



WESTMINSTER

COLORADO

AGENDA

SPECIAL CITY COUNCIL MEETING

MONDAY, JUNE 2, 2003

AT 7:00 P.M.

1. Pledge of Allegiance

2. Roll Call

3. Purpose of Special Council Meeting

A. Intergovernmental Agreement with Westminster Economic Development Authority

4. Adjournment



W E S T M I N S T E R

City of Westminster

May 28, 2003

Office of the Mayor

4800 West 92nd Avenue
Westminster, Colorado
80031-6387

303-430-2400

FAX 303-428-4564

Michele Kelley, City Clerk
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

Dear Michele:

Please call a special meeting of the City Council for Monday, June 2, 2003 at 7:00 P.M. to be held at City Hall in the City Council Chambers, located at 4800 West 92nd Avenue, for the following purpose:

Intergovernmental Agreement with Westminster
Economic Development Authority

Sincerely,

Ed Moss
Mayor



WESTMINSTER

City of Westminster
General Services
Department

City Clerk's Office

4800 West 92nd Avenue
Westminster, Colorado
80031-6387

303-430-2400

FAX 303-428-4564

May 28, 2003

To All Members of City Council:

A special meeting of the City Council has been set for Monday, June 2, 2003 at 7:00 P.M. to be held at City Hall Council Chambers, located at 4800 West 92nd Avenue, for the following purpose:

Intergovernmental Agreement with
Westminster Economic Development
Authority

Sincerely,

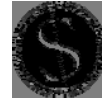
Michele Kelley
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

Special City Council Meeting
June 2, 2003



SUBJECT: Intergovernmental Agreement with Westminster Economic Development Authority

Prepared By: Mary Ann Parrot, Finance Director
Vicky Bunsen, Assistant City Attorney

Recommended City Council Action:

Authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) to advance \$750,000 to WEDA for the purpose of purchasing the Mortensen parcel as soon as possible, in furtherance of the development of the Mandalay Gardens redevelopment project.

Summary Statement

- Land acquisition activity for the Mandalay Gardens project is on schedule to be completed by July 3rd. However, there is an immediate need to purchase the Mortenson property as soon as possible due to their personal circumstances, which make it extremely difficult for them to wait until July 3rd to sell their property.
- WEDA does not have cash, at this time, to purchase the property. Therefore Staff is recommending the City advance funds to WEDA to allow purchase of this property. The funds for this short term need would come from funds available in the General Capital Improvement Fund.
- WEDA anticipates issuing bonds the first week of August, but not later than December 31, 2003 to fund land acquisition and infrastructure improvements for the Mandalay Gardens project. Under the terms of the attached IGA, WEDA will use a portion of the bond proceeds to repay the City for its advance.

Expenditure Required: Not to exceed \$750,000

Source of Funds: General Capital Improvement Fund

Policy Issues

Should the City advance to WEDA \$750,000 for the purchase of the Morensen property prior to Target's final approval of the project and execution of a development agreement with RED, subject to the agreement with WEDA that it repay the City from bond proceeds prior to December 31, 2003.

Alternatives

Do not enter into an Intergovernmental Agreement with WEDA to advance WEDA the funds to acquire the property now. This is not recommended due to the serious personal situation faced by the sellers if they cannot close as soon as possible

Background Information

Since the selection of RED Development as the developer of the Mandalay project, progress on land acquisition, project development and financing has been very good. However, one landowner is facing serious circumstances that should be addressed immediately. There is an urgent need to acquire the Mortensen property as soon as possible so that the owners can move immediately and prepare to deal with their personal circumstances.

WEDA does not have sufficient cash on hand to purchase the property at this time therefore, the Authority must locate another source of funds. The City has cash in the General Capital Improvement Fund that can be advanced to WEDA on a short-term basis to permit the Authority to purchase is parcel. The cash that is available in the General Capital Improvement Fund could be advanced to WEDA on a short term basis before year end without in any way impairing Capital Improvement projects.

WEDA anticipates issuing debt in early August to fund the purchase of land in the Mandalay Gardens project area and to finance the costs of infrastructure improvements in the area that are necessary to support development. WEDA by separate action will be agreeing to repay the City the short term advance of \$750,000 thru the issuance of funds as mentioned.

The Intergovernmental Agreement attached formalizes the agreement between the City and WEDA whereby the City will advance funds to WEDA and WEDA will repay the amount advanced by December 31, 2003.

Staff will be prepared at the June 2 Special City Council meeting to answer City Council questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER
AND THE WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this _____ day of June, 2003, by and between **THE CITY OF WESTMINSTER**, a home-rule municipal corporation ("City") and the **WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY** ("Authority").

WHEREAS, the City is a Colorado home-rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the Authority is a Colorado urban renewal authority, with all the powers and authority granted to it pursuant to part 1 of Article XXV of Title 31, Colorado Revised Statutes; and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and part 2 of Article I of Title 29, Colorado Revised Statutes, the City and the Authority are authorized to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each governmental entity; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with the Authority in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of the Authority, and to enter into agreements with the Authority respecting such actions to be taken by the City; and

WHEREAS, the City and WEDA are parties to a certain Agreement of Cooperation dated November 11, 1991, and a "1997 Cooperation Agreement" dated December 15, 1997, concerning the redevelopment of the Westminster Plaza Urban Renewal Area, as well as future redevelopment projects (the "Cooperation Agreements"); and

WHEREAS, the "Mandalay Gardens Area" is approximately 65 acres of property located at approximately the northwest corner of the intersection of US Highway 36 and Church Ranch Boulevard in the City of Westminster; and

WHEREAS, on March 17, 2003, the Westminster City Council adopted an Urban Renewal Plan for the Mandalay Gardens Area pursuant to the Colorado Urban Renewal Law; and

WHEREAS, the Authority is a party to a purchase contract with Gary D. and Donna J. Mortensen dated May 9, 2003, for the purchase of their parcel; and

WHEREAS, the City and the Authority now wish to supplement the Cooperation Agreements with this Agreement to set forth their respective obligations to the other concerning advancing funds to WEDA to close early on the Mortensen property;

NOW, therefore, the parties agree as follows:

1. The City agrees to provide an amount not to exceed \$750,000 for the purchase of the Mortensen property and for the associated closing costs on the property.
2. The Authority agrees to repay the City the funds provided to the Authority pursuant to paragraph 1 above not later than December 31, 2003. The Authority shall hold such funds in an interest-bearing account and shall be responsible for closing the Mortensen contract; however, the repayment to the City shall be without interest.

3. Nothing herein shall be deemed or construed as modifying the Cooperation Agreements except as specifically set forth herein.

CITY OF WESTMINSTER

**WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Ed Moss, Mayor

Ed Moss, Chairman

Attest:

Attest:

Michele Kelley, City Clerk

Secretary

Summary of Proceedings

Summary of proceedings of the City of Westminster Special City Council meeting of Monday, June 2, 2003.

Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally.

Council approved the Intergovernmental agreement with WEDA to advance \$750,000 for the purchase of the Mortensen parcel.

The meeting adjourned at 7:05 P.M.

By order of the Westminster City Council

Michele Kelley, City Clerk

Published in the Westminster Window on June 12, 2003.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE SPECIAL CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 2, 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, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman, and McNally were present at roll call. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

PURPOSE OF SPECIAL MEETING:

Mayor Moss stated that the purpose of the Special Meeting is to consider an IGA with WEDA regarding the Mandalay Gardens redevelopment project.

IGA WITH WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY:

Mayor Pro Tem Atchison moved, seconded by Councillor Dixon to authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) to advance \$750,000 to WEDA for the purpose of purchasing the Mortensen parcel as soon as possible, in furtherance of the development of the Mandalay Gardens redevelopment project. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:05 P.M.

ATTEST:

City Clerk

Mayor