



## 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. Proclamation Recognizing Elks' Citizen of the Year, Betty Whorton
  - B. Proclamation for "Just Say No" Week
  - C. Proclamation re Cover the Uninsured Week
  - D. Proclamation re National Drinking Water Week
  - E. Proclamation re Community Pride Day
  - F. Recognition of Volunteer Victim Advocates for Victim's Rights Week
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 2006
  - B. Purchase of a Semi Tractor
  - C. 2006 Slurry Seal Project Bid Award
  - D. ICG Telecom Group, Inc. Fiber Optic Agreement
  - E. Second Reading CB No. 26 re Annexation of the Sheridan Boulevard Right-of-Way
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
  - A. Councillor's Bill No. 28 re Amendment to the Business Assistance Package with Pappas Restaurants
  - B. Councillor's Bill No. 29 re 2005 Final Budget Supplemental Appropriation
  - C. Councillor's Bill No. 30 re 2006 1<sup>st</sup> Quarter Budget Supplemental Appropriation
  - D. Councillor's Bill No. 31 re Cost Recovery for 112<sup>th</sup> Avenue / Federal Boulevard Intersection Improvements
  - E. Councillor's Bill No. 32 re Ordinance Change re Dangerous and Vicious Animals
  - F. Resolution No. 27 re Cottonwood Village Service Commitment Awards Extension
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
13. **Adjournment**

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**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 24, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

At Mayor McNally's request, Patrick Frerich of Boy Scout Troop 324, who was in attendance to earn credit toward his Communication Merit Badge, led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Lindsey, Major, and Price were present at roll call. Councillor Kaiser was absent and excused. Stephen P. Smithers, Acting City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Dittman, to approve the minutes of the regular meeting of April 10, 2006. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. Smithers reported that J. Brent McFall was on vacation and would return to work on April 28.

CITY COUNCIL COMMENTS

Councillor Price reported having visited the Yucca Mountain Hazardous Waste facility near Las Vegas, Nevada, where low-level waste from Rock Flats had been deposited. The visit had been educational and worthwhile.

Councillor Major reported having participated in the kickoff of baseball season for local high schools on April 22. He wished the teams good luck in their competitions.

Mayor Pro Tem Kauffman congratulated Don Waddell and Don VanArsdale, retiring members of the Hyland Hills Recreation District Board of Directors, on many years of successful service on the Board.

Councillor Dittman extended kudos to staff on the Arbor Day/Earth Day celebration held at City Park Recreation Center on April 22.

Mayor McNally reported that the Denver Regional Council of Governments (DRCOG) would conduct a public hearing concerning the 2007-2012 Transportation Improvement Plan on May 17, 2006 at 7 p.m. The public was invited to attend and to participate.

PROCLAMATIONS

The Mayor and City Council joined together in reading a proclamation to honor Betty Whorton, who had recently been named the Elks' Citizen of the Year. Attending to applaud her years of dedicated volunteerism to the City were members of the Elks Lodge, as well as many of her family members and friends.

Councillor Major presented the Just Say No proclamation to Cindy Jeffries, George Hovorka, and Eleanor Scott, all of the Westminster Area Community Awareness Action Team. Just Say No Week was April 22 to 29, and the public was invited to attend planned activities.

Councillor Price read a proclamation signed by the Mayor declaring May 1 through 7 to be Cover the Uninsured Week. Pete Leibig, Chief Executive Officer of Clinica Campesina, accepted the proclamation and thanked the Mayor and Council for supporting this awareness effort.

On behalf of the Mayor, City Council and staff, Mayor Pro Tem Kauffman proclaimed May 7 to 13 to be National Drinking Water Week. He presented the proclamation to Steve Ramer of the Public Works and Utilities Department.

Councillor Dittman advised that the Mayor had proclaimed May 13 to be Community Pride Day. He presented the proclamation to Patti Wright of the Parks, Recreation and Libraries Department staff, who described the clean-up activities that would conclude with a barbecue for volunteer workers.

Councillor Lindsey called forth members of the Victim Services Unit to gratefully acknowledge their valuable contributions that ensured the victims of crime were afforded their rights under the Colorado Constitution.

#### CITIZEN COMMUNICATION

Fred Allen, 10140 Vrain Court, complimented the Mayor and Councillors for their willingness to deal with issues, even when they were contentious.

Jane Fancher, 7260 Lamar Court, spoke in opposition to the use of property tax in of tax increment financing, as proposed in modifications of business assistance packages to be considered later in the meeting and at the Westminster Economic Development Authority meeting scheduled immediately after the Council meeting.

Ed Moss, 10362 Tennyson Court, appreciated Council's hard work.

Kaaren Hardy, 5133 West 73<sup>rd</sup> Avenue, asked a series of questions about the accrual of taxes within urban renewal areas and within the Westminster Center Urban Renewal Area specifically.

Larry Dean Valente, 3755 West 81<sup>st</sup> Avenue, registered strong opposition to business assistance packages, particularly those scheduled for consideration of modification by City Council and by the Westminster Economic Development Authority later in the meeting.

#### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the March 2006 financial report; bid award to Transwest Trucks for a Freightliner Conventional Chassis Semi Tractor in the amount of \$93,128; authority for the City Manager to sign a \$603,986 contract with A-1 Chipseal Company, the low bidder, for the 2006 slurry seal project; authority for the City Manager to sign an agreement with ICG Telecom Group, Inc. for the expansion of the City's existing fiber optic network in exchange for the use of City-owned conduit; and final passage of Councillor's Bill No. 26 annexing the Sheridan Boulevard right-of-way between Turnpike Drive and 84<sup>th</sup> Avenue, and adjacent railroad right-of-way to the City.

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

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

#### COUNCILLOR'S BILL NO. 28 RE PAPPAS RESTAURANTS BAP AMENDMENT

It was moved by Councillor Major, seconded by Councillor Dittman, to pass Councillor's Bill No. 28 authorizing the City Manager to execute the Amended and Restated Business Assistance Package between the Westminster Economic Development Authority, the City of Westminster and Pappas Restaurants.

Mayor Pro Tem Kauffman commented on earlier remarks made by citizens about business assistance packages and tax incremental financing. Mayor McNally asked the Police Chief to investigate a citizen assertion that Council had met in secrecy to award business assistance packages.

At roll call, the motion to pass Councillor's Bill No. 28 was approved unanimously.

COUNCILLOR'S BILL NO. 29 RE 2005 FINAL BUDGET SUPPLEMENTAL APPROPRIATION

Upon a motion by Councillor Dittman, seconded by Councillor Major, the Council unanimously approved on roll call vote the passage of Councillor's Bill No. 29 on first reading providing for supplementary appropriations to the 2005 budget of the Open Space Fund and General Capital Improvement Fund.

COUNCILLOR'S BILL NO. 30 RE 2006 1<sup>ST</sup> QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

Councillor Price moved, seconded by Lindsey, to pass Councillor's Bill No. 30 on first reading providing for supplementary appropriations to the 2006 budget of the General, General Capital Improvement, Open Space, and Utility Funds. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 31 RE INTERSECTION IMPROVEMENTS COST RECOVERY

Councillor Major moved to pass Councillor's Bill No. 31 on first reading establishing recovery payments due to the City for costs incurred in constructing roadway improvements at the intersection of 112<sup>th</sup> Avenue and Federal Boulevard. The motion was seconded by Councillor Price and passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 32 RE CODE CHANGES ON DANGEROUS AND VICIOUS ANIMALS

Mayor Pro Tem Kauffman moved to adopt Councillor's Bill No. 32 on first reading amending the Westminster Municipal Code as it related to dangerous and vicious animals. Councillor Major seconded the motion. Mayor Pro Tem Kauffman and Councillor Major agreed their intent was to include in the motion the amendment to Councillor's Bill No. 32 that reflected an effective date of June 1, 2006, which had been distributed at Council's pre-briefing meeting.

This legislation was not breed specific and should not impact other municipalities in the metropolitan area. Council appreciated Staff's research and diligence in drafting language to strengthen the requirements and penalties for animal owners convicted of violations relating to dangerous and vicious animals.

At roll call, the motion passed with all Council members voting affirmatively.

RESOLUTION NO. 27 RE COTTONWOOD VILLAGE SERVICE COMMITMENT AWARDS EXTENSION

It was moved by Councillor Dittman and seconded by Councillor Price to adopt Resolution No. 27 extending the existing Category A-2 Service Commitment award to the Cottonwood Village single-family attached residential project based on a finding that the Cottonwood Village project met the Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program. At roll call, the motion passed unanimously.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 8:18 p.m.

ATTEST:

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Mayor

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City Clerk



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006

**SUBJECT:** Proclamation Recognizing Elks' Citizen of the Year, Betty Whorton

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

**Recommended City Council Action**

Present the attached proclamation recognizing Betty Whorton, the Westminster Elks' Citizen of the Year, for her service to the City of Westminster and its citizens.

**Summary Statement**

- The City Council wants to recognize Betty Whorton, who was recently named the Elks' Citizen of the Year.
- Betty Whorton has enthusiastically served the citizens of Westminster in a host of capacities during her long-term residency in the community.
- Ken and Donna Bellamy, Tom and Rose Root, Dana and Shirly Priola, and John and Debbie Lasley, all dignitaries from the Westminster Elks Club, will be present to observe this presentation. Mayor Nancy McNally will present the proclamation recognizing Ms. Whorton's civic contributions.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Betty Whorton, a 38-year resident of the community, was recently selected the Westminster Elks' Citizen of the Year in recognition of her years of public service and community involvement. A mother of three, grandmother of four, and close friend of many, Betty is involved in the community because, as she says, "it's the responsible thing to do." Betty's enthusiasm continually inspires others to volunteer and get involved in their community.

Ms. Whorton's years of service on City Boards and Commissions officially started in 1982 when, as a member of the Westminster Transportation Committee, she was appointed to membership on the first Transportation Commission. She served in that capacity until 1987. In 1988 she was appointed to the Personnel Board and is still a valued member of that Board.

Betty is a graduate of the first Police Citizen Academy, a founding member of the Westminster Citizen Police Academy Alumni Association where she has served on the Board of Directors since 1998, and the Executive Director and founding member of the Westminster Public Safety Recognition Foundation. She is the Police Department's volunteer for scenario training for several programs, including S.W.A.T. and Defensive Tactics Program, Driver's Training, and Bicycle Training. She coordinates tours of the Public Safety Building and organizes the Public Safety Recognition Foundation banquets.

Ms. Whorton co-chaired the Citizens for a Quality Westminster campaign and was instrumental in the passage of a dedicated public safety sales tax. She is a member of the 17<sup>th</sup> Judicial District Nominating Committee, the Westminster Literacy Boosters Organization, the Board of Directors of the Adams County Sheriff's Office Employees Orphan Foundation, and the Westminster Police Department Citizen Complaint Review Team, and was recently awarded the Westminster 710 Rotary Club Community Service Award.

Betty Whorton is the pinnacle of citizenship and an example of the best of Westminster, and the City is very proud to recognize her for this.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

**WHEREAS**, Betty Whorton has served the citizens of Westminster with enthusiasm and loyalty in a variety of appointed and volunteer capacities during her 38-year residency within the community; and

**WHEREAS**, Betty Whorton, through example, has inspired others to volunteer and get involved for the betterment of their community; and

**WHEREAS**, Betty Whorton was appointed to the Transportation Commission upon its creation in 1982, was a valued member of that Board until her resignation in 1987, and was appointed in 1988 to the Personnel Board where she continues to serve as a vital member; and

**WHEREAS**, during her years of exemplary service Betty Whorton has demonstrated her citizenship as a member of the 17<sup>th</sup> Judicial District Nominating Committee, the Westminster Literacy Boosters Organization, and the Board of Directors for the Adams County Sheriff's Office Employees Orphan Foundation; and

**WHEREAS**, Betty Whorton is a graduate of Westminster's first Citizen Police Academy, a founding member and Director of the Westminster Citizen Police Academy Alumni Association, and the Executive Director and founding member of the Westminster Public Safety Recognition Foundation; and

**WHEREAS**, Betty Whorton's volunteerism has included scenario training for Police Department functions, such as S.W.A.T. and Defensive Tactics Program, Driver's Training, and Bicycle Training, and coordinating fundraising activities such, as the Westminster Public Safety Recognition Foundation banquets; and

**WHEREAS**, Betty Whorton was Co-Chair of the Citizens for a Quality Westminster campaign and played an instrumental role in passage of the dedicated public safety sales tax; and

**WHEREAS**, Betty Whorton's history of community involvement has not been unnoticed, as she has been recipient of the Westminster 710 Rotary Club Community Service Award and most recently was selected the Westminster Elks' Citizen of the Year; and

**WHEREAS**, the City of Westminster wishes to publicly recognize Betty Whorton'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**

### **BETTY WHORTON**

by publicly thanking her for her years of public service to the citizens of Westminster and congratulate her for deservedly being named the 2006 Westminster Elks' Citizen of the Year.

Signed this 24th day of April, 2006.

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Nancy McNally, Mayor





## Agenda Item 6 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 24, 2006



**SUBJECT:** Proclamation for “Just Say No” Week

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

### Recommended City Council Action

Proclaim April 22 to 29, 2006 to be “Just Say No” Week in the City of Westminster.

### Summary Statement

- The City is once again supporting the “Just Say No” Week this year.
- 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 drug by our youth is one of the most serious problems facing today’s society.
- Councillor Scott Major will present the proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** "Just Say No" Week Proclamation

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**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The City of Westminster has participated by proclaiming a week as "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 22 through 29 as "Just Say No" Week.

Cindy Jeffries and members of the Westminster Area CAAT Board will be present to accept this proclamation.

Respectfully submitted,

Stephen P. Smithers  
Acting 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,** The Drug Free Conference and “Just Say No” Carnival 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 and Community Programs and Drug Free Clubs by providing opportunities to form strong relationships with positive peers and adults within community institutions, develop 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 22 through 29, 2006, to be**

### **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 24th day of April, 2006.

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Nancy McNally, Mayor



## Agenda Item 6 C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 24, 2006



**SUBJECT:** Proclamation re Cover the Uninsured Week

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

### Recommended City Council Action

Proclaim May 1 through 7, 2006 as Cover the Uninsured Week. Councillor JoAnn Price will present a proclamation to a member of the Cover the Uninsured Coalition.

### Summary Statement

- The Denver Cover the Uninsured Coalition has requested that the City proclaim May 1 through 7 to be Cover the Uninsured Week in Westminster.
- The City has previously supported this worthwhile effort to increase public knowledge that health coverage for all Americans is a widely-shared community value and must be a top priority.
- Pete Leibig, Chief Executive Officer of Clinica Campesina, will accept the proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**SUBJECT:** Proclamation re Cover the Uninsured Week

Page 2

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The Denver Cover the Uninsured Coalition has requested that the week of May 1 through 7 be recognized as Cover the Uninsured Week in Westminster to increase community awareness of the near 46 million Americans who have no health care coverage.

Pete Leibig of Clinica Campesina will accept the Proclamation.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

**WHEREAS**, 46 million Americans do not have health care coverage; and

**WHEREAS**, eight out of ten people who are uninsured are in working families; and

**WHEREAS**, there are more than 8 million children in America without health coverage; and

**WHEREAS**, uninsured Americans are more often ill and die younger than those who are covered, and suffer needlessly because they go without the health care they need; and

**WHEREAS**, as costs continue to rise, fewer individuals and families can afford to pay for coverage and fewer small businesses are able to provide coverage for their employees.

**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 1 through 7, 2005, to be**

**COVER THE UNINSURED WEEK  
IN WESTMINSTER, COLORADO**

and in recognition of the urgency of seeking solutions to this, one of America's greatest problems, urge the citizens of Westminster to participate in appropriate activities to **"Get America Covered."**

Signed this 24<sup>th</sup> day of April, 2006

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Nancy McNally, Mayor



## Agenda Item 6 D

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Proclamation re National Drinking Water Week

**Prepared by:** Steve Ramer, Laboratory Analyst/Program Coordinator

**Recommended City Council Action**

Proclaim the week of May 7 through 13, 2006 as “National Drinking Water Week” in the City of Westminster. Mayor McNally will present the proclamation to Steve Ramer, Laboratory Analyst/Program Coordinator for the City of Westminster.

**Summary Statement**

- City Council is requested to proclaim the week of May 7 through 13, 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.

**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 7 through 13, 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 11 through 13. 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,

Stephen P. Smithers  
Acting City Manager

Attachment



**WHEREAS**, our 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 7 through 13, 2006, 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 24<sup>th</sup> day of April 2006.

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Nancy McNally, Mayor



**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 24, 2006



**SUBJECT:** Proclamation re Community Pride Day

**Prepared By:** Richard Dahl, Park Services Manager

### Recommended City Council Action

Present a proclamation to Open Space Volunteer Coordinator Patti Wright proclaiming May 13, 2006, 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.
- The proclamation will be presented by Councillor Chris Dittman.

**Expenditure Required:** \$3,000

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

**Policy Issue**

Does City Council wish to continue the tradition of Community Pride Day?

**Alternative**

City Council could choose not to hold Community Pride Day in 2006. However, Staff 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 13, 2006, 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 barbeque'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, Wal Mart, Doubletree Hotel, Fox and Hound Restaurant, and other area merchants are instrumental in providing a quality event for the volunteers.

Mayor Nancy McNally will read the Community Pride Day proclamation and recognize sponsors. A representative from Hyland Hills Park and Recreation District will also speak to the volunteer group. 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 barbeque. The Westminster Youth Advisory Panel is volunteering at the barbecue to help make it a success.

Respectfully submitted,

Stephen P. Smithers  
Acting 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**, The City of 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 13, 2006, to be**

## **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 24<sup>th</sup> day of April, 2006.

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Nancy McNally, Mayor



## Agenda Item 6 F

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 24, 2006



**SUBJECT:** Recognition of Volunteer Victim Advocates for Victim's Rights Week

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

#### Recommended City Council Action

Formally recognize the members of the Victim Services Unit to include staff and volunteers to acknowledge their valuable contribution.

#### Summary Statement

- The week of April 23, 2006 has been designated as National Crime Victims' Rights week and the City is supporting this recognition.
- The City of Westminster would like to recognize the members of the Victim Services Unit and acknowledge their efforts to ensure victims of crime are afforded their rights under the Colorado State Constitution.
- The Victim Services Unit contacts over 3,300 victims every year and maintains availability 24/7/365. This service would not be available without the support of the volunteers.
- Councillor Mary Lindsey will recognize the Victim Services Unit.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

The City supports the rights of crime victims with written policies and procedures through the Police Department Manual and through the Westminster Municipal Court. To recognize and acknowledge the staff and volunteers who dedicate themselves to helping crime victims and ensuring their rights is consistent with City policy.

**Alternative**

No alternatives identified

**Background Information**

In 1992, the citizens of Colorado overwhelmingly passed a Constitutional Amendment guaranteeing rights to crime victims. Even before that amendment was passed, the City of Westminster utilized a Victim Services Unit through the Westminster Police Department to ensure that victims of crime were treated with dignity, fairness and respect. The Victim Services Unit provided service to 3,335 people in 2005. With a staff of four, the Unit relies heavily on volunteers who contributed over 5,100 hours in 2005. These volunteers must undergo a background investigation and 40 hours of specialized training to be a part of the Unit. They are available after business hours and on the weekends to respond to any police emergency. These volunteers generously give of their time and talent without seeking reward. Volunteers and staff of the WPD have responded to incidents such as Columbine High School, the hurricanes in Florida in 2004 and to assist the Hurricane Katrina evacuees in 2005. The City is indeed privileged to be represented by such a compassionate and professional group. It is fitting to recognize this service during Victim's Rights Week.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

## **Recognition of Victim Advocates for Victim's Rights Week**

- Peg Coniglio
- Vicki Deitchel
- Mel Dreiling
- Carl Everhart
- Kelly Fernandez
- Drew Hogan
- Joetta John
- Susan Madison
- Teresa O'Berry
- Deb Oster
- Christy Patrick
- Angela Sigala
- Courtney Teasdale



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Financial Report for March 2006

**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

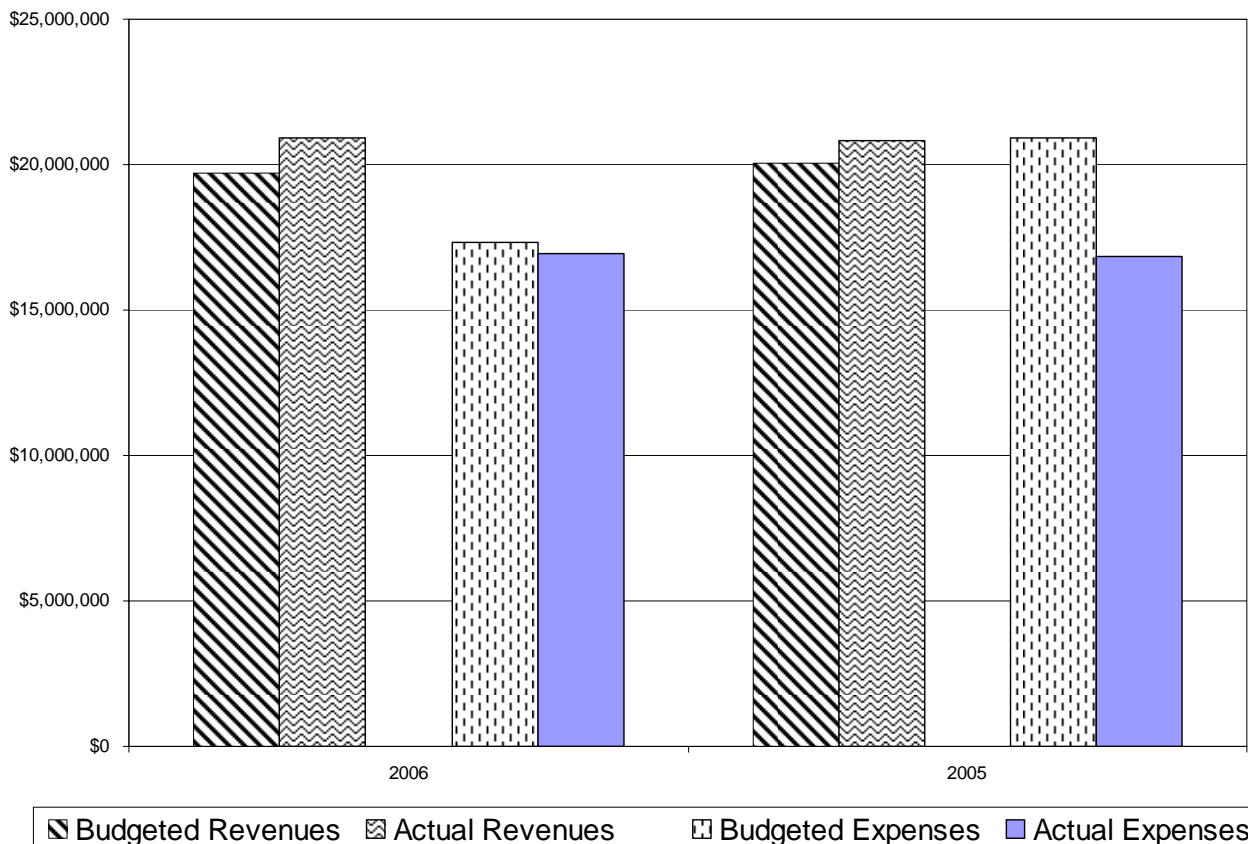
Accept the Financial Report for March as presented.

**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 4-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$3,997,000. The following graph represents Budget vs. Actual for 2005 – 2006.

**General Fund  
Budget vs Actual**

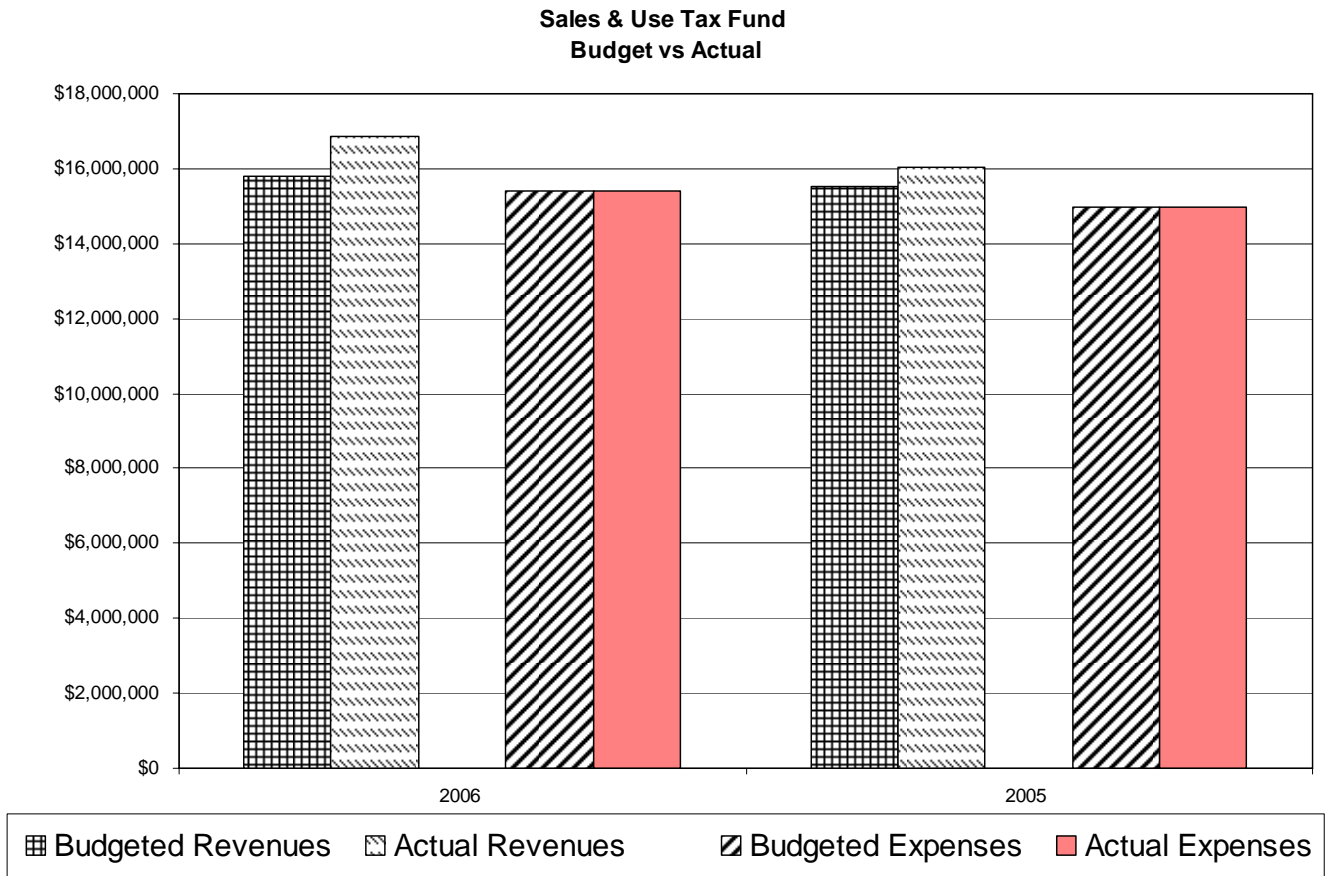




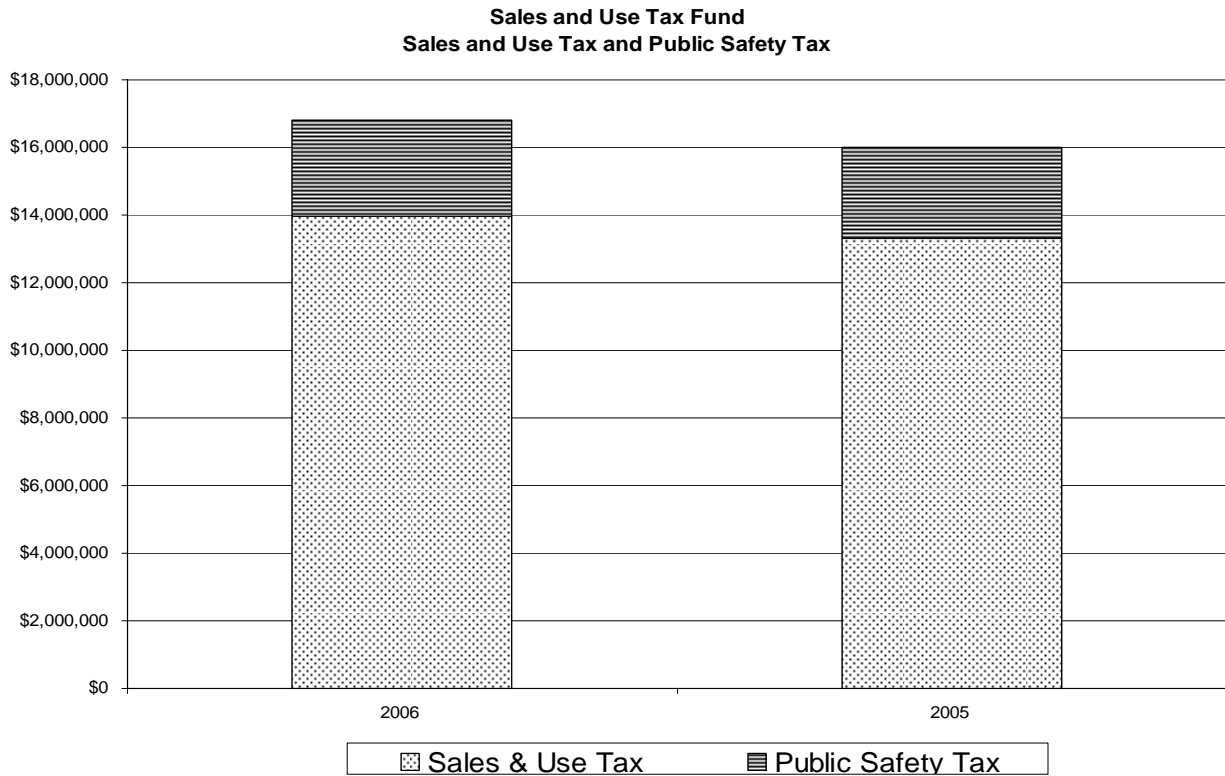
The Sales and Use Tax Fund’s revenues and carryover exceed expenditures by \$1,445,000

- On a year-to-date basis, sales & use tax returns are up 4.0%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are down 1.0%. 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 2.1%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were down 0.3 % after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 4% on a year-to-date basis.
- Building Use Tax is up 65.9% year-to-date over 2005.

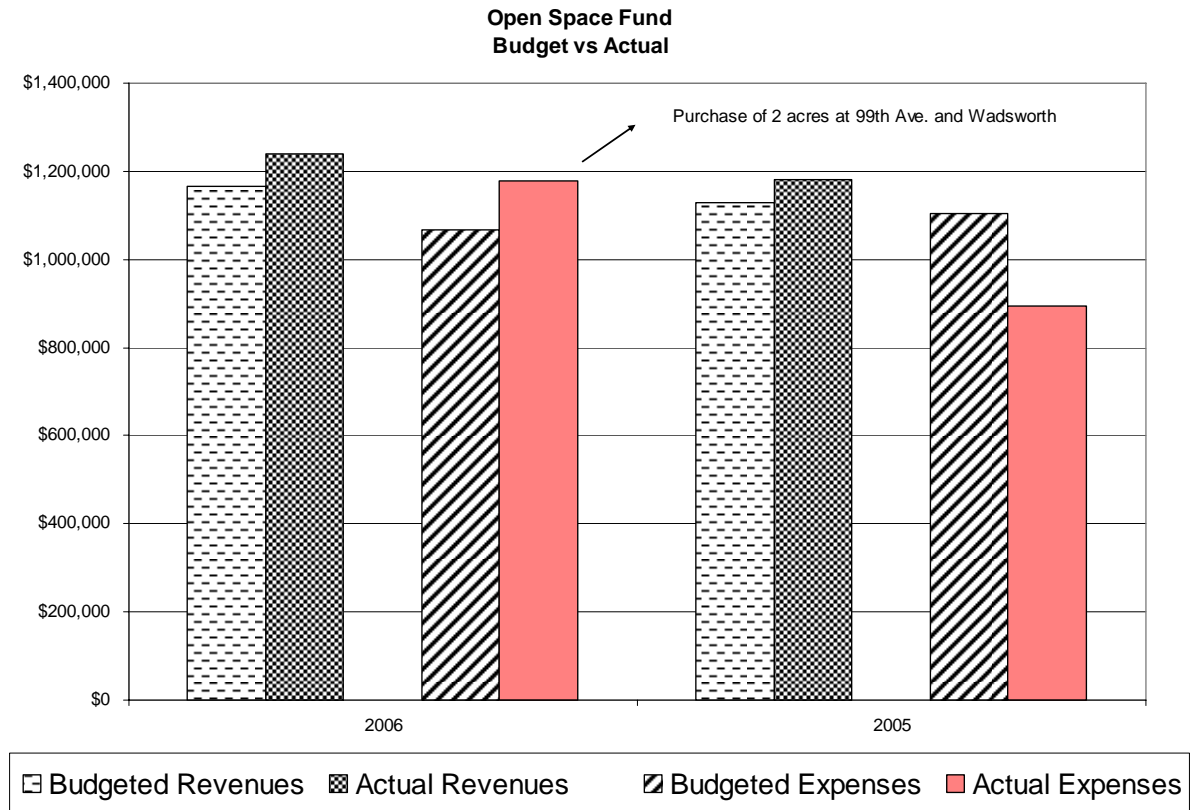
The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales tax payers.



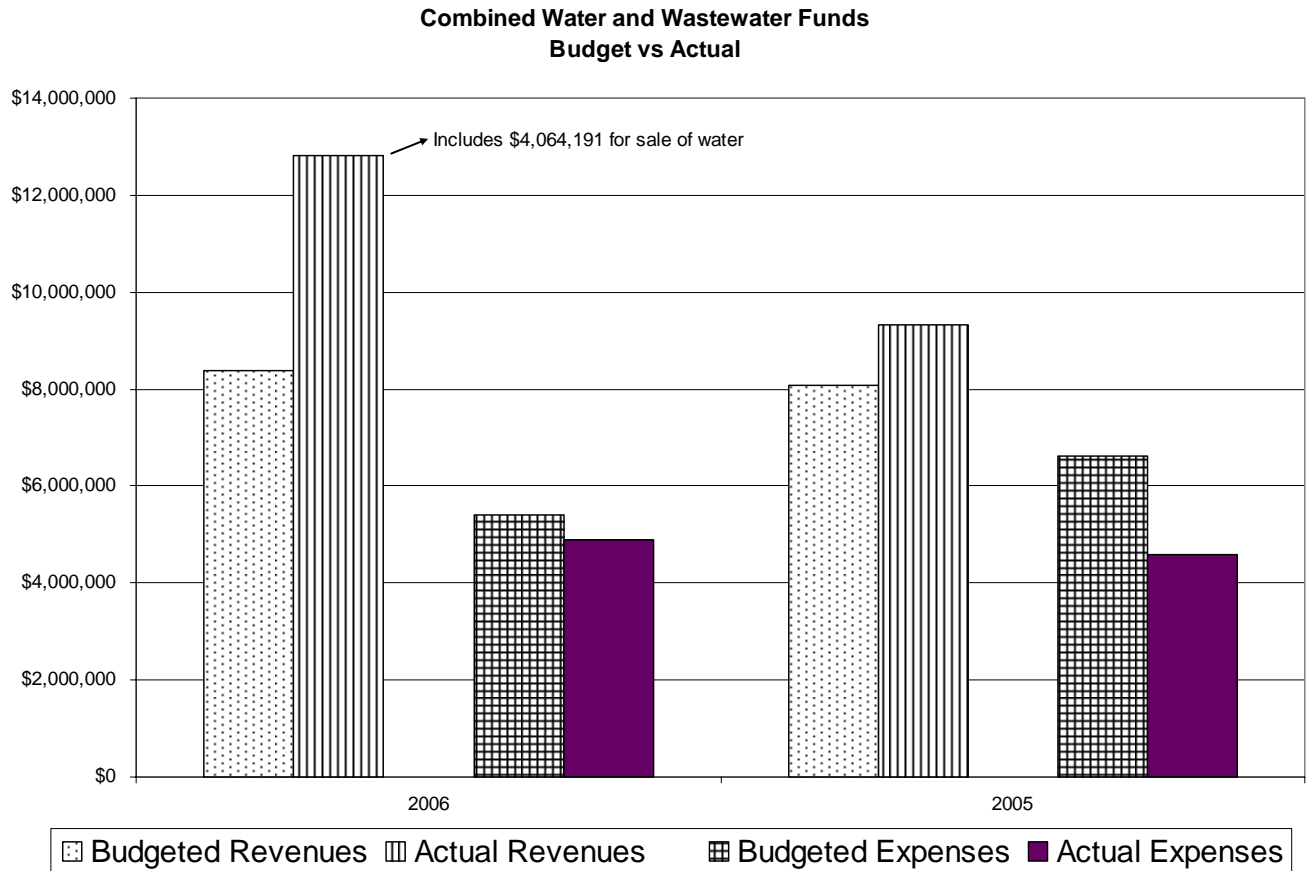
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



The Open Space Fund revenues exceed expenditures by \$62,000. The Open Space Fund purchased 2 acres of Open Space land at 99<sup>th</sup> Ave. and Wadsworth in January.



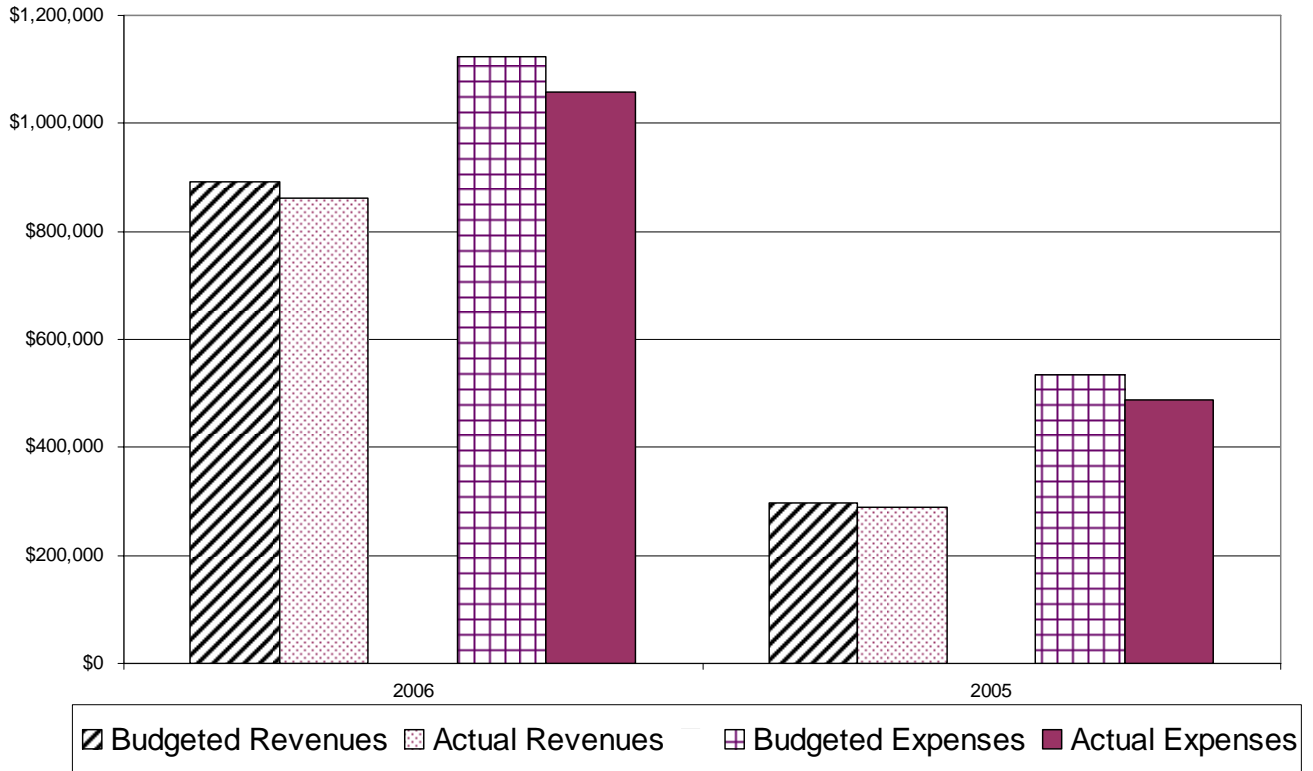
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$7,933,000. \$7,850,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,065,000.



The variance between 2005 and 2006 budgeted expenditures is due to a change in proration methods used to calculate the prorated budget. In 2005, the total budget was prorated by 1/12<sup>th</sup> for each month, and in 2006 the prorations are based on 4 year trend data.

The combined Golf Course Funds' expenditures exceed revenues by \$194,000. The golf courses made a quarterly lease payment for golf carts and equipment in January. When comparing 2005 expenditures to 2006, the 2006 Heritage figures include a lease purchase, for golf carts and maintenance equipment, of \$582,144.

**Golf Course Enterprise  
Budget vs Actual**



**Policy Issue**

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

**Alternative**

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

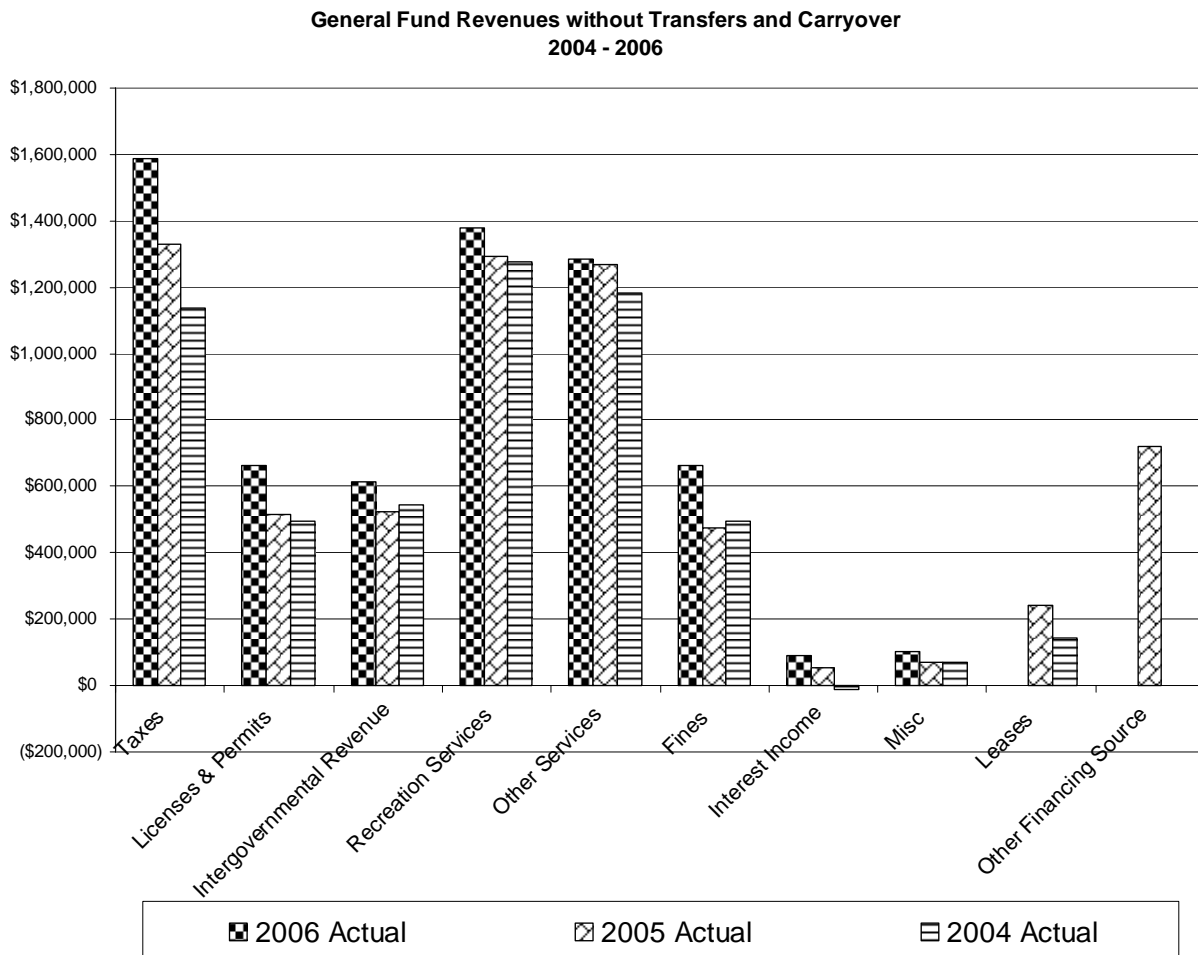
**Background Information**

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

**General Fund**

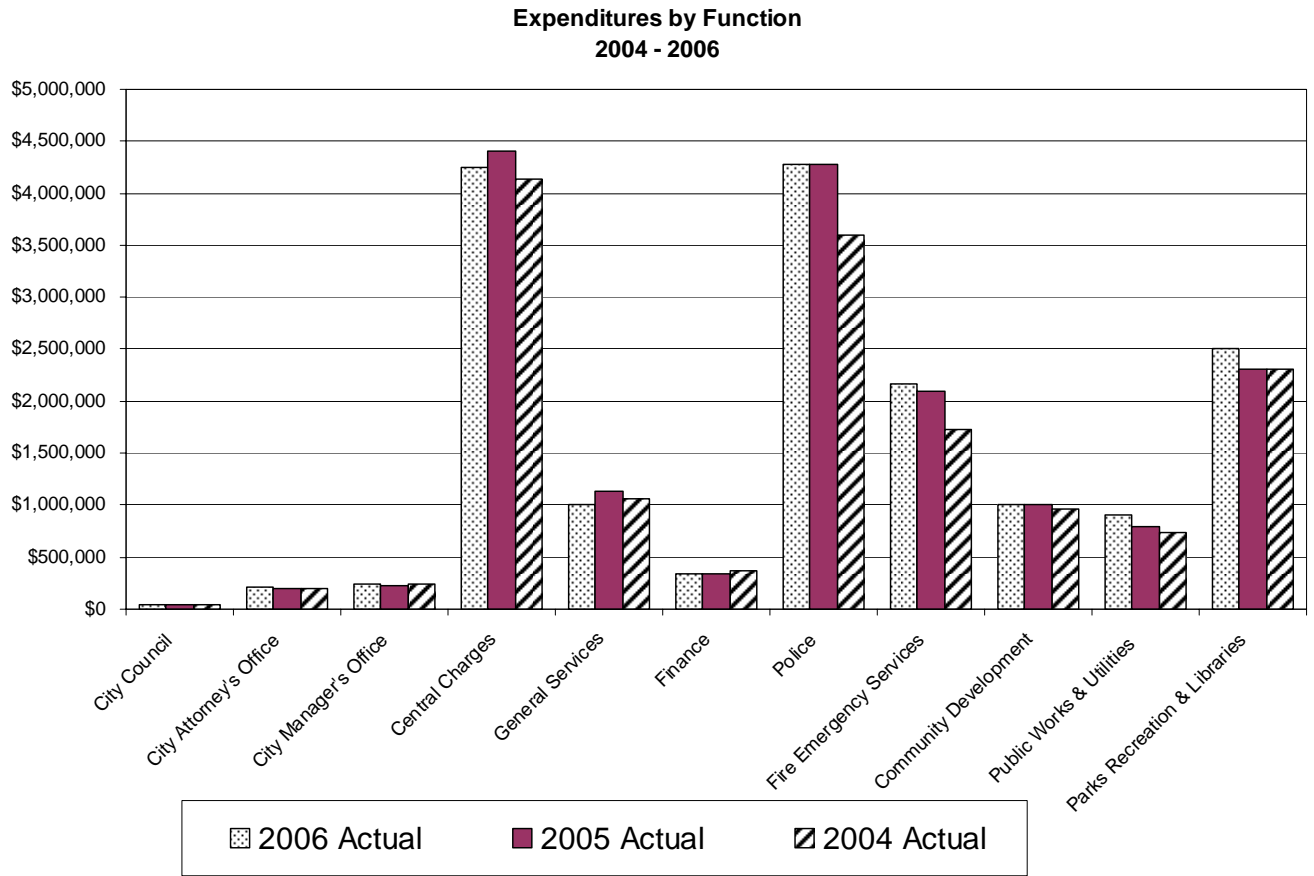
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date. In 2004, there was negative interest income due to the reversal of an accounting entry made in 2003 as required by Governmental Accounting Standards Board, statement 31.



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers.

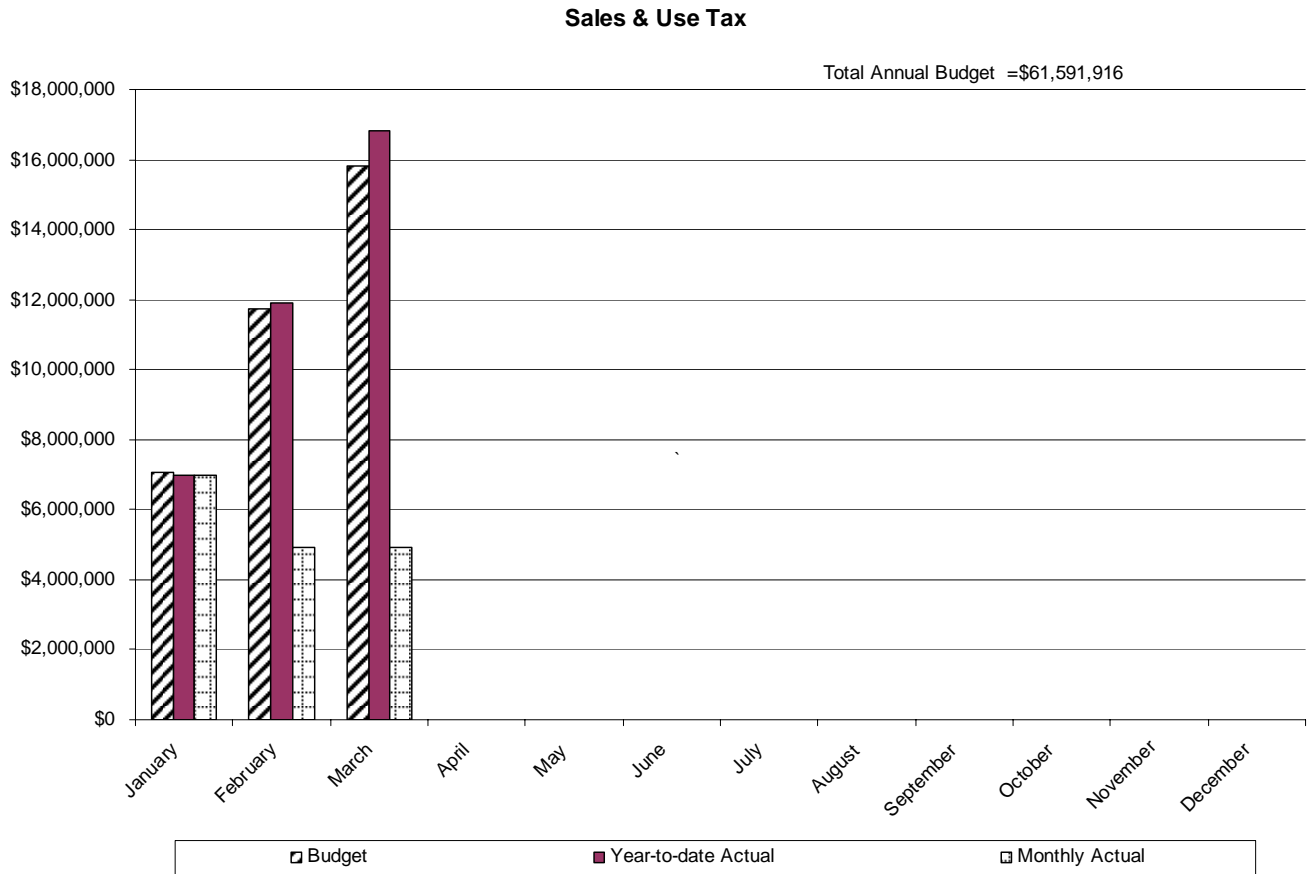
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



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

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

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

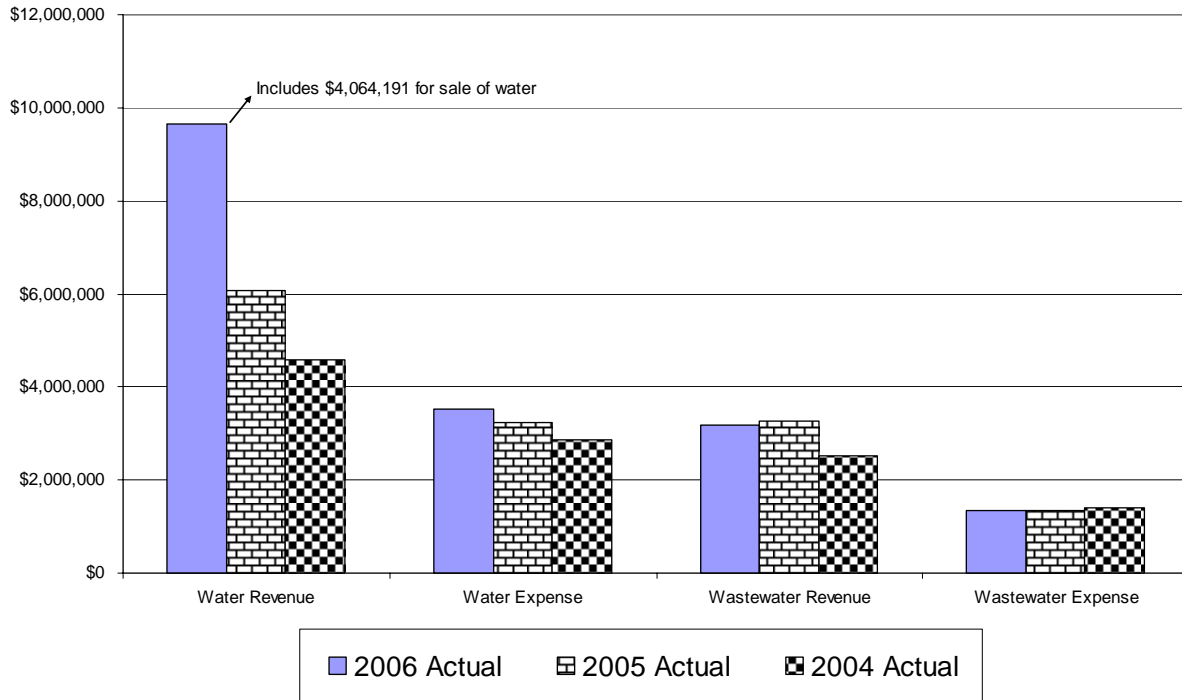


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

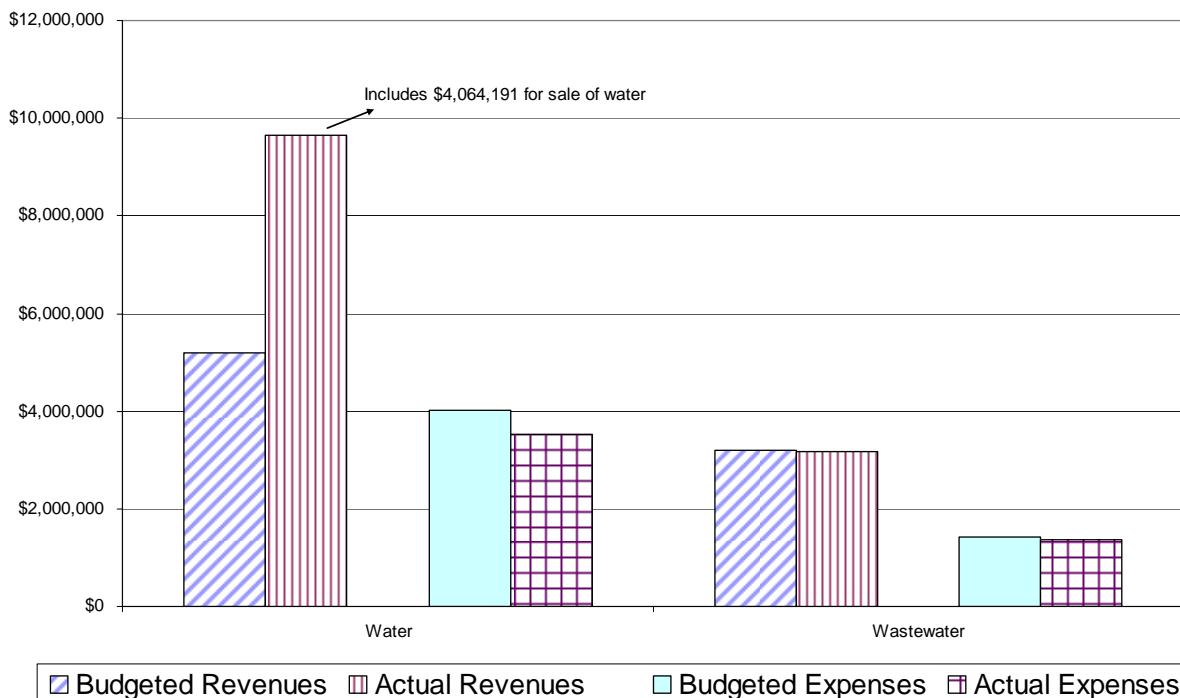
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds. In 2005, water tap fees were significantly higher at this time of year compared to 2006 and 2004.

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



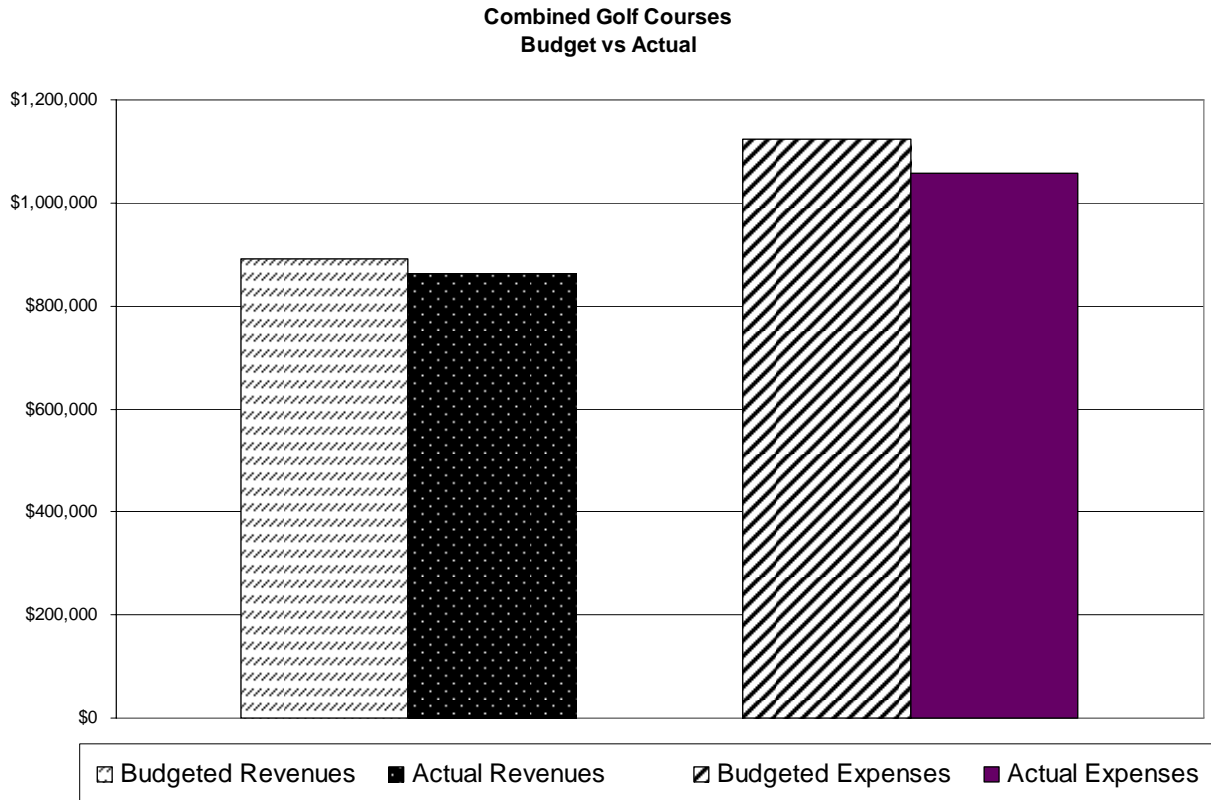
**Water and Wastewater Funds  
Budget vs Actual**



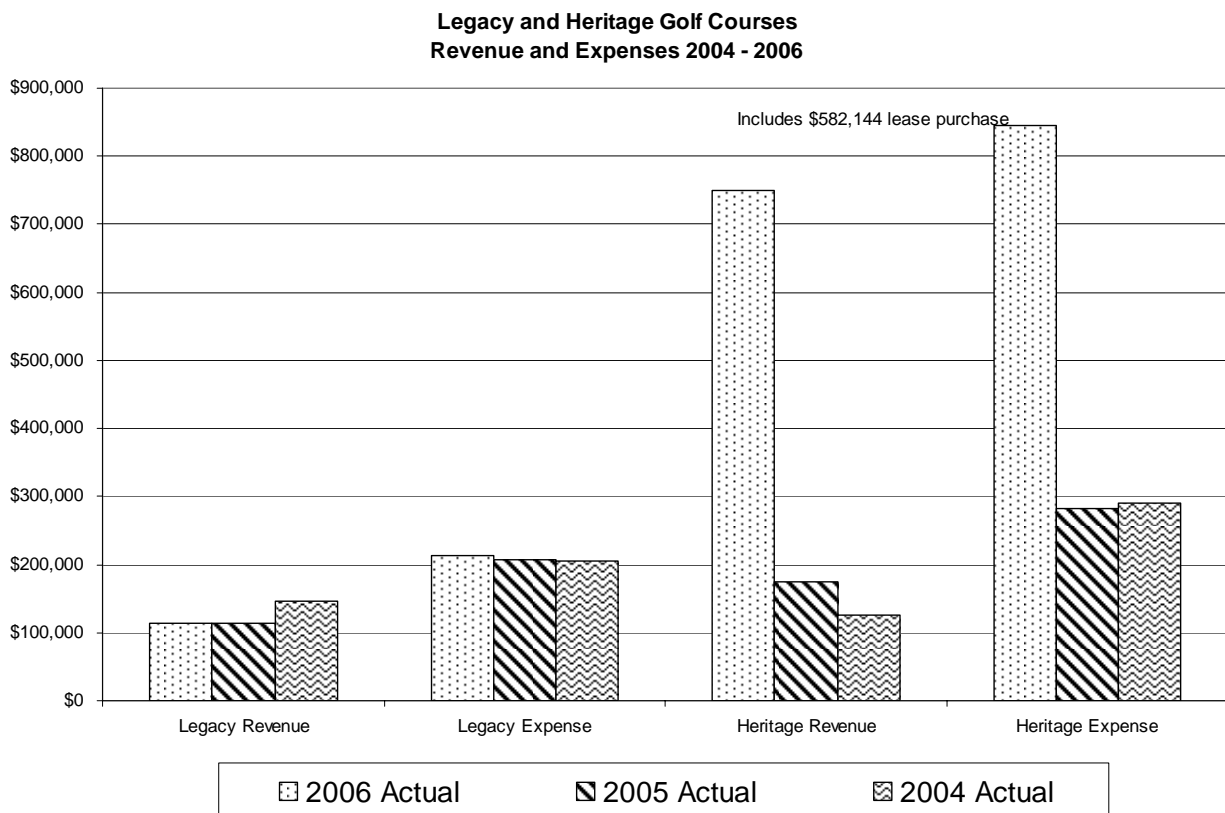


**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

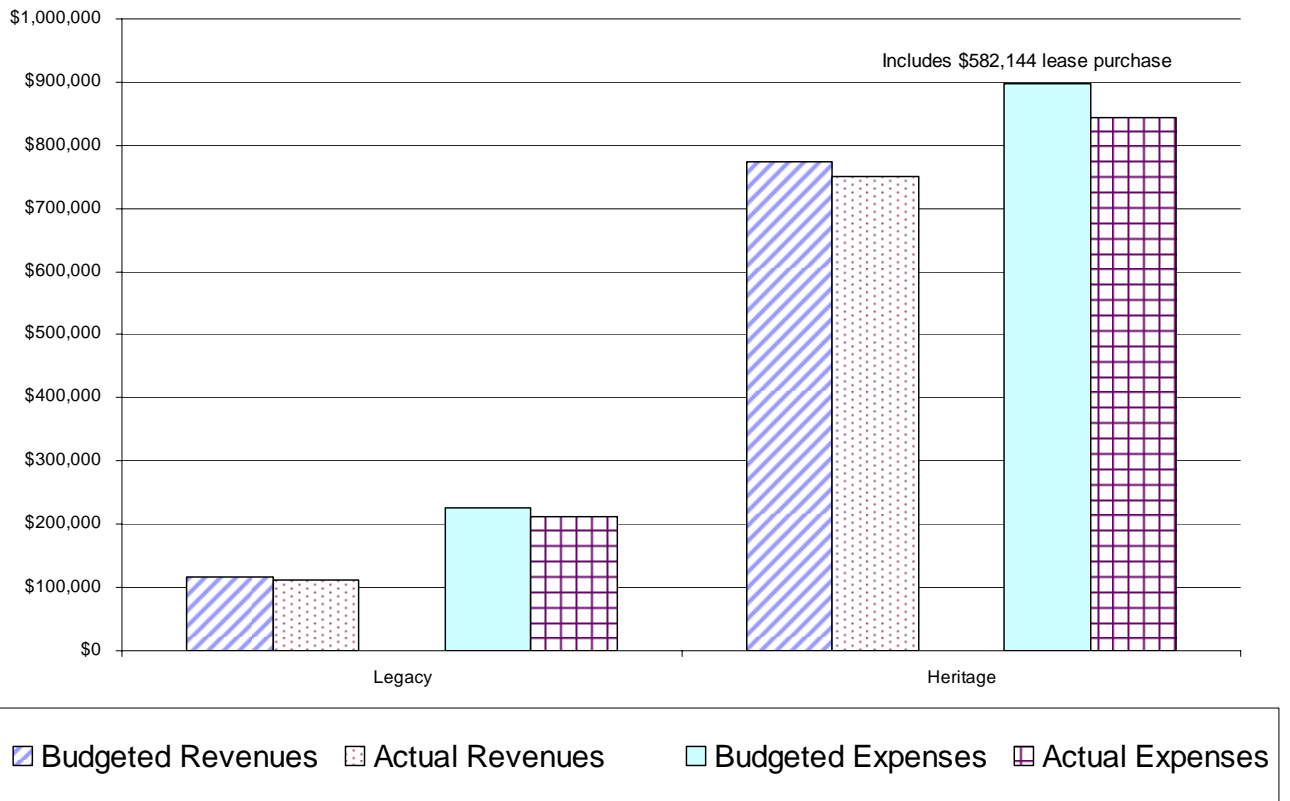
This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.



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



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



Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments  
Statement  
Tax Report

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues and Carryover</b>						
Taxes	4,873,125	859,277		1,586,376	727,099	184.6%
Licenses & Permits	1,838,000	473,400		662,522	189,122	139.9%
Intergovernmental Revenue	4,835,000	599,550		613,970	14,420	102.4%
Charges for Services						
Recreation Services	5,324,515	1,041,023		1,377,405	336,382	132.3%
Other Services	6,510,500	1,254,536		1,285,264	30,728	102.4%
Fines	2,050,000	471,500		662,669	191,169	140.5%
Interest Income	300,000	75,000		89,728	14,728	119.6%
Misc	335,685	83,921		104,072	20,151	124.0%
Leases	1,175,000	293,750		-	(293,750)	N/A
Refunds	(70,000)	(17,500)		(276)	17,224	1.6%
Interfund Transfers	58,224,502	14,556,126		14,556,126	-	100.0%
Sub-total Revenues	<u>85,396,327</u>	<u>19,690,583</u>		<u>20,937,856</u>	<u>1,247,273</u>	<u>106.3%</u>
Carryover	-	-		-	-	
Revenues and Carryover	<u>85,396,327</u>	<u>19,690,583</u>		<u>20,937,856</u>	<u>1,247,273</u>	<u>106.3%</u>
<b>Expenditures</b>						
City Council	205,023	55,356		39,981	(15,375)	72.2%
City Attorney's Office	910,716	209,465		205,915	(3,550)	98.3%
City Manager's Office	1,110,469	244,303		239,677	(4,626)	98.1%
Central Charges	21,933,857	4,386,771		4,252,389	(134,382)	96.9%
General Services	4,925,576	1,083,627		1,007,594	(76,033)	93.0%
Finance	1,719,784	361,155		337,163	(23,992)	93.4%
Police	19,280,446	4,338,100		4,281,673	(56,427)	98.7%
Fire Emergency Services	10,116,225	2,174,988		2,164,350	(10,638)	99.5%
Community Development	4,564,628	1,027,041		1,005,128	(21,913)	97.9%
Public Works & Utilities	7,298,804	912,351		903,000	(9,351)	99.0%
Parks, Recreation & Libraries	13,330,799	2,532,852		2,503,606	(29,246)	98.8%
Total Expenditures	<u>85,396,327</u>	<u>17,326,009</u>		<u>16,940,476</u>	<u>(385,533)</u>	<u>97.8%</u>
Revenues and Carryover Over(Under) Expenditures	<u>-</u>	<u>2,364,574</u>		<u>3,997,380</u>	<u>1,632,806</u>	

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues and Carryover</b>						
Sales Tax						
Sales Tax Returns	40,333,940	11,010,676		11,422,784	412,108	103.7%
Sales Tx Audit Revenues	570,000	191,950		454,462	262,512	236.8%
S-T Rev. STX	<u>40,903,940</u>	<u>11,202,626</u>		<u>11,877,246</u>	<u>674,620</u>	<u>106.0%</u>
Use Tax						
Use Tax Returns	8,843,861	1,665,983		1,978,699	312,716	118.8%
Use Tax Audit Revenues	500,000	167,000		107,144	(59,856)	64.2%
S-T Rev. UTX	<u>9,343,861</u>	<u>1,832,983</u>		<u>2,085,843</u>	<u>252,860</u>	<u>113.8%</u>
Total STX and UTX	<u>50,247,801</u>	<u>13,035,609</u>		<u>13,963,089</u>	<u>927,480</u>	<u>107.1%</u>
Public Safety Tax						
PST Tax Returns	10,256,917	2,663,161		2,815,282	152,121	105.7%
PST Audit Revenues	254,278	85,274		33,867	(51,407)	39.7%
Total Rev. PST	<u>10,511,195</u>	<u>2,748,435</u>		<u>2,849,149</u>	<u>100,714</u>	<u>103.7%</u>
Total Interest Income	95,000	23,750		30,902	7,152	130.1%
Carryover	737,920	-		-	-	N/A
Total Revenues and Carryover	<u>61,591,916</u>	<u>15,807,794</u>		<u>16,843,140</u>	<u>1,035,346</u>	<u>106.5%</u>
<b>Expenditures</b>						
Central Charges	<u>61,591,916</u>	<u>15,397,979</u>		<u>15,397,979</u>	-	100.0%
Revenues and Carryover Over(Under) Expenditures	<u>-</u>	<u>409,815</u>		<u>1,445,161</u>	<u>1,035,346</u>	

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Open Space Fund</b>						
<b>Revenues and Carryover</b>						
Sales & Use Tax	4,538,535	1,160,760		1,224,062	63,302	105.5%
Interest Income	25,000	6,250		11,844	5,594	189.5%
Miscellaneous	-	-		3,024	3,024	N/A
Sub-total Revenues	<u>4,563,535</u>	<u>1,167,010</u>		<u>1,238,930</u>	<u>71,920</u>	<u>106.2%</u>
Carryover	-	-		-	-	N/A
Total Revenues and Carryover	<u>4,563,535</u>	<u>1,167,010</u>		<u>1,238,930</u>	<u>71,920</u>	<u>106.2%</u>
<b>Expenditures</b>						
Central Charges	<u>4,563,535</u>	<u>1,068,202</u>		<u>1,177,221</u>	<u>109,019</u>	<u>110.2%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>-</u>	<u>98,808</u>		<u>61,709</u>	<u>(37,099)</u>	

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Fund-Combined</b>						
<b>Revenues and Carryover</b>						
License & Permits	75,000	18,750		21,900	3,150	116.8%
Charges for Services						
Rates and Charges	33,119,223	5,716,312		5,544,069	(172,243)	97.0%
Tap Fees	7,150,000	2,194,250		2,330,059	135,809	106.2%
Interest Income	1,525,000	381,250		712,286	331,036	186.8%
Miscellaneous	310,000	77,500		4,214,437	4,136,937	5438.0%
Sub-total Water/Wastewater Revenues	<u>42,179,223</u>	<u>8,388,062</u>		<u>12,822,751</u>	<u>4,434,689</u>	<u>152.9%</u>
Carryover	-	-		-	-	N/A
Total Revenues and Carryover	<u>42,179,223</u>	<u>8,388,062</u>		<u>12,822,751</u>	<u>4,434,689</u>	<u>152.9%</u>
<b>Expenditures</b>						
Central Charges	13,018,061	1,423,142		1,346,230	(76,912)	94.6%
Finance	566,598	113,320		111,558	(1,762)	98.4%
Public Works & Utilities	18,223,579	3,303,904		2,841,659	(462,245)	86.0%
Information Technology	2,520,985	579,827		590,446	10,619	101.8%
Total Operating Expenses	<u>34,329,223</u>	<u>5,420,193</u>		<u>4,889,893</u>	<u>(530,300)</u>	<u>90.2%</u>
Revenues and Carryover Over(Under) Expenses (1)	<u>7,850,000</u>	<u>2,967,869</u>		<u>7,932,858</u>	<u>4,964,989</u>	

(1) \$7,850,000 budgeted for capital projects.

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Revenues and Carryover</b>						
License & Permits	75,000	18,750		21,900	3,150	116.8%
Charges for Services						
Rates and Charges	23,210,392	3,259,168		3,219,390	(39,778)	98.8%
Tap Fees	5,200,000	1,630,750		1,766,143	135,393	108.3%
Interest Income	875,000	218,750		427,180	208,430	195.3%
Miscellaneous	300,000	75,000		4,214,437	4,139,437	5619.2%
Sub-total Water Revenues	<u>29,660,392</u>	<u>5,202,418</u>		<u>9,649,050</u>	<u>4,446,632</u>	<u>185.5%</u>
Carryover	74,965	-		-	-	N/A
Total Revenues and Carryover	<u>29,735,357</u>	<u>5,202,418</u>		<u>9,649,050</u>	<u>4,446,632</u>	<u>185.5%</u>
<b>Expenses</b>						
Central Charges	10,591,356	1,059,136		949,871	(109,265)	89.7%
Finance	566,598	113,320		111,558	(1,762)	98.4%
Public Works & Utilities	12,170,038	2,252,707		1,877,954	(374,753)	83.4%
Information Technology	2,520,985	579,827		590,446	10,619	101.8%
Total Operating Expenses	<u>25,848,977</u>	<u>4,004,990</u>		<u>3,529,829</u>	<u>(475,161)</u>	<u>88.1%</u>
Revenues and Carryover Over(Under)						
Expenses	(1) <u>3,886,380</u>	<u>1,197,428</u>		<u>6,119,221</u>	<u>4,921,793</u>	

(1) \$3,886,380 budgeted for capital projects

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Revenues and Carryover</b>						
Charges for Services						
Rates and Charges	9,908,831	2,457,144		2,324,679	(132,465)	94.6%
Tap Fees	1,950,000	563,500		563,916	416	100.1%
Interest Income	650,000	162,500		285,106	122,606	175.4%
Miscellaneous	10,000	2,500		-	(2,500)	N/A
Sub-total Water Revenues	<u>12,518,831</u>	<u>3,185,644</u>		<u>3,173,701</u>	<u>(11,943)</u>	<u>99.6%</u>
Carryover	(74,965)	-		-	-	N/A
Total Revenues and Carryover	<u>12,443,866</u>	<u>3,185,644</u>		<u>3,173,701</u>	<u>(11,943)</u>	<u>99.6%</u>
<b>Expenditures</b>						
Central Charges	2,426,705	364,006		396,359	32,353	108.9%
Public Works & Utilities	<u>6,053,541</u>	<u>1,051,197</u>		<u>963,705</u>	<u>(87,492)</u>	<u>91.7%</u>
Total Operating Expenses	<u>8,480,246</u>	<u>1,415,203</u>		<u>1,360,064</u>	<u>(55,139)</u>	<u>96.1%</u>
Revenues and Carryover						
Over(Under) Expenses	(1) <u>3,963,620</u>	<u>1,770,441</u>		<u>1,813,637</u>	<u>43,196</u>	

(1) \$3,963,620 budgeted for capital projects



**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Storm Drainage Fund</b>						
<b>Revenues and Carryover</b>						
Charges for Services	900,000	225,000		238,473	13,473	106.0%
Interest Income	-	-		23,961	23,961	N/A
Sub-total Storm Drainage Revenues	<u>900,000</u>	<u>225,000</u>		<u>262,434</u>	<u>37,434</u>	<u>116.6%</u>
Carryover	-	-		-	-	N/A
Total Revenues and Carryover	<u>900,000</u>	<u>225,000</u>		<u>262,434</u>	<u>37,434</u>	<u>116.6%</u>
<b>Expenses</b>						
Central Charges	-	-		14	14	N/A
Organization Support Services	97,373	9,737		1,050	(8,687)	10.8%
PW&U Admin	77,627	19,407		14,867	(4,540)	76.6%
Total Expenses	<u>175,000</u>	<u>29,144</u>		<u>15,931</u>	<u>(13,213)</u>	<u>54.7%</u>
Revenues and Carryover Over(Under)						
Expenses	(1) <u>725,000</u>	<u>195,856</u>		<u>246,503</u>	<u>50,647</u>	

(1) \$725,000 budgeted for capital projects

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Courses Combined</b>						
<b>Revenues</b>						
Charges for Services	3,058,567	238,708		209,363	(29,345)	87.7%
Interfund Transfers	285,000	71,250		71,250	-	100.0%
Other Financing Sources	582,144	582,144		582,144	-	100.0%
<b>Total Revenues</b>	<u>3,925,711</u>	<u>892,102</u>		<u>862,757</u>	<u>(29,345)</u>	<u>96.7%</u>
<b>Expenses</b>						
Central Charges	197,528	48,520		44,868	(3,652)	92.5%
Recreation Facilities	3,228,165	1,075,322		1,012,346	(62,976)	94.1%
<b>Total Expenses</b>	<u>3,425,693</u>	<u>1,123,842</u>		<u>1,057,214</u>	<u>(66,628)</u>	<u>94.1%</u>
Operating Income (Loss)	500,018	(231,740)		(194,457)	37,283	83.9%
Debt Service Expense	500,018	-		-	-	N/A
<b>Revenues Over(Under) Expenditures</b>	<u>-</u>	<u>(231,740)</u>		<u>(194,457)</u>	<u>37,283</u>	

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

<b>Description</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>Legacy Ridge Fund</b>						
<b>Revenues</b>						
Charges for Services	1,346,849	117,176		112,977	(4,199)	96.4%
Total Revenues	<u>1,346,849</u>	<u>117,176</u>		<u>112,977</u>	<u>(4,199)</u>	<u>96.4%</u>
<b>Expenses</b>						
Central Charges	97,128	26,030		24,095	(1,935)	92.6%
Recreation Facilities	1,249,721	199,955		188,940	(11,015)	94.5%
Sub-Total Expenses	<u>1,346,849</u>	<u>225,985</u>		<u>213,035</u>	<u>(12,950)</u>	<u>94.3%</u>
Revenues Over(Under) Expenditures	<u>-</u>	<u>(108,809)</u>		<u>(100,058)</u>	<u>8,751</u>	

**City of Westminster  
Financial Report  
For the Three Months Ending March 31, 2006**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Revenues</b>						
Business Fees						
Charges for Services	1,711,718	121,532		96,386	(25,146)	79.3%
Interfund Transfers	285,000	71,250		71,250	-	100.0%
Other Financing Sources	582,144	582,144		582,144	-	100.0%
Total Revenues	<u>2,578,862</u>	<u>774,926</u>		<u>749,780</u>	<u>(25,146)</u>	<u>96.8%</u>
<b>Expenses</b>						
Central Charges	100,400	22,490		20,773	(1,717)	92.4%
Recreation Facilities	1,978,444	875,367		823,406	(51,961)	94.1%
Sub-Total Expenses	<u>2,078,844</u>	<u>897,857</u>		<u>844,179</u>	<u>(53,678)</u>	<u>94.0%</u>
Operating Income	500,018	(122,931)		(94,399)	28,532	76.8%
Debt Service Expense	500,018	-		-	-	N/A
Revenues Over(Under) Expenses	<u>-</u>	<u>(122,931)</u>		<u>(94,399)</u>	<u>28,532</u>	

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	357,303	5,959	363,261	291,934	1,079	293,013	22	452	24
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	359,918	1,797	361,715	402,229	2,169	404,397	-11	-17	-11
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	203,110	287	203,397	217,028	324	217,352	-6	-11	-6
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	193,759	0	193,759	185,218	454	185,672	5	*****	4
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	142,176	16,302	158,478	109,743	15,591	125,334	30	5	26
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	154,260	1,292	155,551	179,059	1,755	180,814	-14	-26	-14
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	151,304	2,246	153,550	171,293	1,968	173,261	-12	14	-11
SHOPS AT WALNUT CREEK 104TH & REED TARGET	94,256	2,287	96,544	76,540	379	76,919	23	503	26
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	83,121	157	83,278	83,957	185	84,142	-1	-15	-1
WESTMINSTER CROSSING 136TH & I-25	34,936	33,522	68,458	0	0	0	*****	*****	*****
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	67,092	85	67,177	67,650	174	67,824	-1	-51	-1
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	64,505	1,143	65,648	68,610	8,363	76,973	-6	-86	-15
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	55,115	345	55,460	59,888	612	60,499	-8	-44	-8
WILLOW RUN 128TH & ZUNI SAFEWAY	53,240	106	53,346	56,669	1,938	58,607	-6	-95	-9
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	50,099	140	50,239	53,762	103	53,865	-7	36	-7

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Total Sales	Use	Total
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	48,519	344	48,863	49,981	158	50,139	-3	117	-3
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	39,031	250	39,281	39,452	195	39,647	-1	29	-1
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	37,304	780	38,084	69,976	900	70,877	-47	-13	-46
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	9,529	26,429	35,958	10,784	15,751	26,535	-12	68	36
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	26,730	853	27,582	60,715	977	61,693	-56	-13	-55
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	25,601	418	26,020	27,095	6	27,101	-6	7153	-4
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	25,087	378	25,465	20,593	473	21,066	22	-20	21
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	22,744	923	23,667	16,333	518	16,850	39	78	40
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	22,143	376	22,519	22,980	836	23,816	-4	-55	-5
LAKE ARBOR PLAZA W SIDE HARLAN/INDUS PRK ASPEN AUTO BODY	19,792	2,590	22,382	13,094	152	13,246	51	1601	69
	2,340,676	99,008	2,439,684	2,354,582	55,060	2,409,642	-1	80	1

# CITY OF WESTMINSTER

## GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC) MONTH OF MARCH 2006

Center Location Major Tenant	YTD 2006 General Sales	YTD 2006 General Use	Total	YTD 2005 General Sales	YTD 2005 General Use	Total Sales	%Change	Use	Total
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	1,576,034	10,574	1,586,608	1,646,117	9,339	1,655,456	-4	13	-4
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	1,305,128	8,882	1,314,010	1,171,942	6,017	1,177,959	11	48	12
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	763,439	1,577	765,016	802,432	1,457	803,889	-5	8	-5
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	646,157	844	647,001	613,365	996	614,361	5	-15	5
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	576,296	10,346	586,642	605,615	4,196	609,811	-5	147	-4
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	541,183	5,884	547,067	528,398	16,510	544,907	2	-64	0
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	432,726	51,118	483,844	393,149	52,134	445,283	10	-2	9
SHOPS AT WALNUT CREEK 104TH & REED TARGET	384,047	4,149	388,196	314,782	2,896	317,678	22	43	22
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	322,735	3,633	326,368	264,285	20,485	284,770	22	-82	15
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	318,247	1,057	319,304	338,988	4,199	343,187	-6	-75	-7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	256,589	1,013	257,603	259,761	781	260,542	-1	30	-1
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	182,830	1,006	183,836	206,705	2,486	209,191	-12	-60	-12
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	169,042	798	169,840	172,296	977	173,274	-2	-18	-2
WILLOW RUN 128TH & ZUNI SAFEWAY	166,667	950	167,617	170,166	8,197	178,363	-2	-88	-6
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	151,008	4,171	155,179	159,625	4,459	164,084	-5	-6	-5

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# CITY OF WESTMINSTER

## GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC) MONTH OF MARCH 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEMAY									
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	126,422	1,821	128,243	125,140	1,806	126,947	1	1	1
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	115,362	1,456	116,817	133,034	1,556	134,590	-13	-6	-13
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	102,861	407	103,269	129,036	1,751	130,787	-20	-77	-21
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	97,300	632	97,932	282,021	3,431	285,452	-66	-82	-66
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	90,687	1,774	92,461	109,688	1,307	110,995	-17	36	-17
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	78,490	1,990	80,480	71,250	5,505	76,755	10	-64	5
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	77,495	2,076	79,572	58,390	2,256	60,646	33	-8	31
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	75,632	1,154	76,787	77,078	1,809	78,887	-2	-36	-3
SUMMIT SQUARE NE CORNER 84TH & FED SAFEMAY	60,815	618	61,433	64,398	317	64,715	-6	95	-5
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	56,113	204	56,317	50,781	113	50,894	11	80	11
	8,673,308	118,133	8,791,441	8,748,444	154,980	8,903,423	-1	-24	-1



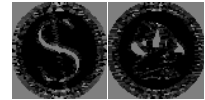


## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 24, 2006



**SUBJECT:** Purchase of a Semi Tractor

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

### Recommended City Council Action

Award the bid for a Semi Tractor to the low bidder, Transwest Trucks, for a Freightliner Conventional Chassis Semi Tractor in the amount of \$93,128.

### Summary Statement

- In March 2006, the City's Purchasing Officer requested formal bids for a biosolids semi tractor for purchase in 2006.
- This expense was previously approved by City Council in the 2006 Budget. The low bid of \$93,128, submitted to the City by Transwest Trucks is being recommended for award and is within the amount approved by City Council for this purchase.
- This vehicle will be used by the Utility Operations Division in the Biosolids Section, hauling the biosolids tankers to the City's farm in Strasburg.

**Expenditure Required:** \$93,128

**Source of Funds:** Utility Fund – Utility Operations Division Operating Budget

**Policy Issue**

Should the City proceed with the replacement of a Utilities Division biosolids semi tractor?

**Alternative**

Do not replace the semi tractor at this time. This is not recommended as the daily use of four tankers is essential to the timely transportation of biosolids to the City’s farm.

**Background Information**

As part of the 2006 Budget, City Council approved the purchase of a replacement semi tractor. The tractors are dedicated to transport biosolids to the Strasburg Natural Resources Farm located just north of the town of Strasburg Colorado. Current biosolids production at the Big Dry Creek wastewater treatment facility requires a minimum of 16 tractor trailer loads to be transported to the farm in a given work week. One trip to the Strasburg Farm site is 112 miles round trip. As flows to the facility increase so will the biosolids production, resulting in the need to increase trips to the farm site for biosolids disposal. The facility currently utilizes two tractors for biosolids transportation with one tractor in reserve for backlog issues with biosolids production or equipment repairs. The application of biosolids is regulated and approved by the Colorado Department of Public Health & Environment, and allows a beneficial use for the biosolids as a fertilizer and soil conditioner.

Unit #9239 has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement is as follows:

<b>UNIT #</b>	<b>YEAR</b>	<b>MAKE</b>	<b>HOURS OF USEAGE</b>	<b>VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)</b>
9239	1994	International	10,881	\$17,283.81

The present age, condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Three bids were received for the semi tractor. Those bids are as follows:

Transwest Trucks	\$96,628	Trade Allowance	\$3,500
McCandless International Trucks	\$104,921	Trade Allowance	\$5,500
Mile High Kenworth	\$105,650	Trade Allowance	\$6,000

The low bid received from Transwest Trucks for a total price of \$93,128 meets all specifications and requirements set by the City.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** 2006 Slurry Seal Project Bid Award

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

**Recommended City Council Action**

Authorize the City Manager to sign a contract with the low bidder, A-1 Chipseal Company, in the amount of \$603,986 which includes a \$15,122 contingency.

**Summary Statement**

- City Council approved funds in the 2006 Street Operations Division Budget as well as in the General Fund Capital Improvements Program for application of slurry seal surface treatment on 71.6 lane miles of paved roadways at 168 street locations and at two City facility parking lots.
- These street improvements have been reviewed and determined an appropriate strategy through the City’s Pavement Management Process and are consistent with the Department’s performance measure to maintain at least 65% of the City’s roadways at a 70 or above pavement condition rating.
- Formal bids were solicited from four contractors with three contractors responding.
- The low bidder, A-1 Chipseal Company, meets all of the City bid requirements and has successfully completed other roadway surface treatment projects in Westminster over the past nine years.
- The requested funds are within what was approved by City Council for this expense in the 2006 budget.

**Expenditure Required:** \$603,986

<b>Source of Funds:</b>	General Fund - Street Operations Division Budget	\$519,197
	General Fund – City Facilities Parking Lot Maintenance	\$84,789
	Capital Improvement Project Budget	

**Policy Issue**

Should this bid be awarded to the low bidder A-1 Chipseal Company for the 2006 Slurry Seal Project?

**Alternatives**

1. Resurface streets and parking lots with a thin 1” overlay of hot mix asphalt. With this alternative, the cost would increase by 136%.
2. Apply a chipseal surface treatment to the streets/parking lots earmarked for slurry seal. The cost with this alternative would increase by 52%. Using this process would decrease the amount of total citywide street work accomplished in 2006 compared to using the slurry seal process.

Staff does not recommend these alternatives because they would not be the most cost effective street improvement strategies.

**Background Information**

The 2006 Slurry Seal Project represents a total 71.6 lane miles of pavement surface treatment improvements at 168 street locations and the equivalent of another 9.41 lane miles at two City facility parking lots (see attached location list).

The low bidder, A-1 Chipseal Company, meets all City bid requirements and has an entire crew fully experienced in the slurry seal process. A-1 Chipseal’s crew has successfully completed slurry seal projects throughout the Denver Metro area, including Westminster, over the past 12 years.

The following sealed bids were received:

1. A-1 Chipseal Company	\$588,865
2. Quality Resurfacing	\$590,464
3. Intermountain Slurry Seal, Inc.	\$741,755
Estimate:	\$601,022

City Staff’s estimated cost of \$601,022 included an increase over 2005 of 12% in anticipation of oil price increases. A-1 Chipseal Company’s actual bid increased by 12%. The increase can be attributed to volatile oil and fuel costs that have risen substantially since last year’s bid.

Cost allocation breakdown for this project is as follows:

1. Street Operations Division Operating Budget	\$ 504,075
2. General Fund – City Facilities Parking Lot Maintenance Capital Improvement Project	\$ 84,789
3. Project Contingency – Street Operations Division Operating Budget	<u>\$ 15,122</u>
TOTAL	\$ 603,986

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

**City of Westminster  
Public Works and Utilities  
2006 Slurry Seal List**

	<b>LOCATION</b>	<b>FROM:</b>	<b>TO:</b>
<b>Kings Mill Subdivision</b>			
1	Garland Street	90th Place	90th Drive
2	90th Drive	Garland Street	Hoyt Street
3	Hoyt Street	90th Drive	90th Place
4	90th Circle	Garland Street	East End
5	Garland Court	89th Avenue	89th Place
6	89th Avenue	Independence	Garland Court
7	89th Place	Garland Court	West End
8	Hoyt Court	89th Place	89th Avenue
9	89th Circle	Independence Drive	Iris Court
10	89th Circle	Iris Court	West End
11	Iris Court	88th Place	North End
12	89th Way	Iris Court	Jellison Court
13	Jellison Court	88th Place	North End
14	88th Place	Jellison Court	Iris Court
15	89th Circle	Independence Drive	9404 - 89th Circle
16	89th Place	Field Street	Everett Street
17	Everett Circle	Everett Street	89th Place
18	Everett Street	89th Place	88th Place
19	88th Place	Everett Street	West End
20	89th Avenue	Everett Street	Field Street
21	88th Circle	Field Street	Field Street
22	Dover Street	88th Avenue	Cody Street
23	89th Avenue	Cody Street	Carr Street
24	Carr Street	90th Avenue	89th Avenue
25	Cody Street	89th Avenue	88th Place
26	88th Place	Cody Street	Estes Street
27	89th Avenue	Dudley Street	Dover Street
28	Dudley Street	89th Avenue	89th Place
29	89th Place	Dudley Street	Estes Street
30	Estes Street	88th Place	North End
31	Dudley Court	88th Place	North End
<b>Trailside Subdivision</b>			
32	Flower Court	86th Avenue	South End
33	Field Court	86th Avenue	South End
34	Everett Court	86th Avenue	South End
35	86th Drive	86th Avenue	86th Avenue
36	Dudley Court	86th Avenue	North End
37	Dover Court	86th Avenue	South End
38	Dover Court	86th Avenue	North End
39	Dover Circle	86th Avenue	South End
40	Dover Street	86th Avenue	88th Avenue
41	Garrison Street	88th Avenue	84th Avenue
42	86th Circle	Dover Street	Dover Street
43	86th Court	86th Circle	West End
44	86 <sup>th</sup> Place	86 <sup>th</sup> Circle	West End
45	Carr Court	86th Circle	West End

	LOCATION	FROM:	TO:
46	Cody Court	86th Circle	South End
47	86th Avenue	8600	8638
48	86th Avenue	8637	8601
49	86th Avenue	8700	8726
50	86th Avenue	8738	8776
51	86th Avenue	8800	8830
52	86th Avenue	8842	8892
53	86th Avenue	Dover Street	Garrison Street
54	87th Place	8793	8743
55	87th Place	8900	8950
56	87th Place	Garrison St	Dover St
57	Flower Court	87th Place	South End
58	Flower Place	87th Place	North End
59	Field Court	87th Place	South End
60	Field Place	87th Place	North End
61	Field Way	87th Place	South End
62	Everett Circle	87th Place	87th Place
63	Everett Court	87th Place	South End
64	Dover Circle	87th Place	87th Place
65	Estes Court	87th Place	South End
66	Dudley Court	87th Place	South End
67	Dover Court	87th Place	South End
68	Allison Drive	87th Drive	87th Drive
69	Allison Drive	87th Drive	South End
70	87th Drive	Allison Drive	88th Avenue
71	87th Drive	Wadsworth Boulevard	88th Avenue
72	Yukon Street	87th Drive	South End
73	Yukon Street	87th Drive	88th Avenue
<b>Sunset Ridge Subdivision</b>			
74	Osceola Street	92nd Avenue	Perry Street
75	Perry Street	92nd Avenue	Osceola Street
76	Raleigh Street	92nd Avenue	90th Avenue
77	Stuart Street	92nd Avenue	90th Avenue
78	Tennyson Street	92nd Avenue	90th Avenue
79	Utica Street	92nd Avenue	90th Avenue
80	Utica Court	92nd Avenue	90th Avenue
81	Vrain Street	92nd Avenue	90th Avenue
8	Winona Court	90th Avenue	92nd Avenue
83	Seton Street	90th Avenue	City Limit
84	90th Avenue	Winona Street	Raleigh Street
85	96th Avenue	Lowell Blvd	Perry Street
86	Perry Street	96th Avenue	94th Avenue
87	Perry Street	94th Avenue	92nd Avenue
88	Quitman Street	92nd Avenue	94th Avenue
89	Osceola Street	96th Avenue	94th Avenue
90	Osceola Street	94th Avenue	92nd Avenue
91	95th Avenue	Osceola Street	Newton Street
92	Newton Street	95th Avenue	94th Avenue
93	Newton Street	96th Avenue	95th Place
94	Newton Street	94th Avenue	92nd Avenue
95	Meade Street	94th Avenue	North End
96	Meade Street	94th Avenue	92nd Avenue

	<b>LOCATION</b>	<b>FROM:</b>	<b>TO:</b>
97	94th Avenue	Lowell Boulevard	West End
98	Newton Street	92nd Avenue	90th Way
99	90th Way	Newton Street	Meade Street
100	Meade Street	90th Way	91st Place
101	91st Place	Meade Street	Newton Street
102	91st Avenue	Meade Street	Lowell Blvd
103	Lowell Court	91st Avenue	South End
104	Lowell Court	91st Avenue	North End
105	84th Avenue	Sheridan Blvd	City Limits
<b>Hidden Creek Subdivision</b>			
106	Zenobia Street	80th Avenue	78th Avenue
107	Zenobia Court	78th Avenue	Zenobia Street
108	Yates Street	78th Avenue	80th Avenue
109	Xavier Street	80th Avenue	78th Avenue
110	Wolff Court	Xavier Street	78th Avenue
111	Yates Street	77th Drive	78th Avenue
112	77th Drive	Xavier Court	Zenobia Court
113	77th Drive	Zenobia Court	Yates Street
114	Xavier Court	Yates Street	77th Drive
115	Zenobia Court	77th Avenue	78th Avenue
116	77th Avenue	Sheridan Blvd	Zenobia Court
117	78th Place	Sheridan Blvd	West End
<b>Shaw Heights Subdivision</b>			
118	88th Avenue	Federal Boulevard	660 East
119	Crescent Drive	Shaw Boulevard	North End
120	Chestnut Lane	Lowell Boulevard	Concord Lane
121	Concord Lane	Shaw Blvd	Circle Drive
122	Cherry Lane	Shaw Boulevard	Circle Drive
123	Cedar Lane	Shaw Boulevard	Cherry Lane
124	85th Avenue	Circle Drive	Lowell Boulevard
125	Shaw Boulevard	Lowell Boulevard	84th Avenue
126	Circle Drive	Oakwood Drive	North City Limits
127	Shaw Boulevard	Lowell Boulevard	Circle Drive
128	84th Avenue	Lowell Boulevard	Circle Drive
129	Clemson Lane	Circle Drive	Oakwood Street
130	Baylor Lane	Circle Drive	Oakwood Street
131	Auburn Lane	Circle Drive	Oakwood Street
132	Oakwood Drive	80th Avenue	North to City Limits
133	Bradburn Drive	Lowell Boulevard	Oakwood Drive
134	LaPlace Court	Bradburn Drive	Oakwood Drive
135	81st Avenue	LaPlace Court	Newton Street
136	Newton Street	81st Avenue	North End
137	Osceola Street	80th Avenue	81st Avenue
138	81st Place	Osceola Street	Meade Street
139	80th Drive	81st Place	Meade Street
140	Meade Street	80th Avenue	North End
141	81st Avenue	Meade Street	Lowell Blvd
<b>Shadow Ridge Subdivision</b>			
142	Zuni Street	84th Avenue	South to City Limits
143	82nd Place	Zuni Street	West End
144	83rd Way	84th Avenue	South End
145	83rd Avenue	Federal	East End

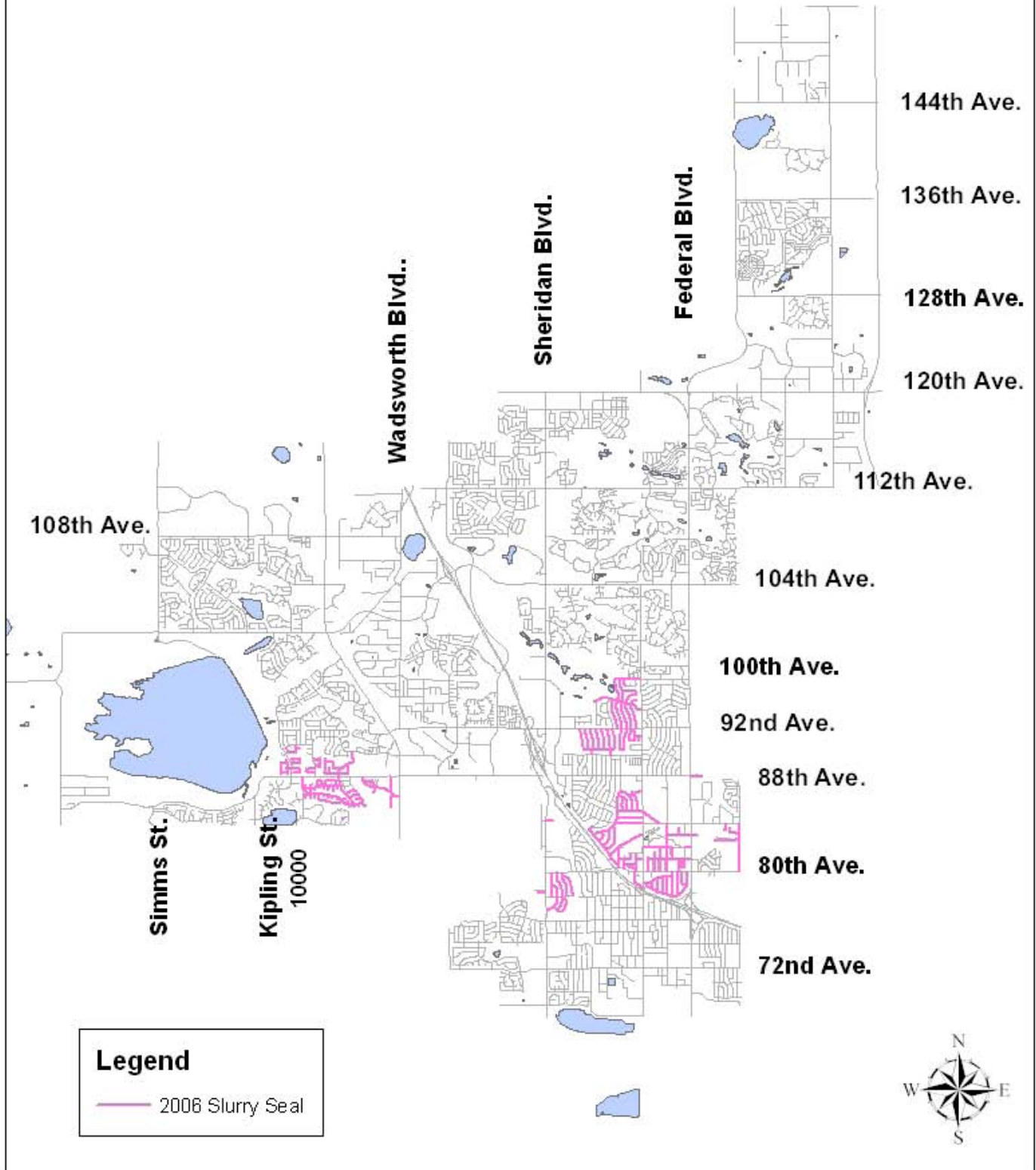
	<b>LOCATION</b>	<b>FROM:</b>	<b>TO:</b>
146	Alcott Street	Zuni Street	West End
147	Green Court	81st Avenue	South End
148	Grove Street	80th Avenue	81st Avenue
149	Grove Street	83rd Avenue	North End
150	Hooker Street	82nd Avenue	81st Avenue
151	Irving Street	80th Avenue	84th Avenue
152	Julian Street	80th Avenue	82nd Avenue
153	82nd Avenue	Federal Blvd	Lowell Blvd
154	83rd Avenue	Federal Blvd	Irving Street
155	Knox Court	80th Avenue	North End
156	King Street	80th Avenue	North End
157	81st Avenue	Federal Blvd	Hooker Street
<b>Apple Blossom Subdivision</b>			
158	Green Court	80th Avenue	Apple Blossom Lane
159	Grove Street	80th Avenue	Apple Blossom Lane
160	Hooker Street	80th Avenue	Apple Blossom Lane
161	Irving Street	79th Avenue	Apple Blossom Lane
162	Julian Street	79th Avenue	Apple Blossom Lane
163	Knox Court	79th Avenue	Apple Blossom Lane
164	King Street	79th Avenue	Apple Blossom Lane
165	Apple Blossom Lane	80th Avenue	79th Avenue
166	79th Avenue	Lowell Blvd	Hooker Street
167	79th Avenue	Lowell Blvd	Meade Street
168	Meade Street	79th Avenue	80th Avenue

<b>City Facilities</b>	<b>White Paint Parking Stalls (sq. ft.)</b>	<b>Handicap Symbol</b>	<b>Slurry Seal (sq. ft.)</b>
Legacy Ridge Golf Course	1,235	4	9,000
City Park	4,815	26	57,220



# City of Westminster 2006 Street Improvements - Slurry Seal

April 6, 2006





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** ICG Telecom Group, Inc. Fiber Optic Agreement

**Prepared By:** Greg Olson, Transportation Systems Coordinator

**Recommended City Council Action**

Authorize the City Manager to sign an agreement with ICG Telecom Group, Inc. for the expansion of the City's existing fiber optic network in exchange for the use of City owned conduit.

**Summary Statement**

- In December 1999, City Council authorized an agreement between the City and ICG for ICG to provide 25 miles of City fiber optic cable in exchange for the company's use of City owned conduit. This proposed new agreement expands that capacity by another 6.5 miles and saves the City \$150,000 in cable installation costs.
- The Huron Street improvements from 128<sup>th</sup> to 150<sup>th</sup> and the 144<sup>th</sup> Avenue at I-25 interchange projects will provide a total of seven new traffic signals in the vicinity of The Orchard at Westminster development. The ICG Fiber Optic Agreement will provide traffic signal communications for these seven traffic signals back to City Hall for interconnection with the City's computerized traffic signal system.
- The proposed agreement also authorizes the extension of the ICG fiber from City Hall to the Municipal Service Center (MSC), along 88<sup>th</sup> Avenue from the MSC west to Wadsworth Parkway and along Church Ranch Boulevard from Westminster Boulevard west to Old Wadsworth Boulevard.
- This proposed public/private partnership underscores the wisdom of the City's practice of installing an excess of underground conduit in conjunction with roadway improvement projects. Due to the City's foresight, a portion of that excess conduit space can now be put to a use that will save the citizens of Westminster thousands of dollars.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City continue to provide for the private use of City owned conduit in exchange for high speed fiber optic capability?

**Alternative**

As an alternative, Council could deny ICG the use of City owned conduit. However, the new signals in the vicinity of The Orchard would still need to be interconnected with City Hall. So, there would be a need for Council to authorize the installation of City owned fiber optic cable in the existing City conduit. There are no advantages to this alternative and the City would have to pay for the cable and its installation. Therefore, staff recommends the approval of the proposed agreement with ICG.

**Background Information**

In December 1999, City Council approved an agreement between the City and ICG Telecom Group, Inc., a local provider of telephone and data services. That agreement grants ICG the right to use City conduit for ICG owned fiber, and in return ICG agrees to purchase, install, and maintain 25 miles of fiber dedicated for City of Westminster use. However, that agreement did not provide for the installation of additional ICG cable in future City conduits.

During the past several months, Staff has been in contract negotiations with ICG on a mutually beneficial agreement that would provide ICG with space in 6.5 miles of City conduit in exchange for the company's purchase, installation and maintenance of 24 strands of fiber optic cable to be dedicated for exclusive City use. This proposed agreement would replace the original 1999 agreement between the City and ICG.

New traffic signal interconnect conduit has been installed as part of the Huron Street widening projects from 128<sup>th</sup> north to 150<sup>th</sup> Avenue and as part of the 144<sup>th</sup> & I-25 interchange project. Fiber optic cable was not installed as part of these projects in anticipation that ICG would participate in resource sharing in the vicinity of The Orchard development. New signals along the Huron Street and 144<sup>th</sup> Avenue corridors will require 2.8 miles of fiber optic cable that would cost the City \$64,000 in cable installation services.

The new agreement also provides for the extension of the ICG fiber from the MSC facility on 88<sup>th</sup> Avenue, west to Wadsworth Parkway and then continuing north to 92<sup>nd</sup> Avenue. This proposed extension would utilize existing City conduit and allow for high speed fiber optic connection of City traffic signals located on portions of 88<sup>th</sup> and 92<sup>nd</sup> Avenues to the City's computerized traffic signal system. The 88<sup>th</sup> Avenue and Wadsworth Parkway extension utilizes 1.2 miles of fiber optic cable that will save the City \$28,000 in cable installation costs.

In addition, this agreement provides for the inclusion of existing ICG cable in City conduit that was installed under the guidelines of the 1999 agreement. Those existing facilities include the ICG cable that runs from City Hall to the MSC facility and a portion along Church Ranch Boulevard from Westminster Boulevard west to Old Wadsworth Boulevard. Both of these existing ICG fiber optic cable systems provide essential City communication capabilities for both the Information Technology and Community Development Departments. These existing segments represent a total of 2.5 miles of fiber optic cable that has saved the City \$58,000 in installation costs.

This agreement with ICG is a true “win/win,” public/private partnership in which the City and ICG both benefit. The City benefits from the addition of permanent, no-cost use of 24 fibers throughout the proposed 6.5 miles extension for a total savings of \$150,000 in cable installation costs. ICG, in turn, will be able to provide additional telephone and high speed internet capability to Westminster area businesses located along the expanded corridors. In addition, as ICG extends its system, the City will receive the same 24 dedicated fibers throughout its new network.

Assuming City Council authorizes the City Manager to execute the agreement, it is anticipated the ICG fiber optic cable installation on the Huron Street and 144<sup>th</sup> Avenue corridors would be completed by the end of this August. In addition, the 88<sup>th</sup> Avenue cable expansion to Wadsworth Parkway would be completed by the end of the year.

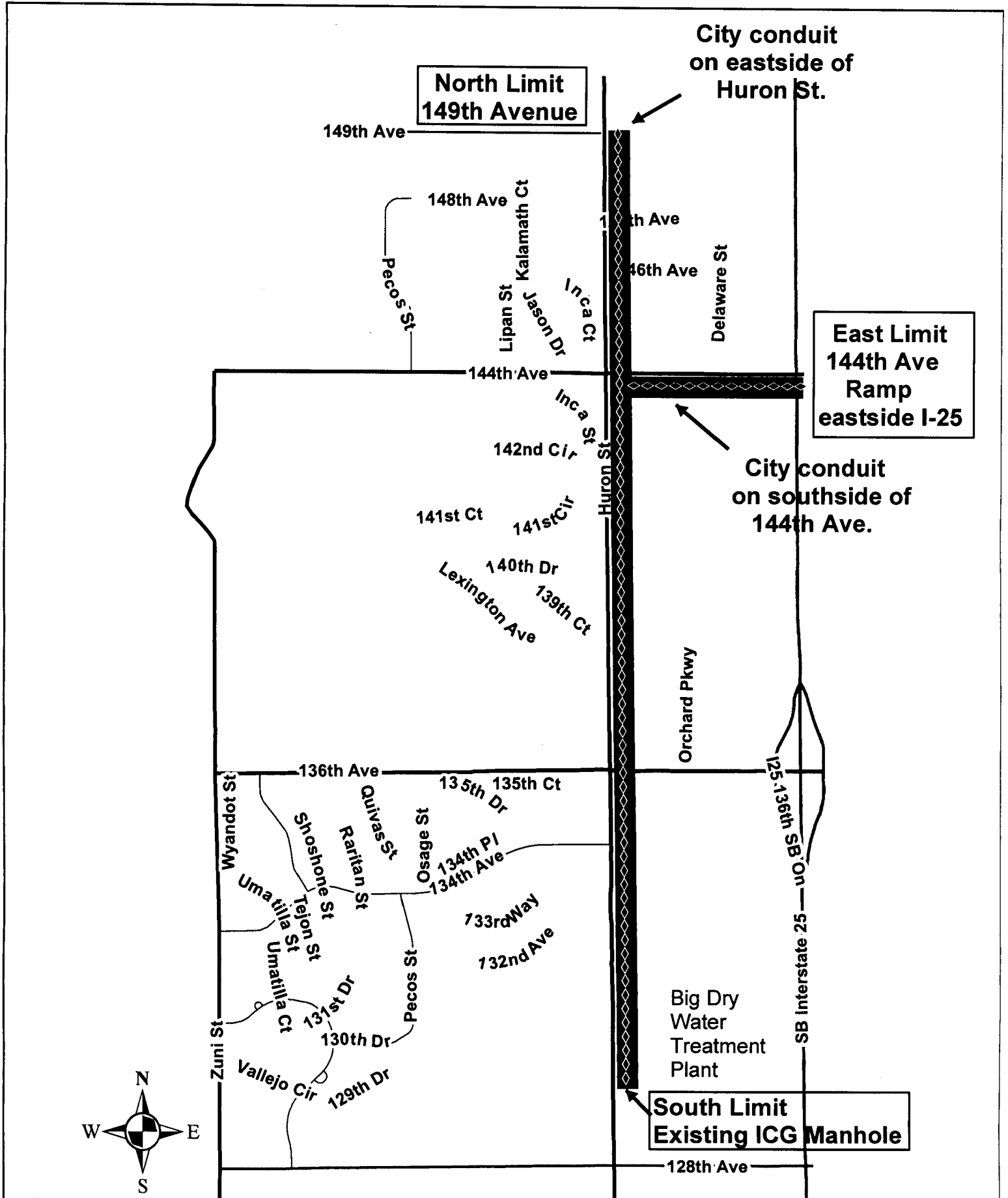
Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

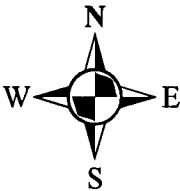
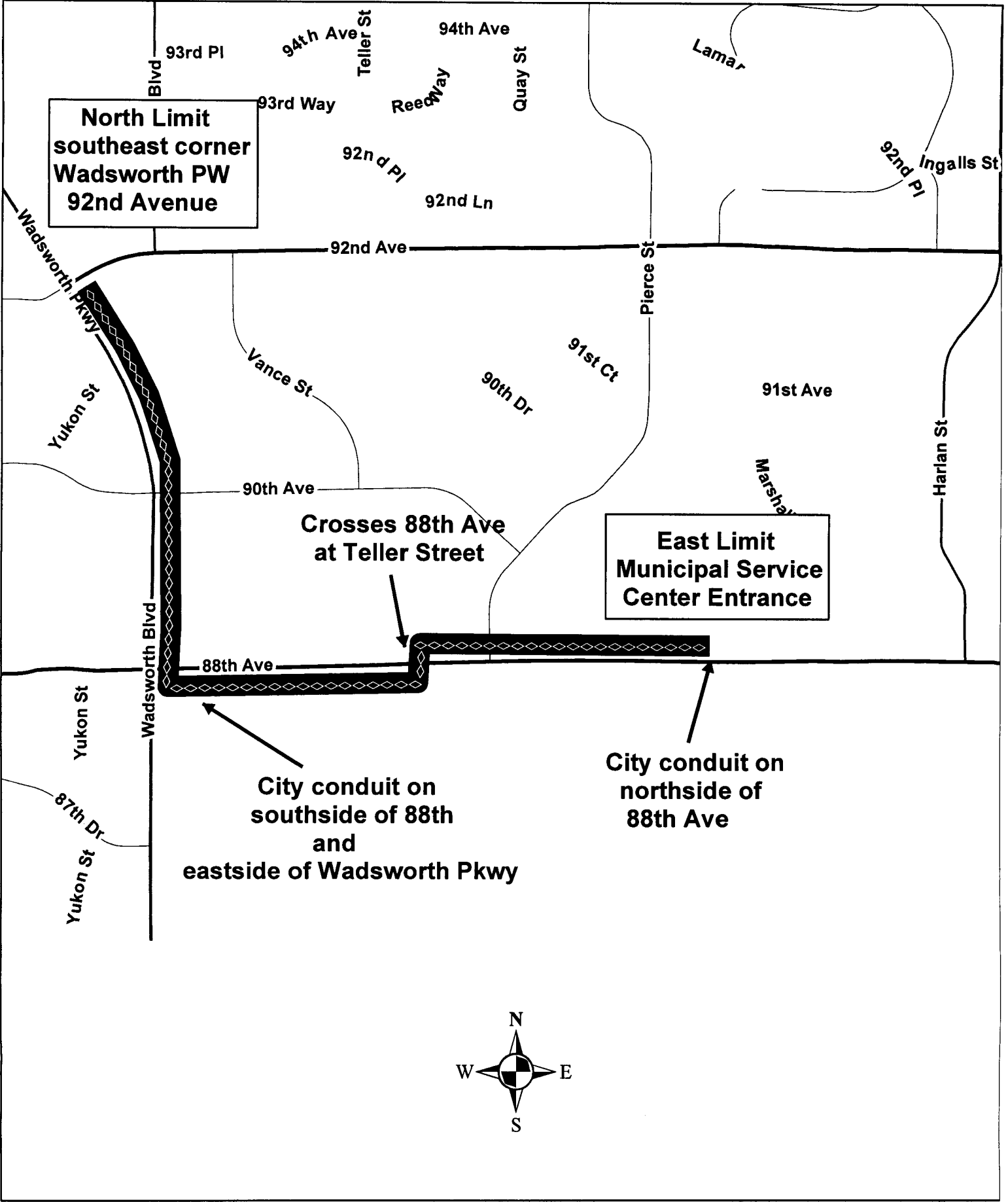
Attachments

# North Huron Fiber Optic System

## New Conduit & Proposed ICG Fiber Installation

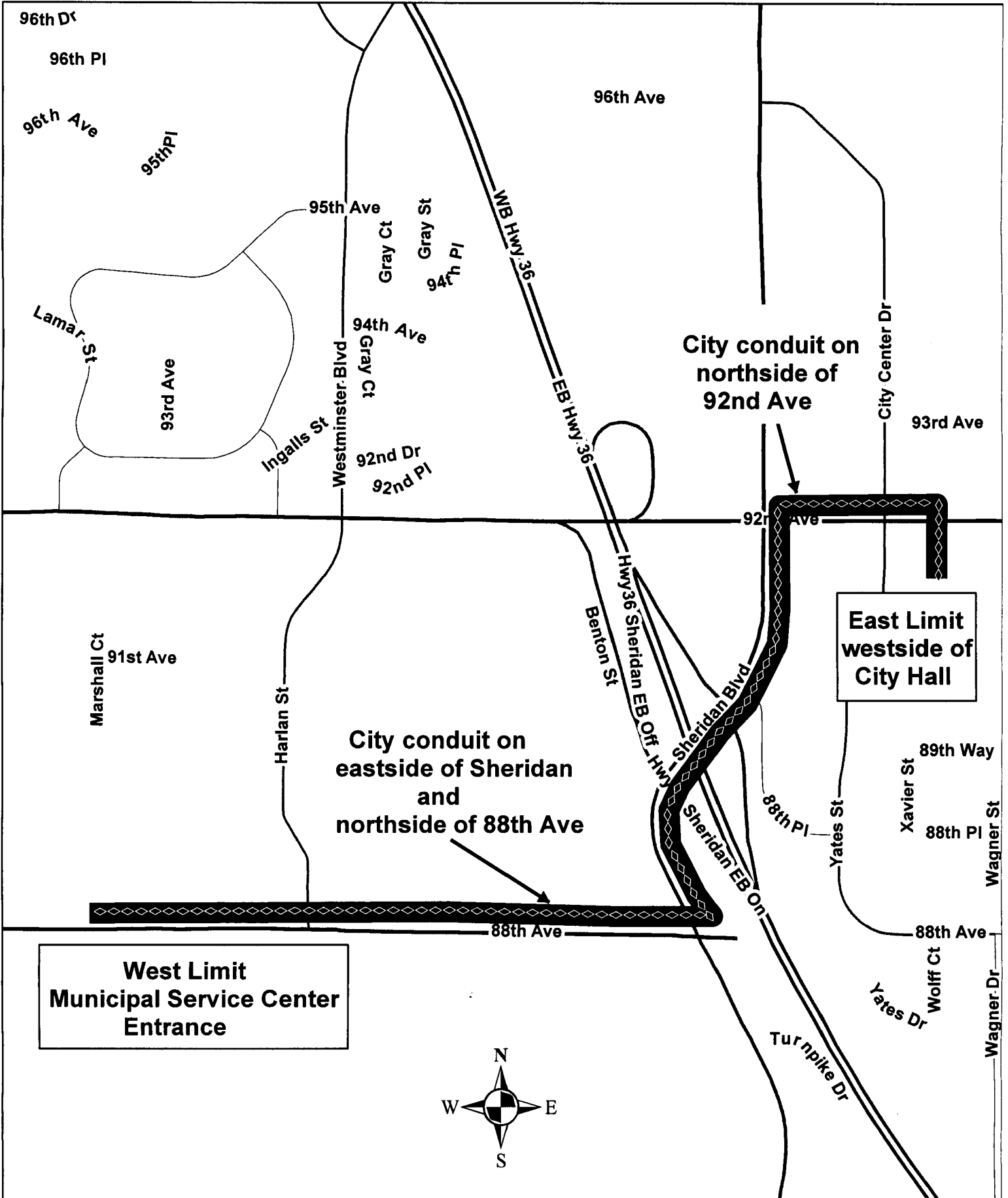


**MSC to Wadsworth Pkwy Fiber Optic System**  
Proposed ICG Fiber Installation in Existing Conduit



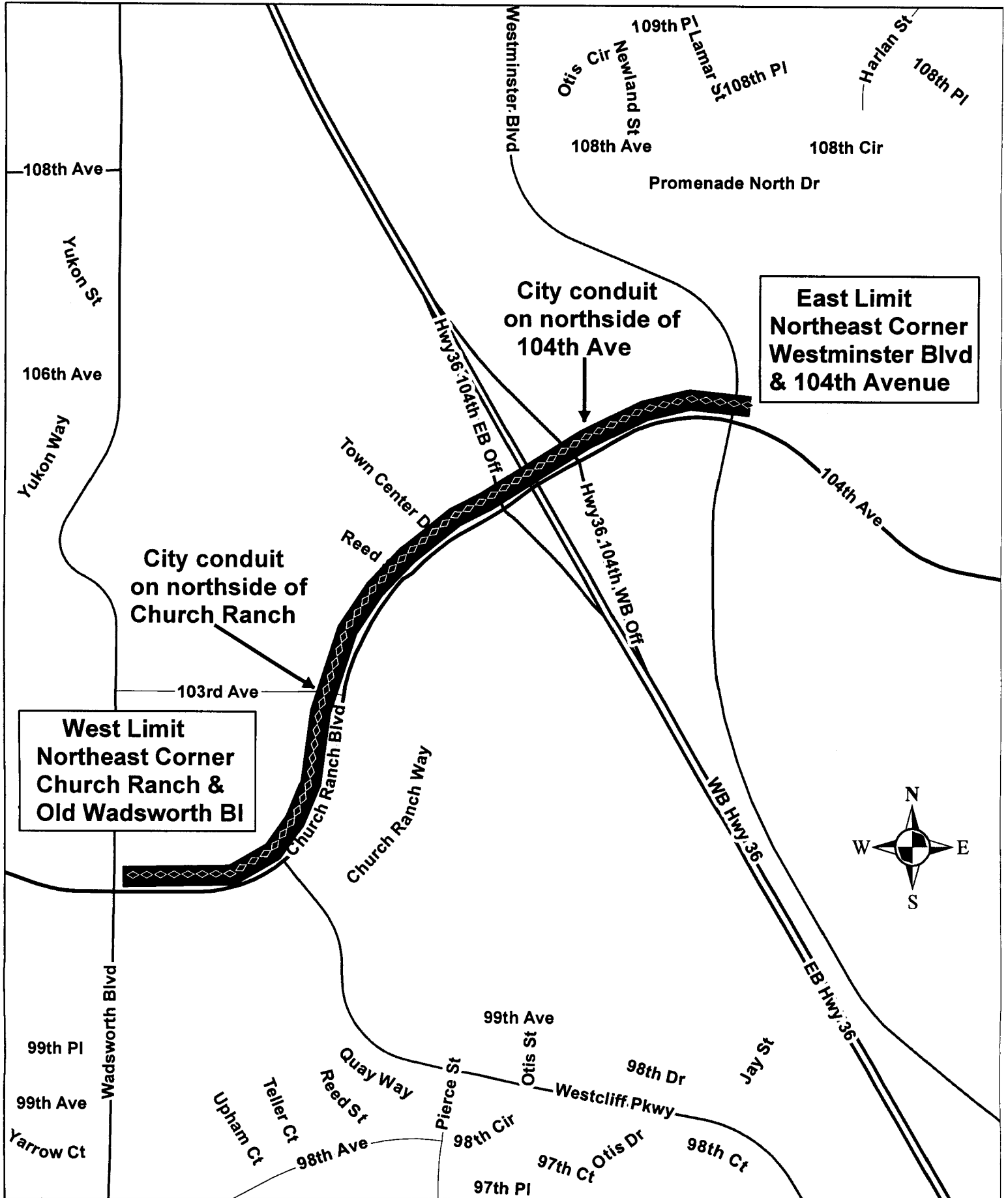
# City Hall to MSC Fiber Optic System

## Existing ICG Fiber System in City Conduit



# Church Ranch Fiber Optic System

## Existing ICG Fiber System in City Conduit







## Agenda Item 8 E

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Second Reading of Councillor's Bill No. 26 re the Annexation of the Sheridan Boulevard Right-of-Way

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

**Recommended City Council Action**

Pass Councillor's Bill No. 26 on second reading annexing the Sheridan Boulevard right-of-way between Turnpike Drive and 84<sup>th</sup> Avenue, and adjacent railroad right-of-way to the City of Westminster.

**Summary Statement**

- The Sheridan Boulevard right-of-way located south of Turnpike Drive and north of the Burlington Northern Santa Fe railroad tracks has never been annexed by the City. Because this portion of the street crosses over a bridge and curves as it reduces elevation towards Turnpike Drive, it is considered by the Police Department to be an accident prone area. Since it is not in the City, State Highway Patrol must respond to accidents that significantly increase the response time.
- The State Highway Patrol and all adjacent jurisdictions have endorsed this annexation as the best way to solve this problem. Staff has included an unincorporated portion of the railroad tracks in the annexation in order to avoid the creation of a new enclave within the City.
- The entire area to be annexed comprises a total of 10.9 acres.
- This request was approved on first reading by City Council on April 10, 2006.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3283**

COUNCILLOR'S BILL NO. **26**

SERIES OF 2006

INTRODUCED BY COUNCILLORS  
**Kauffman - Major**

**A BILL**

**FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF  
CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN  
SECTION 30, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON,  
STATE OF COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, Colorado Department of Transportation presented to and filed with the City Clerk of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has found that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 25 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the signers of the petition own 100% of the property to be annexed exclusive of streets and alleys; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the northwest quarter of Section 30, Township 2 South Range 68 West of the Sixth Principal Meridian, in the County of Adams, State of Colorado and the Northeast quarter of Section 25, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 30 from whence the west quarter corner bears S00°12'37"E, 2646.08 feet on which all bearings hereon are based; thence along the west line of said Section S00°12'37"E, 551.16 feet to the point of beginning, a point on the south line of that tract of land annexed to the City of Westminster as recorded at Reception Number B432713 of the records of the Adams County Clerk and Recorder;

Thence along said south line N72°24'12"E, 31.46 feet to a point on the east line of Sheridan Boulevard, on the west line of that tract of land annexed to the City of Westminster as recorded at Reception Number B577995 of said records; thence along said west line and the following four courses; 1) along said east line S00°12'37"E, 106.21 feet; 2) along said east line S26°16'19"E, 594.90 feet; 3) along said east line S03°57'26"W, 406.46 feet to a point on a non-tangent curve right on the northeasterly line of the Colorado & Southern Railroad; 4) along said curve with a central angle of 26°18'28", a radius of 2917.97 feet and an arc length of 1339.81 feet, long chord bears S37°36'39"E, 1328.07 feet to a point on the north line of that tract of land annexed to the City of Westminster as recorded at Reception Number 941272 of said records; thence along said north line S89°36'48"W, 165.18 feet to a point on the southwesterly line of said railroad, on the east line of that tract of land annexed to the City of Westminster as recorded at Reception Number B488632 of said records, a point on a non-tangent curve left; thence along said southwesterly line, along said curve with a central angle of 23°34'07", a radius of 2767.97 feet and an arc length of 1138.60 feet, long chord bears N37°38'10"W, 1130.59 feet; thence S89°47'23"W, 216.22 feet to a point on the west line of said section; thence along said west line N00°12'37"W, 292.44 feet to the north line of the Colorado & Southern Railroad, a point on a non-tangent curve left; thence along said curve with a central angle of 00°01'38", a radius of 71709.00 feet and an arc length of 34.02 feet, long chord bears N62°05'18"W, 34.02 feet to the southeast corner of the 70-8 annexation to the City of Westminster; thence along the east line of said tract and the following three courses; 1) along the west line of Sheridan Boulevard N00°12'37"W, 497.40 feet; 2) along said west line N17°46'37"W, 239.90 feet; 3) along said west line N26°14'37"W, 126.42 feet to the southwest corner of that tract of land annexed to the City of Westminster and recorded at Reception Number 946109 of said records; thence along the south line of said tract N61°13'18"E, 129.94 feet to the southwest corner of that tract of land annexed to the City of Westminster and recorded at Reception Number B432713 of said records; thence along the west line of said tract S36°32'54"E, 30.00 feet; thence along the south line of said tract N72°24'12"E, 27.24 feet to the true point of beginning.

Said property contains 475,277 square feet or 10.91 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of April, 2006.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

Sheridan Right-of-Way Annexation



## Agenda Item 10 A

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 24, 2006



**SUBJECT:** Councillor's Bill No. 28 re Amendment to the Business Assistance Package with Pappas Restaurants

**Prepared By:** Marty McCullough, City Attorney  
Susan Grafton, Economic Development Manager

### Recommended Board Council Action

Pass Councillor's Bill No. 28 authorizing the City Manager to execute the "Amended and Restated Business Assistance Package between the Westminster Economic Development Authority, the City of Westminster and Pappas Restaurants."

### Summary Statement

- A Business Assistance Package with Pappas Restaurants valued at \$347,000 was approved for the Pappadeaux Restaurant on Sheridan Boulevard in April 2004.
- The project is within WEDA's Westminster Center East Urban Renewal Area ("WCE-URA"). A map is attached that illustrates the boundaries of WCE-URA.
- As originally structured, assistance under the agreement is to be paid exclusively from net incremental sales tax in the overall urban renewal district.
- Currently, property tax increment revenue is accruing in the WCE-URA account and is available to help fund the rebate.
- Staff recommends that the agreement be amended to provide that property tax increment, in addition to sales tax increment, may be utilized to pay WEDA's rebate obligation for Pappas Restaurants. The total rebate amount would still be calculated based on the amount of sales tax revenues generated by the business and would not be increased by this City Council action.
- Staff also recommends that the payment obligation under the agreement be clarified to provide that WEDA shall pay the rebate amount over such period of time as may be necessary to satisfy the rebate amount. This extension would come into play only in the event that the combined property and sales tax increment was insufficient to meet the rebate obligation.

**Expenditure Required:** Not to exceed \$347,000 (rebate dollars only)

**Source of Funds:** Sales and property tax revenue collected directly from WCE-URA will be utilized to fund the rebate

## **Policy Issue**

Should WEDA utilize property tax collections to pay the Sales Tax Rebate agreed to in the Pappas Restaurant BAP?

## **Alternatives**

Do Nothing: This would mean keeping the Pappas Restaurants assistance agreement as it is, using only the sales tax increment to pay the business assistance package obligations. This is not recommended because it is not within the intent and spirit of the original agreement, which secured the location of the business in Westminster in exchange for a specific rebate obligation.

Partially Respond: The agreement could be amended to make property tax increment available for the rebate payments, or eliminate the time limitations on the rebate period, but not both. This is not recommended because doing so, while legally defensible, would reduce the rebate otherwise payable based on this business's contribution to the City's sales tax revenues and would be inconsistent with the original intent of these agreements.

## **Background Information**

The Pappadeaux agreement was designed to attract this nationally recognized restaurant to Westminster as well as to offset the cost of additional landscaping along US 36 desired by the City. The Pappadeaux restaurant should be open this summer. The Pappas/Pappadeaux agreement provides that "WEDA shall rebate 50% of the sales tax collected from the Pappadeaux Seafood Kitchen per year. This payment shall not exceed a total of \$347,000, nor shall the agreement extend beyond 5 years from the issuance of the Certificate of Occupancy." The agreement also states that the rebate shall be paid in annual installments from incremental sales tax revenue actually collected and received by the City and transferred to WEDA from the City.

Pappadeaux falls within the Westminster Center East Urban Renewal Area. The attached map shows the area boundary. According to Urban Renewal Law, sales tax increment revenues can be used by WEDA to pay Pappadeaux only if the entire urban renewal area has incremental sales tax revenue. At the time the agreements were both approved, staff did not anticipate any problem in having enough sales tax increment to pay the rebate commitment. Unfortunately, the timing of the new projects did not coincide well with other activity in the URA.

Some key changes which occurred in the Westminster Center East Urban Renewal Area during 2005 include:

- Several of the larger businesses in this URA had decreases in sales tax revenue in 2005 compared to the 2004 base year, which together totaled a decrease of approximately \$932,000. For example:
  - Office Max closed
  - Wal-Mart's remodeling construction started later than anticipated because of complicated negotiations with Best Buy
  - J C Penney Home Store closed
- Lowes and several other businesses had increased sales tax revenue, which combined to partially offset the decreases noted above.
- However, at the end of 2005, the total sales tax increment for the Westminster Center East URA was only \$28,736.

In 2006, it is expected that the property tax revenue will begin increasing as Lowe's is brought onto the property tax roster, followed in 2007 and 2008 by the property tax increase for the Wal-Mart expansion, as well as Pappadeaux and Salt Grass Steakhouse now under construction at Yates Street and 90<sup>th</sup> Avenue.

The property tax increment may only be used to pay for obligations related to redevelopment within the WCE-URA. If the property tax is not otherwise obligated or used, it must be returned to the other taxing jurisdictions. The property tax increment is available as a source of funds to help pay the rebate to Pappadeaux.

The use of property tax increment is one component of the recommended changes to the agreement with Pappas Restaurants. A clarification of the pay back period for the rebate is also needed. The payment obligations under the agreement needs to be clarified to provide that the rebate amount should be calculated based on the sales tax revenues generated over the rebate accrual period, but that WEDA shall pay the rebate amount over such period of time as may be necessary to satisfy the rebate amount from net sales and property tax increment within the WCE-URA. In other words, the 5 year time limit (rebate accrual period) in the agreement would be used as the period of time during which the rebate amount will be calculated. The rebate amount will then be "rebated" as property tax and sales tax revenue is generated in the WCE-URA. This modification would make the legal language of the agreements match with the spirit of the agreements as originally discussed.

It is important to note that the rebate will still be calculated and based on the performance of the businesses and the sales tax revenue generated by each individual business. However, with Lowe's and the Wal-Mart expansion being added to the tax rolls this year, property tax increment in the WCE-URA should dramatically shorten the time to pay the rebate.

### **Conclusion**

The property tax increment generated by the properties within the Westminster Center East URA is expected to grow significantly in the future. Unless the property tax increment funds are required to repay indebtedness of WEDA under Title 31, Section 31-25-107 (9) of the CRS, then WEDA must use the funds or return them to the appropriate taxing entities. The City's bond counsel has stated that WEDA could use the property tax increment to pay business assistance. The current assistance agreement for Pappas Restaurants needs to be amended to allow WEDA to use the property tax increment as a source of funds, as well as clarify the time frame in which the rebates are to be provided.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

### Attachments

Councillor's Bill  
Westminster Center East Urban Renewal Area Map  
Amended Business Assistance Package with Pappas Restaurants

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR THE ORDINANCE AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE  
ASSISTANCE AGREEMENT WITH PAPPAS RESTAURANTS TO AID IN THE  
CONSTRUCTION OF A PAPPADEAUX SEAFOOD KITCHEN ON THE SOUTHWEST  
CORNER OF 92<sup>ND</sup> AVENUE AND SHERIDAN BOULEVARD IN WESTMINSTER**

WHEREAS, the City of Westminster has indicated its desire to attract unique restaurants and increase sales tax generation at the southwest corner of 92<sup>nd</sup> Avenue and Sheridan Boulevard, within the Westminster Center Urban Renewal Area; and

WHEREAS, Pappas Restaurants ("Pappas") has all of the property either in ownership or under contract to purchase, that is necessary to proceed with the construction of an approximately 12,950 square foot Pappadeaux Seafood Kitchen in accordance with standard development review procedures established by the Westminster Municipal Code; and;

WHEREAS, an amended and restated three party Business Assistance Package between the City of Westminster, Westminster Economic Development Authority, and Pappas Restaurants 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, the Resolution No 53, Series 1988:

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter in to the amended and restated three party Business Assistance Agreement with the Westminster Economic Development Authority and Pappas Restaurants in substantially the same form as the one attached as Exhibit A, and upon execution of the Agreement to 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 24th day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of May, 2006.

ATTEST:

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City Clerk

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Mayor

APPROVED AS TO LEGAL FORM:

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City Attorney's Office

**AMENDED AND RESTATED BUSINESS ASSISTANCE PACKAGE BETWEEN THE  
WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, THE CITY OF  
WESTMINSTER AND PAPPAS RESTAURANTS**

This Agreement is made this \_\_\_ day of \_\_\_\_\_, 2006, by and between the **CITY OF WESTMINSTER**, a Colorado home rule city ("City"), the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (WEDA)**, an urban renewal authority organized and existing pursuant to the provisions of Part 1, Article 25, Title 31, C.R.S. ("WEDA"), and **PAPPAS RESTAURANTS** ("Pappas").

WHEREAS, the City, WEDA, and Pappas are parties to that certain agreement identified as "Business Assistance Package between the Westminster Economic Development Authority, the City of Westminster, and Pappas Restaurants," and dated April 26, 2004 (the "Original Agreement"); and

WHEREAS, the parties now wish to supersede and replace the Original Agreement with this Amended and Restated Agreement;

NOW, THEREFORE, in consideration of the mutual promises set forth below, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City, WEDA and Pappas agree as follows:

1. Sales Tax Rebate

WEDA shall rebate Pappas 50% of the Sales Tax collected from Pappadeaux Seafood Kitchen, located at the southwest corner of 92<sup>nd</sup> Avenue and Sheridan Boulevard, Westminster, Colorado, commencing as of the date of issuance of a Certificate of Occupancy for Pappas, and ending on the fifth anniversary thereof (the "Sales Tax Rebate"). This payment shall not exceed a total of \$347,000. The Sales Tax Rebate shall be paid by WEDA in annual installments from sales and property tax increment revenues paid into WEDA's special fund pursuant to the Westminster City Center East Urban Renewal Plan and the Urban Renewal Act. The Sales Tax Rebate shall be calculated in year one based on the tax collected during the periods between this issuance of the Certificate of Occupancy and November 30<sup>th</sup>. Thereafter, the Sales Tax Rebate shall be calculated based upon the prior 12 months of sales tax revenues paid by the Pappadeaux Seafood Restaurant from the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax), multiplied by 50%.

The payment of each annual installment of the Sales Tax Rebate shall be made on or before December 20th. Payments will be submitted electronically to Pappas Restaurants designated financial institution. In the event that property and sale tax increment revenues are insufficient to satisfy any of the five annual installment payments otherwise due under this Agreement, the balance of such obligation shall be satisfied as and when such revenues become available, even if doing so results in extending WEDA's payments hereunder beyond the fifth (5<sup>th</sup>) anniversary of the issuance of Pappas' Certificate of Occupancy.

2. Utility Easement Dedication

Pappas agrees to execute a 30-foot permanent easement for utility and other public purposes along Pappas' westerly property line from West 92<sup>nd</sup> Avenue to Sheridan Boulevard, which easement shall be in the form attached hereto as Exhibit A. In consideration of this conveyance, the City shall waive the recoveries associated with Pappas' site, which recoveries are described in Exhibit B. The permanent easement shall be recorded in the public land records of the Clerk and Recorder of Jefferson County and shall also be referenced on Pappas' final plat (formally known as Turnpike Commercial Subdivision). The waiver of recoveries shall be described in an administrative amendment to Pappas' ODP ((The Fifth Amended Official Development Plan Hyland Office Park, Lot 1, a Planned Unit Development in the City of Westminster, County of Jefferson, State of Colorado).



### 3. Entire Agreement

This instrument shall constitute the entire three party agreement between the City, WEDA and Pappas Restaurants 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. In the event of sale, staff may assign the business assistance package to Pappadeaux Seafood Restaurant's successor.

### 4. Condition of Rebate

Pappas Restaurant agree to build an approximately 12,950 square foot Pappadeaux Seafood Kitchen on the southwest corner of 92<sup>nd</sup> Avenue and Sheridan Boulevard in the City of Westminster, with construction anticipated to begin third quarter 2004 and completion by end of the third quarter 2006.

### 5. Termination of Agreement

The Sales Tax Rebate and this Business Assistance Agreement shall terminate and become void and of no force and effect upon WEDA or the City of Westminster if Pappadeaux Seafood Restaurant has not received the Certificate of Occupancy by December 31, 2006. The conveyance of the permanent easement and waiver of recoveries on the site shall not be affected by any termination or assignment of this agreement.

### 6. Business Termination

In the event that Pappadeaux Seafood Restaurant ceases business at the southwest corner of 92<sup>nd</sup> Avenue and Sheridan Boulevard, within the City of Westminster, within 5 years of the Certificate of Occupancy, any Sales Tax Rebate payments paid to Pappas shall be repaid to WEDA within 120 days of said cessation.

### 7. Subordination.

WEDA's obligations pursuant to this Agreement are subordinate to the State Urban Renewal Statutes for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and property tax revenues in excess of the sales and property tax revenues necessary to meet such existing or future bonded indebtedness. WEDA shall meet its obligations under this Agreement only after WEDA 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 or WEDA, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City or WEDA.

### 8. Governing Law: Venue

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

**PAPPAS RESTAURANTS**

**WESTMINSTER ECONOMIC  
DEVELOPMENT AUTHORITY**

By \_\_\_\_\_  
Chris Pappas, Owner

\_\_\_\_\_  
J. Brent McFall  
Executive Director

ATTEST:

ATTEST:

\_\_\_\_\_  
Title

\_\_\_\_\_  
Linda Yeager  
Secretary

**CITY OF WESTMINSTER**

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

ATTEST:

\_\_\_\_\_  
Linda Yeager  
City Clerk

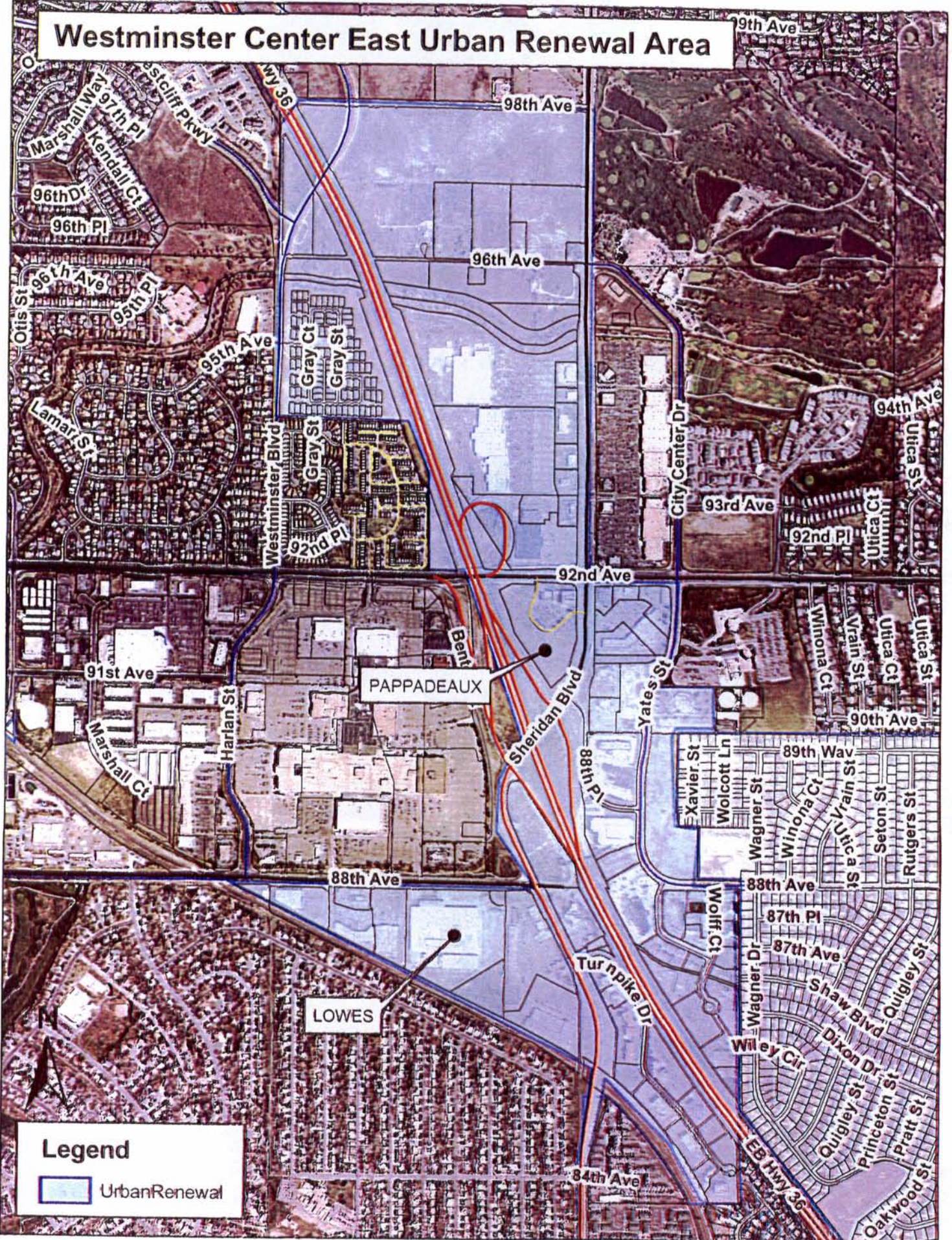
EXHIBIT B

**RECOVERY COSTS**

- 1) **Per City Ordinance No. 1814- Series 1988**  
City recoveries are due for the City project S81-10 (W. 92<sup>nd</sup> Avenue Street Improvements) in the amount of \$139.02 per linear foot of frontage to W. 92<sup>nd</sup> Avenue, plus accrued interest at the rate established annually by the City council; and
  
- 2) **Per City Ordinance No. 1767- Series 1988**  
City waterline project W73-1 in the amount of \$16.50 per linear foot of frontage to the main along W. 92<sup>nd</sup> Avenue.



# Westminster Center East Urban Renewal Area







**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Councillor's Bill No. 29 re 2005 Final Budget Supplemental Appropriation

**Prepared By:** Gary Newcomb, Accountant

**Recommended City Council Action**

Pass Councillor's Bill No. 29 on first reading providing for supplementary appropriations to the 2005 budget of the Open Space Fund and General Capital Improvement Fund (GCIF).

**Summary Statement**

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2005 budget appropriations in the Open Space Fund and GCIF.

At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Additionally, Staff prepares a final ordinance for the prior year to make any necessary appropriation corrections discovered during preparation for the audit. This is the final supplemental appropriation for 2005.

- Open Space Fund amendments:
  - \$362,270 Increase budget for Open Space Land
- GCIF amendments:
  - \$6,844 Increase budget for South Westminster
  - \$57,300 Decrease budget for Westfield Village Capital Improvement Project
- Appropriation of these funds allows the budget to reflect actual activity in 2005.

**Expenditure Required:** \$311,814

**Source of Funds:** The funding sources for these expenditures include contributions and grants.

**Policy Issue**

Does City Council support amending the appropriations for the 2005 budget of the General Fund?

**Alternative**

The alternative would be not to amend the 2005 budget appropriations for the Open Space and GCIF. Staff does not recommend this alternative, as the books would not properly reflect all of the City's activity in 2005.

**Background Information**

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offsetting expenditures that resulted from increased activity or events that were not anticipated during the normal budget process. During 2005 the Open Space Fund received contributions from: Phoenix Real Estate Investment Group \$850 used to purchase vacant land on Kipling Way in Westbrook; World Vision Inc. \$5,520 used to purchase land at 9300 Wadsworth Boulevard.; Jeff Camalick \$105,900 and Urban Drainage Flood Control District \$250,000 used to purchase land at 10425 Wadsworth Boulevard.

Community Development received a grant of \$6,844 from the State of Colorado Historical Society. The funds were used for the Westminster Grange Restoration under the General Capital Improvement Fund.

At the February 27<sup>th</sup> Council Meeting, Council approved the un-appropriation of \$57,300 to the 2006 General Capital Improvement Fund because of an amendment to the IGA with Highland Hills Park and Recreation District. The un-appropriation should have been made to the 2005 budget. Therefore it is requested to amend the 2005 budget with this ordinance and the offsetting increase to the 2006 budget will be requested on the 1<sup>st</sup> quarter 2006 supplemental appropriation.

These adjustments will bring the City's accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **29**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

---

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE OPEN SPACE FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,414,869 is hereby increased by \$362,270 which, when added to the fund balance as of the City Council action on April 24, 2006 will equal \$6,845,669. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of contributions.

Section 2. The \$362,270 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contributions	5400.43100.0000	\$158,000	\$362,270	\$520,270
Total Change to Revenues			<u>\$362,270</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchase	54010900.76600.0000	\$16,475,965	\$362,270	\$16,838,235
Total Change to Expenses			<u>\$362,270</u>	

Section 3. The 2005 appropriation for the GCIF initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby decreased by \$50,456 which, when added to the fund balance as of the City Council action on April 24, 2006 will equal \$36,896,689. The actual amount in the GCIF on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of grant funds and an addendum to the IGA with Highland Hills Park and Recreation District.

Section 4. The \$50,456 decrease in the GCIF shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grants	7500.40620.0000	\$277,200	\$6,844	\$284,044
Contributions	7501.43100.0000	\$1,500,060	<u>(\$57,300)</u>	\$1,442,760

Total Change to Revenues			<u>(\$50,456)</u>	
<b>EXPENSES</b>				
Description	Account Number	Current Budget	Amendment	Revised Budget
South Westy Revital Appropriation Holding	80175030024.80400.8888	\$0	\$6,844	\$6,844
Park Capital Impr. Approp. Holding	80375050302.80400.8888	\$57,300	<u>(\$57,300)</u>	\$0
Total Change to Expenses			<u>(\$50,456)</u>	

Section 5. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of May, 2006.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Councillor's Bill No. 30 re 2006 1<sup>st</sup> Quarter Budget Supplemental Appropriation

**Prepared By:** Gary Newcomb, Accountant

**Recommended City Council Action**

Pass Councillor's Bill No. 30 on first reading providing for supplementary appropriations to the 2006 budget of the General, General Capital Improvement, Open Space, and Utility Funds.

**Summary Statement**

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2006 1st quarter supplemental appropriation.
- General Fund amendments:
  - \$25,766 Police Department grant
  - \$516 Fire Department program revenues
- General Capital Improvement Fund amendments:
  - \$38,230 Lowe's public art in-lieu payments
  - \$11,675 State of Colorado grants
  - \$39,000 easement agreements
  - \$57,300 IGA addendum
- Open Space
  - \$3,024 rental lease payments
- Utility Fund amendments:
  - \$4,064,191 effluent water sale

**Expenditure Required:** \$4,239,702

**Source of Funds:** The funding sources for these expenditures include grants, program revenues, in-lieu payments, easement agreements, rental lease payments, and water revenues.

### **Policy Issue**

Does City Council support amending the appropriations for the 2006 budget of the General, General Capital Improvement, Open Space, and Utility Funds?

### **Alternative**

The alternative would be not to amend the 2006 budget appropriations for the General, General Capital Improvement, Open Space, and Utility Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of receipt of the funds.

### **Background Information**

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offset expenditures that resulted from increased activity or events that were not anticipated during the normal budget process.

In June 2005, the Police Department applied for a Federal Bureau of Justice Assistance Grant known as the Edward Byrne Memorial Assistance Grant. This grant provides funding for the purchase of law enforcement related programs, equipment, software and services. The funding of \$30,527 will be used to provide funding to the North Metro Drug Task Force to target street level drug violators and investigate major drug distribution groups, purchase a projector for the Communications Center to view large scale maps for efficient field unit responses, purchase equipment for the Animal Management Unit to use for enforcement purposes in our parks and on our trails, purchase a drug safe for the property and evidence warehouse and miscellaneous other equipment. The Grant was appropriated on November 11, 2005 and only \$4,761 of the appropriation was spent. The additional amount of \$25,766 is requested for appropriation in 2006. (General Fund)

The Fire Department received \$516 in class registration fees for conducting CPR training classes. Funds from the registration fees were used to purchase EMS supplies used during the class and paramedic instructor overtime salaries. (General Fund)

Community Development received two payments from Lowe's Hardware totaling \$38,230 as in-lieu payment for public art. The funds will be used to design and purchase public art for the City of Westminster. (General Capital Improvement Fund)

Community Development also received two grants from the State of Colorado Historical Society totaling \$11,675. The funds have been used as part of the South Westminster Revitalization Project. (General Capital Improvement Fund)

Finally, Community Development received \$25,000 from the Urban Drainage and Flood Control District and \$14,000 from Bosco Construction for easement agreements. These funds were also used as part of the South Westminster Revitalization Project. (General Capital Improvement Fund)

At the February 27<sup>th</sup> Council Meeting, Council approved the un-appropriation of \$57,300 to the 2006 General Capital Improvement Fund because of an amendment to the IGA with Highland Hills Park and Recreation District. The un-appropriation should have been made to the 2005 budget. In an item also before City Council on Monday evening it is requested to amend the 2005 budget and un-appropriate the funds on the final 2005 supplemental appropriation. This item requests to re-appropriate the funds for the 2006 budget.

**SUBJECT:** Councillor's Bill re 2006 1<sup>st</sup> Quarter Budget Supplemental Appropriation Page 3

The Open Space Fund received \$3,024 in monthly rental payments for the Bott House on Open Space property located at 10395 Wadsworth. The funds will be used for future Open Space land purchases.

The Water Fund received \$4,064,191 as South Adams County Water and Sanitation District (SACWSD) exercised their option to purchase an additional 550 acre-feet of effluent from Westminster per the Water Agreement dated February 27, 2001. On February 12, 2001 City Council authorized the City Manager to enter into this agreement with SACWSD, for the sale of up to 1,000 acre feet of treated wastewater effluent credit in the South Platte River. These funds are requested to be allocated to the Water Project Reserve Capital Improvement Project.

These adjustments will bring the City's accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **30**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY WATER FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$86,209,579 is hereby increased by \$26,282 which, when added to the fund balance as of the City Council action on April 24, 2006 will equal \$85,395,609. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of grants and program revenues.

Section 2. The \$26,282 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$0	\$25,766	\$25,766
Off Duty Fire Svcs	1000.41340.0013	0	516	516
Total Change to Revenues			<u>\$26,282</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Equipment – Invest. Svcs	10020300.76000.0344	\$0	\$25,766	\$25,766
Fire Supplies – EMS	10025260.70200.0546	4,620	516	5,136
Total Change to Expenses			<u>\$26,282</u>	

Section 3. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,668,000 is hereby increased by \$146,205 which, when added to the fund balance as of the City Council action on April 24, 2006 will equal \$7,754,205. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of cash in lieu payments, state grants, and easement agreements.

Section 4. The \$146,205 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash in lieu future capital projects	7500.40210.0751	\$0	\$77,230	\$77,230
State Grants	7500.40620.0000	0	11,675	11,675
Contributions	7501.43100.0000	1,385,460	57,300	1,442,760
Total Change to Revenue			<u>\$146,205</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
New Art Projects – Appro. Holding	80575030426.80400.8888	\$0	\$38,230	\$38,230
South Westy Revital. – Appro. Holding	80175030024.80400.8888	315,400	50,675	366,075
Park Cap Improv. – Appro. Holding	80375050302.80400.8888	(57,300)	57,300	0
Total Change to Expenses			<u>\$146,205</u>	

Section 5. The 2006 appropriations for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,563,535 is hereby increased by \$3,024 which, when added to the fund balance as of the City Council action on April 24, 2006 will equal \$4,566,559. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of rental lease payments.

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Open Space General	5400.43060.0000	\$0	\$3,024	\$3,024
Total Change to Expenses			<u>\$3,024</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$749,739	\$3,024	\$752,763
Total Change to Revenue			<u>\$3,024</u>	

Section 6 The 2006 appropriations for the Utility Water Fund initially appropriated by Ordinance No. 3162 in the amount of \$29,510,392 is hereby increased by \$4,064,191 which, when added to the fund balance as of the City Council action on April 24, 2006 will equal \$33,799,548. The actual amount in the Utility Water Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of rental lease payments.

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Water General	2000.43060.0000	\$300,000	\$4,064,191	\$4,364,191
Total Change to Expenses			<u>\$4,064,191</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Water Project Res. – Approp. Holding	80120035181.80400.8888	\$11,514,456	\$4,064,191	\$15,578,647
Total Change to Revenue			<u>\$4,064,191</u>	

Section 7 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24<sup>th</sup> day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of May, 2006.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Councillor's Bill No. 31 re Cost Recovery for 112<sup>th</sup> Avenue/Federal Boulevard Intersection Improvements

**Prepared By:** David R. Downing, City Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 31 on first reading establishing recovery payments due to the City for costs incurred in constructing roadway improvements at the intersection of 112<sup>th</sup> Avenue and Federal Boulevard.

**Summary Statement**

- In 2004, the City coordinated the installation of significant roadway improvements to the intersection of 112<sup>th</sup> Avenue and Federal Boulevard. The vast majority of the costs associated with the construction of this project were previously paid by the developers or owners of the parcels located at the four corners of the intersection.
- A portion of the construction costs that are attributable to the undeveloped parcel located at the southwest corner of the intersection was previously paid by the current owner of the land, the Bruchez Group, LLP. However, since cost recovery payments owed for City projects are not due until the time that adjacent properties are platted or until the time that building permits are requested, the Bruchez Group elected to defer the payment of the remaining balance of the amount owed to the City (\$115,667) until that later date.
- The attached Councillor's Bill will establish a cost recovery against the property located at the southwest corner of the intersection of 112<sup>th</sup> Avenue and Federal Boulevard in the amount of \$115,667 plus any applicable interest.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City Council establish a cost recovery against the property located at the southwest corner of the intersection of 112<sup>th</sup> Avenue and Federal Boulevard for a proportionate share of the costs of the improvements to that intersection?

**Alternative**

City Council could elect to waive the collection of the remaining balance of the recovery owed by the owner or developer of this parcel. This alternative is not recommended due to the fact that the developers of properties located at the other three corners of this intersection previously paid the full amounts that they owed to the City for the intersection improvements.

**Background Information**

The City's project to provide substantial improvements to the intersection of 112<sup>th</sup> Avenue and Federal Boulevard in 2003 and 2004 was actually a compilation of four separate projects that, otherwise, would have been performed by the developers of the properties located at all four corners of the intersection. But, since the construction of four separate projects with potentially four different designers and four different contractors would invite coordination problems, the Colorado Department of Transportation (CDOT) as "owners" of this portion of Federal Boulevard (US Highway 287) insisted that a single entity perform all of the intersection work as one project. Therefore, the City assumed the role of project manager and coordinated the installation of the improvements.

The vast majority of the costs of this project were paid by the developers of Ranch Reserve Plaza, located at the northeast corner of the intersection, and Savory Farm, located at the southeast corner. Actual improvements to the northwest quadrant of the intersection were previously installed by the developer of Stratford Lakes. Even the Bruchez Group LLP, the owners of the property located at the southwest corner of the intersection, donated a large portion (\$71,192) of their proportionate share of the expenses, even though they were not actually developing their site. But, in accordance with City Code, the Bruchez Group elected to defer the payment of the remainder of their proportionate share of the costs (\$115,667) until such time that the property is platted or a request for a building permit is made to the City.

The attached Councillor's Bill will formally establish the cost recovery that will be owed to the City by the future developer of the site located at the southwest corner of the intersection of 112<sup>th</sup> Avenue and Federal Boulevard. In acknowledgement of the Burchez Group's willingness to "front" the \$71,192 partial payment which, thus, reduced the amount that the City had to budget in 2003 to cover project expenses, City Staff agreed that interest on the remaining \$115,667 payment would not begin to accrue until January 1, 2010. Beginning on that date, interest will be calculated in accordance with the rates that are established annually by the City Council. It is likely that the property will be developed and the \$115,667 balance will be paid to the City prior to that date.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **31**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

---

**A BILL**

**FOR AN ORDINANCE ESTABLISHING COST RECOVERIES FOR CITY-CONSTRUCTED IMPROVEMENTS RELATED TO THE 112<sup>TH</sup> AVENUE/FEDERAL BOULEVARD INTERSECTION IMPROVEMENTS PROJECT (PROJECT NO. S03-03)**

WHEREAS, Westminster Municipal Code § 11-6-7(B)(1) provides that the City shall have the authority to allocate and recover the costs of construction of public improvements or facilities to property owners based on the benefit of such improvement, facility, or service to said owners; and

WHEREAS, Westminster Municipal Code § 11-6-7(B)(3) provides that the City Council shall provide by ordinance for the recovery of appropriate costs for public improvements, facilities, or services constructed by the City, and that said ordinance shall establish the nature and extent of the recoveries due to the City, and that such ordinance may include provisions for simple interest payable to the City; and

WHEREAS, Westminster Municipal Code § 11-6-7(E)(2)(a) provides that any ordinance establishing cost recovery obligations for City-constructed improvements shall include a list of properties to be charged with cost recovery for said improvements, that said ordinance shall be recorded in the real estate records of the counties in which the properties to be charged with cost recoveries are located and, if available, shall include a final statement of construction costs for the improvements subject to recovery, or otherwise, an estimate of construction costs for the improvements to be constructed until a final statement of construction costs for the improvements may be determined and recorded following the completion of the improvements; and

WHEREAS, the City previously completed the installation of significant roadway improvements at the intersection of 112<sup>th</sup> Avenue and Federal Boulevard; and

WHEREAS, the City previously recovered, in conjunction with the City's development plan and building permit approval process, payments from the developers of the property located at the northeast corner of the intersection, and the southeast corner of the intersection; and

WHEREAS, the developer of the northwest corner of the intersection is not responsible for cost recoveries associated with this project since the developer constructed its portion of the intersection improvements in conjunction with the construction of its project; and

WHEREAS, the owners of the property located at the southwest corner of the intersection previously paid a portion of their proportionate share of the expenses in the amount of \$71,192, but have elected to defer the payment of the remainder of the proportionate share of the costs in the amount of \$115,667 until such time that the property is platted or a request for a building permit is made to the City; and

WHEREAS, the City, through this ordinance, now wishes to establish a cost recovery that will be owed to the City by the future developer of this site located at the southwest corner of the intersection of 112<sup>th</sup> Avenue and Federal Boulevard; and

WHEREAS, in consideration of the owner's previous advance payment in the amount of \$71,192, thereby reducing the amount of cash required by the City to fund its construction payments on this project, it is the intent of the City that interest on the remaining \$115,667 will not begin to accrue until January 1, 2010.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The nature and extent of the recoveries due to the City pursuant to this ordinance are the costs associated with the construction of the 112<sup>th</sup> Avenue and Federal Boulevard intersection improvements in the amount of \$865,278.08, less previous payments and in-kind contributions received by the City from the developers of the northwest, northeast, and southeast corners of the project, and the partial payment previously made by the owner of the southwest corner of the intersection (Bruchez Group, LLP) in the amount of \$71,192, for a total cost recovery obligation in the amount of \$115,667 (the "Recoverable Costs").

Section 2. The property described in Exhibit "A," attached hereto and incorporated herein by this reference (the "Assessed Property"), is hereby charged with the Recoverable Costs. The Recoverable Costs shall be due and payable in accordance with the provisions of W.M.C. § 11-6-7 as the same may be amended.

Section 3. In the event the Assessed Property is developed and the \$115,667 balance is paid prior to January 1, 2010, no interest shall be due. Otherwise, the Recoverable Costs established pursuant to this ordinance shall accrue interest commencing on January 1, 2010, continuing until paid, and calculated in accordance with the rates established annually by the City Council pursuant to the Westminster Municipal Code.

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

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

Section 6. The City Clerk shall cause a copy of this ordinance to be recorded in the real estate records of Adams County immediately following its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24<sup>th</sup> day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of May, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office

## **Exhibit "A"**

A tract of land located in the Northeast Quarter of Section 7 and the Northwest Quarter of Section 8, Township 2 South, Range 68 West of the Sixth Principal Meridian, City of Westminster, County of Adams, State of Colorado, being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 8 as bearing, N89°16'21"E, from a found aluminum monument in range box at the Northwest corner of said Section 8 to a found aluminum monument in range box at the North Quarter corner of said Section 8 and with all bearings contained herein relative thereto.

BEGINNING at Northwest corner of said Section 8, thence along said North line, N89°16'21"E, 2639.95 feet to the North Quarter corner of said Section 8;

Thence along the East line of the Northwest Quarter of said Section 8, S00°28'38"E, 2641.60 feet to the Southeast corner of the Northwest Quarter of said Section 8;

Thence along the South line of the said Northwest Quarter, S89°10'52"W, 2645.14 feet to the East Quarter corner of Section 7;

Thence along the South line of the Northeast Quarter of said Section 7, S89°46'13"W, 1318.48 feet to the Southwest corner of the East Half of the Northeast Quarter of said Section 7;

Thence along the West line of the said East Half, N00°27'38"W, 2644.51 feet to the Northwest corner of said East Half, thence along the North line of the Northeast Quarter of said Section 7, N89°42'44"E, 1322.87 feet to the Point of Beginning.

The above-described tract contains 240.575 acres, more or less and is subject to all easements, rights-of-ways and restrictions now on record or existing.



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Councillor's Bill No. 32 re Ordinance Change re Dangerous and Vicious Animals

**Prepared By:** Janice Kraft, Neighborhood Services Administrator  
Eugene Mei, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill 32 on first reading amending the Westminster Municipal Code as it relates to dangerous and vicious animals.

**Summary Statement**

- Staff presented information to City Council at a study session meeting November 21, 2005 concerning specific dog breed banning.
- It was Staff's recommendation that Council not ban specific dog breeds, but rather adopt changes in the existing ordinance that would strengthen the requirements and penalties for animal owners convicted of violations relating to dangerous and vicious animals.
- Council concurred with that recommendation and directed Staff to return with proposed amendments to the City Code.
- The proposed requirements establish two classifications of animals: potentially dangerous and vicious. The ordinance establishes a variety of significant requirements for animal owners based on the specific circumstances and facts of the case. The amended ordinance also identifies affirmative defenses.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should City Council adopt the proposed City Code changes concerning potentially dangerous and vicious animals?

**Alternative**

Do not adopt the amended ordinance as presented. Staff does not recommend this course of action because the proposed ordinance strikes a tough but fair balance, and holds the owner accountable for the actions of the animal. A number of these requirements are consistent with changes being considered by other municipalities in the Denver metro area.

**Background Information**

Council is aware of the public's sensitivity and awareness of recent and much publicized animal attacks. Council concurred at the November, 2005 Study Session with Staff's recommendation that making changes to the ordinance used for enforcement of cases involving animal bites and attacks is more appropriate than specific dog breed bans.

The attached amendments to the existing animal ordinance define two affected categories of animals - potentially dangerous and vicious:

- ◆ A potentially dangerous animal is one defined as any animal that may pose a threat to public safety by demonstrating behaviors such as chasing or menacing a person or other domestic animal without provocation. This is an animal that acts in a highly aggressive manner within a fenced yard or enclosure and potentially could escape, or an animal that causes an injury to a person or another domestic animal that is not a serious injury.
  
- ◆ A vicious animal is one defined as having a previous potentially dangerous animal conviction and that continues to pose a threat to public safety. A vicious animal also is defined as an animal that causes serious injury to a person or another domestic animal, or has a demonstrated history that would cause a belief that the animal may cause serious injury. The definition also retains the current provision that defines a vicious animal as one that has engaged in or been trained for animal fighting.

The intent of the new requirements for possession of a potentially dangerous animal is to require the animal owner to control and make modifications to the animal's behavior. Through these requirements, the City seeks to reduce the risk of a similar or more serious incident from occurring. These requirements include:

- The owner will be required to keep the animal confined within a proper enclosure. Proper enclosure is defined as confinement indoors, within a fenced yard, locked pen or structure. The confinement enclosure must be approved as satisfactory by an Animal Management Officer and must meet all applicable zoning and building requirements. If the animal is outside the enclosure it must be under the physical control of a responsible person and restrained by a lead not exceeding four feet in length.
  
- The owner and animal will need to complete a socialization and/or behavior program with that program being approved as satisfactory by an Animal Management Officer.
  
- The animal must be spayed or neutered and identified through implantation of a microchip. Staff had originally not recommended micro-chipping the animal, but upon further consideration determined doing so could aid enforcement actions under the amended ordinance by providing positive ownership identification.

- The owner will be required to notify Animal Management Unit if the animal has attacked a human being or other domestic animal, if the animal has escaped or is no longer in secure custody of the owner, or the owner has transferred ownership of the animal to another person. If ownership is transferred, the owner will have to provide the name, address and telephone number of the new owner. An Animal Management Officer would provide this information to the animal management unit of the receiving jurisdiction. The owner would also be required to notify the Animal Management Unit if the animal has died.

The requirements for possession of a vicious animal are those outlined for the potentially dangerous animal plus:

- The requirement that the animal can only be removed from the property by use of a cage or by use of a muzzle and restrained by a lead not exceeding four feet in length.
- The owner of the vicious animal must maintain a \$100,000 insurance policy or surety bond that would cover claims for injuries or damage inflicted by the animal.

The Animal Management Officer or the Prosecuting Attorney may make additional recommendations to the Municipal Judge of special sanctions as a condition of sentencing upon conviction, including destruction of the animal. Destruction of the animal may only take place after a separate judicial hearing.

Staff had originally recommended to City Council that sentencing include mandatory fines. After further discussions with the Municipal Court and the City Prosecutor's Office, it was determined that mandatory fines should be replaced by recommended fines. Mandatory fines restrict the prosecutor's ability to negotiate the resolution of a case based on the specific facts, circumstances and evidence. Furthermore, recommended fines allow for judicial discretion in determining the severity of fines consistent with the offense and evidence presented in open court. Finally, recommended fines allow for the consideration of the significant financial impacts the animal owner will incur to satisfy the other mandatory requirements such as micro-chipping, constructing an enclosure, behavior or socialization classes, spaying/neutering, and liability insurance.

Several other items have been added to the ordinance that was not previously addressed in the existing code:

- ◆ A definition that states that a person who is responsible for the animal must be a minimum of 18 years of age who is familiar with the animal and can keep that animal under control at all times.
- ◆ A definition of serious injury.
- ◆ Affirmative defenses that state conditions under which no animal can be found to be vicious or potentially dangerous. These conditions include:
  - 1) The animal is being used by a peace officer during the performance of peace officer duties.
  - 2) If a stray animal enters the property of the owner and the owner's animal attacks the stray.
  - 3) If an animal attacks another domestic animal and said domestic animal initiated an attack on it or its owner.
  - 4) If there is a crime being committed or an attempt of a crime against the animal's owner and the attack did not occur on the owner's property.
  - 5) If there is a crime being committed or an attempt of a crime against the animal's owner or the owner's property and the attack occurs on the owner's property.
  - 6) The animal is being provoked, abused or injured, and attacks in response.

Finally, the amended ordinance addresses several other issues in the Animals Chapter including, making the owner of a dog or cat solely responsible for timely vaccinations, clarifying that Guard Dogs are allowed only at commercial establishments and that Guard Dogs signs are inconsistent with the City's sign code, and other housekeeping items.

Staff is recommending that the amended ordinance become effective June 1, 2006 which will allow for time to publicize the changes. The Animal Management Supervisor will monitor calls for service, summonses issued, and track how these cases progress through court to final disposition. Staff will report back to City Council twelve months after the effective date of the amended ordinance.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING CHAPTER 7 OF THE WESTMINSTER MUNICIPAL  
CODE CONCERNING ANIMALS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 7, W.M.C., Titles section, is hereby AMENDED to read as follows:

CHAPTER 7

ANIMALS

- 6-7-1: DEFINITIONS
- 6-7-2: RABIES CONTROL
- 6-7-3: REPORTING ANIMAL BITES
- 6-7-4: LICENSING OF DOGS (REPEALED ORDINANCE 2627)
- 6-7-5: ANIMALS RUNNING AT LARGE
- 6-7-6: REMOVAL OF ANIMAL EXCREMENT; DAMAGE TO PROPERTY
- 6-7-7: DISTURBANCE; PUBLIC NUISANCE
- 6-7-8: VICIOUS ANIMALS AND ~~GUARD DOGS~~ POTENTIALLY DANGEROUS ANIMALS
- 6-7-9: IMPOUNDED ANIMALS
- 6-7-10: KENNELS
- 6-7-11: PET SHOPS
- 6-7-12: RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS
- 6-7-13: CARE AND TREATMENT
- 6-7-14: CAPTURING ANIMALS
- 6-7-15: FEES
- 6-7-16: ~~ENFORCEMENT INTERFERENCE~~
- 6-7-17: PENALTIES
- 6-7-18: GUARD DOGS

Section 2. Section 6-7-1, W.M.C., is hereby AMENDED to read as follows:

**6-7-1: DEFINITIONS:** When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows: (1463 1890 1973 2066 2576 3062)

**ANIMAL:** Any organism in the kingdom animalia, other than a human being.

**~~ANIMAL CONTROL~~ MANAGEMENT OFFICER:** An employee or agent of the City authorized by the Chief of Police to enforce the provisions of this chapter.

**ANIMAL SHELTER:** The Animal shelter designated by contract for care and shelter of abandoned or neglected animals or animals impounded by the City, and authorized by this chapter to provide other services for animals on behalf of the City. The designated shelter is, until changed by the City or the shelter, the Table Mountain Animal Center.

**CAT:** A domestic cat (felis catus) of either sex, including one neutered which can be vaccinated against rabies.



**DOG:** A domestic dog (*canus domesticus*) of either sex, including one neutered which can be vaccinated against rabies.

**DOMESTIC ANIMAL:** Domesticated dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, and invertebrates, except livestock and exotic endangered and prohibited animals.

**ENDANGERED SPECIES:** Any species of animal, bird or reptile which is currently listed as endangered by the United States Department of interior or the Colorado Department of Natural Resources.

**EXOTIC ANIMALS:** Arachnids, crocodilians over one foot in length and other reptiles which are not prohibited animals, which are not commonly kept or harbored as a household pet.

**GUARD DOGS:** Any dog placed within an ~~enclosure~~ ENCLOSED AREA for the protection of persons or property by attacking or threatening to attack any person found within the ~~enclosure~~ ENCLOSED AREA patrolled by such dog.

**HARBORING:** The act of keeping and caring for an animal or of providing a premises to which the animal returns for food, shelter or care.

**HUMANE TRAP:** A box-type trap which does not cause bodily harm to the animal intended to be captured or to any other animal or person coming in contact with such trap.

**KENNEL:** Premises where more than five (5) nonlivestock animals excluding offspring not exceeding four (4) months of age belonging to one of the adult animals are kept for any purpose; including boarding or training. The term "kennel" does not include pet shop.

**LIVESTOCK:** Any animal commonly kept or harbored, as a source of food, hides, income through agricultural sale, as a pack animal or draft animal or for use as transportation. Livestock includes, but is not limited to, horses, mules, sheep, goats, cattle, swine, chickens, ducks, geese, pigeons, turkeys, pea fowl, guinea hens, and bees. In the event of uncertainty concerning whether a particular animal is a species of livestock, the presumption shall be that such animal is a species of livestock until the owner of such animal proves by a preponderance of the evidence to the satisfaction of the Municipal Court that the animal is not a species of livestock

**OWNER:** Any person who has right of property in an animal or harbors an animal or allows an animal to remain about his premises for a period of seventy two (72) hours or longer; Claims responsibility for an animal; or is declared by court decree to be the responsible party for an animal or the authorized agent of any such person. The parent or guardian of any minor claiming ownership of an animal shall be deemed to be the owner of the animal for purposes of this chapter.

**PERSON:** Any natural person, corporation, partnership, association, or other entity.

**PET SHOP:** An establishment engaged in the business of breeding, buying or selling animals, other than livestock, in commercial, wholesale or retail trade.

**POTBELLIED PIG:** A pig registered with a bona fine potbellied pig registry and weighing less than ninety-five (95) pounds.

**POTENTIALLY DANGEROUS ANIMAL:** ANY ANIMAL THAT MAY REASONABLY BE ASSUMED TO POSE A THREAT TO PUBLIC SAFETY AS DEMONSTRATED BY ANY OF THE FOLLOWING BEHAVIORS:

1. CAUSING AN INJURY TO A PERSON OR DOMESTIC ANIMAL THAT IS LESS SEVERE THAN A SERIOUS INJURY;
2. WITHOUT PROVOCATION, CHASING OR MENACING A PERSON OR DOMESTIC ANIMAL IN AN AGGRESSIVE MANNER; OR
3. ACTS IN A HIGHLY AGGRESSIVELY MANNER WITHIN A FENCED YARD/ENCLOSURE AND APPEARS TO A REASONABLE PERSON ABLE TO JUMP OVER OR ESCAPE.

**PROHIBITED ANIMAL:** Any animal which is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to, lions, tigers, cheetahs, panthers, leopards, cougars, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes; poisonous snakes and lizards; lethal toads and arachnids (spiders, scorpions, and tarantulas) and nonpoisonous snakes over six feet in length. "Prohibited animal" shall not include domestic ferrets (*Mustela furo*), livestock, rabbits, dogs, cats, and small rodents. Alleged domestication of any prohibited animal shall not affect its status under this definition. In the event of uncertainty whether a particular animal is a prohibited animal, it shall be presumed prohibited until proven not prohibited by a preponderance of the evidence to the satisfaction of the Municipal Court.

**PROPER ENCLOSURE:** SECURE CONFINEMENT INDOORS OR SECURE CONFINEMENT IN A LOCKED PEN, FENCED YARD, OR STRUCTURE MEASURING AT LEAST 6 FEET IN WIDTH, 12 FEET IN LENGTH, AND 6 FEET IN HEIGHT, CAPPED WITH SECURE SIDES AND CONSTRUCTED AT THE BOTTOM SO AS TO PREVENT ESCAPE BY DIGGING, WHICH PROVIDES PROPER PROTECTION FROM THE ELEMENTS FOR THE ANIMAL, IS SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN, AND IS DESIGNED TO PREVENT THE ANIMAL FROM ESCAPING WHILE ON THE OWNER'S PROPERTY. THE PROPER ENCLOSURE MUST COMPLY WITH ALL ZONING AND BUILDING ORDINANCES/REGULATIONS OF THE CITY, BE KEPT IN A CLEAN AND SANITARY CONDITION, AND BE APPROVED BY THE ANIMAL MANAGEMENT OFFICER, AND SUCH APPROVAL SHALL NOT BE UNREASONABLY WITHHELD.

**RABIES VACCINATION:** Inoculation of a domestic animal with an anti-rabies vaccine approved by The Colorado Department Of Health and administered by a licensed veterinarian. The vaccination shall be valid for the period of time specified in writing by the veterinarian for the specific vaccine used.

**RESPONSIBLE PERSON:** A PERSON AT LEAST 18 YEARS OLD WHO IS FAMILIAR WITH THE ANIMAL, AND HAS THE SIZE, STRENGTH, AND EXPERIENCE TO BE ABLE TO KEEP THE ANIMAL UNDER COMPLETE CONTROL AT ALL TIMES.

**RUNNING AT LARGE:** An animal off the premises of the owner and not under the physical control of the owner.

**SERIOUS INJURY:** DEATH OR ANY PHYSICAL INJURY THAT RESULTS IN SEVERE BRUISING, MUSCLE TEARS, OR SKIN LACERATIONS REQUIRING PROFESSIONAL MEDICAL TREATMENT OR REQUIRES CORRECTIVE OR COSMETIC SURGERY.

**STRAY ANIMAL:** Any animal for which there is no identifiable owner.

**VICIOUS ANIMAL:** Any ~~unprovoked~~ animal that ~~bites or attacks a person or other animal at any place within the City which, regardless of the presence or absence of the owner:~~

1. ~~Bites or attacks a person or other animal or that threatens to attack a person or other animal~~ CAUSES A SERIOUS INJURY TO A PERSON OR DOMESTIC ANIMAL; or

2. ~~Has demonstrated tendencies that would cause a reasonable person to believe that the animal may inflict injury upon or cause the death of any person or other animal~~ HAS A PREVIOUS POTENTIALLY DANGEROUS ANIMAL CONVICTION AND CONTINUES TO ENGAGE IN BEHAVIOR THAT POSES A THREAT TO PUBLIC SAFETY AS DESCRIBED IN THIS CHAPTER'S DEFINITION OF POTENTIALLY DANGEROUS ANIMAL; or

3. Has engaged in or been trained for animal fighting as described and prohibited in Section 18-9-204, C.R.S.; OR

4. HAS A DEMONSTRATED HISTORY OF BEHAVIOR THAT WOULD CAUSE A REASONABLE PERSON TO BELIEVE THAT THE ANIMAL MAY INFLICT SERIOUS INJURY UPON ANY PERSON OR DOMESTIC ANIMAL.

Section 3. Section 6-7-2, W.M.C., is hereby AMENDED to read as follows:

**6-7-2: RABIES CONTROL:** (1463 1963 2045 2576 2657)

(A) Vaccinations: It shall be unlawful for any owner of a dog or cat four (4) months of age or older to fail to have such animal vaccinated against rabies. All dogs and cats shall be vaccinated at four (4) 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) Duty of Veterinarian Performing Vaccination: It shall be Unlawful for any veterinarian to fail to perform vaccinations on dogs or cats four (4) months of age and older, which are presented in good health, and have not inflicted a bite within ten (10) days prior to inoculation. When inoculating any animal, it shall be the duty of the veterinarian to fill out a certificate of inoculation and immediately present a copy thereof to the owner of the inoculated animal.~~

~~(C) 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 and shall be worn by the vaccinated dog or cat at all times.~~

~~(D)(C) Harboring Unvaccinated dogs and cats: It shall be unlawful for any person to harbor any dog or cat which has not been vaccinated against rabies, as provided herein, or which cannot be identified as having a current vaccination certificate.~~

~~(E)(D) Non-Transferability: Vaccination certificates and tags are not transferable and cannot be used for any animal other than the animal which received the vaccination and for which the certificate was originally issued.~~

~~(F)(E) Exceptions: No person charged with violating subsections 6-7-2 (A), 6-7-2 ~~(C)(B)~~ or 6-7-2 ~~(D)(C)~~ shall be convicted if he produces in Court a bona fide and valid certificate of vaccination which was in full force and effect, as required by subsections 6-7-2 (A) and ~~6-7-2 (B)~~ at the time of the alleged violation.~~

Section 4. Section 6-7-3, W.M.C., is hereby AMENDED to read as follows:

**6-7-3: REPORTING ANIMAL BITES:** (1463 1890 1973 2066 2576)

(A) Duty to Report: It shall be unlawful for any person having knowledge that an animal has bitten a human to fail to immediately report the incident to the Westminster Police Department, ~~Westminster~~ THE Animal Control MANAGEMENT Officer or to the Colorado Department of Health. Every Physician or other medical practitioner who treats a person for such bites shall, within twelve (12) hours, report such treatment to the Westminster Police Department, ~~Westminster~~ THE Animal Control MANAGEMENT Officer, or the Colorado Department of Health, giving the name and precise location of the bitten person and such other information as the officer or agency may require.

(B) Exclusions: Bites to humans from rodents, rabbits, birds and reptiles are excluded from the reporting requirements of this Section, unless otherwise specified by the Colorado Department of Health.

(C) Suspected Rabies: It shall be unlawful for any veterinarian who clinically diagnoses rabies, or any person who suspects rabies in an animal to fail to immediately report the incident to the Westminster Police Department, ~~Westminster~~ THE Animal Control MANAGEMENT Officer or to the Colorado Department of Health, stating precisely where such animal may be found. If a known or suspected rabid animal bites or attacks another animal, such shall also be reported as required above.

(D) Confinement of Animals: Any dog or cat which has bitten a person may either be observed for a period of ten (10) days from the date of the bite, or analyzed for rabies virus by a laboratory. Fferrets, potbellied pigs, wolf hybrids:, wolves and other wildlife WHICH HAVE BITTEN A PERSON must be observed for a period of not less than thirty (30) days, or tested for rabies if required by Colorado Division of Wildlife or Department of Health regulations. The procedure and place of observation, or analysis, shall be designated by the investigating officer or responsible agency. If the animal is not confined on the owner's premises, confinement shall be by impoundment in the City animal shelter, a pet shop with a Class B license or at any veterinary hospital of the owner's choice within the City of Westminster. Such confinement shall be at the expense of the owner. Stray animals whose owners cannot be located shall be confined as designated by the City. The owner of any animal that has been reported to have inflicted a bite on any person shall on demand produce said animal for impoundment, as prescribed in this Section or for laboratory analysis. Refusal to produce said animal constitutes a violation of this Section, and each day of such refusal shall constitute a separate and continuing violation.

(E) Removal of Animals from Confinement: It shall be unlawful for any person to kill, remove or release any animal which has been confined, impounded, or is in the custody of the City or its agents as authorized under this chapter without the consent of the City or the impounding agency.

Section 5. Section 6-7-5, W.M.C. is hereby AMENDED to read as follows:

**6-7-5: ANIMALS RUNNING AT LARGE: (1463 1890 1973 2657 2811)**

(A) Animals Running at Large Prohibited:

1. It shall be unlawful for any owner of an animal to fail to restrain the animal by physical means from running at large. In addition to being a violation of this section, an animal running at large is declared to be a public nuisance which may be abated pursuant to the provisions specified in Chapter 4 of Title VIII of this Code. This subparagraph (A) 1, shall not apply to dogs running off-leash at an off-leash dog site as established in 13-1-3 (Z).

2. Neutering/spaying required: It shall be unlawful for any owner of an animal running at large to allow the animal to remain in a non-neutered or unspayed condition.~~The Court shall assess a fine pursuant to Section 6-7-16 (C) 3, upon the owner of an animal running at large. If the animal has been neutered or spayed and proof has been presented to the Court, the fine shall be reduced as provided in section 6-7-16 (C) 3.~~

3. It shall be the burden of the owner to prove that the animal is neutered or spayed, by the production of a veterinarian's opinion or other documentary evidence.

(B) Confinement During Estrus: It shall be unlawful for any owner to fail to securely confine any unspayed female dog or cat in the state of estrus (heat), in a house, building or secure enclosure, in such a manner that such female dog or cat cannot come in contact with another animal except for planned breeding, and such that the animal does not create a nuisance by attracting other dogs or cats. When outside on the property of the owner for metabolic waste elimination, the animal must be physically restrained on a hand held leash. Owners who do not comply may be ordered to remove the dog or cat in heat to a boarding kennel, veterinary hospital or animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner of the dog or cat. Failure to comply with the removal order shall be a violation of this Section and the dog or cat shall then be impounded as prescribed in this Chapter.

(C) Sick or Injured Animals: Sick or injured animals found on public property may be impounded and given adequate veterinary medical treatment pending notification of the owner. If the animal is significantly injured or sick such that recovery is improbable, the animal may be euthanized, without liability to the City, Animal Shelter, their employees, officers, or agents, or to any veterinarian examining, diagnosing, or treating the animal. An ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or police officer may humanely destroy any animal the officer reasonable believes to be so sick or injured that recovery is improbably even if veterinary care could be provided, in order to avoid further pain and

suffering by the animal, without liability to the City or the officer. If the injured animal is treated or impounded, the owner of such animal shall be liable for all expenses of the treatment or impoundment.

Section 6. Section 6-7-7, subsection (B), W.M.C., is hereby AMENDED to read as follows:

**6-7-7: DISTURBANCE; PUBLIC NUISANCE:** (1463 1635 1973 2576)

(B) 1. No person shall be charged with violating this Section unless a written warning was given to the owner or person in custody of the animal by an ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or police officer within twelve (12) months preceding the first date alleged as a date of violation in the complaint. A warning is given under this subsection if it is personally given to the owner or person in custody of the animal or it is posted upon the property of the owner or person in custody or mailed first class to such person. Such records are prima facie evidence that such warnings were given.

2. No summons shall be issued and no person shall be convicted at trial for violating this Section unless two or more witnesses from different households testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness. An ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or a police officer who can corroborate the elements in this Section may issue summons and testify as the second witness.

Section 7. Section 6-7-8, W.M.C., is hereby AMENDED to read as follows:

**6-7-8: VICIOUS ANIMALS AND ~~GUARD DOGS~~ POTENTIALLY DANGEROUS ANIMALS:**  
(1463 1635 1973 2576 2657 3062)

(A) ~~VICIOUS ANIMALS~~ OWNER RESPONSIBILITY AND LIABILITY: ANY OWNER OF A VICIOUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL SHALL BE JOINTLY AND SEVERALLY RESPONSIBLE WITH ALL OTHER OWNERS OF SUCH ANIMAL FOR COMPLIANCE WITH THE REQUIREMENTS OF THIS SECTION. FOR THE PURPOSE OF PROSECUTION FOR VIOLATION OF THIS SECTION, IT SHALL NOT BE NECESSARY IN ORDER TO OBTAIN A CONVICTION TO PROVE NOTICE OR KNOWLEDGE ON THE PART OF THE OWNER OF THE VICIOUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL THAT SAID ANIMAL WAS VIOLATING ANY OF THE PROVISIONS OF THIS SECTION.

(B) REQUIREMENTS FOR POSSESSION OF A POTENTIALLY DANGEROUS ANIMAL: IT SHALL BE UNLAWFUL FOR ANY PERSON TO OWN, POSSESS, KEEP, HARBOR, OR HAVE CUSTODY OR CONTROL OF A POTENTIALLY DANGEROUS ANIMAL EXCEPT IN COMPLIANCE WITH ALL OF THE FOLLOWING REQUIREMENTS:

1. THE OWNER SHALL BE 18 YEARS OF AGE OR OLDER.
2. THE OWNER SHALL NOT PERMIT A POTENTIALLY DANGEROUS ANIMAL TO BE OUTSIDE A PROPER ENCLOSURE ON THE OWNER'S PROPERTY UNLESS SUCH ANIMAL IS UNDER THE PHYSICAL CONTROL OF A RESPONSIBLE PERSON AND RESTRAINED BY A LEAD NOT EXCEEDING FOUR (4) FEET IN LENGTH.
3. THE POTENTIALLY DANGEROUS ANIMAL AND OWNER SHALL COMPLETE A SOCIALIZATION AND/OR BEHAVIOR PROGRAM APPROVED BY THE ANIMAL MANAGEMENT OFFICER.
4. THE POTENTIALLY DANGEROUS ANIMAL SHALL BE SPAYED OR NEUTERED BY A LICENSED VETERINARIAN OR A LICENSED SHELTER.
5. THE POTENTIALLY DANGEROUS ANIMAL SHALL BE PERMANENTLY IDENTIFIED THROUGH THE IMPLANTATION OF A MICROCHIP CONTAINING OWNER IDENTIFICATION INFORMATION BY A LICENSED VETERINARIAN OR A LICENSED SHELTER. THE MICROCHIP INFORMATION MUST BE REGISTERED WITH THE

APPROPRIATE COMPANY RESPONSIBLE FOR MAINTAINING SUCH INFORMATION FOR THE MICROCHIP.

6. THE OWNER OF A POTENTIALLY DANGEROUS ANIMAL SHALL NOTIFY THE ANIMAL MANAGEMENT OFFICER IN PERSON OR BY TELEPHONE AS SOON AS PRACTICABLE BUT NO LATER THAN ONE (1) HOUR AFTER OWNER'S KNOWLEDGE OF THE OCCURRENCE OF EITHER OF THE FOLLOWING EVENTS:

- (a) THE ANIMAL HAS ESCAPED OR HAS OTHERWISE CEASED TO BE IN THE CUSTODY OF THE OWNER FOR ANY REASON, UNLESS THE OWNER KNOWS SUCH ANIMAL TO BE PHYSICALLY SECURED AND RESTRAINED OR CONFINED IN THE CUSTODY OF ANOTHER COMPETENT ADULT; OR
- (b) THE ANIMAL HAS ATTACKED A HUMAN BEING OR DOMESTIC ANIMAL.

7. THE OWNER OF A POTENTIALLY DANGEROUS ANIMAL SHALL NOTIFY THE ANIMAL MANAGEMENT OFFICER IN PERSON OR BY TELEPHONE WITHIN TWENTY-FOUR (24) HOURS OF THE OCCURRENCE OF ANY ONE OF THE FOLLOWING EVENTS:

- (a) THE ANIMAL HAS BEEN SOLD, GIVEN, OR OTHERWISE TRANSFERRED TO THE OWNERSHIP OR POSSESSION OF ANOTHER PERSON, INCLUDING THE NAME, ADDRESS, AND TELEPHONE NUMBERS OF THE NEW OWNER AND THE EFFECTIVE DATE OF THE TRANSFER; OR
- (b) THE ANIMAL HAS DIED.

(C) REQUIREMENTS FOR POSSESSION OF A VICIOUS ANIMAL: IN ADDITION TO SATISFYING THE REQUIREMENTS FOR POSSESSION OF A POTENTIALLY DANGEROUS ANIMAL PURSUANT TO PARAGRAPH 6-7-8(B), IT SHALL BE UNLAWFUL FOR ANY PERSON TO OWN, POSSESS, KEEP, HARBOR, OR HAVE CUSTODY OR CONTROL OF A VICIOUS ANIMAL EXCEPT IN COMPLIANCE WITH ALL OF THE FOLLOWING REQUIREMENTS:

1. NOTWITHSTANDING PARAGRAPH 6-7-8(B)(2), THE OWNER SHALL NOT PERMIT A VICIOUS ANIMAL TO BE OUTSIDE A PROPER ENCLOSURE ON THE OWNER'S PROPERTY, UNLESS SUCH ANIMAL IS CAGED OR UNDER THE PHYSICAL CONTROL OF A RESPONSIBLE PERSON, PROPERLY MUZZLED, AND RESTRAINED BY A LEAD NOT EXCEEDING FOUR (4) FEET IN LENGTH. THE MUZZLE SHALL BE MADE IN A MANNER THAT WILL NOT CAUSE INJURY TO THE ANIMAL OR INTERFERE WITH ITS VISION OR RESPIRATION, BUT SHALL PREVENT IT FROM BITING ANY HUMAN BEING OR ANIMAL.

2. THE OWNER OF A VICIOUS ANIMAL SHALL MAINTAIN AT ALL TIMES EITHER A POLICY OF INSURANCE OR A SURETY BOND IN A MINIMUM AMOUNT OF ONE HUNDRED THOUSAND DOLLARS (\$100,000) TO COVER CLAIMS FOR ANY PERSONAL INJURIES OR PROPERTY DAMAGE INFLICTED BY THE VICIOUS ANIMAL. THE INSURER OR SURETY, AS THE CASE MAY BE, SHALL BE REQUIRED TO PROVIDE THE ANIMAL MANAGEMENT OFFICER WITH THIRTY (30) DAYS PRIOR WRITTEN NOTICE OF ANY CANCELLATION, TERMINATION OR EXPIRATION OF THE POLICY OF INSURANCE OR SURETY BOND, RESPECTIVELY.

(D) IMPOUNDMENT; NUISANCE DECLARED: ~~1. VICIOUS ANIMALS UNLAWFUL: It shall be unlawful for any person to own or harbor a vicious animal within the City. Any animal which has bitten or attacked a person or other animal or which has demonstrated tendencies~~ EXHIBITED BEHAVIOR that would cause a reasonable person to believe that the animal ~~may inflict injury upon or cause the death of any person or other animal~~ IS A VICIOUS ANIMAL OR A POTENTIALLY DANGEROUS ANIMAL may be summarily impounded when the ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER ~~reasonable~~ REASONABLY believes the animal is a present threat to the health or safety of the community. Such animal is hereby declared to be a public nuisance, which may be abated by the Court in proceeding brought under the procedures established in this Code for the abatement of nuisances. If impoundment of said animal cannot be made with safety to the ~~animal control officer~~ ANIMAL

MANAGEMENT OFFICER or other persons, the animal may be destroyed by an ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer without notice to the owner or harborer.

(E) EXCEPTIONS: NO ANIMAL SHALL BE FOUND TO BE A VICIOUS ANIMAL OR POTENTIALLY DANGEROUS ANIMAL UNDER THIS CHAPTER IF:

1. THE ANIMAL IS USED BY A PEACE OFFICER WHILE THE OFFICER IS ENGAGED IN THE PERFORMANCE OF PEACE OFFICER DUTIES.

2. AT THE TIME OF THE THREAT, BEHAVIOR, OR ATTACK AGAINST A DOMESTIC ANIMAL, SAID ANIMAL WAS AT LARGE AND ENTERED UPON THE PROPERTY OF THE OWNER AND THE THREAT, BEHAVIOR, OR ATTACK BEGAN, BUT DID NOT NECESSARILY END, UPON SUCH PROPERTY.

3. AT THE TIME OF THE THREAT, BEHAVIOR, OR ATTACK AGAINST A DOMESTIC ANIMAL, SAID ANIMAL WAS BITING OR OTHERWISE ATTACKING THE DANGEROUS ANIMAL OR ITS OWNER.

4. AT THE TIME OF THE THREAT, BEHAVIOR, OR ATTACK AGAINST A PERSON, THE VICTIM WAS COMMITTING OR ATTEMPTING TO COMMIT A CRIMINAL OFFENSE AGAINST THE ANIMAL'S OWNER, AND THE THREAT, BEHAVIOR, OR ATTACK DID NOT OCCUR ON THE OWNER'S PROPERTY.

5. AT THE TIME OF THE THREAT, BEHAVIOR, OR ATTACK AGAINST A PERSON, THE VICTIM WAS COMMITTING OR ATTEMPTING TO COMMIT A CRIMINAL OFFENSE AGAINST A PERSON ON THE OWNER'S PROPERTY OR THE PROPERTY ITSELF AND THE THREAT, BEHAVIOR, OR ATTACK BEGAN, BUT DID NOT NECESSARILY END, UPON SUCH PROPERTY.

6. AT THE TIME OF THE THREAT, BEHAVIOR, OR ATTACK AGAINST A PERSON, THE VICTIM TORMENTED, PROVOKED, ABUSED, OR INFLICTED INJURY UPON THE ANIMAL IN SUCH AN EXTREME MANNER THAT IT RESULTED IN THE THREAT, BEHAVIOR, OR ATTACK.

7. THE EXCEPTIONS SET FORTH IN THIS PARAGRAPH 6-7-8(E) SHALL NOT APPLY TO ANY ANIMAL THAT HAS ENGAGED IN OR BEEN TRAINED FOR ANIMAL FIGHTING AS DESCRIBED AND PROHIBITED IN SECTION 18-9-204, C.R.S.

~~2. NEUTERING/SPAYING REQUIRED: It shall be unlawful for any owner of a vicious animal to allow the animal to remain in a non neutered or unspayed condition. The Court shall assess a fine pursuant to Section 6-7-16 (C) 3, upon the owner of a vicious animal. If the animal has been neutered or spayed and proof has been presented to the Court, the fine shall be reduced as provided in section 6-7-16 (C) 3. It shall be the burden of the owner to prove that the animal is neutered or spayed, by the production of a veterinarian's opinion or other documentary evidence.~~

~~(B) Guard Dogs: It shall be unlawful to place or maintain any dog in any area for the protection of persons or property unless the dog is physically confined to a specific enclosed area, and is under complete and absolute control and the area posted as required. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters not less than two inches (2") high, with the following legend, "Warning—These Premises Patrolled by Guard Dogs Trained to Attack", accompanied by a decal that provides pictorial warning of a guard dog.~~

Section 8. Section 6-7-9, W.M.C., is hereby AMENDED to read as follows:

**6-7-9: IMPOUNDED ANIMALS:** (1463 1890 1973 2576)

(A) Impoundment: IF THERE IS PROBABLE CAUSE TO BELIEVE THAT AN ~~Animals~~ IS owned or harbored in violation of this Chapter or any other ordinance, regulation, state statute or regulation, THE ANIMAL may be taken into custody by an ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or other designated official and impounded IN THE ANIMAL SHELTER. Stray animals may be similarly impounded.

(B) Disposition of Impounded Animals: As soon as practicable after impoundment, a bona fide effort shall be made to give notice of impoundment to the owner. Any impounded animal shall be released to the owner upon payment of the impoundment fee, boarding fee, veterinary care charges, and any other costs associated with impoundment. If such animal is not redeemed within five (5) days, it shall be considered abandoned and may be euthanized or placed for adoption at the discretion of the Animal Shelter. The failure of the owner to redeem an animal shall release the City and the Animal Shelter, and their officers, employees, and agents, from any and all liability for the animal's subsequent euthanization or adoption.

(C) Disposition of Impounded Animal Being Held Pending Court Proceedings: If an animal is impounded, and is being held pending court proceedings for any violation of the provisions of this Chapter, the animal may not be released except on the order of the Court. The Court may ORDER SAID ANIMAL TO BE EUTHANIZED IN A HUMANE MANNER IF, AFTER A JUDICIAL HEARING, IT FINDS ~~upon making a finding~~ that: (A) such animal is vicious and that it represents a clear and present danger to the citizens or other animals in the community; OR (B) THE ANIMAL IS EXPERIENCING EXTREME PAIN OR SUFFERING ~~order said animal to be euthanized in a humane manner~~. Any animal which remains unclaimed for five (5) days after its release has been ordered by the court may be euthanized or placed for adoption at the discretion of the Animal Shelter. THE OWNER SHALL BE LIABLE FOR THE COSTS OF THE CARE, KEEPING OR DISPOSAL OF THE ANIMAL.

(D) Sale: Animals impounded and kept for five (5) days in a pet store with a Class B license, which have not been claimed by an owner shall be deemed abandoned and may, at the discretion of the pet shop, be retained on the sixth day of impoundment and sold in lieu of reimbursement for all applicable boarding costs and veterinary fees.

(E) FAILURE TO PRODUCE ANIMAL: THE OWNER OF ANY ANIMAL SUBJECT TO IMPOUNDMENT UNDER PARAGRAPH (A) OF THIS SECTION SHALL, ON DEMAND OF THE ANIMAL MANAGEMENT OFFICER, OR OTHER PERSON WHO MAY BE SO AUTHORIZED BY THIS CHAPTER SHALL, PRODUCE THE ANIMAL FOR IMPOUNDMENT AS PRESCRIBED IN THIS SECTION. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY SUCH ANIMAL TO FAIL OR REFUSE TO PRODUCE THE ANIMAL ON DEMAND.

Section 9. Section 6-7-10, W.M.C., is hereby AMENDED to read as follows:

**6-7-10: KENNELS:** (1463 1890 1973 2576)

(A) Operation of Kennel Requirements: It shall be unlawful to maintain or operate a kennel without first obtaining a license from the City. A kennel may not be located within a residentially zoned district, ~~including~~ OR the residential area of a PUD zone district unless specifically allowed in the PUD.

(B) Licenses: Issuance; Renewal: Kennel licenses shall expire on the thirty-first (31st) day of December each year. No kennel license shall be issued until an inspection certificate has been issued by the ~~Animal Control Supervisor~~ ANIMAL MANAGEMENT OFFICER or Designee. The license issued shall specify the maximum number of animals permitted. It shall be unlawful for the licensee to keep any number of animals in excess of the maximum specified on the license. All applicants for a kennel license within the City, if required to be licensed by the Colorado Department of Health, must have a valid license issued by said Department to qualify for licensing by the City. The possession of a State license, however, shall not in itself assure that a City license will be granted to anyone. Standards and regulations affecting kennels may be adopted by the City, which are more restrictive than applicable State standards.



Section 10. Section 6-7-11, W.M.C., is hereby AMENDED to read as follows:

**6-7-11: PET SHOPS:** (1463 1890 1973)

(A) It shall be unlawful to own or operate a pet shop without having obtained a valid Class "A" or Class "B" pet shop license from the City.

2. A Class "B" license shall entitle the licensee to sell or offer for sale any exotic animals. At the request of the City a pet shop with a Class "B" license shall board any impounded exotic animals. Reimbursement for board of such animals shall be at the rates established in this Chapter. Impounded animals shall be clearly identified and kept separate from other pet shop animals. ~~Any release or disposition of any impounded animal shall require the approval of an animal control officer.~~ THE LICENSEE SHALL PROVIDE WRITTEN NOTICE TO THE ANIMAL CONTROL OFFICER OF ANY RELEASE OR DISPOSITION OF ANY IMPOUNDED ANIMAL. A Class "B" pet shop may have an outside run or pen to be used solely for harboring reptiles, so long as the outside run or pen is fully enclosed and secure. Prior to issuance of a Class "B" license, the applicant shall provide a bond, issued to the City by a qualified corporate surety licensed to do business in the State of Colorado in a penal sum not less than ten thousand dollars (\$10,000), conditioned upon the faithful boarding of impounded animals pursuant to this Chapter and regulations issued by the Chief of Police.

(B) Licenses; Issuance; Renewal Requirements: Pet shop licenses shall expire on the thirty-first (31st) day of December of each year. No pet shop license shall be issued until an inspection certificate shall have been issued by the ~~Animal Warden~~ ANIMAL MANAGEMENT OFFICER or his designee. All applicants for a pet shop license within the City, if required to be licensed by the Colorado Department of Health, must have a valid license issued by said Department to qualify for licensing by the City. The possession of a State license, however, shall not in itself assure that a City license will be granted to anyone. Standards and regulations affecting pet shops may be adopted by the City which are more restrictive than applicable State standards.

Section 11. Section 6-7-12, subsection (B), W.M.C., is hereby AMENDED to read as follows:

(B) Livestock Limited: It shall be unlawful to keep or maintain livestock in residential, business, commercial, and industrial zone districts, ~~including~~ AND Planned Unit Developments unless specifically allowed in the PUD, ~~and~~ excepting that livestock shall be permitted in parcels zoned 0-1 or in parcels of 10 acres or more in size in all zoning districts prior to commencement of construction on the parcel. In any case the number of animals kept in a PUD shall not exceed the number permitted by the provisions of the Official Development Plan. Livestock, excluding fowl, shall have one-half acre of pasture available for each animal.

Section 12. Section 6-7-14, W.M.C., is hereby AMENDED to read as follows:

**6-7-14: CAPTURING ANIMALS:** (1973 2576)

(A) An ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer is authorized to enter in or upon private property, including motor vehicles and fenced areas but not private buildings, to apprehend an animal running at large, a vicious animal, an animal suspected of being infected with rabies, or an animal which the officer reasonably believes is neglected, sick or injured so that the animal faces a serious risk of death or substantially suffering.

(B) An ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer is authorized to use tranquilizer guns, humane traps or other suitable devices to subdue or apprehend a stray animal, pet animal running at large, or wild animal, and is authorized to destroy an animal which the officer reasonably believes to be an immediate danger to the offer or to the public.

(C) An ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer is authorized to place a humane trap on private property for the purpose of capturing a stray animal, wild animal, or pet animal running at large, when requested to do so by the owner or possessor of the property.

(D) It shall be unlawful for any person to set or cause to be set any steel-jaw leg hold trap, snare, or any trap other than a humane trap for the purpose of capturing an animal whether wild or domestic, excepting a licensed or recognized business which has been given permission by the Colorado Division of Wildlife, the Colorado Department of Health, or the ~~animal control supervisor~~ ANIMAL MANAGEMENT OFFICER to trap problem wildlife. Any trapping authorized under this chapter must be in compliance with the Colorado Constitution and Statutes.

Section 13. Section 6-7-16, W.M.C., is hereby AMENDED to read as follows:

**6-7-16: ENFORCEMENT INTERFERENCE:** (1463 1563 1973 2066 2657 3062)

(A) ~~Interference:~~

~~1-~~It shall be unlawful for any person, by using or threatening to use, violence, force, or physical interference, or obstacle, to knowingly obstruct, impair, or hinder an ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer in the discharge of his duties as herein prescribed.

~~2-~~(B) It is no defense to a prosecution under this ~~s~~Section that the ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer was acting in an illegal manner, if he was acting in the regular course of assigned duties and in good faith based upon surrounding facts and circumstances.

~~3-~~(C) It shall be unlawful for any person to refuse to reveal his correct name, address, and date of birth when requested to do so by an ~~animal control officer~~ ANIMAL MANAGEMENT OFFICER or peace officer engaged in any of his duties prescribed herein.

~~(B) Penalty Clause:~~ **6-7-17: PENALTIES:**

~~1-~~(A) The following provisions of this chapter are hereby deemed criminal violations of this code. Any person who violates any of the provisions of this Chapter listed in this ~~subsection~~ PARAGRAPH (A) shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or by confinement in jail or by both such fine and imprisonment as specified in Section 1-8-1 of this Code, subject to any ~~mandatory~~ RECOMMENDED minimum fines ~~which the Municipal Judge shall not have discretion to suspend or reduce:~~

Section 6-7-3 Animal ~~b~~Bites

SectionS 6-7-8 (AB) AND (C) Vicious Animals AND POTENTIALLY DANGEROUS ANIMALS

SECTION 6-7-9 (E) FAILURE TO PRODUCE ANIMAL

Section 6-7-10 (E) Care of Animals

Section 6-7-11 (D) Care of Animals

Section 6-7-13 Care and Treatment

Section 6-7-16 (A)-Interference

~~2-~~(B) THE ANIMAL MANAGEMENT OFFICER, OR THE CITY ATTORNEY OR HIS DESIGNEE, MAY RECOMMEND THAT ONE OR MORE SPECIAL SANCTIONS OR CONDITIONS BE LEVIED AGAINST ANY OWNER CONVICTED A VIOLATION PURSUANT TO SECTION 6-7-8 (B) OR 6-7-8 (C). THIS RECOMMENDATION MAY BE PRESENTED TO THE MUNICIPAL JUDGE AS A PROPOSED CONDITION OF SENTENCING UPON CONVICTION AND MAY BE IN LIEU OF OR IN ADDITION TO THE REQUIREMENTS AND PENALTIES SPECIFIED IN THIS CHAPTER. PROOF THAT A RECOMMENDED SANCTION OR CONDITION HAS BEEN PREVIOUSLY SATISFIED OR WOULD NOT SERVE ITS INTENDED PURPOSE MAY BE PRESENTED TO THE MUNICIPAL JUDGE FOR CONSIDERATION IN SENTENCING.

(C) IF THE ANIMAL MANAGEMENT OFFICER, OR THE CITY ATTORNEY OR HIS DESIGNEE, RECOMMENDS DESTRUCTION OF THE ANIMAL IN A EXPEDITIOUS AND HUMANE MANNER OR PERMANENT REMOVAL OF THE ANIMAL FROM THE CITY, THE MUNICIPAL JUDGE SHALL CONDUCT A JUDICIAL HEARING TO DETERMINE THE DISPOSITION OF THE ANIMAL. AT SUCH JUDICIAL HEARING, THE MUNICIPAL JUDGE MAY TAKE INTO CONSIDERATION

THE SEVERITY OF THE INCIDENT, THE PRIOR HISTORY OF THE OWNER AND/OR ANIMAL, AND THE RECOMMENDATION OF THE ANIMAL MANAGEMENT OFFICER, CITY ATTORNEY, OR AN ANIMAL BEHAVIOR PROFESSIONAL. THE PROVISIONS OF THIS PARAGRAPH SHALL NOT IN ANY WAY LIMIT THE POWER OF THE MUNICIPAL JUDGE, ON ITS OWN MOTION, TO IMPOSE SPECIAL SANCTIONS AS IT DEEMS APPROPRIATE.

(D) THE FAILURE OR REFUSAL TO PRODUCE AN ANIMAL PURSUANT TO SECTION 6-7-9(E) SHALL SUBJECT THE OWNER TO IMMEDIATE ARREST SHOULD PROBABLE CAUSE EXIST TO BELIEVE THAT THE OWNER IS HARBORING OR KEEPING THE ANIMAL AND REFUSES TO PRODUCE IT UPON SUCH DEMAND. UPON ARREST, THE OWNER SHALL BE HELD TO APPEAR BEFORE THE MUNICIPAL JUDGE WHO MAY ORDER THE IMMEDIATE PRODUCTION OF THE ANIMAL. EACH DAY OF SUCH WILLFUL REFUSAL TO PRODUCE THE ANIMAL SHALL CONSTITUTE A SEPARATE VIOLATION AND OFFENSE.

(E) All violations of this chapter not listed in ~~subsection 1~~ PARAGRAPH (A) above are hereby deemed civil infractions of this code, and upon conviction thereof ~~shall~~ MAY be punished by a RECOMMENDED fine only, ~~subject to any mandatory minimum fines which the Municipal Judge shall not have discretion to suspend or reduce.~~

~~(C)~~(F) RECOMMENDED Minimum Fines: RECOMMENDED ~~M~~minimum fines upon conviction ~~shall~~ MAY be imposed as listed below, ~~and the Municipal Court Judge shall not have discretion to suspend or reduce these fines:~~

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
  - 6-7-5 (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 ~~F~~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
  - ~~6-7-2 (B) Failure to Inoculate Against Rabies~~
  - ~~6-7-8 (B) Guard Dog~~ 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 (A)-Interference

3. Reduced fine for neuter or spay:

6-7-5 (A) Animals running at Large: First Offense – A RECOMMENDED fine of not less than two hundred seventy five dollars (\$275), except that if the animal has been neutered or spayed, the fine ~~shall~~ MAY be reduced to seventy-five dollars (\$75). Second and subsequent offenses – RECOMMENDED fine of not less than three hundred dollars (\$300), except that if the animal has been neutered or spayed, the fine ~~shall~~ MAY be reduced to one hundred dollars (\$100).

6-7-8 (AB) ~~Harboring a Vicious Animal~~ REQUIREMENTS FOR POSSESSION OF A POTENTIALLY DANGEROUS ANIMAL: First Offense – A RECOMMENDED fine of not ~~less~~ MORE than three hundred dollars (\$300), except that if the animal has ALREADY been neutered or spayed, the fine ~~shall~~ MAY be reduced to one hundred dollars (\$100).

6-7-8 (C) REQUIREMENTS FOR POSSESSION OF A VICIOUS ANIMAL: ~~Second~~ FIRST and ~~subsequent~~ offenses – RECOMMENDED fine of not less than three hundred ~~fifty~~ dollars (\$~~350~~ 300), except that if the animal has ALREADY been neutered or spayed, the fine ~~shall~~ MAY be reduced to ~~one~~ TWO hundred ~~fifty~~ dollars (\$~~150~~ 200).

4. Any other section hereof not specifically listed above: First offense - RECOMMENDED fine of not less than fifty dollars (\$50). Second and subsequent offenses - RECOMMENDED fine of not less than seventy-five dollars (\$75).

Section 14. Title VI, Chapter 7, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SECTION 6-7-18 to read as follows:

**6-7-18: GUARD DOGS:** IT SHALL BE UNLAWFUL TO PLACE OR MAINTAIN ANY DOG IN ANY AREA FOR THE PROTECTION OF PERSONS OR PROPERTY UNLESS THE DOG IS PHYSICALLY CONFINED TO A SPECIFIC ENCLOSED AREA AT A COMMERCIAL ESTABLISHMENT, AND IS UNDER COMPLETE AND ABSOLUTE CONTROL.

Section 15. This ordinance shall take effect June 1, 2006.

Section 16. 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 24th day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of May, 2006.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney's Office



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 24, 2006



**SUBJECT:** Resolution No. 27 re Cottonwood Village Service Commitment Awards Extension

**Prepared By:** Terri Hamilton, Planner III

**Recommended City Council Action**

Adopt Resolution No. 27 extending the existing Category A-2 Service Commitment award to the Cottonwood Village single-family attached residential project based on a finding that the Cottonwood Village project meets the Westminster Municipal Code Section 11-3-2(A) 2 criteria of the City's Growth Management Program.

**Summary Statement**

- Cottonwood Village is a partially developed 9.73 acre single-family attached development located at the northwest corner of Federal Boulevard and West 88<sup>th</sup> Avenue. The project was approved in February of 2003 for 82 units. One ten unit building that has not received a Certificate of Occupancy exists on the property. There has been no construction activity on the site for over 12 months.
- Attached is a request from Fairfield Homes, the new property owner, requesting an extension of the Service Commitments awarded in 2001 for this development.
- The City's Growth Management Program allows City Council to extend the Service Commitment time frame based upon specific criteria. City Staff believes the criteria are applicable in this situation. (Please see the Background section for the specific extension criteria.)

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should City Council approve an extension of Service Commitments necessary to build out this partially constructed development?

**Alternative**

Do not adopt the attached Resolution extending the award of Service Commitments for this project. This alternative is not recommended by City Staff because the new owner is not responsible for the circumstances resulting in the delay in development of the project and without an extension in Service Commitments would not be able to proceed in a timely manner with continued development of the project.

**Background Information**

Cottonwood Corporation purchased the project known at Cottonwood Village after they received approval for a combined Preliminary and Official Development Plan in 2003 for the project. One building permit was issued on February 25, 2004. However, a Certificate of Occupancy has not been granted for the building. Cottonwood Corporation has not continued with the development of the property and there has been no activity on the site for an extended period of time. The property was recently purchased by Fairfield Homes. Fairfield Homes has indicated its intent to build out the project as currently approved. Fairfield Homes anticipates a two year timeframe to complete the project.

Westminster Municipal Code Section 11-3-2(A) 2 allows City Council to extend the Service Commitment award for an active residential development if a building permit has not been issued during two successive calendar years following initial building permit issuance, based upon the following findings:

- The need for the extension is the result of some unusual and unforeseeable circumstance beyond the reasonable control of the developer; and
- The extension is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted, and
- There is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.

City Staff believes these findings are applicable to the project because the previous property owner and developer is no longer involved in the project and the new property owner and developer, Fairfield Homes, would not be able to proceed with the development without the extended time frame. City Staff believes there is no reason that Fairfield Homes will not be able to proceed with the development within the extended time period.

The attached resolution reflects the Service Commitments needed for the Cottonwood Village development and the time extension.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

**Attachments**

- Vicinity Map
- Resolution (Category A-2 Service Commitment Award Extension)
- Letter from Fairfield Homes requesting Service Commitment extension

RESOLUTION

RESOLUTION NO. 27

INTRODUCED BY COUNCILLORS

SERIES OF 2006

**CATEGORY A-2 (ACTIVE RESIDENTIAL DEVELOPMENT) SERVICE COMMITMENT AWARD EXTENSION FOR THE COTTONWOOD VILLAGE PLANNED UNIT DEVELOPMENT**

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

WHEREAS, within Ordinance No. 2848 there is a provision that Service Commitments for residential projects shall be awarded to Category A, Active Residential Developments; and

WHEREAS, Category A-2 is the category which is appropriate for the Cottonwood Village Planned Unit Development; and

WHEREAS, Resolution No. 17, Series 2001 establishes that 67.2 Service Commitments awarded to the 88<sup>th</sup> & Federal Condominiums (now known by the name Cottonwood Village) residential project for the year 2001 shall expire three years after the Service Commitment award date adopted by the Westminster City Council unless at least one building permit is issue for the project within that three-year period, and expiration of all remaining service commitments if no building permit is issued for the project during any consecutive 12-month period; and

WHEREAS, the Cottonwood Village residential project obtained Preliminary and Official Development Plan approval and was issued one building permit prior to expiration of the original service commitment award, but has not been issued a subsequent building permit during the consecutive 12-month period; and

WHEREAS, Westminster Municipal Code Section 11-3-2 (A) 2 establishes criteria for City Council to consider when reviewing requests for Service Commitment Award extensions for active residential projects that previously received Service Commitment Awards; and

WHEREAS, the Service Commitment award extension for the Cottonwood Village residential project is the result of an unusual and unforeseeable circumstance reasonable beyond the control of the developer, is needed to avoid undue hardship that would otherwise result if the extension were not granted, and there is not reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.

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

1. A Category A-2 Service Commitment award is hereby extended to the Cottonwood Village project, at the northwest corner of 88<sup>th</sup> Avenue and Federal Boulevard, as follows:

**Table 1**

	2001	2002	2003	2004	2005	2006	2007	Total
<b>Original</b>	11.2	28	28			Not applicable	Not applicable	67.2
<b>Used</b>	0	0	0	7	0	na	na	7
<b>Proposed</b>	-	-	-			28	22.4	50.4

2. The Service Commitment award to the project listed above is conditional and subject to the following:

- a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant shall be included as part of the proposed development and listed on the Official Development Plan for the project.
- b) Service Commitments for the project listed above, if approved by the City, may only be used within the project specified above.

- c) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- d) Each Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
- e) The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of the property involved in this extension of service commitment award, nor shall any other binding effect be interpreted or construed to occur by the City as part of the extension of Service Commitment award.
- f) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- g) The Growth Management Program does not permit City Staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City Staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
- h) The Category A-2 Service Commitment award shall be valid for a period of three years from the date of award specified on this Resolution (April 24, 2006) provided the applicant proceeds with the development review process and the project is approved by the City. Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
- i) In order to demonstrate continued progress on a project, the following deadline and expiration provision applies:  
Following the issuance of the first building permit for the project in 2006, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
- j) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
- k) This award resolution shall supersede all previous Service Commitment award resolutions for the specified project location.

3. The Category A-2 Service Commitments award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

PASSED and ADOPTED this 24th day of April, 2006.

ATTEST:

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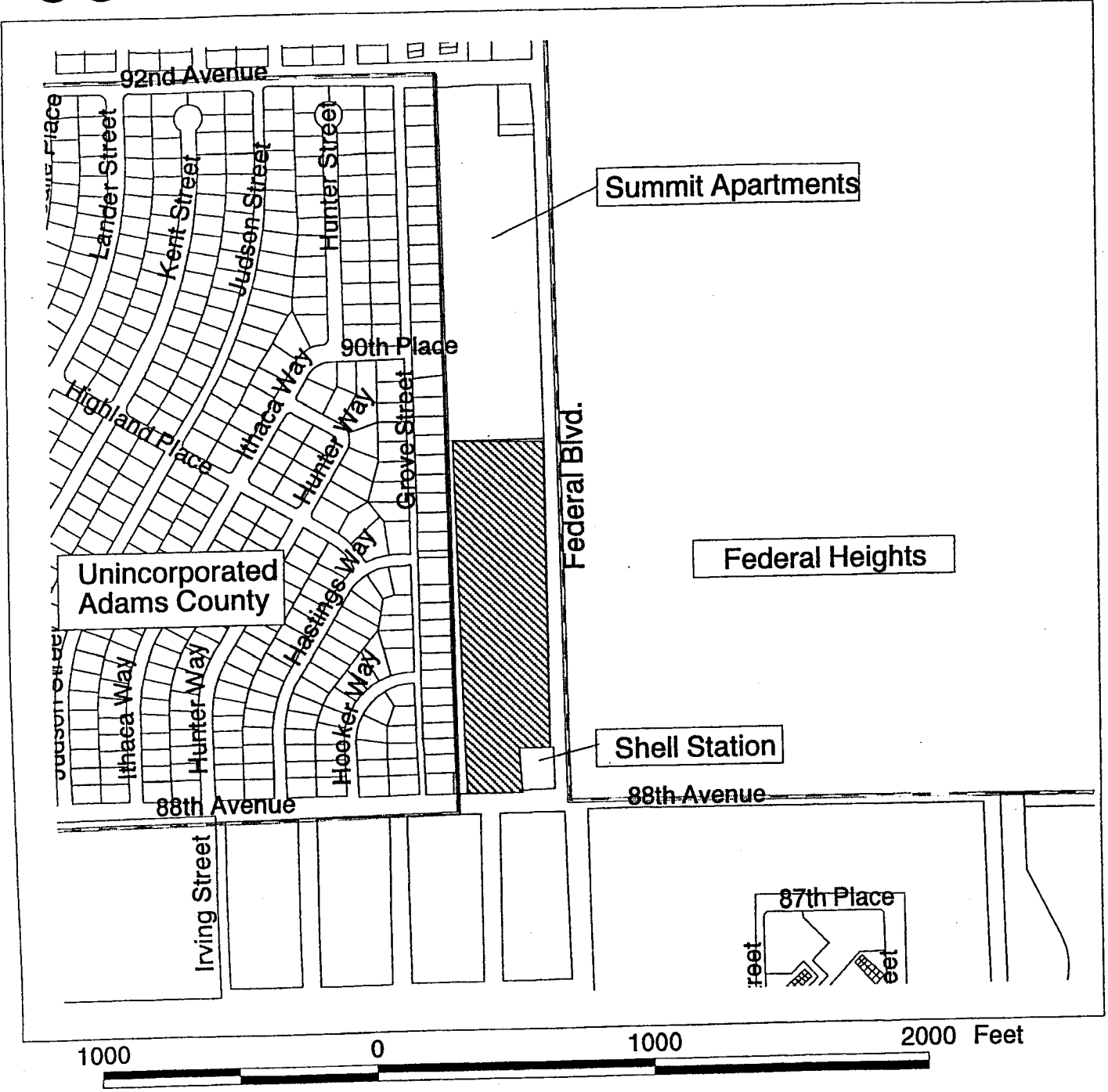
Mayor

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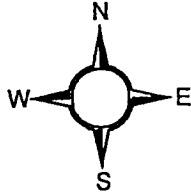
City Clerk



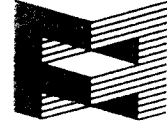
# COTTONWOOD VILLAGE SUBDIVISION



-  Cottonwood Village Subdivision
-  Current City Limits
-  Ownership Parcels



# Fairfield Homes



March 13, 2006

Ms. Terry Hamilton  
Department of Community Development  
City of Westminster  
4800 West 92<sup>nd</sup> Avenue  
Westminster, CO 80031

Re: Cottonwood Village

Dear Terry:

As of February 24, 2005, Fairfield Homes became the new owner of the above-referenced project. As you may know, the previous owner, Cottonwood Corp., had suspended the construction of the project for over a year. Fairfield Homes plans to complete the construction per the City approved construction drawings and in accordance with the existing Public Improvements Agreement.

We estimate that it will take approximately 2 years to complete the project. In order for us to do it, we would need the City Council's approval to extend the current Service Commitment for the project. It is our understanding, that you will be able to process this request on our behalf. If there is any additional information that you would need to obtain the necessary approvals, please do not hesitate to call me at 303-980-5447, ext. 705.

Sincerely,

A handwritten signature in black ink, appearing to read 'Riitta L. O'Grady'. The signature is fluid and cursive, with a large, sweeping flourish at the end.

Riitta L. O'Grady  
Special Projects Manager

## Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, April 24, 2006. Mayor McNally, Mayor Pro Tem Kauffman and Councillors Dittman, Lindsey, Major, and Price were present at roll call. Councillor Kaiser was absent and excused.

The minutes of the April 10, 2006 regular meeting were approved.

Council issued the following proclamations: to honor the Elks' Citizen of the Year, Betty Whorton; to declare April 22 to 29 "Just Say No" Week; to declare May 1 through 7 Cover the Uninsured Week; to declare May 7 through 13 "National Drinking Water Week;" and to declare May 13 "Community Pride Day" in Westminster. Council recognized the Victim Services Unit in celebration of National Crime Victims' Rights Week beginning April 23.

Council approved the following: March 2006 financial report; purchase of a semi tractor; 2006 Slurry Seal Project bid award; ICG Telecom Group, Inc. fiber optic agreement; and final passage of CB No. 26 annexing Sheridan Boulevard right-of-way.

Council adopted Resolution. No. 27 re extension of Cottonwood Village service commitment awards.

The following Councillors' Bills were passed on first reading:

**A BILL FOR THE ORDINANCE AUTHORIZING THE AMENDMENT AND RESTATEMENT OF THE ASSISTANCE AGREEMENT WITH PAPPAS RESTAURANTS TO AID IN THE CONSTRUCTION OF A PAPPADEAUX SEAFOOD KITCHEN ON THE SOUTHWEST CORNER OF 92<sup>ND</sup> AVENUE AND SHERIDAN BOULEVARD IN WESTMINSTER.** Purpose: Amend the Business Assistance Package with Pappas Restaurants.

**A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE OPEN SPACE FUND AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.** Purpose: 2005 final budget supplemental appropriation.

**A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND UTILITY WATER FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS.** Purpose: 2006 1<sup>st</sup> qtr. budget supplemental appropriation.

**A BILL FOR AN ORDINANCE ESTABLISHING COST RECOVERIES FOR CITY-CONSTRUCTED IMPROVEMENTS RELATED TO THE 112<sup>TH</sup> AVENUE/FEDERAL BOULEVARD INTERSECTION IMPROVEMENTS PROJECT (PROJECT NO. S03-03).** Purpose: Cost recovery for 112<sup>th</sup> Ave/Federal intersection improvements.

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 7 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ANIMALS.** Purpose: amending Code re dangerous and vicious animals.

The meeting adjourned at 8:18 p.m.

By Order of the Westminster City Council  
Linda Yeager, City Clerk  
Published in the Westminster Window on May 4, 2006

SERIES OF 2006

INTRODUCED BY COUNCILLORS  
**Kauffman - Major****A BILL****FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF  
CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN  
SECTION 30, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON,  
STATE OF COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, Colorado Department of Transportation presented to and filed with the City Clerk of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has found that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

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

WHEREAS, City Council has heretofore adopted Resolution No. 25 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the signers of the petition own 100% of the property to be annexed exclusive of streets and alleys; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

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

A parcel of land located in the northwest quarter of Section 30, Township 2 South Range 68 West of the Sixth Principal Meridian, in the County of Adams, State of Colorado and the Northeast quarter of Section 25, Township 2 South, Range 69 West of the Sixth Principal Meridian, in the County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the northwest corner of said Section 30 from whence the west quarter corner bears S00°12'37"E, 2646.08 feet on which all bearings hereon are based; thence along the west line of said Section S00°12'37"E, 551.16 feet to the point of beginning, a point on the south line of that tract of land annexed to the City of Westminster as recorded at Reception Number B432713 of the records of the Adams County Clerk and Recorder;

Thence along said south line N72°24'12"E, 31.46 feet to a point on the east line of Sheridan Boulevard, on the west line of that tract of land annexed to the City of Westminster as recorded at Reception Number B577995 of said records; thence along said west line and the following four courses; 1) along said east line S00°12'37"E, 106.21 feet; 2) along said east line S26°16'19"E, 594.90 feet; 3) along said east line S03°57'26"W, 406.46 feet to a point on a non-tangent curve right on the northeasterly line of the Colorado & Southern Railroad; 4) along said curve with a central angle of 26°18'28", a radius of 2917.97 feet and an arc length of 1339.81 feet, long chord bears S37°36'39"E, 1328.07 feet to a point on the north line of that tract of land annexed to the City of Westminster as recorded at Reception Number 941272 of said records; thence along said north line S89°36'48"W, 165.18 feet to a point on the southwesterly line of said railroad, on the east line of that tract of land annexed to the City of Westminster as recorded at Reception Number B488632 of said records, a point on a non-tangent curve left; thence along said southwesterly line, along said curve with a central angle of 23°34'07", a radius of 2767.97 feet and an arc length of 1138.60 feet, long chord bears N37°38'10"W, 1130.59 feet; thence S89°47'23"W, 216.22 feet to a point on the west line of said section; thence along said west line N00°12'37"W, 292.44 feet to the north line of the Colorado & Southern Railroad, a point on a non-tangent curve left; thence along said curve with a central angle of 00°01'38", a radius of 71709.00 feet and an arc length of 34.02 feet, long chord bears N62°05'18"W, 34.02 feet to the southeast corner of the 70-8 annexation to the City of Westminster; thence along the east line of said tract and the following three courses; 1) along the west line of Sheridan

Boulevard N00°12'37"W, 497.40 feet; 2) along said west line N17°46'37"W, 239.90 feet; 3) along said west line N26°14'37"W, 126.42 feet to the southwest corner of that tract of land annexed to the City of Westminster and recorded at Reception Number 946109 of said records; thence along the south line of said tract N61°13'18"E, 129.94 feet to the southwest corner of that tract of land annexed to the City of Westminster and recorded at Reception Number B432713 of said records; thence along the west line of said tract S36°32'54"E, 30.00 feet; thence along the south line of said tract N72°24'12"E, 27.24 feet to the true point of beginning.

Said property contains 475,277 square feet or 10.91 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 10th day of April, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of April, 2006.