



## 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. "Just Say No" Week Proclamation
  - B. National Drinking Water Week Proclamation
  - C. Colorado Archaeology and Historic Preservation Month Proclamation
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
  - A. Financial Report for March 2008
  - B. Deicing Salt Sale Approval
  - C. Quarterly Insurance Report: January – March 2008
  - D. Median and Right-of-Way Rehabilitation and Maintenance Contract
  - E. Southern Pressure Zone One Water Transmission Pipeline Engineering Contract
  - F. Big Dry Creek Trail at Wadsworth Boulevard – Construction Engineering Contract
  - G. Environmental Services Office Legal Services Agreement with Sherman and Howard, LLC
  - H. Second Reading Councillor's Bill No. 17 re Economic Development Agreement with Sprouts Farmers Markets, LLC

### 9. Appointments and Resignations

### 10. Public Hearings and Other New Business

- A. Public Hearing re Huron Park PUD CLUP Amendment and Second Amended PDP (Huron & 128<sup>th</sup> Avenue)
- B. Councillor's Bill No. 18 re CLUP Amendment from Business Park to District Center re Huron Park PUD
- C. Second Amended Preliminary Development Plan for the Huron Park Planned Unit Development
- D. Public Hearing re Application to Designate Westminster's First Town Hall as a Local Historic Landmark
- E. Resolution No. 26 re Designating Westminster's First Town Hall at 3924 W. 72<sup>nd</sup> Ave. as a Local Historic Landmark
- F. Resolution No. 27 re IGA with the State re Historic Preservation Grant for Rodeo Market Façade Restoration
- G. Resolution No. 28 re Adoption of the Comprehensive Roadway Plan
- H. Councillor's Bill No. 19 re Economic Development Agreement with Atrato, Inc.
- I. Councillor's Bill No. 20 re Amending Title VI of the Westminster Municipal Code Concerning Graffiti Vandalism

### 11. Old Business and Passage of Ordinances on Second Reading

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

- A. City Council
- B. Executive Session
  1. Discuss Strategy and Progress on Potential Sale, Acquisition, Trade or Exchange of Certain City owned Real Property and the City's Position Relative thereto, Pursuant to WMC 1011-3 (C)(2) and CRS 24-6-402 (4)(a)
  2. Discuss the appointment of Board & Commission members pursuant to WMC 1-11-3(C)(9) and CRS 24-6-402(4)(f)

### 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 28, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Henry Colling of Boy Scout Troop 484 led the Council, Staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, and Scott Major were present at roll call. Councillor Faith Winter 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 14, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. Smithers reminded everyone that the May 26 City Council meeting had been rescheduled to May 19 because of the Memorial Day holiday. Additionally, the 13<sup>th</sup> Annual Fire Station Open House would be held on May 3 at Fire Station #5, 10100 Garland Street, and the public was invited to attend. Finally, after this meeting adjourned, the City Council would meet in executive session to discuss strategy and progress on the potential sale, acquisition, trade or exchange of certain City-owned real property and the City's position relative thereto and to discuss appointments to Boards and Commissions.

CITY COUNCIL COMMENTS

Councillor Briggs reported that about 40 interested citizens had attended the organizational meeting regarding preparation of a Westminster history book to be published in association with the City's 100<sup>th</sup> anniversary celebration in 2011. At a meeting of the Rocky Mountain Rail Authority, a firm had been hired to prepare the feasibility study. He also represented City Council at the Growing Home Open House and had joined City Council, Department Heads, and the City Manager's staff for the annual Strategic Planning Retreat, which was most educational.

Councillor Major reported that the Strategic Planning Retreat had been very productive. The Plan was the foundation of the City's vision and he considered it the reason why the City of Westminster's operations ran so smoothly. The retreat provided an opportunity to re-prioritize goals and objectives and ensure that City Council and staff understood the vision.

Mayor McNally reported that the work of the US 36 Corridor PAC, which began in 1999, would be finished tomorrow. Many elected officials from municipalities and counties along the corridor had been involved in preparing the model over the years and now it appeared total consensus had been achieved. Those currently involved were proud to submit the document to the public and to the federal government in the months to come. There would still be opportunities for public comment during the process.

Councillor Lindsey attended a gathering of all Adams County municipalities where issues of common interest had been discussed. The meeting was held at the new Children's Hospital facility. She also had attended the dedication of a new addition to the Tri-City Baptist Church. The minister of that church was the Chaplain to the City's Public Safety staff.

Councillor Kaiser reported having attended the ground breaking for the addition to the Adams County Justice Center. County officials gratefully acknowledged municipal partnerships that had helped gain voter approval to finance the addition. After the ceremony, Judge Ed Moss had given Councillor Kaiser a tour of the existing facility.

## PRESENTATIONS

Mayor Pro Tem Dittman read a proclamation declaring the week of April 27 to May 3, 2008, Just Say No Week. Accepting the proclamation were Clifford “Skeet” Hartman, Eleanor Scott, Michael Pascoe, and Phyllis and Phil Aschenbrenner, members of the Westminster Area Community Awareness Action Team (CAAT) Board of Directors.

Councillor Kaiser read a proclamation declaring May 4 through 10 to be National Drinking Water Week and presented it to Steve Ramer, the City’s Laboratory Analyst/Program Coordinator.

Councillor Briggs read a proclamation declaring May to be Archaeology and Historic Preservation Month. Accepting the proclamation were Stephen Graziano, Kaaren Hardy, and April Luber, members of the Historic Landmark Board, and Henry Colling and his parents. Henry had fulfilled requirements for Eagle Scout status by conducting research and then painting Westminster’s First Town Hall building to restore it authentically for historical purposes. His parents had then prepared the application to designate the building a local historic landmark, which Council would consider later in the meeting. The family’s efforts were greatly appreciated by City Council.

## CITIZEN COMMUNICATION

Dan McCormick, president and CEO of Atrato, Inc., provided background information about his data storage company and how it was relocated to Westminster from Minneapolis, Minnesota, a few years earlier so they could tap into the talent pool in Colorado. The company had grown and was now relocating to a larger facility within Westminster. Council would be considering an Economic Development Agreement for Atrato, Inc., and he urged approval, thanking staff and the City Council for working with him to keep the business in the City.

## CONSENT AGENDA

The following items were submitted for Council’s consideration on the consent agenda: accept the March 2008 Financial Report; approve the sale of deicing salt to the City and County of Broomfield for \$52,500 and to the City of Thornton for \$60,000; accept the 1<sup>st</sup> Quarter 2008 Insurance Report; authorize the City Manager to execute a contract with T2 Construction, Inc., the low bidder, in the amount of \$747,729.15 for median and right-of-way rehabilitation and maintenance and authorize a 10% contingency of \$74,700; based on the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to execute a \$433,029 contract with Burns & McDonnell Engineering Company, Inc. for engineering design and construction management services for the Southern Pressure Zone One Water Transmission Pipeline, and authorize a \$43,303 contingency; authorize the City Manager to sign a contract with J. F. Sato & Associates, Inc. for construction engineering services for the Big Dry Creek Trail at Wadsworth Boulevard project in an amount not to exceed \$228,882, authorize an amendment to the design contract with Muller Engineering Company, Inc. in an amount not to exceed \$53,900 for a revised total contract amount of \$483,390 and authorize a contingency of \$25,000; authorize the City Manager to sign a contract with Sherman and Howard, LLC for special legal services in connection with environmental regulatory compliance and related matters; and final passage of Councillor’s Bill No. 17 authorizing the City Manager to execute and implement an Economic Development Agreement with Sprouts Farmers Markets, LLC in substantially the same form as Exhibit A attached thereto.

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

It was moved by Councillor Major, seconded by Councillor Kaiser, to approve the consent agenda, as presented. The motion passed unanimously.

PUBLIC HEARING RE HURON PARK PUD CLUP AMENDMENT AND 2<sup>ND</sup> AMENDED PDP

At 7:28 p.m., the Mayor opened a public hearing to consider the Huron Park Planned Unit Development Comprehensive Land Use Plan (CLUP) amendment and the second amended Preliminary Development Plan. The applicant was Erickson Retirement Communities. Max Ruppeck, Senior Projects Manager, introduced the public hearing, entered the agenda memorandum and attachments into the record, and advised that the public notification requirements of Section 11-5-13 of the Westminster Municipal Code had been satisfied.

Jay Graham, Vice President of Development for the SW Region for Erickson Retirement Communities, addressed Council. The near 86-acre site was located at the northeast corner of Huron Street and 128<sup>th</sup> Avenue and was proposed for development as a Continuing Care Retirement Community to include independent living, assisted living, skilled nursing facilities, and accessory uses. The CLUP amendment would change the current designation of Business Park to District Center. Erickson Retirement Communities would not only be the developer, but also the owner and operator of the retirement community. A Power Point presentation showed the planned division of the parcel by use, including a public land dedication for trail development and connections.

John Durham of Norris Design, 1101 Bannock Street in Denver, presented drawings of the proposed structures and explained that the entire development team was in attendance to answer any questions Council might ask.

Mr. Ruppeck reported that the Planning Commission had reviewed this proposal on April 22 and had voted to recommend approval subject to condition that the owner agree to provide a statement on the Official Development Plan acknowledging the property owner's awareness that the subject property abutted the City's Wastewater Treatment Facility and agreed to indemnify the City against any claims of future owners or the projects' residents that might result from negative odors or proximity to the facility.

When asked about the proximity of the treatment plant, Mr. Graham anticipated no adversity and said that Erickson Retirement Communities had developed a retirement community near the Centennial Wastewater Treatment Plant and had experienced no problems.

No others wished to testify and there were not further questions from Council. Mayor McNally closed the hearing at 7:40 p.m.

COUNCILLOR'S BILL NO. 18 RE CLUP AMENDMENT FOR HURON PARK PUD

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Major, the Council voted unanimously at roll call to pass Councillor's Bill No. 18 on first reading approving the Comprehensive Land Use Plan amendment changing the designation from Business Park to District Center for the northeast corner of Huron Street and 128<sup>th</sup> Avenue. Mayor Pro Tem Dittman said the motion was based on finding that the proposed amendment would be in the public good; that there was justification for the proposed change and the Plan was in need of revision as proposed; that the amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; that the proposed amendment was compatible with existing and planned surrounding land uses; and that the proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.

APPROVAL OF 2<sup>ND</sup> AMENDED PDP FOR HURON PARK PUD

Based on finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met, it was moved by Mayor Pro Tem Dittman to approve the Second Amended Preliminary Development Plan for the Huron Park Planned Unit Development, effective upon final passage of Councillor's Bill No. 18, with the condition that the owner agreed to provide a statement on the Official Development Plan acknowledging the property owner's awareness that the subject property abutted the City's Wastewater Treatment Facility and agreed to indemnify the City against any claims of future owners or the projects' residents that might result from negative odors or proximity to the facility. The motion was seconded by Councillor Major and passed unanimously.

PUBLIC HEARING RE DESIGNATION OF FIRST TOWN HALL AS A LOCAL HISTORIC LANDMARK

At 7:43 p.m., Mayor McNally opened a public hearing to consider an application from Tracy and David Colling nominating Westminster's First Town Hall, 3924 West 72<sup>nd</sup> Avenue, for designation as a local historic landmark. Vicky Bunsen, Community Development Programs Coordinator, presented background information. The first Town Hall was built in the 1890s and, having been used from 1911 to 1913, exemplified the political heritage of the community. Ms. Bunsen entered the agenda memorandum and its attachments into the record and advised that all public notice requirements of the Westminster Municipal Code had been satisfied. The application had been reviewed by the Historic Landmark Board where was unanimous endorsed and recommended for approval.

There was no public testimony, but Councillors praised the efforts of the Colling's family, noting that Henry Colling had undertaken authentic restoration of the paint on the former Town Hall structure for his Eagle Scout project and his parents had followed up by taking the initiative to nominate the structure for historic landmark designation. Both processes took considerable time to research and complete, and the City Council was grateful for the Colling family's investment.

The Mayor closed the hearing at 7:53 p.m.

RESOLUTION NO. 26 RE HISTORIC LANDMARK DESIGNATION OF FIRST TOWN HALL

It was moved by Councillor Lindsey, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 26 designating Westminster's First Town Hall, 3924 West 72<sup>nd</sup> Avenue, as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. At roll call, the motion passed unanimously.

RESOLUTION NO. 27 RE IGA FOR STATE HISTORIC PRESERVATION GRANT – RODEO MARKET

Councillor Major moved to adopt Resolution No. 27 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning the use of State Historical Fund grant monies awarded to the City of Westminster for the restoration of the Rodeo Market façade. Councillor Kaiser seconded the motion and it passed unanimously on roll call vote.

RESOLUTION NO. 28 ADOPTING THE COMPREHENSIVE ROADWAY PLAN

It was moved by Councillor Briggs and seconded by Councillor Major to adopt Resolution No. 28 adopting the Comprehensive Roadway Plan. On roll call vote, the motion passed unanimously.

COUNCILLOR'S BILL NO. 19 RE ATRATO, INC. ECONOMIC DEVELOPMENT AGREEMENT

Councillor Lindsey moved, seconded by Councillor Major, to pass Councillor's Bill No. 19 on first reading authorizing the City Manager to execute an Economic Development Agreement with Atrato, Inc. in substantially the same form as Exhibit A attached thereto. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 20 TO AMEND TITLE VI OF WMC RE GRAFFITI VANDALISM

Upon a motion by Councillor Major, seconded by Mayor Pro Tem Dittman, the Council voted unanimously at roll call to pass Councillor's Bill No. 20 on first reading establishing a graffiti vandalism ordinance.

Council commented on the strength of this ordinance and thanked staff for diligently researching other communities' laws to assemble the ordinance. For example, provisions would hold responsible not only the vandals committing graffiti crimes, but also their parents. There was confidence that this ordinance would help the community eradicate graffiti.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 8:03 p.m.

ATTEST:

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Mayor

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City Clerk

## Summary of Proceedings

Summary of proceedings of the City of Westminster City Council meeting of Monday, April 28, 2008. Mayor McNally, Mayor Pro Tem Dittman, and Councillors Briggs, Kaiser, Lindsey, and Major were present at roll call. Councillor Winter was absent and excused.

The minutes of the regular meeting of April 14, 2008, were approved as presented.

Council issued proclamations for “Just Say No” Week, National Drinking Water Week, and Colorado Archaeology and Historic Preservation Month.

Council approved the following: March 2008 Financial Report; deicing salt sale approval; 1<sup>st</sup> Quarter Insurance Report; median and right-of-way rehabilitation and maintenance contract; southern pressure zone one water transmission pipeline engineering contract; Big Dry Creek Trail at Wadsworth Boulevard construction engineering contract; Environmental Services Office legal services agreement with Sherman and Howard, LLC; 2<sup>nd</sup> Amended PDP for Huron Park PUD; and final passage of Councillor’s Bill No. 17 authorizing EDA with Sprouts Farmers Markets, LLC

Council conducted public hearings to consider:

- the Huron Park PUD CLUP Amendment and 2<sup>nd</sup> Amended PDP, and
- designation of Westminster’s First Town Hall as a local historic landmark.

Council adopted the following resolutions: Resolution No. 26 designating Westminster’s First Town Hall as a local historic landmark; Resolution No. 27 concerning an IGA with the State for a Historic Preservation Grant for Rodeo Market façade restoration; and Resolution No. 28 adopting the Comprehensive Roadway Plan.

The following Councillors’ Bills were passed on first reading:

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN.** Purpose: Change the land use designation for property at the NE corner of Huron Street & 128<sup>th</sup> Avenue from Business Park to District Center.

**A BILL FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT WITH ATRATO, INC.** Purpose: Approve the Atrato EDA.

**A BILL FOR AN ORDINANCE AMENDING TITLE VI OF THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 16 CONCERNING GRAFFITI.** Purpose: Establish graffiti vandalism laws.

The meeting adjourned at 8:03 p.m.

By order of the Westminster City Council  
Linda Yeager, City Clerk  
Published in the Westminster Window on May 8, 2008



**A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH SPROUTS FARMERS MARKETS, LLC FOR THE ATTRACTION OF A "SPROUTS FARMERS MARKET" TO THE SHERIDAN CROSSING SHOPPING CENTER WESTMINSTER, COLORADO**

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

WHEREAS, it is important for the City of Westminster to generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, Sprouts Farmers Markets, LLC plans to improve and fill a portion of the vacant space in the Sheridan Crossing Shopping Center located at the southeast corner of Sheridan Boulevard and 120<sup>th</sup> Avenue with a Sprouts Farmers Market; and

WHEREAS, a proposed Economic Development Agreement between the City and Sprouts Farmers Markets, LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of April, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of April, 2008.

**EXHIBIT A**

**ECONOMIC DEVELOPMENT AGREEMENT WITH SPROUTS FARMERS MARKETS, LLC FOR A "SPROUTS FARMERS MARKET"**

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, between the CITY OF WESTMINSTER (the "City"), and SPROUTS FARMERS MARKETS; an Arizona, LLC.

WHEREAS, the City wishes to provide certain assistance to Sprouts Farmers Markets, LLC to encourage the location of a Sprouts Farmers Market in the Sheridan Crossing Shopping Center at the southeast corner of 120<sup>th</sup> Avenue and Sheridan Boulevard; and

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

In consideration of the mutual promises set forth below the City and Sprouts Farmers Markets, LLC agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the building related permit fees for the Sprouts Farmers Market tenant finish required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees. The rebate is estimated to be \$4,866.

2. Use Tax Rebate- Construction. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the building use tax on the construction materials (excluding the City's .25% open space tax and .6% public safety tax), resulting from the Sprouts Farmers Market tenant finish, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate is estimated to be \$8,100.

3. Use Tax Rebate- Furniture & Fixtures. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the General Sales and Use Tax collected on furnishings and equipment (excluding the City's .25% open space tax and .6% public safety tax), purchased during the

period three months prior and three months after Sprouts Farmers Markets, LLC obtains a final Certificate of Occupancy for their new store. The rebate is estimated to be \$10,359.

4. Sales Tax Rebate. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the sales tax collected from Sprouts Farmers Market for the first three years (36 months) of operation of the new Sprouts Farmers Market store. Such rebate shall be payable exclusively from sales tax revenue collected by the City from Sprouts Farmers Market and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The rebate is estimated to be \$328,900. The sales tax rebate shall not continue past three years (36 months) of operation and shall be administered as follows:

- (a) Payment. The sales tax rebate amount will be paid to Sprouts Farmers Markets, LLC in quarterly payments, made within 20 days after the end of each quarter. The sales tax rebate payment will be submitted electronically to Sprouts Farmers Markets, LLC designated financial institution.
- (b) End of Sales Tax Rebate. The sales tax rebate shall commence on issuance of the Certificate of Occupancy for Sprouts Farmers Market and end on the third (3rd) anniversary thereof.

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

6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Sprouts Farmers Market has not moved into their new space in Sheridan Crossing on or before December, 2008; or, should Sprouts Farmers Markets, LLC or Sprouts Farmers Market fail to comply with any City code and/or approval process.

7. Business Termination. In the event that Sprouts Farmers Market ceases business operations in the City within three years after the new operations commence, Sprouts Farmers Markets, LLC shall reimburse the City for any amounts rebated to or otherwise provided to Sprouts Farmers Markets, LLC pursuant to this Agreement, unless the City approves a successor to the initial approved user within 12 months of the closing of Sprouts Farmers Market, which is substantially similar in quality and sales tax production as the approved user.

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

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

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



## Agenda Item 6 A

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



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

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

**Recommended City Council Action**

Mayor Pro Tem Dittman to present the proclamation for “Just Say No” Week in the City of Westminster.

**Summary Statement**

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

**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 "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 27 through May 3 as "Just Say No" Week. During that week, the "Just Say No" flag will be flown from one of the standards in front of City Hall as a visible reminder of the need for the community to focus on a drug-free society.

Clifford "Skeet" Hartman, Eleanor Scott, and Phyllis and Phil Aschenbrenner, members of the Westminster Area CAAT Board, will be present to accept this proclamation.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

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

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

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

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

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

**NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of April 27 through May 3, 2008**

### **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 that requires everyone’s attention.

Signed this 28<sup>th</sup> day of April, 2008.

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Nancy McNally, Mayor



## Agenda Item 6 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 28, 2008



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

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

#### Recommended City Council Action

City Councillor Kaiser to present proclamation for declaring the week of May 4 through 10, 2008 as “National Drinking Water Week” in the City of Westminster.

#### Summary Statement

- City Council is requested to proclaim the week of May 4 through 10, 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's National Drinking Water Week program, scheduled for the week of May 4 through 10, will be coordinated by the Public Works and Utilities Department's Water Resources and Treatment Division. Information on caring for the City's precious water resource will be available in the lobby at Westminster's City Hall from May 5-9 and on display at the City Park Recreation Center during the month of May.

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

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

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

**WHEREAS**, the ever increasing need for domestic water makes storage, supply and distribution facilities, and 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 4 through 10, 2008, 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 28th day of April 2008.

---

Nancy McNally, Mayor





## Agenda Item 6 C

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Proclamation re Colorado Archaeology and Historic Preservation Month

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

City Councillor Briggs to present the proclamation declaring the month of May as Archaeology and Historic Preservation Month in the City of Westminster.

**Summary Statement**

- May is the statewide Archaeology and Historic Preservation Month.
- The Colorado Historical Society encourages local governments to recognize Archaeology and Historic Preservation Month by adopting proclamations and taking actions to educate the public concerning the benefits of archaeology and historic preservation in Colorado.
- Members of the City's Historic Landmark Board will be present to accept the proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

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

The Westminster Historical Society (WHS) is recognizing Archaeology and Historic Preservation Month with a celebration at the Bowles House Museum at 2pm, Saturday, May 17, 2008. The event will celebrate the restoration of Westminster's First Town Hall and give the annual Historic Preservation Award to Linda Sweitzer for her efforts in restoring and maintaining the historic Margaret O'Gorman House, 8198 Irving Street. The celebration will also mark the 20<sup>th</sup> anniversary of the Bowles House Museum.

The City's historic preservation program has made strides since its inception in 2003, with preservation projects and planning for the Westminster Grange Hall, the Rodeo Market, the Semper Farm, the Savery Savory Mushroom Farm Water Tower and the Wesley Chapel Cemetery. Funding initiatives and preservation planning are underway for the Shoenberg Farm. The program also provides opportunities for private landowners to preserve their own historic homes and business properties and gain preservation income tax credits. Four local historic landmarks have been designated by City Council during the past year.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

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

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

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

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

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

**ARCHAEOLOGY AND  
HISTORIC PRESERVATION MONTH**

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

Signed this 28th day of April, 2008.

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Nancy McNally, Mayor



WESTMINSTER  
COLORADO

Agenda Memorandum

City Council Meeting  
April 28, 2008



**SUBJECT:** Financial Report for March 2008  
**Prepared By:** Tammy Hitchens, Finance Director

**Recommended City Council Action**

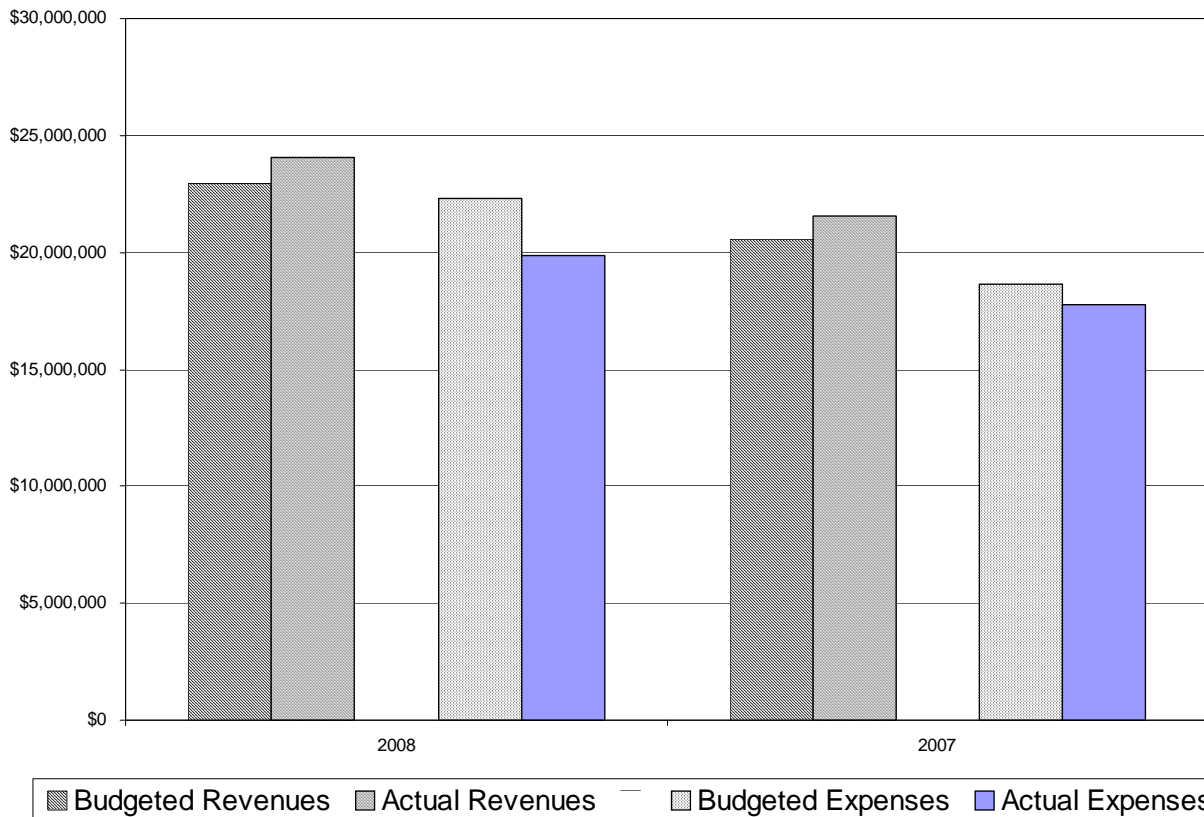
Accept the Financial Report for March as presented.

**Summary Statement**

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

The General Fund revenues and carryover exceed expenditures by \$4,216,000. The following graph represents Budget vs. Actual for 2007 – 2008.

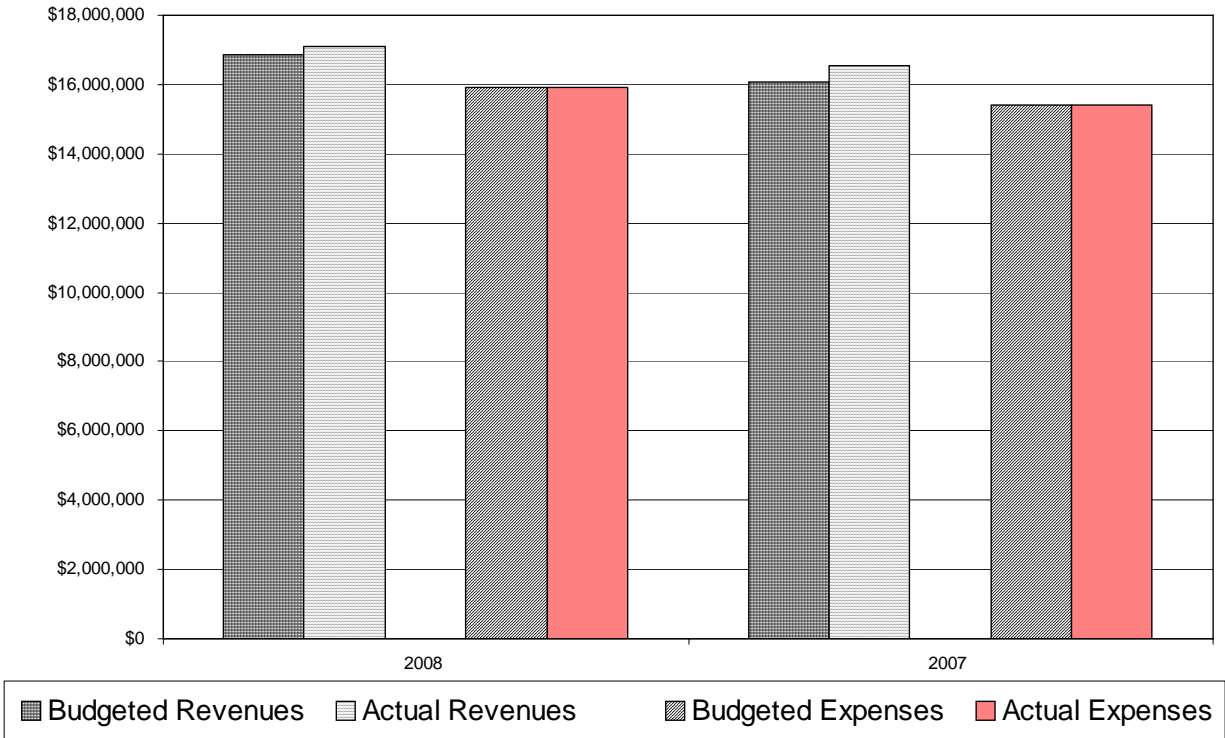
**General Fund  
Budget vs Actual**



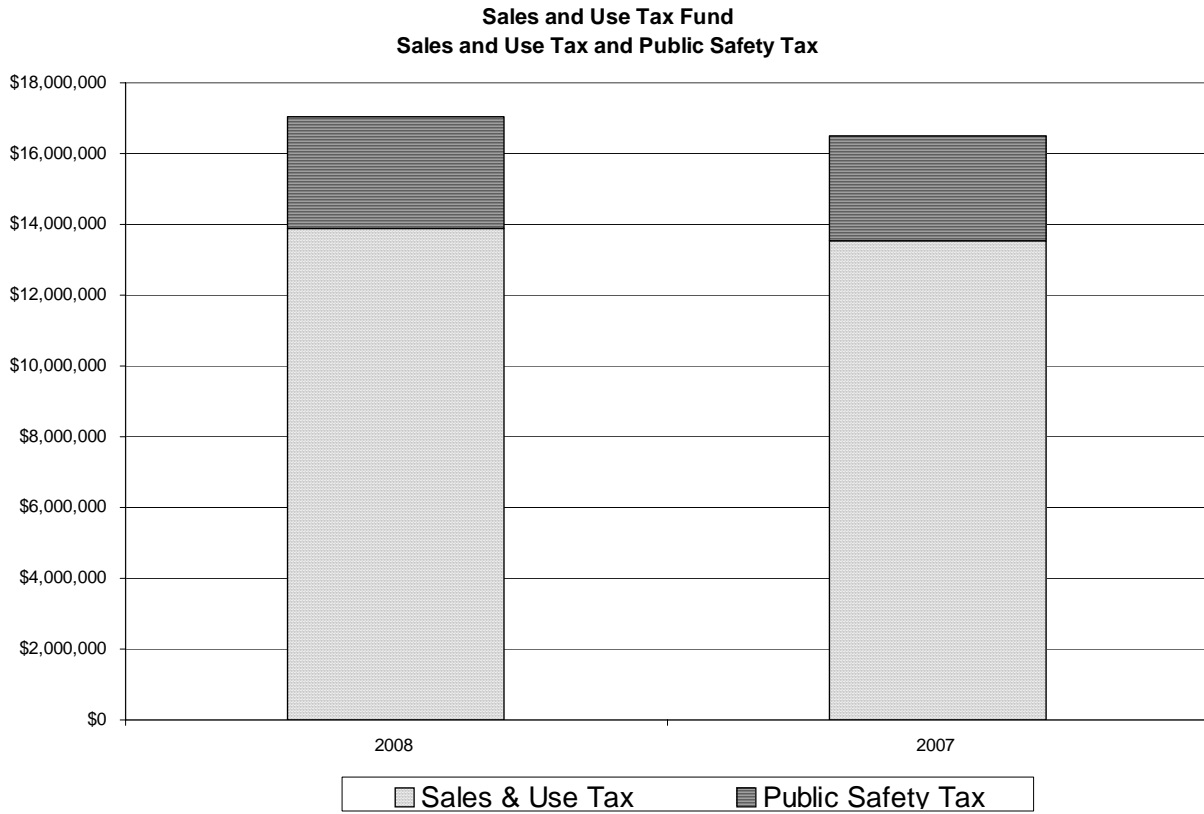
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$1,199,000.

- On a year-to-date cash basis, sales & use tax returns are up 1.3% over 2007.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are down 1% from the prior year. 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 8.5%.
- The top 50 Sales Taxpayers, who represent about 62% of all collections, were down 4.7% after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 17% on a year-to-date basis.
- Building Use Tax is up 53.3% year-to-date over 2007.

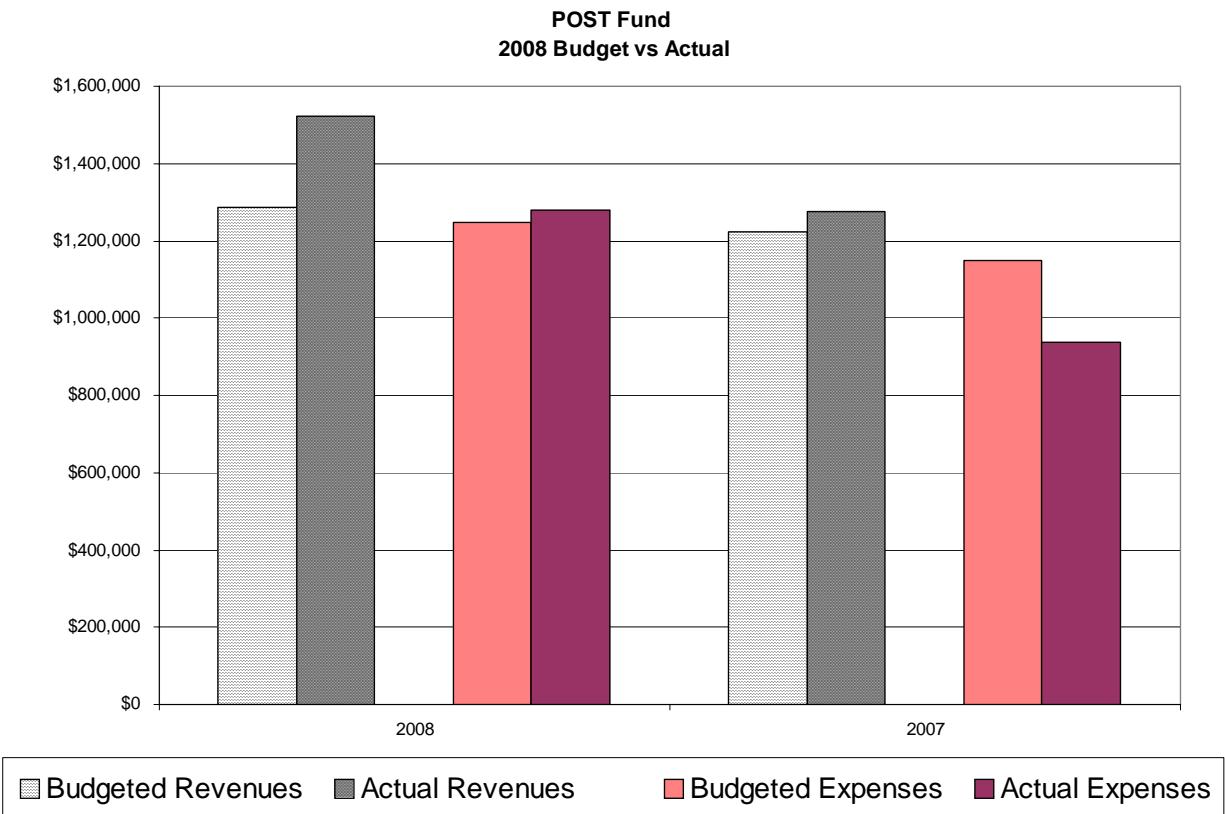
**Sales & Use Tax Fund  
Budget vs Actual**



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

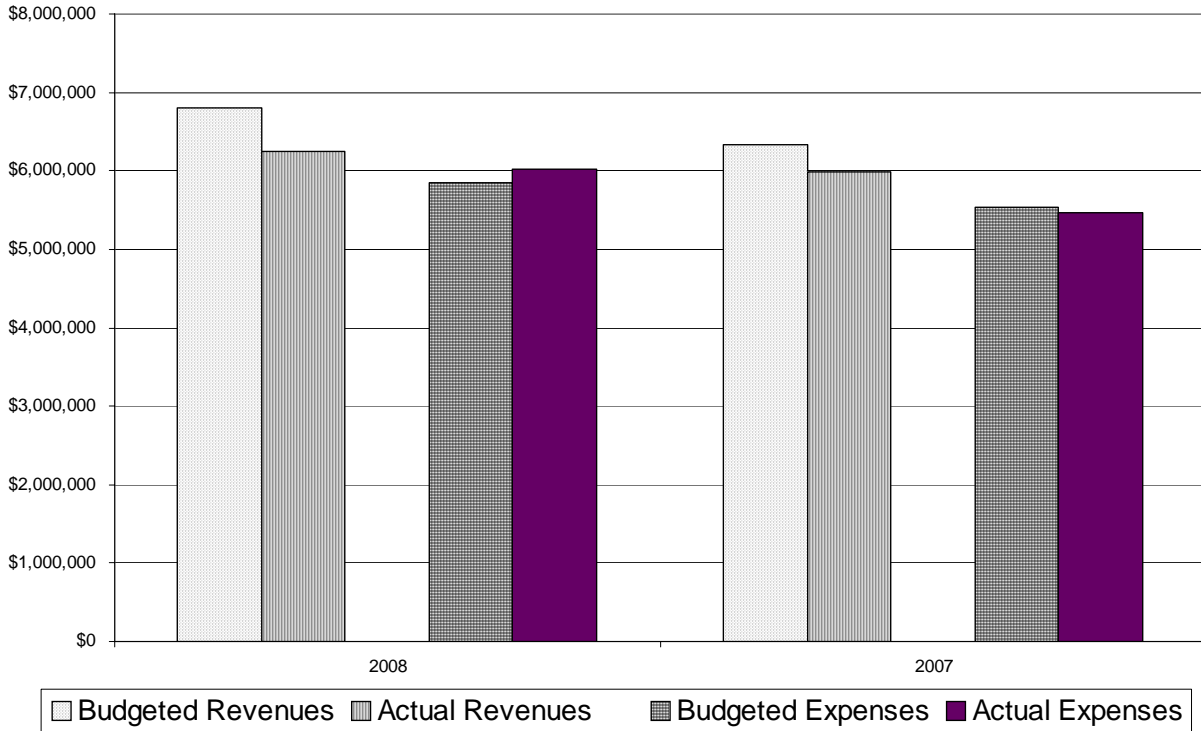


The Parks Open Space and Trails Fund revenues exceed expenditures by \$243,000. 2008 revenues reflect the sale of assets to the General Capital Improvement Fund for right of way acquisitions.



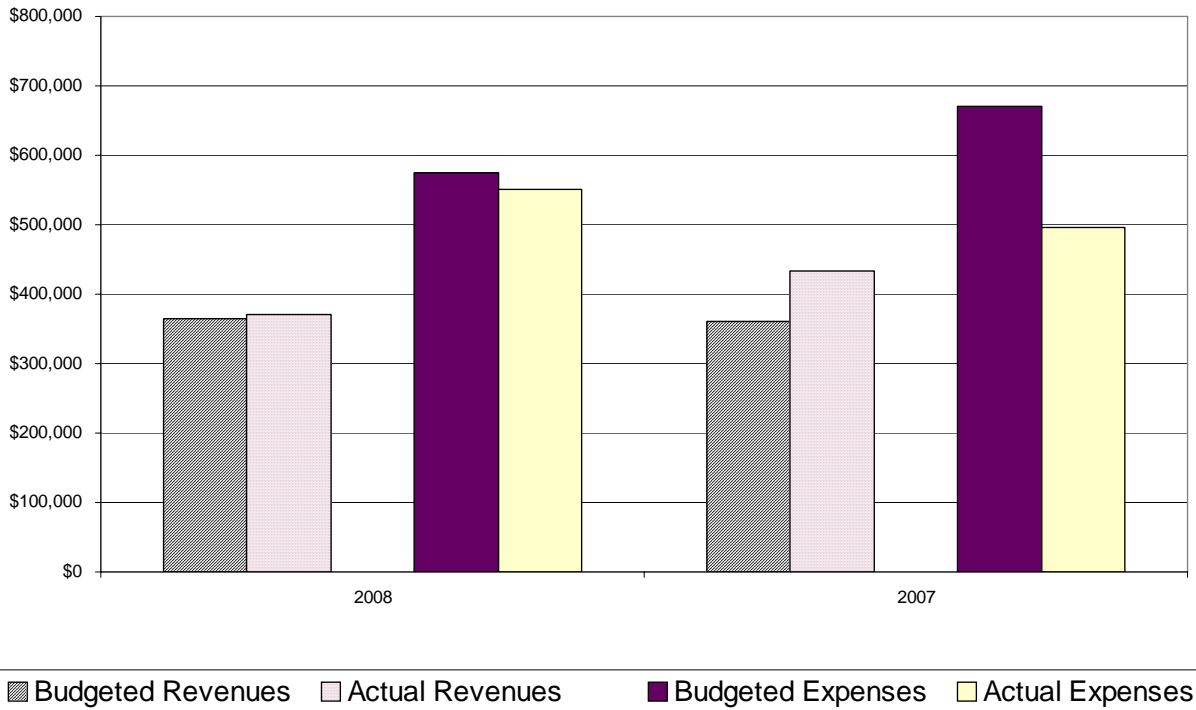
The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$11,373,000. \$24,548,993 is budgeted for capital projects and reserves.

**Combined Water and Wastewater Funds  
2008 Operating Budget vs Actual**



The combined Golf Course Fund expenditures exceed revenues by \$181,000.

**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**

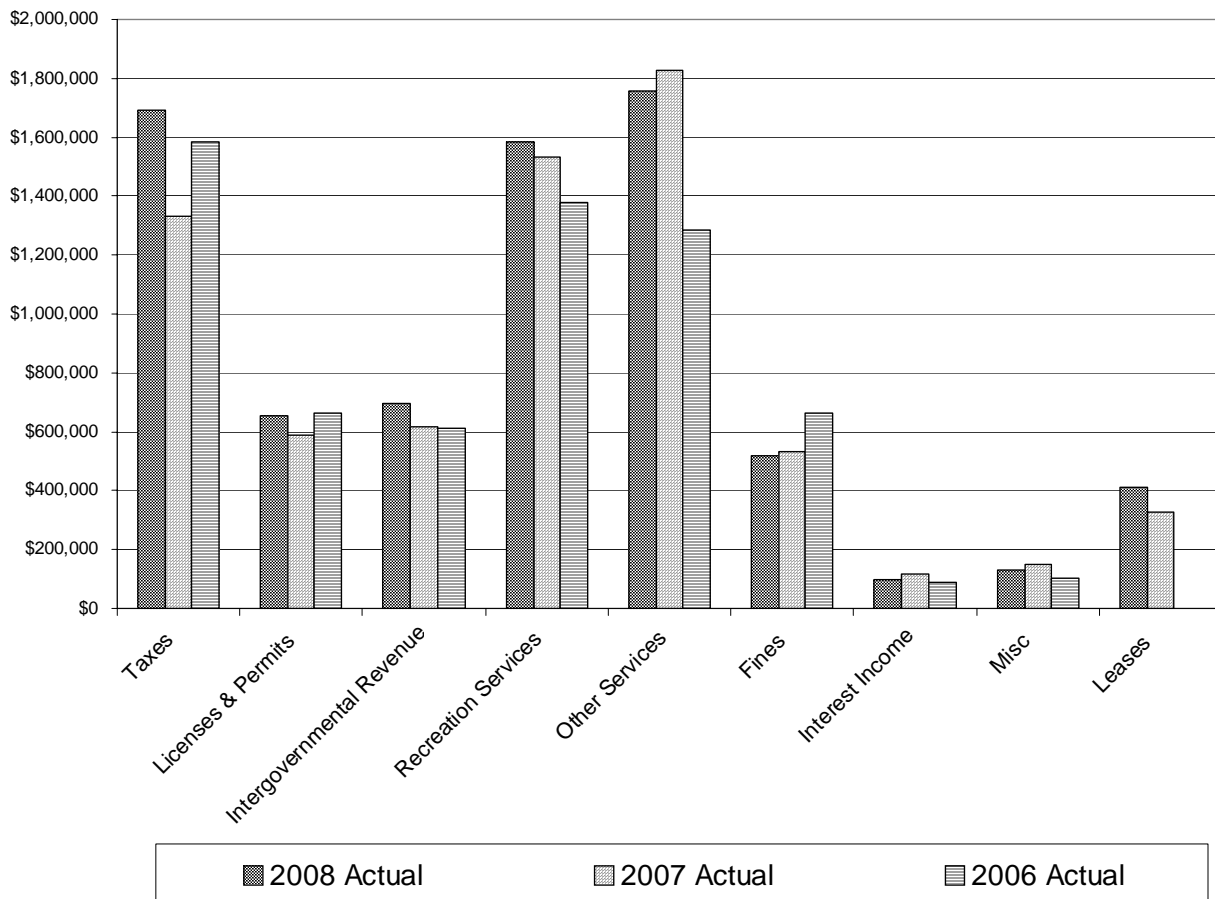
This section includes a discussion of highlights of each fund presented.

**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 2006 – 2008 year-to-date.

**General Fund Revenues without Transfers, Carryover, and Other Financing Sources  
2006 - 2008**

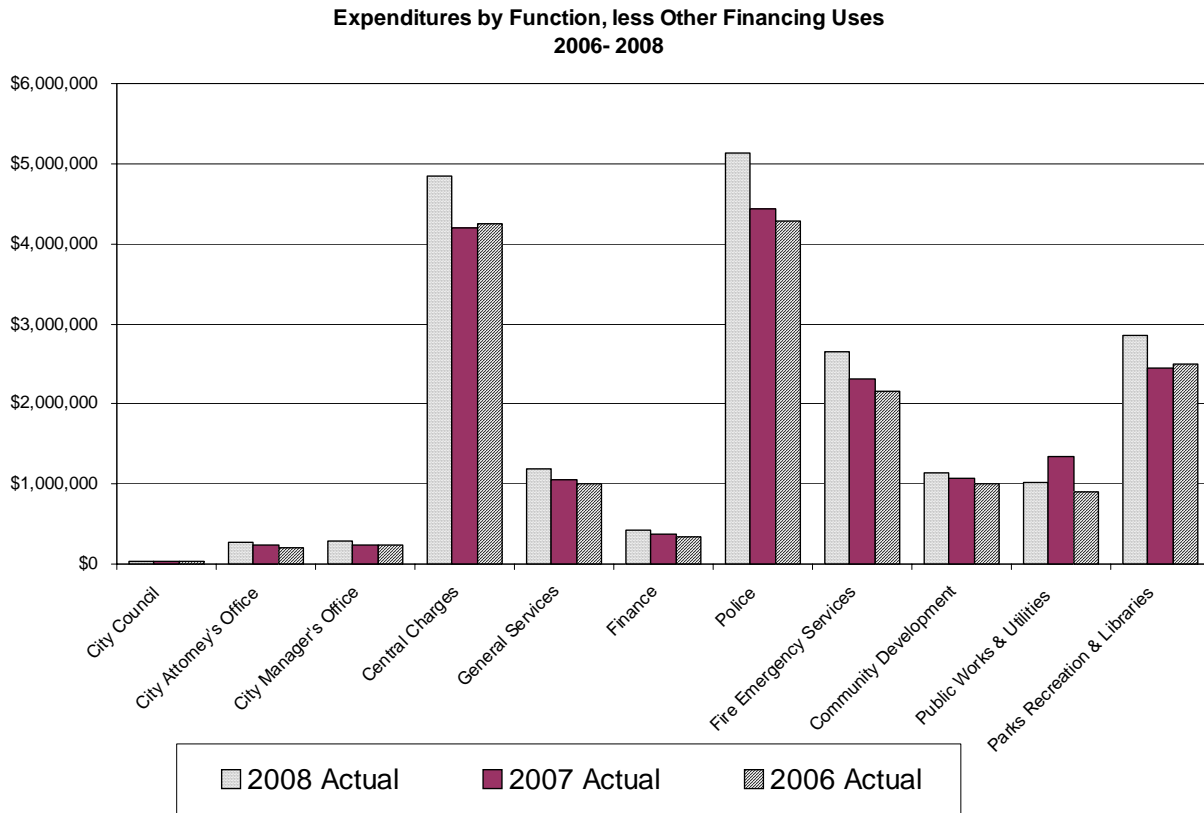


Increases in General Fund revenue categories are explained as follows:

- Taxes reflect increased property tax distributions from both Adams and Jefferson Counties
- Licenses and Permits reflect commercial building permit activity for the Orchard
- Intergovernmental revenue reflects receipt of grant reimbursements
- Recreation Services reflect revenues from the Sports Center
- Leases reflect rental income for the former police building at 88<sup>th</sup> Avenue and Sheridan Boulevard



The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2006 –2008.



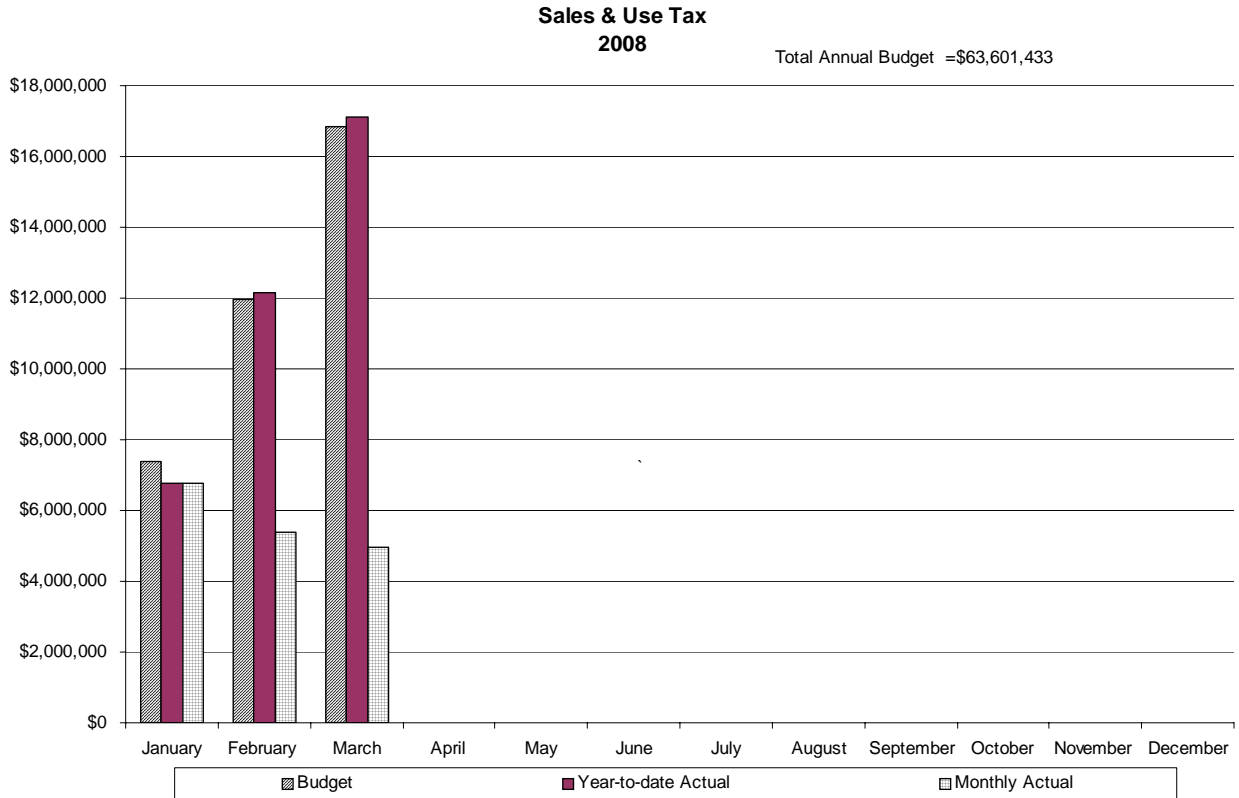
Increases in General Fund expenditure categories are explained as follows:

- Central Charges reflect the rising cost for employee benefits and transfers to other funds

**Sales and Use Tax Funds (Sales & Use Tax Fund and Parks Open Space and Trails 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 land, 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.

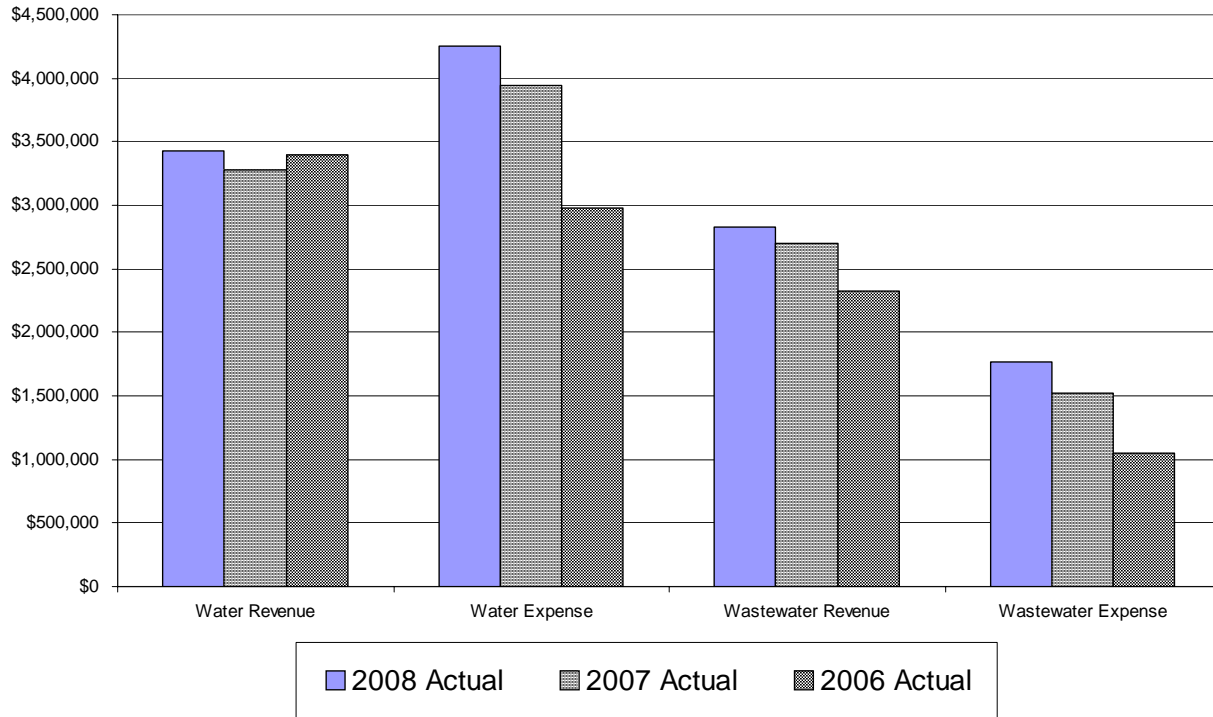


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

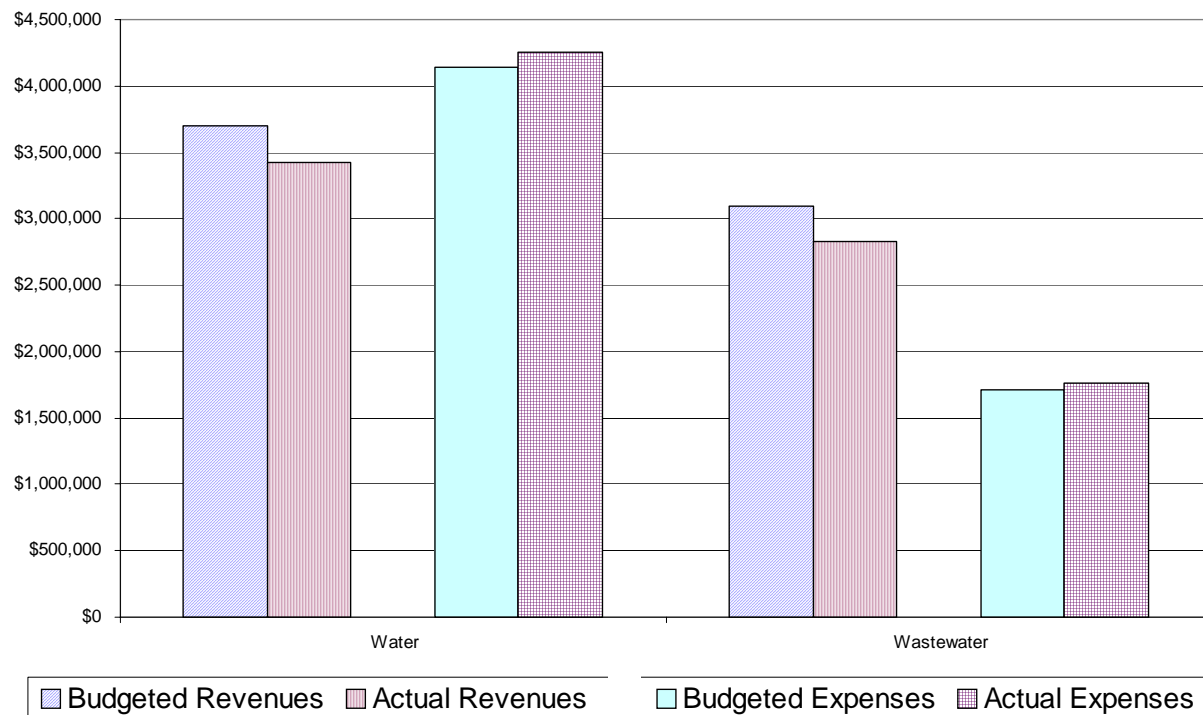
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

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

**Water and Wastewater Funds  
Operating Revenue and Expenses 2006-2008**



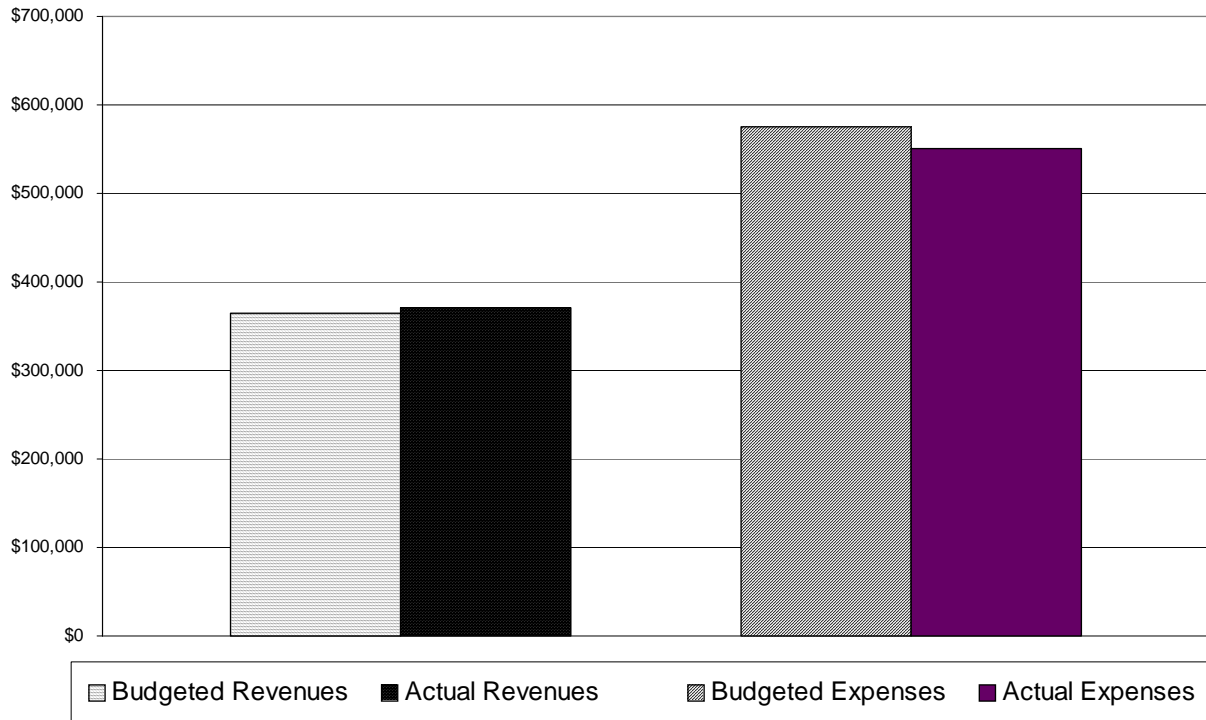
**Water and Wastewater Funds  
2008 Operating Budget vs Actual**



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

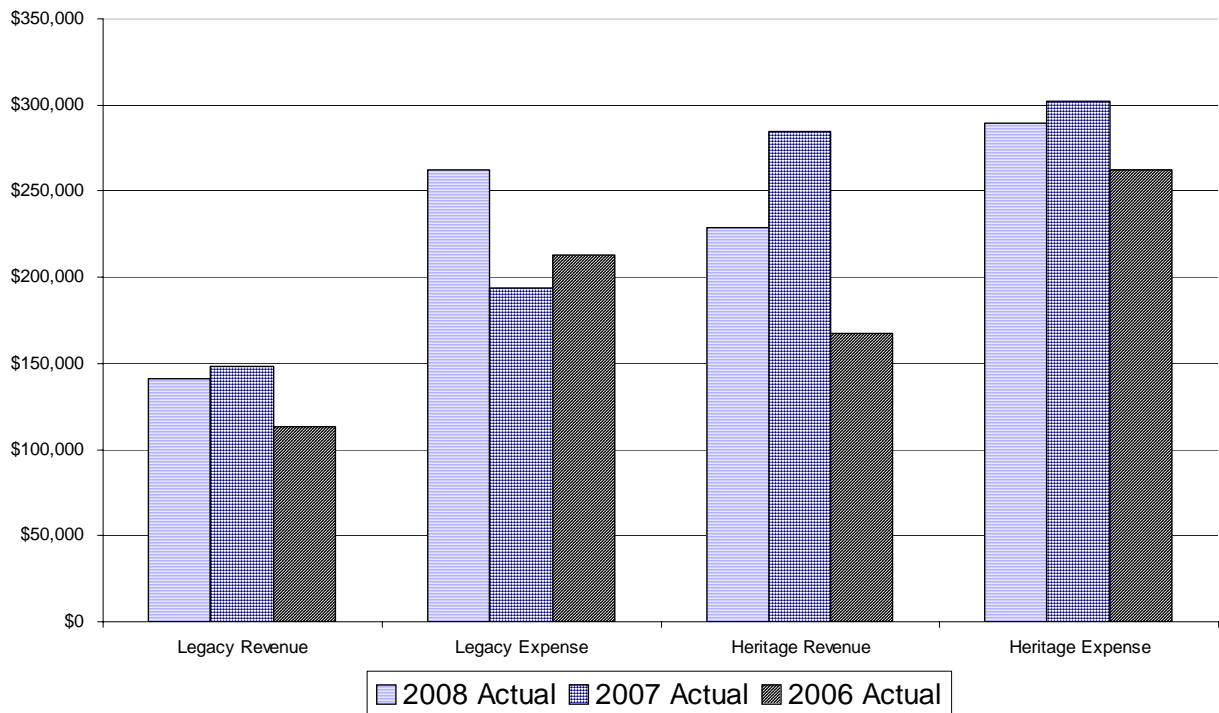
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses  
2008 Budget vs Actual**

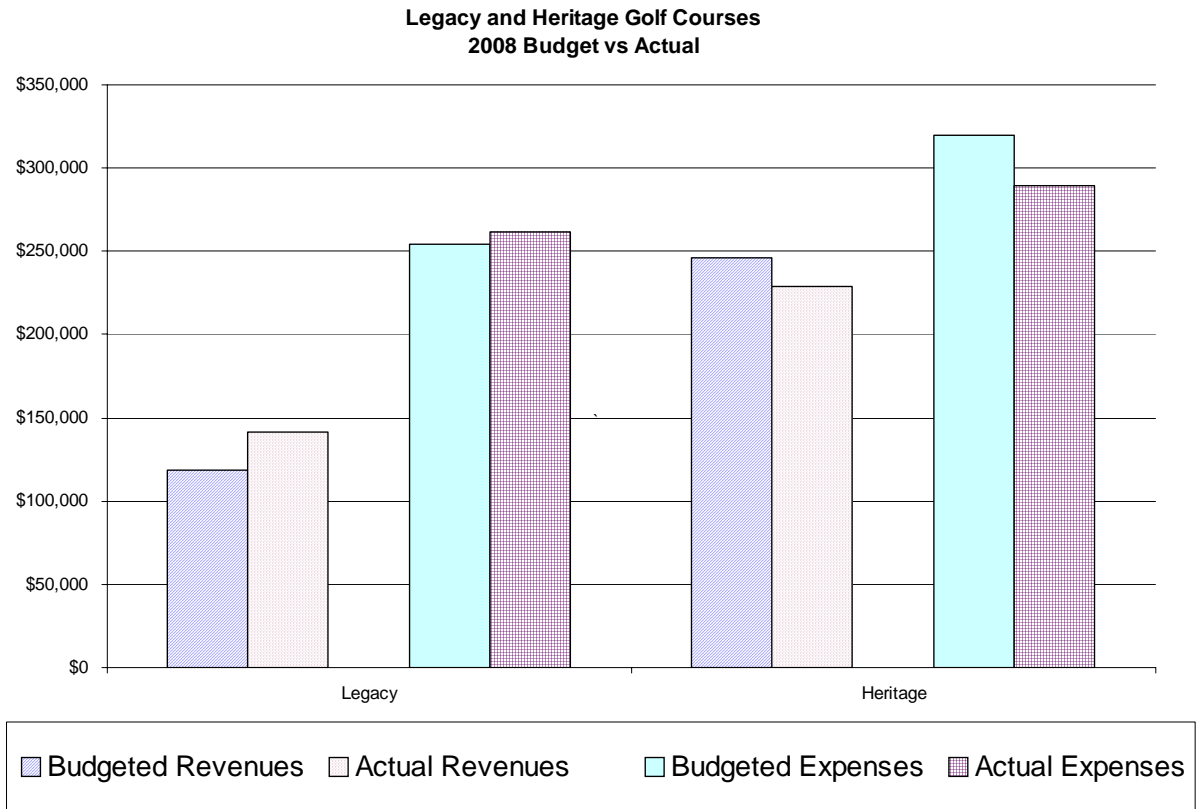


The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses  
Revenue and Expenses 2006-2008**



The 2008 expenses at Legacy reflect merchandise purchases and lease payments for golf course equipment. A one time Other Financing Source and use of \$582,144, which was a lease purchase of golf carts, was omitted from 2006 Heritage Revenue and Expense for comparison purposes.



Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF MARCH 2008

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	376,811	2,149	378,960	390,368	2,590	392,958	-3	-17	-4
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	267,477	3,951	271,427	<del>229,430</del> 313,911 *	<del>10,058</del> 3,646*	<del>239,488</del> 317,557*	-15*	8*	-15*
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	233,283	14,350	247,633	184,495	2,661	187,156	26	439	32
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	204,003	1,162	205,165	234,757	861	235,618	-13	35	-13
SHOPS AT WALNUT CREEK 104TH & REED TARGET	183,606	507	184,113	151,978	3,645	155,623	21	86	18
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	168,855	225	169,080	196,870	1,079	197,949	-14	-79	-15
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	153,808	4,998	158,807	155,313	918	156,231	-1	445	2
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	137,000	15,576	152,575	458,764	15,571	474,335	-70	0	-68
THE ORCHARD 144TH & I-25 JC PENNEY	126,712	14,004	140,716	65,062	258	65,320	95	5323	115
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	99,605	3,667	103,272	125,140	898	126,039	-20	308	-18
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	96,110	1,074	97,184	85,638	291	85,929	12	269	13
VILLAGE AT THE MALL S SIDE 86TH DREW-HARLAN TOYS 'R US	71,102	116	71,218	65,573	76	65,648	8	53	8
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	63,842	569	64,411	60,783	203	60,986	5	377	6
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUYAR STORE	57,358	429	57,786	55,551	928	56,479	3	-54	2
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	55,362	700	56,062	52,966	160	52,126	7	338	8

\* Adjusted for timing of two returns

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)  
MONTH OF MARCH 2008

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	50,616	139	50,754	49,919	127	50,046	1	9	1
SAFEWAY WILLOW RUN 128TH & ZUNI	46,235	243	46,478	48,094	58	48,151	-4	320	-3
SAFEWAY VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	41,167	321	41,487	37,099	381	37,480	11	-16	11
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	8,509	25,470	33,979	15,765	19,321	35,086	-46	32	-3
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	26,485	182	26,667	24,415	751	25,166	8	-76	6
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	24,822	1,008	25,830	46,036	775	46,811	46	30	-45
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	23,402	224	23,626	22,760	1,332	24,091	3	-83	-2
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	23,158	319	23,477	19,661	102	19,763	18	211	19
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	21,175	506	21,681	30,106	20	30,126	-30	2375	-28
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	19,546	5	19,551	23,779	0	23,779	-18	*****	-18
	2,580,048	92,292	2,672,340	<del>2,839,418</del>	<del>56,156</del>	<del>2,895,574</del>	<del>x2</del>	<del>x50</del>	<del>x8</del>
				2,913,798 *	56,653 *	2,970,451 *	-1 *	63 *	-10 *

\*Adjusted for timing of two returns

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF MARCH 2008

Center Location Major Tenant	YTD 2008			YTD 2007			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	1,356,227	7,109	1,363,336	1,390,132	7,539	1,397,671	-2	-6	-2
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	1,099,355	18,327	1,117,683	<del>1,325,587</del> *	<del>13,905</del> *	<del>1,339,492</del> *	<del>-17</del> *	<del>32</del> *	<del>-17</del> *
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	782,129	29,643	811,772	349,866	50,006	399,892	124	-41	103
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	753,312	4,471	757,783	865,734	4,470	870,204	-13	0	-13
SHOPS AT WALNUT CREEK 104TH & REED TARGET	682,299	3,702	686,001	501,012	5,798	596,810	15	-36	15
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	584,172	2,277	586,449	661,406	2,986	664,393	-12	-24	-12
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	563,921	10,664	574,585	539,182	3,776	542,957	5	182	6
THE ORCHARD 144TH & I-25 JC PENNEY	468,783	31,599	500,382	386,915	7,533	394,448	21	320	27
PROMENADE SOUTH/NORTH S/W SIDES OF CHURCH RANCH BLVD SHANE/AMC	439,464	146,236	585,700	778,843	44,453	823,295	-44	229	-29
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	389,503	6,488	395,991	475,433	5,499	480,932	-18	18	-18
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	380,646	2,852	383,498	361,003	10,858	371,861	5	-74	3
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	312,321	931	313,252	308,062	798	308,860	1	17	1
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	246,073	1,664	247,737	250,528	1,092	251,620	2	52	2
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	189,277	1,271	190,548	178,532	1,592	180,124	6	-20	6
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	166,623	4,590	171,214	157,664	883	158,547	6	420	8

\* Adjusted for timing of two returns



CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)  
MONTH OF MARCH 2008

Center Location Major Tenant	YTD 2008			YTD 2007			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEWAY STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	156,779	871	157,650	161,329	959	162,288	-3	-9	-3
WILLOW RUN 128TH & ZUNI SAFEWAY	145,520	714	146,234	160,178	641	160,819	-9	11	-9
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CR & POTTS	125,139	1,248	126,386	115,263	9,717	124,980	9	-87	1
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	83,734	388	84,123	41,099	470	41,569	104	-17	102
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	76,906	1,632	78,538	71,363	2,633	73,996	8	-38	6
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	74,914	1,444	76,359	73,301	3,483	76,784	2	-59	-1
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	69,516	1,976	71,492	136,671	3,722	140,393	-49	-47	-49
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	68,321	522	68,843	60,964	366	61,330	12	42	12
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	61,575	632	62,206	99,527	782	100,310	-38	-19	38
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	58,142	274	58,416	63,136	242	63,378	-8	13	-8
	9,332,651	281,528	9,614,179	<del>9,529,373</del>	<del>182,102</del>	<del>9,711,475</del>	<del>3</del>	<del>53</del>	<del>2</del>
				9,602,751 *	184,202 *	9,786,953 *	-3 *	53 *	-2 *

\* Adjusted for timing of two returns

**City of Westminster  
Financial Report  
For Three Months Ending March 31, 2008**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues and Carryover</b>						
Taxes	5,012,710	1,468,723		1,692,731	224,008	115.3%
Licenses & Permits	1,575,000	405,450		654,350	248,900	161.4%
Intergovernmental Revenue	4,840,000	580,450		697,531	117,081	120.2%
Recreation Services	5,689,173	1,161,517		1,582,099	420,582	136.2%
Other Services	8,574,968	1,639,443		1,757,232	117,789	107.2%
Fines	2,353,275	541,253		520,044	-21,209	96.1%
Interest Income	500,000	125,000		96,570	-28,430	77.3%
Misc	1,741,529	118,375		131,888	13,513	111.4%
Leases	1,697,251	424,313		413,055	-11,258	97.3%
Interfund Transfers	60,056,933	15,014,233		15,014,233	0	100.0%
Sub-total Revenues	<u>92,040,839</u>	<u>21,478,757</u>		<u>22,559,733</u>	<u>1,080,976</u>	<u>105.0%</u>
Carryover	1,500,000	1,500,000		1,500,000	0	100.0%
Revenues and Carryover	<u>93,540,839</u>	<u>22,978,757</u>		<u>24,059,733</u>	<u>1,080,976</u>	<u>104.7%</u>
<b>Expenditures</b>						
City Council	206,348	46,386		34,967	-11,419	75.4%
City Attorney's Office	1,105,473	292,590		273,009	-19,581	93.3%
City Manager's Office	1,159,924	300,790		282,842	-17,948	94.0%
Central Charges	25,476,533	4,855,759		4,847,205	-8,554	99.8%
General Services	5,306,175	1,266,965		1,182,642	-84,323	93.3%
Finance	1,891,094	499,414		422,705	-76,709	84.6%
Police	20,654,476	5,638,855		5,127,509	-511,346	90.9%
Fire Emergency Services	11,312,021	2,932,684		2,659,422	-273,262	90.7%
Community Development	4,650,725	1,202,922		1,140,576	-62,346	94.8%
Public Works & Utilities	7,170,255	1,618,253		1,021,702	-596,551	63.1%
Parks, Recreation & Libraries	14,607,815	3,641,015		2,850,916	-790,099	78.3%
Total Expenditures	<u>93,540,839</u>	<u>22,295,633</u>		<u>19,843,495</u>	<u>-2,452,138</u>	<u>89.0%</u>
Revenues and Carryover Over(Under) Expenditures	<u>0</u>	<u>683,124</u>		<u>4,216,238</u>	<u>3,533,114</u>	



## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Approval for Sale of Deicing Salt

**Prepared By:** Ray Porter, Street Operations Manager

**Recommended City Council Action**

Approve the sale of deicing salt to the City and County of Broomfield in the amount of \$52,500; and to the City of Thornton in the amount of \$60,000.

**Summary Statement**

- Deicing salt is purchased as a deicing product to ensure safer travel for the motoring public during snowstorms.
- Due to the MSC Renovation Project, it is necessary to eliminate the 1,875 ton salt stockpile normally carried forward to the next winter season, so the new salt storage facility can be constructed.
- Staff has negotiated a sales price of \$60.00 per ton with the cities of Broomfield and Thornton, who are willing to purchase the product.
- The average cost of the 50/50 mixture of Kansas Rock Salt and Ice Slicer is \$66.00 per ton.
- Staff plans on replenishing the 1,875 ton stockpile in September by purchasing Kansas Rock Salt at \$53.92/ton.

**Expenditure Required:** \$ 0

**Source of Funds:** Sale of Deicing - \$112,500 of revenue will be derived from the sale of de-icer inventory

**Policy Issue**

Should City Council approve the sale of deicing salt to the two entities, Broomfield and Thornton in the total amount of \$112,500?

**Alternative**

An alternative is to not sell the deicing material, which is not recommended because appropriate storage facilities are unavailable and more than \$30,000 would be expended to temporarily store the product appropriately.

**Background Information**

Staff has searched citywide for salt stockpile alternatives that would assure the material is stored during the MSC Renovation Project appropriately and environmentally prudent.

It became apparent that any possible City owned site was going to require construction of a temporary asphalt pad, purchase of an extremely large tarp and drainage improvements around any temporary site. Staff estimates this cost would have exceeded \$30,000.

Staff contacted representatives at the City and County of Broomfield and the City of Thornton regarding purchasing the product. Thornton agreed to purchase 1,000 tons of the salt and Broomfield agreed to purchase the remaining 875 tons of the material.

Both entities have agreed to pay \$60 per ton for a total of \$112,500 which needs to be returned to the Street Operations Budget Account for deicing salt re-purchasing this September. Staff will include this item in the next quarterly supplemental appropriation for the General Fund.

Staff feels that providing the material at a small discount to Broomfield and Thornton is appropriate and the \$11,250 loss is more than offset by the cost of constructing a temporary site. Staff plans on purchasing the stockpile replenishment with cheaper Kansas Rock Salt this fall, which will defray any loss.

This sale helps achieve City Council's Strategic Plan Goal of a "Financial Sustainable City Government" through efficient revenue and expenditure management for this vital product.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Quarterly Insurance Report: January - March 2008

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

**Recommended City Council Action**

Accept the First Quarter 2008 Insurance Report.

**Summary Statement**

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

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Information on the status of each claim received during the 1st quarter of 2008 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the first quarter of 2008, Staff has noted the following summary information:

- 10 of the 13 claims reported in the first quarter of 2008 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

	1st Qtr 2008			YTD
Department	Total Claims	Open	Closed	Total
PWU - Streets	6	1	5	6
PWU - Utilities	6	1	5	6
CD	1	1	0	1
<b>TOTAL</b>	<b>13</b>	<b>3</b>	<b>10</b>	<b>13</b>

The Risk Management program addresses Council’s Strategic Plan goals of Financially Sustainable City Government and Safe and Secure Community by working to mitigate the cost of claims to the City and maintaining a loss control program to keep our city streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**Quarterly Insurance Report  
January - March 2008**

Claim Number	Loss Date	Dept	Claimant	Address	Claim Description	Payment	Status	Notes
2008-040	2/5/2008	PWU - Streets	Amercian National Property & Casualty Co. for Felicia Hardey	10452 Santa Fe St., Northglenn CO 80234	Claimant alleges Streets employee driving a city snow plow backed into claimant's vehicle.	\$0.00	Open	CIRSA investigating
2008-043	2/7/2008	PWU - Utilities	Lorraine Archuleta	8991 Judson St., Westminster CO 80031	City failed to properly maintain a city sewer line causing a sewer back up in the claimant's house	\$11,702.27	Closed	
2008-043	2/7/2008	PWU - Utilities	Youa Yang (Thao)	8990 Judson St., Westminster CO 80031	City failed to properly maintain a city sewer line causing a sewer back up in the claimant's house	\$10,688.44	Closed	
2008-075	3/2/2008	PWU - Streets	Jeffrey & Shelley Sharp	1901 W. 135th Pl., Westminster CO 80234	Three Street's employees driving separate snow plow trucks in tandem threw snow and ice over the claimant's back fence damaging the netting around their trampoline.	\$108.69	Closed	
2008-087	3/8/2008	PWU - Utilities	Dina & Marvin Reavis	3621 W. 85th Ave., Westminster CO 80031	Claimant alleges City's failure to respond to a leaking water meter caused flooding in their basement	\$0.00	Open	CIRSA investigating
<b>CLAIMS SUBMITTED IN 1st QUARTER WITH OCCURRENCE DATES PRIOR TO 1st QUARTER 2008:</b>								
2007-505	10/20/2007	PWU - Utilities	Afra Mefford	10420 Nelson Ct, Westminster CO 80021	Claimant alleges repairs that City staff made to the sidewalk in front of her house damaged a lateral sewer line causing a sewer backup in her house.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2007-504	11/29/2007	CD/PWU	Fireman's Fund Insurance for Pascal Construction Company	350 Jericho Turnpike, Jericho NY 11753	Claimant (sub contractor) alleges damage to their equipment from a water break that occurred when a City contractor, hired to install a casing for a 21" sewer line, hit an existing 12" water main and small electric line.	\$0.00	Open	City Attorney's Office investigating
2007-485	12/18/2007	PWU - Streets	Stan Haberthier	1061 W. 99th Ave., Northglenn CO 80260	Claimant alleges his truck was damaged when he drove over an open manhole or its lid in the roadway.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.

2007-497	12/26/2007	PWU - Streets	Dr. Randall Kloor	7590 Sheridan Blvd. Westminster, CO 80003	Business owner alleges a City snow plow driver damaged cement parking blocks when the City driver turned the snow plow he was driving around in the claimant's parking lot.	\$0.00	Closed	Claim denied based on investigation which found no evidence of negligence on the part of the City as the City snow plows were not out the day the damage was done.
2007-478	12/27/2007	PWU - Streets	Kim Bressette	6206 W. 93rd Ave., Westminster CO 80021	Streets employee driving a City snow plow was attempting to back out of a cul-de-sac when he backed into claimant's parked vehicle.	\$2,204.00	Closed	
2007-478	12/27/2007	PWU - Streets	Jason Sheyko	6204 W. 93rd Ave., Westminster CO 80031	Streets employee driving a City snow plow was attempting to back out of a cul-de-sac when he backed into a parked vehicle and pushed it into the claimant's mailbox and retaining wall.	\$105.00	Closed	
2007-491	12/27/2007	PWU - Utilities	Josh Rubin/Formby Ford	800 Byran Ct., Dacono CO 80514	Claimant alleges a Streets employee driving a City snow plow passed too closely to his vehicle and damaged the side mirror	\$273.45	Closed	
2007-479	12/28/2007	PWU - Utilities	HT Land Development LLC/Bart Thomas	865 W. 141st Court Westminster , CO	Claimant alleges the City caused or failed to prevent a sewer backup that occurred in a home under construction.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was referred to the contractor who was doing work in the area and had allowed a sand bag to enter the sewer system.
<b>GRAND TOTAL</b>						<b>\$24,699.71</b>		





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Median and Right of Way Rehabilitation and Maintenance Contract

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

**Recommended City Council Action**

Authorize the City Manager to execute a contract with the low bidder, T2 Construction, Inc., in the amount of \$747,729.15 for median and right of way rehabilitation and maintenance and authorize a 10 percent contingency of \$74,700, for a total project budget of \$822,429.15.

**Summary Statement**

- The Parks, Recreation and Libraries Department has identified several existing medians in the City that are in need of rehabilitation. The medians identified for this proposed contract are located on Zuni Street, north of 128<sup>th</sup> Avenue; Oak Street, south of 108<sup>th</sup> Avenue; Countryside Drive medians and Countryside right of way irrigation; and the 72<sup>nd</sup> Avenue right of way, west of Sheridan (north side).
- Design specifications were developed by City Staff and formal bids were solicited in accordance with City bidding requirements from several reputable landscape construction companies, with T2 Construction, Inc. being the low bidder.
- The bids include a one-year maintenance contract for all renovated medians.
- T2 Construction, Inc. has successfully completed both new construction and renovation landscape projects for the City in the past, the most recent being the 92<sup>nd</sup> Avenue medians.
- A total of \$822,429.15 has been designated in the General Capital Improvement Fund for median, landscape, irrigation and park rehabilitation in 2008.
- Median construction and renovation will begin in the summer of 2008.
- All median landscape repairs will use drought-tolerant plant materials.

**Expenditure Required:** \$822,429.15

**Source of Funds:** General Capital Improvement Fund – Median Rehabilitation  
General Capital Improvement Fund – Community Enhancement Program-Medians  
General Capital Improvement Fund - Park Renovation Program

**Policy Issue**

Should the City continue to contract out construction and landscape repairs on medians and right of ways that have begun to show signs of decline?

**Alternatives**

1. City Council could choose not to authorize the construction and median rehabilitation bid and leave the medians in their current condition until a later date. Staff recommends pursuing the rehabilitation of the medians to help with plant maintenance, survivability problems.
2. City Council could choose to direct Staff to rebid the projects to attempt to obtain a lower price. Reconstructing medians is specialized work requiring the right type of equipment, personnel and safety procedures to ensure a quality product. The firms solicited for these projects have previously worked on similar City projects and have a proven track record.

**Background Information**

The City of Westminster’s landscaped median development has increased over the past ten years as various street beautification projects have been completed. While new construction and street improvements have added medians in the City, the older medians (some date back to the early 1980’s) have suffered from plant dieback, traffic accidents, accumulation of salts/sand, and irrigation system failures.

The median rehabilitation program takes into consideration medians in the City based on past plant performance, drought tolerance and visibility in the City. Most trees within the medians will remain if they are in good health or will be replaced with another tree species. All shrub replacements will be low-growing junipers, ornamental shrubs and/or perennials. Repairs to the irrigation system will also be performed, if needed. Over the years, Staff has documented the survivability of numerous plant materials (trees, shrubs, groundcovers, perennials) and these will be selected based on the hardiest species for each renovation area.

The medians selected for rehabilitation in 2008 require a more intensive renovation than in the past. The medians at 128<sup>th</sup> Avenue and Zuni Street are only partially developed. Currently there is some existing curb and gutter that has no median development. As part of this bid, it is Staff’s intent to finish these medians utilizing the City’s standard median design and plant materials. Countryside Drive at 108<sup>th</sup> Avenue and Oak Street both have medians that were developed years ago. Countryside Drive medians were raised to the City standard, but irrigation was never installed, thus the plant material did not survive. The medians at 108<sup>th</sup> Avenue and Oak Street do not have irrigation and have now become unsightly with ripped plastic barrier and no plant material. As part of the renovation, Staff will be retaining as many of the remaining trees as possible within these medians.

A competitive bid was sent out to three landscape construction companies for median renovation and right of way irrigation and bids were received as follows:

T2 Construction.	\$747,729.15
Arrow J Landscape	\$905,979.24
Goodland Construction	\$934,672.94

The Median Rehabilitation Project supports both City Council’s Strategic Plan Goal of “Beautiful City” and “Vibrant Neighborhoods and Commercial Areas.”

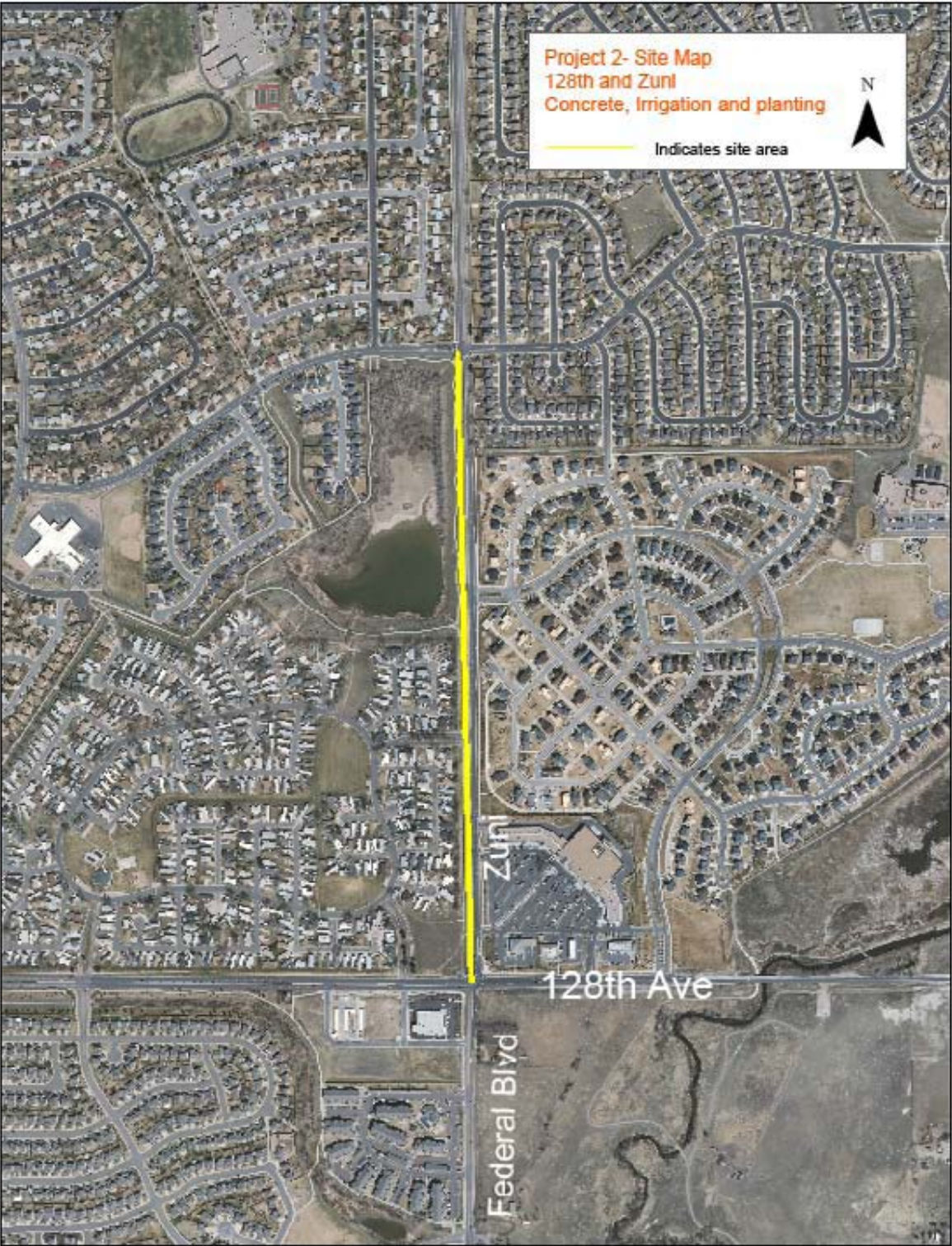
Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

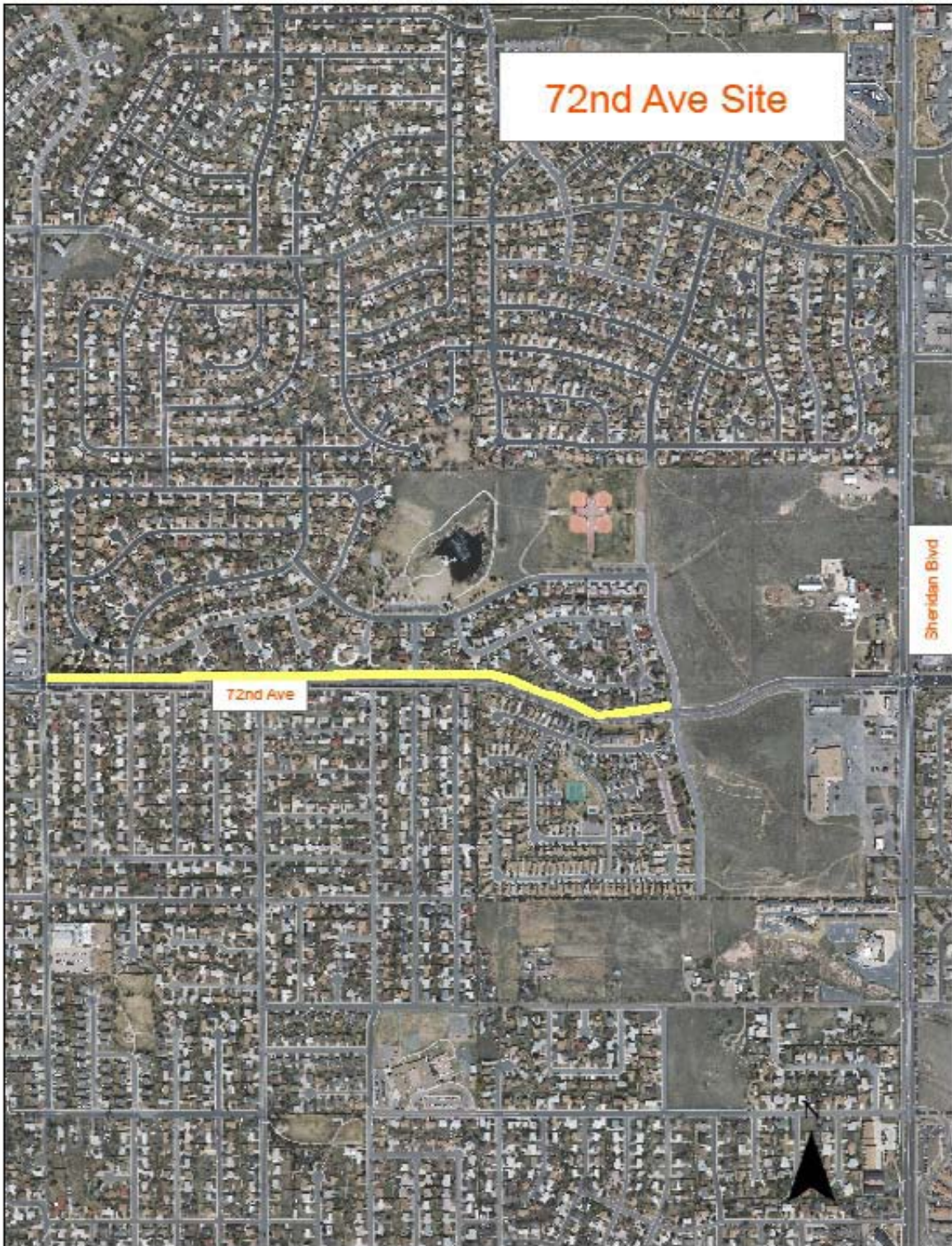








# 72nd Ave Site





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Southern Pressure Zone One Water Transmission Pipeline Engineering Contract

**Prepared By:** Dan Strietelmeier, P.E., Senior Engineer

**Recommended City Council Action**

Based on the recommendation of the City Manager, City Council finds the public interest will best be served by authorizing the City Manager to execute a contract in the amount of \$433,029 with Burns & McDonnell Engineering Company, Inc. for engineering design and construction management services for the Southern Pressure Zone One Water Transmission Pipeline, and authorize a contingency in the amount of \$43,303 for a total design and construction management budget of \$476,332.

**Summary Statement**

- The Utility System Infrastructure Master Plan that was conducted by URS Corporation identified the need for several improvements to the potable water distribution system to improve pressure, supply and redundancy within the system.
- The Southern Pressure Zone One Water Transmission Pipeline project will include the construction of a new pipeline to move water from the pressure zone around the Semper Water Treatment Facility to the pressure zone serving the southern portion of Westminster (see attached map).
- A Request for Proposals (RFP) was sent to five engineering firms on February 27, 2008. The proposals were to include a scope and cost for pipeline alignment evaluation, design and construction management services for the project. Of the four responses to the Request for Proposals, Burns & McDonnell Engineering Company, Inc. provided the best proposal meeting all requirements.
- As part of the design phase, the engineer will analyze several alignments for this pipeline project and recommend an alignment with the highest benefit cost ratio to the City. The project area is heavily congested with high traffic volumes and existing utilities.
- The engineer will estimate the cost for construction, which will also include the estimated cost for easement acquisition. The design phase should be completed in the 3rd quarter of 2008 and construction will be initiated after needed easements are acquired. The plan is to complete construction in mid-2009.

**Expenditure Required:** \$476,332

**Source of Funds** Utility Fund Capital Improvement Program – Water Pressure Zones Enhancements

**Policy Issue**

Should the City award a contract to Burns & McDonnell Engineering Company Inc. for engineering design and construction management services for the Southern Pressure Zone One Water Transmission Pipeline Project?

**Alternative**

As an alternative to awarding the contract to Burns and McDonnell Engineering Company Inc., the City could choose to not approve the contract, and either place the project on hold or award the contract to one of the other engineering firms to execute the work. These alternatives are not recommended since the design of these necessary improvements would be delayed and the project may be compromised if one of the less qualified engineering firms performed the work. Staff believes that Burns & McDonnell Engineering Company, Inc. provided the most qualified proposal, and most experienced project team while meeting all the City’s requirements.

**Background Information**

The Utility System Infrastructure Master Plan recommended supplementing the potable water supply to the southern portion of Westminster with a large diameter transmission pipeline extending from the Semper High Service Pump Station (HSPS) to the end of the England Pipeline project (see attached map). This pipeline would provide a second larger diameter supply line directly from the Semper HSPS to the southern portion of pressure zone one. The actual alignment of the pipeline is in need of refinement to provide the maximum benefit to the City at the lowest cost. The alignment analysis is one of the scope items included in design phase of this project.

The preliminary pipeline alignment as presented in the Master Plan is approximately 9,800 feet in length and includes both 36-inch and 30-inch pipeline segments. A recommended pipeline alignment will be developed by the consultant and selected for the design. The recommended alignment will need to consider construction cost, easement acquisition, impacts on traffic and businesses including the Westminster Mall. The 2006-2007 England Pipeline and the 78<sup>th</sup>/Stuart Street Pipeline projects both provide some additional redundancy and capacity to the southern portion of Westminster, however during periods of high demand, pressures in the area are lower than what is acceptable for the long term.

The short list of engineering firms qualified for this type of work was developed based on the review of 63 Engineering firms who submitted Statements of Qualifications (SOQ’s) to the City for Utility Fund Capital Improvement Projects. Staff evaluated the four technical proposals that were submitted and compared the firms based on their technical approach to the project, project understanding, project team experience on similar projects, proposed cost, and administrative ability to complete the project within the City’s requirements. Based on these evaluations, interviews, and contacting references, Staff determined that Burns & McDonnell Engineering Company, Inc. provided the most comprehensive and responsive proposal that addressed all of the project requirements. The four engineering firms that responded to the Request were as follows:

<b>Engineering Firm</b>	<b>Engineering Fee (1)</b>
Brown and Caldwell	\$401,107 (2)
Burns & McDonnell Engineering Company, Inc.	\$433,029
Stantec Consultants, Inc.	\$469,037
URS Consultants, Inc.	\$588,554

(1) The engineering fee includes a \$40,000 allowance that will be used to locate existing utilities in this highly congested area.

(2) The proposed fee submitted by Brown and Caldwell did not include an amount for materials testing, such as soil compaction, asphalt and concrete testing during construction, and the other firms included this cost.

The engineer will complete the design and engineer's estimate of construction for the project components. Staff will then use this information to plan the construction, which will most likely take place in early 2009. The construction management phase covers a seven month construction period.

This project helps achieve the City Council's Strategic Plan Goal of Financially Sustainable City Government by contributing to the objective of a well-maintained City infrastructure and facilities. The project also will help maintain a Beautiful City by supplying and distributing water for irrigation of Parks, Open Spaces and common areas, and maintain a Safe and Secure Community by providing redundancy and adequate fire flows in the water distribution system.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment









**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Big Dry Creek Trail at Wadsworth Boulevard – Construction Engineering Contract

**Prepared By:** David W. Loseman, Senior Projects Engineer

**Recommended City Council Action**

Authorize the City Manager to sign a contract with J.F. Sato & Associates, Inc. for construction engineering services for the Big Dry Creek Trail at Wadsworth Boulevard project in an amount not to exceed \$228,882; authorize an amendment to the design contract with Muller Engineering Company, Inc. in an amount not to exceed \$53,900 that brings their contract total to \$483,390; and authorize a contingency of \$25,000.

**Summary Statement**

- The scope of this project includes the construction of approximately 1,100 feet of trail, the construction of a new bridge over Big Dry Creek to accommodate the grade-separated trail under Wadsworth Boulevard and the reconstruction of approximately 1,600 feet of Wadsworth Boulevard between 98<sup>th</sup> Avenue and 99<sup>th</sup> Place.
- Half of the project costs are funded by the “ready-set-go” enhancement pool program administered by the Colorado Department of Transportation (CDOT) on behalf of the Denver Regional Council of Governments (DRCOG) and the Federal government. The City’s and Federal government’s contributions towards this project are \$2,145,000 each, with the City being responsible for any costs exceeding the original estimated project cost of \$4,290,000.
- The final design of the Big Dry Creek Trail at Wadsworth Boulevard project is complete and clearances from CDOT are expected in the near future that will allow this project to proceed to construction. The design was completed by Muller Engineering Company. CDOT has a policy that does not allow the design engineer to perform the construction engineering services on the same project. However, since Muller is the “Engineer of Record” it is necessary to retain their services to review shop drawings, answer requests for information and generally remain a part of the project team through construction. In addition to the post design services needed by Muller, the \$53,900 fee requested also includes costs for extra services they performed on the sanitary sewer line portion of this project that was completed earlier this year; survey staking for utility relocations needed to construct the project and some miscellaneous design efforts that were beyond their original scope of services. Staff believes that Muller’s proposal for all of these efforts is very reasonable.
- The “Request for Proposal” for construction engineering services for this project was advertised in the Daily Journal for three weeks and seven proposals were received. Staff from the City and CDOT reviewed the proposals and recommend J.F. Sato & Associates for this assignment since they received the highest ranking among all proposers. After negotiations, J.F. Sato and Staff reached agreement on a fee of \$228,882. Staff is very familiar with J.F. Sato & Associates as this firm is also currently working for the City on the 128<sup>th</sup> Avenue widening project west of I-25.

**Expenditure Required:** \$ 307,782

**Source of Funds:** General Capital Improvement Fund

**Policy Issue**

Should the City contract with J.F. Sato & Associates for construction engineering services for the Big Dry Creek Trail at Wadsworth Boulevard Project?

**Alternative**

An alternative would be to hire one of the other proposers for this work. Staff does not recommend this action because J.F. Sato was the best proposer and Staff is familiar with their work. They are currently working for the City on the 128<sup>th</sup> Avenue widening project west of I-25.

**Background Information**

The Big Dry Creek Trail at Wadsworth Boulevard Project is an important link in the Big Dry Creek trail system. The current trail crossing of Wadsworth Boulevard is the only location where the Big Dry Creek Trail crosses a major street at-grade rather than through an underpass. The major element of this project will be the construction of a new bridge on Wadsworth Boulevard to provide the necessary vertical clearance for the trail to pass under the street and to also accommodate the flow of 100-year storm waters under the bridge structure. To meet these requirements, the roadway will need to be raised approximately nine feet above its current elevation at Big Dry Creek. Wadsworth Boulevard will be reconstructed from approximately 99<sup>th</sup> Place to a point south of 98<sup>th</sup> Avenue. The new section of trail installed as part of this project will tie into the existing trail on the east side of Wadsworth Boulevard and 99<sup>th</sup> Avenue to the west.

In October 2003, the City of Westminster prepared an application to the Denver Regional Council of Governments requesting funds for this project in the 2005-2010 Transportation Improvement Program (TIP). The City was awarded Federal funds in the amount of \$2,145,000 under the condition that a local match of \$2,145,000 would be provided. On July 25, 2005, Council appropriated \$350,000 from the 2004 carryover to partially fund this project. CDOT agreed to allow the City to use this amount as a partial local match until 2008 when the City budgeted the remaining local match of \$1,795,000.

The design is complete and once clearances are obtained from CDOT, Staff will advertise the project for construction. Construction is anticipated to begin in July 2008 and should be completed by March 2009.

Requests for proposals for construction engineering services were advertised for three weeks in the Daily Journal and the City received seven proposals. These proposals were reviewed by City Staff and a representative from CDOT. Based on these qualification based reviews, Staff is recommending that J.F.Sato & Associates be awarded this contract. Because this is a federal aid project, the selection of a consultant cannot be based on the lowest fee of all of the consultants that submitted proposals and must be qualification based only. This selection process requires fees to be based on subsequent negotiations with the selected consultant. The range of contract fees proposed by J.F. Sato in their initial proposal was between \$243,674 and \$343,693. After negotiation, Staff and J.F.Sato agreed on a fee of \$228,882. Staff recommends J.F. Sato and Associates as the most qualified consultant for this particular assignment.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Environmental Services Office Legal Services Agreement with Sherman and Howard, LLC

**Prepared By:** Rachel Harlow-Schalk, Environmental and Administrative Services Officer

**Recommended City Council Action**

Authorize the City Manager to sign a contract with Sherman and Howard, LLC for special legal services in connection with environmental regulatory compliance and related matters.

**Summary Statement**

- In 2004, the Environmental Services Office published a Request for Proposals to provide legal counsel on environmental regulatory compliance. Council approved the recommendation of Staff at that time to retain Carlson Hammond and Paddock, LLC (CHP) and Sherman and Howard, LLC (S&H) to provide a two pronged legal support team for 2004 with optional annual renewals for up to four consecutive years. CHP was retained to address stormwater quality matters and S&H was retained for all other environmental matters. At S&H, Philip C. Lowe was the primary contact to the City and in late 2006 left that firm to start his own law practice.
- In June of 2007, Council approved Staff's recommendation to retain Mr. Lowe through his law practice ensuring continuity of legal perspective. However, in late 2007 Mr. Lowe accepted a position with the Department of Interior and stopped providing legal services to the City. Based on Mr. Lowe's recommendation, Staff met with Ron Eddy to discuss returning to S&H for legal support services. Mr. Eddy had worked with Mr. Lowe on several City projects making the transition back to S&H smooth.
- Due to his understanding of City operations and the recommendation of Mr. Lowe, Staff recommends retention of S&H for legal support on environmental regulatory compliance and related environmental matters in 2008 with the option of four annual renewals of the agreement.
- Since the Environmental Services Office works with stormwater quality issues and the Department of Public Works and Utilities Water Resources Division on all other water quality related issues, it is important that legal counsel serving both workgroups foster the same perspective. Environmental Services will continue to utilize CHP for stormwater quality issues and S&H will be utilized for all other environmental matters.
- Normally items under \$50,000 do not require City Council approval; however, as required by City Charter, all legal services contracts must be approved by City Council.

**Expenditure Required:** \$2,600 annually

**Source of Funds:** 2008 General Fund, General Services Environmental Services Office Budget

**Policy Issue**

Should City Council support Staff's recommendation to retain Sherman and Howard, LLC as special environmental law counsel for support of environmental regulatory compliance and related environmental matters?

**Alternative**

Do not retain special environmental counsel. This alternative is not recommended since environmental regulatory compliance requires specialized interpretation of many environmental laws and regulations.

**Background Information**

In 2004 the Environmental Services Office published a Request for Proposals to provide legal counsel on environmental regulatory compliance. City Council approved the recommendation of Staff at that time to retain Carlson Hammond and Paddock, LLC (CHP) and Sherman and Howard, LLC (S&H) to provide a two pronged legal support team for 2004 with optional annual renewal for up to four consecutive years. CHP addressed stormwater quality matters and S&H handled all other environmental matters.

The S&H contact to the City, Philip C. Lowe, served in the environmental management division of a major electrical utility conducting implementation work similar to the City's Environmental Services Office prior to his becoming an attorney. With Mr. Lowe's departure from S&H in June of 2007 to start his own firm, the City would have lost his expertise unless it contracted directly with him for legal services. In late 2007, Mr. Lowe accepted a position with the Solicitor's Office of the Department of Interior to work on energy policies leaving Westminster without special legal counsel on environmental regulatory compliance issues separate from stormwater quality. Based on Mr. Lowe's recommendation, Staff met with Ron Eddy at S&H to discuss legal support services and his experience. Staff recommends that, due to the recommendation of Mr. Lowe and the experience of Mr. Eddy, City Council retain S&H in 2008 with the option of four annual renewals of the agreement. Retention will provide a well rounded resource of environmental legal support to the City.

Historically, utilization of special environmental counsel was based upon compliance needs. In the last three years, counsel has been utilized to address specific regulatory details or help the City navigate enforcement actions. Since 1996, the average annual legal services expense by the Environmental Services Office for both stormwater and other environmental legal support was \$3,000. The Office works with stormwater quality issues and the Department of Public Works and Utilities Water Resources Division on all other water quality related issues. For this reason, it is important that legal counsel serving both workgroups foster the same perspective. Environmental Services will continue to utilize CHP for stormwater quality issues and S&H will be utilized for all other environmental matters.

City Council's Strategic Plan Objective of effective cost containment/control measures for living within revenues and budget is supported by the retention of special counsel to support the City. Should the City encounter an environmental enforcement action, staff within the City Attorney's Office would be required to spend time educating themselves on appropriate recommendations to the City. By retaining special legal counsel, the City has immediate access to legal expertise necessary to make recommendations and contain costs.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Second Reading for Councillor’s Bill No. 17 re Economic Development Agreement with Sprouts Farmers Markets, LLC

**Prepared By:** John Hall, Business Development Officer

**Recommended City Council Action**

Pass Councillor’s Bill No. 17 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement with Sprouts Farmers Markets, LLC in substantially the same form as the Agreement attached as Exhibit A.

**Summary Statements**

- This Councillor’s Bill was passed on first reading on April 14, 2008.
- City Council action is requested to authorize the execution of the attached Economic Development Agreement (EDA) with Sprouts Farmers Markets, LLC to assist with the cost of tenant improvements required to ready existing vacant space previously occupied by Albertsons in the Sheridan Crossing Shopping Center for a new Sprouts Farmers Market. Sheridan Crossing is located at the southeast corner of 120<sup>th</sup> Avenue and Sheridan Boulevard.
- The \$352,234 EDA will be entirely funded with the rebates of the sales tax resulting from the new store, as well as permit fees and use tax on construction and use tax on furniture and fixtures.
- This Economic Development Agreement will assist in filling vacancies in the Sheridan Crossing Shopping Center, one of City Council’s strategic plan objectives.
- The EDA rebate will terminate after 3 years.
- If Sprouts Farmers Markets, LLC ceases business operations in the City within three years of when new operations commence, any payments made to Sprouts Farmers Markets, LLC under this agreement shall be reimbursed to the City unless a replacement tenant is found that is suitable to the City.

**Expenditure Required:** Estimated at \$352,234

**Source of Funds:** The EDA with Sprouts Farmers Markets, LLC will be funded through revenue received from permit fees, construction use tax, equipment use tax, and sales tax revenues directly generated from the remodeling and operation of the Sprouts Farmers Market.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO. **3412**

COUNCILLOR'S BILL NO. **17**

SERIES OF 2008

INTRODUCED BY COUNCILLORS  
**Dittman - Lindsey**

**A BILL  
FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT  
WITH SPROUTS FARMERS MARKETS, LLC  
FOR THE ATTRACTION OF A "SPROUTS FARMERS MARKET" TO THE SHERIDAN  
CROSSING SHOPPING CENTER WESTMINSTER, COLORADO**

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

WHEREAS, it is important for the City of Westminster to generate additional sales tax revenue and remain competitive with other local governments in offering assistance for occupancy of existing retail space in the City; and

WHEREAS, Sprouts Farmers Markets, LLC plans to improve and fill a portion of the vacant space in the Sheridan Crossing Shopping Center located at the southeast corner of Sheridan Boulevard and 120<sup>th</sup> Avenue with a Sprouts Farmers Market; and

WHEREAS, a proposed Economic Development Agreement between the City and Sprouts Farmers Markets, LLC is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of April, 2008.

ATTEST:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

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

## EXHIBIT A

### ECONOMIC DEVELOPMENT AGREEMENT WITH SPROUTS FARMERS MARKETS, LLC FOR A "SPROUTS FARMERS MARKET"

THIS AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, between the CITY OF WESTMINSTER (the "City"), and SPROUTS FARMERS MARKETS; an Arizona, LLC.

WHEREAS, the City wishes to provide certain assistance to Sprouts Farmers Markets, LLC to encourage the location of a Sprouts Farmers Market in the Sheridan Crossing Shopping Center at the southeast corner of 120<sup>th</sup> Avenue and Sheridan Boulevard; and

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

In consideration of the mutual promises set forth below the City and Sprouts Farmers Markets, LLC agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the building related permit fees for the Sprouts Farmers Market tenant finish required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees. The rebate is estimated to be \$4,866.

2. Use Tax Rebate- Construction. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the building use tax on the construction materials (excluding the City's .25% open space tax and .6% public safety tax), resulting from the Sprouts Farmers Market tenant finish, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate is estimated to be \$8,100.

3. Use Tax Rebate- Furniture & Fixtures. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the General Sales and Use Tax collected on furnishings and equipment (excluding the City's .25% open space tax and .6% public safety tax), purchased during the period three months prior and three months after Sprouts Farmers Markets, LLC obtains a final Certificate of Occupancy for their new store. The rebate is estimated to be \$10,359.

4. Sales Tax Rebate. The City shall rebate to Sprouts Farmers Markets, LLC 30% of the sales tax collected from Sprouts Farmers Market for the first three years (36 months) of operation of the new Sprouts Farmers Market store. Such rebate shall be payable exclusively from sales tax revenue collected by the City from Sprouts Farmers Market and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The rebate is estimated to be \$328,900. The sales tax rebate shall not continue past three years (36 months) of operation and shall be administered as follows:

- (a) Payment. The sales tax rebate amount will be paid to Sprouts Farmers Markets, LLC in quarterly payments, made within 20 days after the end of each quarter. The sales tax rebate payment will be submitted electronically to Sprouts Farmers Markets, LLC designated financial institution.
- (b) End of Sales Tax Rebate. The sales tax rebate shall commence on issuance of the Certificate of Occupancy for Sprouts Farmers Market and end on the third (3rd) anniversary thereof.

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



6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Sprouts Farmers Market has not moved into their new space in Sheridan Crossing on or before December, 2008; or, should Sprouts Farmers Markets, LLC or Sprouts Farmers Market fail to comply with any City code and/or approval process.

7. Business Termination. In the event that Sprouts Farmers Market ceases business operations in the City within three years after the new operations commence, Sprouts Farmers Markets, LLC shall reimburse the City for any amounts rebated to or otherwise provided to Sprouts Farmers Markets, LLC pursuant to this Agreement, unless the City approves a successor to the initial approved user within 12 months of the closing of Sprouts Farmers Market, which is substantially similar in quality and sales tax production as the approved user.

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

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

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

SPROUTS FARMERS MARKETS, LLC,  
AN ARIZONA LLC

CITY OF WESTMINSTER

\_\_\_\_\_  
Shon Boney  
President and CEO

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

ATTEST:

ATTEST:

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

*Adopted by Ordinance No.*



## Agenda Item 10 A-C

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 28, 2008



**SUBJECT:** Public Hearing and Action on Councillor's Bill No. 18 re the Comprehensive Land Use Plan Amendment and the Second Amended Preliminary Development Plan for the Huron Park Planned Unit Development (Erickson Retirement Communities)

**Prepared By:** Hazel Cho, Planner II

### Recommended City Council Action

1. Hold a public hearing.
2. Pass Councillor's Bill No. 18 on first reading approving the Comprehensive Land Use Plan amendment changing the designation from Business Park to District Center for the northeast corner of Huron Street and 128<sup>th</sup> Avenue. This recommendation is based on a finding that the proposed amendment will be in the public good and that:
  - a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
  - b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
  - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
3. Approve the Second Amended Preliminary Development Plan for the Huron Park Planned Unit Development. This approval is effective upon the passage of the second reading of Councillor's Bill No. 18 on May 14, 2008. This recommendation is based on a finding that the criteria set forth in section 11-5-14 of the Westminster Municipal Code have been met.

### Summary Statement

- The site is approximately 86 acres and is located at the northeast corner of Huron Street and 128<sup>th</sup> Avenue. The applicant, Erickson Retirement Communities, is proposing a Continuing Care Retirement Community (CCRC) to include independent living, assisted living, skilled nursing facilities, and accessory uses.
- The proposed Comprehensive Land Use Plan (CLUP) amendment would change the current designation of Business Park to District Center. The District Center designation allows employment uses, retail and public/quasi-public (civic center uses) as primary uses and secondary allowable uses include open space and residential uses.
- The proposed development consists of three neighborhoods and each neighborhood contains independent living units clustered around a multi-purpose community center building. Assisted living and skilled nursing facilities will also be provided in a separate complex. Approximately 18.8 acres of public land dedication/open space are designated for the east portion of the property with the remaining public land dedication requirement to be provided as cash-in-lieu. A maximum density of 18.8 du/ac (1620 units) is proposed.

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

### **Planning Commission Recommendation**

The Planning Commission reviewed this proposal on April 22, 2008, and voted unanimously (6-0) to recommend that the City Council approve the Comprehensive Land Use Plan amendment and Preliminary Development Plan amendment with the condition that the owner agree to provide a statement on the Official Development Plan that the property owner is aware that the subject property abuts the City's Wastewater Treatment Facility and agrees to indemnify the City against any claims of future owners or the projects' residents that might result from negative odors or proximity to the facility.

Staff recommends that City Council consider the above condition for the Official Development Plan. A representative for the applicant was present and agreed to this condition. No one spoke in favor or against this item at the public hearing.

### **Policy Issues**

- 1) Should the City approve the proposed Comprehensive Land Use Plan amendment for the subject property changing the designation from Business Park to District Center?
- 2) Should the City approve the Second Amended Preliminary Development Plan (PDP) for Huron Park Planned Unit Development?

### **Alternatives**

- 1) Deny the Comprehensive Land Use Plan amendment for the subject property changing the designation from Business Park to District Center. City staff does not recommend this option as the proposed CLUP amendment would be compatible with the North I-25 District Center and is intended to be an extension of this District Center.
- 2) Deny the Preliminary Development Plan amendment for the subject property. City staff does not recommend this option because Staff believes that the proposed Preliminary Development Plan is in compliance with provisions of City Code regarding approval of Preliminary Development Plans and amendments. The PDP amendment would be supported by the proposed CLUP amendment with this application and meets the intent of Westminster's Senior Housing Design Guidelines.

### **Background Information**

#### Nature of Request

The proposed Comprehensive Land Use Plan and Preliminary Development Plan (PDP) amendment are intended to establish the overall development parameters for a high density continuing care retirement community. A future Official Development Plan (and amendments) will be necessary to establish additional development and design parameters for this proposed project.

#### Location

The site is located on approximately 86 acres at the northeast corner of Huron Street and 128<sup>th</sup> Avenue. (Please see attached vicinity map).

#### Comprehensive Land Use Plan Amendment

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

1. The proposed amendment must, “Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” The subject property was previously included within the North I-25 District Center subarea and with recent updates to this subarea, a CLUP amendment to change the designation of the subject property to District Center is still appropriate and would be considered an extension of the North I-25 District Center.
2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. These include:
  - Policy H4b - Continue to develop Big Dry Creek and tributary streams as the “spine” of a comprehensive network of trails linking parks, major open spaces, recreational facilities, and other focal points throughout the City.
  - Policy H4c - Continue to develop trails in accordance with the City’s Trails Master Plan.
  - Policy H4d - New development is encouraged to dedicate land and construct trails in accordance with the Trails Master Plan.
  - Goal A1 - Growth will occur in a manner that balances the pace of development with the City’s ability to provide quality services and capital improvements.
  - Policy A1b - The rate, amount, and timing of growth will be managed so as to meet the objectives of the City’s Growth Management Program.
  - Goal C1 - Provide opportunities for housing in many forms for all incomes, lifestyles, and age groups within the City.
  - Policy C1a - Adequate, safe, and well-serviced housing for all age groups and special needs populations will be available in the City.
  - Policy H2a - Identify, acquire, and/or protect strategic view corridors and environmentally sensitive areas throughout the City.
  - Policy H2b - New residential development should assist in the provision of land for parks, open space or community facilities necessary for that development.
  - Goal H4 - Enhance the City’s open space system to preserve and protect natural areas, vistas and view corridors, and to complete the open space and trail system.

Based upon these goals and policies, Staff believes that this proposed amendment is in conformance with the overall purpose, intent, goals, and policies of the Plan.

3. The proposal must, “Be compatible with existing and surrounding land uses.” Staff believes that this application is compatible with the surrounding land uses including the District Center land use pattern to the north of the proposed development that allows for high density residential development. The site is buffered on all sides by major roadways (Huron Street, 128<sup>th</sup> Avenue, I-25) and the City owned land along Big Dry Creek.
4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” While the development will have impacts, all have been mitigated to the satisfaction of City staff as shown on the proposed PDP. Right-of-way has been provided for the widening of 128<sup>th</sup> Avenue and the developer is obligated to fully widen and improve the north side of 128<sup>th</sup> Avenue abutting the site. Senior housing has a lesser overall impact on City infrastructure such as transportation, water, and sewer services, than the current Comprehensive Land Use Plan designation of Business Park.

#### Public Notification

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

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

- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Three signs were posted on the property on April 11, 2008.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner’s associations registered with the City within 300 feet of the subject property. The applicant has provided the Planning Manager with a certification that the required notices were mailed on April 8, 2008.

Applicant/Property Owner

Erickson Retirement Communities  
 Jay Graham, Vice President of Development for the SW Region  
 701 Maiden Choice Lane  
 Catonsville, MD 21228

Surrounding Land Use and Comprehensive Land Use Plan Designation

<b>Development Name</b>	<b>Zoning</b>	<b>CLUP Designation</b>	<b>Use</b>
<b>North:</b> City of Westminster property	PUD	Public/Quasi-Public	City Reclaimed Water Facility
<b>West:</b> Huron Plaza PUD	PUD	Retail Commercial & City Owned Open Space	Vacant Land
<b>East:</b> Interstate 25 & City of Thornton	-	-	-
<b>South:</b> Adams County School Dist. 12	T-1	Public/Quasi-Public	High School

Site Plan Information

The following information provides a few examples of how the proposal complies with the City’s land development regulations and guidelines; and the criteria contained in Section 11-5-14 Westminster Municipal Code (attached).

- Traffic and Transportation: Huron Street and 128<sup>th</sup> Avenue, both arterial streets, border the site on the west and south. The primary vehicular access to the site is on 128<sup>th</sup> Avenue and the north half of 128<sup>th</sup> Avenue will be improved by Erickson. The secondary access on Huron Street will be restricted for loading and emergency access and is also a shared entrance with the City’s Reclaimed Water Treatment Facility. Huron Street is fully improved abutting the site and 128<sup>th</sup> Avenue will be fully improved by this development if approved.
- School Land Dedication: Because this is a proposed senior housing development, no school land dedication is required per WMC 11-6-8(F)b.
- Public Land Dedication/Trails/Open Space: The public land dedication requirement for Erickson Retirement Communities (27.4 acres) is met primarily with on-site dedication of 18.8 acres of land for open space and public trails. Open space is provided at the east portion of the site (Planning Area 2 and 3) and includes Tanglewood Creek. The remaining 8.6 acres of required public land dedication will be met with cash-in-lieu payments of \$1,211,544.80 (\$140,877.31/acre) at the time of approvals of the individual Official Development Plans, depending on the total number of units to be constructed. The City’s Parks Master Plan includes a regional trail parallel to Tanglewood Creek south of Big Dry Creek. The applicant will construct a 10-foot wide regional trail and necessary bridge crossings on the east side of Tanglewood Creek with the specific alignment to be determined on the ODP.
- Architecture/Building Materials: Conceptual architecture is shown and further described on the proposed PDP amendment under the Architectural Guidelines section. The future ODPs will be required to meet the Senior Housing Design Guidelines. The buildings will all be designed with 360 degree architecture with building materials that incorporate natural materials and textures (masonry, stucco, and wood) to meet the City's Senior Housing Design Guidelines. The buildings’ massing and

forms are to be designed to consider the site's topography by utilizing terraced buildings with varying rooflines. Each of the residential neighborhoods are planned to have a distinct color scheme to provide unique architectural character while maintaining compatibility within the overall development and the surrounding built environment.

Service Commitment Category

A total of 544 Service Commitments were awarded to this property by City Council as a result of the 2006 residential competition process, allowing up to 1553 units to be served. The proposed Preliminary Development Plan for Erickson indicates a maximum of 1620 dwelling units where the owner/developer either intends to utilize no more than the 544 Service Commitments as previously awarded or will be required to request additional Service Commitments along with the Official Development Plan.

Referral Agency Responses

A copy of the proposed plans was sent to the following agencies: Xcel Energy, Comcast, Qwest, Adams County School District 12, City of Thornton, Urban Drainage and Flood Control District, and the Regional Transportation District. Staff received responses from Xcel Energy, Adams County School District 12, City of Thornton and Urban Drainage and Flood Control District. All comments received concerning the CLUP and PDP amendments have been addressed.

Neighborhood Meeting(s) and Public Comments

The neighborhood meeting for this development was held on January 14, 2008. There were five attendees at the meeting and the primary concern expressed related to traffic counts and whether there would be an increase or decrease in the amount of activity to and from the development for the senior housing project versus the business park uses allowed in the current land use designation. The consultants indicated that the traffic counts for commercial/office/industrial land uses would be more intense than traffic generated by a retirement community. Other items discussed at the meeting related to general information about the plan and inquiries about the operations of Erickson Communities.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Vicinity Map
- Comprehensive Land Use Plan Ordinance
- Exhibit A (Legal Description)
- Exhibit B (Comprehensive Land Use Plan Amendment Map)
- Criteria and Standards for Land Use Applications

BY AUTHORITY

ORDINANCE NO. **3413**

COUNCILLOR'S BILL NO. **18**

SERIES OF 2008

INTRODUCED BY COUNCILLORS  
**Dittman - Major**

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described in Exhibit A, incorporated herein by reference, requesting a change in the land use designations from "Business Park" to "District Center" for the property generally located at the northeast corner of Huron Street and 128<sup>th</sup> Avenue and approximately 86.28 acres in size.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on April 22, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

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

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

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly to provide residential development near the North I-25 District Center as desired for District Centers.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described on attached Exhibit A to "District Center", as depicted on the map attached as Exhibit B.

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28 of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of May, 2008.

ATTEST:

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM

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

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

**Exhibit A**

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6<sup>TH</sup> PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;  
THENCE NORTH 89°58'36" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 200.00 FEET TO A POINT ON THE WEST LINE OF INTERSTATE 25 AS DESCRIBED IN BOOK 473 AT PAGE 201;  
THENCE SOUTH 00°53'18" EAST ALONG SAID WEST LINE, A DISTANCE OF 830.00 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 4790 AT PAGE 161 AND THE POINT OF BEGINNING;  
THENCE SOUTH 00°53'18" EAST CONTINUING ALONG THE WEST LINE OF SAID BOOK 473 AT PAGE 201, A DISTANCE OF 1714.17 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN BOOK 970 AT PAGE 76;  
THENCE NORTH 89°58'14" WEST ALONG SAID NORTH LINE, A DISTANCE OF 898.40 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;  
THENCE SOUTH 00°01'46" WEST ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AS PARCEL B IN BOOK 4790 AT PAGE 164;  
THENCE ALONG THE NORTH AND EAST LINES OF SAID PARCEL THE FOLLOWING THREE (3) COURSES:  
1) NORTH 89°58'14" WEST A DISTANCE OF 1,411.78 FEET TO A POINT OF CURVATURE;  
2) ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°16'42", A RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 93.49 FEET (THE CHORD OF WHICH BEARS NORTH 45°19'53" WEST, 84.32 FEET);  
3) NORTH 00°41'32" WEST A DISTANCE OF 1,213.92 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 4790 AT PAGE 161;  
THENCE ALONG THE SOUTH LINE OF SAID PARCEL THE FOLLOWING TWO (2) COURSES:  
1) NORTH 71°28'13" EAST A DISTANCE OF 1,379.90 FEET;  
2) NORTH 89°07'08" EAST A DISTANCE OF 1,050.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,758,541 SQUARE FEET OR 86.28 ACRES, MORE OR LESS.

**BASIS OF BEARINGS:**

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 27, T.1 S., R. 68 W. OF THE 6<sup>TH</sup> P.M., AS MONUMENTED AT THE SOUTHWEST CORNER BY A 3" ALUMINUM CAP ILLEGIBLE IN RANGE BOX AND REFERENCED AT THE SOUTH QUARTER CORNER BY TWO 3" BRASS CAPS ILLEGIBLE ON BRIDGE ABUTMENTS, AS BEARING SOUTH 89°58'14" EAST.

PREPARED BY: GEORGE G. SMITH, JR., P.L.S.

P.L.S. 19003

ON BEHALF OF: HARRIS KOCHER SMITH

1391 SPEER BLVD., SUITE 390  
DENVER, COLORADO 80204  
(303) 623-6300



## Criteria and Standards for Land Use Applications

### *Comprehensive Land Use Plan Amendments*

- The owner/applicant has “the burden of proving that the requested amendment is in the public good and in compliance with the overall purpose and intent of the Comprehensive Land Use Plan...” (WMC 11-4-16(D.4)).
- Demonstrate that there is justification for the proposed change and that the Plan is in need of revision as proposed;
- Be in conformance with the overall purpose, intent, and policies of the Plan;
- Be compatible with the existing and surrounding land uses; and
- Not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems, or the applicant must provide measures to mitigate such impacts to the satisfaction of the City (Page VI-5 of the CLUP).

### *Approval of Planned Unit Development (PUD), Preliminary Development Plan (PDP) and Amendments to Preliminary Development Plans (PDP)*

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development and its associated Preliminary Development Plan or an amended Preliminary Development Plan, the following criteria shall be considered:

1. The Planned Unit Development (PUD) zoning and the proposed land uses therein are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.
2. The PUD exhibits the application of sound, creative, innovative, and efficient planning principles.
3. Any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan.
4. The PUD is compatible and harmonious with existing public and private development in the surrounding area.
5. The PUD provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
6. The PUD has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.
7. Streets, driveways, access points, and turning movements are designed in a manner that promotes safe, convenient, and free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and pedestrian traffic.
8. The City may require rights-of-way adjacent to existing or proposed arterial or collector streets, any easements for public utilities and any other public lands to be dedicated to the City as a condition to approving the PDP. Nothing herein shall preclude further public land dedications as a condition to ODP or plat approvals by the City.

9. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with overall master plans.
10. Performance standards are included that insure reasonable expectations of future Official Development Plans being able to meet the Standards for Approval of an Official Development Plan contained in section 11-5-15.
11. The applicant is not in default or does not have any outstanding obligations to the City.

(B) Failure to meet any of the above-listed standards may be grounds for denial of an application for Planned Unit Development zoning, a Preliminary Development Plan or an amendment to a Preliminary Development Plan.

### ***Zoning or Rezoning to a Zoning District Other Than a Planned Unit Development (PUD)***

#### **11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)**

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development:

1. The proposed zoning or rezoning is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practice.
2. There is either existing capacity in the City's street, drainage and utility systems to accommodate the proposed zoning or rezoning, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

### ***City Initiated Rezoning***

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when City Council determines, as part of the final rezoning ordinance, any of the following:

1. The current zoning is inconsistent with one or more of the goals or objectives of the City's Comprehensive Land Use Plan.
2. The current zoning is incompatible with one or more of the surrounding land uses, either existing or approved.
3. The surrounding development is or may be adversely impacted by the current zoning.
4. The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

### ***Official Development Plan (ODP) Application***

#### **11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)**

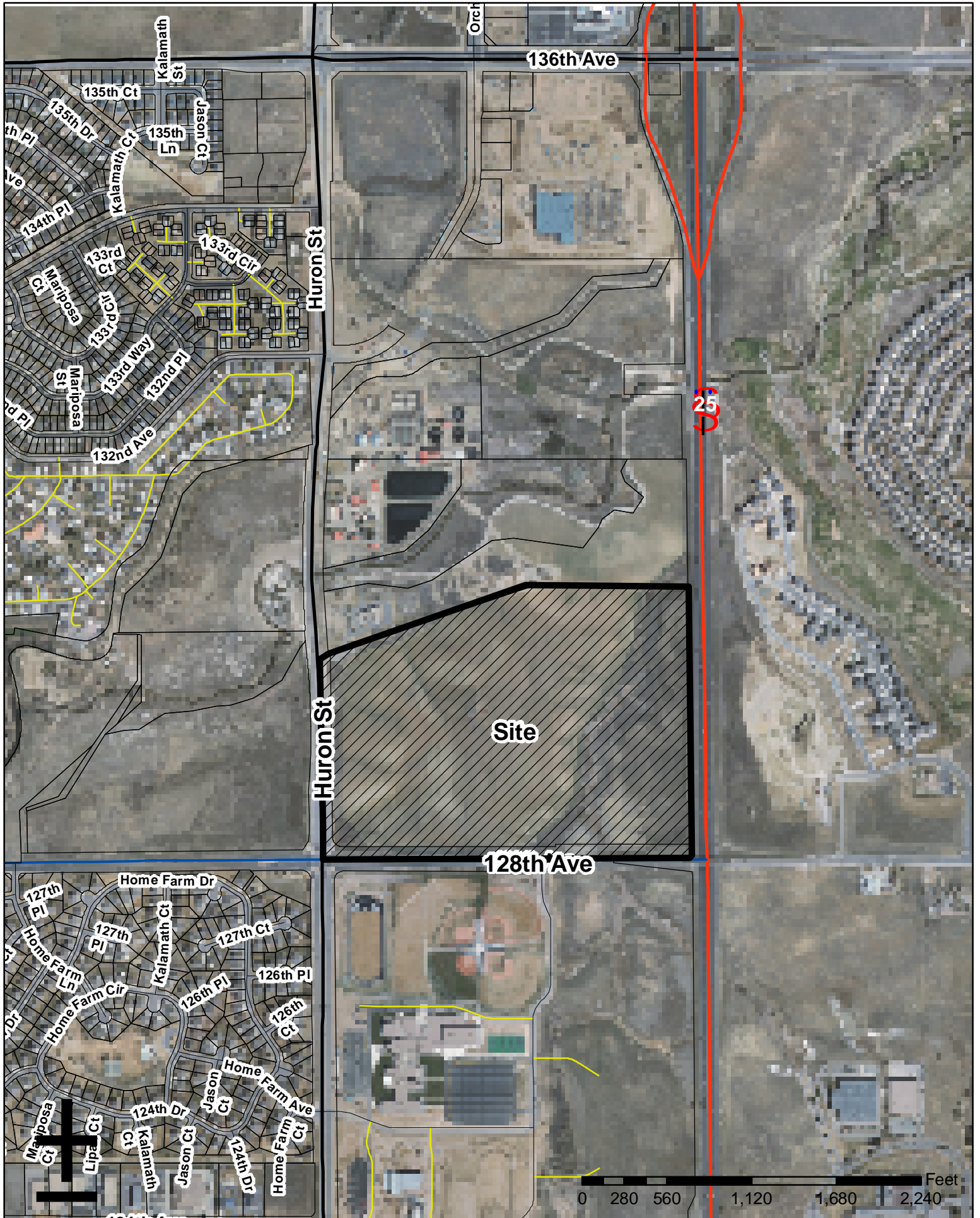
(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan the following criteria shall be considered:

1. The plan is in conformance with all City Codes, ordinances, and policies.
2. The plan is in conformance with an approved Preliminary Development Plan or the provisions of the applicable zoning district if other than Planned Unit Development (PUD).
3. The plan exhibits the application of sound, creative, innovative, or efficient planning and design principles.
4. For Planned Unit Developments, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.

5. The plan is compatible and harmonious with existing public and private development in the surrounding area.
6. The plan provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.
7. The plan has no significant adverse impacts on future land uses and future development of the immediate area.
8. The plan provides for the safe, convenient, and harmonious grouping of structures, uses, and facilities and for the appropriate relation of space to intended use and structural features.
9. Building height, bulk, setbacks, lot size, and lot coverages are in accordance with sound design principles and practice.
10. The architectural design of all structures is internally and externally compatible in terms of shape, color, texture, forms, and materials.
11. Fences, walls, and vegetative screening are provided where needed and as appropriate to screen undesirable views, lighting, noise, or other environmental effects attributable to the development.
12. Landscaping is in conformance with City Code requirements and City policies and is adequate and appropriate.
13. Existing and proposed streets are suitable and adequate to carry the traffic within the development and its surrounding vicinity.
14. Streets, parking areas, driveways, access points, and turning movements are designed in a manner promotes safe, convenient, promotes free traffic flow on streets without interruptions and in a manner that creates minimum hazards for vehicles and or pedestrian traffic.
15. Pedestrian movement is designed in a manner that forms a logical, safe, and convenient system between all structures and off-site destinations likely to attract substantial pedestrian traffic.
16. Existing and proposed utility systems and storm drainage facilities are adequate to serve the development and are in conformance with the Preliminary Development Plans and utility master plans.
17. The applicant is not in default or does not have any outstanding obligations to the City.

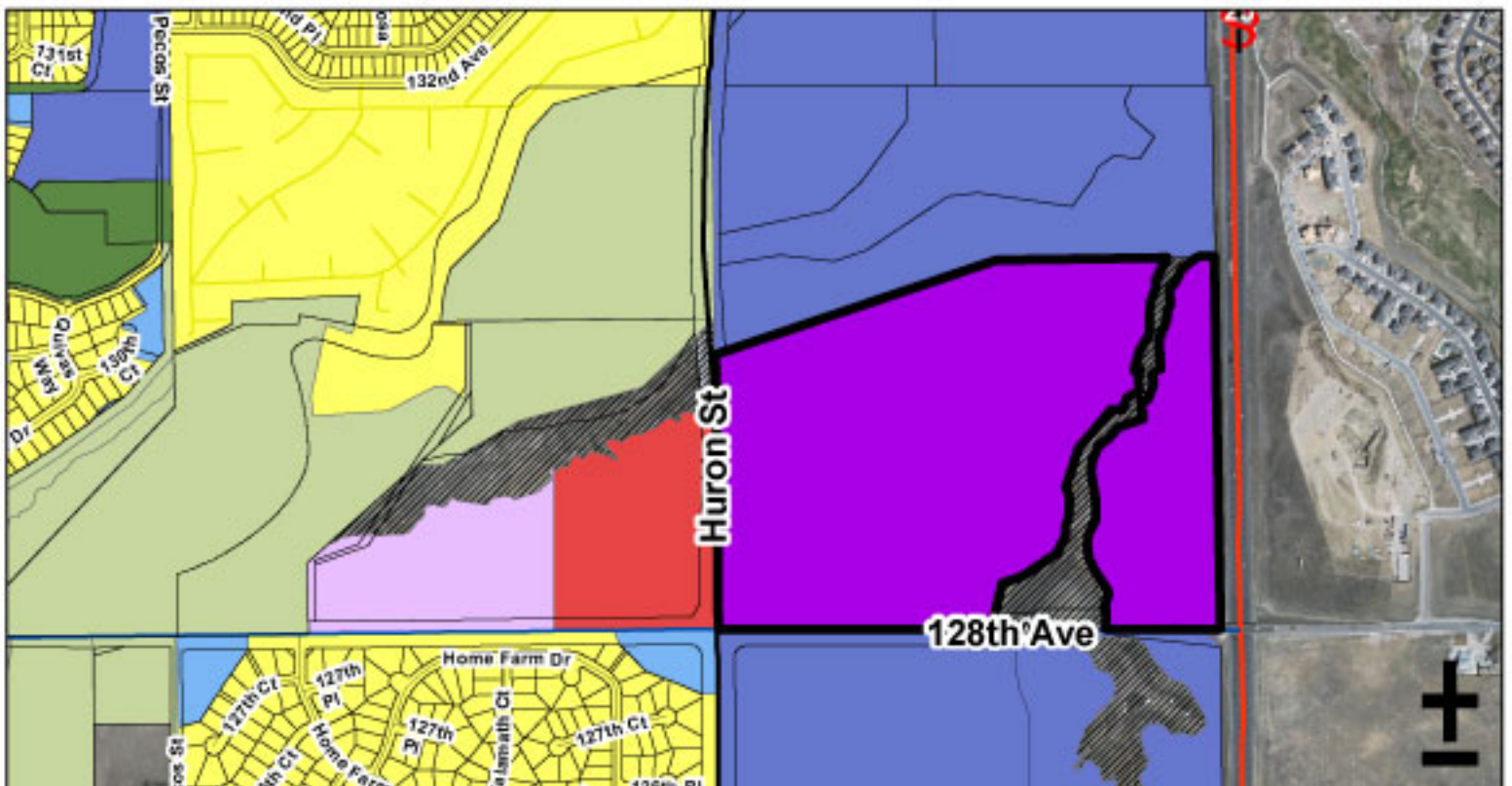
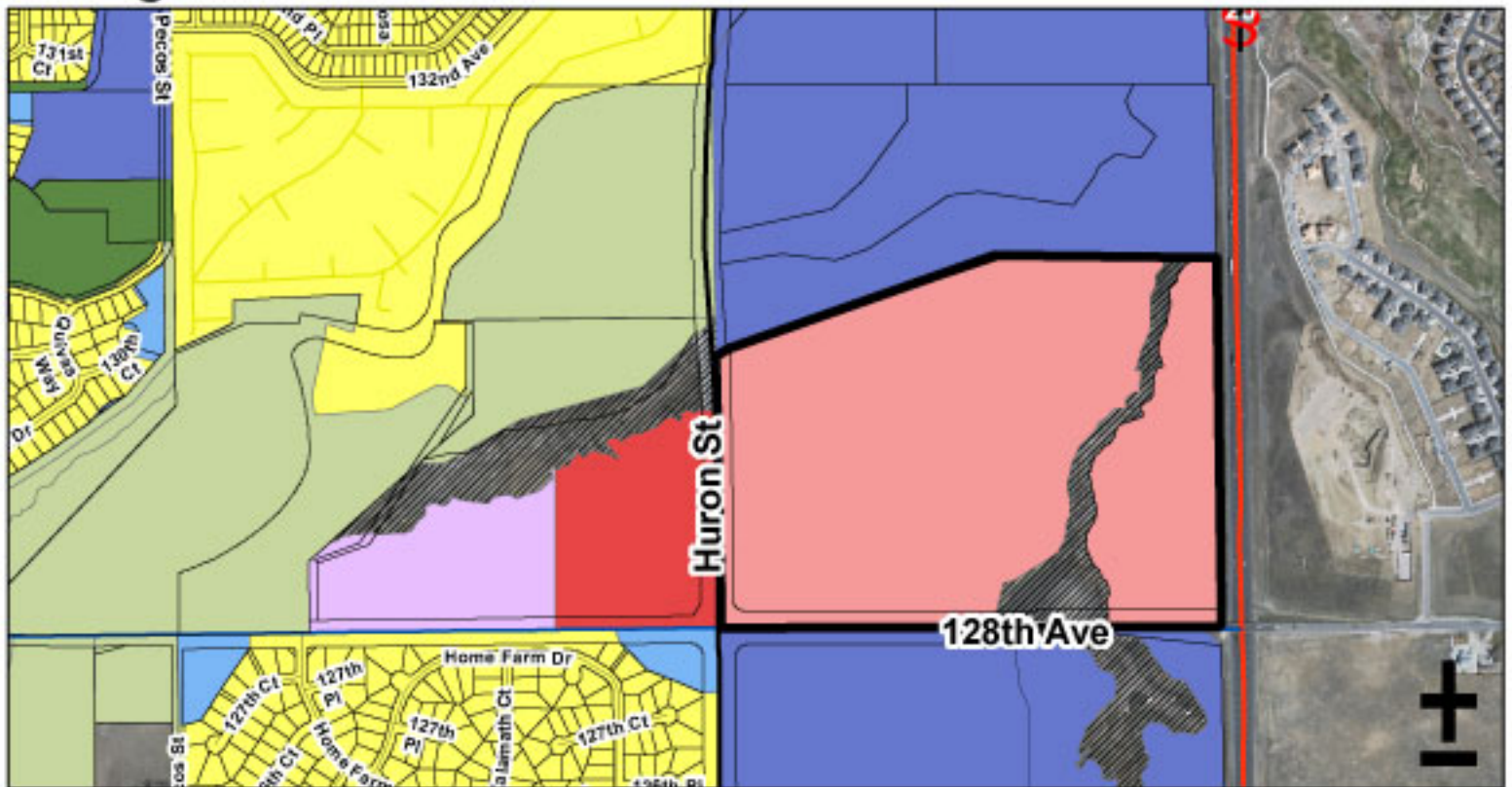
(B) Failure to meet any of the above-listed standards may be grounds for denial of an Official Development Plan or an amendment to an Official Development Plan.

# Erickson Vicinity Map





# Erickson CLUP Amendment: Change from Business Park to District Center





## Agenda Item 10 D&E

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Public Hearing and Resolution No. 26 re Application to Designate Westminster's First Town Hall (3924 West 72<sup>nd</sup> Avenue) as a Local Historic Landmark

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

**Recommended City Council Action**

1. Hold a public hearing on the application to designate Westminster's First Town Hall a local historic landmark.
2. Adopt Resolution No. 26 designating Westminster's First Town Hall, 3924 West 72<sup>nd</sup> Avenue, as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.

**Summary Statement**

- An application has been submitted by Tracy and David Colling to designate Westminster's First Town Hall as a local historic landmark.
- Westminster's First Town Hall is located at 3924 West 72<sup>nd</sup> Avenue. It was built in the 1890s, is about 110 years old, and exemplifies the political heritage of the community as it was used as the City of Westminster Town Hall from 1911 to 1913.
- The Historic Landmark Board recommends that Westminster's First Town Hall be designated as a local historic landmark.

**Expenditure Required:** \$0

**Source of Funds:** N/A

## **Policy Issue**

Should Westminster's First Town Hall, located at 3924 West 72<sup>nd</sup> Avenue and owned by the City of Westminster, be designated a local historic landmark?

## **Alternatives**

1. Do not designate the site as a local historic landmark.
2. Modify the list of features that should be designated as contributing to the historic significance of the building.

Staff does not recommend holding off on the designation of Westminster's First Town Hall as a local historic landmark. It is located on the Bowles House Museum property. The exterior of the building was recently restored as a result of volunteer labor and community donations, resulting in a project that has generated community pride. Staff believes that the protection of the building will be beneficial to the educational program operated by the Westminster Historical Society at the Bowles House Museum.

## **Background Information**

Westminster's First Town Hall was built in the 1890s and was moved from its original location to its historically significant location near West 74<sup>th</sup> Avenue and Bradburn Boulevard around 1905. There it was used by Fred Strawson as his insurance and real estate office and it also served as the Westminster Town Hall for two years after the City was incorporated in 1911. It was nominated by residents Tracy and David Colling for designation as a Westminster landmark because it exemplifies the political heritage of the community. W.M.C. section 11-13-5(A)(10). It was moved in 1989 to the Bowles House Museum to protect it from demolition. The Historic Landmark Board found that the historical significance of the building outweighs the loss of historic integrity caused by the relocation from Bradburn Boulevard.

## **Architectural Description**

The building measures 10' 4" by 14'4". It is a one-story wood frame structure with a single room, elevated approximately one foot above the existing grade. The roof has a 6:12 roof pitch and a gable (ridge running north-south) constructed of wood shingles. There is a 6-inch eave and rake overhang. The entire exterior of the structure is clad with horizontal simple drop siding.

The front (north) elevation includes a four-panel door with four panels of glazing in upper panels (a 4-pane cruciform window pattern) with horizontal muntins and recessed wood panels. The siding is painted with sign lettering, "REAL ESTATE INSURANCE."

The east elevation has a double-hung window with 4:4 window muntin pattern with a simple wood trim and protruding wood sill. To the right of the window the siding is painted with sign lettering, "REAL ESTATE."

The south elevation has a horizontal window with a simple wood trim. This window does not appear to be part of the original structure.

The west elevation siding is painted with sign lettering, "REAL ESTATE."

## **Historical Significance**

The original Westminster Town Hall was located at 7441 Bradburn Boulevard, the location of the original home of Fred and Luella Strawson. Mr. Strawson used this building as his real estate and insurance office. On February 24, 1911, forty residents petitioned the County Court to set an election date on the issue of whether the village should incorporate under the name Westminster, in honor of the university.

The papers for incorporation of the Village of Westminster were drawn up in this building. The election was held April 4, 1911. The Westminster Town Board met for the first time June 11, 1911, in Fred Strawson's office. At this historical meeting, Dr. Richard Russell was elected mayor; Fred Strawson Police Magistrate; S.R. Rigg Treasurer and Town Clerk; H.T. Buswell Town Marshal and pound-master; and John Gabriel Town Attorney. The first ordinances were passed in this building, including a provision for a \$28,000 bond issue to finance the Town's first water system.

On April 26, 1989, Pinkard Construction Company moved the Strawson Building to the Bowles House site. On April 28, 2007, Henry Colling from Boy Scout Troop 484 started his Eagle Project to restore the Town Hall. He organized fundraisers and six separate workdays (over 200 man-hours) throughout the summer and following winter. The efforts included scraping of loose paint, making repairs as needed to the wood and the threshold into the building, priming the building with an oil-based paint, and then painting it with a latex paint with the color matched to the previous building color, an off-white. In addition to the volunteer labor provided by the Boy Scouts, paint and other materials were donated by local businesses.

On November 13, 2007, Henry Colling updated the Historic Landmark Board of Westminster with the restoration progress. At that time, Bob Mulcahy, a professional sign painter, presented his recommendations to the Board regarding the restoration of the original lettering on the building. The Board approved these improvements and the final lettering was completed in April 2008. Henry worked with the Westminster Historical Society to raise donations to pay for professional restoration of the mural signs that were barely visible on the sides of the building. Henry's parents, Tracy and David Colling, nominated the building as a local historic landmark.

On May 17, 2008, the Westminster Historical Society is planning a celebration at the Bowles House to celebrate the completion of the restoration and the Historic Landmark of the Town Hall.

### **Compliance with Westminster Municipal Code**

The Westminster Municipal Code requires an application to include the following content:

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

In compliance with Westminster Municipal Code, the application provides the name, location, legal description, and owner of the proposed landmark. It further provides a statement of significance with information to support the following criteria for designation:

- The building exemplifies the political heritage of the community because it was used as the City of Westminster Town Hall from 1911 to 1913.

Notice of the April 28, 2008, public hearing was published in the Westminster Window on April 24, 2008. The property was posted by City Staff on April 24, 2008. The application was referred to the Westminster Historical Society on April 3, 2008, as required by the Westminster Municipal Code.

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



The site is zoned M-1 (industrial). The landmark designation should be beneficial to the neighborhood because designation will help the neighborhood understand the history of the area and will protect the defining architectural characteristics of the building, thereby supporting the historic character of the neighborhood. The application appears to meet the criteria set forth in the ordinance.

### **City Council Findings**

The City Council needs to consider the following issues:

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

### **Recommendations by the Historic Landmark Board**

The Historic Landmark Board recommends to the Westminster City Council that Westminster's First Town Hall be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code. The architectural features that they recommend be preserved are described in their attached resolution. These features have been included in the proposed City Council resolution, which is also attached.

Respectfully submitted,

J. Brent McFall  
City Manager

#### **Attachments:**

- Resolution to Designate Westminster's First Town Hall as a Local Historic Landmark
- Resolution by the Westminster Historic Landmark Board recommending the Historic Landmark Designation of the First Town Hall
- Historic Landmark Application dated March 8, 2008

RESOLUTION

RESOLUTION NO. **26**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

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**A RESOLUTION  
TO DESIGNATE WESTMINSTER'S FIRST TOWN HALL  
AS A LOCAL HISTORIC LANDMARK**

WHEREAS, Westminster's First Town Hall is historically significant because it exemplifies the political heritage of the community, as it was used as the City of Westminster Town Hall from 1911 to 1913; and

WHEREAS, Westminster's First Town Hall is located at the Bowles House Museum, is owned by the City of Westminster, and contributes to the educational programming of the Westminster Historical Society; and

WHEREAS, residents Tracy and David Colling have prepared a nomination and applied to this Board for a recommendation as to whether the property should be designated as a historic landmark, and

WHEREAS, the Historic Landmark Board adopted its Resolution 2008-003 in which the Board finds that Westminster's First Town Hall is historically significant and designates the features that the Board recommends should be preserved,

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

1. Westminster's First Town Hall is hereby designated as a local historic landmark pursuant to Section 11-13-7 of the Westminster Municipal Code.
2. Description of features that should be preserved:

The building measures 10' 4" by 14'4". It is a one-story wood frame structure with a single room, elevated approximately one foot above the existing grade. The roof has a 6:12 roof pitch and a gable (ridge running north-south) constructed of wood shingles. There is a 6-inch eave and rake overhang. The entire exterior of the structure is clad with horizontal simple drop siding.

The front (north) elevation includes a four-panel door with four panels of glazing in upper panels (a 4-pane cruciform window pattern) with horizontal muntins and recessed wood panels. The siding is painted with sign lettering, "REAL ESTATE INSURANCE."

The east elevation has a double-hung window with 4:4 window muntin pattern with a simple wood trim and protruding wood sill. To the right of the window the siding is painted with sign lettering, "REAL ESTATE."

The south elevation has a horizontal window with a simple wood trim.

The west elevation siding is painted with sign lettering, "REAL ESTATE."

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

**Address or location:** 3924 West 72<sup>nd</sup> Avenue  
Westminster, Colorado

**Legal description:** Located on a 0.459-acre parcel of land in the northwest one-quarter of northwest one-quarter of the northeast one-quarter of northeast one-quarter of Section 6, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, County of Adams, State of Colorado, described as follows:

Beginning at the southwest corner of the intersection of West 72<sup>nd</sup> Avenue and Newton Street, proceed west 120.5-feet along the curb line of West 72<sup>nd</sup> Avenue, turning south for 166.0-feet then proceed east 120.5-feet to the west curb line of Newton Street and finally proceed north 166.0-feet along the west curb line of Newton Street to the point of origin.

UTM Coordinates:

UTM Zone13  
Datum NAD 27  
Linear Unit: Meter  
496740 ; 4408360

PASSED AND ADOPTED this 28<sup>th</sup> day of April, 2008.

\_\_\_\_\_  
Nancy McNally, Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

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

RESOLUTION

RESOLUTION NO. 2008-003

INTRODUCED BY BOARD MEMBER

SERIES OF 2008

WHEREAS, Westminster's First Town Hall is historically significant because it exemplifies the political heritage of the community, as it was used as the City of Westminster Town Hall from 1911 to 1913.

WHEREAS, Tracy and David Colling have prepared a nomination and applied to this Board for a recommendation as to whether the property should be designated as a historic landmark,

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

1. The Board recommends to the Westminster City Council that Westminster's First Town Hall be designated as a local historic landmark pursuant to Section 11-13-5 of the Westminster Municipal Code.

2. Description of features that should be preserved:

The building measures 10-foot 4-inch by 14-foot 4-inch. It is a one-story wood frame structure with a single room, elevated approximately one foot above the existing grade. The roof has a 6:12 roof pitch and a gable (ridge running north-south) constructed of wood shingles. There is a 6-inch eave and rake overhang. The entire exterior of the structure is clad with horizontal simple drop siding.

The front and north elevation includes the four-panel door with with four panels of glazing in upper panels (a 4-pane cruciform window pattern) with horizontal muntins and recessed wood panels. The siding is painted with sign lettering, "REAL ESTATE INSURANCE".

The east elevation has a double hung window with 4:4 window muntin pattern with a simple wood trim and protruding wood sill. To the right of the window the siding is painted with sign lettering, "REAL ESTATE".

The south elevation has a horizontal window with a simple wood trim. This window does not appear to be part of the original structure.

The west elevation siding is painted with sign lettering, "REAL ESTATE".

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

**Address or location:** 3924 West 72<sup>nd</sup> Avenue  
Westminster, Colorado

**Legal description:** Located on a 0.459-acre parcel of land in the northwest one-quarter of northwest one-quarter of the northeast one-quarter of northeast one-quarter of Section 6, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, County of Adams, State of Colorado, described as follows:

Beginning at the southwest corner of the intersection of West 72<sup>nd</sup> Avenue and Newton Street, proceed west 120.5-feet along the curb line of West 72<sup>nd</sup> Avenue, turning south for 166.0-feet then

proceed east 120.5-feet to the west curb line of Newton Street and finally proceed north 166.0-feet along the west curb line of Newton Street to the point of origin.

**UTM Coordinates:**

UTM Zone13  
Datum NAD 27  
Linear Unit: Meter  
496740 ; 4408360

PASSED AND ADOPTED this 9<sup>th</sup> day of April, 2008.

Bill St  
Chair

ATTEST:  
Trinity R. King

# City of Westminster

## Historic Landmark Application

March 8, 2008

**Name of Proposed landmark:** Westminster's First Town Hall

**Address or Location:** Located on the south side of the Historic Bowles House Museum at 3924 West 72<sup>nd</sup> Avenue, Westminster, Colorado 80030.

**Legal description:** Located on a 0.459-acre parcel of land in the northwest one-quarter of northwest one-quarter of the northeast one-quarter of northeast one-quarter of Section 6, Township 3 South, Range 68 West of the 6<sup>th</sup> Principal Meridian, County of Adams, State of Colorado, described as follows:

Beginning at the southwest corner of the intersection of West 72<sup>nd</sup> Avenue and Newton Street, proceed west 120.5-feet along the curb line of West 72<sup>nd</sup> Avenue, turning south for 166.0-feet then proceed east 120.5-feet to the west curb line of Newton Street and finally proceed north 166.0-feet along the west curb line of Newton Street to the point of origin.

### **UTM Coordinates:**

UTM Zone13  
Datum NAD 27  
Linear Unit: Meter  
496740 ; 4408360

**Nominated by:** David and Tracy Colling, 9500 Osceola Street, Westminster, CO 80031

**Property Owner:** City of Westminster

### **Reasons for designation pursuant to the W.M.C. sections 11-3-15 Criteria for Designation:**

The Westminster Town Hall was built in the late1890's and is currently approximately 110 years old. It qualifies for designation as a Westminster Historic Landmark based on the following criteria outlined in the *Westminster Municipal Code* 11-3-5:

10. The building exemplifies the political heritage of the community as it was used as the City of Westminster Town Hall from 1911 to 1913.

### **Descriptions of features that should be preserved:**

The building measures 10-foot 4-inch by 14-foot 4-inch. It is a one-story wood frame structure with a single room, elevated approximately one foot above the existing grade. The roof has a 6:12 roof pitch and a gable (ridge running north-south) constructed of wood shingles. There is a 6-inch eave and rake overhang. The entire exterior of the structure is clad with horizontal simple drop siding.



The front and north elevation includes the farmhouse door with a 4-pane cruciform window pattern with horizontal muntins and recessed wood panels. The siding is painted with sign lettering, “REAL ESTATE INSURANCE”.



The east elevation has a double hung window with 4:4 window muntin pattern with a simple wood trim and protruding wood sill. To the right of the window the siding is painted with sign lettering, “REAL ESTATE”.





The south elevation has a horizontal window with a simple wood trim. This window does not appear to be part of the original structure.



The west elevation siding is painted with sign lettering, "REAL ESTATE".



## History:

The original Westminster Town Hall was located in F.S. Strawson's office at 7441 Bradburn Boulevard. This site was the original home of Fred and Luella Strawson. The following excerpt came from *Historically Speaking* published by Westminster Historical Society, February 2001:

*"In late 1890's a temporary home was built. It was built on Connecticut (now Bradburn) by an unknown person to live in during the winter. He would begin to build his permanent home in the spring.*

*On February 26, 1905, Fred and Luella Strawson purchased 5 acres of "level and fertile land" in Harris, Colorado for \$470.00. The family lived on the third floor of the Harris House until he completed a three room temporary home. He was a carpenter and found much work in the area. It was while he was nailing on a frieze below the roof's edge on a home that he hit his finger with a hammer. This was dismissed as a minor injury and treated with home remedies. Infection set in and he was taken to St. Luke's Hospital in Denver. The blood poisoning went through his arm and while his life was saved, he was unable to continue being a carpenter. Fred tried many things to support his family. He became an agent for Continental Insurance Company, got a Notary Public license, and became licensed to sell real estate. He then purchased his neighbor's building for \$50.00. The man had built his home and no longer needed the building. It was put on skids and moved to the front of his property and he was open for business.*

*February 24, 1911, forty residents petitioned the County Court to set an election date on the issue of whether the village should incorporate under the name Westminster, in honor of the university. It was in this building that the papers for incorporation of the Village of Westminster were drawn up. The election was held April 4, 1911."*

The article also stated that, *"The Westminster Town Board met in Mr. Strawson's building for two years. Stanton Strawson, Fred's son said that the first Town Hall could have been (in) their home except for the fact that many of the Town Board Trustees smoked cigars and she (Luella Strawson) would not allow them in her home."*

This building sat on the side of Fred Strawson's home and was his Real Estate & Insurance office. The Westminster Board of Trustees met at his office on July 11, 1911, as outlined in the *Record of Proceedings* for the Minutes of Meeting of the Board of Trustees of Westminster, Colorado, dated July 11, 1911.

The following quote is from the *History of Westminster 1911-1961 50<sup>th</sup> Anniversary Edition*:

*"The Westminster Town Board met for the first time June 11, 1911, in Fred Strawson's office. At this historical meeting, Dr. Richard Russell was elected mayor; Fred Strawson Police Magistrate; S.R. Rigg Treasurer and Town Clerk; H.T. Buswell Town Marshal and pound-master; and John Gabriel Town Attorney.*

*The first ordinance provided for the board to pass ordinances.*

*The second ordinance made it illegal for horses, mules, donkeys, sheep and goats to run at large on the Town's streets and alleys. Violation meant that the animals would be impounded by the town marshal and auctioned, if they were not claimed within 8 days. As water was the main reason for the Town's organization the third ordinance provided for \$28,000.00 bond issue to finance the Town's first water system.*

*Westminster's first annual budget amounted to \$300.00 broken down, it allotted \$25.00 for bonds of City employees; \$50.00 for a safe; and \$100.00 for water. Ten mills were set as the first tax levy."*

On April 26, 1989, Pinkard Construction Company moved the Strawson Building to the Bowles House site at no charge to the historical society.

The Town Hall furnishings and donators are as follows:

Pot Belly Stove and desk – Joanna Talbott (the desk belonged to her father John Tee)  
Chair – Iver Ranum  
Bookcase – Louise Norberg  
Ink well – Joanna Talbott  
Quill for the ink well – Louise Norberg  
Spittoon – on loan from Helen Van Cleave

On May 13, 1989, the Westminster first Town Hall was re-dedicated, at which time Nancy Heil, George Brunner, and Rod Sheffer, three of the current city council people spoke, along with John Judish, a Town Council Spokesman from the past.

On November 4, 1994, Larry Green from Channel 4 came to the Bowles House and did the weather broadcast from the Town Hall.

On May 18, 1996, Westminster's Original Town Hall was officially re-dedicated. In attendance were Mayor Nancy Heil, City councilors Sam Dixon, Ann Merkel and Gary Smith. "To celebrate the 'sprucing' up of our Town Hall, a City Council Meeting was held. It was evident that it would be most uncomfortable to conduct 1990s business in our 1911 Town Hall" (from *Historically Speaking* published by the Westminster Historical Society January 1997).

On April 28, 2007, Henry Colling from Boy Scout Troop 484 started his Eagle Project to restore the Town Hall. He organized fundraisers and six separate workdays (over 200 man-hours) throughout the summer and following winter. The efforts included scraping of loose paint, making repairs as needed to the wood and the threshold / step into the building, priming the building with an oil-based paint, then painting it with a latex paint with the color matched to the previous building color, an off-white.

On November 13, 2007, Henry Colling updated the Historic Landmark Board of Westminster with the restoration progress. At that time, Bob Mulcahy, a professional sign painter, presented his recommendations to the Board regarding the restoration of the original lettering on the building. The Board approved these improvements and the finally lettering was completed in April 2008.

On May 17, 2008, the Westminster Historical Society is planning a celebration at the Bowles House to celebrate the completion of the restoration and the Historic Landmark of the Town Hall.

**Sources**

*Record of Proceedings* for the meeting minutes of the Board of Trustees of Westminster Colorado (July 11, 1911)

*Historically Speaking* Westminster Historical Society, (January 1997, February 2001)

*Historically Speaking* published by the Westminster Historical Society (January 1997)

Reference files and interviews with Kay Michealson with the Westminster Historical Society



## Agenda Item 10 F

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 28, 2008



**SUBJECT:** Resolution No. 27 re Intergovernmental Agreement with the State of Colorado re Historic Preservation Grant for Rodeo Market Façade Restoration

**Prepared By:** Vicky Bunsen, Community Development Programs Coordinator

### Recommended City Council Action

Adopt Resolution No. 27 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning the use of State Historical Fund grant funds awarded to the City of Westminster for the restoration of the Rodeo Market façade.

### Summary Statement

- The City has applied for and has been awarded a grant in the amount of \$79,165 from the State Historical Fund for the restoration of the façade of the Rodeo Market, 3915 West 73<sup>rd</sup> Avenue.
- In order to complete this project, the City is required to contribute a 26% cash match of \$28,000.
- To regulate the use and accounting of the funds the State of Colorado requires intergovernmental agreements (IGAs) to be executed before funds are disbursed.

**Expenditure Required:** \$28,000

**Source of Funds:** South Westminster CIP

**Policy Issue**

Should City Council authorize an IGA with the State of Colorado concerning the use of State Historical Fund grant money awarded for the restoration of the Rodeo Market façade?

**Alternative**

Do not enter into the IGA with the State of Colorado and decline the grant money awarded by the State Historical Fund for the City historic preservation project. This alternative is not recommended because the funding supports historic preservation work.

**Background Information**

Since 2002 and including the grant described in this memo, the City has received \$477,934 in grants from the State Historical Fund and the Colorado Historical Society Certified Local Government program. These grants have funded archeological and structure assessments, the exterior restoration of the Westminster Grange Hall and the Semper Farmhouse, and reconnaissance and intensive historical resource surveys throughout the City.

Most recently, the State Historical Fund notified the City of a \$79,165 grant to fund the restoration of the Rodeo Market façade at 3915 West 73<sup>rd</sup> Avenue. The Rodeo Market is a local historic landmark and is part of the historic Westminster downtown area along 73<sup>rd</sup> Avenue. Construction documents for the façade restoration project were also funded with a State Historic Fund grant in 2007. Work is expected to be completed by Fall 2008.

The IGA consists of a State-prescribed format that is used with all grant-funded projects and it has been reviewed by the City Attorney's Office. The grant requires a \$28,000 cash match from the City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **27**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

---

**A RESOLUTION  
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF  
COLORADO CONCERNING THE USE OF A  
GRANT FOR THE RESTORATION OF THE RODEO MARKET FAÇADE**

WHEREAS, the City of Westminster has been awarded the following grant from the Colorado Historical Society in support of an historic preservation project within the City:

Rodeo Market	Façade Restoration	\$79,165
--------------	--------------------	----------

WHEREAS, the State of Colorado requires IGAs to be executed before funds are disbursed, which contracts regulate the use of funds and for the grant award.

NOW, THEREFORE, the City Council of the City of Westminster resolves that the City Manager is authorized to execute and carry out the provisions of this IGA with the State of Colorado concerning the use of a grant for historic preservation purposes awarded to the City.

PASSED AND ADOPTED this 28<sup>th</sup> day of April, 2008.

---

Mayor

ATTEST:

---

City Clerk

APPROVED AS TO LEGAL FORM:

---

City Attorney's Office



## Agenda Item 10 G

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
April 28, 2008



**SUBJECT:** Resolution No. 28 re Adoption of the Comprehensive Roadway Plan

**Prepared By:** Mike Normandin, Transportation Engineer

#### **Recommended City Council Action**

Adopt Resolution No. 28 adopting the Comprehensive Roadway Plan.

#### **Summary Statement**

- The current Comprehensive Roadway Plan was adopted by City Council in March of 1994. Since that time, the City has revised the Comprehensive Land Use Plan, constructed numerous transportation improvement projects and participated in several regional transportation planning efforts that will greatly affect future transportation patterns.
- The Roadway Plan update evaluates existing traffic conditions, identifies improvements to mitigate deficiencies, identifies and prioritizes long range transportation improvements and explores opportunities to enhance linkages between the City's transportation system (vehicular and pedestrian) and that of the Regional Transportation District (RTD) and the Colorado Department of Transportation (CDOT).
- The proposed Roadway Plan update has been reviewed by City Council in a previous Study Session and by City Staff. A public meeting was held on March 19, 2008, in conjunction with a regularly scheduled Transportation Commission meeting. There were 12 people that attended the public meeting. The members of the Transportation Commission, as well as others who attended, expressed general support for the Roadway Plan Update.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City Council formally adopt the Comprehensive Roadway Plan Update?

**Alternative**

Formal adoption of the Comprehensive Roadway Plan Update by the City Council is not mandatory. However, Staff must often negotiate the scope of required offsite roadway improvements associated with the development of properties located adjacent to arterial streets. Council's formal adoption of the recommendations contained within the updated Roadway Plan would facilitate those negotiations.

**Background Information**

The current Roadway Plan was adopted by City Council in March of 1994. Since that time, several of the improvements identified in that Plan have been implemented. The 1994 Plan has served City Staff well in transportation planning efforts, but certain revised land use assumptions as well as the pending implementation of some major transportation systems, such as FasTracks, call for an update to the City's Roadway Plan.

The Roadway Plan Update achieves the following objectives:

- Identifies existing transportation deficiencies and interim or short range solutions.
- Identifies future transportation deficiencies and long range solutions.
- Provides a travel demand model for testing future transportation improvement alternatives.
- Provides flexibility in evaluating the transportation impacts of land use changes.
- Quantifies the traffic congestion relief benefits of transportation improvement projects.
- Identifies costs for transportation improvement projects.
- Identifies inter-modal linkages between pedestrian/bicycle use and the FasTracks System.

A public meeting to allow citizens to comment on the Roadway Plan was held on March 19, 2008, in conjunction with the routinely scheduled Transportation Commission meeting. Two City Councillors, members of the Transportation Commission, a State Representative and two other members of the general public were in attendance. The majority of the people present expressed their support for the Comprehensive Roadway Plan Update. A member of the Bike Jeffco group was present at the public meeting and expressed his concern regarding the lack of evaluation of alternative modes of transportation. While his comments about the need to reduce dependence on the automobile were insightful, the goal of this particular document was, indeed, to evaluate roadway needs. The Transportation Commission is currently serving as the forum for the investigation of various bicycling issues and will continue to serve in this capacity.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Resolution
- Proposed Comprehensive Roadway Plan



RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

---

**A RESOLUTION  
FOR ADOPTION OF THE CITY COMPREHENSIVE ROADWAY PLAN UPDATE**

WHEREAS, the substantial growth that the City has experienced during the past fifteen years has driven the need to update the City of Westminster Comprehensive Roadway Plan, and;

WHEREAS, the Comprehensive Roadway Plan Update documents and describes the existing and future roadway conditions and needs within the City, and;

WHEREAS, a public meeting was held to inform and receive input from the general public, and;

WHEREAS, the Comprehensive Roadway Plan Update will serve as a reference tool for evaluation of future development projects and capital improvements projects.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster that the Comprehensive Roadway Plan Update is hereby adopted.

PASSED AND ADOPTED this 28<sup>th</sup> day of April 2008

---

Mayor

ATTEST:

---

City Clerk

APPROVED AS TO LEGAL FORM:

---

City Attorney



**BWR** | Right in the Center

# **Westminster Comprehensive Roadway Plan Update**

**March 2008  
Westminster, Colorado**



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## **Chapter 1 - Introduction**

### **Purpose of Study**

The 1994 City of Westminster Comprehensive Roadway Plan has guided the development of the transportation system in Westminster for the last 13 years. Much of the plan has already been implemented. The land development that has driven the need for transportation improvements is now limited to mainly infill opportunities. The 2004 Westminster Comprehensive Land Use Plan estimates a build-out population for the city of 123,900. The 2006 population estimate was 108,710. This would indicate a potential population growth, and consequential traffic growth, of 14 percent. This could significantly affect the level of service on specific streets. Also the growth in neighboring cities will increase traffic on Westminster streets. It is therefore of value to be able to tie estimates of traffic growth on specific streets to specific land development and redevelopment initiatives. The resulting forecasts for full development infill of the city will indicate where additional street capacity will be required.

### **Objectives of the Comprehensive Roadway Plan**

This study provides an assessment of existing traffic conditions and identifies short-term improvements needed to mitigate safety and traffic operation deficiencies. These include specific recommendations for capacity improvements at key intersections or enhancements to specific corridors. The plan also considers strategies for more effectively managing the transportation system that is already in place. These types of recommendations include addressing the city's request for evaluating appropriate speed limit postings on specific streets. The plan also identifies the long-range transportation improvements needed to support full development of the city. Opinions of probable construction costs are provided.

One of the components in the plan update that differs from the 1994 plan is the emphasis on local interface with the Regional Transportation District (RTD) public transportation system. This system will provide the opportunity for efficient movement between Westminster and other parts of the Denver metro community. The city has a desire to explore and develop opportunities to enhance the linkage between the RTD system and the pedestrian/bicycle generators within the City.

### **Overview of the Study Area**

While the study area is the City of Westminster in its entirety, there is focus given to the areas that have known operational deficiencies and areas that were identified early by city staff as known operational problem areas. Information was collected included traffic count and speed information on both State and City facilities. The bicycle and trail facilities were studied and focus was provided where the largest impacts could be made in the areas of the RTD Park and Ride facilities and their integration to pedestrian and bicycle facilities.



## **Chapter 2 – Existing Transportation System**

### **Introduction**

Recent and continued growth in Westminster and the surrounding areas has placed new traffic demands on the existing street system. In many ways, the City has kept pace with the changes in traffic patterns through adding new roadways, traffic signals and signal coordination. While the basic street system in most of Westminster is already established, several major streets can still be widened to add additional traffic capacity. This chapter describes the existing traffic operations conditions in the City and identifies opportunities for improving traffic flow in Westminster for the immediate future.

The Denver Regional Council of Governments (DRCOG) cited in the 2006 Annual Report on Traffic Congestion in the Denver Region, that the Denver area is the nations 17<sup>th</sup> most congested region based on 2003 Texas Transportation Institutes study. The report noted key congested corridors locations included Federal Boulevard, 120<sup>th</sup> Avenue, US 36 and key locations including 88<sup>th</sup> Avenue and Sheridan Boulevard, US 36 and Sheridan Boulevard, 92<sup>nd</sup> Avenue and Federal Boulevard, and the interchanges on I-25 at 104<sup>th</sup> Avenue and 120<sup>th</sup> Avenue.

### **Traffic Volumes**

The study area for existing traffic conditions in Westminster included the major streets within the current city limits. The average annual daily traffic (AADT) volumes were compared to the street system's ability to handle traffic efficiently. Projects were identified city-wide that would enhance the operation of the existing traffic system for current traffic conditions.

Daily traffic volumes on a street can be indicative of traffic congestion. The actual traffic volume that can be carried on a street depends on several considerations, such as the number of driveways, whether left turns lanes are present, and most importantly, whether through traffic will be required to stop at stop signs or traffic signals. For instance, traffic at a signal must share its right of way with cross street traffic. This means that under average circumstances, approximately half of the through traffic's movement time must be shared with the cross street traffic and as a result the traffic carrying capacity of a street with traffic signals is only about half of that of the same street with no signals. The general traffic carrying capacities of average streets with traffic signals or multi-way stop signs are summarized in Table 2-1. It should be emphasized that these numbers represent the maximum traffic volume that can be accommodated and that the threshold of congestion first begins to occur at a lower traffic volume.



**Table 2-1      General Street Daily Traffic Capacities**

Type of Street	General Daily Traffic Capacity	Threshold of Congestion
6-7 lane street	53,000	46,000
4-5 lane street	36,000	31,000
2-3 lane street	18,000	13,000

The City of Westminster provided 2007 daily traffic volumes for the major street system. The Colorado Department of Transportation (CDOT) provided 2006 daily traffic volumes on the state highway system within Westminster. Those traffic volumes are reflected in Figure 2-1.

Daily traffic counts are generally of interest for broad level transportation planning. Typically, daily traffic counts may be used to determine the appropriate number of lanes needed on a major street to accommodate the daily traffic demand. The daily traffic counts available through the City and CDOT indicate the immediate need for widening several important street corridors in the City. This is only an indication of the immediate need for widening and does not include the traffic growth projections which will be covered later in the report.

The major corridors that are currently exceeding the daily traffic capacities based on the AADT are summarized in Table 2-2, ranked by congestion in Table 2-3 and ranked by volume in Table 2-4.



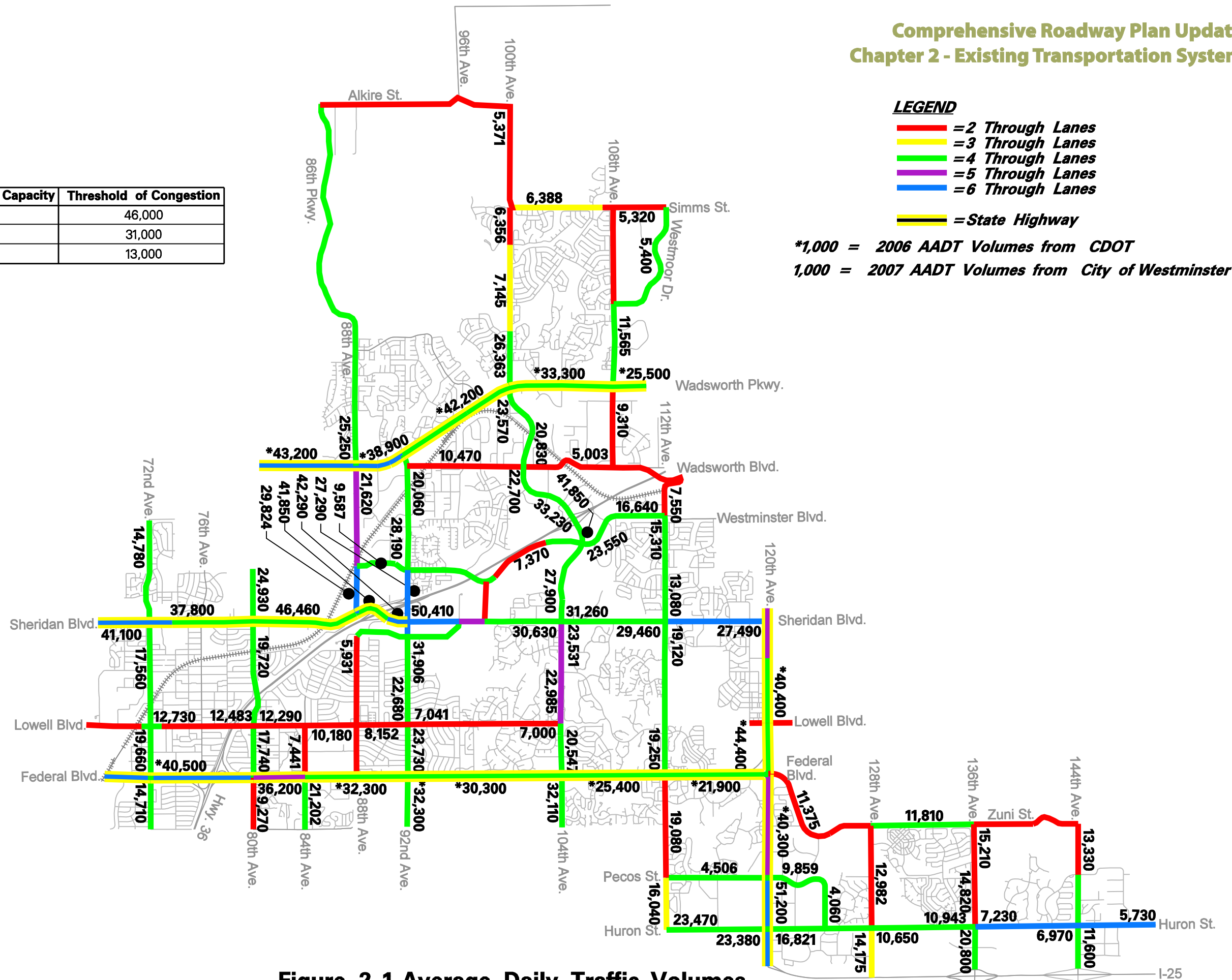


Type of Street	General Daily Traffic Capacity	Threshold of Congestion
6-7 lane street	53,000	46,000
4-5 lane street	36,000	31,000
2-3 lane street	18,000	13,000

**LEGEND**

- = 2 Through Lanes
- = 3 Through Lanes
- = 4 Through Lanes
- = 5 Through Lanes
- = 6 Through Lanes
- = State Highway

*\*1,000 = 2006 AADT Volumes from CDOT  
1,000 = 2007 AADT Volumes from City of Westminster*



**Figure 2-1 Average Daily Traffic Volumes**

**Table 2-2 Major Corridors Daily Traffic Capacities**

Route	Segment	Existing No. of Lanes	Threshold of Congestion	Average Daily Volume <sup>1</sup>	Approx. Percent over Threshold <sup>3</sup> / Volume Over
Federal Blvd	US 36 to 80 <sup>th</sup>	6	46,000	40,500 <sup>2</sup>	Under threshold
	80 <sup>th</sup> to 84 <sup>th</sup>	5	31,000	36,200	17 / 5,200
	84 <sup>th</sup> to 92 <sup>nd</sup>	4		32,300	4 / 1,300
	92 <sup>nd</sup> to 104 <sup>th</sup>	4		30,300	Under threshold
Federal Parkway / Zuni St	120 <sup>th</sup> Ave to 128 <sup>th</sup> Ave	2		13,000	11,375
Lowell Blvd	72 <sup>nd</sup> Ave to 84 <sup>th</sup> Ave	2	13,000	12,500	Under threshold
Sheridan Blvd	69 <sup>th</sup> to 72 <sup>nd</sup>	6	46,000	41,100	Under threshold
	72 <sup>nd</sup> to 80 <sup>th</sup>	4	31,000	37,800	22 / 6,800
	80 <sup>th</sup> to 88 <sup>th</sup>	4	31,000	46,460	50 / 15,460
	88 <sup>th</sup> to US 36	4	31,000	41,850	35 / 10,850
	US 36 to City Center Dr	6	46,000	50,410	10 / 4,410
	104 <sup>th</sup> to 112 <sup>th</sup>	4	31,000	31,264	1 / 264
Wadsworth Parkway	92 <sup>nd</sup> Ave to 100 <sup>th</sup> Ave	4	31,000	42,200 <sup>2</sup>	36 / 11,200
	100 <sup>th</sup> Ave to 108 <sup>th</sup> Ave	4	31,000	33,300 <sup>2</sup>	7 / 2,300
112 <sup>th</sup> Ave	Federal Blvd to Pecos St	2	13,000	19,082	47 / 6,082
	Pecos to Huron	3	13,000	16,041	23 / 3,041
120 <sup>th</sup> Ave	East of Sheridan to Lowell	4	31,000	40,400 <sup>2</sup>	30 / 9,400
	Lowell to Federal	4	31,000	40,300 <sup>2</sup>	30 / 9,300
	Federal to Pecos	5	31,000	40,300 <sup>2</sup>	30 / 9,300
128 <sup>th</sup> Ave	Zuni St. to Huron St	2/3	13,000	12,982	Under threshold
136 <sup>th</sup> Ave	Zuni St. to Huron St	2	13,000	15,000	15 / 2,000
144 <sup>th</sup> Ave	Zuni St. to Huron St	2	13,000	13,330	3 / 330
104 <sup>th</sup> Avenue / Church Ranch Blvd	103 <sup>rd</sup> to US 36	4	31,000	33,230	7 / 2,230
	US 36 to Westminster Blvd	4		41,850	35 / 10,850
	Westminster Blvd to Sheridan Blvd	4		27,900	Under threshold
	Sheridan Blvd to Lowell Blvd	5		23,531	Under threshold
	Lowell Blvd to Federal Blvd	4		20,547	Under threshold
	Federal to Zuni	4		32,110	4 / 1,110

1 – 2007 City Daily Traffic Volumes 2 – 2006 CDOT Daily Traffic Volumes

**Table 2-3 Major Corridors Ranked by Congestion**

Route	Segment	Existing No. of Lanes	Threshold of Congestion	Average Daily Volume <sup>1</sup>	Percent over Threshold
Sheridan Blvd	80 <sup>th</sup> to 88 <sup>th</sup>	4	31,000	46,460	50
112 <sup>th</sup> Ave	Federal Blvd to Pecos St	2	13,000	19,082	47
Wadsworth Parkway	92 <sup>nd</sup> Ave to 100 <sup>th</sup> Ave	4	31,000	42,200 <sup>2</sup>	36
Sheridan Blvd	88 <sup>th</sup> to US 36	4	31,000	41,850	35
104 <sup>th</sup> Avenue / Church Ranch Blvd	US 36 to Westminster Blvd	4	31,000	41,850	35
120 <sup>th</sup> Ave	East of Sheridan to Lowell	4	31,000	40,400 <sup>2</sup>	30
120 <sup>th</sup> Ave	Lowell to Federal	4	31,000	40,300 <sup>2</sup>	30
120 <sup>th</sup> Ave	Federal to Pecos	5	31,000	40,300 <sup>2</sup>	30
112 <sup>th</sup> Ave	Pecos to Huron	3	13,000	16,041	23
Sheridan Blvd	72 <sup>nd</sup> to 80 <sup>th</sup>	4	31,000	37,800	22
Federal Blvd	80 <sup>th</sup> to 84 <sup>th</sup>	5	31,000	36,200	17
136 <sup>th</sup> Ave	Zuni St to Huron St	2	13,000	15,000	15
Sheridan Blvd	US 36 to City Center Dr	6	46,000	50,410	10
Wadsworth Parkway	100 <sup>th</sup> Ave to 108 <sup>th</sup> Ave	4	31,000	33,300 <sup>2</sup>	7
Church Ranch Blvd	103 <sup>rd</sup> to US 36	4	31,000	33,230	7
104 <sup>th</sup> Avenue	Federal to Zuni	4	31,000	32,113	4
Federal Blvd	84 <sup>th</sup> to 92 <sup>nd</sup>	4	31,000	32,300	4
144 <sup>th</sup> Ave	Zuni St. to Huron St	2	13,000	13,330	3
Sheridan Blvd	104 <sup>th</sup> to 112 <sup>th</sup>	4	31,000	31,264	1

1 – 2007 City Daily Traffic Volumes    2 – 2006 CDOT Daily Traffic Volume

**Table 2-4 Major Corridors Ranked by Volume**

<b>Route</b>	<b>Segment</b>	<b>Existing No. of Lanes</b>	<b>Threshold of Congestion</b>	<b>Average Daily Volume<sup>1</sup></b>	<b>Volume over Threshold</b>
Sheridan Blvd	80 <sup>th</sup> to 88 <sup>th</sup>	4	31,000	46,460	15,460
Wadsworth Parkway	92 <sup>nd</sup> Ave to 100 <sup>th</sup> Ave	4	31,000	42,200 <sup>2</sup>	11,200
Sheridan Blvd	88 <sup>th</sup> to US 36	4	31,000	41,850	10,850
104 <sup>th</sup> Avenue / Church Ranch Blvd	US 36 to Westminster Blvd	4	31,000	41,850	10,850
120 <sup>th</sup> Ave	East of Sheridan to Lowell	4	31,000	40,400 <sup>2</sup>	9,400
120 <sup>th</sup> Ave	Lowell to Federal	4	31,000	40,300 <sup>2</sup>	9,300
120 <sup>th</sup> Ave	Federal to Pecos	5	31,000	40,300 <sup>2</sup>	9,300
Sheridan Blvd	72 <sup>nd</sup> to 80 <sup>th</sup>	4	31,000	37,800	6,800
112 <sup>th</sup> Ave	Federal Blvd to Pecos St	2	13,000	19,082	6,082
Federal Blvd	80 <sup>th</sup> to 84 <sup>th</sup>	5	31,000	36,200	5,200
Sheridan Blvd	US 36 to City Center Dr	6	46,000	50,410	4,410
112 <sup>th</sup> Ave	Pecos to Huron	3	13,000	16,041	3,041
Wadsworth Parkway	100 <sup>th</sup> Ave to 108 <sup>th</sup> Ave	4	31,000	33,300 <sup>2</sup>	2,300
Church Ranch Blvd	103 <sup>rd</sup> to US 36	4	31,000	33,230	2,230
136 <sup>th</sup> Ave	Zuni St to Huron St	2	13,000	15,000	2,000
Federal Blvd	84 <sup>th</sup> to 92 <sup>nd</sup>	4	31,000	32,300	1,300
104 <sup>th</sup> Avenue	Federal to Zuni	4	31,000	32,113	1,100
144 <sup>th</sup> Ave	Zuni St. to Huron St	2	13,000	13,330	330
Sheridan Blvd	104 <sup>th</sup> to 112 <sup>th</sup>	4	31,000	31,264	264



### **Recommended Street Improvements**

Based on the operations analysis and the corridors that exceed the current threshold, the following recommended roadway improvements are needed now to accommodate existing roadway deficiencies:

- Widen Federal Boulevard to six through lanes from 80<sup>th</sup> Avenue to 104<sup>th</sup> Avenue
- Widen Federal Parkway to four through lanes from 120<sup>th</sup> Avenue to 128<sup>th</sup> Avenue
- Widen Sheridan Boulevard to six through lanes from 72<sup>nd</sup> Avenue to 104<sup>th</sup> Avenue
- Widen Wadsworth Parkway to six through lanes from 92<sup>nd</sup> Avenue to 108<sup>th</sup> Avenue
- Widen 144<sup>th</sup> Avenue to four through lanes from Zuni Street to Huron St. (in progress)
- Widen 136<sup>th</sup> Avenue to four lanes from Zuni Street to Huron Street (in progress)
- Widen 128<sup>th</sup> Avenue to four through lanes from Federal Boulevard/Zuni Street to I-25
- Widen 120<sup>th</sup> Avenue to six through lanes from Sheridan Boulevard to Pecos Street
- Widen 112<sup>th</sup> Avenue to four lanes from Federal Boulevard to Huron Street

While daily traffic volumes provide a general indication of the number of lanes that are appropriate for an entire street for planning purposes, peak hour intersection analysis provides a more accurate assessment of the operating capacity of a street. Signals control the flow of traffic and the analysis of signalized intersections provides a detailed consideration of the number of through lanes, and the length and numbers of auxiliary lanes that are required to maintain traffic flows. The morning and afternoon peak hours on a typical weekday are generally selected as the periods representing the heaviest traffic flows. Morning and afternoon peak hour traffic counts were conducted at significant intersections in the City.

### **Traffic Operation**

How well traffic operates at an intersection can be evaluated through a method developed by the Transportation Research Board which has been described in the Highway Capacity Manual (HCM). This analysis method, called capacity analysis, requires peak hour traffic volumes, the number of lanes for each approach to the intersection, and detailed traffic signal timings, or designation of stop sign or traffic signal control, as inputs to the analysis. The outputs from the analysis are the average vehicle delay that can be expected at the intersection, and the distance vehicles are expected to back up from the intersection, called the queue length. Based on the average length of vehicle delay, a grade, or level of service (LOS), is assigned to the intersection operation, A through F. LOS A is considered to be excellent, LOS C is the design level, or that level at which it is time to consider reinvestment for improved operations, LOS E is considered to represent the absolute capacity of the intersection, and LOS F means that the intersection has failed, which is evident through long vehicle delays and queue lengths.

A summary of the LOS for the individual traffic movements for the key intersections is included in the appendix. Opportunities for improvement in traffic control were made based in part on the results of the capacity analysis. In some instances, improvements targeted to improve the level of service for some traffic movements may not be practical. An example would be where heavy traffic volumes on a through street do not provide an opportunity for a few vehicles on a side street to cross the through street. A small volume of traffic wanting to cross the through traffic would not justify the expense of the signal or the disruption and increased delay to the majority of the vehicles, so no practical solution may be feasible to improve the LOS for the side street traffic.

The results of the capacity analysis is shown in Table 2-4.

**Table 2-4 Intersection Analysis Results**

<i>Location</i>	<i>Intersection LOS</i>	
	<i>A.M.</i>	<i>P.M.</i>
Federal Boulevard and 84 <sup>th</sup> Avenue	C	E*
Federal Boulevard and 92 <sup>nd</sup> Avenue	C	E*
Federal Boulevard and 104 <sup>th</sup> Avenue	E*	F*
Federal Boulevard and 120 <sup>th</sup> Avenue	F*	F*
Sheridan Boulevard and 88 <sup>th</sup> Avenue	C	F*
Sheridan Boulevard and US 36 westbound off ramp	C	E*
Sheridan Boulevard and US 36 eastbound off ramp	E*	E*
Wadsworth Parkway and 100 <sup>th</sup> Avenue	D	E*
120 <sup>th</sup> Avenue and Lowell Boulevard	C	C
128 <sup>th</sup> Avenue and Zuni St.	D	D
104 <sup>th</sup> Avenue and US 36 westbound off ramp	B	B
104 <sup>th</sup> Avenue and US 36 eastbound off ramp	B	D
Simms St. and 100 <sup>th</sup> Avenue	F*	C

\* Intersections that require mitigation

Table 2-5 compares the calculated maximum vehicle queue for each traffic movement approach at the study intersections with the available turn bay storage. The highlighted cells in the table indicate where existing turn bays are of insufficient length. Vehicle turn bay lengths may be insufficient for two reasons. The first reason is where the length of the turning vehicle queue may be longer than the turn bay length, causing turning vehicles to queue back

into the through lanes, blocking them for through traffic. The second reason may be where the through vehicle queues are longer than the turn bay, so that the through vehicles block left turn vehicles from reaching the turn bay. Either of these conditions may warrant the extension of the turn bay or addition of a turn lane where physically feasible to do so.

**Table 2-5 Vehicle Queue Analysis Summary**

Approach	Turn Bay Storage	95 <sup>th</sup> % Queue Length
84 <sup>th</sup> Ave and Federal Blvd - WBL	160	177
84 <sup>th</sup> Ave and Federal Blvd - EBL	160	116
84 <sup>th</sup> Ave and Federal Blvd - SBL	300	283
84 <sup>th</sup> Ave and Federal Blvd - NBL	300	173
92 <sup>nd</sup> Ave and Federal Blvd - EBL	200	233
92 <sup>nd</sup> Ave and Federal Blvd - WBL	200	137
92 <sup>nd</sup> Ave and Federal Blvd - NBL	320	152
92 <sup>nd</sup> Ave and Federal Blvd - SBL	320	191
104 <sup>th</sup> Ave & Federal Blvd - NBL	200	200
104 <sup>th</sup> Ave & Federal Blvd - EBL	380	211
104 <sup>th</sup> Ave & Federal Blvd - SBL	200	298
104 <sup>th</sup> Ave & Federal Blvd - WBL	360	261
120 <sup>th</sup> Ave & Federal Blvd - EBL	480	446
120 <sup>th</sup> Ave & Federal Blvd - WBL	360	221
100 <sup>th</sup> Ave & Wadsworth Pkwy - SBL	140	197
100 <sup>th</sup> Ave & Wadsworth Pkwy - NBL	390	161
100 <sup>th</sup> Ave & Wadsworth Pkwy - EBL	285	138
100 <sup>th</sup> Ave & Wadsworth Pkwy - WBL	340	174
88 <sup>th</sup> Ave & Sheridan Blvd - NBL	240	277
120 <sup>th</sup> Ave & Lowell Blvd - EBL	260	143
120 <sup>th</sup> Ave & Lowell Blvd - WBL	160	44
128 <sup>th</sup> Ave. & Zuni – WBL	200	124
128 <sup>th</sup> Ave. & Zuni – EBL	300	184
128 <sup>th</sup> Ave. & Zuni – NBL	200	49
128 <sup>th</sup> Ave. & Zuni – SBL	250	49

Source: Synchro Analysis of 95% queue, p.m. volumes

The intersections shown in the table that indicate needing extensions of the left turn bay all have existing driveways or geometric limitations such that extending the turn lane could interfere with vehicles entering from the side street onto the mainline or cause other operational problems. Thus, the extension of the left turn bays are not recommended as significant intersection improvement will not result. Rather the table is an indication what operational problems the intersections are experiencing.



**Recommended Intersection Improvements**

The City has kept up with growth at many of the intersections by providing dual left turns and right turn lanes where needed. While there are some turning movement geometric improvements that can be made, generally the intersections addressed in the study were in need of through lane capacity to make any significant improvement to the service level of the intersections.

Based on the operations analysis, the following recommended intersection improvements are needed to accommodate existing roadway deficiencies. The basis for the improvements is to improve intersections that currently experience LOS worse than D and to provide action to bring the intersection to LOS of D or better. The addition of through lanes at an intersection when the roadway has fewer lanes would require a minimum of a quarter mile of lane improvements on either side of the intersection. While this will provide additional intersection capacity, drivers may not fully utilize a lane that is not continuous. Estimated costs for the intersection improvements are show in Table 2-3.

Federal Boulevard and 84th Avenue

Both Federal Boulevard and 84<sup>th</sup> Avenue are considered principal arterials. This intersection operates currently in the evening peak with an overall LOS of E. Federal Boulevard carries the majority of the traffic that contributes to the intersection’s poor LOS. The westbound dual left turns carry 450 vehicles per day and contributes to the poor LOS. The southbound left turn while currently at LOS of D by providing a dual left it helps the intersections overall LOS. The additional northbound through lane should be carried north to 86<sup>th</sup> Avenue, or approximately 1,200 feet. The southbound through lane should be carried 1,200 feet to 81<sup>st</sup> Avenue. A combination of adding the dual lefts turn for north and southbound movement and the addition of a northbound and southbound lane will provide the intersection a LOS of D.

- Add a third northbound and southbound through lane, southbound, eastbound and northbound dual left turns.

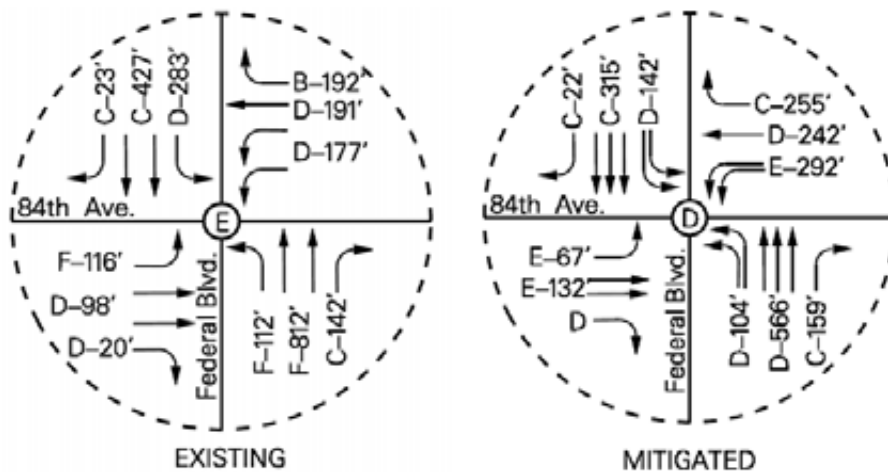


Figure 2-2 Federal Blvd and 84th Ave LOS and Queuing





Federal Avenue and 92nd Avenue

Both Federal Boulevard and 92<sup>nd</sup> Avenue are considered principal arterials. This intersection operates currently in the pm peak with a LOS of E. Federal Boulevard carries the majority of the traffic that contributes to the intersections poor LOS. However, the eastbound left turns during the peak hour contribute to the poor LOS and should be a dual left turn. An additional northbound lane should be added for approximately 1,200 feet and merge within that distance. Also recommended is an additional southbound through lane addition on Federal Boulevard for approximately 1,200 feet which would extend to 90<sup>th</sup> Avenue. The northbound and southbound through lane additions will provide for an intersection LOS of D.

- Adding a third northbound and southbound through lane and dual lefts for all directions provides the intersection a LOS of C.

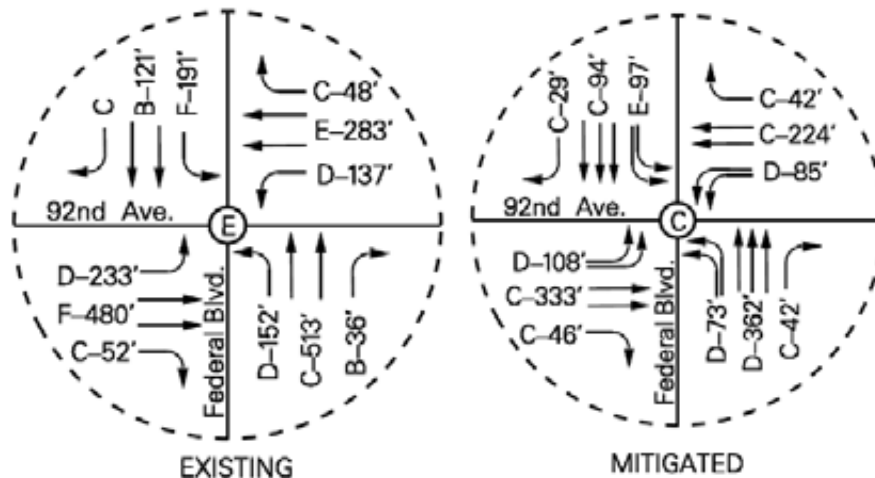


Figure 2-3 Federal Blvd and 92nd Ave LOS and Queuing

Federal Avenue and 104th Avenue

This intersection currently operates in the pm with a LOS of F. To achieve an acceptable LOS requires the addition of a third through lane in all directions and dual left turns in all directions.

- Adding a third northbound and southbound through lane and dual lefts for all directions provides the intersection a LOS of D.

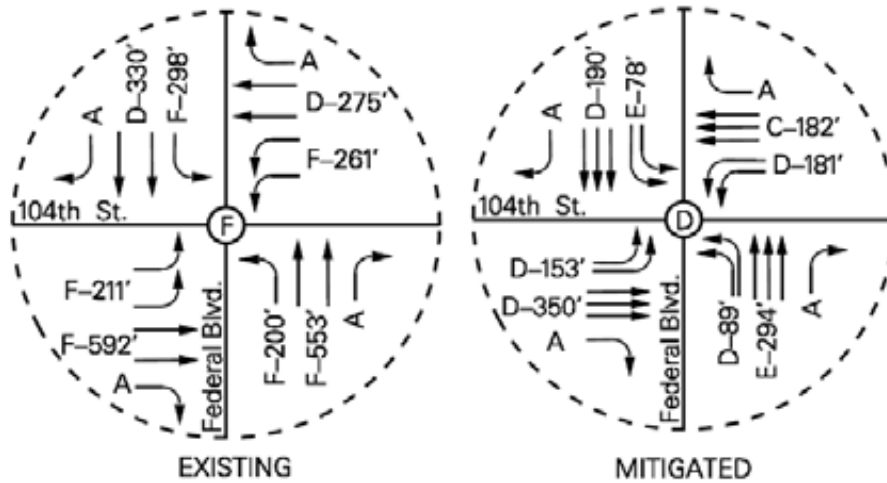


Figure 2-4 Federal Blvd and 104th Ave LOS and Queuing

Federal Boulevard and 120th Avenue

This intersection currently operates at a LOS of F in the morning and evening peak hours. Eastbound dual left turns at Federal Boulevard and 120th Avenue are warranted due to left turns greater than 300 vehicles turning left during the evening peak hour. The addition of an additional eastbound and westbound lane will provide an intersection LOS of E. Due to the high cost of widening the bridge on 120<sup>th</sup> Avenue bridge over the Big Dry Creek, reconfiguration of the lane geometry such as use of existing shoulders across the bridge and reduction of lane widths should be considered. The additional eastbound lane can be developed east of the bridge and should extend 1,200 feet beyond the intersection.

- Add a northbound through and right turn lane, a third through lane for eastbound and westbound. Add eastbound and southbound dual left turn lanes.

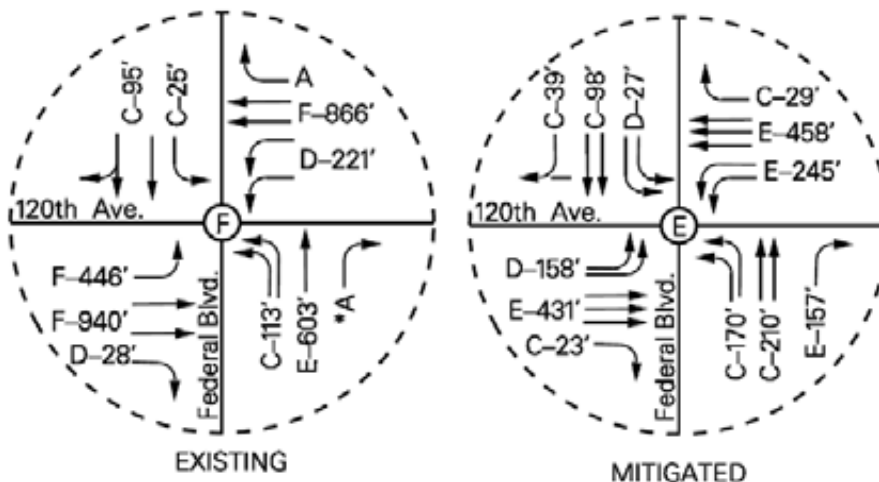


Figure 2-5 Federal Blvd and 120th Ave LOS and Queuing

Zuni Street and 128th Avenue

This intersection currently operates at an acceptable LOS of D in the evening peak hour. Upon further study of the intersection, to provide a LOS of C would require the addition of a second



through lane for northbound, southbound and eastbound movements. While the intersection would operate at an LOS of C, the eastbound left is only a LOS of E and would need dual left turn lanes.

- This intersection currently operates at an acceptable level.

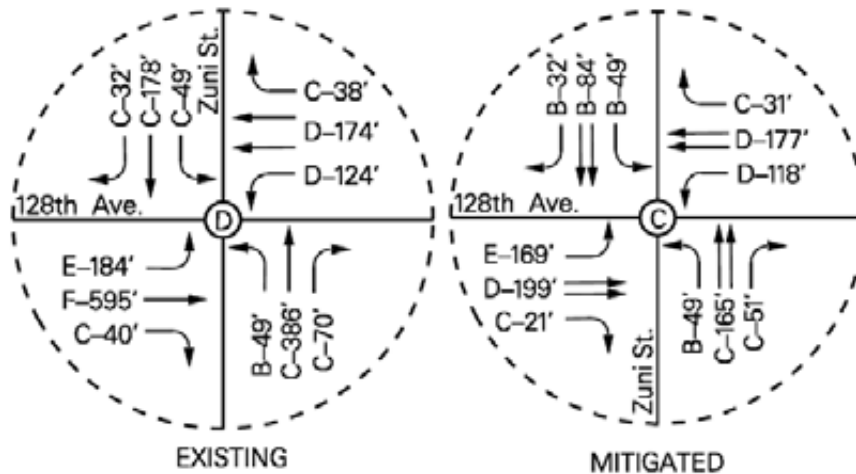


Figure 2-6 Zuni Street and 128th Ave LOS and Queuing

Lowell Boulevard and 120th Avenue

This intersection currently operates at an acceptable LOS of C in the evening peak hour. No individual turning movements operation less than an LOS of D. Mitigating the eastbound and westbound through directions by adding a third through lane provides a better LOS but does not improve the total intersection LOS.

- This intersection currently operates at an acceptable level.

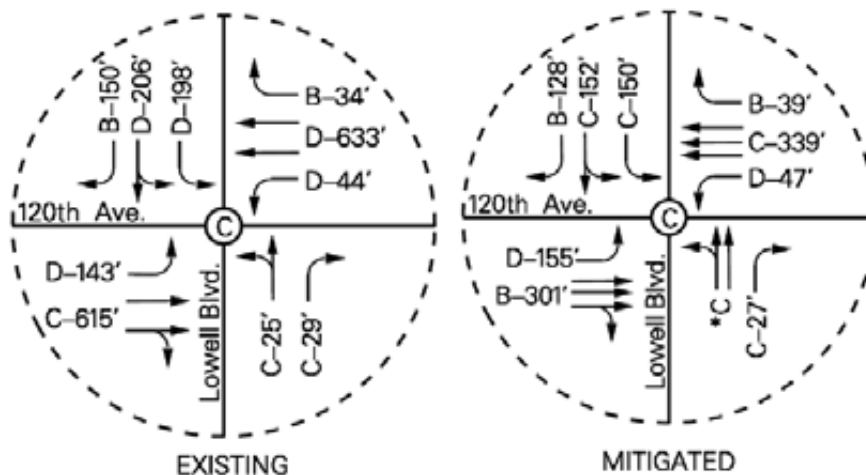


Figure 2-7 Lowell Blvd and 120th Ave LOS and Queuing

Church Ranch Boulevard/104<sup>th</sup> Avenue and the US 36 interchange

Both intersections at this interchange currently operate at an acceptable intersection LOS. However the eastbound off ramp left turns currently operate at an LOS of F for the pm peak hour. The addition of a third through lane should be considered as part of corridor



improvements on Church Ranch Boulevard and 104<sup>th</sup> Avenue and widening of the lanes on the bridge over US 36.

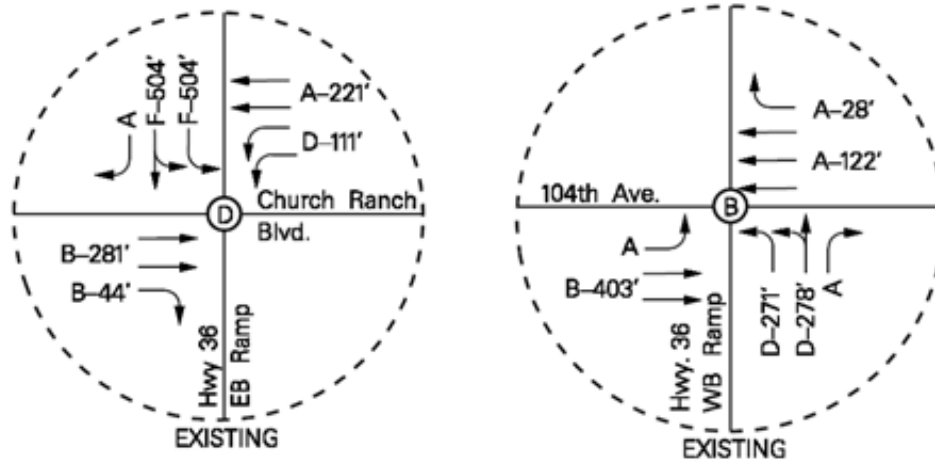


Figure 2-8 Church Ranch Boulevard/104<sup>th</sup> Street and US 36 LOS and Queuing

Simms Street and 100<sup>th</sup> Avenue

This intersection currently operates with a morning LOS of F. Realignment of the intersection will provide an improved LOS.

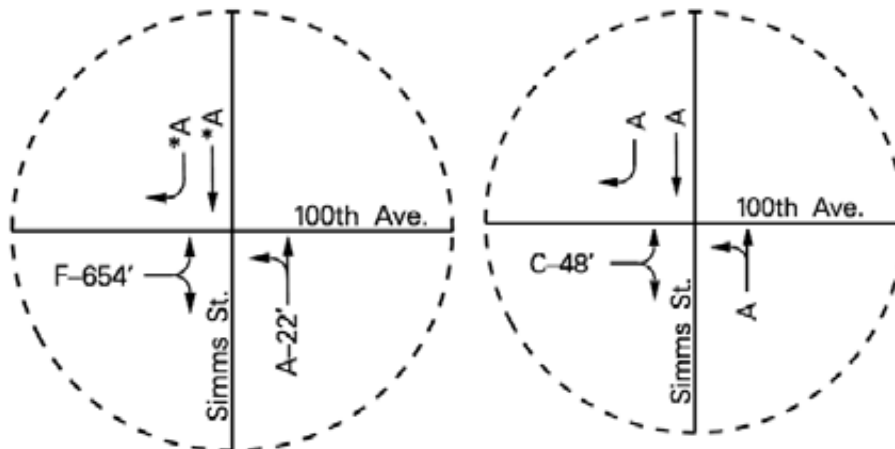


Figure 2-9 Simms Street and 100th Ave LOS and Queuing

Sheridan Boulevard and 88<sup>th</sup> Avenue

This intersection currently operates at a LOS of F during evening peak hours due to a high volume of through traffic on Sheridan Boulevard. The addition of a third northbound and southbound through lane will provide an intersection LOS of C. Due to these improvements being directly tied to the US 36 interchange, these improvement should be combined with the interchange improvements and are show here for illustration of what the changes additional through lanes can provide.

- Add a third northbound and southbound through lane.

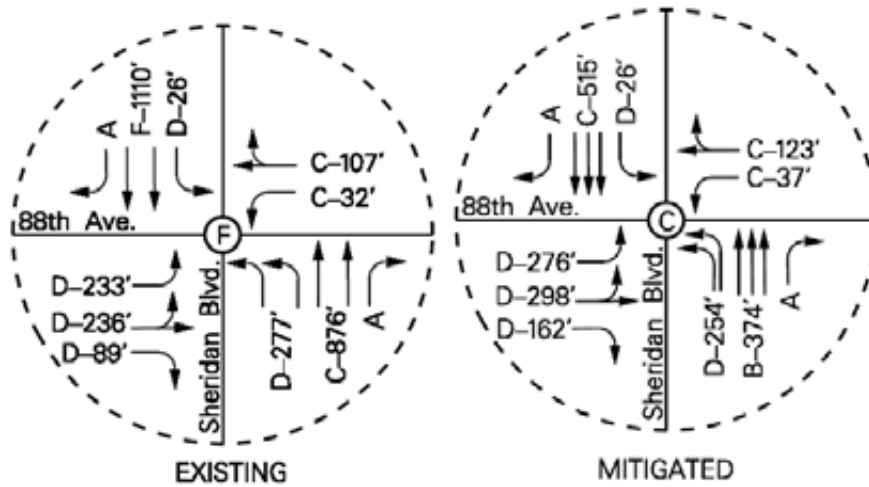


Figure 2-10 Sheridan Boulevard and 88th Ave LOS and Queuing

Sheridan Boulevard and 88th Avenue and the US 36 interchange

Currently, Sheridan Boulevard and 88<sup>th</sup> Avenue operates at a pm LOS of E primarily due to the need for additional southbound through capacity.

The eastbound and westbound US 36 off ramp intersections both operate during the evening peak hour at a LOS E. Multiple factors contribute to the low LOS such as a lack of adequate through lanes on Sheridan Boulevard and left turn lanes onto US Highway 36. Simple improvements at this location are not going to alleviate the congestion on Sheridan Boulevard. Major improvements including bridge widening and intersection capacity improvements will be required. The US Highway 36 Draft Environmental Impact Statement (DEIS) has plans for major improvements at this location and should be what guides any improvements. This interchange and area is currently programmed in the regional *Fiscally Constrained 2030 Regional Transportation Plan* (DRCOG 2005) for US 36 corridor improvements. From the DEIS, Chapter 5, Financial Analysis, Table 5.3-1, the improvements at the Sheridan interchange are listed as \$41.7 million.

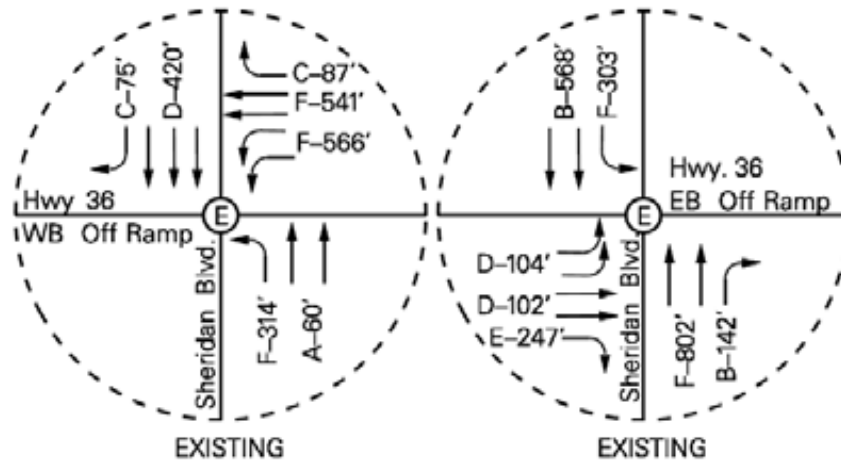


Figure 2-11 Sheridan Blvd and US 36 LOS and Queuing



Wadsworth Parkway and 100th Avenue

This intersection currently operates during the evening peak period at a LOS E. The through traffic on Wadsworth Parkway is the main contributor to the poor level of service. The addition of northbound and southbound through lanes will greatly improve the LOS. The northbound through lane would extend approximately 1,200 feet to the north to 102<sup>nd</sup> Avenue. The southbound lane would extend south approximately 1,200 feet to Independence Drive. Also, the addition of southbound and eastbound dual left turns will provide the intersection with and LOS of D.

- Add a third northbound and southbound through lane, southbound and eastbound dual left turn lanes.

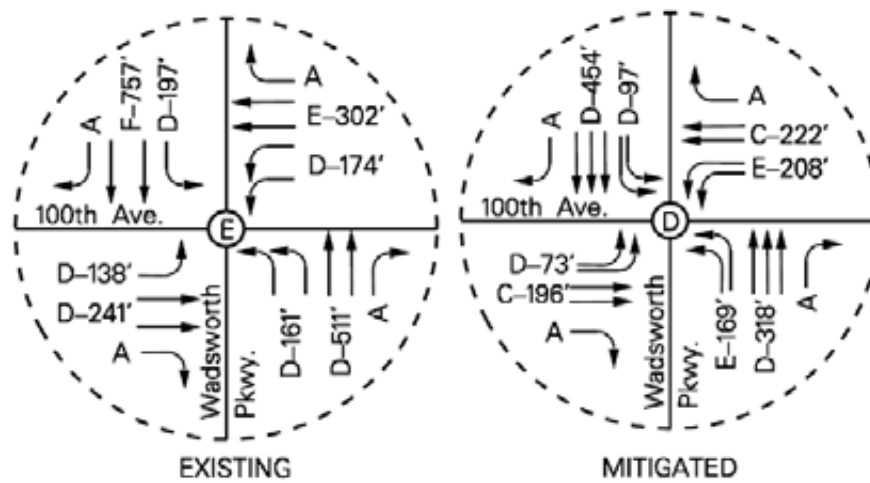


Figure 2-12 Wadsworth Pkwy and 100th Ave LOS and Queuing

The estimate of construction costs for the intersection improvements listed above are shown in Table 2-6.

**Table 2-6 Estimates of Costs**

Intersection	Improvement	PM LOS Increase	Cost (x\$100k)
Federal Blvd and 84 <sup>th</sup> Ave	Add NB, SB through lanes, SB, EB and NB dual left turn lanes	E to D	\$4,911
Federal Blvd and 92 <sup>nd</sup> Ave	Add NB and SB through lanes, dual lefts for all directions	E to C	\$5,056
Federal Blvd and 104 <sup>th</sup> Ave	Add dual left turns in all directions and a third NB and SB through lane	F to D	\$4,672
Federal Blvd and 120 <sup>th</sup> Ave	Add NB through lane, EB and SB dual left turn lane and EB and WB through	F to E	\$4,613
Wadsworth Pkwy & 100 <sup>th</sup> Ave	Add NB and SB through lanes, SB and EB dual left turn lanes	E to D	\$4,338
Sheridan Blvd at 88 <sup>th</sup> Ave and US 36	Reconstruct Interchange, Dependent on DEIS	*	\$54,000*
Simms St. and 100 <sup>th</sup> Ave	Realign intersection for improved operations	F to C	\$2,400

Note: Corridor improvements should be considered in conjunction with intersection improvements when adding only through lanes.

\* Source: 2035 Metro Vision Plan – Appendix 4

### Traffic Safety

The City provided vehicle collision diagram summaries for several intersections in the City that have experienced the greatest number of collisions in the three year period between July 1, 2003 and June 30, 2006. The intersections and the number of vehicle collisions associated with each during that time period are summarized in Table 2-7. The collision diagram summaries have been included in the technical appendix.

**Table 2-7 Number of Collisions**

Intersection	Collisions
92 <sup>nd</sup> Ave and Sheridan Blvd	73
84 <sup>th</sup> Ave and Federal Blvd	68
104 <sup>th</sup> Ave and Sheridan Blvd	59
72 <sup>nd</sup> Ave and Federal Blvd	56
120 <sup>th</sup> Ave and Huron St	51
104 <sup>th</sup> Ave and Federal Blvd	50
80 <sup>th</sup> Ave and Federal Blvd	47
72 <sup>nd</sup> Ave and Sheridan Blvd	47
88 <sup>th</sup> Ave and Sheridan Blvd	38
120 <sup>th</sup> Ave and I-25	27
92 <sup>nd</sup> Ave and Wadsworth Pkwy	25

At locations where vehicles change speed and direction, such as at intersections, collisions can be expected as a normal occurrence. Generally, the greater the traffic volume is, the greater the number of collisions that can be expected. Certain types of traffic control tend towards certain collision patterns. For example, multi-way stop controlled intersections tend to





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experience right angle collisions as the collision pattern, while signalized intersections tend to experience rear end collisions as the predominate collision pattern. The rear end collision pattern is the predominate pattern at all the intersections identified above except at 84<sup>th</sup> Avenue and Federal Boulevard, where the pattern is left turn collisions.

Rear end collisions at signalized intersections are most often related to one or more of three factors: poor recognition of the signals, inadequate signal timing, or general traffic congestion. The effective countermeasures to reduce the number of rear end collisions at signalized intersections include:

- Improving signal head visibility: This can include installing light emitting diode (LED) signal heads, which have improved optical quality compared to bulb-lit signal heads. It also includes verifying that the signal heads are located clear of sight obstructions such as trees.
- Reviewing the signal timings: Collisions can occur when the signal clearance timings are insufficient. Clearance timings must provide an opportunity for motorists to respond to the change from green to yellow indications by either stopping or proceeding through the intersection. When the front motorist decides to stop, and the motorist behind him decides to continue through the intersection, a rear end collision may occur. The Institute of Transportation Engineers (ITE) recommends yellow intervals progressively longer between 3.0 seconds at 25 mph or less, up to 5.0 seconds for 55 mph. Red clearance times should be sufficient for a vehicle traveling at the posted speed to pass entirely through an intersection during the all red interval.
- Relieving traffic congestion: Where traffic is highly congested, motorists tend to experience higher levels of frustration and may follow too close to the vehicle in front of them. The stop and go characteristics of congested traffic flow provides greater opportunities for rear end collisions. Improving capacity at these locations can reduce the collision rates.

At 84<sup>th</sup> Avenue and Federal Boulevard, from July 2003 to June 2006, the most common accident is left turn collisions. The majority of the left turn collision experience at this intersection from the southbound movement has resulted from permitting left turns at the intersection that are not protected exclusively with a green left turn arrow. This does allow more efficient operation of the intersection over a protected movement. The left turn accident pattern could be reduced by restricting left turns for the southbound movement to the left turn green arrow interval only.

### **Posted Speed Limit Study**

A traffic speed survey was conducted at 19 select locations in the City and the results were used to evaluate the posted speed limits at those locations in Westminster. The 85<sup>th</sup> percentile speed is the speed at or below which 85 percent of the traffic was observed to be traveling. The 85<sup>th</sup> percentile speed is generally accepted as the speed most drivers consider reasonable and prudent and is the primary basis for establishing the posted speed. In many of the locations the speeds are over the acceptable 5 mph range over the 85<sup>th</sup> percentile speeds.





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According to the *Manual on Uniform Traffic Control Devices (MUTCD)*, when a speed limit is to be posted, it should be within 5 mph of the 85th percentile speed of free flowing traffic. Other factors that may be considered in establishing a speed limit are:




1. Road characteristics, shoulder condition, grade, alignment, and sight distance;
2. The pace speed;
3. Roadside development and environment;
4. Parking practices and pedestrian activity; and
5. Reported crash experience for at least a 12-month period.

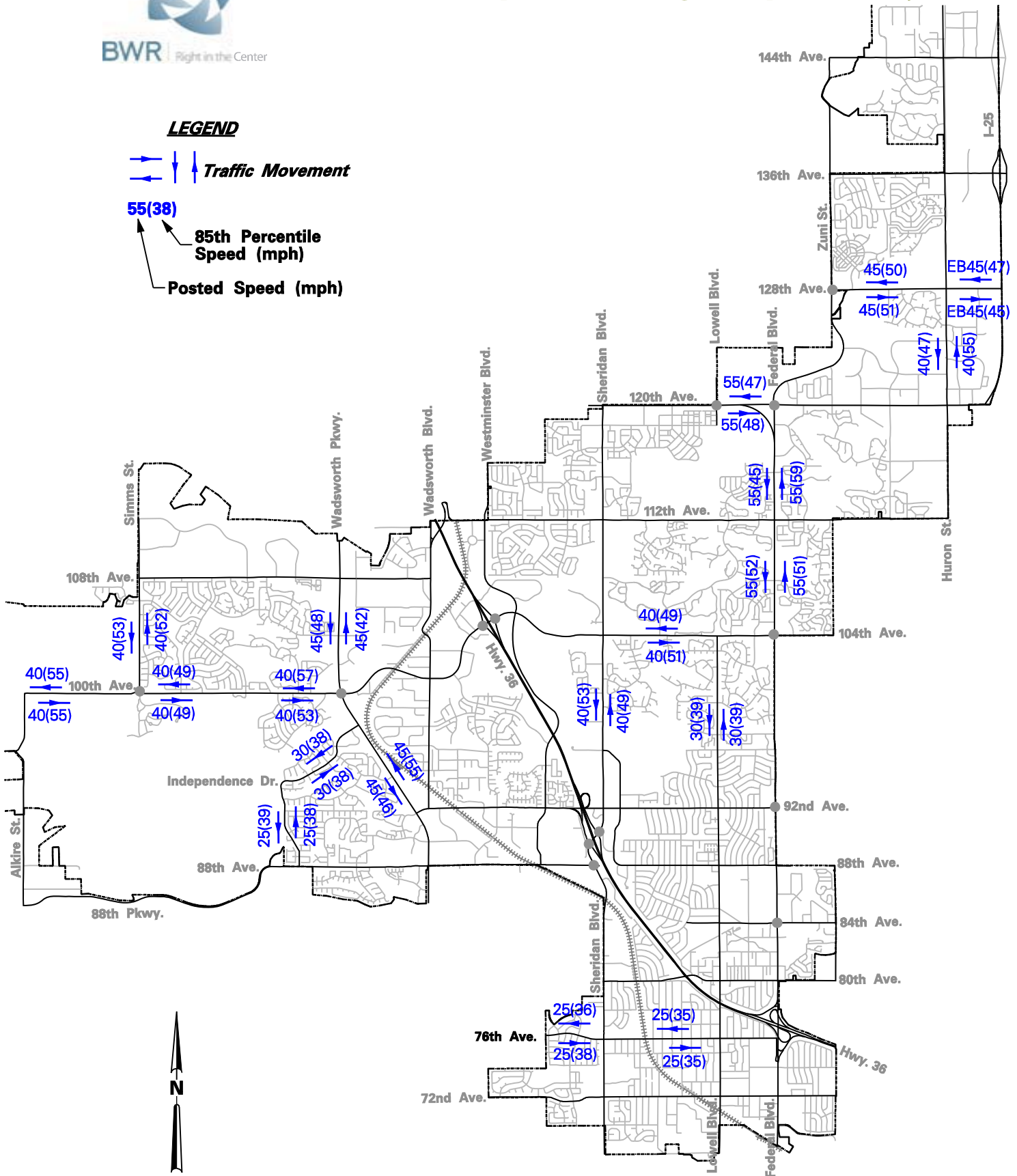
*A Policy on Geometric Design of Highways and Streets* published by the American Association of State Highway and Transportation Officials (AASHTO) makes a distinction between high speed highways (50 mph or above) and low speed urban streets (45 mph or below). One of the distinctive characteristics between high speed and low speed is the presence of curb and gutter versus shoulder only. The use of a curb and gutter street section (without shoulder) is not compatible with high speed road design, in that a high speed vehicle striking curb and gutter is more likely to get out of control than a low speed vehicle would.

The posted speed limits and the 85<sup>th</sup> percentile speeds are illustrated in Figure 2-13. The speed limits are not all within five miles per hour of the 85<sup>th</sup> percentile speed in the studied locations. Arterial streets that are experiencing 85<sup>th</sup> percentile speeds greater than five miles per hour above than the posted speed limit might warrant changing the posted speed limit. Careful consideration of collision history and additional speeds studies should be completed prior to increasing or lowering the speed limit to verify speed trends in the corridor. Speed samples in locations that are residential or collector streets where speeds are also in excess of the 85<sup>th</sup> percentile should consider implementing strategies to slow traffic such as speed advisory boards, and enforcement prior to posted speed revisions. Additional studies may be warranted to confirm the findings.

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### LEGEND

-  Traffic Movement
-  85th Percentile Speed (mph)
-  Posted Speed (mph)



**Figure 2-13 Posted Speed Limit Study**



## **Chapter 3 – Travel Demand Model Development**

### **Introduction**

The objective of the Westminster transportation plan study is to evaluate the future conditions of the major streets and identify the future transportation needs in the City of Westminster. The travel demand model of the Denver Regional Council of Governments (DRCOG) covers an area of 9096 square miles in the Denver metropolitan area, including the City of Westminster, and can be used to produce the future traffic projections for the evaluation. The DRCOG model was developed and calibrated to replicate the 2005 base year traffic conditions at the regional level. For a city-level transportation plan study, the DRCOG model needs to be refined and calibrated in the study area to replicate the local traffic conditions before using it for the evaluation. Based on the requirement of the Westminster transportation plan study, the 2005 model includes the refinement of roadway network and transit route, the check and update of socioeconomic and demographic data, and the further model calibration in the City of Westminster. The 2030 model is refined as well and the 2030 model run is performed to provide future traffic projections.

### **Travel Demand Model Background**

The existing travel demand model was used by permission of the Denver Regional Council of Governments. The DRCOG Travel Model User's Guide was the guide for establishing and following the appropriate steps to run the model.

The process began with coding the land use types and densities by zones throughout the City. The program estimates the number of trips going to and originating from each zone, and assigns them to the street network identified in the program. By comparing actual traffic conditions to those predicted by the model, the model can be fine-tuned to simulate actual traffic movements for existing conditions. The model can then be used to test the impacts of future land development, or the benefits of future street improvements.

The data collected by the city in 2007 was used in the model to baseline the existing traffic model. Colorado DOT traffic counts were also used as needed to provide as much detail in the base year for accurate calibration of the model.

### **2005 Base Year Model Refinement**

In the Westminster transportation plan study, the travel demand model of the Denver Regional Council of Governments (DRCOG) was used and refined. The model refinement includes the following steps,

- Socio-economic and demographic updates in the study area
- Network refinement in the study area
- Transit route refinement in the study area
- Calibration

The refined DRCOG model was run by TransCAD Version 4.8, build 540. It is recommended to perform the model runs using the same version and build of TransCAD, as different model results may be obtained if other versions and builds of TransCAD are used. Additional data on running the model and inputs is available in the appendix.

### ***DRCOG Model***

The travel demand model of the Denver Regional Council of Governments (DRCOG) uses a traditional “four-step” framework. A conceptual flow chart of this framework as implemented in the DRCOG model is shown in the appendix. The inputs include a detailed description of the highway infrastructure, a detailed description of the transit service and the socioeconomic activity (households and employment) for each Traffic Analysis Zone (TAZ). Two auxiliary models are run outside of the normal model flow. These models are the area type model and the parking cost model.

The area type model places each TAZ into one of five categories: Central Business District (CBD), Fringe, Urban, Suburban or Rural. Each TAZ’s classification is determined based on its employment density and its population density. The area types are used in determining the free-flow speeds and capacities of highway links and in calculating trip generation rates. The parking cost model predicts the parking cost in each TAZ within the CBD and within other areas with paid parking. The cost is predicted from the supply of parking spaces and the demand for parking. As the demand is directly related to the number of vehicle trips to the CBD, the parking cost model iterates with the mode choice model. The trip generation model predicts the number of trips produced by households and attracted to employment in each TAZ. Trip productions and attractions are generated by three trip purposes: home-based work (HBW), home-based non-work (HNW) and non-home based (NHB).

The transit skimming and highway skimming steps determine the shortest path via highway or transit between each pair of TAZs. The procedures calculate the time and cost to traverse those paths and store them in a matrices. For each trip purpose, the trip distribution models connect the productions and attractions from trip generation to determine where each trip goes. A gravity model is used for trip distribution, whereby the number of trips exchanged between two TAZs is proportional to the size of those TAZs (as measured by the number of productions and attractions) and inversely proportional to the time it takes to travel between those TAZs. Next, the mode choice models predict the mode of travel for each trip among the following choices: drive-alone, shared ride two, shared ride three and greater, and walk to transit or drive-to-transit. Multinomial logit (MNL) models determine this split probabilistically based on the relative travel times and costs of the modes. Time-of-day split is performed following mode choice. The transit trips are segmented into those occurring during the peak versus those occurring during the off-peak. The highway trips are split into ten time periods throughout the day. The assignment models predict the actual paths taken by each trip. TransCAD’s pathfinder algorithm is used for transit assignment. The pathfinder is a multi-path algorithm where the trips are split among several good paths rather than a single best path. The paths are calculated to minimize a generalized cost where walking time and waiting time are penalized more heavily than in-vehicle time.

A multi-modal multi-class equilibrium highway assignment algorithm is used to determine the highway link volumes and speeds by commercial and non-commercial vehicles. The algorithm calculates the shortest path between each pair of zones for each vehicle class, assigns its trips to that path, then calculates a congested travel time based on total volumes. The process is repeated with the new congested travel time until no vehicle can unilaterally improve its travel time by changing paths. The last step is the travel speed feedback and model iteration. Because the highway assignment results in new congested travel speeds, the travel times calculated during the skimming process could be inconsistent with these speeds. If this inconsistency occurs, the new congested speeds are fed back to the networks and the whole model process is started again from skimming. These iterations continue until the starting and ending speeds are consistent.

***Socio economic and Demographic Data Check and Update***

Number of households by income group and household size and employment data by categories were used as inputs to trip generation. At first the population and number of households were checked within the city limits. The Westminster resident and household numbers in the DRCOG model were further estimated for each TAZ by using a factor method. The factor is assumed to be the percentage of city land area in each of TAZs. For example, if 50 percent land area of a TAZ belongs to the City of Westminster, it is assumed that the Westminster resident number in the TAZ is equal to 50 percent of its total population. The results are shown in Table 3-1. The demographic data in the DRCOG model is very close to the census data and can be used for this study without any updates.

**Table 3-1 Population and Household Data**

DRCOG Model		Census Data	Difference
Study Area (90 TAZs)	City (Est.)	City	
122,679	108,616	103,471	4.97%
45,421	40,256	39,539	1.81%

In the DRCOG model, the employment is categorized as,

- Production/Distribution, including Agriculture, Forestry, Fishing, Mining & Mineral Extraction, Construction & Construction Services, Manufacturing, Transportation, Communications & Other, Non-manufacturing Industrial and Wholesale Trade
- Retail, including Commercial Retail
- Service, including Commercial, Personal, and Public Services.

From the 2004 Westminster Comprehensive Land Use Plan, the total employment in the city is about 45,500. Since all most all employment activity centers are within city limits, the DRCOG employment numbers in the study are is check directly against the city employment number. In the DRCOG model, the total employment in 2005 is 34,577 for the study area, and it is 23

percent lower. Therefore the employment data needs to be updated. In this study, the only available resource for estimating employment is the 2007 city parcel data with building area information. For each parcel, the building area number was converted to the employment number based on the following factors,

- Commercial use, 500 square feet per one employee
- Office use, 350 square feet per one employee
- Industrial use, 1000 square feet per employee
- Other, no sufficient information to calculate it.

Then the estimate was aggregated to the TAZ level by two categories, the industrial (Production and Distribution) category and the commercial plus office category. The commercial plus office category was further split into retail and service by specific split rate of each TAZ. These split rates were obtained from the original DRCOG data and revisions were made. If the employment estimate of each employment category in a TAZ is larger than that in the original DRCOG database, the estimate is used as an update to the original DRCOG number. Otherwise, the DRCOG number is kept to be used in the model. The summary of employment data update is listed in Table 3-2, and the detail population and employment data by TAZ can be found in the appendix.

**Table 3-2 Employment Data Updates**

<b>Employment</b>	<b>City Land Use Plan</b>	<b>DRCOG Model</b>	<b>Update</b>
Production/ Distribution	N/A	5,773	5,914
Retail	N/A	10,040	13,916
Service	N/A	18,764	21,441
Total	45,500	34,577	41,271

The DRCOG model assumes lower free-flow speeds for some links. Based on the posted speed limit information from the City of Westminster, the free-flow speeds were adjusted to replicate the current conditions. Links with adjusted free-flow speeds are shown in the appendix.

There are also some other network updates and corrections in the study area. Zuni Street from 128th Avenue to 136th Avenue is a four-lane roadway instead of a four-lane roadway in the DRCOG model network. In the DRCOG model network, there is an on-ramp from 92nd Avenue to Highway 36 on-ramp; however, it is an off-ramp to westbound 92nd Avenue.

***Transit Route Refinement***

Transit routes and stops are built on the roadway network in the modeling process. After base network is refined and import of transit routes, transit routes and stops are reshaped to the





refinement network, roadway centerline files. However, there are broken transit routes and lost stops in the study area because the network conflation, collector road adding and centroid connector changes broke the original links and generated new link id. Those were fixed manually. The refined transit routes and stops in the study area are included in the appendix.

### **2005 Base Year Model Run**

Before the 2005 base year model run, area-type and parking cost were calculated as the preprocessing step. Then the 4-step model with feedback loop was run on a Quad-core PC with 2GB ram. The total running time is about 13 hours. Multiple model runs were performed in the model calibration.

### **2006 Existing Street Network with 2030 Trips**

The 2006 existing network was built on the 2005 refined network and added the I-25/144th Avenue interchange. The 2005 refined transit route was used and the updates were made in the area around the I-25/144th Avenue interchange.

In the study, the 2006 existing street network is proposed to be analyzed by loading the 2030 projected trips onto it, and the results can be used to assess the existing street system's ability to carry future traffic flows and to identify where the existing system will be deficient at full land use build-out. This involves projecting what the traffic volumes will be on the 2006 existing major streets in the City for the year 2030 (assumed planning horizon for full land use build-out). In other words, it requires running the refined DRCOG model with the 2006 network and the 2030 socio-economic data as model inputs.

The 2030 DRCOG demographic and updated employment data was used as socio-economic inputs to trip generation. The summary information of 2030 population and employment is given in the Tables 3-3 and 3-4. The 2030 population and employment data by TAZ can be found in appendix.

Before the model run, area-type and parking cost were calculated as the preprocessing step. Then the four-step model with feedback loop was run on a Quad-core PC with 2GB ram. The total running time is about 66 hours. The 2030 projected daily trips on the 2006 existing street network in the study area, i.e. 2030 daily vehicle trips on the 2006 existing street network are included in the appendix.

### **2030 Model Refinement and Results**

The 2030 model refinement followed the similar processes to the 2005 model refinement.

There is no change in the 2030 DRCOG demographic data and the summary information is given in the Table 3-3. The 2003 employment data was updated based on the changes made

in the 2005 employment data and Table 3-4 summarizes employment updates. The detail population and employment data by TAZ can be found in the appendix.

**Table 3-3 2030 Population and Households**

	<b>Model Study Area (90 TAZs)<sup>1</sup></b>	<b>City</b>
Population	151,119	135,214
Households	58,486	52,396

<sup>1</sup> - Due to DRCOG model area larger than city limits

**Table 3-4 2030 Employment Data Updates**

<b>Employment</b>	<b>DRCOG Model</b>	<b>Update</b>
Production/ Distribution	12,416	12,530
Retail	15,819	19,246
Service	38,116	38,778
Total	66,351	70,554

The 2030 network were reshaped to roadway centerlines that have more accurate shapes. The network refinement area is larger the study area. The roadway network refinement follows the changes made in the 2005 network.

**Number of Trips by Mode**

The total number of person trips by transportation mode in the study area, i.e. 90 TAZs, is summarized in Table 3-4. Only person trips with at least one trip end in the study area are included in the summary table. In other words, through trips, i.e. without trip end in the study area are excluded. Transit share is increased in 2030 due to the addition of light rail in the scenario network.

**Table 3-4 Summary of Number of Person Trips by Mode**

<b>Person Trips</b>	<b>2005</b>	<b>2006 Net w/ 2030 Demand</b>	<b>2030</b>	<b>2030 Alternative</b>
Car	326,101	456,810	454,965	454,975
Transit	4,178	5,373	7,588	7,573





**Chapter 4 – Long Range Transportation Improvements**

**Introduction**

From the utilization of the travel demand modeling, there are areas of the City that will still perform well beyond the year 2030. However, other areas show that should the population and land use develop as predicted, street improvements will be needed before 2030.

**2035 Metro Vision**

The 2035 Metro Vision Regional Transportation Plan (2035 MVRTP) addresses the challenges and guides the development of a multimodal transportation system for the region. The Metro Vision 2035 Plan is the region’s long range plan for growth and development. Table 4-1 shows projects from the 2035 MVRTP, appendix 4, which have been included in the 2030 model development.

**Table 4-1      2035 Metro Vision Plan**

<b>Project Location / Name</b>	<b>Description</b>	<b>Length (miles)</b>	<b>New Lanes</b>	<b>Plan Cost Estimate ('08 \$Millions)</b>
US-36: Sheridan Blvd Interchange	Interchange Reconstruction	0.0	2	\$54.0
Wadsworth Pkwy: 92 <sup>nd</sup> Ave to SH-128/new 120 <sup>th</sup> Ave Widening	Add through Lanes	3.7	2	\$30.5
72 <sup>nd</sup> Avenue and Sheridan Blvd Widening <sup>1</sup>	Add through lanes	0.7	2	\$5.0
136 <sup>th</sup> Ave: Zuni St. to Huron St Widening <sup>1</sup>	Add through lanes	1.0	2	\$4.9
Simms Street: 108 <sup>th</sup> Ave to 112 <sup>th</sup> Ave Widening	Add through lanes	0.5	2	\$3.3

Source: 2035 Metro Vision Plan – Appendix 4  
1 – Project under construction



## **Methodology**

Using the street capacities and threshold of congestion shown in Table 2-1, the streets were examined for their volumes and the continuity of the volumes between major streets. Once the volume for the streets reached the threshold of congestion, the street was considered for expansion. If the volume exceeded the general daily traffic capacity, it was considered for added capacity. Circumstances in which the facility would be on the verge for adding capacity, the general rule was to provide the added capacity.

## **Recommendations**

The following summarizes the proposed street improvements and Figure 4-1 displays the 2030 street network in the study area and projected 2030 daily vehicle trips.

### Wadsworth Parkway

The threshold of congestion for a four lane facility is currently exceeded from 92<sup>nd</sup> Avenue to 108<sup>th</sup> Avenue. It is recommended to widen Wadsworth Parkway to six lanes from 92<sup>nd</sup> Avenue to 108<sup>th</sup> Avenue. While the 2030 volumes exceed the six lane capacity it is not recommend to plan for an eight lane facility but rather to assure Wadsworth Parkway continues with strong access management. As these traffic volumes increase, methods to help with the high volumes should include assuring full turning movements at the intersections, strong access management controls and signal coordination much of which is current used on this corridor.

### Federal Boulevard

The model shows that 2030 traffic volumes range from 39,560 to 50,850 vehicles per day. This volume exceeds the capacity for a four lane street and approaches the threshold of congestion for a six lane street in several areas. The traffic capacity of a six lane street is exceeded between 72<sup>nd</sup> Avenue and 80<sup>th</sup> Avenue. Federal Boulevard is recommended as a six lane street from south of 72<sup>nd</sup> Avenue to 112<sup>th</sup> Avenue.

### Sheridan Boulevard

The model shows that 2030 traffic volumes range from 41,300 to 58,010 vehicles per day which exceed the capacity of 36,000 vehicles per day for a four lane street. From the Draft DEIS, the reconstruction of the Sheridan Boulevard and US 36 interchange will provide future relief to this interchange. A six lane street is recommended from south of 72<sup>nd</sup> Avenue to 112<sup>th</sup> Avenue.

### Huron Street

The 2030 forecast for Huron Street north of 120<sup>th</sup> Avenue produces volumes of 38,590 to 40,230. The capacity of a four lane street is generally considered to be 36,000 vehicles per day. Huron is recommended for a six lane street from 120<sup>th</sup> to 136<sup>th</sup> Avenue.



## Comprehensive Roadway Plan Update Chapter 4 – Long Range Transportation Improvements

### Wadsworth Boulevard

The current traffic conditions indicate the street is operating under capacity. However the 2030 forecast indicates the need for a six lane street from 92<sup>nd</sup> Avenue to Church Ranch Boulevard due to volumes of 36,800 vehicles per day. North of Church Ranch Boulevard the projections do not exceed the threshold of capacity for a four lane street but do exceed the threshold to the south. It is recommended to widen the street to a four lane street from 92<sup>nd</sup> Avenue to Church Ranch Boulevard. A two lane street is adequate from Church Ranch Boulevard to 112<sup>th</sup> Avenue.

### Simms Street

While currently operating under capacity, 2030 projections approach the threshold of congestion south of 108<sup>th</sup> Avenue. North of 108<sup>th</sup> Avenue, the projected 19,470 vehicles per day exceed the capacity for a two lane street. Since Simms Street is already three lanes from 100<sup>th</sup> Avenue to 108<sup>th</sup> Avenue, it is recommended to widen Simms Street to a four lane street from 100<sup>th</sup> Avenue to 112<sup>th</sup> Avenue.

### Alkire Street

This street is projected by 2030 to have a volume of 17,730 vehicles per day which exceed the threshold for congestion of a two lane street. It is recommended to widen the street to a four lane street from 86<sup>th</sup> Parkway to 100<sup>th</sup> Avenue.

### Federal Parkway / Zuni Street

Currently, Federal Parkway is approaching the threshold of congestion for a two lane street between 120<sup>th</sup> Avenue and 128<sup>th</sup> Avenue. The 2030 projections show daily volumes of 18,580 which indicate a need for a four lane street.

### 92nd Avenue

The 2030 traffic forecasts for the 92<sup>nd</sup> Avenue corridor range from 30,180 to 36,210 vehicles per day. The threshold of congestion is reached on some segments and exceeds the traffic capacity between Federal Boulevard and Wadsworth Parkway. It is recommended to allow 92<sup>nd</sup> Avenue to operate at this level of service and look to widen in the years beyond 2030.

### 100th Avenue

The current street west of Wadsworth Parkway is adequate for the current traffic. The 2030 traffic indicates future traffic at the threshold of congestion for a four lane street and widening to a four lane from Garland to Alkire Street is recommended.

### 104th Avenue / Church Ranch Boulevard

The 2030 traffic forecast for this corridor approaches 35,000 vehicles per day between Wadsworth Boulevard and US 36. The areas in which the volumes exceed the threshold indicate a need for widening from a four lane street to a six lane street from Wadsworth Boulevard to just past Sheridan Boulevard terminating at Wolff Street. 104<sup>th</sup> Avenue from Sheridan east to Federal Boulevard will approach the threshold of congestion for a four lane but is not recommended for widening.



## Comprehensive Roadway Plan Update Chapter 4 – Long Range Transportation Improvements

### 108th Avenue

The 2030 forecast indicates a volume that is nearly at the threshold of capacity for a four lane. It is recommended to widen the current two lane street to a four lane street to be extended from Westmoor Drive to Simms Street.

### 112th Avenue

The current daily traffic of 19,080 vehicles exceeds the threshold of capacity for a two lane street from Federal Boulevard to Huron Street. The 2030 projections 31,490 also confirm the need for a four lane street.

### 120th Avenue

This street varies its number of lanes from four and six between Sheridan Boulevard and I-25. The current volume of 40,400 vehicles per day exceeds a four lane capacity. The 2030 traffic projections of over 52,000 vehicles per day indicate a need for a 6 lane facility from I-25 to Sheridan Boulevard.

### 128th Avenue

The section between Zuni Street and Huron Street is at the threshold of congestion and exceeds the threshold between Huron Street and I-25. This street is projected by 2030 to have a volume of 14,550 vehicles per day which exceeds the threshold for congestion of a two lane street and is recommended to expand 128<sup>th</sup> Avenue to four lanes between Zuni Street and I-25.

### 136th Avenue

The section between Zuni Street and Huron Street exceeds the threshold of congestion for a two lane. This street is projected by 2030 to have a volume of 22,680 vehicles per day. The current widening project will provide this capacity.

### 144th Avenue

The section between Zuni Street and Huron Street currently exceeds the threshold of congestion for a two lane street. Future traffic projections of 40,050 vehicles per day indicate a need for a six lane street. It is recommended to expand 136<sup>th</sup> Avenue to six lanes between Zuni Street and Huron Street.

Figure 4-1 displays the 2030 proposed street network in the study area and projected 2030 daily vehicle trips.

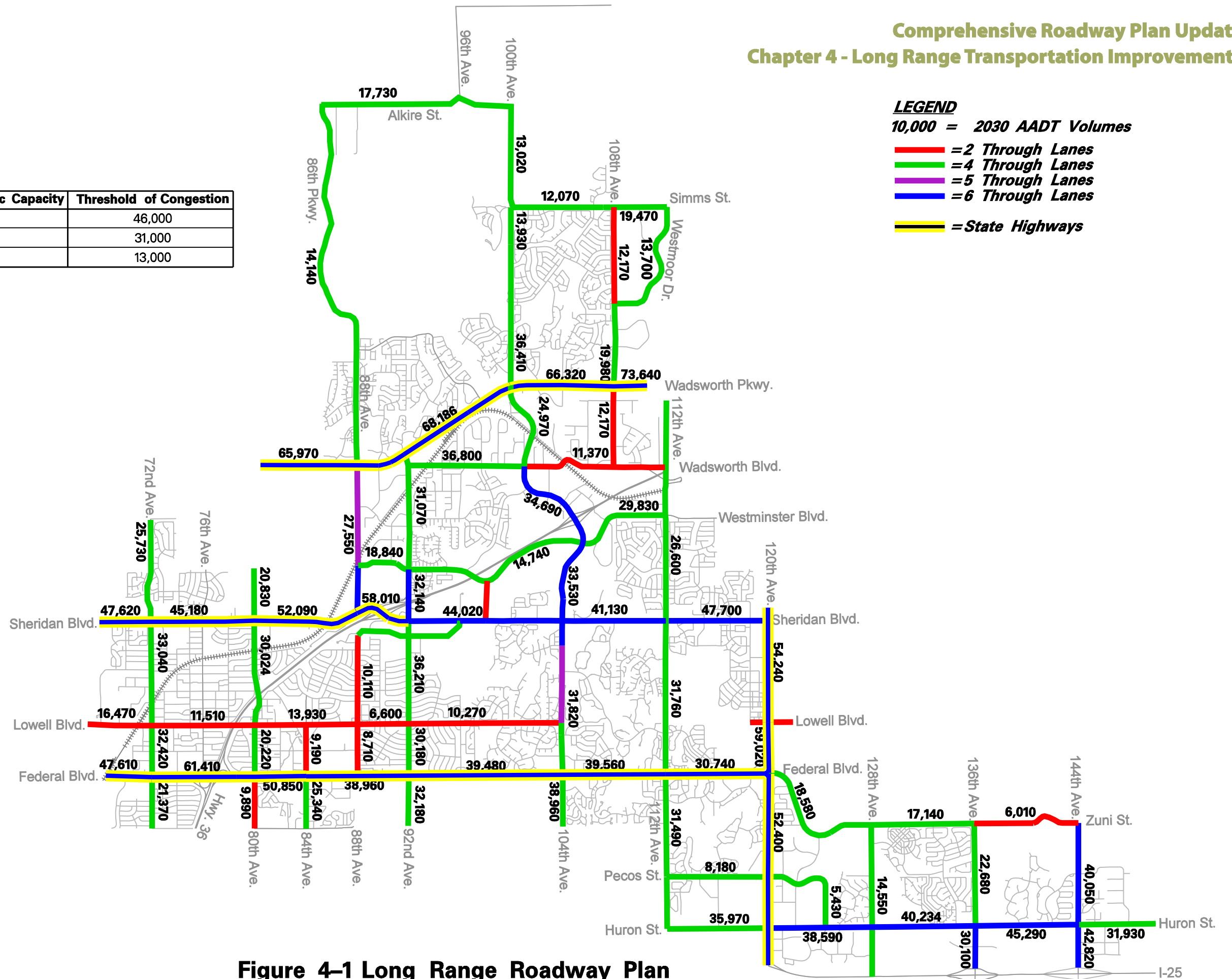


Type of Street	General Daily Traffic Capacity	Threshold of Congestion
6-7 lane street	53,000	46,000
4-5 lane street	36,000	31,000
2-3 lane street	18,000	13,000

**LEGEND**

10,000 = 2030 AADT Volumes

- = 2 Through Lanes
- = 4 Through Lanes
- = 5 Through Lanes
- = 6 Through Lanes
- = State Highways



**Figure 4-1 Long Range Roadway Plan**

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## Chapter 5 – Improvement Prioritization

### Introduction

The estimated improvement costs as a ratio of the existing daily traffic benefited to arrive at a cost per benefited vehicle is summarized in Table 5-1 for intersection improvements and 5-2 for corridor improvements. Table 5-3 shows the corridor improvements without the CDOT highway projects included and thus only city streets improvement are shown. The general assumption is the least cost per benefited vehicle provides the largest benefit not considering other factors such as accident history. This matrix is intended as a tool to assist decision makers in evaluating projects for the development of the city capital improvement program. A detailed cost estimate can be found in the appendix.

**Table 5-1      Transportation Enhancement Projects Decision Matrix - Intersections**

No.	Project Description	Cost	Daily Traffic Benefited	Type of Benefit	Cost per Vehicle Index
1	<b>Wadsworth Parkway and 100<sup>th</sup> Avenue</b> Add NB and SB through lanes, SB and EB dual left turn lanes	\$4,338,000	62,710	safety, capacity	69
2	<b>Federal and 92<sup>nd</sup> Ave</b> Add NB and SB through lanes, dual lefts for all directions	\$5,056,000	67,300	safety, capacity	75
3	<b>Federal and 120<sup>th</sup></b> add NB through lane, EB and SB dual left turn lanes and EB and WB through lanes	\$4,613,000	58,672	safety, capacity	79
4	<b>Federal and 104<sup>th</sup></b> add dual left turns in all directions and a third NB and SB through lane	\$4,672,000	58,257	safety, capacity	80
5	<b>Federal and 84<sup>th</sup></b> add SB, EB and NB dual left turns, and northbound and southbound through lanes	\$4,911,000	46,480	safety, capacity	106
6	<b>Simms St. and 100<sup>th</sup> Avenue</b> Intersection realignment	\$2,400,000	12,744	safety, capacity	188

**Table 5-2 Transportation Enhancement Projects Decision Matrix - Corridors**

No.	Project Description	Cost	Daily Traffic Benefited	Type of Benefit	Cost per Vehicle Index/mile
1	Widen <b>Sheridan Blvd</b> to 6 lanes from 74 <sup>th</sup> to 84 <sup>th</sup> and from 96 <sup>th</sup> to 104 <sup>th</sup> , 2.5 miles	\$15,022,000 <sup>1</sup>	50,414	capacity	120
2	Widen <b>120<sup>th</sup> Ave</b> to 6 lanes from Sheridan to Pecos, 2.3 miles	\$11,194,200 <sup>2</sup>	40,300	capacity	121
3	Widen <b>Federal Blvd</b> to 6 lanes from 80 <sup>th</sup> Ave to 112 <sup>th</sup> Ave, 4 miles	\$22,961,000	25,400 to 40,500	capacity	142 - 226
4	Widen <b>Wadsworth Pkwy</b> to 6 lanes from 92 <sup>nd</sup> to 108 <sup>th</sup> , 2.2 miles	\$13,708,000	42,200	capacity	148
5	Widen <b>112th Ave</b> to 4 lanes from Federal to Huron, 1.5 miles	\$5,173,000	19,080	capacity	180
6	Widen <b>104<sup>th</sup> Ave</b> from Wadsworth Blvd to Wolff St., 2.8 miles	\$19,510,000	33,230	capacity	210
7	Widen <b>128th Avenue</b> to 4 lanes from Zuni to Huron, 1 mile	\$4,451,000	12,982	capacity	343
8	Widen <b>136th Ave</b> to 4 lanes from Zuni to Huron, 1 mile	\$5,222,000 <sup>3</sup>	15,015	capacity	347
9	Widen <b>Huron St.</b> to 6 lanes from 120 <sup>th</sup> Ave to 136 Ave., 2 miles	\$14,029,000	10,650 – 19,780	capacity	355 - 658
10	Widen <b>Federal Parkway</b> to 4 lanes from 120 <sup>th</sup> Ave. to 128 <sup>th</sup> Ave., 1.3 miles	\$7,906,000	14,844	capacity	410
11	Widen <b>108<sup>th</sup> Ave</b> to 4 lanes from Westmoor Dr to Simms St., 1 mile	\$4,941,000	11,565	capacity	427
12	Widen <b>144th Ave</b> to 6 lanes from Zuni to Huron, 1 mile	\$5,909,000	13,330	capacity	443
13	Widen <b>Simms St</b> to 4 lanes from 108 <sup>th</sup> Ave to 112 <sup>th</sup> Ave., 1.5 miles	\$5,277,000	6,388	capacity	550
14	Widen <b>100<sup>th</sup> Ave</b> to 4 lanes from Garland to Alkire St, 2.4 miles	\$9,985,000	6,290	capacity	661
15	Widen <b>Westminster Blvd</b> from north of US 36 to south of 104 <sup>th</sup> Ave., 0.7 miles	\$3,465,000	7,370	capacity	672
16	Widen <b>Wadsworth Blvd</b> to 4 lanes from 92 <sup>nd</sup> Ave to Church Ranch Blvd., 1.2 miles	\$9,547,000	10,470	capacity	760
17	Widen <b>Alkire St</b> to 4 lanes from 86 <sup>th</sup> Pkwy to 100 <sup>th</sup> Ave, 1.8 miles	\$6,771,000	See note 4	capacity	See note 4

Notes: 1 – Excludes US 36 and Sheridan interchange reconstruction - DEIS and US 36 Mobility partnership, \$41.7 million.  
 2 – Requires cost sharing with the City of Broomfield  
 3 – Requires cost sharing with the City of Broomfield. Currently programmed for construction,  
 4 – Requires cost sharing with City of Arvada. Current traffic count unavailable



**Table 5-3      Transportation Enhancement Projects Decision Matrix – Corridors  
City Projects Only**

No.	Project Description	Cost	Daily Traffic Benefited	Type of Benefit	Cost per Vehicle Index/mile
1	Widen <b>112th Ave</b> to 4 lanes from Federal to Huron, 1.5 miles	\$5,173,000 <sup>1</sup>	19,080	capacity	180
2	Widen <b>Sheridan Blvd</b> from 96 <sup>th</sup> to 104 <sup>th</sup> , 1 mile	\$6,351,000	30,630	capacity	207
3	Widen <b>104<sup>th</sup> Ave</b> from Wadsworth Blvd to Wolff St., 2.8 miles	\$19,510,000	33,230	capacity	210
4	Widen <b>136th Ave</b> to 4 lanes from Zuni to Huron, 1 mile	\$5,222,000 <sup>2</sup>	14,817	capacity	274
5	Widen <b>128th Avenue</b> to 4 lanes from Zuni to Huron, 1 mile	\$4,451,000	12,982	capacity	343
6	Widen <b>Huron St.</b> to 6 lanes from 120 <sup>th</sup> Ave to 136 Ave., 2 miles	\$14,029,000	10,650 – 19,780	capacity	355 - 658
7	Widen <b>Federal Parkway</b> to 4 lanes from 120 <sup>th</sup> Ave. to 128 <sup>th</sup> Ave., 1.3 miles	\$7,906,000	14,844	capacity	410
8	Widen <b>108<sup>th</sup> Ave</b> to 4 lanes from Westmoor Dr to Simms St., 1 mile	\$4,941,000	11,565	capacity	427
9	Widen <b>144th Ave</b> to 6 lanes from Zuni to Huron, 1 mile	\$5,909,000	13,330	capacity	443
10	Widen <b>Simms St</b> to 4 lanes from 108 <sup>th</sup> Ave to 112 <sup>th</sup> Ave., 1.5 miles	\$5,277,000	6,388	capacity	550
11	Widen <b>100<sup>th</sup> Ave</b> to 4 lanes from Garland to Alkire St, 2.4 miles	\$9,985,000	6,290	capacity	661
12	Widen <b>Westminster Blvd</b> from north of US 36 to south of 104 <sup>th</sup> Ave., 0.7 miles	\$3,465,000	7,370	capacity	672
13	Widen <b>Wadsworth Blvd</b> to 4 lanes from 92 <sup>nd</sup> Ave to Church Ranch Blvd., 1.2 miles	\$9,547,000	10,470	capacity	760
14	Widen <b>Alkire St</b> to 4 lanes from 86 <sup>th</sup> Pkwy to 100 <sup>th</sup> Ave, 1.8 miles	\$6,771,000	See note 3	capacity	See note 3

Notes:    1 – Requires cost sharing with City of Northglenn  
              2 – Requires cost sharing with City of Broomfield  
              3 – Requires cost sharing with City of Arvada. Current traffic count unavailable

## Chapter 6 – Multimodal Integration

### Introduction

The City of Westminster requires consideration of pedestrians and bicyclists within the function of the existing street network. Using the methodologies outlined in the Kansas City, Missouri Walkability Plan, this study documents the pedestrian and bicyclist impact analysis for Wagon Road, Church Ranch, and the Westminster Center Park-n-Rides and surrounding areas. Since there are few methodologies for study of pedestrian walkability criteria, the Kansas City adopted methodology was followed. The methodologies for the Kansas City Walkability Plan are included in the appendix.

### Walkability

There are three key destinations for consideration of walkability in this study as it relates to transit. The Wagon Road Park-n-Ride is located on the southwest corner of W. 120<sup>th</sup> Ave and North Huron St. The Church Ranch Park-n-Ride is located ¼ mile northwest of the Church Ranch Boulevard and US 36 interchange. The Church Ranch Park-n-Ride began operating in this new location on May 27<sup>th</sup>, 2007 and includes spaces on the east and west side of US 36. The Westminster Center Park-n-Ride is located ¼ mile south of the Sheridan Boulevard and US 36 interchange. Park and Ride destination influence areas are shown in Figure 6-1. Detailed drawings of the influence areas are included in the appendix.

### *Type of Pedestrian Areas*

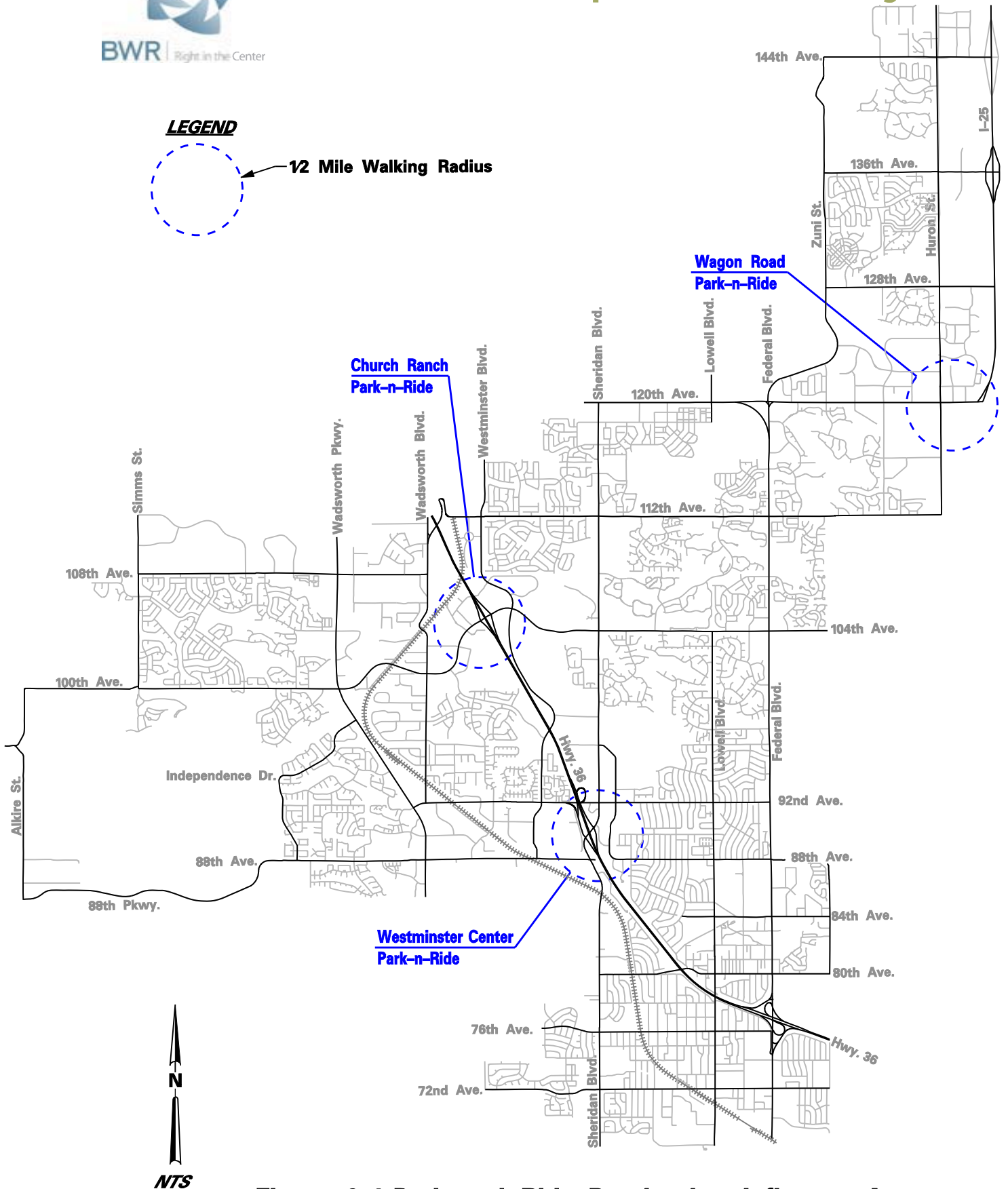
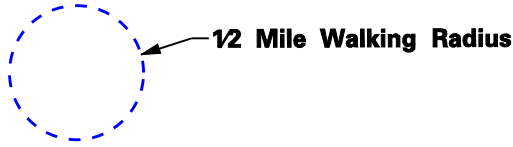
The first step in the preparation of a pedestrian impact study is to establish the type of pedestrian area encompassing the site which will be the basis on which the City will want to establish a minimum required Level of Service (LOS). Level of Service is given to five categories: directness, continuity, street crossings, visual interest and amenity, and security. These minimum standards should reflect reasonable directness, a continuous set of sidewalks, safe street crossings, a relatively pleasing environment, and a secure route.

The studied areas will be defined as a Mixed Use and Multimodal Transportation Centers, Transit Impact Zones. This type of zone identifies a number of existing and potential mixed-use and transit regional and community locations. Since all transit trip ends involve walking, areas near transit stops should provide for a high level of service in the categories of directness, continuity and street crossings. All areas within the City should promote pedestrian mobility and provide adequate levels of service.

### *Identification of Destination Areas*

The impact study area was defined as the ½ mile radius from each of the transit stops. Destinations considered were residential, commercial, industrial, and recreational. The destination influence areas are illustrated in Figure 6-1.

**LEGEND**



**Figure 6-1 Park and Ride Destination Influence Areas**

**Level of Service Analysis**

The criteria for determining the level of service is outlined below. Level of service is determined for both existing and proposed connections from each transit area to the publicly accessible edge of the off site destinations identified. Elements noted included nearby destinations, sidewalk connections surrounding the site, landscape amenities, lighting, and pedestrian crossings. The consultant conducted a field reconnaissance of the sites during July 2007.

**Directness**

Directness addresses the issue of whether the pedestrian network provides the shortest possible route, but it is also dependent on continuity, or completeness of the pedestrian route. For this project the level of service for directness was assessed along major corridors leading to city Park-n-Ride facilities. The level of service was determined by a directness ratio that was developed by taking the actual walking distance divided by the minimum potential walking distance assuming a right angle grid overlay. LOS was based on the outcome of this ratio calculation as shown in Table 6-1.

**Table 6-1 Directness Level of Service**

<b>LOS</b>	<b>Actual/Measured Distance Ratio</b>
A	<1.2
B	1.2-1.4
C	1.4-1.6
D	1.6-1.8
E	1.8-2.0
F	>2.0

The overall directness for the areas surrounding the Park-n-Ride facilities studied would currently be rated A. The directness LOS for each site is summarized in Table 6-2. The individual directness LOS ratings can be found in the appendix.

**Table 6-2 Directness Level of Service Summary**

<b>Trip</b>	<b>Average A/M Ratio (LOS)</b>
Wagon Road Park-n-Ride	1.0 (A)
Church Ranch Park-n-Ride	1.2 (A)
Westminster Center Park-n-Ride	1.1 (A)

The area surrounding the Park-n-Ride facilities throughout the City of Westminster are currently sufficient in regards to directness. Most major walking routes lead directly to the Westminster Park-n-Ride facilities. While, the Church Ranch Park-n-Ride facility is currently

sufficient in regards to directness, the route that is the least direct starts at the corner of Westminster Boulevard and 104<sup>th</sup> Ave and ends at the Church Ranch Park-n-Ride. This route is currently at a level of service C since it goes around the Promenade shopping center and is not direct.

### **Continuity**

Continuity addresses the issue of whether the pedestrian network provides a complete network without gaps. For this analysis the level of service for continuity is addressed along major corridors leading to Westminster Park-n-Ride facilities.

The area surrounding the Park-n-Ride facilities throughout the City of Westminster are currently sufficient in regards to continuity with the exception of a few sections of sidewalk in the influence areas of the Park-n-Ride facilities.

- The west side of North Huron Street from 121st Avenue to 123rd Avenue is missing 1,200 linear feet of sidewalk.
- The west side of Westminster Boulevard 500 feet north of Promenade Drive is missing 350 linear feet of sidewalk.
- The northeast corner of Sheridan Boulevard and 88<sup>th</sup> Avenue is missing 200 linear feet of sidewalk.

Once these sections of sidewalk are completed it would raise the level of service of C to a level of service of A. The individual continuity LOS ratings can be found in the appendix.

### **Street Crossings**

The level of service measurements for street crossings set different standards for different types of crossings, depending on whether the crossings are signalized or unsignalized, and whether they occur across a major street, minor street, or mid block. The level of service also takes into account crossing width, parking lanes, vehicle travel speed, crosswalk markings, lighting, median (pedestrian refuge), intersection sight distance, ADA ramps and pedestrian signal activation.

The area surrounding the Park-n-Ride facilities throughout the City of Westminster are currently sufficient in regards to street crossings. Most major walking routes have acceptable street crossings near Westminster Park-n-Ride facilities with the exception of the intersection of West 123<sup>rd</sup> Avenue and North Huron Street which should have a crosswalk across West 123<sup>rd</sup> Avenue to increase safety. The individual street crossing LOS ratings can be found in the appendix.

**Visual Interest and Amenity**

The essence of visual interest and amenity is whether the pedestrian environment is attractive and comfortable and offers protection from the harsh elements. The area surrounding the Park-n-Ride facilities throughout the city of Westminster are currently sufficient in regards to visual interest and amenities.

All major walking routes have acceptable visual interest and amenities near Westminster Park-n-Ride facilities. All the Park-n-Ride areas are fairly new and components such as buildings, walkways, roads and structures within the area are designed to complement one another esthetically. All the Park-n-Ride facilities are equipped with up to date equipment. Bus waiting stations often have equipment such as bike lockers, bike racks, benches and newspaper stands. The Park-n-Ride facilities are also ADA compliant containing ramps and six foot sidewalks. The individual visual interest and amenity LOS ratings can be found in the appendix.

**Security**

The essence of security is the provision of a walking environment with adequate lighting, pedestrian visibility by autos, and adequate separation between pedestrian paths and traffic to provide a sense of safety to the pedestrian. A buffer of at least five feet is recommended to provide the spacing between pedestrians and automobiles in order for the site to meet the required rating. The photo to the right is an example of multiple deficiencies.



W. 88<sup>th</sup> Ave Looking West Toward Yates

Most major walking routes are secure near the Westminster Park-n-Ride facilities. All facilities have acceptable lighting, pedestrian visibility by autos. However there are routes where pedestrians are not secure with respect to adjacent traffic.

The Westminster Park-n-Ride facility has routes where pedestrians are not secure with respect to adjacent traffic. Such a location is along the east side of Sheridan Boulevard and West 88th Place from West 92nd Avenue to the Westminster Center Park-n-Ride facility. These are arterial streets and the sidewalk situated close to the roadway. Pedestrians should be separated from traffic along the south side of W 88th Ave from Rutgers Street to the Westminster Center Park-n-Ride facility. This is a four lane road and the sidewalk is situated close to the roadway. Pedestrians should also be separated from traffic along the west side of Sheridan Boulevard from west 84th Avenue to the Park-n-Ride facility. This is a busy 4 lane road and the sidewalk is situated close to the roadway. The individual security LOS ratings can be found in the appendix.

### **System Deficiencies**

System deficiency encompasses a number of items including missing multi-modal elements, improvements and corrections. Along with an analysis of the existing conditions at the Wagon Road, Church Ranch, and Westminster Center Park-n-Rides, a list of improvements was devised to improve walkability.

The suggested improvements at the Church Ranch Park-n-Ride include:

- Construct 350 linear feet of sidewalk on the west side of Westminster Boulevard 500 feet north of Promenade
- Construct 800 linear feet of sidewalk on the east side of Westminster Boulevard 775 feet north of Big Dry Creek Trail
- Add a multi-modal trail along the north side of Lower Church Lake to facilitate easier access to residential areas located northwest of the lake
- Add trail along adjacent to the railroad to facilitate easier access to residential areas to the southwest

The suggested improvements at the Westminster Center Park-n-Ride include:

- Construct 200 linear feet of sidewalk on the northwest corner of Sheridan Boulevard and 88th Avenue
- Update the existing sidewalk for improved pedestrian separation from traffic for Sheridan Boulevard from West 84th Avenue to the Park-n-Ride facility
- Update the existing sidewalk for improved pedestrian separation from traffic for West 88th Avenue from Rutgers Street to the Park-n-Ride facility
- Update the existing sidewalk for improved pedestrian separation from traffic for West 88th Avenue and Sheridan Boulevard from West 92nd Avenue to the Park-n-Ride facility
- Add a multi use trail parallel to US 36 from the Westminster Center Park-n-Ride south side to connect to the residences to the south.

A summary of the walkability study along with system deficiencies can be found in the appendix.

### **Bicycle and Trail Facilities**

Open spaces and trails are some of the most valued assets in Westminster which has preserved more than 2,700 acres of open space in all parts of Westminster. The interconnected trail system winding through the City's open space features more than 63 miles of off-road trails, more than 40 pedestrian/bike underpasses, allowing trail users to safely pass under busy streets and enhancing the overall experience. The City of Westminster Trails Master Plan is a working document designed to show existing and future development of trails, trail heads and other elements of the citywide trail system. A plan is a guide for improvements from 2002 through 2007.



The area of study for the bicycle facilities was expanded beyond just the park-n-ride facilities to take a general view of the city systems ability to provide a continuous network of bicycle facilities that could enhance the multimodal transportation and feed the park-n-ride facilities. A city's bicycle system has the ability to provide connectivity from the home or business and with connective to transit facilities can reduce the dependence on the automobile.

### ***Types of Bicycle Facilities***

There are five typical classifications of bicycle facilities:

- Shared Roadway
- Signed Shared Roadway
- Bike Lanes
- Shared Use Paths
- Other designs (Additional Bicycle Amenities)

Shared roadways reflect locations where bicycles are permitted such as roads, streets and highways excluding interstates and expressways. These facilities may or may not include features to enhance ride-ability such as bicycle-safe drainage grates and expansion joints, improved railroad crossings, smooth pavements, adequate site distances, and signal timing and detector system that respond to bicycles. Other more costly amenities include shoulder improvements and wide curb lanes.

Signed shared roadways are similar to shared roadways; however, signed shared roadways have signs to denote the presence of bike routes and have been maintained as bicycle routes. Routes must provide continuity with other adjacent biking facilities, be a common route for bicyclists and be located near neighborhood streets, collectors leading to those streets, parks, schools and commercial districts.

Bike lanes are delineated road space designed to create a more predictable path for bicyclists. They also create a greater sense of security for cyclists and prevent motorist from straying into their path.

Shared use paths, also known as trails, are similar to sidewalks; however, these are designed for the use of bicyclists, in-line skaters, roller skaters, wheelchair users and pedestrians. Shared use paths are at eight to ten feet wide and have minimal cross flow conflicts by motor vehicles.

Additional bicycle amenities include the existence of bike racks in high bike traffic areas, rest areas along long interrupted paths, buses converted to accommodate bicycles, or rapid rail facilities and ferries that can accommodate bicycles.

### ***Existing Conditions***

Review of the current trail guides from the fall of 2005, regional bicycle maps from the summer of 2006 and field data collected July of 2007, the City of Westminster was found to have all types of facilities including shared roads, signed shared roads, bike lanes, shared use paths and



additional bicycle amenities. The current bicycle system was evaluated using the following criteria; abundance, continuity, condition, visual interest and additional amenities.

***Abundance***

Abundance is an evaluation of the quantity of trails and the locations of trails throughout the area. The bicycle trails in Westminster are in abundance and located throughout the entire geographic area of the City of Westminster.

***Continuity***

Continuity considers the network that those trails have with each other to create one unit. Most of the trails are continuous throughout the City of Westminster. However, there are trails located within parks around the city that are isolated from the whole network. These are few and far between and are mostly used for recreational purposes only.

***Condition***

Condition considers the type of bicycle facilities available. The southern portion of Westminster south of 72<sup>nd</sup> Avenue contains shared roadways with some shared use paths. The central portion of Westminster is comprised of shared roadways and shared use paths. The northernmost portion is primarily shared use paths. The use of bike lanes is minimal throughout the city.

***Visual Interest***

Visual Interest considers the esthetics along the trail. Items such as the newness of the trail, the way the trail complements its surrounding, and the path which the trail takes are analyzed. Many of the shared use paths on the west side of Westminster are visually appealing, with lakeside paths and mountain vistas. Big Dry Creek is one of the major attractions located along Standley Lake. Some of these paths are natural trails complementing the surrounding area. For example most of the natural trails located on the west side of Westminster are located in Standley Lake Regional Park or in designated open space. These trails are acceptable in a public/city park setting. Within the city shared use paths continue along creeks, parks and roadways. Some of the shared use paths in the city are paved sidewalk. Other shared use paths are made of gravel. Paved or gravel shared use paths are acceptable within the city limits.

***Additional Amenities***

Additional Amenities considers all the facilities and programs of a biking system that do not fall under other categories and may include as bike racks, bike lockers, racks on buses and programs designed to promote biking. As seen in the photo to the right, the bike racks, lockers and bus bike racks are already in use at the Park-n-Ride centers in Westminster. Brochures pertaining to trails and bike routes are also available



Westminster Center Bike Racks and Lockers

from the City of Westminster and RTD. The Colorado Department of Transportation holds “Colorado Bike Month” every June to help encourage bicycling. Also the Denver Regional Council of Governments holds “Colorado’s Bike to Work Day” on the fourth Wednesday in June each year to help promote biking. These are all great ways to involve the community in biking.

### ***System Summary***

Westminster has focused on the public support for open space in the city and thus has built and extensive trail system. While on street bicycle paths can serve the bicycle commuter, the bicycle trail or shared use path can serve the widest demographic of bicycle rider. As such the City has invested in the shared path that provides for a path that can provide for a high degree of rider safety separated from automobile traffic. To provide for connectivity using on street bicycle paths, substantial investment in reconfiguration of the existing street system would be required.

As such, focus of the trail system should consider current and future multimodal facilities and the connection of the trail system to the facilities. The future South Westminster Transit Station south of 72<sup>nd</sup> Avenue and between Lowell Boulevard and Federal Boulevard should consider connectivity through expansion of the bicycle system.

Planned improvements are scheduled in 2008 for construction of Lowell Boulevard. Reconstructing of Lowell Boulevard between 75th Avenue and 78th Avenue will narrow the street slightly to provide wider sidewalks that are separated from the street by a buffer with trees and decorative street lighting.

A deficiency for consideration is that many of the shared use paths are a mix between pavement and gravel. Filling in the gaps with paved surfaces would allow utilization by a wider variety of the community. Paving the stretch of Farmers’ High Line Canal Trail between 91<sup>st</sup> Avenue and Trendwood Park and Betty Adams Elementary School would allow for better utilization.

Another improvement for consideration is the lack of shared use paths between the 92<sup>nd</sup> Avenue and 76<sup>th</sup> Avenue. While it is not necessary, the addition of paths connecting the Farmers’ High Line Canal Trail and Little Dry Creek Trail will add uniformity to the southwest portion of Westminster and Arvada and allow better access to the trail system to those living in that area.





## Agenda Item 10 H

**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Councillor's Bill No. 19 re Economic Development Agreement with Atrato, Inc.

**Prepared By:** John Hall, Business Development Officer

**Recommended City Council Action**

Pass Councillor's Bill No. 19 on first reading authorizing the City Manager to execute an Economic Development Agreement with Atrato, Inc. in substantially the same form as the Agreement attached as Exhibit A.

**Summary Statement**

- Atrato, Inc. (Atrato) is a City of Westminster company that develops and produces high-speed, high-volume data storage systems.
- The company is leasing approximately 50,000 square feet in Westmoor Technology Park located northeast of 108<sup>th</sup> Avenue and Simms Street.
- Their employment at move-in is expected to be about 75 people, with average salaries above \$100,000 annually.
- The proposed assistance is based on the City's desire to fill existing office space and to attract basic employers to Westminster. The Economic Development Agreement (EDA) totals \$63,087, which includes \$1,407 in permit fee rebates, \$480 in construction use tax rebates and \$61,200 in equipment use tax rebates. These rebates will be paid entirely from revenues derived from this building project.
- Should Atrato relocate outside of Westminster within 5 years of approval of this EDA, the assistance would have to be paid back to the City by the company.
- Atrato also considered sites in Broomfield and Fort Collins.

**Expenditure Required:** Estimated at \$63,087 (Rebates)

**Source of Funds:** The EDA with Atrato will be funded through revenue received from permit fees, construction use tax, use tax on furniture, fixtures, and equipment at move-in, and subsequent equipment purchases during the first five years of operation.

**Policy Issue**

Should the City provide assistance to Atrato based on the attraction of primary jobs to the City?

**Alternatives**

1. Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. The City may lose the project if assistance is not provided; the result would be that the City's value of retaining existing businesses and retaining primary jobs would not be supported.
2. Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is consistent with other business retention packages.
3. Provide More: A third alternative would be to provide a greater amount of assistance than recommended. There is financial capacity for additional funding. However, it is Staff's opinion that additional assistance is not needed, as it is consistent with other business retention packages.

**Background Information**

Staff has been working with ownership and senior management at Atrato to assist in the company's relocation and expansion in the City of Westminster. The company currently employs approximately 75 persons and moved from its former location on 122<sup>nd</sup> Avenue in Park Centre to the Westmoor Technology Park, located northeast of 108<sup>th</sup> Avenue and Simms Street. The new location will accommodate the company's anticipated expansion to 350 employees within five years.

Combining rent and capital expenditures, Atrato is committed to investing approximately \$10 million in real and personal property for the operations of a 50,000 square foot facility over the next 5 years. This expansion will retain the company's headquarters operations, as well as house research and development, sales, final assembly, and final quality control testing operations. The company considered sites not only in the City of Westminster, but also in Broomfield and Fort Collins.

Atrato is a specialty computer software and hardware company that designs and produces high-speed, high-volume computer storage systems. Their products are used in the entertainment and high performance computing industries. Atrato was founded in Minneapolis in 2003 and moved its headquarters operations to the City of Westminster in 2004. Atrato also has a manufacturing facility in Fort Collins. The average wage per employee exceeds \$100,000 per year. Company payroll is expected to increase from approximately \$17 million in the first year to approximately \$35.5 million in year five. Approximately 95% of the company's products and services are sold outside the area, making Atrato a significant primary employer for the City. For more information about the company, the website is [www.atratoinc.com](http://www.atratoinc.com).

City staff also facilitated obtaining assistance for Atrato from Jefferson County. It is anticipated that the Jefferson County Board of Commissioners will approve County assistance totaling approximately \$24,180. This assistance is comprised of a personal property tax rebate not to exceed 50% for the first four years of operation.

**Proposed Assistance**

Staff recommends providing the following assistance to reimburse Atrato for a portion of the costs required to improve the existing vacant office space:

	<b>Approximate Value</b>
<u>Building Permit Fee Rebate</u>	\$1,407
80% of the building related fees (excluding water and sewer tap fees) shall be rebated (Estimated Permit Fees \$1,759 x 80% = \$1,407)	

<u>Construction Use Tax Rebate</u>	\$480
80% of the Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials for this project shall be rebated (Estimated Use Tax \$600 x 80% = \$480).	
<u>Use Tax Rebate (at move-in)</u>	\$1,200
40% of the Use Tax remitted (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on new equipment at move-in shall be rebated (Estimated Use Tax \$3,000 x 40% = \$1,200)	
<u>Use Tax Rebate for 5 years (60 months)</u>	\$60,000
40% of the City's Use Tax remitted (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) shall be rebated (Estimated Use Tax \$150,000 x 40% = \$60,000)	
<b>Total Proposed Assistance Package</b>	<b>\$63,087</b>

This assistance package is based upon the City's goals to add primary jobs, fill existing space and supports the Strategic Plan goal of a Balanced, Sustainable Local Economy. Atrato is an exciting and growing business. Staff believes that this is the type of growth company the City desires for the community.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **19**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AUTHORIZING  
THE ECONOMIC DEVELOPMENT AGREEMENT WITH ATRATO, INC.**

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

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

WHEREAS, Atrato, Inc (Atrato) plans to lease 50,000 square feet in Westmoor Technology Park in Westminster; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28<sup>th</sup> day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

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

**ECONOMIC DEVELOPMENT AGREEMENT FOR  
ATRATO, INC. IN THE CITY OF WESTMINSTER**

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2008, between the CITY OF WESTMINSTER (the "City"), and ATRATO, INC., a Delaware corporation ("Atrato").

WHEREAS, the City wishes to provide assistance to Atrato to aid in the relocation of this company in the City; and

WHEREAS, Atrato plans to lease and furnish 50,000 square feet of office space in Westmoor Technology Park, thus providing primary job growth within the City; and

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

In consideration of the mutual promises set forth below, the City and Atrato agree to the following:

1. Building Permit Fee Rebates. The City shall rebate to Atrato 80% of the building permit fees, which are otherwise required under W.M.C. Section 11-10-3 (E). This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$1,407.

2. Construction Use Tax Rebate. The City shall rebate to Atrato 80% of the City's Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax), paid by Atrato, on the construction materials, otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The rebate will be approximately \$480.

3. Use Tax Rebate- Furniture and Equipment. The City will rebate to Atrato 40% of the City's Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) paid by Atrato on furnishings and equipment purchased by Atrato during the period commencing three months prior to the date that Atrato obtains a final Certificate of Occupancy and/or final inspection for their new facility, and ending 63 months (5 years and 3 months) after the date of final Certificate of Occupancy. This rebate will be approximately \$61,200.

4. Payments of Rebates. The rebates to Atrato by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by Atrato into the new facility. Payments of each quarterly installment shall be paid to Atrato by the City within twenty (20) days following the end of each calendar quarter. All payments by the City shall be submitted by check payable to Atrato, Inc. and sent to Atrato, Inc., Suite 300, 10955 Westmoor Drive Westminster, Colorado, 80021; Attention: Tax Department.

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

6. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if Atrato has not moved into the Westmoor offices by August 1, 2008 or should Atrato not comply with the City regulations or code following written notice of non-compliance from the City.

7. Business Termination. In the event Atrato ceases business operations within the City at any time prior to May 1, 2013, then Atrato shall pay to the City the total amount of fees and taxes that were paid by or for Atrato to the City and were subsequently rebated by the City to Atrato pursuant to this Agreement.



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

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

10. Governing Law: Venue. This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. This Agreement shall be subject to, and construed in strict accordance with, the Westminster City Charter and the Westminster Municipal Code. In the event of a dispute concerning any provision of this Agreement, the parties agree that prior to commencing any litigation, they shall first engage in good faith the services of a mutually acceptable, qualified, and experienced 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.

**ATRATO, INC.**

**CITY OF WESTMINSTER**

By: Dan McCormick, President and CEO  
Print Name: \_\_\_\_\_

J. Brent McFall  
City Manager

ATTEST:

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

APPROVED AS TO LEGAL FORM:

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

**Adopted by Ordinance No.**



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
April 28, 2008



**SUBJECT:** Councillor’s Bill No. 20 Amending Title VI of the Westminster Municipal Code Concerning Graffiti Vandalism

**Prepared By:** Lee Birk, Chief of Police  
Eugene Mei, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor’s Bill No. 20 on first reading establishing a graffiti vandalism ordinance.

**Summary Statement**

- Graffiti vandalism is a high priority issue for the City because of its pervasive social impact that respects no geographic or political boundaries.
- Staff presented information to City Council at the April 7, 2008, Study Session regarding options designed to combat this complex issue. Council concurred with Staff’s recommendations, and directed Staff to return with a proposed ordinance for further action.
- The proposed graffiti vandalism ordinance rests on the premise that the best way for the City to successfully address the crime of graffiti vandalism is through a community partnership of shared responsibility with property owners, parents, and retail businesses.
- The proposed ordinance criminalizes the act, or aiding and abetting the commission, of graffiti vandalism.
- The proposed ordinance creates proactive measures designed to restrict the purchase and possession of graffiti vandalism tools.
- The proposed ordinance imposes stiff penalties for those convicted of graffiti vandalism-related violations, and holds parents liable if their child is convicted of graffiti vandalism-related violations.
- The proposed ordinance would be one of the most comprehensive graffiti vandalism laws in the Denver Metro region, and would send the clear message that Westminster has taken an aggressive stand against graffiti.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City adopt a strong graffiti vandalism ordinance?

**Alternatives**

1. Do not adopt a graffiti vandalism ordinance. Staff does not recommend this alternative as the ordinance will provide the City with a number of additional tools to combat the complex issues of graffiti vandalism.
2. Council could direct Staff to amend the proposed graffiti vandalism ordinance. Staff does not recommend this alternative because, as drafted, the ordinance is one of the most comprehensive graffiti vandalism ordinances in the Denver Metro region.

**Background Information**

Graffiti vandalism is a pervasive and complex social issue that respects no geographic or political boundaries. It is a nationwide, as well as international, problem that defies easy solution. Graffiti vandalism is a visual blight in the community that detracts from the beauty and aesthetics of the community, and can negatively affect property values. It imposes financial burdens on businesses and homeowners who are the victims of these acts of vandalism and who are required to clean-up graffiti. Graffiti vandalism often makes members of the community concerned because of the visual reminder that a crime has been committed in their neighborhood. In light of these impacts, Staff recognizes that graffiti vandalism is a high priority issue for the City.

Staff is proposing a multi-faceted ordinance that rests on the central premise that graffiti vandalism is best addressed through a community partnership that enlists parents, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism. In addition to stiff penalties for offenders, the proposed ordinance is intended to require retailers to take reasonable steps to prevent graffiti tools from being readily available to likely offenders. The proposed ordinance also provides municipal judges authority, where appropriate, to hold parents accountable for graffiti vandalism caused by their child. The specific highlights of the draft graffiti vandalism ordinance include:

- The proposed ordinance criminalizes the act, or aiding and abetting the commission, of graffiti vandalism.
- The ordinance would make it unlawful for minors to purchase or possess prohibited graffiti vandalism tools unless for a legitimate reason, such as school or employment.
- The ordinance would make it unlawful for any person to purchase or possess prohibited graffiti vandalism tools with the intent to commit graffiti vandalism.
- Retailers are prohibited from selling the three most popular graffiti vandalism tools to minors unless a parent or legal guardian is present and provides written consent.
- Retailers must keep the three most popular graffiti vandalism tools under direct visual or surveillance equipment observation, or provide restricted access to such tools.
- Recommended punishment for conviction of graffiti vandalism is:
  - a fine of \$200 for a first offense, \$500 for a second offense, and \$1,000 for a third and subsequent offense;
  - restitution to the victim for all damages caused by the graffiti vandalism;
  - at least 30 hours of community service, or removal of at least 5,000 square feet of graffiti vandalism for defendants convicted of graffiti vandalism; and
  - in cases where a minor is living with his/her parent(s) or legal guardian(s), municipal judges have the authority and discretion to require at least one parent or legal guardian to attend 50% of the assigned community service.
- In cases where a minor living with his/her parent(s) or legal guardian(s) violates the graffiti vandalism ordinance, municipal judges have the authority and discretion to hold the parent or legal guardian jointly and severally liable for court-ordered costs and damages up to \$2,500.

**SUBJECT:** Councillor's Bill re Amending Title VI of the WMC re Graffiti Vandalism Page 3

Staff believes this proposed ordinance is an additional and useful tool to help prevent and address the problem of graffiti vandalism. It represents one of the most comprehensive graffiti vandalism laws in the Denver Metro region, and would send the clear message that Westminster is tough on graffiti.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Councillor's Bill re graffiti vandalism

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **20**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE  
AMENDING TITLE VI OF THE WESTMINSTER MUNICIPAL CODE  
BY THE ADDITION OF A NEW CHAPTER 16 CONCERNING GRAFFITI**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, W.M.C., is hereby amended BY THE ADDITION OF A NEW CHAPTER 16 to read as follows:

**CHAPTER 16**

**GRAFFITI**

6-16-1: LEGISLATIVE INTENT

6-16-2: DEFINITIONS

6-16-3: PROHIBITED ACTS

6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS

6-16-5: ENFORCEMENT

**6-16-1: LEGISLATIVE INTENT:** The City Council finds and declares that defacing of public or private property by painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife or any similar method, commonly referred to as “graffiti vandalism,” constitutes a serious and growing menace, injurious to the public health, safety, morals, and general welfare of the residents of the City; that graffiti vandalism contributes substantially to the spread of gang activity, violence and crime; and that prompt eradication of graffiti vandalism is necessary to control the spread of graffiti vandalism, and promote the public health, safety, morals and general welfare of the residents of the City. It is the intent of the City Council in enacting this Chapter to prevent the destruction of public or private property by graffiti vandalism and to recover the costs associated with the cleanup thereof. Furthermore, given the substantial challenges in controlling graffiti vandalism, the City Council enlists, and places responsibility upon parents, legal guardians, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism.

**6-16-2: DEFINITIONS:** When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

(A) CITY MANAGER: The City Manager of the City of Westminster.

(B) DEFACE: To alter the appearance of something by removing, distorting, etching, writing, painting, adding to, or covering all or a part of the property.

(C) ETCHING EQUIPMENT: Any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

(D) GRAFFITI VANDALISM: Any unauthorized inscription, word, figure, painting or symbol that defaces public or private property created by means of painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife, or any similar method.

(E) MARKER PEN: A felt-tip marker, permanent marker, or similar implement containing a fluid that is not water soluble.

(F) MINOR: Any person who has not yet attained the age of 18 years.

(G) OWNER or PROPERTY OWNER: Any person having a legal or equitable interest in any real or personal property located within the City boundaries.

(H) PAINT PEN: A tube, marker, or other pen-like instrument with a tip of one-quarter inch in diameter or less that contains paint or a similar fluid and an internal paint agitator.

(I) PROHIBITED GRAFFITI MATERIAL: Any implement capable of creating graffiti vandalism including, but not limited to, spray paint, spray paint nozzle/tip, marker pen, paint pen, glass-cutting tool, or etching equipment.

(J) SPRAY PAINT: Any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

(K) SPRAY PAINT NOZZLE or SPRAY PAINT TIP: A nozzle/tip designed to deliver a spray of paint of a particular width or flow from a can of spray paint.

### **6-16-3: PROHIBITED ACTS:**

#### **(A) DEFACEMENT:**

1. It shall be unlawful for any person to deface any property with graffiti vandalism except with the written consent of the owner.

2. It shall be unlawful for any person to aid, abet, or advise another to deface any property with graffiti vandalism except with the written consent of the owner.

#### **(B) PURCHASE AND POSSESSION OF GRAFFITI MATERIALS:**

1. Purchase and Possession by Any Person: It shall be unlawful for any person to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material with the intent to use such material in the commission of graffiti vandalism.

2. Purchase and Possession by Minor: It shall be unlawful for any minor, except a minor under the direct supervision of the person's parent, legal guardian, school teacher, or a law enforcement officer in the performance of duty, to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material. It shall be an affirmative defense to a charge of possession under this subsection that the minor possessing the prohibited graffiti material was:

- (a) Within their home;
- (b) While at school or enrolled in a class at school that formally required the possession of such material;
- (c) At their place of employment; or
- (d) Upon real property with permission from the owner to possess such materials.

3. Contributing to Unlawful Possession: It shall be unlawful for any person, except a law enforcement officer, school teacher or public official in the performance of their duty, to knowingly allow a minor to possess prohibited graffiti materials upon any property except with the written consent of the owner. It shall be an affirmative defense to charges under this subsection that the minor possessing the prohibited graffiti material was:

- (a) Within their home;
- (b) While at school or enrolled in a class at school that formally required the possession of such material;
- (c) At their place of employment; or
- (d) Upon real property with permission from the owner to possess such materials.

### **6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS:**

(A) SALE AND FURNISHING: It shall be unlawful for any person, other than a parent, legal guardian, school teacher, or law enforcement officer in the performance of duty, to sell, exchange, give, deliver, loan, or otherwise furnish or cause or permit to be sold, exchanged, given, delivered, loaned or otherwise furnished marker pens, spray paint, and/or shoe polish to any minor unless the minor is accompanied by their parent or legal guardian and provides written documentation demonstrating the consent of their parent or legal guardian. It shall be an affirmative defense to charges under this subsection that such materials were necessary for the minor to perform an essential job function.

(B) **DISPLAY AND STORAGE:** It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment selling marker pens, spray paint, and/or shoe polish to fail to store such materials in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business. In the event that a retail commercial establishment is unable to store the marker pens, spray paint, and/or shoe polish in an area that is continuously observable, it shall be unlawful for the establishment to fail to store such material in an area not accessible to the public in the regular course of business without employee assistance.

(C) **SIGNS REQUIRED:** It shall be unlawful for any person who sells or offers to sell any marker pens, spray paint, and/or shoe polish to fail to display at all times in a prominent place a printed card to be a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half inch in height, which shall read as follows:

#### WARNING

GRAFFITI VANDALISM IS AGAINST THE LAW. IT IS ILLEGAL TO SELL MARKER PENS, SPRAY PAINT, AND/OR SHOE POLISH TO ANY PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS ACCOMPANIED BY THEIR PARENT OR LEGAL GUARDIAN AND, IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

FINES AND/OR IMPRISONMENT MAY BE IMPOSED BY THE COURT FOR VIOLATION OF THESE PROVISIONS.

#### **6-16-5: ENFORCEMENT:**

##### (A) PENALTIES:

1. **Criminal Violations.** The following provisions of this Chapter are hereby deemed criminal violations of this Code punishable by a fine or by confinement in jail, or by both, as provided in Section 1-8-1 of this Code:

##### Section 6-16-3(A) - Defacement

2. **Civil Violations.** All violations of this Chapter not listed in paragraph (1) above are hereby deemed civil infractions of this Code, and upon conviction thereof shall be punished by a fine pursuant to Section 1-8-1 of this Code. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed to be a separate and distinct violation.

3. **Restitution.** In addition to any punishment specified in this Section, the Court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense when such restitution can be determined by the Court.

4. **Community Service.** In lieu of, or as part of, the penalties specified in this Section, a person may be required to perform community service as described by the Court based on the following guidelines:

- (a) If convicted of committing graffiti vandalism, the defendant should perform at least thirty (30) hours of community service, or should remove at least five thousand (5000) square feet of graffiti vandalism.
- (b) In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of committing graffiti vandalism, at least one parent or legal guardian of that minor should be in attendance a minimum of fifty percent (50%) of the period of assigned community service. Participation of a parent or legal guardian is not required for any reason deemed appropriate by the Court including, but not limited to, if such participation is detrimental to the minor, or if the parent or legal guardian is a single parent who must care for young children.

- (c) Reasonable effort should be made to assign the defendant to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

5. Recommended Fines. Recommended minimum fines upon conviction may be imposed as listed below:

Section 6-16-3(A) – Defacement:

- First offense – Two hundred dollars (\$200);
- Second offense – Five hundred dollars (\$500); and
- Third and subsequent offenses – One thousand dollars (\$1,000)

(B) PARENTAL RESPONSIBILITY:

1. In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of a violation under this Chapter, the minor’s parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines, damages, restitution and costs, including attorney’s fees and court costs, ordered by the Court because graffiti vandalism is a deliberate, willful and malicious act, provided that such liability shall not exceed two thousand five hundred dollars (\$2,500).

2. The Court may not enter an order for payment of all fines, damages, restitution and costs, including attorney’s fees and court costs, against the minor’s parent or legal guardian unless the Court, prior to entering such order for payment, holds a hearing at which the minor’s parent or legal guardian is present.

3. If the Court finds, after the hearing, that the minor’s parent or legal guardian has made diligent, good faith efforts to prevent or discourage the minor from engaging in delinquent activity prohibited by this Chapter or that such order for payment would cause serious hardship to the minor’s parent or legal guardian, the Court may reduce or eliminate the parent’s or legal guardian’s responsibility for fines, damages, restitution and costs, including attorney’s fees and court costs.

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 28<sup>th</sup> day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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

\_\_\_\_\_  
City Attorney’s Office