

SPECIAL CITY COUNCIL MEETING

MONDAY, MAY 5, 1997 AT 7:30 P.M.

1. Pledge of Allegiance
2. Roll Call
3. Purpose of Special Meeting:
 - A. TABLED Resolution No. 26 re Relocation Policy for the Westminster Urban Renewal Area and Amending the Westminster Urban Renewal Plan
4. Adjournment

Date: May 5, 1997

Subject: TABLED Resolution No. 26 re Relocation Policy for the Westminster Urban Renewal Area and Amending the Westminster Urban Renewal Plan

Prepared by: Vicky Bunsen, Assistant City Attorney
Bill Christopher, City Manager
Galen Requist, Management Assistant

Introduction

City Council action is requested to adopt Resolution No. 26 which would adopt a relocation policy for the Westminster Urban Renewal Area and amend the Westminster Urban Renewal Plan to permit the provision of relocation benefits to businesses.

Summary

The Westminster Urban Renewal Plan gives discretion to the Westminster Economic Development Authority ("Authority") to adopt a relocation handbook to address the displacement of businesses or residences as a result of redevelopment activity. The proposed relocation policy has been reviewed by the Authority and distributed for public comment between April 3 and April 18. State statute indicates that City Council approval of a relocation policy is also needed.

Staff has made some modifications to the earlier draft to reflect comments from the meeting held last week with the businesses to be displaced by the Plaza project.

In recent revisions to the Westminster Urban Renewal Plan, a reference to "businesses" in the relocation provisions appears to have been inadvertently omitted. City Council is requested to approve a provision in the attached Resolution that will cure this omission.

Staff Recommendation

1. Remove Resolution No. 26 from the table.
2. Adopt Resolution No. 26 which would adopt a relocation policy for the Westminster Urban Renewal Area and amend the Westminster Urban Renewal Plan to permit the provision of relocation benefits to businesses.

Background Information

The proposed relocation policy was reviewed by the Authority and released for public distribution on April 4. Staff received comments from the affected businesses until April 18. While a number of responses were received from tenants, very few comments were received on the policy itself. Businesses generally commented that they did not believe that they would be adequately compensated by the procedures outlined in the policy.

Two comments that have been incorporated into the policy include the payment of a business's rent if it abandons a lease at the Plaza in order to relocate prior to the time that WEDA acquires title to the Plaza property, and also the repayment of security deposits previously paid to the landlord.

A meeting involving Mayor Nancy Heil, City Manager Bill Christopher and Relocation Officer Galen Requist was held last week on Thursday afternoon with approximately 40 tenants at their request to discuss the redevelopment project and draft tenant relocation policy.

From the two hour meeting, several suggestions were voiced that Staff and the Mayor believe warrant further consideration. These include a low interest loan program with a top set amount; forgiveness of rent after WEDA takes possession while the tenants are still occupying their space; more flexibility in how the WEDA relocation funds are offered and additional funds above the proposed \$3.00 square foot formula.

Staff and Consultants have reviewed the input from the tenants and have made a few modifications to the recommended policy.

(1) Licensing, Printing and Advertising. The stipend to be paid to relocated businesses for Licensing, Printing and Advertising is changed from \$1,000 for all tenants to: "The sum of \$1,000 for businesses occupying up to 4,000 square feet, \$2,000 for businesses occupying from 4,001 to 12,000 square feet, and \$4,000 for tenants occupying space in excess of 12,000 square feet". This modification would increase the relocation budget by \$20,000.

(2) Rent Payment and Abatement/Rent Subsidy. If a tenant vacates the premises while Colorado & Santa Fe Land Company still owns the property, the Authority will assume all payments due under the tenant's lease from the date the tenant vacates the premises until the date WEDA takes possession of or title to the property and such payments are no longer due to the landowner. If a tenant remains in the center after the date upon which WEDA takes possession of the property, the tenant will be required to pay rent to WEDA until the day a settlement agreement is signed between WEDA and the tenant. After the settlement agreement is signed, the tenant may either pay rent to WEDA until the date he or she moves out, or elect not to pay rent and have the amount due to WEDA subtracted from the final rent subsidy the tenant receives. Each tenant will be paid a rent subsidy of \$3.50 per square foot of space up to 5,000 square feet, and \$1.00 per square foot for space over 5,001 square feet. This change would increase the rent subsidy budget to approximately \$436,000, which is about a \$50,000 increase from Staff's earlier proposal.

(3) Low-Interest Loan Program. WEDA will pursue, with one or more local financial institutions, a program to provide low-interest loans to selected tenants who have special financial circumstances associated with relocation expenses resulting from the project. WEDA will work with the institution to develop a program and determine the specific criteria.

The earlier version contained the following provisions:

1. Professional Services, Insurance and Transportation. Each business will receive \$1,500 (plus \$.50 per square foot for those occupying over 3,000 square feet, up to 5,000 square feet) for professional services, insurance, and transportation costs related to the move.

2. Moving Costs. A City-authorized moving contractor will visit each business and provide a written estimate of all costs to move the business to its new location. WEDA will pay each business only the amount specified in that written estimate. The business may use that moving contractor, a different contractor, or any other means to accomplish the move.

3. Temporary Storage. If personal property must be put into storage, WEDA will pay for storage up to six months. The storage space may not exceed 50% of the area from which the business is relocating.

4. Reinstallations. The cost of all disconnecting, removing, reconnecting, and installation of equipment owned by the business from the present location to the new location will be covered by WEDA. A WEDA-authorized contractor will visit each business and provide a written estimate of all costs involved in disconnecting, moving, reconnecting, and installing the equipment at the new location.

A written list of the property to be moved, along with proof of ownership, must be given to the contractor at that time. The business may use that contractor, a different contractor, or perform the work itself. The benefit will be paid based on the contractor's estimate.

5. Licenses, Printing, and Advertising. The business will receive \$1,000 to cover these costs. This figure is proposed to be increased, as described above.

6. Substitute Personal Property. For personal property that cannot be moved, yet is needed at the new location, WEDA will pay the depreciated replacement cost for that personal property.

7. Real Property Fixtures. The business will not be compensated for fixtures on the premises to be vacated unless evidence is provided that the business owns them, rather than the landlord. If evidence is provided, an appraiser will establish the value, subject to reduction for depreciation. The value reimbursed will be only for the business' remaining lease term.

8. Rent Subsidy. To help offset the potential increased cost of rent in new locations, WEDA will pay each business a one-time stipend of \$3.00 per square foot of space currently leased up to 5,000 square feet. Those businesses currently occupying more than 5,000 square feet will receive an additional \$1.00 per square foot of rented space over 5,000 square feet. This figure is proposed to be increased, as described above.

9. Payment Schedule. When a business signs a settlement agreement, it will receive one-half of the benefits stated in the agreement. The remaining one-half will be paid when the business vacates the premises.

The Authority previously established the date of April 3, 1997, as the eligibility date for relocation benefits. If a business was not present on that date on properties to be acquired by WEDA, then it is not eligible for benefits. Other grounds for ineligibility are stated in the policy, including the announcement of plans to leave the Plaza prior to the announcement of the redevelopment project. Thus, King Soopers and El Fugitivo will not be eligible for relocation benefits. A few other businesses may also be found ineligible for various reasons.

The relocation provisions of the Westminster Urban Renewal Plan were recently revised to permit the payment of relocation benefits. It cannot be documented whether the final version of the Resolution passed by City Council included a reference to businesses for purposes of relocation benefits. In order to adopt the attached relocation policy, which provides benefits for businesses, it is recommended that the Plan be amended to clearly include businesses.

Alternatives

Relocation payments for this urban renewal project are not required by law. These payments are entirely within the discretion of the Authority. The Authority could choose not to make relocation payments, or could adjust any of the payments specified in the policy in order to balance the needs and desires of displaced businesses with the budgetary constraints of the Plaza redevelopment project.

Respectfully submitted,

William M. Christopher
City Manager

Attachments
Resolution
Relocation Policy

SERIES OF 1997

A RESOLUTION ADOPTING A RELOCATION POLICY FOR THE WESTMINSTER
URBAN RENEWAL AREA AND AMENDING THE WESTMINSTER URBAN RENEWAL PLAN
TO PERMIT THE PROVISION OF RELOCATION BENEFITS TO BUSINESSES

WHEREAS, the Westminster Urban Renewal Authority (the "Authority") announced on April 3, 1997, the intention of Safeway to anchor a redevelopment of the Westminster Plaza area; and

WHEREAS, the Authority authorized the acquisition of certain properties, by condemnation if necessary, in Resolution No. 10, dated April 3, 1997, in order to facilitate this redevelopment for the purpose of revitalizing the south Westminster area, enhancing employment opportunities, eliminating existing conditions of blight in the Westminster Urban Renewal Area, and improving the tax base of the City of Westminster; and

WHEREAS, the Authority stated in Resolution No. 10 its intention to adopt a policy providing for certain reimbursement and financial grants to assist displaced businesses in their relocation from the properties to be acquired; and

WHEREAS, the City of Westminster City Council has previously adopted the Westminster Urban Renewal Plan (the "Plan") for the Westminster Urban Renewal Area; and

WHEREAS, in previous amendments to the Plan, the City Council intended to include businesses within the scope of the relocation provisions; and

WHEREAS, the omission of "businesses" in section VI(A)(2) of the Plan appears to be the result of a typographical error in preparing the amendments to the Plan; and

WHEREAS, this correction to the Plan will not substantially change the current Plan, and, therefore, the approval of this amendment is not subject to the procedural requirements of C.R.S. section 31-25-107.

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

1. The first paragraph of section VI(A)(2) of the Plan is hereby amended to read as follows:

In the event any relocation or displacement OF BUSINESSES or residences ever occurs as a result of the redevelopment activities herein, then, prior to such displacement, the Authority may adopt a relocation handbook in accordance with the following guidelines.

2. The proposed relocation policy attached hereto is adopted pursuant to the Westminster Urban Renewal Plan and C.R.S. section 31-25-105(1)(i)(IV).

PASSED AND ADOPTED this 5th day of May, 1997.

ATTEST:

Mayor

City Clerk

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY RELOCATION POLICY

1. PURPOSE.

The Westminster Economic Development Authority (the "Authority") adopts this Policy which describes the requirements governing the provision of relocation payments and other relocation assistance to businesses displaced as a result of acquisition of property pursuant to the Westminster Urban Renewal Plan (the "Plan"), dated September 14, 1992, as it may be amended from time to time.

2. SCOPE.

A. Relocation Plan. This Policy is derived from and is an extension of the relocation provisions of the Plan. The specific provisions of this Policy shall govern and control over the general provisions of the Plan in the event of conflicts between the documents.

B. Nature of Payments. The Authority recognizes that relocation payments are administrative in nature and are not required by law. Therefore, it is the intention of the Authority that the determinations of the Authority regarding eligibility for and the amount of relocation payments made pursuant to this Policy shall be wholly a matter of discretion of the Authority. No federal or state funds are being utilized by the Authority to make relocation payments.

C. No Contract. Nothing in this Policy shall be construed as an entitlement or a contractual or promissory obligation to make relocation payments. All payments made pursuant to this Policy are at the discretion of the Authority.

3. DEFINITIONS.

The following definitions shall be used by the Authority in interpreting the payments and benefits available under this Policy.

Action by the Authority. Any lawful activity undertaken by the Authority, its agents or assigns, or one operating under the aegis of the Authority.

Business. A non-profit organization or any lawful activity that is conducted primarily for the purchase, sale, lease or rental of personal or real property; or for the manufacture, processing or marketing of products, commodities, or any other personal property; or is conducted primarily for the sale of services to the public. This definition shall not include: (1) outdoor advertising displays which are intended to be acquired as part of the real property purchased by the Authority; and (2) owners and operators of public utilities such as cable, electrical, gas and telephone lines and related service facilities.

Displaced Business. Any business that moves its personal property from real property which is acquired as a result of the action of the Authority for projects within the Urban Renewal Area, if such business is occupying such real property on the date of the Authority's notice of intent to acquire such property and otherwise is eligible for relocation expense benefits and complies with this Policy.

Notice of Intent to Acquire Real Property. The initial written offer by the Authority to the owner to purchase real property for an urban renewal project.

Notice to Relocate. The written notice from the Authority to an owner or business that it must move from its current location in the Urban Renewal Area. Relocation shall not be required upon less than thirty days notice and shall not be required until the Authority either owns or has legal possession pursuant to contract or court order of the real property from which the owner or business must move. A Notice to Relocate and negotiations concerning relocation may occur at any time prior to the Authority taking title to or possession of real property.

Owner. Any person who owns fee simple title or a life estate in real property to be acquired for an urban renewal project or who holds any other interest which in the judgment of the Authority warrants consideration as ownership.

Personal Property. Tangible property which is classified by the Authority as personalty under Colorado law, is located on real property to be acquired by the Authority, and is not purchased by the Authority in the acquisition of such real property.

Real Property. Property which is classified by the Authority as realty under Colorado law, for example, fixtures which cannot be moved at a reasonable cost. Relocation expenses shall not be reimbursed for fixtures and other items of real property which have been purchased by the Authority in connection with its acquisition of the realty from which a displaced business is moving.

Project. Any urban renewal or redevelopment project in the Urban Renewal Area as described in the Urban Renewal Plan.

Urban Renewal Area. The area described in the Urban Renewal Plan and within the jurisdiction of the Authority.

Urban Renewal Plan. The Westminster Urban Renewal Plan which was approved and adopted by the City Council of the City of Westminster as the same may be amended by such City Council from time to time.

4. RELOCATION ASSISTANCE ADVISORY SERVICES.

A. General. The Authority will provide a relocation assistance advisory program which offers the services described below. The purpose of the advisory services program is to minimize inconvenience to persons who must be relocated and to provide an information program to advise these persons of relocation activities and benefits on a continuing basis.

B. Services to be Provided. The Authority, through its staff, will provide the following services.

1. Assistance with identifying real estate brokers and others who may help locate replacement site alternatives.
2. Assistance in identifying services for moving, packing, storage and insurance.
3. Assistance with the Authority's relocation expense procedures and submittals for relocation expenses.

5. GENERAL RELOCATION ASSISTANCE REQUIREMENTS.

A. No Duplication of Payments. No displaced business shall receive any compensation for relocation which, in the opinion of the Authority, would substantially duplicate the compensation which was received or which an owner or displaced business is eligible to receive under the state law of eminent domain or under any other law or regulation. Under no circumstances will there be a duplication of payments for acquisition and for relocation.

B. Least Cost Approach. The amount of payment for an eligible relocation expense shall not exceed the least costly method, as determined by the Authority, of accomplishing the objective of the payment without causing undue hardship to the displaced business.

C. Determination of Eligibility. The Authority will designate a person who shall have primary responsibility for establishing eligibility for and the amount of relocation payments claimed in accordance with this Policy. Appeals from the decisions made by this person shall be determined in accordance with Section 9 hereof.

D. Documentation. If requested, any claim for a relocation payment shall be submitted to the Authority on the appropriate form and supported by such documentation as may reasonably be required by the Authority to establish accurately expenses incurred, such as bills, statements, certified prices, appraisals, or other evidence of such expenses.

E. Set Off for Claims. The Authority may withhold any part or all of a relocation payment to a displaced business to satisfy an obligation of the displaced business to the Authority or the City of Westminster.

F. Burden of Proof. Claimants shall have the burden of proof to establish eligibility for and amount of any relocation payment claimed hereunder.

G. Time for Moving. All claimants must complete any relocation from their current sites by the date specified in the settlement agreement with the Authority or, if no settlement is achieved, within thirty days of receiving written notification from the Authority to relocate or within such additional time as the Authority may determine and specify in writing.

H. Ineligible Tenants.

1. Owner's Obligation to Notify New Tenants. No owner within the Urban Renewal Area shall lease premises to a tenant after the owner's receipt of the Authority's notice of intent to acquire the property, without giving prior written notice to such tenant that the property is being acquired by the Authority and that such tenant shall not be eligible for relocation benefits from the Authority. A copy of the owner's notice to the tenant shall be delivered to the Authority.

2. Categories of Ineligibility. The following businesses shall not be eligible for relocation assistance:

a. One which does not occupy real property in the project on the date of the Authority's notice of intent to acquire the property.

b. Any business which moves before receiving a notice to relocate from the Authority, if such property is for any reason not redeveloped pursuant to the Urban Renewal Plan.

- c. A subtenant of a tenant, unless such subtenant demonstrates, with documentation satisfactory to the Authority, that it is a separate legal entity from the tenant and otherwise satisfies the eligibility requirements of this policy.
- d. Any business which the Authority determines had prior plans to relocate for reasons independent of the project for which the Authority is acquiring the property.
- e. Expenses of relocating outdoor advertising displays and public utilities are not eligible for relocation payments hereunder.
- f. Multiple lease agreements for different leasehold areas shall not be considered multiple tenancies if the Authority determines, in its sole discretion, that the areas are operated as a single business.
- g. Any displaced business which is operating in violation of applicable law shall not be eligible for relocation expenses pursuant to this Policy. This shall include, but not be limited to businesses operating without required licenses or in violation of applicable land use laws and regulations.
- h. Any business to whom WEDA made a good faith offer to retain as a tenant or owner in a Project and which business declined such offer.

6. ELIGIBLE EXPENSES.

Settlement of relocation expenses shall include the following eligible expenses.

A. Professional Services, Insurance and Transportation. A displaced business shall receive a sum of \$1,500.00, plus \$.50 per square foot for the area of the premises in excess of 3,000 square feet, not to exceed a total payment of \$5,000.00, to cover any expenses incurred in the following categories:

- 1. Professional services, including, but not limited to, architects, brokers, planners, attorneys, engineers, and consultants hired for such activities as finding a new location, negotiating a new lease or purchase of the new location, and planning the move of the personal property. Professional fees incurred in connection with representing the displaced business in preparing a relocation claim or in contacts or proceedings before the Authority, including grievance procedures or other administrative or legal proceedings or suit, shall not be eligible for reimbursement.
- 2. Liability or casualty insurance in connection with the move and any temporary storage.
- 3. Transportation expenses in connection with relocation.

B. Moving. Packing, crating, moving, unpacking, and uncrating personal property, based on moving industry customary and standard moving costs on a per square foot basis as established by the Authority.

C. Temporary Storage. Storage of personal property as the Authority determines to be necessary, based on customary and standard rates as established by the Authority. The period of storage shall not exceed six (6) months. The storage space shall not exceed 50% of the area from which the displaced business is relocating.

D. Reinstallations. Disconnecting, dismantling, removing, reassembling, and installing relocated and any substitute machinery, equipment and other personal property, based on customary and standard costs as established by the Authority. This includes connection to utilities available at the new site and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property. A displaced business shall be eligible for payment of these expenses only if it provides a list of property that is to be disconnected and reinstalled at the replacement location to the Authority by the date set for submission of the list by the Authority.

E. Licenses, Printing and Advertising. The sum of \$1,000.00 for businesses occupying up to 4,000 square feet, \$2,000.00 for businesses occupying from 4,001 to 12,000 square feet, and \$4,000.00 for businesses occupying space in excess of 12,000 square feet to cover any expenses incurred in the following categories:

1. Any license, permit or certification required by the displaced business at the replacement location.
2. Advertising, relettering signs and printing materials such as stationary and business cards made obsolete as a result of the move.

F. Substitute Personal Property. Purchase of substitute personal property which is used as part of the business and is not moved, but is promptly replaced with a comparable substitute item at the replacement site. The displaced business is entitled to payment of the lesser of:

1. The cost of the substitute item, including installation cost at the replacement site, minus any proceeds from the sale or trade in of the replaced item, if any; or
2. The estimated cost of moving the replaced item, based on the lowest acceptable bid or estimate by the Authority for eligible moving and related expenses, but with no allowance for storage.
3. Limitation. Personal property which must be upgraded to comply with health or building codes or other applicable regulations or which has no or minimal value, as determined by the Authority, shall not be covered by this Section.

G. Real Property Fixtures. A displaced tenant business shall not be compensated for loss of real property fixtures installed on the premises to be vacated unless the business provides evidence satisfactory to the Authority that the business installed the fixtures and that the business, not the owner of the premises, owns the fixtures. If such evidence is provided, the value of the fixtures will be established by the Authority's appraiser, subject to reduction for depreciation calculated by the appraiser. The value reimbursed to the business shall be only for the business's remaining lease term in the premises.

H. Notification to the Authority and Inspection. To be eligible for payment under this section, the displaced business shall:

1. Permit the Authority to make reasonable and timely inspections of the personal property at the displacement and replacement sites.

2. Provide an inventory of all personal property expected to be moved within thirty days after receiving a Notice to Relocate from the Authority and, if the business is a tenant, a list of all real property improvements made by the business which are affixed to the real property and belong to the owner.

I. Cessation of Business, Unspecified Relocation Site and Moving Out of the Area. If a displaced business decides to cease doing business or delays a decision on a relocation site, the Authority will assume that the business is moving 25 miles and pay moving costs pursuant to this Policy based on such assumption. If a displaced business chooses to relocate to a site that requires a move in excess of 25 miles, the Authority will pay moving costs pursuant to this Policy based on the assumption that the business is moving 25 miles away.

7. RELOCATION SETTLEMENTS.

A. Total Settlement. It is the intent of the Authority to arrive at negotiated total lump-sum settlements with all displaced businesses. Those settlements will compensate all of the eligible expenses contained herein. Claimants will receive one-half of the payment amount following approval of the business's settlement agreement by the Authority. The remaining one-half will be paid no later than thirty days following proof the claimant has vacated the property. If a settlement is not reached by negotiation, payments shall be made as outlined in section 9, Appeals, below.

B. Rent Subsidies. In consideration of the potential difference between the rent paid by a displaced business at the time it is required to relocate and the higher rent charged for comparable space elsewhere, the Authority may, in its discretion, decide to pay a rent subsidy.

C. Security Deposits. If a tenant has paid a security deposit to a landlord or property manager for a lease on property to which the Authority is taking title or possession, the Authority shall request the holder of the security deposit to refund the deposit to the tenant or to turn over the deposit to Authority for refund to the tenant.

D. Loans. Upon request, the Authority will review any loan programs offered by lending institutions for the purpose of assisting displaced businesses and will consider supporting such program, for example, by buying down an interest rate.

E. Rent Payment and Abatement. Upon settlement, a tenant shall assign its lease to the Authority, which will assume all payments due under the lease from the date the tenant vacates the premises until the Authority takes possession of or title to the property and such payments are no longer due to the landowner or its agent. If the Authority has possession of or title to the property, a tenant may elect to have its rent abated from the date of execution of a settlement agreement with the Authority until the tenant's agreed-upon date of vacating the premises. If the tenant fails to move out by the agreed-upon date, the tenant shall resume paying rent to the Authority. If rent is abated while the tenant continues to occupy the property, an amount equal to the abated rent shall be deducted from any rent subsidy to be paid to the tenant by the Authority. Any unpaid rent owed by the tenant to the Authority shall be deducted by the Authority from the final settlement payment to the tenant.

8. INELIGIBLE MOVING AND RELATED EXPENSES.

A displaced business is not entitled to payment for:

A. Cost of moving any structure or other real property improvement in which the displaced business reserved ownership. Nothing herein will obligate the Authority to allow a displaced business to reserve ownership in any fixture or item of real property.

B. Interest on a loan to cover moving or storage expenses.

C. Loss of good will.

D. Loss of profits.

E. Loss of trained employees.

F. Configuration or physical changes at the replacement location of business.

G. Any additional expense of a business which was incurred because of operating in a new location.

H. Personal injury.

I. Any legal fee or other cost for preparing a claim for a relocation payment or for representing claimant before the Authority or any other body or court.

J. Taxes.

K. Any expense or payment for which the business receives reimbursement or compensation from another source or pursuant to any other law, rule or regulation.

L. Any expenses not specifically listed as eligible for payment in this Policy.

9. APPEALS.

A. Dispute Resolution. It is the intent of the Authority to provide an efficient, fair process for settlement of eligible relocation expenses. The Authority prefers a negotiated settlement that is mutually fair and beneficial to both the Authority and displaced business. In order to achieve this result, the Authority prefers that impasses in negotiation be resolved through mediation and will arrange for a mediation process at any time at the request of a displaced business. Mediation shall be a prerequisite to filing an appeal under this Section.

B. Selection of Mediator. If the Authority determines that a settlement of eligible relocation expenses with a displaced business cannot be reached due to an impasse in negotiations, the Authority shall schedule a session with a mediator within thirty days of a written notice to the business that an impasse exists, or within such time period as the Authority and business may mutually agree. The mediator shall be selected by mutual consent of the Authority and the business. If the business refuses to participate in the selection of a mediator or unreasonably withholds consent in the selection of a mediator, the Authority shall make a final determination of benefits, which shall be payable upon the business's completion of the move from the project area. The business shall have no right of appeal or judicial review of such determination.

C. Unsuccessful Mediation. If the mediation fails to result in a settlement agreement between the Authority and the displaced business, the Authority shall make a final determination of benefits, and shall pay one-half of such determination immediately.

The final payment shall be made at the conclusion of the appeal period or upon conclusion of the appeal if one is filed.

D. Scope and Timing of Appeal. If mediation is unsuccessful, the Authority shall request the mediator to provide a dated notice that the dispute could not be resolved to both the Authority and the displaced business. The business shall have fourteen days from the date of that notice to file an appeal with the Authority. The appeal shall be limited to a determination regarding eligibility for or the amount of payments set forth in this Policy and pursuant to any further resolutions or actions of the Authority establishing rates for eligible expenses.

E. Initiation of Appeal. An appeal is instituted by a written request for review by the claimant, which may include any documentation deemed relevant by the claimant. If a hearing is requested in the request for review, it shall be scheduled within thirty days before a hearing officer designated by the Authority. If no hearing is desired, the officer shall decide the appeal based on the documentation provided with the request for review. In either case, the officer's decision shall be subject to review and revision by the Authority. All supporting documentation shall be filed with the Authority at least seven days prior to the hearing. Information submitted thereafter need not be considered by the Authority.

F. Right to Representation. A claimant may be represented by legal counsel in connection with the appeal, but solely at its own expense.

G. Review of Files by Claimant. The Authority will permit a claimant to inspect and copy all files and records pertinent to such appeal pursuant to the Open Records Act, including the limitations contained therein, and at the expense of the claimant.

H. Scope of Review. In deciding the appeal, the hearing officer shall consider:

1. All applicable rules and regulations;
2. All pertinent justification and written materials submitted by the claimant;
3. All material upon which the Authority staff based the determination being appealed and any other available information that is needed to assure a fair and full review of the appeal.

I. Determination and Notification After Written Appeal. The hearing officer shall make a written determination within thirty days of the hearing, or if no hearing is requested, within thirty days of the receipt the request for review, and shall furnish the claimant with a copy. The written determination will include, but need not be limited to:

1. The factual and legal basis upon which the decision was based, including any pertinent explanation;
2. If any payment or other relief to the claimant is granted, a statement of how this will be provided.

J. Determinations Final. Determinations on appeals made by the hearing officer and the Authority shall be final and not subject to further review or appeal.

10. GENERAL PROVISIONS.

A. Time. Any deadline or time period in this policy may be modified in a written agreement signed by the Authority and a displaced business.

B. Payments. In its sole discretion, the Authority may agree to a payment schedule in variance from this policy upon a showing of necessity by the displaced business.

CITY OF WESTMINSTER, COLORADO
SPECIAL CITY COUNCIL MEETING
MONDAY, MAY 5, 1997 AT 7:30 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Dixon and Councillors Harris, Merkel, Scott and Smith. Also present were William Christopher, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent was Councillor Allen.

PURPOSE OF SPECIAL MEETING:

The Mayor stated that the purpose of the special City Council meeting is to consider action on Tabled Resolution No. 26 regarding the Relocation Policy for the Westminster Urban Renewal Area and Amending the Westminster Urban Renewal Plan.

RESOLUTION NO. 26 - RELOCATION POLICY AND AMEND URBAN RENEWAL PLAN:

A motion was made by Scott and seconded by Merkel to remove Resolution No. 26 from the Table. The motion carried unanimously.

A motion was made by Scott and seconded by Merkel to adopt Resolution No. 26 adopting a relocation policy for the Westminster Urban Renewal Area and amending the Westminster Urban Renewal Plan to permit the provision of relocation benefits to businesses.

Edith McQueen, Edith McQueen Accounting; Mark Frenkel, Crazy Leo's Furniture; Tom Mohapp and Terry Humphrey co-owners of Westminster Veterinary Clinic and Chris Dreblow, Chris' Clox, all business owners within the WEDA area addressed Council with questions and concerns. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:20 P.M.

ATTEST:

Mayor

City Clerk