



WESTMINSTER
COLORADO

May 19, 2003
7:00 P.M.

CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation re Richard Rush as Westminster Community Champion
 - B. Employee Recognition re 20 and 25 Years of Service
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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

8. Consent Agenda
 - A. Reclaimed Water Main Extensions
 - B. Special Legal Services for Pension Plan Review
 - C. Quarterly Insurance Report January – March, 2003
 - D. Councillor's Bill No. 19 re Wal-Mart Business Assistant Package (Dittman-Kauffman)
 - E. Councillor's Bill No. 20 re Lockheed Business Assistant Package (Dittman-McNally)
 - F. Councillor's Bill No. 21 re Deannexation of Day Property (McNally-Atchison)
 - G. Councillor's Bill No. 22 re 2002 Final Supplemental Appropriation (McNally-Atchison)
 - H. Councillor's Bill No. 23 Extending Nomination of Petitions Timing (Atchison-Dittman)
9. Appointments and Resignations
 - A. Metro Wastewater Reclamation District Board of Directors Reappointment of Charles Ragsdale
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 24 re Administrative Approval of PDP and ODP's
 - B. Councillor's Bill No. 25 re PDP and OPD approvals Contingent on WEDA actions
 - C. Councillor's Bill No. 26 re City Park Disc Golf Supplemental Appropriation
 - D. Councillor's Bill No. 27 re 1st Quarter Supplemental Appropriation
 - E. Resolution No. 19 re Building Permit and Development Fees
 - F. Councillor's Bill No. 28 re Building Permit and Development Fees
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 19, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. Steve Smithers, Acting City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent was Mayor Pro-Tem Atchison .

CONSIDERATION OF MINUTES

Councillor Hicks moved, seconded by Councillor Dixon to approve the minutes of the meeting of May 12, 2003 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS

Councillor Dittman presented a proclamation recognizing Richard Rush of Outback Steak House as a Westminster Community Champion. Richard Rush accepted the proclamation.

Mayor Moss presented a certificate, service pin and check for \$2500 to Karen Sexton for 25 years of service and certificates and pins were presented to Sharon Bernia, Deane Sigler and Jerry Tretter.

CITY COUNCIL COMMENTS

Councillor McNally thanked the Staff and volunteers that worked on Pride Day this past Saturday. She also recognized Tanya Ishakawa, Metro North Newspaper Reporter for her 5 awards at the Society of Professional Journalists Best of Colorado Excellence in Journalism awards banquet.

Councillor Dixon congratulated Vicky Bunsen, Assistant City Attorney for receiving the Westminster Historical Society Historical Preservation Person of the Year. She also commended on the Hyland Hills Ice Show, and the Fish and Wildlife meeting to be held on Wednesday regarding Rocky Flats, and the Town meeting at City Park on Thursday.

Councillor Dittman commented on the Community Education Foundation Golf Tournament that raised \$11,000.

Councillor Hicks commented on the Westminster Spotlight Theatre current production.

Mayor Moss commented on the Tri City Baptist Church Law Enforcement recognition held last Sunday. He also advised citizens of the Citizen Police Academy classes that will begin in August on Wednesday evenings. He also commented on the nice green bus benches appearing throughout the City.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Reclaimed Water Main Extensions contract with Tierdael Construction not to exceed \$347,228 plus a contingency of \$52,084 in a separate account for reclaimed water main construction to serve Pecos Street in the Park Centre development with reclaimed water; Special Legal Services for Pension Plan Review contract with Sherman and Howard P.C., not to exceed \$4,100 for changes to the pension plans in compliance with GUST amendments; Review of the Quarterly Insurance Report January thru March, 2003; Second reading of Councillor's Bill No. 19 re Wal-Mart Business Assistant Package; Councillor's Bill No. 20 re Lockheed Business Assistant Package; Councillor's Bill No. 21 re Deannexation of Day Property; Councillor's Bill No. 22 re 2002 Final Supplemental Appropriation; and Councillor's Bill No. 23 Extending Nomination of Petitions Timing

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

METRO WASTEWATER REAPPOINTMENT

Councillor Hicks moved, seconded by Councillor Dixon to reappoint Charles Ragsdale to the Metro Wastewater Reclamation District's Board of Directors with the term of office to be effective through June 30, 2005. The motion carried unanimously.

ORDINANCE NO. 3027 RE ADMINISTRATIVE APPROVAL OF PDP AND ODP'S

Councillor McNally moved, seconded by Councillor Hicks to adopt Councillor's Bill No. 24 as an emergency ordinance amending the City Code regarding the calculation of the land area for economic development projects eligible for administrative approval of Official Development Plans. Upon roll call vote, the motion carried unanimously.

ORDINANCE NO. 3028 RE PDP AND OPD APPROVALS CONTINGENT ON WEDA ACTIONS

Councillor Dixon moved, seconded by Councillor Hicks to adopt Councillor's Bill 25 as an emergency ordinance amending the City Code to authorize City approval of Official Development Plans (ODP) for Westminster Economic Development Authority (WEDA) redevelopment projects on land not yet owned by the Authority. Upon roll call vote, the motion carried unanimously.

CB NO. 26 RE CITY PARK DISC GOLF SUPPLEMENTAL APPROPRIATION

Councillor Dittman moved, seconded by Councillor Dixon to pass Councilor's Bill No.26 on first reading providing for a supplemental appropriation in the amount of \$15,000 for a Jefferson County Joint Venture Grant to be used for the installation of a disc golf course at City Park. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 27 RE 1ST QUARTER SUPPLEMENTAL APPROPRIATION

Councillor Kauffman moved, seconded by Councillor Dittman to pass Councillor's Bill No. 27 on first reading providing for supplementary appropriations to the 2003 budget of the General Fund, General Capital Improvement and Utility Funds. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 28 RE BUILDING PERMIT AND DEVELOPMENT FEES

Councillor McNally moved, seconded by Councillor Dittman to pass Councillor's Bill No. 28 on first reading amending the fees charged for land use and development reviews. Tim Schwander of Genese Homes representing the HBA addressed Council. Upon roll call vote, the motion carried with a dissenting vote from Councillor Dixon.

RESOLUTION NO. 19 RE BUILDING PERMIT AND DEVELOPMENT FEES

Councillor McNally moved, seconded by Dixon to table action on this item until the June 9th Council meeting. The motion carried with a dissenting vote from Councillor Hicks.

ADJOURNMENT:

The meeting was adjourned at 7:35 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Recognition of Richard Rush

Prepared By: Katie Harberg, Public Information Officer; Natalie Wilkins, Public Information Specialist

Recommended City Council Action:

Present a proclamation to Richard Rush, owner of the Westminster Outback Steakhouse, recognizing him as a “community champion” for his ongoing contributions to both the City of Westminster and the community as a whole.

Summary Statement

- For several years, Richard Rush has made ongoing contributions to the City of Westminster and the greater community through his involvement with the noon Westminster Rotary, the District 50 Education Foundation and the Hyland Hills Foundation.
- Rush, and his Outback Steakhouse restaurant, have sponsored numerous City and community events, donating food and gift certificates to charity events and youth programs.
- Council is asked to recognize Rush as a “community champion” for his civic leadership.
- Richard Rush will be present at Monday night’s meeting to accept this proclamation

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

There are no policy issues associated with this proclamation.

Alternative

None identified.

Background Information

For several years now, Richard Rush has proven to be an outstanding member of the community and a business owner who shows great civic leadership and involvement. Individuals in the community who are familiar with Richard's contributions recommended that the City honor him in some way for his outstanding involvement.

Richard is a member of the noon Westminster Rotary, and serves on the Legacy Foundation, the School District 50 Education Foundation and the Hyland Hills Foundation. Richard has helped ensure the success of numerous local events by providing food and drinks from the Outback. He has sponsored the Rotary charity golf tournament as well as the Hyland Hills and District 50 golf tournaments, donating food and gift certificates to the players. Each quarter, Richard's restaurant hosts the City's Length of Service luncheon where long-time Westminster employees are honored for their service. Rush recently provided the food for the City's Christopher Fields grand opening, and for a meeting of local non-profit organizations hosted by the Legacy Foundation. Richard also regularly contributes gift certificates to the City's youth programs.

Richard hires and trains numerous local young people to work at his restaurant, teaching them outstanding customer service skills as evidenced by the crowds at the Outback. He balances the need to run a business with being a member of the community. Richard is known at the City as someone who is always willing to help however he can. One City employee noted, "He doesn't have no in his vocabulary."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Richard Rush has been one of Westminster's business and civic leaders; and

WHEREAS, Richard Rush serves with a number of local organizations including the noon Rotary, the Legacy Foundation, the District 50 Education Foundation and the Hyland Hills Foundation; and

WHEREAS, Richard Rush has provided food and drinks from his Outback Steakhouse restaurant to help ensure the success of numerous community events, such as charity golf tournaments for Rotary and Adams County School District 50; and

WHEREAS, Richard Rush has regularly worked with the City to support youth programs and recreation programs by providing gift certificates and sponsorships; and

WHEREAS, Richard Rush helps in developing Westminster's workforce by hiring and training many local youth in his restaurant; and

WHEREAS, Richard Rush has continually shown his willingness and eagerness to help both the City and numerous community organizations.

NOW, Therefore, I, Ed Moss, Mayor of the City of Westminster on behalf of the entire City Council and Staff do hereby proclaim Richard Rush a

WESTMINSTER COMMUNITY CHAMPION

Signed this 19th day of May, 2003.

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003

Subject: Presentation of Employee Service Awards

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action:

Present service pins and certificates of appreciation to employees celebrating 20 and 25 years of service with the City, and provide special recognition to our 25 year employee with the presentation of a \$2,500 bonus.

Summary Statement:

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 25th and 20th anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There is one employee celebrating 25 years of service, and she will be presented with a check for \$2,500, less income tax withholding.

Expenditure Required: \$2,500

Source of Funds: Police Department

Policy Issue

No policy issues identified.

Alternative

No alternatives identified.

Background Information

The following 20-year employees will be presented with a certificate and service pin:

Sharon Bernia	Public Works and Utilities	Water Quality Specialist
Deane Sigler	Public Works and Utilities	Equipment Operator I
Jerry Tretter	Public Works and Utilities	Street Technician

The following 25-year employee will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

Karen Sexton	Police Department	Investigations Div Secretary
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Karen Sexton began her career in Parks and Recreation as a Clerk Typist II. Worked out of the "Park Shop" by England Water Plant. In 1980, we moved to the City Hall building at 3031 W. 76th Ave. to be nearer to the Director, Jerry Royther. While there, I sold Standley Lake boating permits, misc. assignments, typing of the recreation brochure and went as a crew member on rafting trips that P&R sponsored. She transferred to the Finance Department/Accounting in July 1980...She spent 16 years tracing assets, balancing bank statements, scrutinizing the City's account numbers and lugging very large books around. Also, married a City employee (Pat) and had two babies during my time there. She transferred to the Police Department in July 1996 as a Secretary in Investigations (no more heavy ledgers to carry). She has worked under 3 City Managers, 3 Finance Directors, 2 Parks, and Recreation and Libraries Directors, and 2 Police Chiefs.

On May 28th, the City Manager will host an employee awards luncheon at which time 2 employees will receive their 15 year service pin, 7 employees will receive their 10 year service pin and 16 employees will receive their five year service pins, while recognition will also be given to those who are celebrating their 20th and 25th anniversary. This is the second luncheon for 2003 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 265 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



Subject: Construction of Reclaimed Waterline Extension for Park Centre

Prepared by: Diane M. Phillips, Capital Improvement Projects Coordinator
Richard Clark, Utilities Manager
Kipp Scott, Water Quality Administrator

Recommended City Council Action

Authorize the City Manager to execute a contract with Tierdael Construction for a sum not to exceed \$347,228 plus a project contingency of \$52,084 (15%) to be maintained in a separate account for the construction of a reclaimed water main to serve the west and east side of Pecos in the Park Centre development with reclaimed water.

Summary Statement

- In order to fully utilize the Reclaimed Water Treatment System to its full capacity, waterlines need to be extended to applicable reclaimed customer locations.
- Martin/Martin Consulting Engineers was retained to design three extensions to the reclaimed mains. The Park Centre project is one of the three.
- In order to keep within budget, this project was divided into five phases. On April 14, 2003 City Council authorized the City Manager to execute an agreement with the Imprimus Corporation to complete construction of the portion of water main to serve the DeVry campus with Phase B1.
- Competitive Bids were received from six construction firms for the remaining phases of this project. This includes phases A, B2, C, and D. Tierdael Construction was the lowest bidder for these phases.
- The City has successfully utilized Tierdael Construction on other projects.
- City Council is requested to authorize the City Manager to enter into an agreement with Tierdael Construction to provide construction of the remaining phases (phase A, B2, C, D).
- \$1,012,756 is currently available in the CIP budget for extensions of the reclaimed system. This project will encumber \$347,228, with a 15% contingency that will be set aside in a separate account the total equals \$399,312, leaving \$613,444 for the remaining projects that are under design.

Expenditure Required: \$399,312

Source of Funds: Utility Fund Capital Improvement Budget
Contingency Funds of \$52,084 will be set aside in a separate account

Policy Issue

Should the City contract with Tierdael Construction to extend reclaimed water lines to additional customers?

Alternative

The City could choose to not enter into an agreement with Tierdael Construction and choose to not construct the reclaimed water mains; however, this would impact the schedule to build out the reclaimed system. The City could choose to only construct certain phases of the project and delay other phases. This would also postpone the build out of the system.

Background Information

In order to fully utilize the capacity in the Reclaimed Water Treatment Facility (currently 6 million gallons per day (MGD)) reclaimed waterlines will need to be extended to potential customers.

Three projects are in the final stages of design by the City of Westminster, which include:

- Bradburn subdivision: Sheridan east from 116th Avenue and north to 120th Avenue.
- Federal north from 112th Avenue to Stratford Lakes Park and the Ranch Reserve (approximately 12 acres).
- Park Centre Commercial Center: Pecos west and east along 121st Street. This extension will provide reclaimed water to current commercial property including the DeVry project (approximately 40 acres current plus 33 acres future).

These projects have been identified in the recently completed Reclaimed Master Plan (RMP) as being cost effective extensions to do at this time, prior to full development of these parcels. The RMP identifies that installation of this infrastructure will be more cost effective prior to completion of streets and landscaping.

The Park Centre project was divided into several phases for two reasons. The first was to allow the developer of the DeVry campus to install the reclaimed water main in the area that had been recently landscaped. This will allow for fewer conflicts with the warranty of the landscape materials. The second reason was to allow for phasing of the project if the construction costs were higher than anticipated. The construction estimates came back favorably to warrant constructing all phases at this time.

The City of Westminster received bids from the following bidders for the phases of the project that the City intends to construct.

<u>Bidder</u>	<u>Construction cost for phases A, B2 ,C, D</u>
Tierdael	\$347,228
EZ Excavating	\$349,926
T Lowell	\$385,000
Proto	\$459,307
New Design	\$552,991
Parker Excavating	\$538,852

The City of Westminster received an engineering cost estimate for this portion of the project from the design firm Martin/Martin. The construction cost estimate was \$452,712. The total project cost will be \$456,977. This includes a 15% contingency of \$52,084 for the Tierdael contract and \$57,665 for phase B1. Contingency funds will be held in a Utilities fund account, designated for these purposes until such time as the funds may be needed.

Subject:

Construction of Reclaimed Waterline Extension for Park Centre

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Phase B1 will be constructed by the developer at a cost of \$57,665, as approved by City Council on April 14, 2003. The developer's bid was lower than any of the bids received at the City for Phase B1.

Respectfully submitted,

J. Brent McFall
City Manager

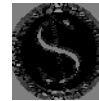
Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Special Legal Services for Pension Plan Review

Prepared By: Margie Miller, Pension Administrator

Recommended City Council Action

Authorize the City Manager to sign a contract for legal services with Sherman and Howard P.C., for special legal services in connection with advice pertaining to and preparation of legal documents concerning changes to the pension plans in compliance with the GUST amendments.

Summary Statement

- The IRS requires government pension plan documents to be amended to comply with "GUST," which refers to a number of laws passed since 1994. An amendment and form covering the GUST language must be filed with the IRS by September 2003.
- Pension staff requests the services of an attorney that specializes in pension procedures to assist in filing the correct documents with the IRS.
- Staff recommends that the City hire the firm of Sherman and Howard as special legal counsel to provide legal consultation and prepare and file the correct legal documents with the IRS. This firm has served as special legal counsel previously to the City when plan documents needed to be amended and submitted to the IRS for determination letters.

Expenditure Required: Not to exceed: \$4,100
There is an IRS filing fee of \$700 for each of the three plans for a total fee of \$2,100. Legal fees are estimated to be approximately \$2,000.

Source of Funds: General Fund Central Charges Pension account

Policy Issue(s)

Should the City hire Sherman and Howard P.C. to prepare and submit legal documents to the IRS to amend the pension plan documents to comply with laws passed known collectively as the GUST amendments?

Alternative(s)

1. Not hire outside legal counsel and proceed without the benefit of a legal opinion concerning possible plan disqualification if the amendment is not filed timely or correctly.
2. Seek other legal help or opinions in lieu of hiring Sherman and Howard.

Background Information

The IRS Code is often changed and updated following the passage of new laws by Congress. The IRS requires pension plans to update their plan documents in accordance with the legal changes and submit applications to the IRS for approval. The IRS requires pension plans to submit amendments by a certain time. Those plans that do not submit proper amendments can potentially lose their status as “tax-qualified” meaning that contributions to the plan would become taxable.

Because the consequences of not filing timely or correctly in accordance with IRS requirements could be substantial for plan participants, Staff requests the assistance of outside legal counsel well-versed in filing the required documents. The firm of Sherman and Howard has extensive experience in dealing with the IRS on behalf of the City’s pension plan and Staff requests that their services be employed in the filing of the GUST amendment in 2003.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of _____, 2003, by and between **SHERMAN AND HOWARD L.L.C.** (the "Firm") and the **CITY OF WESTMINSTER** (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall furnish special legal services in connection with the amendment of the City Retirement Plans for Police, Fire and General Employees for GUST, the 2001 Tax Act and the submission of such plans to the Internal Revenue Service for determination letters.
2. Bruce Muir of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the hourly rate not to exceed \$360 per hour.
5. This Contract may be terminated by the City with or without cause.
6. The Westminster City Council authorized this contract on _____, 2003.
7. Payments for legal services pursuant to this Contract shall not exceed \$2,000 without further written authorization by the City.

SHERMAN AND HOWARD

By _____
Bruce Muir

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Quarterly Insurance Report: January - March 2003

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action:

Staff is not recommending any action at this time.

Summary Statement:

- The information provided on each claim includes the City's claim number, date of loss, claimant's name and address and a brief 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 \$15,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjustor and settlements 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

SUBJECT:

Quarterly Insurance Report: January - March 2003

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Policy Issue(s) NA

Alternative(s) NA

Background Information

Information on the status of each claim received during the 1st quarter is provided on the attached spreadsheet.

For the 1st quarter to date, Staff has noted the following from the report attached:

- Six of the 12 claims reported in the 1st quarter of 2003 have been paid or denied and closed.
- Total claims for the quarter breakdown by department as follows:

	1st Qtr 2003		
Department	Total Claims	Open	Closed
Fire	1	0	1
Police	2	1	1
PR&L	5	3	2
PWU - Streets	3	2	1
PWU - Utilities	1	0	1
TOTAL	12	6	6

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Claim #	DOL	Claimant	Address	Description	Reserves	Payments	Status	Notes
2003-006	03-Jan-03	Ana Garcia	7751 Meade St	Emergency personnel reportedly damaged window in rear of residence during forced entry in order to reach party needing treatment.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-008	10-Jan-03	Mary Ann Cowdery	1085 W. 112th Ave. C	Emergency personnel to check on subject suffering from medical problems damaged metal storm door jamb at residence during forced entry.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-009	18-Jan-03	Tony Durant	7331 Utica St	Sewer backup in resident's basement. Damage in basement to flooring and carpet. Roots in the private sewer line as well as in the City main line were probable cause.	\$100.00	\$0.00	O	Denied based on Colorado Governmental Immunity Act. Offering claimant up to \$2500 under City's "Good Neighbor" sewer backup policy.
2003-010	22-Jan-03	Robert Friend	2844 Quitman St Denver	Claimant slipped on ice in front of the door to the Swim & Fitness Center.	\$100.00	\$0.00	O	CIRSA investigating
2003-044	07-Feb-03	Adams County School Dist 12	Barbara Murphy Westminster CO	Officer driving a City patrol car was distracted (dropped radio microphone) and bumped rear bumper of school bus with the rear right side door of patrol car.	\$1,416.70	\$1,416.70	O	Reserves and payments reflect only damage to City vehicle to date.
2003-023	13-Feb-03	Patricia Russell	8162 LaPlace Ct Westminster CO 80021	Claimant slipped in the women's locker room after showering. Employee said it appeared that a bottle of shampoo had been spilled on the floor causing it to be slippery.	\$0.00	\$0.00	O	Will be denied based on Colorado Governmental Immunity Act. Regular maintenance and inspections were conducted.
2003-046	13-Feb-03	Sharla Chavez	5025 W 73rd Ave Westminster CO 80030	Claimant's vehicle stolen from City Park Rec. Center parking lot.	\$0.00	\$0.00	C	Denied based on Colorado Governmental Immunity Act.
2003-165	18-Mar-03	Karen Boeser	10460 Johnson Ct Westminster CO 80021	Claimant alleges employee driving a City snowplow broke her fence.			O	CIRSA investigating
2003-060	19-Mar-03	James Brady	11150 W 102nd Ave Westminster CO 80021	City employee driving a City snowplow hit claimant's parked vehicle.			O	CIRSA investigating
2003-130	19-Mar-03	Lucas Sheehan	9574 Brentwood Way, Unit B Westminster CO 80021	Claimant alleges that City snowplow operator hit his parked car in front of his residence, completely destroying his front tire and rim. There were no witnesses to the event and all City plow drivers claim no knowledge of the incident.	\$0.00	\$0.00	C	Will be denied based on lack of evidence.
2003-080	22-Mar-03	Kenneth Collins		Claimant drove under pedestrian crossover bridge at the Promenade and claims a watery substance dropped off the bridge and hit his car. He suspects drops contained snow melt chemicals, which resulted in paint damage to his vehicle.	\$0.00	\$0.00	C	Will be denied based on Colorado Governmental Immunity Act
2003-061	25-Mar-03	Seth Dubner	9053 Harlan Westminster CO 80021	Employee driving City truck with snowplow hit claimant's vehicle.			O	CIRSA investigating
					\$1,616.70	\$1,416.70		
							O = Open C = Closed	



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Second Reading of Councillor's Bill No. 19 re Wal-Mart Expansion Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 19 on second reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Wal-Mart. The BAP totals \$3 million, which includes \$87,000 in permit fee rebates, \$67,500 in construction use tax rebates, \$37,800 in use tax on furniture and fixture rebates, and approximately \$2,807,525 in rebates from the sales tax increment over current sales tax revenue. The BAP is capped at a total of \$3 million.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading authorizing the execution of the attached business assistance package with Wal-Mart to aid in the expansion at Westfield Shopping Center at 94th Avenue and Sheridan Boulevard.
- The Wal-Mart expansion will involve converting the existing store to a superstore concept, adding a full service grocery.
- This assistance package is based upon the City's goal to generate additional sales tax revenue and expand existing retail centers.
- This Councillor's Bill was passed on first reading May 12, 2003.

Expenditure Required: \$3 million (Permit Fees, Use Tax, and Sales Tax Rebates)

Source of Funds: The business assistance package with Wal-Mart will be funded through revenue received from permit fees, construction use tax, equipment use tax, and incremental sales tax directly generated from the expansion of the existing Wal-Mart store in Westfield Shopping Center.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**ASSISTANCE AGREEMENT FOR THE
WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER
IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and Wal-Mart.

WHEREAS, the City wishes to provide certain assistance to Wal-Mart to aid in the expansion of existing store at 94th Avenue and Sheridan Boulevard in Westfield Shopping Center; and

WHEREAS, Wal-Mart expects that the expansion will be complete on or before December 31, 2004; 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 Wal-Mart agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to Wal-Mart 60% of the building related permit fees for the Wal-Mart expansion in Westfield Shopping Center, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees. The rebate shall not exceed \$87,175.

2. Use Tax Rebate- Construction. The City shall rebate to Wal-Mart 60% of the Building Use Tax (exclusive of the City's .25% Open Space Tax) on the construction materials, resulting from the Wal-Mart expansion at Westfield Shopping Center, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate shall not exceed \$67,500.

3. Use Tax Rebate- Furniture and Fixtures. For purchases other than construction materials for Wal-Mart made during the 3 months prior and 3 months after the issuance of the Certificate of Occupancy for Wal-Mart, the City shall rebate 60% of the General Use Tax remitted to the City of Westminster on Wal-Mart's use tax return. Such Rebate shall be payable exclusively from those revenues actually collected by the City from Wal-Mart's for the expansion and attributable to the imposition, of the City's 3.0% general use tax (exclusive of the City's .25% Open Space Tax). The rebate shall not exceed \$37,800.

4. Sales Tax Rebate. The City shall rebate to Wal-Mart 60% of the amount of the incremental sales tax collected over the base year sales tax receipts for Wal-Mart at Westfield Shopping Center, for the first year. Each year there after, 50% of the incremental sales tax collected will be rebated until such time as a maximum of \$2,807,525 in rebates has been accumulated. Such rebate shall be payable exclusively from incremental sales tax revenue collected by the City from Wal-Mart and attributable to the imposition of the City's 3.0% general sales tax (exclusive of the City's .25% Open Space Tax). The total amount of the sales tax rebate shall not exceed \$2,807,525.

- (a) Base Sales Tax Amount. Promptly following the issuance of the final Certification of Occupancy for the Wal-Mart expansion at Westfield Shopping Center, the City shall establish the Base Sales Tax Amount. The Base Sales Tax amount will be the total amount of Sales Tax collected during the Base Year to the City from Wal-Mart, and attributable to the imposition against retail sales of the City's 3.0% Sales Tax (excluding the City's .25% Open Space Tax and sales from the fuel station). Wal-Mart will be notified of the City's determination of the Base Sales Tax Amount.
- (b) Base Year. The Base Year is defined as the period of time equivalent to the 12 reporting periods prior to opening of the Wal-Mart expansion. The end of the Base Year will be at the end of the reporting period just prior to the issuance of the Final Certificate of Occupancy for the Building Expansion.
- (c) Sales Tax Increment. The Sales Tax Increment is that amount of Sales Tax collected during an Assistance Year from Wal-Mart that is in excess of the Base Sales Tax Amount.

- (d) Sales Tax Rebate Amount. Any rebates provided by the City to Wal-Mart will be from the Sales Tax Increment from Wal-Mart. The City shall rebate to Wal-Mart 60% of the Sales Tax Increment in year one and 50% thereafter.
- (e) Payment. Once the City has collected the Base Sales Tax Amount during an Assistance Year, then Sales Tax Rebate payments will be provided to Wal-Mart. The Sales Tax Rebate amount will be paid to Wal-Mart in an annual payment, made within 30 days following the end of the applicable Assistance Year. The Sales Tax Rebate Payment will be submitted electronically to Wal-Mart's designated financial institution.
- (f) End of Sales Tax Rebate. The Sales Tax Rebate shall end at the point when the Sales Tax Rebate, Building Permit Fee Rebate and Use Tax Rebate equal, in total, \$3 million.

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

6. Termination. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Wal-Mart has not completed the expansion to the existing store in Westfield Shopping Center and received a certification of occupancy by December 31, 2004; or should Wal-Mart fail to comply with any City code and/or approval process.

7. Business Termination. In the event Wal-Mart ceases business at Westfield Shopping Center within the City within five years after the expansion is complete, Wal-Mart shall reimburse the City for any amounts rebated to or otherwise provided to Wal-Mart pursuant to this Agreement.

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

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

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

Wal-Mart

CITY OF WESTMINSTER

Roger Thompson, Real Estate Manager

J. Brent McFall, City Manager

ATTEST:

ATTEST:

Adopted by Ordinance No.

Michele Kelley, City Clerk

BY AUTHORITY

ORDINANCE NO. **3022**

COUNCILLOR'S BILL NO. **19**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Dittman-Kauffman

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT
FOR THE WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER**

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 creating assistance for occupancy of existing retail space in the City; and

WHEREAS, Wal-Mart plans to expand the current facility 78,000 square feet at 94th Avenue and Sheridan, in the Westfield Shopping Center and improve the traffic patterns within the parking lot; and

WHEREAS, a proposed Assistance Package between the City and Wal-Mart is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Wal-Mart 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 12th day of May 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Second Reading of Councillor's Bill No. 20 re Lockheed Martin Corporation Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 20 on second reading authorizing the City Manager to execute the business assistance package (BAP) with Lockheed Martin Corporation in the amount of \$22,025. The BAP includes \$7,400 in permit fee rebates, \$5,625 in construction use tax rebates, and \$9,000 in equipment use tax rebates.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading that authorizes the execution of the attached business assistance agreement with Lockheed Martin Corporation.
- This assistance package is based upon the City's goal to fill existing vacant space with quality companies.
- Lockheed Martin Corporation will be locating its Enterprise Service Desk Division from North Valley Tech Center at 84th Avenue and I-25 to the four-story office building at Church Ranch Corporate Center.
- Assistance to this division of Lockheed Martin Corporation could be a key component in attracting other divisions of the company to Church Ranch Corporate Center and other locations in Westminster.
- This Councillor's Bill was passed on first reading May 12, 2003.

Expenditure Required: \$22,025 (Permit Fees and Use Tax Rebates)

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3023**

COUNCILLOR'S BILL NO. **20**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Dittman-McNally

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH
LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO
CHURCH RANCH CORPORATE CENTER IN WESTMINSTER**

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

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

WHEREAS, Lockheed Corporation plans to occupy 20,000 square feet in the four story office building at Church Ranch Corporate Center, off of US 36 and Church Ranch Boulevard in Westminster, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Lockheed Martin Corporation 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 12th day of May 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May 2003.

ATTEST:

Mayor

City Clerk

**ASSISTANCE AGREEMENT FOR
LOCKHEED MARTIN CORPORATION IN THE CITY OF WESTMINSTER**

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and Lockheed Martin Corporation.

WHEREAS, the City wishes to provide certain assistance to Lockheed Martin Corporation to aid in the relocation of the company to vacant space in the City; and

WHEREAS, Lockheed Martin Corporation plans to occupy 20,000 square feet of existing space on the fourth floor of the four story building at Church Ranch Corporate Center, thus providing additional primary job creation within the City; and

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

In consideration of the mutual promises set forth below, the City and Lockheed Martin Corporation agree as follows:

1. Building Permit Fee Rebates. The City shall rebate 50% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, to Lockheed Martin Corporation that will result in occupying of a 20,000 square feet of the four story office building at Church Ranch Corporate Center, with a projected move-in date of June 1, 2003. In addition, the City agrees to rebate 100% of the expedited building review fee. The permit fee rebate shall not exceed \$7,400.

2. Use Tax Rebate- Construction. The City shall rebate 50% of the Building Use Tax on the construction materials, which are to be used in tenant finish of the 20,000 square foot facility in Church Ranch Corporate Center in Westminster, required under W.M.C. sections 4-2-9 and 4-2-3, to Lockheed Martin Corporation. The rebate shall not exceed \$5,625.

3. Use Tax Rebate- Furniture and Fixtures. For purchases of items for the new offices made during 3 months prior and the 3 months after Lockheed Martin Corporation obtains the Certificate of Occupancy, the City shall rebate 50% of the General Use Tax remitted to the City of Westminster on its use tax return for the new offices. The total rebate pursuant to this paragraph shall not exceed \$9,000 (the "Rebate"). Such Rebate shall be payable exclusively from those revenues actually collected by the City from Lockheed Martin Corporation and attributable to the imposition against Lockheed Martin Corporation, of the City's 3.0% general use tax (excludes the City's .25% Open Space Tax).

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

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

6. Termination. This Assistance Agreement shall terminate and become void and of no force or effect upon the City if Lockheed Martin Corporation has not moved into its new building by December 31, 2003 or should Lockheed Martin Corporation not comply with the City regulations or code.

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

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

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

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

LOCKHEED MARTIN CORPORATION

CITY OF WESTMINSTER

Kenneth M. Bryan
Manager, Real Estate

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title Michele Kelley
City Clerk

Adopted by Ordinance No.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Day Property Deannexation

Prepared By: David Falconieri, Planner II

Recommended City County Action:

Pass Councillor's Bill No. 21 on second reading de-annexing the Day Property from the City of Westminster.

Summary Statement:

- The property known as 12785 W. 88th Avenue was inadvertently included in the Standley Lake annexation in 1998. The property owners, Michael Day and Glenna Day, were not notified that their property would be included in the annexation and they do not wish to be part of the City. Their property consists of approximately 5.5 acres on the west side of Standley Lake. It is surrounded by the City on three sides, but is adjacent to unincorporated Jefferson County on the south side.
- Deannexation is recommended because the property is not easily serviced by police and fire facilities due to its isolated location.
- City Council recommended that the Day property be deannexed from the City on first reading during the Council meeting held May 12, 2003.

Expenditure Required: None

Source of Funds: n/a

Respectfully submitted,

Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3024**

COUNCILLOR'S BILL NO. **21**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Atchison

A BILL

FOR AN ORDINANCE DISCONNECTING A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, City Council has received a petition from Michael Day and Glenna Day, owners of a certain parcel previously annexed to the City, for disconnection of the parcel; and

WHEREAS, said parcel was inadvertently included in the annexation known as Standley Lake Open Space and Recreation Area; and

WHEREAS, disconnection of the parcel is in the best interests of the property owners and the City.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The parcel known as 12785 West 89th Avenue, Westminster, Colorado, more particularly described as follows:

A parcel of land in the Southwest ¼ of Section 20, Township 2 South, Range 69 West of the sixth Principal Meridian, more particularly described as follows:

Beginning at a pin and cap on the South line of said Section 20, being South 89 degrees 46 minutes 49 seconds East 1321.52 feet from the Southwest corner of said Section 20,

Thence North 00 degrees 00 minutes 53 seconds East 800.30 feet to an existing pin and cap: thence South 89 degrees 58 minutes 00 seconds East 271.80 feet to a point: thence South 01 degrees 12 minutes 15 seconds East 801.87 feet to a point: thence North 89 degrees 51 minutes 02 seconds West 288.80 feet to the point of beginning, County of Jefferson, State of Colorado.

Said above described property is hereby disconnected from the City of Westminster. This ordinance shall be recorded in the official records of Jefferson County, Colorado.

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 12th day of May, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

ATTEST

Mayor

City Clerk
Day Property De-annexation



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Second Reading of Councillor's Bill No. 22 re 2002 Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 22 on second reading providing for supplementary appropriations to the 2002 budget of the General Fund and Open Space Fund.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading, which authorizes a supplemental appropriation to the 2002 budget of the General and Open Space Funds.
- This Councillor's Bill was passed on first reading on May 12, 2003.
- General Fund amendments total \$354,785 plus a correction of \$533,033.
- Open Space Fund amendments total \$157,500.

Expenditure Required: \$512,285

Source of Funds: The funding sources for these expenditures include lease proceeds, contributions and a carryover correction.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3025**

COUNCILOR'S BILL NO. **22**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Atchison

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF AND OPEN SPACE FUND AND DECREASING THE 2002 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby decreased by \$ 178,248 which, when subtracted from the fund balance as of the City Council action on May 12, 2003 will equal \$78,810,149. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This net decrease is due to the appropriation of lease proceeds and the correction of carryover that was inadvertently appropriated twice.

Section 2. The \$178,248 net decrease in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Other Financing Source Note Proceeds 1000.46000.0225	\$0	\$354,785	\$354,785
Carryover 1000.40020.0000	10,332,958	(533,033)	9,799,925
Total Change to Revenues		<u>\$(178,248)</u>	
EXPENSES			
Other Financing Use 10010900.78800.0000	\$0	\$354,785	\$354,785
Other Expenditures – Misc 10010900.79400.0000	533,033	(533,033)	0
Total Change to Expenditures		<u>\$(178,248)</u>	

Section 3. The 2002 appropriation for the Open Space Fund, initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$157,500 which, when added to the fund balance as of the City Council action on May 12, 2003 will equal \$8,155,286. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a open space land purchases contributions.

Section 4. The \$157,500 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Contributions 5400.43100.0000	\$500	\$157,500	\$158,000
Total Change to Revenues		<u>\$157,500</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$7,896,136	<u>\$157,500</u>	\$8,053,636
Total Change to Expenditures		<u>\$157,500</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 12th day of May, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003

SUBJECT: Second Reading of Councillor's Bill No. 23 re: City Council Election Nominating Petition Timeframe

Prepared By: Steve Smithers, Assistant City Manager
Marty McCullough, City Attorney

Recommended City Council Action: Pass Councillor's Bill No. 23 on second reading amending the City Code Election requirements for submittal of City Council or Mayoral candidate nominating petitions.

Summary Statement

- > City Council directed Staff to bring back a city code amendment to modify the timeframe that a City Council or Mayoral candidate is allowed to submit a nominating petition.
- > The attached Councillor's Bill reflects a change from the current requirement for a candidate to submit their nominating petition "not earlier than 90 days prior to the election," to "not earlier than 145 days prior to the election." The requirement to submit petitions "not later than 60 days before the election" would remain the same.

Expenditure Required: \$ 0

Source of Funds: n/a

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO. **3026**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Atchison-Dittman

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
NOMINATING PETITIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 7-1-5, W.M.C., is hereby AMENDED to read as follows:

7-1-5: NOMINATING PETITIONS: ~~All n~~Nominating petitions for the office of Council or Mayor MAY BE CIRCULATED AND SIGNED BEGINNING ONE HUNDRED FORTY-FIVE (145) DAYS PRIOR TO THE ELECTION, AND shall be filed ~~not earlier than ninety (90) days and~~ not later than sixty (60) days before the election.

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 12th day of May, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 19th day of May, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Metro Wastewater Reclamation District Board of Directors Appointment

Prepared By: Ron Hellbusch, Director of Public Works and Utilities

Recommended City Council Action

Reappoint Charles Ragsdale to the Metro Wastewater Reclamation District's Board of Directors with the term of office to be effective through June 30, 2005.

Summary Statement

- City Council action is requested to reappoint Charles Ragsdale to the Metro Wastewater Reclamation District (Metro District) Board of Directors to represent the City of Westminster effective July 1, 2003.
- With this appointment, Mr. Ragsdale's term will expire on June 30, 2005.
- Curt Alstadt is currently the City's other representative. Mr. Alstadt's term of office will expire June 30, 2004.
- The Metro District Bylaws and State Statute require that in order to become a member of the Board of Directors, one must live within the member municipality and within the Metro District service area, which lies south of 97th Avenue.
- At this time, there is not a geographically qualified City Staff member to fill the vacancy based on these bylaws. Therefore, the recommendation of Staff is to fill the vacancy with Charles Ragsdale, a City resident and business owner who has represented the City well.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to reappoint Mr. Ragsdale as the City's second director to the Metro Wastewater Reclamation District Board of Directors or would City Council prefer to open up the recruitment to fill this seat?

Alternative

As an alternative, Staff could solicit additional names of interested citizens who may wish to represent the City on the Metro Wastewater Reclamation Board of Directors. At the time of Allen Jones' resignation in 2000, staff contacted several City Staff members who live in the Metro District and are City residents, drafted a Press Release to the local media, wrote a narrative for the Weekly Highlights document, and solicited applicants in City Link. These efforts resulted in the City receiving one application from Mr. Ragsdale for the Board of Director vacancy. Mr. Ragsdale was appointed to the board on December 18, 2000, and has represented the City well.

Background Information

The Metro Wastewater Reclamation District treats approximately 45 percent of the total wastewater generated in Westminster, with the District serving the area south of approximately 97th Avenue.

Mr. Ragsdale was appointed to the Board of Directors on December 18, 2000, following the retirement and resignation of Allen Jones. Mr. Jones resigned from the Metro District Board of Directors due to health reasons. Mr. Ragsdale is a self-employed business owner specializing in accounting and tax preparation. Also, Mr. Ragsdale is a Certified Public Accountant and a graduate of the University of Wyoming with a Bachelor's Degree in Accounting. Charles Ragsdale and his wife Ann are both long-time residents of Westminster.

The Metro Wastewater Reclamation District Board of Directors meets at 7:00 p.m. on the third Tuesday of each month. In addition, all Board Members serve on one operation committee, which meets monthly either in the morning or at noon.

Respectfully submitted,

J. Brent McFall
City Manager

APPOINTMENT

I, Ed Moss, Mayor of the City of Westminster, Colorado, by virtue of the authority vested in me by law, do hereby certify that **CHARLES RAGSDALE** was appointed by the Westminster City Council as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District, to serve a two year term of office to begin, July 1, 2003 and ending June 30, 2005, in accordance with the laws of the State of Colorado and the By-laws of the Metro Wastewater Reclamation District.

Approved by the Westminster City Council this 19th day of May, 2003.

Ed Moss, Mayor

CITY COUNCIL APPROVAL OF APPOINTMENT

It was moved by Councillor Hicks, and seconded by Councillor Dixon that the City of Westminster appoint **CHARLES RAGSDALE** to serve a term of two years expiring June 30, 2005, as the City of Westminster representative on the Board of Directors of the Metro Wastewater Reclamation District.

The motion carried unanimously.

STATE OF COLORADO }
COUNTY OF ADAMS AND JEFFERSON }

CERTIFICATE

I, Michele Kelley, City Clerk of the City of Westminster, do hereby certify that the Westminster City Council appointed **CHARLES RAGSDALE** as said City's representative on the Board of Directors of the Metro Wastewater Reclamation District and that the foregoing "Appointment" is an excerpt from the minutes of the regular meeting of the Westminster City Council held on the 19th day of May, 2003, and that said motion of approval is part of the official minutes of said meeting; and that a quorum was present at all times during the meeting.

Dated this 19th day of May, 2003.

City Clerk
(SEAL)



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Councillor's Bill No. 24 re: Administrative Approval of Official Development Plans for Economic Development Projects

Prepared By: John Carpenter, Director of Community Development

Recommended City County Action:

Pass Councillor's Bill No. 24 as an emergency ordinance amending the City Code regarding the calculation of the land area for economic development projects eligible for administrative approval of Official Development Plans.

Summary Statement:

- Currently, City Code provides for administrative approval of an Official Development Plan (ODP) for designated economic development projects of 10 to 20 acres in size.
- Projects less than 10 acres in size are automatically eligible for administrative approval.
- This provision has been in the City Code for over 13 years and is a valuable tool for accelerating the approval process of economic development projects.
- To eliminate some ambiguity in the existing code, staff believes that it would be advisable to exclude from the 20-acre calculation any property intended for or designated for future public ownership for open space, park, rights of way or other public use.
- This amendment will allow for the proposed Mandalay Gardens Target to be approved within their required deadlines.

Expenditure Required: None

Source of Funds: n/a

SUBJECT: Councillor's Bill re: Administrative Approval of Official Development Plans for
Economic Development Projects Page 2

Policy Issue

Should the City clarify the ambiguity in the current code.

Alternative

Do not amend the ordinance as proposed.

Background Information

Several years ago City Code was amended to allow for administrative approval of ODP's for designated economic development projects between 10-20 acres in size. Projects less than 10 acres were already eligible for administrative approval by City staff. This provision was added to give the City a competitive edge by providing a streamlined development approval process for desirable economic development projects. This provision has proven to be very popular among economic development prospects and staff believes has served the City well.

The wording of the current code is somewhat ambiguous in terms of calculating the size of the property eligible for administrative approval. The code could be interpreted to mean that the ODP cannot exceed 20 acres in size. Another interpretation is that the ODP could be greater than 20 acres as long as the lot for the economic development project cannot exceed 20 acres.

The purpose of this amendment is to eliminate the ambiguity to clarify that the 20-acre figure is exclusive of rights-of-way, parkland, open space or other property intended for or designated for future public ownership.

This amendment will facilitate the administrative approval of the proposed Target in the Mandalay Gardens project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **24**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-5-8, subsection (B)1.(c), of the Westminster Municipal Code, is hereby AMENDED to read as follows:

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS:

(B) Approval Process for ODP's:

1. Administrative Approvals. The City Manager may, but shall not be required to, approve any ODP or ODP waiver without hearing or notice which:
 - (a) Does not introduce a new land use.
 - (b) Meets all requirements of the zoning district in which it is located, and the requirements of any PDP for the property.
 - (c) Does not involve a parcel or lot more than 10 acres in size; or involves a proposed non-residential development of 20 acres or less in size, EXCLUSIVE OF PROPERTY INTENDED FOR OR DESIGNATED FOR FUTURE PUBLIC OWNERSHIP OR DEDICATION FOR OPEN SPACE, PARKS, RIGHTS-OF-WAY OR OTHER PUBLIC USES, that is determined by the City Manager to further the City's economic development goals and if such development meets guidelines established by City Council to qualify for economic development assistance.

Section 2. In order to protect against the possible loss of significant economic development opportunities both pending and on the immediate horizon, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on May 19, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 19th day of May, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Councillor's Bill No. 25 Allowing for Approval of Official Development Plans for Westminster Economic Development Authority Projects

Prepared By: John Carpenter, Director of Community Development

Recommended City Council Action:

Adopt Councillor's Bill 25 as an emergency ordinance amending the City Code to authorize City approval of Official Development Plans (ODP) for Westminster Economic Development Authority (WEDA) redevelopment projects on land not yet owned by the Authority.

Summary Statement:

- Currently the City may approve ODPs if the application has been signed by the property owners.
- To facilitate redevelopment activities, an ODP must usually be approved and in place PRIOR to a developer agreeing to proceed with a redevelopment project. In some cases there may be multiple owners and/or the existing owner(s) will not consent to the proposed ODP.
- The proposed code amendment allows specific authorization for the City to conditionally approve ODPs for WEDA projects for sites that have not yet been acquired by WEDA.
- The proposed code includes a provision that the approval is conditioned upon WEDA acquiring the privately owned properties within the boundaries of the ODP in the future.
- Should WEDA not be able to acquire the property or properties the ODP would be null and void.

Expenditure Required: None

Source of Funds: N/A

Policy Issue:

Should the City have the authority to approve ODPs on property proposed for redevelopment by WEDA without an application from the property owners?

Alternative

Do not amend the ordinance as proposed. Staff believes such approval is critical to facilitate redevelopment activities.

Background Information

As a part of WEDA redevelopment efforts, WEDA on occasion solicits redevelopment proposals on land not under WEDA or City ownership. Once a redeveloper is selected, a redevelopment agreement is negotiated which establishes the terms and conditions of the redevelopment project.

One of the key requirements of most redevelopment agreements is that the property be zoned for the intended use prior to the sale of the land to the redeveloper. While it is possible for WEDA to acquire property prior to the execution of a redevelopment agreement, doing so can be a risky proposition since there is no guarantee that the redeveloper will then purchase the land from WEDA.

To mitigate this risk, the property to be acquired can be zoned for the intended use, giving the developer the comfort to execute a redevelopment agreement. Then WEDA has the comfort to acquire the property for redevelopment, knowing the land will be resold to a developer subject to a redevelopment agreement.

The proposed amendment would specifically authorize the City to adopt ODPs on land proposed for redevelopment by WEDA, subject to WEDA subsequently acquiring the land subject to the ODP. The proposed code amendment would specifically allow the City to approve ODPs on WEDA redevelopment projects, subject to the property subsequently being acquired by WEDA.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **25**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE APPLICATION PROCEDURES FOR OFFICIAL DEVELOPMENT PLANS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-5-8, subsection (A), W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION 5 to read as follows:

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS (ODP'S):

(A) Application Procedures for ODP's:

5. CITY MAY INITIATE AN APPLICATION FOR AN ODP WITHOUT THE CONSENT OF THE PROPERTY OWNER OR OWNERS FOR ANY REDEVELOPMENT PROJECT WITHIN AN URBAN RENEWAL AREA; PROVIDED, HOWEVER, THE APPROVAL OF ANY SUCH APPLICATION SHALL BE CONDITIONAL AND NOT EFFECTIVE UNTIL SUCH TIME AS ALL PROPERTY COVERED BY THE ODP HAS BEEN ACQUIRED BY THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY OR ITS DESIGNATED REDEVELOPER FOR THE PROJECT. IN SUCH EVENT, THE ABOVE APPLICATION PROCEDURES OF THIS SUBSECTION (A) SHALL NOT BE APPLICABLE.

Section 2. In order to protect against the possible loss of significant economic development opportunities both pending and on the immediate horizon, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on May 19, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 19th day of May, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Councillor's Bill No. 26 re City Park Disc Golf Supplemental Appropriation

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action:

Pass Councillor's Bill No.26 on first reading providing for a supplemental appropriation in the amount of \$15,000 for a Jefferson County Joint Venture Grant to be used for the installation of a disc golf course at City Park.

Summary Statement:

- In December of 2002, Staff received City Council's approval to submit a proposal for a Jefferson County Joint Venture Grant for creation of a disc (Frisbee) golf course.
- The City was notified in February of 2003 that it was successful in receiving this Joint Venture Grant in the amount of \$15,000.
- The Parks, Recreation and Libraries Department is working with a local disc golf club on the design/layout of the course.
- Construction will begin in the summer of 2003.

Expenditure Required: \$15,000

Source of Funds: Jefferson County Joint Venture Grant

Policy Issue

Does Council wish to pursue the use of Jefferson County Joint Venture Grant funds?

Alternative

Council could choose to fund this project entirely from the Capital Improvement Program. This is not recommended because the City has been awarded grant funds to begin this project.

Background Information

In December of 2002 Staff applied for a \$15,000 joint venture grant to increase the construction budget for an 18-hole disc golf course to be constructed at City Park. The City was notified in February 2003 that we have been successful in receiving a Jefferson County Joint Venture Grant in the amount of \$15,000 for the disc golf project. The total budget for the project is \$30,000. Funds are available in the Park Improvement Capital Project account to cover the City's \$15,000 share of the project cost.

Disc golf has been around since the 1970s. This has become a very popular activity with a number of devoted followers around the country. Staff has had many requests from residents to install a disc golf course within the City. The game is played similar to the game of golf with participants throwing a Frisbee-type disc at a basket (golf hole). The typical course is laid out as an 18-hole circuit and each hole is assigned a par value similar to traditional golf. Staff has done some preliminary layout studies and is confident that a challenging course can be laid out at City Park. The conceptual layout of the course is attached.

Normally this action would be included in a quarterly supplemental ordinance, but Staff wanted to highlight the partnership with JeffCo in bringing yet another recreational opportunity to our community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **26**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$15,000 which, when added to the fund balance as of the City Council action on May 19, 2003 will equal \$8,939,933. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a Jefferson County Joint Venture Grant for the City Park disc golf course.

Section 2. The \$15,000 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Jefferson County Shared Revenue 7501.40640.0020	\$0	<u>\$15,000</u>	\$15,000
Total Change to Revenues		<u>\$15,000</u>	
EXPENSES			
Park Improvement Program 80175050136.80400.8888	\$267,416	<u>\$15,000</u>	\$282,416
Total Change to Expenditures		<u>\$15,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 19th day of May, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of June, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Councillor's Bill No. 27 re: 2003 First Quarter Budget Supplemental Appropriation

Prepared By: Karen Creager, Internal Auditor

Recommended City Council Action:

Pass Councillor's Bill No. 27 on first reading providing for supplementary appropriations to the 2003 budget of the General Fund, General Capital Improvement and Utility Funds.

Summary Statement

City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2003 budget appropriations in the General Fund, General Capital Improvement and Utility Funds.

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- General Fund amendments:
 - \$6,800 Refund for error made on 2002 printing services
 - \$211,000 Computer lease proceeds
 - \$673 Police Department overtime reimbursement
- General Capital Improvement Fund amendments:
 - \$1,933 Interest earnings on the 2001 Certificates of Participation.
- Utility Fund amendments:
 - \$4,500 Printing deposit refund
- Appropriation of these unbudgeted funds allows the funds to be spent in 2003.

Expenditure Required: \$224,906

Source of Funds: The funding sources for these expenditures include refunds, lease proceeds and interest earnings.

SUBJECT: Councillor's Bill No. re: 2003 First Quarter Budget Supplemental Appropriation Page 2

Policy Issue

Does City Council support amending the appropriations for the 2003 budget of the General Fund, General Capital Improvement and Utility Funds?

Alternative

The alternative would be not to amend the 2003 budget appropriations for the General Fund, General Capital Improvement and Utility Funds and utilize these funds to increase reserves. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds. In addition, the sources of some of these funds identify them for the specific purposes they are being proposed to be spend on in this memo.

Background Information

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

The City Manager's Office received a refund of a portion of the amount paid for map printing services. An error was made on the map and the map will have to be reprinted. Since the payment was made to the vendor in 2002 and the vendor refund was received in 2003, the refund must be appropriated in 2003 in order to spend the funds on reprinting the map. (General Fund)

On November 25, 2002, City Council approved the lease purchase financing for the 2003 computer leases. In order to properly reflect the receipt of the lease proceeds and the subsequent use of the proceeds on the City's books, the lease proceeds are now being appropriated. (General Fund)

The Police Department received a reimbursement from the State of Colorado for officer overtime used while attending the Crisis Intervention Team training. (General Fund)

The Finance Department's Utility Billing (UB) Division received a refund in the amount of \$4,500 for a deposit made for printing services. While refunds are typically appropriated back to the account that the original payment was charged, the UB Division is not currently in need of these funds for printing services. However, the UB Division is requesting to have the funds appropriated for needed security upgrades. (Utility Fund)

Interest earnings of \$1,933 from the 2001 Certificates of Participation are being appropriated to the Public Safety Building project and the US 36 Ramps project. (General Capital Improvement Fund)

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

Respectfully submitted,

Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **27**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, UTILITY, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$67,576,244 is hereby increased by \$218,473 which, when added to the fund balance as of the City Council action on May 19, 2003 will equal \$67,794,717. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of lease proceeds, a refund and a reimbursement received by the City.

Section 2. The \$218,473 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Other Financing Source Note Proceeds 1000.46000.0225	\$0	\$211,000	\$211,000
General – Miscellaneous 1000.43060.0000	176,748	<u>7,473</u>	184,221
Total Change to Revenues		<u>\$218,473</u>	
EXPENSES			
Other Financing Use 10010900.78800.0000	\$0	\$211,000	\$211,000
Printing – PIO 10005050.66600.0387	24,192	6,800	30,992
PD Patrol Overtime 10020500.60400.0000	376,398	<u>673</u>	377,071
Total Change to Expenditures		<u>\$218,473</u>	

Section 3. The 2003 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$24,576,936 is hereby increased by \$4,500 which, when added to the fund balance as of the City Council action on May 19, 2003 will equal \$24,581,436. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a printing deposit refund.

Section 4. The \$4,500 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
General – Miscellaneous 2000.43060.0000	\$150,000	<u>\$4,500</u>	\$154,500
Total Change to Revenues		<u>\$4,500</u>	
EXPENSES			
Professional Services 20015240.67800.0000	\$127,700	<u>\$4,500</u>	\$132,200
Total Change to Expenses		<u>\$4,500</u>	

Section 5. The 2002 appropriation for the General Capital Improvement Fund, initially appropriated by Ordinance No. 2977 in the amount of \$8,923,000 is hereby increased by \$1,933 which, when added to the fund balance as of the City Council action on May 19, 2003 will equal \$8,924,933. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of interest earnings.

Section 6. The \$1,933 increase in the General Capital Improvement Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Interest – 2001 COP’s 7500.42520.0215	\$0	<u>\$1,933</u>	\$1,933
Total Change to Revenues		<u>\$1,933</u>	
EXPENSES			
Public Safety Building-COPS 80175020127.80400.8888	\$15,594,136	\$859	\$15,594,995
US 36 Ramps 80175030056.80400.8888	4,621,973	<u>1,074</u>	4,623,047
Total Change to Expenditures		<u>\$1,933</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 19th day of May, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of June, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 19, 2003



SUBJECT: Building Permit and Development Fee Increases

Prepared By: Dave Horras, Chief Building Official
John Quinn, AICP, Planner II

Recommended City Council Action:

Adopt Resolution No. 19 establishing a new building permit fee schedule.

Pass Councillor’s Bill No. 28 on first reading amending the fees charged for land use and development reviews.

Summary Statement

City Council at their February 3, 2003 meeting directed Staff to return with a combined package of building and development fee increases for consideration and action. City Staff is recommending increases in the fees charged to builders and developers as part of the development review and building permitting process. The following fees are proposed to be established or increased:

- The building permit fee schedule is proposed to be increased by approximately 15%.
- Charging separate fees for the Concept Review and the Technical review of a Preliminary Development Plan (PDP), Official Development Plan (ODP), and amendments. The present fee charged is \$350 (x) sq. rt. of acres and the new fee will be \$400 (x) sq. rt. of acres for the plan reviews. The minimum fee being \$400.
- Increasing the fees for:
 - Minor Administrative Amendments from \$200 to \$250; and
 - Zoning Verification Letters from \$25 to \$50
- Charging a fee of \$50 plus \$20 per page for the recording of approved plans. (These fees are the same as currently charged by the Engineering Division for plats, etc.)
- Charging a fees for the documents listed below:
 - \$20 for each Plan Submittal Document;
 - \$25 for each Comprehensive Land use Plan document;
 - \$5 for each Northwest Comprehensive Plan document

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City of Westminster increase its building permit fee schedule and the fees charged for reviewing and processing various land use and development requests to recover a greater percentage of the City's costs. How much, if any, should the City subsidize the costs of providing these development related services?

Alternatives

Take no action. The alternative is not recommended because the cost of providing the service exceeds the revenues collected.

Delay any building permit fee increase until the 2002 cost analysis study results are completed. This alternative would delay addressing the inequity that exists between cost of services and the fees charged and Staff does not believe such a delay is warranted.

Background Information

Building Permit Fees

Building permit fees were last increased in September of 1998, almost five years ago. At that time the fees were increased by approximately 14% with a goal of recovering 90% of the development related expenses based on the development activity at that time.

Since the last permit fee increase the City has started performing a Comprehensive Cost Analysis. This is an annual review that the City first completed in 1999. The City contracts with economist Steven B. Fisher, PhD, to complete the annual Comprehensive Cost Analysis. The latest data that has been analyzed is from the 2001 calendar year. That data shows that the City recovered about 85% of the costs associated with permitting and inspection activities through the collection of building permit fees.

The 2002 analysis will not be completed until mid-year 2003, after the books are closed and the audit is complete on the past year. However, building permit valuation, which is what permit fees are directly based upon, was down about 26% for 2002. This is anticipated to result in a decrease in building permit fee revenue of between 20% and 25%. This decrease in valuation and revenue is due primarily to the decline in commercial development and occurred even though total permits were down only 5% and the number of permits issued for single-family construction was up about four percent (4%).

As part of the staff evaluation of the current building permit fee schedule, a survey of other local jurisdictions building permit fees was performed. The results of the survey showed that, based on the recommended fee schedule, the increased permit fees would be comparable with fees in other local jurisdictions.

As part of the process of preparing this building permit fee schedule increase proposal, Staff solicited comments from the Home Builders Association of Metropolitan Denver (HBA) and the Metro North Chamber of Commerce. Staff has met with the staff of the HBA and a group of local builders to respond to some questions about the proposed permit fee increase. The HBA staff has since responded that they will not oppose the proposed building permit fee increase. No comments were received from the Metro North Chamber of Commerce regarding the proposed building permit fee increase.

Development Review Fees

Current development review fees do not fully cover the costs to the City for Staff review. However, the proposed fees would provide double the fees now charged for the Preliminary Development Plan (PDP) and the Official Development Plan (ODP) review process and still keep the City competitive with surrounding jurisdictions.

After calculating the total fees for various projects within Westminster, Staff compared these fees with several metro area jurisdictions. As reviewed with City Council at the September 30, 2002, Study Session, this study indicates that Westminster could raise its development fees as proposed and still be in the mid-range of similar fees charged by other area jurisdictions.

Staff undertook a review of six different development projects, three residential and three retail/commercial. The total Staff review time and costs for all of individuals (in some cases as many as nine individuals are involved in a project review), and the review in department meetings were included in the analysis.

Three different types of residential projects were analyzed: a single-family detached, a single-family detached patio home and a single-family attached development. The average cost to the City for the review of the residential project was \$9,555. Under the present fee structure the applicant would be charged \$1,193. This would represent 12% of the actual cost to review the projects. If the new proposed fees are approved for these projects the average income to the City would be \$2,493. This would represent 26% of the actual cost to review the projects.

Three different types of retail/commercial projects were analyzed: a motel, an auto dealership, and a bank facility. The average cost to the City for the review of the retail/commercial projects was \$3,757. Under the present fee structure the applicant would be charged \$494. This would represent 13% of the actual cost to review the projects. If the new proposed fees are approved for these projects the average income to the City would be \$1,015. This would represent 27% of the actual cost to review the projects.

The detailed analysis of the proposed development fee and building permit fee increases were reviewed with City Council as part of the Staff Reports presented at the February 3, 2003 and May 5, 2003, Study Sessions respectively.

It is recommended that the proposed fee increases approved by City Council not become effective until September 1, 2003 allow developers and builders to properly plan and incorporate the new fees into their costs.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Resolution re: Building Fees
Ordinance re: Development Fees

RESOLUTION

RESOLUTION NO. **19**

INTRODUCED BY COUNCIL MEMBERS

SERIES OF 2003

ESTABLISHING BUILDING PERMIT FEES

WHEREAS, The City of Westminster has adopted the 2000 editions of the International Codes as the building and fire codes for the City; and

WHEREAS, the 2000 International Codes provide for fees to be paid to the City of Westminster for each building permit issued; and

WHEREAS, the City Council wishes to provide fair and uniform fees for building permits and services.

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

1. The City Council hereby adopts the schedule of fees associated with the International Building Codes as adopted by the City, as shown below; and
2. The fees shall become effective on September 1, 2003, and shall become due and payable by all persons applying for or holding a Building Permit issued by the City of Westminster

Fee Schedule. The following table is hereby adopted as the "Building Permit Fee Schedule" for the City of Westminster:

BUILDING PERMIT FEE SCHEDULE

TOTAL VALUATION	FEE
\$1 to \$500	\$19.50
\$501 to \$2,000	\$19.50 for the first \$500 plus \$2.65 for each additional \$100, or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$59.25 for the first \$2,000 plus \$11.90 for each additional \$1,000, or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$332.95 for the first \$25,000 plus \$8.55 for each additional \$1,000, or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$546.70 for the first \$50,000 plus \$5.95 for each additional \$1,000, or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$844.20 for the first \$100,000 plus \$4.60 for each additional \$1,000, or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$2,684.20 for the first \$500,000 plus \$3.95 for each additional \$1,000, or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$4,659.20 for the first \$1,000,000 plus \$2.65 for each additional \$1,000 or fraction thereof

Other Permit Fees

Miscellaneous Permit Fees:

Mobile Home Set-up w/elec	\$125.00
Construction trailer w/elec	\$125.00
Banners	\$25.00
Bus Bench	\$25.00
Election Sign	\$25.00
Permanent Sign	Per Fee Schedule

Miscellaneous SFD Residential Permit Fees:

Detached Storage Shed	\$20.00
Re-Siding	\$20.00
Re-Roofing	\$20.00
Water Heater Replacement	\$20.00
Air Conditioner*	\$20.00
Furnace Replacement*	\$20.00
Evaporative Cooler*	\$20.00
Lawn Irrigation Sprinkler	\$20.00
Aboveground Pool	\$42.50
Spas/Hot Tub*	\$20.00
Gas Log	\$20.00 **
Fence	\$20.00

Fire Department Fees

1. Operational permits, per event 50.00
2. Construction permits Based on valuation and assessed in accordance with the building permit fee schedule.

Other Inspections and Fees:

1. Inspections outside of normal business hours (minimum charge of two hours) \$50.00 per hr.
2. Reinspection fees \$50.00
3. Inspections for which no fee is specifically indicated \$50.00 per hr.
4. Additional plan review required by changes, additions, or other revisions to plans. \$50.00 per hr.
5. For use of outside consultants for plan review and inspection, or both actual costs***
6. Copies of previously issued Certificate of Occupancy \$5.00 each
7. Letter of code compliance \$25.00
8. Removal of stop work order \$250.00
9. Temporary Certificate of Occupancy 5% of building permit fee but not less than \$100.00
10. Plan Review Fee 65% of building permit fee
11. Estimated Use Tax 3-1/4% of 50% of total valuation

* May also require an electrical permit fee.

** See Section 11-9-3(E)2 for exceptions.

*** Actual costs are those above and beyond the plan review fee as established by Section 11-9-3(E)4.

PASSED AND ADOPTED this 19th day of May, 2003.

ATTEST:

Mayor

City Clerk

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
LAND USE AND DEVELOPMENT REVIEW FEES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-1-6, W.M.C., is hereby AMENDED to read as follows:

11-1-6: ~~PLANNING AND ENGINEERING~~ LAND USE AND DEVELOPMENT REVIEW FEE SCHEDULE: AN APPLICANT FOR ANY OF THE FOLLOWING LAND USE OR DEVELOPMENT REVIEWS SHALL PAY IN ADVANCE THE CORRESPONDING FEE OR FEES:

~~PLANNING AND ENGINEERING DEVELOPMENT REVIEW FEE SCHEDULE~~

(A) Review Fees:

Fees

~~Plan Review:~~

PDP or amendment – CONCEPT REVIEW	\$350 (x) sq. rt. of acres (\$350 min.)
PDP OR AMENDMENT – TECHNICAL REVIEW MIN.)	\$350 (X) SQ. RT. OF ACRES (\$350 MIN.)
ODP or amendment – CONCEPT REVIEW	\$400 (x) sq. rt. of acres (\$400 min.)
ODP OR AMENDMENT – TECHNICAL REVIEW MIN.)	\$400 (X) SQ. RT. OF ACRES (\$400 MIN.)
Combined PDP/ODP (including amendments)	
CONCEPT REVIEW	\$550 (x) sq. rt. of acres (\$550 min.)
TECHNICAL REVIEW	\$550 (X) SQ. RT. OF ACRES (\$550 MIN.)
Rezoning	\$500
Annexation	\$300
Comprehensive Land Use Plan Amendments	\$500
Minor Administrative Amendment	\$200 \$250
Public Hearing	\$350
ODP Waiver	\$250
Special Use Permit	\$450
Temporary Use Permit	\$100
Conditional Use	\$250
Construction Drawing Reviews	\$750 + \$75 times the sq. rt. of acres (\$1125 max)
Minor Replat (Lot Line Adjustment)	\$300
Vacations (R.O.W. and Easements)	\$300
Land Disturbance Permits	\$250
R.O.W./Street Cut Permit	\$50

(B) Other Service Fees

Zoning Verification Letter	\$25 \$50
Affidavit of Correction	\$100
RECORDING FEES	\$50 + \$20/Page
Flood Plain Information (non-residential only)	\$20

(C) Document Fees

PLAN SUBMITTAL DOCUMENT	\$20
COMPREHENSIVE LAND USE PLAN	\$25
NORTHEAST COMPREHENSIVE DEVELOPMENT PLAN	\$5
COPIES OF PLANS ON FILE	\$5/Page

APPLICATIONS REQUIRING ADDITIONAL OR MODIFIED SUBMITTALS WILL BE CONSIDERED ABANDONED IF THE REQUIRED SUBMITTAL OR RESUBMITTAL IS NOT MADE WITHIN 180 DAYS OF THE LAST SUBMITTAL AND A NEW APPLICATION AND NEW FEE WILL BE REQUIRED.

Construction Drawing Reviews include, but are not limited to, Final Plats, Address Plats, Construction Drawings, and Public Improvements Agreements (PIA)

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 19th day of May, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of June, 2003.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, May 19, 2003. Present at roll call were Mayor Moss, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent was Mayor Pro-Tem Atchison.

The minutes of the May 12, 2003 meeting were approved.

Council presented the following: Proclamation re Westminster Customer Champion to Richard Rush of Outback Steak House and Employee Service Awards for 20 and 25 years of service.

Council took action on the following: Reclaimed Water Main Extensions contract with Tierdael Construction for \$347,228; Special Legal Services for Pension Plan Review with Sherman and Howard PC; Quarterly Insurance Report January to March, 2003.

The following Councillor's Bills were passed and adopted as emergency ordinances:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS. Purpose: Amending calculation of land area for economic development projects eligible for administration approval.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE APPLICATION PROCEDURES FOR OFFICIAL DEVELOPMENT PLANS. Purpose: Approval of ODP's for WEDA redevelopment projects

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

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND. Purpose: Adding \$15,000 JeffCo Joint Venture Grant money for City Park Disc Golf project

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE GENERAL, UTILITY, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THESE FUNDS. Purpose: Appropriation of unanticipated revenues received.

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING LAND USE AND DEVELOPMENT REVIEW FEES. Purpose: Amending fees charged for land use and development review.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT FOR THE WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

A BILL FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO CHURCH RANCH CORPORATE CENTER IN WESTMINSTER

A BILL FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF AND OPEN SPACE FUND AND DECREASING THE 2002 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

Resolution No. 19 was tabled regarding a new building permit fee schedule.

At 7:35 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on May 29, 2003

ORDINANCE NO. **3022**

COUNCILLOR'S BILL NO. **19**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Kauffman

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT
FOR THE WAL-MART EXPANSION AT WESTFIELD SHOPPING CENTER**

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 creating assistance for occupancy of existing retail space in the City; and

WHEREAS, Wal-Mart plans to expand the current facility 78,000 square feet at 94th Avenue and Sheridan, in the Westfield Shopping Center and improve the traffic patterns within the parking lot; and

WHEREAS, a proposed Assistance Package between the City and Wal-Mart is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Wal-Mart 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 12th day of May 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May 2003.

ORDINANCE NO. **3023**

COUNCILLOR'S BILL NO. **20**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-McNally

**A BILL
FOR AN ORDINANCE AUTHORIZING AN ASSISTANCE AGREEMENT WITH
LOCKHEED MARTIN CORPORATION TO AID IN THEIR RELOCATION TO
CHURCH RANCH CORPORATE CENTER IN WESTMINSTER**

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

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

WHEREAS, Lockheed Corporation plans to occupy 20,000 square feet in the four story office building at Church Ranch Corporate Center, off of US 36 and Church Ranch Boulevard in Westminster, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with Lockheed Martin Corporation 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 12th day of May 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May 2003.

ORDINANCE NO. **3024**

COUNCILLOR'S BILL NO. **21**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
McNally-Atchison

A BILL

FOR AN ORDINANCE DISCONNECTING A PARCEL OF LAND LOCATED IN THE SOUTHWEST ¼ OF SECTION 20, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.

WHEREAS, City Council has received a petition from Michael Day and Glenna Day, owners of a certain parcel previously annexed to the City, for disconnection of the parcel; and

WHEREAS, said parcel was inadvertently included in the annexation known as Standley Lake Open Space and Recreation Area; and

WHEREAS, disconnection of the parcel is in the best interests of the property owners and the City.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. The parcel known as 12785 West 89th Avenue, Westminster, Colorado, more particularly described as follows:

A parcel of land in the Southwest ¼ of Section 20, Township 2 South, Range 69 West of the sixth Principal Meridian, more particularly described as follows:

Beginning at a pin and cap on the South line of said Section 20, being South 89 degrees 46 minutes 49 seconds East 1321.52 feet from the Southwest corner of said Section 20,

Thence North 00 degrees 00 minutes 53 seconds East 800.30 feet to an existing pin and cap: thence South 89 degrees 58 minutes 00 seconds East 271.80 feet to a point: thence South 01 degrees 12 minutes 15 seconds East 801.87 feet to a point: thence North 89 degrees 51 minutes 02 seconds West 288.80 feet to the point of beginning, County of Jefferson, State of Colorado.

Said above described property is hereby disconnected from the City of Westminster. This ordinance shall be recorded in the official records of Jefferson County, Colorado.

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 12th day of May, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

SERIES OF 2003

INTRODUCED BY COUNCILLORS
McNally-Atchison

A BILL

FOR AN ORDINANCE INCREASING THE 2002 BUDGETS OF AND OPEN SPACE FUND AND DECREASING THE 2002 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2002 ESTIMATED REVENUES IN THESE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2002 appropriation for the General Fund initially appropriated by Ordinance No. 2913 in the amount of \$69,324,181 is hereby decreased by \$ 178,248 which, when subtracted from the fund balance as of the City Council action on May 12, 2003 will equal \$78,810,149. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This net decrease is due to the appropriation of lease proceeds and the correction of carryover that was inadvertently appropriated twice.

Section 2. The \$178,248 net decrease in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Other Financing Source Note Proceeds 1000.46000.0225	\$0	\$354,785	\$354,785
Carryover 1000.40020.0000	10,332,958	<u>(533,033)</u>	9,799,925
Total Change to Revenues		<u>\$(178,248)</u>	
EXPENSES			
Other Financing Use 10010900.78800.0000	\$0	\$354,785	\$354,785
Other Expenditures – Misc 10010900.79400.0000	533,033	<u>(533,033)</u>	0
Total Change to Expenditures		<u>\$(178,248)</u>	

Section 3. The 2002 appropriation for the Open Space Fund, initially appropriated by Ordinance No. 2913 in the amount of \$4,761,666 is hereby increased by \$157,500 which, when added to the fund balance as of the City Council action on May 12, 2003 will equal \$8,155,286. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a open space land purchases contributions.

Section 4. The \$157,500 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Contributions 5400.43100.0000	\$500	\$157,500	\$158,000
Total Change to Revenues		<u>\$157,500</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$7,896,136	<u>\$157,500</u>	\$8,053,636
Total Change to Expenditures		<u>\$157,500</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 12th day of May, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

ORDINANCE NO. **3026**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Dittman

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
NOMINATING PETITIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 7-1-5, W.M.C., is hereby AMENDED to read as follows:

7-1-5: NOMINATING PETITIONS: ~~All~~ Nominating petitions for the office of Council or Mayor MAY BE CIRCULATED AND SIGNED BEGINNING ONE HUNDRED FORTY-FIVE (145) DAYS PRIOR TO THE ELECTION, AND shall be filed ~~not earlier than ninety (90) days and~~ not later than sixty (60) days before the election.

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 12th day of May, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 19th day of May, 2003.

ORDINANCE NO. **3027**

COUNCILLOR'S BILL NO. **24**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Hicks

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-5-8, subsection (B)1.(c), of the Westminster Municipal Code, is hereby AMENDED to read as follows:

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS:

(B) Approval Process for ODP's:

1. Administrative Approvals. The City Manager may, but shall not be required to, approve any ODP or ODP waiver without hearing or notice which:
 - (a) Does not introduce a new land use.
 - (b) Meets all requirements of the zoning district in which it is located, and the requirements of any PDP for the property.
 - (c) Does not involve a parcel or lot more than 10 acres in size, or involves a proposed non-residential development of 20 acres or less in size, EXCLUSIVE OF PROPERTY INTENDED FOR OR DESIGNATED FOR FUTURE PUBLIC OWNERSHIP OR DEDICATION FOR OPEN SPACE, PARKS, RIGHTS-OF-WAY OR OTHER PUBLIC USES, that is determined by the City Manager to further the City's economic development goals and if such development meets guidelines established by City Council to qualify for economic development assistance.

Section 2. In order to protect against the possible loss of significant economic development opportunities both pending and on the immediate horizon, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on May 19, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 19th day of May, 2003.

ORDINANCE NO. **3028**

COUNCILLOR'S BILL NO. **25**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dixon-Hicks

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING THE APPLICATION PROCEDURES FOR OFFICIAL DEVELOPMENT PLANS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-5-8, subsection (A), W.M.C., is hereby amended BY THE ADDITION OF A NEW SUBSECTION 5 to read as follows:

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS (ODP'S):

(A) Application Procedures for ODP's:

5. CITY MAY INITIATE AN APPLICATION FOR AN ODP WITHOUT THE CONSENT OF THE PROPERTY OWNER OR OWNERS FOR ANY REDEVELOPMENT PROJECT WITHIN AN URBAN RENEWAL AREA; PROVIDED, HOWEVER, THE APPROVAL OF ANY SUCH APPLICATION SHALL BE CONDITIONAL AND NOT EFFECTIVE UNTIL SUCH TIME AS ALL PROPERTY COVERED BY THE ODP HAS BEEN ACQUIRED BY THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY OR ITS DESIGNATED REDEVELOPER FOR THE PROJECT. IN SUCH EVENT, THE ABOVE APPLICATION PROCEDURES OF THIS SUBSECTION (A) SHALL NOT BE APPLICABLE.

Section 2. In order to protect against the possible loss of significant economic development opportunities both pending and on the immediate horizon, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on May 19, 2003, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 19th day of May, 2003.