO. 23406-01



AZTEC CONSULTANTS, Inc.
 300 East Mineral Avenue, Suite 1
 Littleton, Colorado 80122
 Phone: (303)719-1999 Fax: (303)719-1997

EASEMENT VACATION EXHIBIT
MANDALAY TOWN CENTER FILING NO. 2, 3RD AMEND.
CITY OF WESTMINSTER, COLORADO

DATE 8-10-06
 SCALE 1"=150'
 SHEET 1 of 1

PROPERTY DESCRIPTION
EASEMENT VACATION #1

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF TRACT "A", SAID MANDALAY TOWN CENTER FILING NO. 2, SAID CORNER LYING ON THE NORTHEASTERLY BOUNDARY OF SAID LOT 4;

THENCE, ALONG SAID NORTHEASTERLY BOUNDARY, NORTH 29°43'04" WEST 110.37 FEET TO THE NORTHERLY TERMINUS OF THE EASTERLY LINE OF THAT CERTAIN ACCESS AND UTILITY EASEMENT AS SHOWN ON SAID PLAT AND THE **POINT OF BEGINNING**;

THENCE, ALONG SAID EASTERLY LINE, SOUTH 00°19'35" EAST 8.44 FEET;

THENCE, DEPARTING SAID EASTERLY LINE, SOUTH 44°40'26" WEST 28.28 FEET TO THE WESTERLY LINE OF SAID UTILITY AND ACCESS EASEMENT;

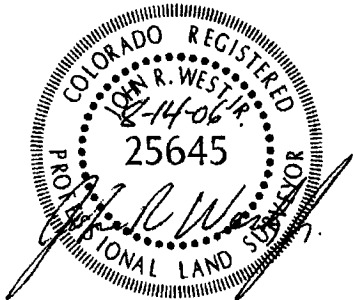
THENCE, ALONG SAID WESTERLY LINE, NORTH 00°19'35" WEST 45.08 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 240.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 17°46'09" EAST;

THENCE, DEPARTING SAID WESTERLY LINE, NORTHEASTERLY ALONG SAID CURVE 9.51 FEET THROUGH A CENTRAL ANGLE OF 02°16'09" TO SAID NORTHEASTERLY BOUNDARY OF LOT 4;

THENCE, ALONG SAID NORTHEASTERLY BOUNDARY, NON-TANGENT TO SAID CURVE, SOUTH 29°43'04" EAST 22.16 FEET TO THE **POINT OF BEGINNING**.

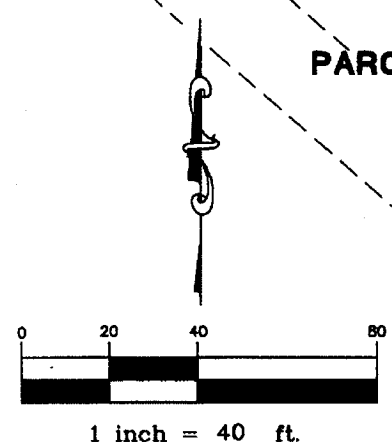
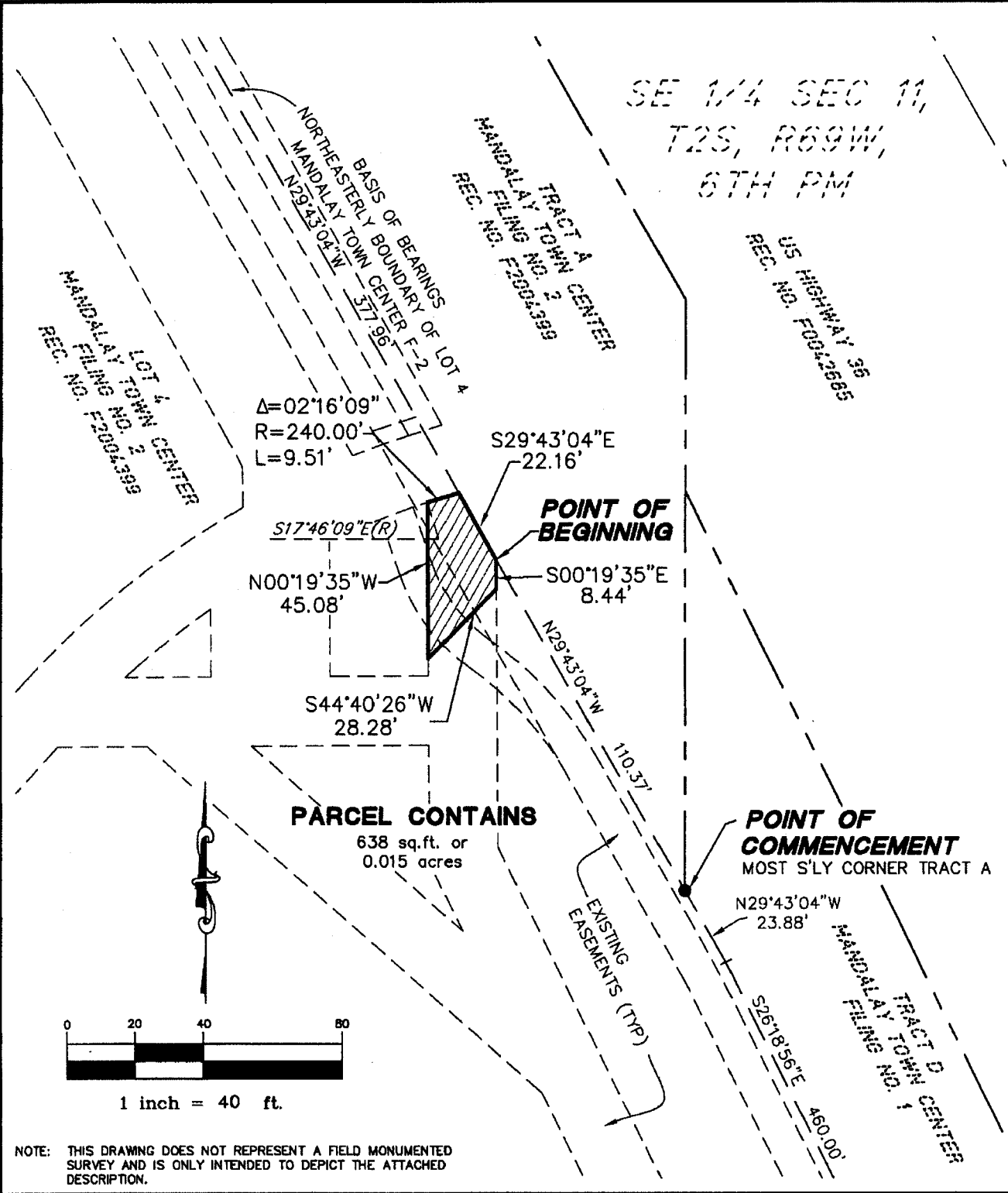
CONTAINING 0.015 ACRES (638 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T2S, R69W,
6TH PM



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\23408-01\DWG
 DWG NAME: ESMT VACI_REV.DWG
 DWG: JRW CHK: KDB
 DATE: 08/10/06
 SCALE: 1" = 40'

AzTEC CONSULTANTS, Inc.

300 East Mineral Avenue, Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #1
 MANDALAY TOWN CENTER FILING NO. 2
 COUNTY OF JEFFERSON, STATE OF COLORADO
 JOB NUMBER 23408-01 2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #2

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF TRACT "A", SAID MANDALAY TOWN CENTER FILING NO. 2, WHENCE THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 BEARS NORTH 29°43'04" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE NORTH 60°27'49" WEST 85.52 FEET TO THE SOUTHERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS SHOWN ON SAID PLAT AND THE **POINT OF BEGINNING**;

THENCE, ALONG SAID SOUTHERLY LINE, SOUTH 89°40'25" WEST 108.19 FEET;

THENCE, DEPARTING SAID SOUTHERLY LINE, NORTH 42°46'01" EAST 5.08 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 240.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 47°43'30" EAST;

THENCE NORTHEASTERLY ALONG SAID CURVE 23.20 FEET THROUGH A CENTRAL ANGLE OF 05°32'15" TO THE NORTHERLY LINE OF SAID UTILITY AND ACCESS EASEMENT;

THENCE ALONG THE NORTHERLY AND WESTERLY LINES OF SAID EASEMENT THE FOLLOWING 2 COURSES:

1) NON-TANGENT TO SAID CURVE, NORTH 89°40'25" EAST 25.25 FEET;

2) NORTH 00°19'35" WEST 19.75 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 240.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 34°31'40" EAST;

THENCE NORTHEASTERLY ALONG SAID CURVE 39.49 FEET THROUGH A CENTRAL ANGLE OF 09°25'35" TO THE EASTERLY LINE OF SAID UTILITY AND ACCESS EASEMENT;

THENCE ALONG THE EASTERLY AND NORTHERLY LINES OF SAID EASEMENT THE FOLLOWING 2 COURSES:

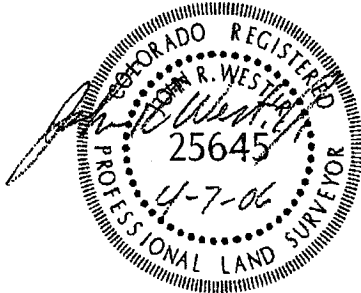
1) NON-TANGENT TO SAID CURVE, SOUTH 00°19'35" EAST 39.17 FEET;

2) NORTH 89°40'25" EAST 28.63 FEET;

THENCE SOUTH 00°19'35" EAST 20.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.069 ACRES (3,003 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



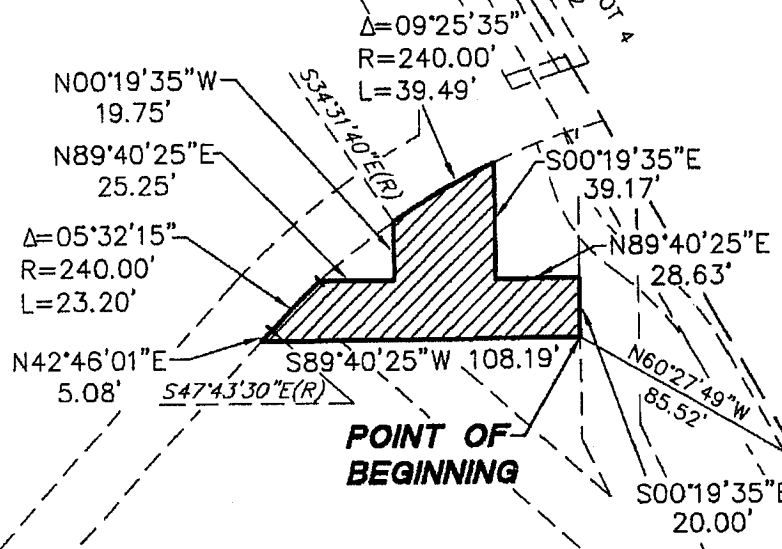
JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T25, R69W,
6TH PM

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399

TRACT A TOWN
MANDALAY FILING NO. 2
CENTER FILING NO. 2
REC. NO. F2004399

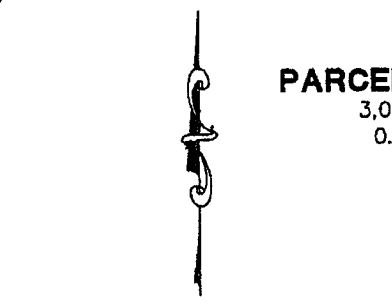
US HIGHWAY 395
REC. NO. F0042885



POINT OF BEGINNING

POINT OF COMMENCEMENT
MOST S'LY CORNER
TRACT A

PARCEL CONTAINS
3,003 sq.ft. or
0.069 acres



1 inch = 60 ft.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\23408-01\DWG
FIG NAME: ESMT_VAC2.DWG
BY: JLM CHK: JRW
DATE: 04/04/06
SCALE: 1" = 60'



AzTEC CONSULTANTS, inc.

300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1491 Fax: (303)713-1497

EASEMENT VACATION #2
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23408-01 3 OF 3 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #3

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF TRACT "A", SAID MANDALAY TOWN CENTER FILING NO. 2, WHENCE THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 BEARS NORTH 29°43'04" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 35°18'26" WEST 71.70 FEET TO THE SOUTHWESTERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS SHOWN ON SAID PLAT AND THE **POINT OF BEGINNING**;

THENCE, ALONG SAID SOUTHWESTERLY LINE, NORTH 48°51'00" WEST 122.08 FEET;

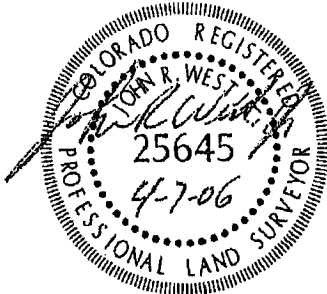
THENCE, DEPARTING SAID SOUTHWESTERLY LINE, NORTH 89°40'25" EAST 30.20 FEET TO THE NORTHEASTERLY LINE OF SAID EASEMENT;

THENCE ALONG SAID NORTHEASTERLY LINE SOUTH 48°51'00" EAST 51.25 FEET;

THENCE DEPARTING SAID NORTHEASTERLY LINE, SOUTH 26°18'56" EAST 52.19 TO THE **POINT OF BEGINNING**.

CONTAINING 0.040 ACRES (1,733 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T2S, R69W,
6TH PM

TRACT A TOWN
MANDALAY CENTER FILING NO. 2
REC. NO. F2004399

TRACT B TOWN
MANDALAY CENTER FILING NO. 1

U.S. HIGHWAY 36
REC. NO. F00412665

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399

N89°40'25"E
30.20'

S48°51'00"E
51.25'

PARCEL CONTAINS
1,733 sq.ft. or
0.040 acres

N48°51'00"W 122.08'

S26°18'56"E 52.19'

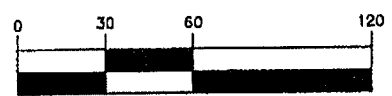
S26°18'56"E 23.88'

POINT OF COMMENCEMENT
MOST S'LY CORNER
TRACT A

POINT OF BEGINNING

EXISTING
EASEMENTS
(TYP)

MANDALAY TOWN
CENTER FILING NO. 1



1 inch = 60 ft.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\23408-01\DWG
NAME: ESMT VAC3.DWG
G: JLM CHK: JRW
DATE: 04/04/06
SCALE: 1" = 60'



Aztec Consultants, Inc.

300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #3
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23408-01 2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #4

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF TRACT "A", SAID MANDALAY TOWN CENTER FILING NO. 2, WHENCE THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 BEARS NORTH 29°43'04" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 62°15'37" WEST 314.42 FEET TO THE SOUTHEASTERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS SHOWN ON SAID PLAT AND THE **POINT OF BEGINNING**;

THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 40°18'09" WEST 10.00 FEET;

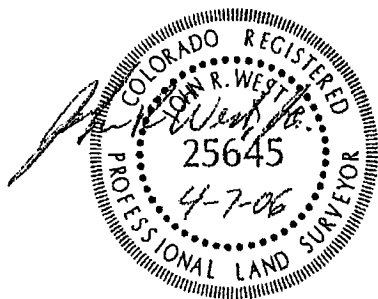
THENCE, DEPARTING SAID SOUTHEASTERLY LINE, NORTH 49°41'51" WEST 56.47 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 4990.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 48°29'32" EAST;

THENCE NORTHEASTERLY ALONG SAID CURVE 10.00 FEET THROUGH A CENTRAL ANGLE OF 00°06'53" TO THE NORTHEASTERLY LINE OF SAID EASEMENT;

THENCE, ALONG SAID NORTHEASTERLY LINE NON-TANGENT TO SAID CURVE, SOUTH 49°41'51" EAST 56.25 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.013 ACRES (564 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T2S, R69W,
6TH PM

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399

TRACT A
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399
N29°43'04"W 577.96'
BASIS OF BEARINGS
NORTHEASTERLY BOUNDARY OF LOT 4
MANDALAY TOWN CENTER F-2

U.S. HIGHWAY 395
REC. NO. F000725885

POINT OF COMMENCEMENT

MOST S'LY CORNER
TRACT A

EXISTING
EASEMENTS
(TYP)

$\Delta = 00^{\circ}06'53''$
 $R = 4990.00'$
 $L = 10.00'$

S49°41'51"E
56.25'

S62°15'37"W
314.42'

S48°29'32"E (R)

N49°41'51"W
56.47'

POINT OF BEGINNING

S40°18'09"W
10.00'

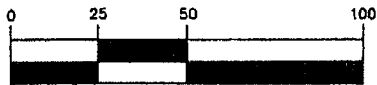
N29°43'04"W
23.88'

S26°18'56"E
460.00'
TRACT B
MANDALAY TOWN
CENTER FILING NO. 1

PARCEL CONTAINS

564 sq.ft. or
0.013 acres

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399



1 inch = 50 ft.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\23406-01\DWG
FIG NAME: ESMT VAC4.DWG
FIG: JLM CHK: JRW
DATE: 04/04/06
SCALE: 1" = 50'



Aztec CONSULTANTS, Inc.

300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #4

MANDALAY TOWN CENTER FILING NO. 2

COUNTY OF JEFFERSON, STATE OF COLORADO

JOB NUMBER 23406-01

2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #5

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEASTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS HAVING A BEARING AND DISTANCE OF " N 40°24'36" E 601.18' " ON SAID PLAT, SAID COURSE FORMING A PART OF THE NORTHWESTERLY BOUNDARY OF SAID LOT 4, AND ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 33°10'22" WEST 230.20 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 49°43'15" EAST 240.69 FEET;

THENCE SOUTH 09°03'22" WEST 19.98 FEET;

THENCE NORTH 49°41'51" WEST 251.09 FEET;

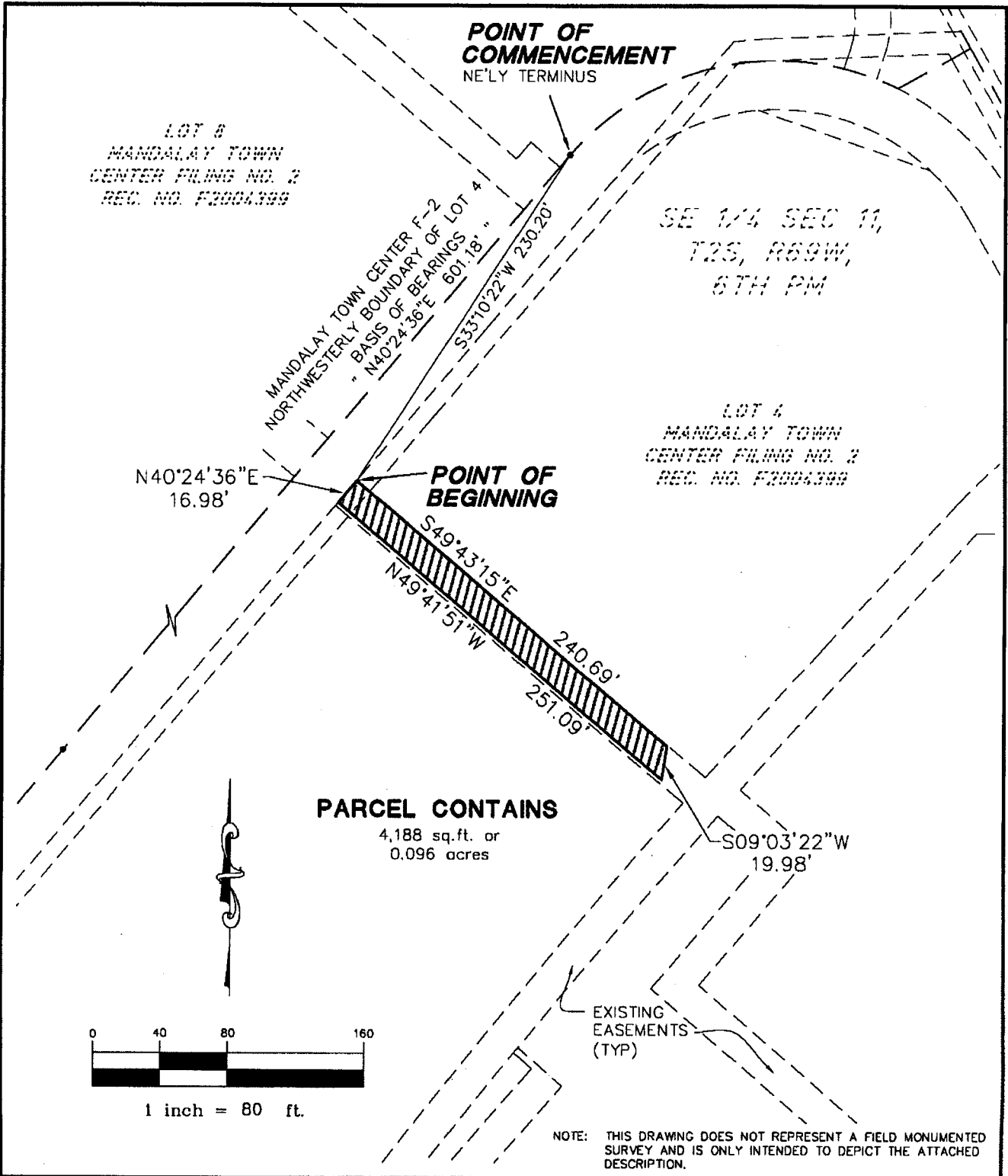
THENCE NORTH 40°24'36" EAST 16.98 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.096 ACRES (4,188 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.



PATH: P:\23406-01\DWG
 DWG NAME: ESMT VACS.DWG
 DWG: JLM CHK: JRW
 DATE: 07/31/06
 SCALE: 1" = 80'



AzTec CONSULTANTS, inc.
 300 East Mineral Avenue, Suite 1
 Littleton, Colorado 80122
 Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #5
 MANDALAY TOWN CENTER FILING NO. 2
 COUNTY OF JEFFERSON, STATE OF COLORADO
 JOB NUMBER 23406-01
 2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #6

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF TRACT "A", SAID MANDALAY TOWN CENTER FILING NO. 2, WHENCE THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 BEARS NORTH 29°43'04" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 56°09'05" WEST 511.97 FEET TO THE SOUTHEASTERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS SHOWN ON SAID PLAT AND THE **POINT OF BEGINNING**;

THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 41°09'00" WEST 92.90 FEET;

THENCE, DEPARTING SAID SOUTHEASTERLY LINE, NORTH 48°51'00" WEST 20.27 FEET TO THE NORTHWESTERLY LINE OF SAID EASEMENT;

THENCE, ALONG SAID NORTHWESTERLY LINE AND THE NORTHEASTERLY PROLONGATION THEREOF, NORTH 41°09'00" EAST 88.90 FEET;

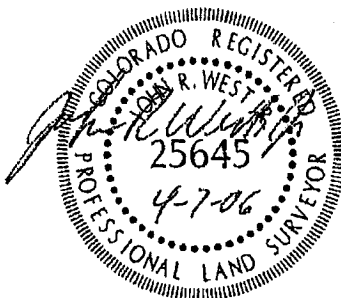
THENCE NORTH 48°51'00" WEST 14.20 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 4990.00 FEET, THE RADIUS POINT OF SAID CURVE BEARS SOUTH 50°43'27" EAST;

THENCE NORTHEASTERLY ALONG SAID CURVE 4.00 FEET THROUGH A CENTRAL ANGLE OF 00°02'45" TO THE NORTHEASTERLY LINE OF SAID EASEMENT;

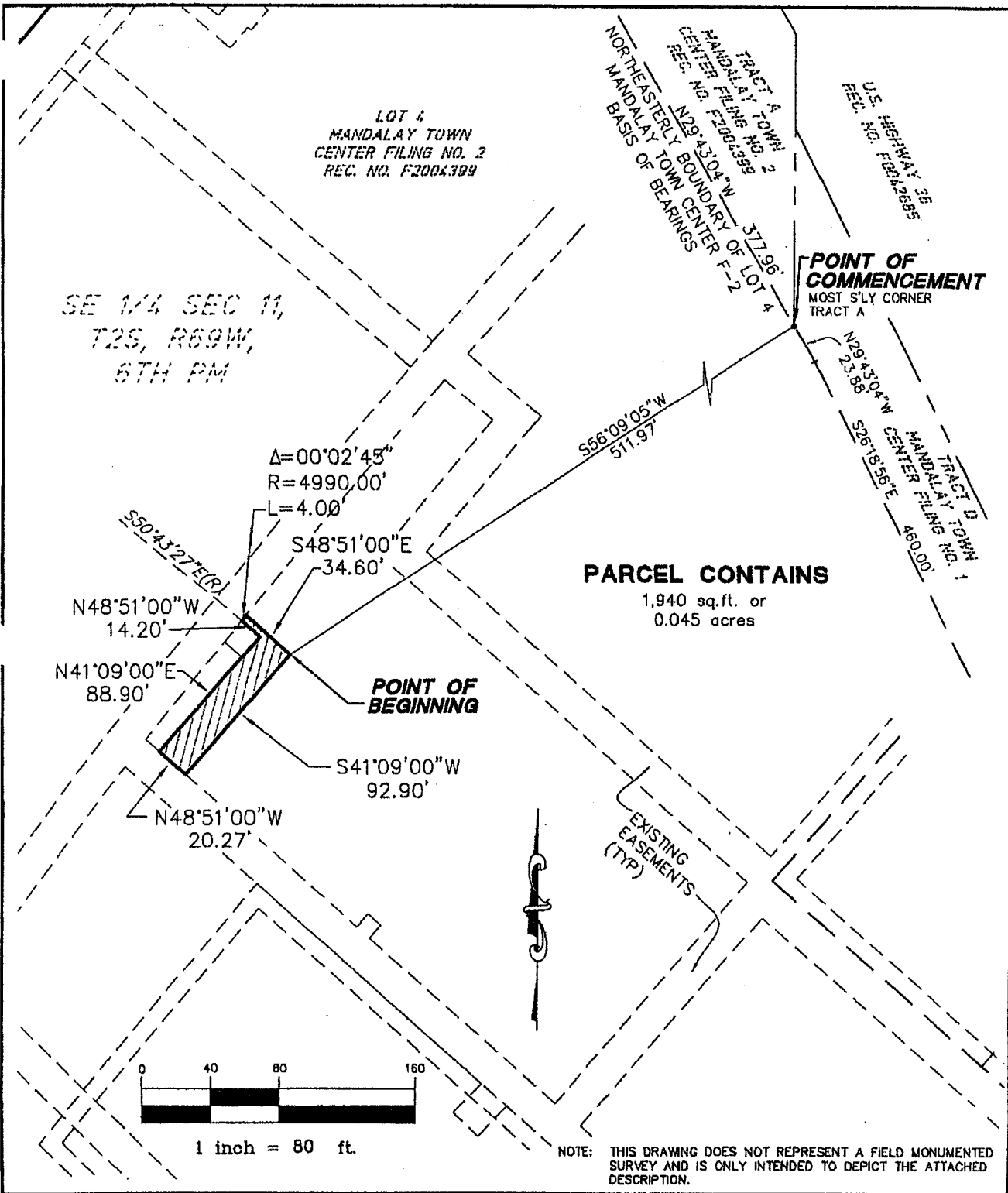
THENCE, ALONG SAID NORTHEASTERLY LINE NON-TANGENT TO SAID CURVE, SOUTH 48°51'00" EAST 34.60 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.045 ACRES (1,940 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.



SE 1/4 SEC 11,
T2S, R69W,
6TH PM

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399

TRACT 5
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399
N29°43'04\"W
377.96'
NORTHEASTERLY BOUNDARY OF LOT 4
MANDALAY TOWN CENTER OF BEARINGS

U.S. HIGHWAY 58
REC. NO. F08242685

POINT OF COMMENCEMENT
MOST S'LY CORNER
TRACT A

TRACT 1
MANDALAY TOWN
CENTER FILING NO. 1
N29°43'04\"W
25.68'
S26°18'15\"E
460.00'

S56°09'05\"W
511.97'

PARCEL CONTAINS
1,940 sq.ft. or
0.045 acres

$\Delta = 00^{\circ}02'45''$
 $R = 4990.00'$
 $L = 4.00'$

S48°51'00\"E
34.60'

N48°51'00\"W
14.20'

N41°09'00\"E
88.90'

POINT OF BEGINNING

S41°09'00\"W
92.90'

N48°51'00\"W
20.27'

EXISTING
EASEMENTS
(TYP)



1 inch = 80 ft.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\23406-01\DWG
FIG NAME: ESMT VAC6.DWG
JOB: JLM CHK: JRW
DATE: 04/04/06
SCALE: 1" = 80'



Aztec CONSULTANTS, inc.

300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #6
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23406-01 2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #7

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS HAVING A BEARING AND DISTANCE OF " N29°38'23" W 260.98' " ON SAID PLAT, SAID COURSE FORMING A PART OF THE SOUTHWESTERLY BOUNDARY OF SAID LOT 4, AND ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE NORTH 21°37'48" EAST 69.96 FEET TO THE SOUTHWESTERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS SHOWN ON SAID PLAT AND THE **POINT OF BEGINNING**;

THENCE, ALONG THE SOUTHWESTERLY AND NORTHWESTERLY LINES OF SAID EASEMENT THE FOLLOWING 2 COURSES:

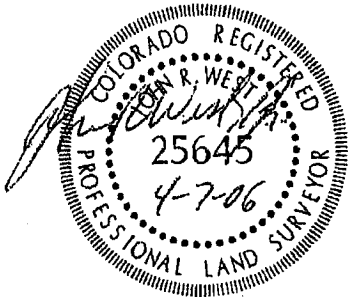
- 1) NORTH 49°41'51" WEST 10.00 FEET;
- 2) NORTH 40°18'09" EAST 11.00 FEET;

THENCE SOUTH 49°41'51" EAST 10.00 FEET TO THE SOUTHEASTERLY LINE OF SAID EASEMENT;

THENCE, ALONG SAID SOUTHEASTERLY LINE, SOUTH 40°18'09" WEST 11.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.003 ACRES (110 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T2S, R69W,
6TH PM

LOT 4
MANDALAY TOWN CENTER
FILING NO. 2
REC. NO. F2004399

"N29°38'23"W 260.98"
SOUTHWESTERLY BOUNDARY OF LOT 4
MANDALAY TOWN CENTER F-2
BASIS OF BEARINGS

EXISTING
EASEMENTS (TYP)

PARCEL CONTAINS
110 sq.ft. or
0.003 acres

REED STREET
PER MANDALAY TOWN
CENTER FILING NO. 1
LOT 1
MANDALAY TOWN CENTER
FILING NO. 1 REC. NO. F1901073

N40°18'09"E
11.00'

S49°41'51"E
10.00'

N49°41'51"W
10.00'

S40°18'09"W
11.00'

N21°37'48"E
69.96'

POINT OF
BEGINNING

Δ=7°07'30"
R=283.50'
L=35.25'

POINT OF
COMMENCEMENT
SE'LY TERMINUS

N36°45'53"W
23.86'

N29°38'23"W
201.53'



1 inch = 40 ft.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\LD\DWG
DRAWING NAME: ESMT VAC7.DWG
DRAWN BY: JLM CHK: JRW
DATE: 04/04/06
SCALE: 1" = 40'



AZTEC CONSULTANTS, Inc.

300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #7
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23406-01

2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #8

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY TERMINUS OF THAT CERTAIN COURSE SHOWN AS HAVING A BEARING AND DISTANCE OF " N56°38'22" W 76.77' " ON SAID PLAT, SAID COURSE FORMING A PART OF THE NORTHEASTERLY RIGHT-OF-WAY OF REED STREET, AS DEDICATED ON SAID PLAT, AND ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE, ALONG SAID NORTHEASTERLY RIGHT-OF-WAY, NORTH 56°38'22" WEST 27.98 FEET;

THENCE, DEPARTING SAID NORTHEASTERLY RIGHT-OF-WAY, NORTH 30°45'39" EAST 17.35 FEET TO THE NORTHEASTERLY LINE OF THAT CERTAIN UTILITY AND ACCESS EASEMENT AS SHOWN ON SAID PLAT;

THENCE, ALONG SAID NORTHEASTERLY LINE, SOUTH 46°32'52" EAST 27.45 FEET;

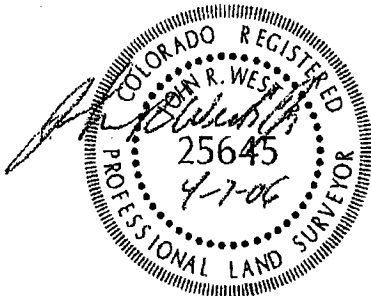
THENCE DEPARTING SAID NORTHEASTERLY LINE, SOUTH 19°02'59" EAST 43.32 FEET TO THE SOUTHWESTERLY LINE OF SAID EASEMENT;

THENCE, ALONG SAID SOUTHWESTERLY LINE, NORTH 46°32'52" WEST 32.03 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF SAID REED STREET;

THENCE, ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY, NORTH 26°07'00" EAST 8.35 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.017 ACRES (727 SQ. FT.), MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T2S, R69W,
6TH PM

EXISTING
EASEMENTS (TYP)

LOT 4
MANDALAY TOWN CENTER
FILING NO. 2
REC. NO. F2004399

$\Delta=7^{\circ}07'30''$
R=283.50'
L=35.25'

N36°45'53"W
23.86'

$\Delta=87^{\circ}22'53''$
R=28.50'
L=43.47'

N30°45'39"E
17.35'

S46°32'52"E
27.45'

" N56°38'22"W 76.77' "
NORTHEASTERLY R-O-W REED STREET
MANDALAY TOWN CENTER F-2
BASIS OF BEARINGS

N56°38'22"W
27.98'

S19°02'59"E
43.32'

POINT OF
BEGINNING
SE'LY TERMINUS

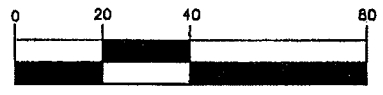
N26°07'00"E
8.35'

N46°32'52"W
32.03'

PARCEL CONTAINS
727 sq.ft. or
0.017 acres

$\Delta=16^{\circ}09'14''$
R=58.50'
L=16.49'

N09°57'46"W
40.18'



1 inch = 40 ft.

N29°38'23"W
20.15'

$\Delta=32^{\circ}28'39''$
R=75.00'
L=42.51'

REED STREET TOWN
CENTER FILING NO. 1

LOT 4
MANDALAY TOWN CENTER
FILING NO. 2
REC. NO. F2004399

LOT 1
MANDALAY TOWN CENTER
FILING NO. 1 REC. NO. F1901079

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\LLO\DWG
FIG NAME: ESMT VACB.DWG
G: JLM CHK: JRW
DATE: 04/04/06
SCALE: 1" = 40'



Aztec CONSULTANTS, Inc.
300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #8
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23406-01 2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #9

A PARCEL OF LAND BEING A PORTION OF LOT 4, MANDALAY TOWN CENTER FILING NO. 2, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. F2004399 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST SOUTHERLY CORNER OF TRACT "A", SAID MANDALAY TOWN CENTER FILING NO. 2, WHENCE THE NORTHEASTERLY BOUNDARY OF SAID LOT 4 BEARS NORTH 29°43'04" WEST, ALL BEARINGS HEREON ARE REFERENCED TO THIS LINE;

THENCE SOUTH 73°34'11" WEST 358.23 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 41°30'52" WEST 2.09 FEET;

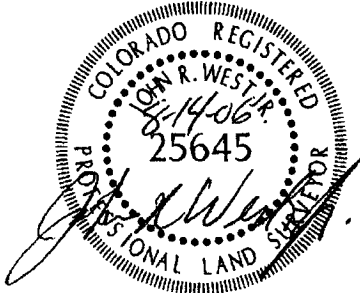
THENCE NORTH 49°41'51" WEST 2.07 FEET;

THENCE NORTH 09°03'22" EAST 2.44 FEET;

THENCE SOUTH 49°43'15" EAST 3.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 6 SQ. FT., MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



JOHN R. WEST JR.
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR P.L.S. 25645
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

SE 1/4 SEC 11,
T2S, R69W,
6TH PM

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399

TRACT A TOWN
MANDALAY FILING NO. 2
REC. NO. F2004399
N29°43'04"W 377.96'
BASIS OF BEARINGS
NORTHEASTERLY BOUNDARY OF LOT 4
MANDALAY TOWN CENTER F-2

U.S. HIGHWAY 26
REC. NO. F000428855

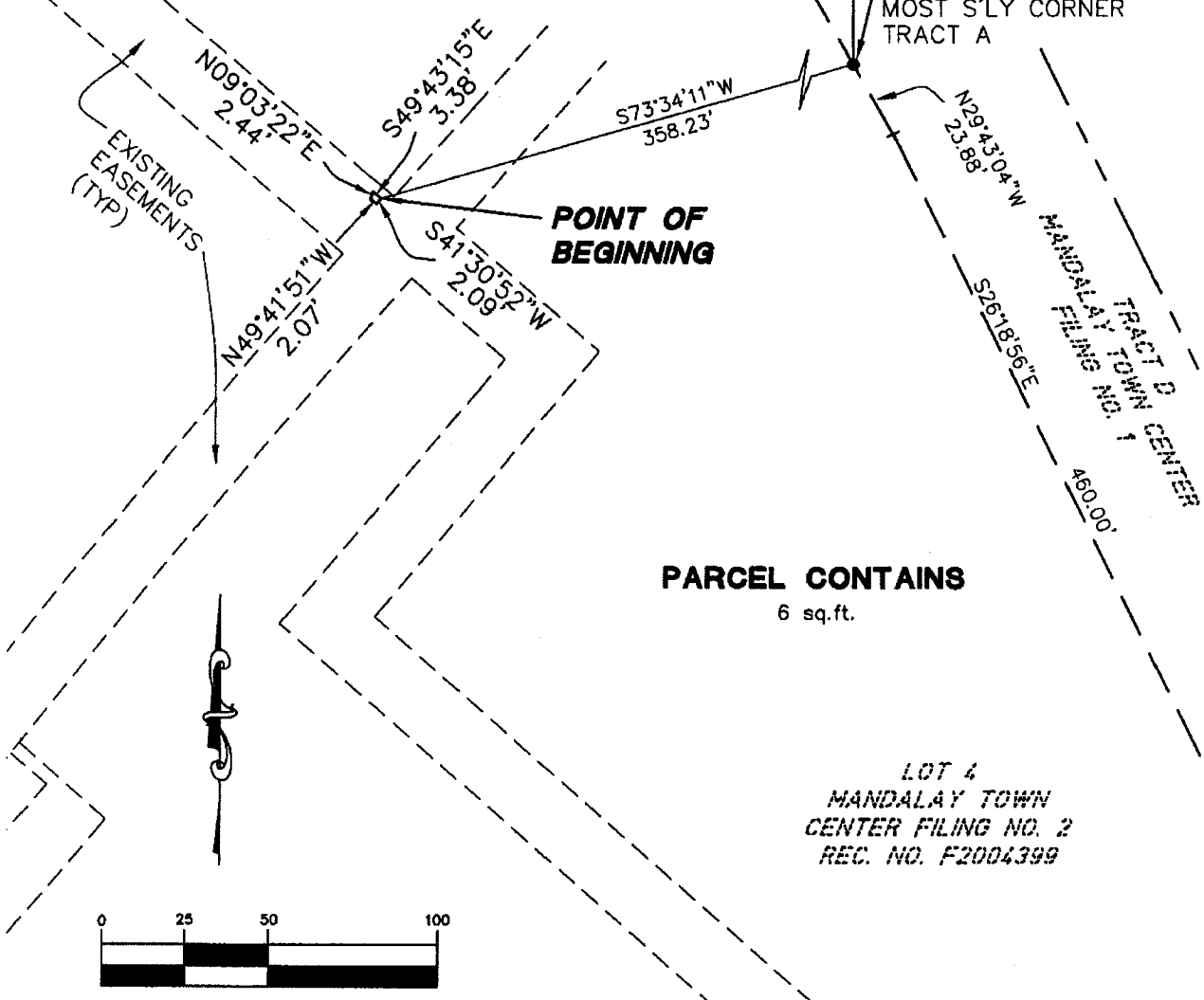
POINT OF COMMENCEMENT
MOST S'LY CORNER
TRACT A

EXISTING
EASEMENTS
(TYP)

POINT OF BEGINNING

PARCEL CONTAINS
6 sq. ft.

LOT 4
MANDALAY TOWN
CENTER FILING NO. 2
REC. NO. F2004399



NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED DESCRIPTION.

PATH: P:\23406-01\DWG
DWG NAME: ESMT VACB.DWG
DWG: JRW CHK: KDB
DATE: 08/10/06
SCALE: 1" = 50'



AzTEC CONSULTANTS, Inc.
300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #9
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23406-01
2 OF 2 SHEETS

PROPERTY DESCRIPTION
EASEMENT VACATION #10

A PARCEL OF LAND BEING A PORTION OF LOT 4E, MANDALAY TOWN CENTER FILING NO. 2, 3RD AMENDMENT, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, PER PLAT RECORDED AT RECEPTION NO. 2006101513 IN THE RECORDS OF THE CLERK AND RECORDER OF SAID COUNTY, LYING IN THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, SAID CITY, COUNTY AND STATE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF SAID LOT 4E;

THENCE ALONG THE NORTHEASTERLY BOUNDARY OF SAID LOT 4E, NORTH 49°43'15" WEST 23.35 FEET TO THE POINT OF BEGINNING;

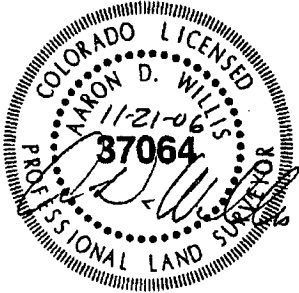
THENCE CONTINUING ALONG SAID NORTHEASTERLY BOUNDARY, NORTH 49°43'15" WEST 3.42 FEET;

THENCE DEPARTING SAID NORTHEASTERLY BOUNDARY, SOUTH 09°03'22" WEST 6.59 FEET;

THENCE NORTH 40°17'31" EAST 5.64 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.00 SQ. FT., MORE OR LESS.

EXHIBIT ATTACHED AND MADE A PART HEREOF.



AARON D. WILLIS
COLORADO LICENSED PROFESSIONAL LAND SURVEYOR, P.L.S. 37064
FOR AND ON BEHALF OF AZTEC CONSULTANTS, INC.

NOTE: THIS DRAWING DOES NOT REPRESENT A FIELD MONUMENTED SURVEY AND IS ONLY INTENDED TO DEPICT THE ATTACHED LEGAL DESCRIPTION.

ACCESS AND UTILITY EASEMENT
TO THE CITY OF WESTMINSTER
PER MANDALAY TOWN
CENTER FILING NO. 2,
3RD AMENDMENT
REC. NO. 2006101513

N49°43'15"W
3.42'

S09°03'22"W
6.59'

POINT OF BEGINNING

PARCEL CONTAINS
10 SQ.FT.
MORE OR LESS

N40°17'31"E
5.64'

N49°43'15"W

LOT 4A
MANDALAY TOWN
CENTER FILING NO. 2,
3RD AMENDMENT
REC. NO. 2006101513

ACCESS AND UTILITY EASEMENT
TO THE CITY OF WESTMINSTER
PER MANDALAY TOWN
CENTER FILING NO. 2
(REC. NO. F2004399)

NE'LY BND'Y, LOT 4E
(BASIS OF BEARINGS)
23.35'

LOT 4E
MANDALAY TOWN
CENTER FILING NO. 2,
3RD AMENDMENT
REC. NO. 2006101513

POINT OF COMMENCEMENT

MOST E'LY CORNER, LOT 4E

SE 1/4 SEC. 11
T2S, R69W, 6TH PM



1 inch = 4 ft.

PATH: P:\23408-01\DWG
DWG NAME: Easement Vacation 10
DWG: A.D.W. CHK: J.R.W.
DATE: 11-21-06
SCALE: 1" = 4'



AzTEC CONSULTANTS, Inc.

300 East Mineral Avenue, Suite 1
Littleton, Colorado 80122
Phone: (303)713-1898 Fax: (303)713-1897

EASEMENT VACATION #10
MANDALAY TOWN CENTER FILING NO. 2
COUNTY OF JEFFERSON, STATE OF COLORADO
JOB NUMBER 23408-01-EX 2 OF 2 SHEETS



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Councillor's Bill No.16 re Change to Dog License Program

Prepared By: Mary McKenna, Animal Management Supervisor
Eugene Mei, Assistant City Attorney

Recommended City Council Action

Pass Councillor's Bill No.16 on first reading amending the Westminster Municipal Code as it relates to the Dog License Program.

Summary Statement

- All municipalities within Jefferson County are in the process of adopting ordinances requiring owners to license their dogs, a practice limited to unincorporated areas of Jefferson County for some time.
- Requiring dogs to be registered will accomplish the following: it will expedite reuniting lost dogs with owners, the licensing database will allow jurisdictions to flag dangerous dogs or vicious animals, fewer impounds at Table Mountain Animal Center (TMAC) will save Staff time and resources, and monies collected from the licensing program will be part of the funding source for the construction of a new TMAC facility or capital improvements and maintenance of the current facility.
- The cost for the license will be \$30 for unaltered dogs and \$15 for dogs that have been spayed or neutered. The license will need to be renewed annually. The license fee amount will be established by the Jefferson County Board of Commissioners for all participating jurisdictions.
- While the cities of Westminster, Arvada, Golden, Wheat Ridge and Lakewood will require licensing, the program will be administered entirely by Jefferson County. County staff will issue licenses and maintain the database.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council adopt an ordinance supporting the county- wide dog licensing program?

Alternative

Do not adopt the ordinance. Staff does not recommend this course of action because the revenue will support the proposed construction of a new facility for TMAC. Additional community benefits include a quicker return of animals to owners and tracking of dangerous or vicious animals. Lakewood, Arvada and Wheat Ridge have already adopted ordinances that impose the county-wide licensing program.

Background Information

There are several reasons why cities in Jefferson County have agreed to move forward with county-wide licensing. Mandatory registration will:

- Increase numbers of lost dogs returned to their owners.
- Information gathering from the licensing database will aid in budgeting for an effective animal management program when the local government knows approximately how many dogs are being kept within its boundaries. All information gathered in the process will help Staff plan programs and better educate dog owners through direct-mail renewals.
- Ensure rabies vaccinations.
- Promote spaying and neutering as higher fees are charged for registering unsterilized animals.
- Create a needed additional revenue source for TMAC.

The ordinance will require dog owners to obtain a license for any dog over the age of six (6) months or within thirty (30) days of acquisition of a dog. The fee for the license is \$30 for unsterilized dogs and \$15 for dogs that have been spayed or neutered. Proof of rabies vaccination will be required in order to obtain a license. The license will need to be renewed annually and the license tag will need to be displayed on the dog by attachment to a collar or harness. Service dogs will be required to obtain a license but will be exempt from the license fee. Licenses initially can be obtained through Jefferson County and at TMAC. The plan is to expand locations to veterinary clinics within the cities and this effort will be coordinated by Jefferson County.

If a person is convicted in Municipal Court of not having a dog licensed or transferring a dog license tag to another dog, the penalty is proposed to be a recommended fine of not less than \$100 for a first offense and not less than \$150 for second or subsequent offenses. If convicted of failing to display a tag on the dog, the recommended fine is not less than \$75 for the first offense and not less than \$100 for a second or subsequent offense.

Jefferson County will administer the licensing program, accept applications for dog licenses, and distribute the tags and renewal notices. The County will establish the amounts for the license fee and renewal costs.

As City Council is aware, the TMAC facility is in need of replacement and all Jefferson County City Managers and the Jefferson County Board of Commissioners are working on the development of this project. Funding from the county-wide dog licensing program would be applied towards costs associated with a new facility for TMAC.

An intergovernmental agreement (IGA) is currently under review by all cities participating in the licensing program. This IGA will lay out the specific terms for allocation of funds collected. Staff will seek formal City Council authorization to enter into this intergovernmental agreement at a later date. Staff anticipates that the IGA will be finalized within the next sixty (60) days, and therefore, the ordinance, if adopted, will become effective July 1, 2007. This interim period will allow time for a public information campaign. The participating agencies' Public Information Officers have plans underway for this effort.

Respectfully submitted,

J. Brent McFall, City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **16**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING DOG LICENSING**

Section 1. Section 6-7-2, subsections (A) and (B), W.M.C., are hereby AMENDED to read as follows:

6-7-2: RABIES CONTROL:

(A) Vaccinations: It shall be unlawful for any owner of a dog or cat ~~four~~ (4) SIX (6) months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at ~~four~~ (4) SIX (6) months of age and revaccinate thereafter at the expiration of the validity of the vaccine used, as shown on the written document prepared by a licensed veterinarian. The vaccination shall be valid for the period shown on the document. Any person moving into the City from a location outside the City shall comply with this Section within thirty (30) days after having moved into the City, by having the animal vaccinated or showing proof of current, valid vaccination. If the dog or cat has inflicted a bite on any person or another animal within the last ten (10) days, the owner of said dog shall report such fact to a veterinarian, and no rabies vaccine shall be administered until after a ten (10) day observation period.

(B) Proof of Vaccination: It shall be unlawful for any person who owns a vaccinated animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand to any person charged with the enforcement of this Chapter. A current rabies tag shall be attached to a collar, harness or other ~~device~~ DEVICE and shall be worn by the vaccinated dog or cat at all times. THE REQUIREMENT FOR A DOG TO DISPLAY A CURRENT RABIES TAG SHALL NOT APPLY TO A DOG THAT IS DISPLAYING A CURRENT DOG LICENSE TAG AFFIXED TO A COLLAR, HARNESS OR OTHER DEVICE WORN ON THE DOG IN COMPLIANCE WITH SECTION 6-7-4.

Section 2. Section 6-7-4, W.M.C., is hereby AMENDED to read as follows:

6-7-4: LICENSING OF DOGS: ~~(Repealed by Ordinance 2657)~~ DOG LICENSING:

(A) DOG LICENSE REQUIRED:

1. IT SHALL BE UNLAWFUL FOR ANY OWNER OF ANY DOG OVER THE AGE OF SIX (6) MONTHS, OR WITHIN THIRTY DAYS OF ACQUISITION OF SAID DOG, WHICHEVER OCCURS LAST, TO FAIL TO OBTAIN A LICENSE FOR SUCH ANIMAL AS REQUIRED BY THIS SECTION.

2. THE JEFFERSON COUNTY ANIMAL CONTROL DIVISION WILL ADMINISTER THE CITY OF WESTMINSTER'S DOG LICENSING PROGRAM (THE "DOG LICENSE") AND DISTRIBUTE THE DOG LICENSE TAGS. APPLICATION FOR A DOG LICENSE SHALL BE MADE TO THE JEFFERSON COUNTY ANIMAL CONTROL DIVISION OR TO SUCH AGENTS AS DESIGNATED BY THE COUNTY OF JEFFERSON. DOG LICENSES AND TAGS SHALL BE ISSUED, RENEWED, REPLACED AND EXPIRE IN ACCORDANCE WITH JEFFERSON COUNTY'S REQUIREMENTS, INCLUDING BUT NOT LIMITED TO, PROOF OF RABIES VACCINATION AND REDUCED DOG LICENSE FEE IF THE DOG IS SPAYED/NEUTERED.

3. IT SHALL BE UNLAWFUL FOR A DOG OWNER TO FAIL TO RENEW A DOG LICENSE ONCE EVERY 365 DAYS.

4. THE DOG LICENSE FEE, INCLUDING THE FEE FOR REPLACEMENT LICENSES, SHALL BE IN AMOUNTS AS SET BY THE JEFFERSON COUNTY BOARD OF COMMISSIONERS.

5. IT SHALL BE UNLAWFUL FOR AN OWNER OF AN ASSISTANCE DOG TO FAIL TO OBTAIN A DOG LICENSE AS REQUIRED BY THIS SECTION. A PERSON WITH A DISABILITY IS EXEMPT FROM ANY LICENSING FEES THAT MIGHT OTHERWISE APPLY IN CONNECTION WITH OWNING AN ASSISTANCE DOG AS SET FORTH IN SECTION 24-34-803, C.R.S.

6. ANY DOG OWNER OR ANY ENTITY EXEMPT FROM JEFFERSON COUNTY'S DOG LICENSING REQUIREMENTS SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION.

(B) DOG LICENSE TAG TO BE DISPLAYED: IT IS UNLAWFUL FOR ANY PERSON TO HARBOR ANY DOG THAT MUST BE LICENSED PER SECTION 6-7-4(A), WHICH IS NOT DISPLAYING A CURRENT DOG LICENSE TAG AFFIXED TO A COLLAR, CHAIN, OR HARNESS WORN ON THE DOG.

(C) DOG LICENSE TAG NOT TRANSFERABLE: IT IS UNLAWFUL FOR ANY PERSON TO AFFIX TO THE COLLAR, CHAIN, OR HARNESS OF ANY DOG OR PERMIT TO REMAIN AFFIXED, A DOG LICENSE TAG FOR ANY OTHER DOG OR TO DISPLAY SUCH A TAG TO AN ANIMAL MANAGEMENT OFFICER OR PEACE OFFICER.

Section 3. Section 6-7-17, subsections (F)(1) and (F)(2), W.M.C., are hereby AMENDED to read as follows:

6-7-17: PENALTIES:

(F) Recommended Minimum Fines: Recommended minimum fines upon conviction may be imposed as listed below:

1. First Offense – recommended fine of not less than seventy-five dollars (\$75). Second and subsequent offenses – recommended fine of not less than one hundred dollars (\$100):

- 6-7-2 (B) Refusal to Provide Proof of Vaccination
- 6-7-2 (C) Harboring Unvaccinated Dogs and Cats
- 6-7-2 (D) Non-Transferability - Vaccination Certificates or Tags
- 6-7-3 (A) Duty to Report Animal Bite
- 6-7-3 (C) Failing to Report Suspected Rabies
- 6-7-3 (D) Refusal to Produce Animal
- 6-7-3 (E) Removal of Animals from Confinement
- 6-7-4 (B) FAILURE TO DISPLAY DOG LICENSE TAG
- 6-7-5 (B) Failure to Confine
- 6-7-6 (A) Removal of Animal Excrement
- 6-7-6 (B) Damage to Property
- 6-7-7 (A) Disturbance
- 6-7-7 (C) Failure to Exercise Control
- 6-7-10 (E) Failure to Care for Animals
- 6-7-11 (D) Failure to Care for Animals
- 6-7-12 (F) Potbellied Pig Requirements

2. First Offense – recommended fine of not less than one hundred dollars (\$100). Second and subsequent offenses – recommended fine of not less than one hundred fifty dollars (\$150):

- 6-7-2 (A) Failure to Have Dog or Cat Inoculated
- 6-7-4 (A) FAILURE TO HAVE DOG LICENSED

6-7-4 (C)	TRANSFER OF DOG LICENSE TAG
6-7-9 (E)	Failure to Produce Animal
6-7-10 (A)	Unlicensed Kennel
6-7-11 (A)	Unlicensed Pet Shop
6-7-12 (A)	Animals in Residential Districts Limited
6-7-12 (B)	Livestock Limited
6-7-12 (C)	Prohibited, Endangered and Exotic Animals
6-7-12 (D)	Federal or State Prohibited Animals
6-7-13 (A)	Cruelty to Animals
6-7-13 (B)	Poisoning Animals
6-7-13 (C)	Neglect of Animals
6-7-13 (E)	Abandoning Animals
6-7-13 (G)	Displaying or Sale of Dyed or Immature Animals
6-7-13 (H)	Fighting Animals
6-7-16	Interference

Section 4. This ordinance shall take effect on July 1, 2007.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Councillor's Bill No. 17 re Lease/Purchase of Legacy Ridge Golf Course Maintenance Equipment

Prepared By: Lance Johnson, Golf Course Superintendent
Ken Watson, Regional Parks and Golf Manager

Recommended City Council Action

1. Pass Councillor's Bill No. 17 on the first reading appropriating up to \$547,000 in the Golf Course Fund for the lease proceeds for golf course maintenance equipment at Legacy Ridge Golf Course.
2. Authorize the City Manager to add to the existing master lease, a lease/purchase agreement in the amount not to exceed \$93,112 in annual budgeted payments or approximately \$651,700, including approximately \$104,700 in financing cost, to fund the Legacy Ridge Golf Course maintenance equipment package.
3. Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding a negotiated contract to the single source vendor LL Johnson Distributing (for Toro maintenance equipment) and award the Multiple Assembly of Procurement Officials (MAPO) bid to Colorado Golf and Turf (for John Deere turf utility vehicles and Club Car Carry All's) and Colorado Equipment (for John Deere compact utility tractors). This action is contingent on City Council passage of Councillor's Bill No. 17 on second reading.

Summary Statement

Approval of the lease/purchase will:

- Fund the lease/purchase and financing costs of the new golf course maintenance fleet;
- Replace an aging fleet of equipment that requires increased labor and parts purchases to keep the fleet running efficiently;
- Provide essential equipment necessary to maintain Legacy Ridge Golf Course to the high standards demanded in a competitive golf market;
- Continue standardization of equipment at both golf courses to reduce maintenance costs and inventory; and
- Provide Staff the flexibility to maximize revenue through decreased course preparation time.

The lease/purchase and financing cost is estimated to be \$651,700, and the associated annual lease payments of \$93,112 are included in the adopted 2007 and 2008 Legacy Ridge Golf Course budget. The lease term is seven years and the interest rate is anticipated to be between 4.75 and 5.25 percent. The interest rate will be determined on the date of commitment by the City as defined in the master lease agreement approved by City Council in 2001.

Expenditure Required: Not to exceed total annual lease payment amount of \$93,112

Source of Funds: Golf Course Fund – Legacy Ridge Operating Accounts

Policy Issue

Should the City move forward with the lease/purchase of Legacy Ridge Golf Course maintenance equipment?

Alternatives

1. Take no action. This option is not recommended as this approach would jeopardize the maintenance Staff's ability to maintain Legacy Ridge Golf Course to expected high standards. Such action could adversely affect revenue and also increase costs associated with labor hours and parts inventory to keep equipment running efficiently.
2. Finance the equipment package with cash. This option is not recommended as cash funding of this purchase would require use of funds that the golf course does not currently have budgeted. The master lease/purchase program stretches out the annual cost of funding the equipment package over many years, at a very favorable lease rate. By using the master lease concept, the cash flow needed can be scheduled and budgeted with certainty over the life of the lease.

Background Information

Legacy Ridge Golf Course, as designed by Arthur Hills Golf Course Design in 1993, uses existing land grades, man-made forms and environmental areas to create a course that is both challenging and interesting for golfers of all skill levels. With a commitment to the environment and sustainable resource management, Legacy Ridge Golf Course has been a member of the Audubon Cooperative Sanctuary Program since 1994. To maintain a championship golf course at consistent levels with such a design and environmental practices, equipment that is specifically designed for golf course operations is required.

The current equipment was acquired on a lease/purchase agreement in the summer of 1999. The lease/purchase of this equipment was paid in full at the end of the third quarter of 2006. This equipment has been used extensively throughout the seven years of the lease preparing the course for nearly 300 days of play per year. Labor hours and parts costs continue to increase each year in order to maintain the current equipment, highlighting the importance of acquiring a new equipment package. Various pieces of equipment from the previous package will be kept within the fleet. This will give Staff the flexibility to prepare and open the golf course earlier for tournament play throughout the season to help maximize potential revenue streams.

Golf course equipment is very job specific. Reliability and available options vary from vendor to vendor. Golf course Staff did extensive testing of various pieces of equipment from numerous vendors. It was determined that soliciting a single source vendor bid would be more beneficial to the City than the traditional bid process for a number of reasons. A single source vendor bid allows Staff to standardize the fleet from lease to lease keeping parts inventories consistent between both courses and keeping costs lower through bulk purchasing programs. Selecting a single source vendor gives Staff the flexibility to acquire equipment with the necessary options. Such options would include: dual screw click height adjustment, maximum horsepower for high altitude work, sealed bearing design for lower maintenance, cutting unit down pressure kits for consistent height of cut, hydraulic fluid leak detector systems to prevent turf damage, three wheel drive units for specific areas of the golf course and many standard safety options not available with other units.

Single source vendor bids were solicited from LL Johnson Distributing of Denver, Colorado. LL Johnson is the sole distributor of commercial Toro equipment in the Denver region. Prices from LL Johnson were negotiated through the Federal GSA pricing to receive the lowest possible pricing available through the use of federal bid price contracts on the Toro turf maintenance equipment specified in the bid specifications. Prices from Colorado Golf and Turf and Colorado Equipment are from the Multiple Assembly of Procurement Officials (MAPO) pricing contract for the John Deere turf utility equipment, light duty turf utility vehicles and compact utility tractors.

Staff has also included in this equipment package three new pieces of equipment in comparison to the package acquired eight years earlier:

- Toro 5410-D Fairway Mower
- Toro 3150 Three-wheel-drive Triplex Mower
- Toro 5200 Turf Sweeper

These three pieces of equipment are deemed necessary to golf maintenance operations for the following reasons:

- Legacy Ridge continues to schedule numerous back-nine tee times throughout the year. Many times during the season, it is difficult for golf Staff to begin morning maintenance operations on the front nine and move to the back nine before these back nine tee times begin. This causes a back up of equipment and labor waiting on customers ahead of them to complete play on each hole. This can be very disruptive to our customers who may feel they are being pushed to play faster than they are accustomed. This takes away from our customers' "experience" of fully enjoying their round of golf without any disruptions. With the addition of the Toro 5410-D and the Toro 3150 to the existing equipment package, Staff will be able to begin mowing operations on the back nine prior to tee times beginning and will allow our customers uninterrupted play on the back nine.
- Staff will have the ability to begin shotgun tournaments earlier in the morning, which will allow Staff to begin regular play earlier in the day, thereby increasing revenues.
- The addition of the Toro 5200 Turf Sweeper helps reduce labor costs during Legacy Ridge's twice yearly aerification process on greens, tees and approaches, which is invaluable as Staff works with decreased man power during the times of the year when these operations occur.

Staff is aware that the addition of new pieces of equipment could be perceived as increases to the existing fleet. However, Staff is not replacing many pieces of equipment from the original fleet list to allow for the addition of pieces that will do a better and faster job. All pieces in the package are within the allotted budget. Golf maintenance staff is aware of the specific needs of the golf course and the continued desire to maintain the City's golf courses to the highest standards. These new pieces are being requested to help Staff meet the requirements of increased customer service, potential for increased revenues and decreased labor costs.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

**LEGACY RIDGE GOLF COURSE PROJECTED
EQUIPMENT PACKAGE 2007**

LL Johnson Dist.	Quantity
TORO 1000 Walk Behind Greens Mowers	4
Groomer Attachments	4
Single mower trailers	4
TORO 3150 Triplex Greens Mowers	2
11 Blade Set Included	2
Turf groomers Sets	2
TORO 3150 Triplex 3WD Tee/App. Mowers	2
8 Blade Set	3
11 Blade Set	0
Turf groomers	6
<i>TORO 3150 Triplex 3WD Tee/App. Mowers</i>	
<i>New Acquisition</i>	1
TORO 5410 D Fairway Mowers	2
<i>TORO 5410 D Fairway Mowers</i>	
<i>New Acquisition</i>	1
TORO 3500 D Rough Mowers	1
TORO 4500 D Rough Mower	0
TORO 4700 D Rough Mower	1
TORO 3040 Bunker Rake	0
Tooth Rake	0
TORO 5040 Bunker Rake	1
Tooth Rake	1
Flex Blade	1
Finish Grader	1
Spiker	1
TORO 3300-D Heavy Duty Utility Vehicle	1
TORO 4300-D Heavy Duty Utility Vehicle 4x4	1
Dakota 410 topdresser	1
Highflow hydraulic kit	2
Hand Throttle kit	2
Draw Bar for Pro Sweep	1
TORO e2065 Light Duty Utility Vehicle	1
<i>TORO 5200 Turf Sweeper</i>	1
<i>New Acquisition</i>	1
<i>Trailer jack</i>	1
Colorado Equipment	Quantity
JD 3720 Tractor	1
Loader	1
JD 4520 Tractor	1
Loader	1
Backhoe Attachment	1
Colorado Golf and Turf	Quantity
Club Car Carry-All II Electric	8
Gator HPX 4x4	1

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **17**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE INCREASING THE 2007 BUDGET OF THE LEGACY RIDGE GOLF
COURSE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE
2007 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the Golf Course Fund, initially appropriated by Ordinance No. 3316 is hereby increased by \$547,000. This appropriation is due to an increase in the transfer from the Golf Course Fund.

Section 2. The \$547,000 increase in the Golf Course Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 B-D, dated April 23, 2007 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Golf Course Fund	<u>\$547,000</u>
Total	<u>\$547,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of April, 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 23, 2007



SUBJECT: Councillor’s Bill No. 18 re Redevelopment Assistance Package for the Northgate Shopping Center in the South Westminster Urban Renewal Area

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Adopt Councillor’s Bill No. 18 authorizing the Mayor to enter into a redevelopment assistance package with Carlson Associates, Inc. in substantially the same form as the attached agreement to improve the Northgate Shopping Center located at the southeast corner of 72nd Avenue and Federal Boulevard.

Summary Statement

- Carlson Associates purchased approximately 21-acres of land located at the southeast corner of 72nd Avenue and Federal Boulevard that includes the existing 10 acre Northgate Shopping Center.
- Carlson Associates intends to renovate the exterior and interior of the “Grocery Warehouse” space and the pad building on the northwest corner of the site, and will either renovate or rebuild the in-line commercial space.
- Carlson Associates has a lease agreement with Liborio Markets to operate a 45,000 square foot grocery in the building that previously was home to Grocery Warehouse.
- Carlson Associates has a letter of intent to build a large family-style restaurant on the southwest corner of the shopping center site, which will result in the demolition of the existing, vacant restaurant building.
- Carlson Associates does not intend to demolish the remaining buildings east of the shopping center immediately, but intends to evaluate the viability of reuse or redevelopment of the buildings.
- Staff is recommending a development assistance package be provided to assist Carlson Associates cover redevelopment costs related to the following:
 - The cost to remediate the environmental contamination is estimated at \$1.5 to \$2.1 million.
 - \$1.0 to \$1.2 million for exterior renovation and roof improvements for Liborio Market.
 - \$1.0 to \$1.2 million to renovate/rebuild the in-line space and pad building.
- Staff is proposing an assistance package that includes the following:
 - WEDA will not provide any up-front funding.
 - Carlson Associates will receive an annual rebate of 50% of sales taxes collected from the project.
 - The rebate period will be for a maximum of 6 years.
 - The rebate amount will be capped at \$2.6 million.
- The Finance Department estimates that the project could yield from \$4.5 to \$5.3 million in total sales tax revenue over a 6-year period, exclusive of any rebates.

Expenditure Required: Up to \$2,600,000 (maximum)

Source of Funds: Sales tax proceeds from the Northgate Shopping Center Project

Policy Issue

Should The City of Westminster provide redevelopment assistance to Carlson Associates, Inc. to assist in improving the Northgate Shopping Center with a combination of rehabilitation and new development on the 10-acre Northgate Shopping Center site?

Alternative

As an alternative the City Council could opt to provide reduced or no assistance to the project. These alternatives could result in Carlson Associates deciding not to proceed with the planned improvements and lease the existing commercial space in its present condition to businesses having lesser revenue generation capability, and less beneficial impact on the neighborhood.

Background Information

The City of Westminster has been working to improve and/or redevelop the Northgate Shopping Center and adjoining vacant land over the better part of 7 years. In late 2001, a developer was selected through a request-for-proposal (RFP) process to work with the Westminster Economic Development Authority (WEDA) to acquire the property from the Pomponio family and to develop the property into a grocery-anchored shopping center surrounded by single family and townhouse development. The developer was successful in securing a letter-of-intent (LOI) from the Albertsons Corporation to construct a new 50,000 square foot Albertsons grocery store. The developer, however, was not successful in negotiating the acquisition of the property from the Pomponio family. Based on a valuation appraisal prepared for WEDA and the developer's estimate of development costs, it was estimated that WEDA and/or the City of Westminster would need to provide from \$4-\$6 million in assistance to make this redevelopment project financially viable. This cost, however, had the potential to increase dependant upon a thorough assessment of the environmental contamination. Shortly after completing the financial assessment, Albertson's decided to not proceed with construction of a new store, which eventually led to the developer terminating the project.

In 2004, the City of Westminster was approached by TEBO Development Company relative to possible development of the property. TEBO was negotiating a contract to purchase the property from the Pomponio family. Thereafter, the City assisted TEBO in further assessing the environmental conditions and discussing a variety of development opportunities. This work and subsequent discussions led to TEBO indicating a range of \$10-\$12 million in WEDA or City assistance to make the project financially viable. TEBO shopped the project site around to prospective businesses with no success and terminated any further interest in pursuing the project in 2006.

In mid-2006, Carlson Associates indicated to the City that it had a contract to purchase the property owned by the Pomponio family. The planned acquisition included the Northgate shopping center at 72nd Avenue and Federal Boulevard and land south of 70th Avenue down to Little Dry Creek in unincorporated Adams County. The proposed acquisition did not include a 15 acre tract of vacant land immediately north of 70th Avenue. This vacant tract had been conveyed by the Pomponios to Regis University in 2005. Carlson Associates indicated they were negotiating with Regis University to purchase the tract. In late 2006, Carlson Associates closed on the purchase of property from Pomponios and immediately proceeded to discuss improvements to the property with the City. City Staff directed Carlson Associates to talk to Liborio Markets, which was looking to establish a presence in Westminster. This contact led to Carlson Associates obtaining a letter-of-intent from Liborio Market to occupy the 45,000 square foot building that previously was occupied by Grocery Warehouse.

Carlson Associates has submitted an Official Development Plan (ODP) to the Planning Division for review and approval. The plan provides for a complete renovation of the exterior of the Grocery Warehouse building. Liborio Markets would rehabilitate the interior of the space to accommodate their needs. The plan also provides for façade improvements to the "Mighty Muffler" building on the

northwest corner of the site. The inline commercial space attached to the Grocery Warehouse building would either be renovated or demolished and rebuilt, and the vacant “Nancy’s Restaurant” building would be demolished to permit a new family-style restaurant to be built. The site would also be landscaped and the parking lot repaved. Carlson Associates are also proposing to clean-up the environmental contamination on their entire property and the adjoining vacant tract they are pursuing to purchase from Regis University.

The cost of acquisition and the proposed improvements is estimated at \$9.2 million. Upon completion of the improvements, the capitalized value is estimated at \$6.6 million, resulting in about a \$2.6 million gap in valuation for which the Carlson Associates are seeking financial assistance. City staff is proposing the City of Westminster provide an assistance package based on the following agreed to components:

- The City of Westminster will not provide any up-front funding.
- Carlson Associates will receive an annual rebate of 50% of sales taxes collected.
- The rebate period will be for a maximum of 6 years.
- The rebate will be capped at \$2.6 million.

In addition, the assistance package will be tied to Carlson Associates meeting the following performance requirements:

- Carlson Associates shall make all improvements in accordance with an approved Official Development Plan;
- Carlson Associates shall produce a lease agreement from Liborio Market;
- Carlson Associates shall obtain approval from the State of Colorado relative to a Voluntary Cleanup Plan (VCUP) for this site;
- Carlson Associates shall install the approved contaminant remediation system and provide regular and satisfactory progress towards the remediation.
- Carlson Associates shall work with the City to determine potential for reuse or demolition of buildings east of the grocery, and proceed with the reuse or demolition as agreed to, within 3 years.

Staff estimates that the proposal presented by Carlson Associates could generate about \$4.5 to \$5.3 in sales tax revenue over the period of the agreement (6-years). Based upon the proposed 50% share the City and/or WEDA would retain \$2.25 to \$2.65 million of the revenues. In addition, WEDA could also receive up to \$500,000 in property tax increment over the six year period. Given the shopping center is within the South Westminster Urban Renewal area until 2017, WEDA will continue to collect an estimated \$3-4 million in incremental sales and property tax for the remaining four years after the expiration of the agreement.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3344**

COUNCILLOR'S BILL NO. **18**

SERIES OF 2007

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AUTHORIZING A REDEVELOPMENT ASSISTANCE AGREEMENT
FOR THE REDEVELOPMENT OF THE NORTHGATE SHOPPING CENTER IN
WESTMINSTER, COLORADO**

WHEREAS, the successful attraction and retention of high quality retail 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 generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, the City of Westminster ("City") has indicated its desire to improve and redevelop the area at 72nd Avenue and Federal Boulevard, including the property known as the Northgate Shopping Center site, within the South Westminster Urban Renewal Area; and

WHEREAS, the Carlson Associates has all of the property in ownership that is necessary to proceed with the renovation and redevelopment of commercial space; and

WHEREAS, the Carlson Associates has committed to complete improvements to the center in accordance with an approved Official Development Plan (ODP); and

WHEREAS, a proposed Redevelopment Assistance Agreement between the City and Carlson Associates, 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 Mayor of the City of Westminster is hereby authorized to enter into a Redevelopment Assistance Agreement with Carlson Associates, Inc. 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 23rd day of APRIL 2007.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of May, 2007.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

REDEVELOPMENT ASSISTANCE AGREEMENT

This Agreement is made this ____ of _____ 2007 (the "Effective Date"), by and among the **CITY OF WESTMINSTER** ("City"), a Colorado home-rule municipality, and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**, an urban renewal authority organized and existing pursuant to the provisions of Part 1, Article 25, Title 31, C.R.S. ("WEDA"), and **CARLSON ASSOCIATES, INC.**, 12460 1st Street, Eastlake, Colorado 80614 ("Carlson").

In consideration of the mutual promises set forth below, the City, WEDA and Carlson agree as follows:

1. Definitions.
 - a. Sales Tax Rebate Area. Sales Tax Rebate Area means the real property described on Exhibit "A" attached hereto and incorporated herein by this reference.
 - b. Phase 2 Improvement Area. Phase 2 Improvement Area means the real property described on Exhibit "B" attached hereto and incorporated herein by this reference.
 - c. Rebate Year. Rebate Year means each 12 month period starting on the Rebate Commencement Date.
 - d. Rebate Commencement Date. Rebate Commencement Date means the date on which the City issues a temporary or a permanent certificate of occupancy for a Liborio's grocery store within the Sales Tax Rebate Area.
 - e. Rebate Period. Rebate Period means the 6 year period of time commencing on the Rebate Commencement Date and ending on the sixth (6th) anniversary thereof.
2. Sales Tax Rebate.
 - a. The Maximum Rebate payable under this Agreement is Two Million Six Hundred Thousand Dollars and no cents (\$2,600,000) ("Maximum Rebate").
 - b. During the Rebate Period, the City shall rebate to Carlson an amount equal to 50% of sales tax collections paid to the City that are attributable to the City's 3.0% General Sales Tax on sales generated by tenants occupying the commercial space on the Property as defined below (the "Rebate"). The Rebate shall not extend beyond the Rebate Period nor exceed the Maximum Rebate.
 - c. The Rebate shall not include any sales tax collected and received from any Westminster business located and operating outside the Sales Tax Rebate Area that relocates to the Sales Tax Rebate Area and ceases operations at the previous location.
 - d. The Rebates shall be paid by the City on an annual basis within sixty (60) days following the end of each Rebate Year.
3. Conditions Precedent. The City's obligation to pay any Rebate otherwise payable under this Agreement is subject to the following conditions precedent:
 - a. Carlson shall have completed all improvements within the Sales Tax Rebate Area in accordance with the final Official Development Plan (ODP) for the Northgate Shopping Center approved by the City.
 - b. Liborio's grocery store shall occupy and have commenced business operations at the Northgate Shopping Center.
 - c. Carlson shall have submitted a reasonably acceptable Voluntary Cleanup Plan for approval by the State of Colorado.

In the event any of the foregoing conditions have not been satisfied on or before the end of the first Rebate Year, this Agreement shall automatically terminate and the City shall have no obligation whatsoever to Carlson.

3. Other Conditions. Carlson shall provide evidence of continued progress relative to the Voluntary Cleanup Plan approved by the State until such time as the Plan is completed and the Property is released by the State. Should the condition not be met, the City may hold any Rebate otherwise due until such time Carlson is in compliance with said condition. Any interest income earned on any amount so held shall accrue to the benefit of the City.

4. Reuse and Redevelopment Assessment on Balance of Property. Carlson agrees to evaluate in good faith the viability of building reuse and/or redevelopment for the Phase 2 Improvement Area. Carlson shall use its best efforts to complete the development or redevelopment of the Phase 2 Improvement Area within 36 months of the date of execution of this Agreement.

5. Intent of Parties.

a. This instrument shall constitute the entire agreement between the City and Carlson 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, except that it does not supersede any agreement between the City of Westminster and Carlson regarding the Official Development Plan (ODP) or any other development plans for the Northgate Shopping Center.

b. Notwithstanding any possible interpretation of this Agreement to the contrary, Carlson shall have no rights or remedies against WEDA, and WEDA shall have no duties or obligations to Carlson, under this Agreement.

c. Nothing in this Agreement shall be deemed or construed as a waiver of any provision of the City Code or the City Charter.

6. Termination.

a. Unless sooner terminated as provided in this Agreement, this Agreement shall terminate when the total Sales Tax Rebates reach the Maximum Rebate Amount, or upon the date of the City's payment to Carlson of the final Rebate following the conclusion of the sixth (6th) Rebate Year, whichever event occurs sooner.

b. In the event that Carlson sells all or part of the Sales Tax Rebate Area, unless agreed to otherwise by the City, this Agreement becomes void and the final Rebate Year shall end on the date that the property is sold.

7. 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 obligations 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.

8. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple year fiscal 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.

9. Notices. Any notices or other communications required or permitted to be given under this Agreement will be sufficiently given and will be deemed given when given by hand delivery, overnight delivery, mailed by certified or registered mail, postage prepaid, at the address below or at such address or addresses as either party hereafter designates in writing to the other party hereto.

To the City of Westminster:

J. Brent McFall
City Manager, City of Westminster
4800 West 92nd Avenue
Westminster CO 80031
Telephone: (303) 430-2400
Facsimile: (303) 430-1809

To Carlson:

10. Governing Law; Disputes.

a. 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, the Westminster Municipal Code, and the Colorado Urban Renewal Law.

b. 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 Adams County, Colorado. In the event of such a lawsuit, the prevailing party therein shall be entitled to recover its reasonable attorney fees and costs that were incurred as a result thereof.

11. WEDA's Obligations to City.

a. WEDA agrees to repay the City any amounts paid by the City to Carlson pursuant to this Agreement, regardless of whether net tax increment existed at the time any such payment was made.

b. WEDA's obligations shall be payable when and if sufficient tax increment revenue is available to permit WEDA to meet its obligation under this Agreement after meeting all of WEDA's other prior and superior obligations, including but not limited to debt service. WEDA's repayment obligations to the City under this Agreement shall be due and payable by January 31 following the end of the calendar year in which any Rebate is paid to Carlson by the City.

c. WEDA shall have no further obligation to the City after January 31 following the year in which this Agreement terminates.

CITY OF WESTMINSTER

BY: _____
Nancy McNally, Mayor

ATTEST:

City Clerk

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

BY: _____
J. Brent McFall, Executive Director

ATTEST:

Secretary

APPROVED AS TO FORM:

City Attorney's Office

CARLSON ASSOCIATES, INC.

BY: _____
Name: _____
Title: _____

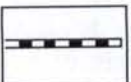
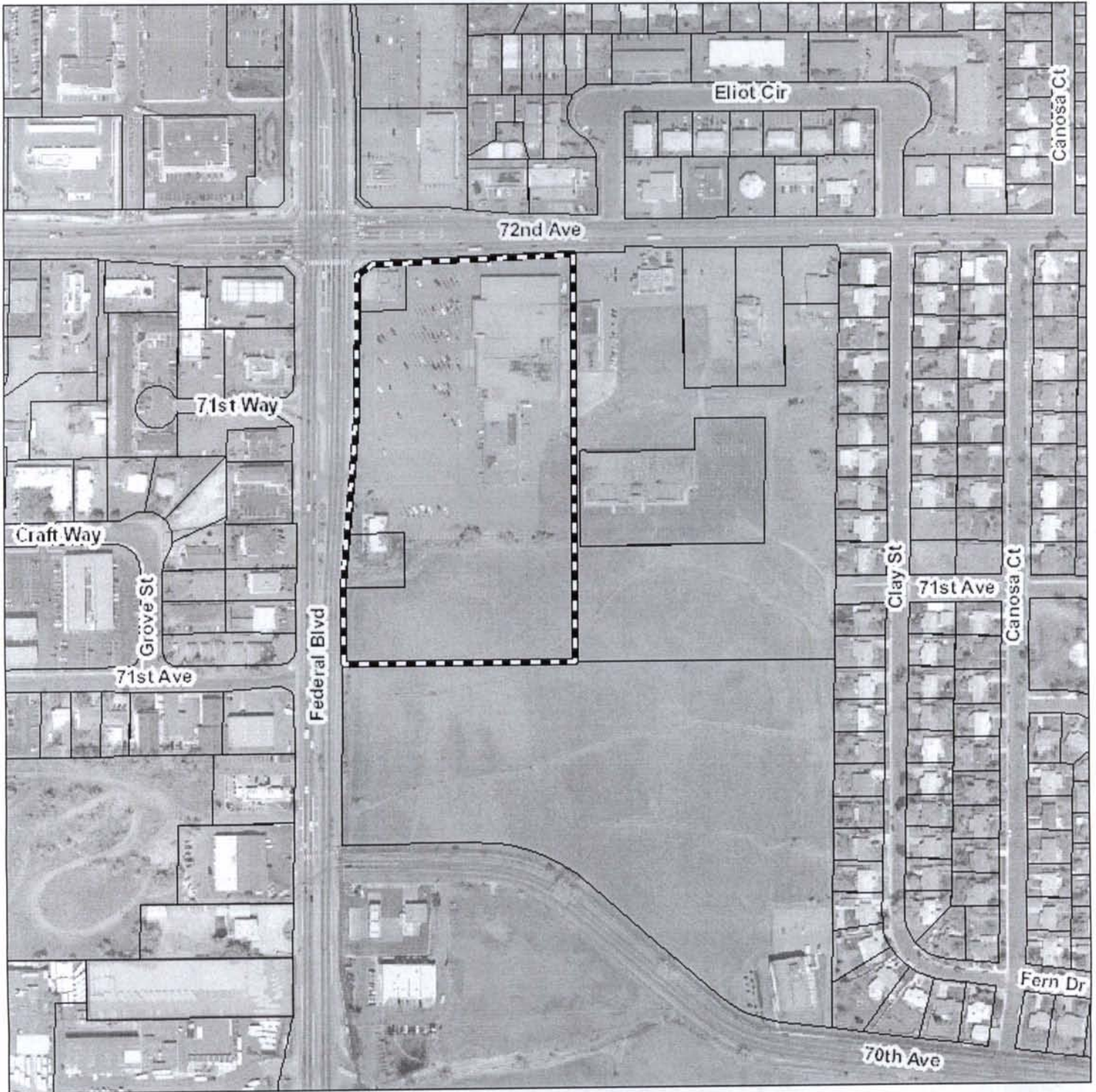
ATTEST:

Secretary

Exhibit A

Carlson Business Assistance Agreement

Sales Tax Rebate Area



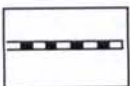
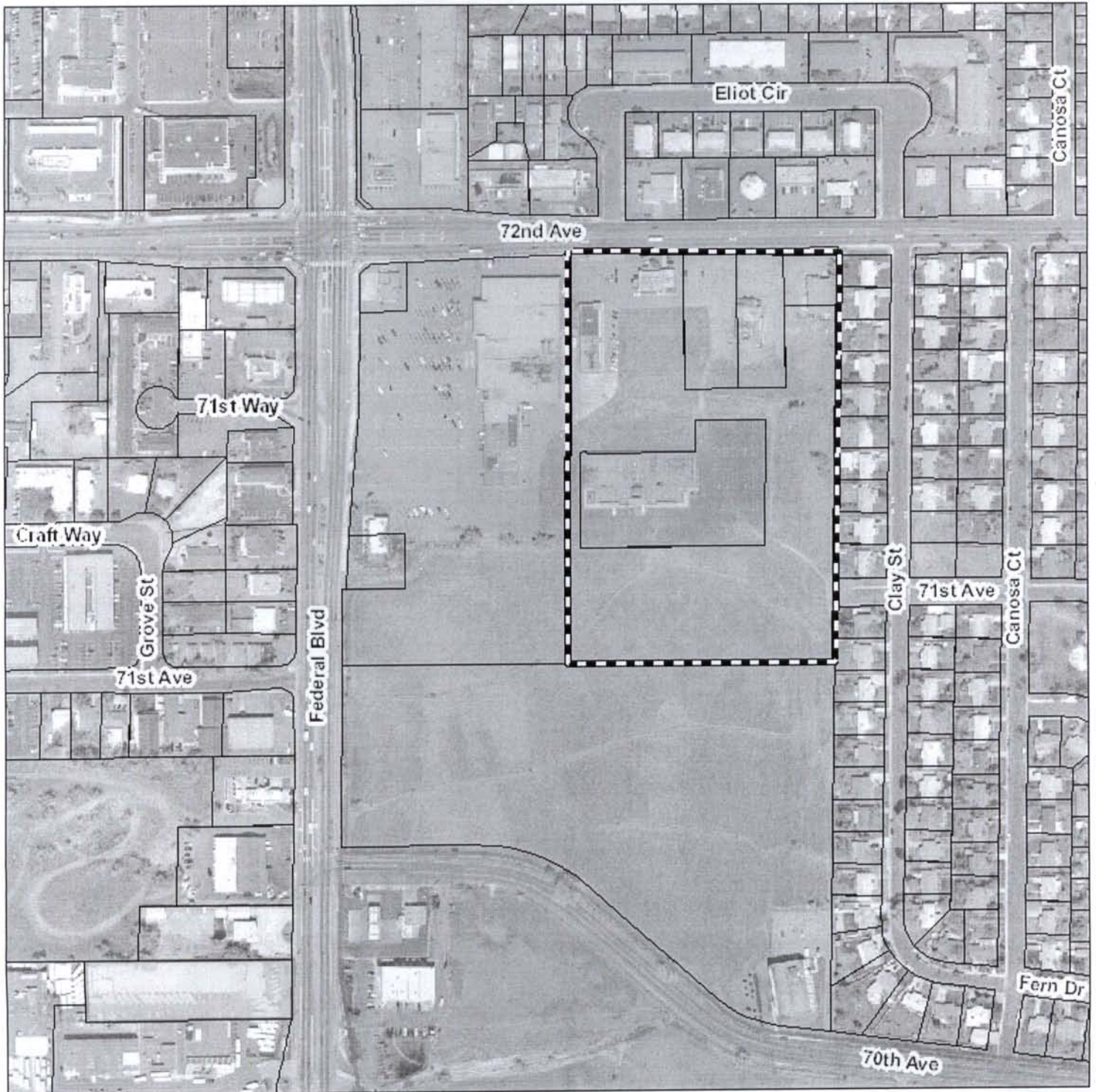
Development Area Boundary



Exhibit B

Carlson Business Assistance Agreement

Phase 2 Improvement Area



Development Area Boundary



Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, April 23, 2007. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the April 9, 2007 regular meeting were approved.

Council and the Westminster Elks Lodge honored the Elk's Citizen of the Year, Ben Beaty, by issuance of a proclamation and a plaque of recognition.

Council proclaimed May 12 to be Community Pride Day; May 6 through 12 to be National Drinking Water Week; the week of April 23 to be Victims' Rights Week; April 29 to May 5 to be Just Say No Week; and the month of May to be Colorado Archaeology and Historic Preservation Month.

Council approved the following: March 2007 Financial Report; 1st Quarter 2007 Insurance Report; changed the date of the second City Council meeting in May to May 21; Assistance to Firefighters Grant; 2006 Westminster Conference Center property tax; adult sports officiating services contract; Survey Control Modernization Project contract; 2007 Pavement Rehabilitation Project contract; Municipal Service Center Facility Renovation Professional Services contract; Water and Sewer Infrastructure Study Change Order; final passage of Councillor's Bill No. 15 re Vacation of Easements in Mandalay Town Center Subdivision; funding of Legacy Ridge Golf Course maintenance equipment package lease/purchase agreement; and Legacy Ridge Golf Course maintenance equipment package lease/purchase.

Council passed the following Councillors' Bills on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING DOG LICENSING. Purpose: Creating dog licensing requirements in the Westminster Municipal Code.

A BILL FOR AN ORDINANCE INCREASING THE 2007 BUDGET OF THE LEGACY RIDGE GOLF COURSE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THIS FUND. Purpose: appropriating golf course funds for golf course maintenance equipment at Legacy Ridge Golf Course.

A BILL FOR AN ORDINANCE AUTHORIZING A REDEVELOPMENT ASSISTANCE AGREEMENT FOR THE REDEVELOPMENT OF THE NORTHGATE SHOPPING CENTER IN WESTMINSTER, COLORADO. Purpose: Authorize redevelopment assistance package with Carlson Associates, Inc. to improve the Northgate Shopping Center.

The Council in its capacity as the ex-officio Board of Directors of the 144th Avenue GID adopted the following Councillor's Bill on first reading.

A BILL FOR AN ORDINANCE INCLUDING PROPERTY WITHIN THE CITY OF WESTMINSTER 144th AVENUE GENERAL IMPROVEMENT DISTRICT. Purpose: To include property within the City of Westminster 144th Avenue General Improvement District.

The meeting adjourned at 8:15 p.m.

By Order of the Westminster City Council

Linda Yeager, City Clerk

Published in the Westminster Window on May 3, 2007

ORDINANCE NO. **3344**

COUNCILLOR'S BILL NO. **15**

SERIES OF 2007

INTRODUCED BY COUNCILLORS
Kauffman - Dittman

A BILL

**FOR AN ORDINANCE VACATING TEN (10) EASEMENTS WITHIN LOTS 4 AND 4E OF THE
FINAL PLAT OF MANDALAY TOWN CENTER FILING NO. 2**

WHEREAS, certain easements were dedicated on the Final Plat for Mandalay Town Center Filing No. 2, recorded at Reception Number F2004399 and the Third Amendment to the Final Plat for Mandalay Town Center Filing No. 2 at Reception Number 2006101513 in the records of the Jefferson County Clerk; and

WHEREAS, these ten (10) utility easements on Lots 4 and 4E contain no utility facilities nor is it necessary for future utility purposes; and

NOW THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the easements in Section 2 and 3 thereof.

Section 2. Legal Descriptions for vacation: See legal description in 1 through 10 in Exhibit A.

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

INTRODUCED, PASSED ON FIRST READING AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of April, 2007. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of April, 2007.

**Exhibit A was not published and can be obtained
in the Westminster City Clerk's office.**