



WESTMINSTER
COLORADO

JUNE 9, 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. Youth Advisory Panel Member Recognition
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. West 106th Ave Reconstruction – Award Contract
 - B. April Financial Report
 - C. Huron Street Design Addendum to Contract
 - D. Councillor's Bill No. 26 re City Park Disc Golf Supplemental Appropriation (Dittman-Dixon)
 - E. Councillor's Bill No. 27 re 1st Quarter Supplemental Appropriation (Kauffman-Dittman)
9. Appointments and Resignations
 - A. Resolution No. 21 re Resignations and New Appointment to Human Services Board
10. Public Hearings and Other New Business
 - A. TABLED Resolution No. 19 re Building Permit Fees
 - B. Councillor's Bill No. 29 re Amendment to Church Ranch Hotel Co II LLC Agreement
 - C. Resolution No. 20 re Ambulance Billing Fee Schedule
 - D. Councillor's Bill No. 30 re 112th & Federal Intersection Project
 - E. 112th & Federal Intersection Project Expenditures
 - F. 112th & Federal Intersection Project Contract with DeFalco Lee Construction Co
 - G. Lowell Boulevard Waterline Construction
 - H. Councillor's Bill No. 31 re 2003 CDBG Fund Appropriation
 - I. Councillor's Bill No. 32 Supplemental Approp re Carroll Butts Park & Big Dry Creek Trails
 - J. IGA with WEDA to Advance Funds for Land Acquisition for Mandalay Gardens
11. Old Business and Passage of Ordinances on Second Reading
 - A. Councillor's Bill No. 28 re Building Permit and Development Fees (McNally-Dittman)
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Mandalay Redevelopment
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 9, 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. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Councillor McNally to approve the minutes of the meeting of May 19, 2003 with no corrections or additions. The motion carried unanimously.

Councillor Dittman moved, seconded by Councillor Dixon to approve the minutes of the meeting of June 2, 2003 with no corrections or additions. The motion carried unanimously.

PRESENTATIONS

Mayor and Councilmembers recognized the following outgoing members of the Youth Advisory Panel: Sophia Rutledge, Danielle Kirger, Stefan Elsener, Jessika Strickland, Saprina Grant, Tyler Coates, Michelle Backstrom, Janelle Canino, and Nicolette Dufour.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the Youth Advisory Panel, that Standley Lake is full, there has been a 17% decrease in water consumption from 2001, and the 4th of July celebration at City Park.

CITY COUNCIL COMMENTS

Councillor Dixon commented on the Rocky Flats tour of the last standing building with plutonium. This building is in the process of being demolished.

Mayor Moss commented on the Rocky Mountain News essays for Father's Day, and a Westminster resident, David Knapp had an essay written by his daughter selected on why he is her hero. Mr. Knapp is the Principal of Cotton Creek Elementary School in Westminster.

CONSENT AGENDA

The following items were considered as part of the consent agenda: West 106th Avenue Reconstruction Contract Award to Asphalt Specialties, Inc.; authorize the expenditure of \$421,849 for this contract, \$30,000 for construction engineering activities, and a construction contingency of \$40,000 to be placed in a separate account, and charge the expense to the appropriate capital project account; April Financial Report; Huron Street Design Addendum to Contract with Felsburg Holt and Ullevig to expand the scope of their engineering design contract for Huron Street north to approximately 140th Avenue; authorize \$104,205 for the cost of the additional work; CB No. 26 re City Park Disc Golf Supplemental Appropriation; and CB No. 27 re 1st Quarter Supplemental Appropriation.

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 Dixon moved, seconded by Councillor McNally to adopt the consent agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 21 RE RESIGNATIONS AND APPOINTMENT TO HUMAN SERVICES BOARD

Councillor McNally moved, seconded by Atchison to adopt Resolution No. 21 formally accepting the resignations of Brian Lunning from the Board of Adjustment, and Jerry Hersey from the Human Services Board and appointing Kaaren Hardy to the Human Services Board with the term of office to expire December 31, 2003. Upon roll call vote, the motion carried unanimously.

TABLED RESOLUTION NO. 19 RE BUILDING PERMIT FEE INCREASE

Mayor Pro-Tem Atchison moved, seconded by McNally to remove Resolution No. 19 from the table. The motion carried unanimously.

Mayor Pro-Tem Atchison moved, seconded by Dixon to adopt Resolution No. 19 establishing a new building permit fee schedule. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 29 RE AMENDMENT TO CHURCH RANCH HOTEL BAP

Councillor Kauffman moved, seconded by McNally to adopt Councillor's Bill 29 on first reading authorizing the City Manager to execute the amendment to the business assistance package between the City of Westminster and Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC. Mayor Moss asked to abstain from voting on this issue. Upon roll call vote, the motion carried with a dissenting vote from Atchison and Mayor Moss abstaining.

RESOLUTION NO. 20 RE AMBULANCE FEE SCHEDULE

Councillor McNally moved, seconded by Dixon to adopt Resolution No. 20 establishing a new ambulance fee schedule. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 30 RE 112TH AVENUE AND FEDERAL BLVD INTERSECTION

Councillor Dittman moved, seconded by Atchison to pass Councillor's Bill No. 30 on first reading which does the following: Appropriates \$588,202 to the 112th Avenue and Federal Boulevard Northeast Intersection project account; Authorizes the transfer of \$392,141 from the Sheridan Boulevard, 113th Avenue to 118th Avenue Project account; Authorizes the transfer of \$19,247 from the 92nd Avenue/ US 36 On/Off Ramps project; Authorizes a payment of \$31,429 from the Reclaimed Customer Connection Account 2003 Utility Fund CIP; and All of the above to create a project budget in the amount of \$1,031,019. Upon roll call vote, the motion carried unanimously.

112th & FEDERAL BLVD INTERSECTION PROJECT EXPENDITURES

Councillor Dittman moved, seconded by Atchison to approve expenditures for the project budget that include the following: \$855,091 for the construction; \$37,925 for construction engineering services; \$9,739 for materials testing services; and a construction contingency of \$128,264, or 15% of the bid amount to be held in a separate account. All of the above equal the project budget of \$1,031,019. The motion carried unanimously.

112TH & FEDERAL INTERSECTION PROJECT CONTRACT WITH DEFALCO LEE CONSTRUCTION

Councillor Dittman moved, seconded by McNally to authorize the City Manager to execute an agreement with DeFalco Lee Construction Company in the amount of \$855,091 for the construction of the 112th Avenue and Federal Boulevard Intersection Improvements Project; and authorize payments for the above expenses from the 112th Avenue/Federal Boulevard Northeast Intersection Project account in the General Capital Improvement Project fund and the 2003 Utility Fund. The motion carried unanimously.

COUNCILLOR'S BILL NO. 32 SUPP.APPROPRIATION CARROL BUTTS/BIG DRY CREEK TRAILS

Councillor Hicks moved, seconded by Dittman to pass Councilor's Bill No. 32 on first reading authorizing a supplemental appropriation in the amount of \$500,000 reflecting the City's receipt of an Adams County Open Space Grant for Carroll Butts Park renovations in the amount of \$250,000 and reflecting the City's receipt of an Adams County Open Space Grant for construction of new trails located at Big Dry Creek and I-25 in the amount of \$250,000. Upon roll call vote, the motion carried unanimously.

CONSTRUCTION OF LOWELL WATERLINE

Councillor Dixon moved, seconded by Dittman to authorize the City Manager to execute a contract with Farner Enterprises, Inc. in the amount of \$220,050 for construction of the Lowell Boulevard waterline; authorize \$22,005 for a 10% contingency to be held in a separate account; create a separate CIP account for this project to more easily trace progress and expenses; and move \$242,055 from waterline maintenance and replacement project account. The motion carried unanimously.

COUNCILLOR'S BILL NO. 31 RE 2003 CDBG FUND APPROPRIATION

Councillor Dittman moved, seconded by McNally to pass Councillor's Bill No. 31 on first reading to appropriate 2003 CDBG funds in the amount of \$696,000. Upon roll call vote, the motion carried unanimously.

IGA WITH WEDA TO ADVANCE FUNDS FOR LAND ACQUISITION FOR MANDALAY GARDENS

Mayor Pro-Tem Atchison moved, seconded by Kauffman to authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) to advance \$11,500,000 through the use of short term cash in the General Capital Improvements Fund for the purchase of 20 parcels of land to further the Mandalay Gardens Town Center project, contingent on the approval of the project by the Target Capital Project Review committee at their meeting on June 25. These funds shall be repaid to the City no later than December 31, 2003. The motion carried unanimously.

COUNCILLOR'S BILL NO 28 AMENDING FEES FOR LAND USE/DEVELOPMENT REVIEWS

Councillor McNally moved, seconded by Dittman to pass Councillor's Bill No. 28 on second reading amending the fees charged for land use and development fees. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated that there would be an executive session regarding the Mandalay Gardens Redevelopment.

ADJOURNMENT:

The meeting was adjourned at 7:40 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003

SUBJECT: 2003 Youth Advisory Panel Members Outgoing Graduating Seniors Recognition

Prepared By: Cindy McDonald, Staff Liaison
Dee Martin, Staff Liaison

Recommended City Council Action:

Recognize the service of the nine graduating Seniors from the 2002-2003 Youth Advisory Panel.

Summary Statement:

- City Council action is requested to recognize and acknowledge the service of the nine graduating Seniors from the 2002-2003 Youth Advisory Panel:

Sophia Rutledge	Arvada High School	1999-2003
Danielle Kriger	Northglenn High School	2001-2003
Stefan Elsener	Pomona High School	2002-2003
Jessika Strickland	Pomona High School	1999-2003
Saprina Grant	Ranum High School	2000-2003
Tyler Coates	Regis High School	2001-2003
Michelle Backstrom	Standley Lake High School	2002-2003
Janelle Canino	Standley Lake High School	2002-2003
Nicolette Dufour	Standley Lake High School	2002-2003

- City Council is requested to honor each outgoing member with a plaque.

Expenditure Required: \$0

Source of Funds: n/a

Policy Issue

There are no policy issues in regard to this item.

Alternative

No alternatives identified.

Background Information

On September 13, 1999, City Council adopted Resolution No. 68 creating the Westminster Youth Advisory Panel. On October 25, 1999, the City Council appointed the first Youth Advisory Panel. Since 1999, the panel has worked with Staff on a variety of issues. The term of each Panel is one year, with reappointment possible up to four terms.

Since 1999, the Youth Advisory Panel has been very active in the community. In addition to attending monthly formal meetings, the panel each year takes part in regular community service projects. These diverse events have touched the community in many unique ways. They include helping at the Holy C.O.W. Stampede (a Parks, Recreation and Libraries race to raise proceeds for youth programs), conducting a winter Great American clean up along 104th Avenue, providing volunteer help for the Westminster Holiday Lighting Ceremony, delivering a special meal to the Gemini Youth Center, and participating in the Westminster Community Pride Day. By being an active part of the community, the YAP has fulfilled a goal of reaching out to the Westminster community in order to make a difference in the places where members attend school and live. The Panel has continued these very diverse and ambitious community services goals for the 2002/2003 school year. Project highlights include making and giving away food to two area homeless shelters, adopting a family for the holidays through ARC, reading books to Kindergarten children at Cotton Creek Elementary School and assisting at the upcoming annual Father Daughter Ball presented by Westminster Parks, Recreation and Libraries.

In the Spring of 2003, there are nine departing Seniors who are graduating from area High Schools. All of these students have represented their schools with pride and have been an integral part of the Westminster Youth Advisory Panel.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: West 106th Avenue Reconstruction—Award Contract for Construction

Prepared By: Stephen C. Baumann, Assistant City Engineer

Recommended City Council Action

Award the contract for construction of the 106th Avenue Improvements to Asphalt Specialties, Inc.; authorize the expenditure of \$421,849 for this contract, \$30,000 for construction engineering activities, and a construction contingency of \$40,000 to be placed in a separate account, and charge the expense to the appropriate capital project account.

Summary Statement

- Between Oak Street and Johnson Street, 106th Avenue has been only partially improved for over 20 years. In the past few years, residents in that neighborhood brought attention to speeding traffic and other safety issues along 106th Avenue. The street needs to be crossed by students going to Witt Elementary and Standley Lake High School. City Council gave priority to developing improvement plans that addressed these concerns, and budgeted \$600,000 in 2002 and 2003 for design and construction.
- City staff has worked with neighborhood representatives and completed plans for reconstructing 106th Avenue between Oak Street and Johnson Street. The project will install new curb, sidewalk and paving, and incorporate several permanent traffic calming devices, including pedestrian crossings at Moore Street and Nelson Street. Construction of the improvements is scheduled to be completed in mid August 2003 to coincide with the reopening of Jefferson County schools.
- Nine bidders proposed on the project. The lowest bidder was Asphalt Specialties, Inc., with a bid of \$421,848.83. Asphalt Specialties is an experienced contractor, has satisfactorily completed similar projects in Westminster, and meets the requirements for award of the contract. In addition to the contract amount, authorization is sought for expenditures of up to \$30,000 for construction engineering observation by the design engineer, Burns and McDonnell and \$40,000 for a construction contingency to be placed in a separate account

Expenditure Required: \$491,849.00

Source of Funds: General Capital Improvements Project Account

Policy Issue

There are no policy issues associated with the award. City Council has directed that the project proceed and has appropriated funds for that purpose.

Alternatives

- Alternatives include postponing or abandoning the project. Given the commitments made previously, these alternatives are not recommended.
- Council could also choose to award the contract to a contractor other than Asphalt Specialties, Inc. Since Asphalt Specialties is the lowest responsible bidder and meets all other criteria for award of the contract, this alternative is not recommended.

Background Information

The north half of West 106th Avenue was built between Oak Street and Johnson Street by the developer of the Countryside Subdivision, Filings Three and Four in the mid 1970's. The eastern 500 feet of this 2900-foot reach of residential collector street was completed with the development of the Walnut Grove Subdivision (see attached Vicinity Map). Several proposals for the development of the adjoining property on the south side of 106th Avenue were made over the years, but eventually that property was purchased by the City as the Countryside Open Space.

The neighborhood has for some time had concerns about the two-lane street, including the poor sight distance at two intersecting streets (Moore Street and Nelson Street), the lack of pedestrian facilities, and drivers speeding along this narrow corridor. Occasionally, drivers were joyriding in the open space where no curb was present to dissuade access. 106th Avenue is also a regular route for students driving to Standley Lake High School. These concerns were brought to City Council's attention in 2001. The combination of these elements with 106th Avenue being a crossing location for elementary school students headed to and from Witt Elementary School made improving 106th Avenue a high priority.

\$50,000 was budgeted in 2002 for design activities. Using Carryover funds, Council also appropriated an additional \$550,000 to construct the 106th Avenue improvements in 2003. The design effort was pursued with the input of the neighborhood. Plans have been completed and consist of a reconstruction of most of the existing half-width street to a fully improved facility. It will include an eight-foot detached sidewalk along the south side of 106th Avenue adjacent to the open space, new curb and paving, and the incorporation of raised pedestrian crosswalks at Nelson Street and Moore Street. These features, along with new median islands at the 106th Avenue approaches to Oak Street and Johnson Street will address the neighborhood's safety concerns.

Bids on the project plans were received from nine contractors, with the following results. The results have been corrected for a mistake in the unit amounts used for median patterned concrete. The bid documents identified 177 square feet of this work, when in fact, there are 177 square yards. The per square foot unit cost proposed by each contractor for median patterned concrete was used to determine the corrected cost of that item and the difference was applied to the bid totals of each contractor. The low bidder was unchanged by this correction, and the order of bids is the same except for that of the seventh and eighth highest bids.

SUBJECT: 106th Avenue Improvements Construction Contract**Page 3**

<u>Contractor</u>	<u>Bid Amount</u>	<u>Corrected Bid Amount</u>
Asphalt Specialties, Inc.	\$399,304.83	\$421,848.83
Aggregate Industries	\$437,032.15	\$450,135.85
Castle Rock Construction	\$449,502.95	\$461,479.45
ABCO	\$462,302.95	\$479,210.95
Scott Contracting	\$479,065.85	\$487,519.85
Technology Constructors, Inc.	\$486,258.75	\$496,262.65
Citywide	\$497,007.60	\$517,438.10
Concrete Works of Colorado, Inc.	\$500,575.56	\$509,029.56
Concrete Express, Inc.	\$567,600.45	\$577,040.75

The low bidder, Asphalt Specialties, Inc. is an experienced contractor and meets all other requirements for award of the 106th Avenue Improvements contract. The company has built several projects in the City, including the Federal Boulevard Extension and the improvements to Sheridan Boulevard north of 112th Avenue. In addition to the construction cost of \$421,848.83, authorization is being requested for \$30,000 for construction engineering and quality control services by Burns and McDonnell, the project's design engineer, and a construction contingency of \$40,000 to be placed in a separate account. This will leave a surplus in the project appropriation of approximately \$55,000.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Financial Report for April 2003

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for April as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report; this reflects March sales and use tax receipts received in April. A summary of key points of the shopping center report is as follows and shows mixed results from March to April:

YTD	March-03	April-03	ONE-MONTH	March-03	April-03
Top 25 Ctrs			Top 25 Ctrs		
-S&U Tx	-7%	-7%	-S&U Tx	-8%	-9%
-STX Returns Only	-7%	-8%	-STX Returns Only	-7%	-10%
Westm Mall	-11%	-10%	Westm Mall	-14%	-7%

Key features of the monthly financial report for April are as follows:

- At the end of April, four months of 12 months of the year have passed. This is 33.3% of the year.
- The Sales and Use Tax Fund revenues are currently \$978,897 under pro-rated budget for the year. The April figures reflect the sales in March, tax receipts received in April. Sales tax returns are down for April 2003 compared to April 2002 by 1.3% for the month and 2.4% year-to-date, or \$325,976 below April year-to-date 2002. The reasons for this continued negative trend are the recessionary economy aggravated by the war in Iraq and the March blizzard in Colorado. This includes Vendor Fee income of \$230,704.
- For the entire Sales and Use Tax Fund (Sale and Use Tax Returns and Audits), the fund is 2.3% below last year on a year-to-date basis. If this trend continues, the fund will be under budget by approximately \$2.0 million. Staff has implemented a series of actions to address this shortfall and will keep City Council apprised.
- The General Fund revenue is currently 102% of pro-rated budget for four months, the same as in last month's report assisted by positive variances in property tax collections and charges for services (EMS billings, etc.)

Policy Issues

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

Alternatives

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

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

General Fund

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

At the end of April, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget (102% of budget) by \$463,638. This reflects the full budgeted transfer of funds from the Sales and Use Tax fund to the General Fund.
- Expenditures under pro-rated budget (78% of pro-rated budget) by \$5.0 million. This is due to several factors: expenditures do not flow evenly during the year, 38 positions are still frozen and the salary savings are included in these numbers and lastly, the unspent contingency funds and reserves are reflected in Central Charges.

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

These funds are the repositories for the 3.25% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. At the end of April, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are under pro-rated budget (94.4% of pro-rated budget) by \$978,897.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.
- Open Space Sales & Use Tax Fund revenues are under pro-rated budget (94% of pro-rated budget) by \$84,690, due primarily to a shortfall in sales and use tax collections tied to a recessionary economy.
- Open Space Sales & Use Tax Fund expenditures are under pro-rated budget (81% of pro-rated budget) by \$285,663, due primarily to uneven expenditures for land acquisitions, which do not flow evenly each month.

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of April, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are over pro-rated budget (104% of budget) by \$332,541:
 - Water revenues over pro-rated budget (106% of pro-rated budget) by \$336,070, due primarily to a tap fee income variance of \$777,916. This offsets a negative variance in interest income due to GASB31 reporting. The interest income is negative due to year-end adjustments from 2002 that carry over into 2003.
 - Wastewater revenues slightly under pro-rated budget (99.9% of pro-rated budget) by \$3,529.
 - Storm Water Drainage revenues slightly over pro-rated budget (100% of pro-rated budget) by \$403.
- Combined Water & Wastewater expenses are under pro-rated budget (68% of budget) by \$2.7 million due primarily to under-spending in capital at this time of year:
 - Water expenses under pro-rated budget (72% of pro-rated budget) by \$1.6 million.
 - Wastewater expenses under pro-rated budget (59% of pro-rated budget) by \$1.1 million.
 - Storm Water Drainage expenses under pro-rated budget (71% of pro-rated budget) by \$23,021.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

This enterprise reflects the operations of the City's two municipal golf courses. Starting last month, the report for the Golf Courses showed an adjustment for the impact of the 1997 Sales Tax Bonds. The 1997 Sales Tax Bonds are not a legal obligation of the Legacy Golf Course. The Legacy Ridge statement reflects Operating Income and Net Income. The difference is that Operating Income does not reflect debt service while Net Income does reflect debt service. By showing the debt service separately, this will indicate the operating performance of the golf courses as a whole. This is highlighted in the footnotes:

- Combined Enterprise operating income - actual, year to date, without the impact of debt service for Legacy - is a deficit of \$306,577.
- Combined Enterprise net income - actual, year to date, with the impact of debt service for Legacy - is a deficit of \$416,270.
- Legacy – Revenues are under pro-rated budget (85% of pro-rated budget) by \$48,354.
- Legacy – Expenses are under pro-rated budget (78% of pro-rated expenses) by \$104,367.
- Heritage – Revenues are under pro-rated budget (88% of pro-rated budget) by \$27,647.
- Heritage – Expenses are over pro-rated budget (129% of pro-rated budget) by \$94,572, due mostly to equipment lease payments due in April, which cause uneven flows in expenditures.

Staff will attend the June 9th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2003**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Legacy Ridge Fund						
Revenues						
Business Fees						
Charges for Services	1,936,057	319,449	(1)	272,787	(46,662)	85%
Interest Income	0	0		(1,692)	(1,692)	0%
Miscellaneous	0	0		0	0	
Refunds	0	0		0	0	
Total Revenues	<u>1,936,057</u>	<u>319,449</u>		<u>271,095</u>	<u>(48,354)</u>	<u>85%</u>
Expenses						
Central Charges	77,350	25,783		49,454	23,671	192%
Recreation Facilities	1,334,024	444,675	(2)	316,637	(128,038)	71%
Sub-Total Expenses	<u>1,411,374</u>	<u>470,458</u>		<u>366,091</u>	<u>(104,367)</u>	<u>78%</u>
Operating Income(Loss)	524,683	(151,009)		(94,996)	56,013	
Debt Svc STX Bonds Expense	<u>329,079</u>	<u>109,693</u>	(3),(4)	<u>109,693</u>	<u>0</u>	<u>100%</u>
Revenues Over(Under) Expenditures	<u>195,604</u>	<u>(260,702)</u>		<u>(204,689)</u>	<u>56,013</u>	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, Charges for services is projected at 16.5% for April.

(2) Expenses projected at 4/12 per month or 33.33%

(3) The budget for expenses reflects the City Council decision to subsidize the debt service for the Golf Course by \$100,000 for the FY 2003. Legacy's scheduled debt service is \$429,079 for the year; this will be reduced by \$100,000 to \$329,079 for the year. 1/12 of the total debt service of \$329,079 is transferred to the Debt Service Fund each month.

(4) As the 1997A Sales and Use Tax Revenue Bonds are not a legal liability of the Golf Course Fund, the principal and interest that was recorded in Legacy Ridge was removed and recorded in the General Long Term Debt Account Group. However, Legacy is making monthly transfers to the Debt Service fund as noted above to assist in the payment of principal and interest. In order for the reader to get a clear picture of golf course operation without the Debt Service Fund transfers, the report will show Operating Income (without the budgeted debt service) and Revenues Over (Under) Expenditures (with debt service as budgeted).



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Huron Street Design—Addendum to Contract

Prepared By: Stephen Baumann, Assistant City Engineer

Recommended City Council Action:

Authorize the City Manager to sign a contract amendment with Felsburg Holt and Ullevig to expand the scope of their engineering design contract for Huron Street north to approximately 140th Avenue; authorize \$104,205 for the cost of the additional work.

Summary Statement:

- In February 2003, City Council authorized a contract with Felsburg, Holt and Ullevig (FHU) for final design of major improvements to Huron Street north from the 128th Avenue to and through the 136th Avenue intersection. The design effort would have resulted in plans for a fully improved arterial street with medians, a bridge over Big Dry Creek and grade-separated pedestrian crossings there and at Quail Creek at 134th Avenue. \$420,000 was approved for design.
- A surplus of funds of approximately \$5 million was realized in bidding the construction of the 136th Avenue Interchange. These funds are available for use but only for transportation improvements that are incidental to the interchange project, which includes Huron Street from approximately 134th Ave to the 140th Avenue alignment (the north side of Lexington Subdivision). Staff is recommending that the Felsburg, Holt & Ullevig contract be amended to include design of Huron Street to 140th Avenue, and that the surplus funds be earmarked for constructing those improvements. Substituting interchange bond funds for Huron Street funding also improves the possibility that the next phase of Huron Street reconstruction can extend to the northern City limits at 150th Avenue. A design contract for that phase will be presented for Council approval in the very near future.
- The expanded scope of design work was negotiated with FHU and can be incorporated into their contract for an additional \$104,205. This is just under 25% of the original contract amount and is a reasonable cost for expanding the project extent by nearly 50%. The timing of doing so is also good, since the design effort under the original contract is in its early stages and construction is still expected to start in early 2004. Funds for the cost of the revised scope of design are appropriated in the Capital Project account for Huron Street.

Expenditure Required: \$104,205

Source of Funds: General Capital Improvement Project Account for Huron Street

Policy Issues

Since the surplus funds from the 136th Avenue Interchange project are proceeds from sales tax revenue bonds, they are restricted in where and for what purpose they may be applied. Street improvements to Huron Street between 134th and 140th Avenues are an acceptable application since they are incidental to the construction of the interchange itself. The alternative is early redemption of the bonds, which is not recommended by Staff due to the need to improve Huron. Council’s approval of the recommended contract amendment affirms support for applying these funds to the Huron Street project.

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Deleted: Using them for this purpose also brings the completion of the Huron Street improvements one step closer.

Alternative

The alternatives include the early redemption of the sales tax revenue bond for the unused portion of the bond proceeds, or applying those surplus funds to the Huron Street project. The latter option is recommended here because the funds buy more in the way of hard improvements installed now than the interest they might earn if retained in escrow. Construction of the improvements now helps address pressing needs in an important corridor and precludes the effects of inflation associated with construction projects over time. The timing of incorporating this additional funding in Huron Street projects could not be better than now and enhances the progress toward efficient development of the north I-25/Huron Street corridor.

Assuming that Council supports using the surplus funds on Huron Street, amending the contract with Felsburg Holt and Ullevig (FHU) to include the design of the next half-mile is the logical and efficient course. A project terminus at 140th Ave would include the Lexington Subdivision in the first phase. Finally, securing proposals from other consultants would certainly be more expensive, delay progress and reduce effectiveness, so is not recommended.

Background Information

In February, City Council approved a contract with Felsburg, Holt and Ullevig (FHU) for final design of the first of two legs of Huron Street at a cost of \$420,000. This first project would extend from 128th Avenue to and through the 136th Avenue intersection, a distance of one mile, meshing with the 136th Avenue Interchange project that recently started under construction. The second leg would extend another mile from 136th Avenue to and through the 144th Avenue intersection. Unfortunately, the area between 144th Avenue and the north City limits (approximately 150th Avenue alignment) would have to wait until other funding sources were identified.

Bids for the Interchange were quite favorable and resulted in a surplus of approximately \$5 million. The interchange construction costs are being paid using sales tax revenue bonds, approved by voters in the general election of November 2000. As such, there are restrictions that limit their expenditure to projects related to and in the immediate area of the interchange. Staff has received clarification from bond counsel that the Huron Street Improvements Project would meet these restrictions so long as the improvements are between 134th Avenue and 140th Avenue. The alternative to utilizing the bond proceeds in this way is early redemption of the bonds, an action that could not take place until the call protection on the bonds expires in 2012.

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Staff is recommending that the surplus funds be applied to the Huron Street project specifically between 134th Avenue and 140th Avenue for several reasons. The funds buy much more in the construction of in-place improvements than the interest they can be expected to earn in escrow under an early redemption plan. In addition, the timing of adding this next half-mile is excellent, since the design contract with Felsburg Holt and Ullevig for the mile between 128th and 136th is just underway. It would also make it possible to build the Huron Street frontage of Lexington Subdivision in a time frame very close to that of the 136th Avenue interchange itself. Substituting these funds for Huron Street project funds also improves the possibilities for expanding the extent of the next Huron Street project, which had been programmed only to the 144th Avenue intersection. Potentially, Huron Street improvements could be planned and built to the north City limits with a relatively small amount of additional funding.

A budget analysis to determine additional funding needs to complete Huron Street to the north City limits will be part of the next phase of design. A recommendation for award of a design contract for the next phase of Huron Street will be brought to Council in the very near future.

The additional work needed to design improvements to 140th Avenue was discussed at length with Felsburg Holt and Ullevig. Most elements of the initial project extent are present in the additional half-mile except for major structural design work. The additional design effort fits well with the timing of the original project, so efficiencies are present. In conjunction with City staff, FHU developed a scope of work that can be incorporated into their contract at a cost of \$104,205, just under 25% of the original contract amount. Staff is recommending that Council approve the proposed contract amendment for this work. Funds for the change are available in the appropriated funding for the Huron Street project. A map depicting the area is attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
June 9, 2003



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

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action:

Adopt Councillor's Bill No.26 on second 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.
- City Council passed this Councillor's Bill on first reading on May 19th.

Expenditure Required: \$15,000

Source of Funds: Jefferson County Joint Venture Grant

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

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
June 9, 2003



SUBJECT: Second Reading of 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 second reading providing for supplementary appropriations to the 2003 budget of the General Fund, General Capital Improvement Fund and Utility Fund.

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading, which authorizes a supplemental appropriation to the 2003 budget of the General, General Capital Improvement and Utility Funds.
- This Councillor's Bill was passed on first reading on May 19, 2003.
- General Fund amendments total \$218,473.
- General Capital Improvement Fund amendments total \$1,933.
- Utility Fund amendments total \$4,500.

Expenditure Required: \$224,906

Source of Funds: The funding sources for these expenditures include lease proceeds, refunds, a reimbursement and interest earnings received by the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

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
June 9, 2003

SUBJECT: Resolution No. 21 re Resignations and Appointment to Human Services Board

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Adopt Resolution No. 21 formally accepting the resignations of Brian Lunning from the Board of Adjustment, and Jerry Hersey from the Human Services Board and making an appointment to the Human Services Board.

Summary Statement

- City Council recently received the resignation of Brian Lunning from the Board of Adjustment.
- City Council has also received the resignation of Jerry Hersey from the Human Services Board.
- Currently, City Council has a list of persons within the “pool” to be considered when vacancies occur on the various boards during the year.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Briam Lunning from the Board of Adjustment and Jerry Hersey from the Uman Services Board.
- Appointing a new citizen to the Human Services Board since the Board will be meeting quite frequently within the next month to review applications for funding as part of the 2004 budget..

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council appoint a new member to the Human Services Board at this time?

Alternative(s)

Council could decide not to appoint a member to the Human Services Board at this time.

Background Information

Brian Lunning was appointed to the Board of Adjustment January 10, 2000 and he has recently resigned since he is moving out of the City.

Jerry Hersey was appointed to the Human Services Board on December 10, 2001 and recently resigned due to health problems.

Currently there are 24 citizens within the pool of applicants interested in vacancies on the Boards and Commissions. Council reviewed the chart of citizens within the 2003 "pool" and directed Staff to prepare the attached Resolution and the designated appointment.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 21

INTRODUCED BY COUNCILLORS

SERIES OF 2003

BOARDS AND COMMISSIONS RESIGNATIONS AND APPOINTMENT

WHEREAS, Resignations have been received from Brian Lunning of the Board of Adjustment and Jerry Hersey of the Human Services Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Brian Lunning of the Board of Adjustment and Jerry Hersey of the Human Services Board and appoint the following individual to the City of Westminster Human Services Board as indicated below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Kaaren Hardy	Human Services Board	December 31, 2003

Passed and adopted this 9th day of June, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: TABLED Resolution No. 19 re Building Permit Fee Increase

Prepared By: Dave Horras, Chief Building Official

Recommended City Council Action

Removed Resolution No. 19 from the table and adopt Resolution No. 19 establishing a new building permit fee schedule.

Summary Statement

At their May 19, 2003, meeting, City Council tabled Resolution No. 19 that would have established a new building permit fee schedule. City Council requested that staff meet with representatives of the Denver Metropolitan Home Builders Association (HBA) to address potential issues with the proposed building permit fee increases. Staff from the Finance Department and the Building Division met with the HBA on May 20th and have addressed the HBA's issues. Staff from the HBA have stated that they will not oppose the proposed building permit fee increase.

City Council is requested to adopt the attached fee schedule that will increase the building permit fees by approximately 15%.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City of Westminster increase its building permit fee schedule 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. This 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 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 twice with the staff of the HBA and a group of local builders, once on April 3rd and again on May 1st, to respond to questions about the proposed permit fee increase. After these meetings, the HBA staff responded in writing that they will not oppose the proposed building permit fee increase pending a detailed review of the comprehensive cost analysis study. Staff from the Finance Department and the Building Division, along with Mr. Fisher, met again with HBA staff on May 20, 2003 to respond to specific questions on the cost analysis. HBA staff indicated that their concerns were adequately answered and have stated in writing 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.

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 May 5, 2003 Study Session.

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment:

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 9th day of June, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Councillor's Bill No. 29 re Amendment to Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator
Marty McCullough, City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 29 on first reading authorizing the City Manager to execute the amendment to the business assistance package (BAP) between the City of Westminster and Church Ranch Hotel Company I, LLC (CRHC I) and Church Ranch Hotel Company II, LLC (CRHC II).

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the amendment to the business assistance agreement with Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC.
- This amendment will incorporate changes from previous BAPS.
- The purpose of the amendment is to move the construction commencement and completion deadlines on the full service hotel (identified in the agreement as Project I) for 12 months. The amendment states that CRHC I and II must commence construction before March 1, 2005 and complete construction and initiate operation of the full service (Marriott) hotel and conference center by March 31, 2007.
- In addition, CRHC I and II agrees to pay the City a \$25,000 non-refundable extension fee upon City Council's approval of this amendment. The fee will be applied to the City's fees if the hotel is completed and operational by March 31, 2007.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Does Council desire to approve the Amendment to the business assistance package with Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC, thus extending the date of construction and completion date of this project for one year?

Alternatives

Do Nothing: One alternative is to not approve the amendment to the business assistance package. This would require that CRHC be under construction by March 1, 2004, or the current BAP would expire. Given poor market conditions in the hotel industry, this could eliminate the construction of a full service hotel at this location.

Provide Less: Another alternative is to amend the business assistance package to extend the construction and the completion date for only 6 months and increase the extension fee. It is unlikely that hotel market conditions will change in that time period. The extension fee is considered "fair" for keeping the City property off the market.

Provide More: A third alternative is to amend the agreement to extend the construction and completion date for a longer time period and reduce or eliminate the \$25,000 non-refundable extension fee. While CHRC originally requested a two-year extension, staff has recommended a one-year extension, with the addition of a \$25,000 extension fee to cover costs for the City property to remain off the market. CHRC has agreed to the extension fee.

Background Information

The City of Westminster originally entered into a BAP with Church Ranch Hotel Company in September 1998. The agreement was amended to include the construction of two products, a Marriott full service hotel (Project I) and a Marriott Spring Hill Suites (Project II) in September 1999 and was between City of Westminster and Church Ranch Hotel Company I, LLC and Church Ranch Hotel Company II, LLC. The agreement was further amended in November 2000 to allow for the construction of Project II, prior to Project I, while linking the two projects together, to insure that both would be built

Given the current economic downturn and the effect on the hotel industry, CRHC I and II and Marriott have determined that it is not good business to be constructing and opening a full service hotel and thereby, adding an additional 350 first class rooms on the US 36 corridor by March 2006. The create higher vacancy rates for existing Westminster hotels, who are already struggling in an economic downturn.

CRHC I & II approached the City requesting a two-year extension on the construction commencement date and completion date of Project I. Staff recommended a one-year extension date with the addition of a \$25,000 non-refundable extension fee, due upon approval of the amendment, for keeping the City property off the market for the additional time. In the event that Project I meets the construction and completion date deadlines, the \$25,000 is applicable to City fees.

Finally, this amendment will combine previous BAPs into one and will supercedes previous agreements.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **29**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Kauffman-McNally

A BILL

FOR AN ORDINANCE AUTHORIZING AN AMENDMENT AND RESTATED AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND CHURCH RANCH HOTEL I LLC AND CHURCH RANCH HOTEL COMPANY II LLC FOR THE COOPERATIVE DEVELOPMENT AND CONSTRUCTION OF A HOTEL AND A SUITES HOTEL

WHEREAS, the successful attraction 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 incentives for high quality development to locate in the City; and

WHEREAS, the Church Ranch Hotel Company I and II has constructed a Marriott Spring Hill Suites Hotel at Church Ranch; and

WHEREAS, Church Ranch Hotel Company I and II would build a 240 room first class hotel, expanding to 350 rooms, with an approximately 10,000 square foot conference center in church Ranch Corporate Center ("Hotel"); and

WHEREAS, a proposed Amendment and Restated Agreement between the City and Church Ranch Hotel Company I and II is attached.

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 members of the City Council of the City of Westminster direct and authorize the following actions by the City Staff:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into the Amendment and Restated Agreement between the City of Westminster and Church Ranch Hotel Company I LLC and Church Ranch Hotel Company II LLC, in substantially the same form as the one attached as Exhibit "A," and upon execution of the amended 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 9th day of June, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2003.

ATTEST:

Mayor

City Clerk

AMENDED AND RESTATED AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND CHURCH RANCH HOTEL COMPANY I LLC
AND CHURCH RANCH HOTEL COMPANY II LLC
FOR THE COOPERATIVE DEVELOPMENT AND CONSTRUCTION
OF A HOTEL AND A SUITES HOTEL

This Amended and Restated Agreement is made and entered into this _____ day of _____, 2003, by and between the CITY OF WESTMINSTER, a Colorado home-rule municipality (“City”), CHURCH RANCH HOTEL COMPANY I LLC, a Colorado limited liability company (“CRHC”), and CHURCH RANCH HOTEL COMPANY II LLC, a Colorado limited liability company (“CRHC II”).

WHEREAS, City is a Colorado home-rule municipality with all the authority granted to home-rule municipalities pursuant to Colorado Constitution Article XX, section 6, and its City Charter adopted pursuant thereto;

WHEREAS, CRHC and CRHC II are Colorado limited liability companies with whom City has previously entered into certain prior Agreements for the development and construction of a 240 to 260 room, first class hotel expandable to 350 rooms and an approximately 10,000 square foot conference center in Church Ranch Corporate Center (“Hotel”) and the construction of a 150 to 160 room suites hotel in Church Ranch Corporate Center (“Suites Hotel”), both to be located south and east of Church Ranch Boulevard and east of 103rd Avenue, said prior agreements having been previously consolidated into that certain Agreement dated November 15, 2000 (the “Prior Agreement”);

WHEREAS, Hotel and Suites Hotel will be referred to collectively as “Projects”;

WHEREAS, the parties to the Prior Agreement now desire to amend and restate the Prior Agreement .

NOW, THEREFORE, in consideration of the above premises and the promises and covenants set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, City, CRHC and CRHC II agree as set forth below:

I. DEVELOPER’S OBLIGATIONS

1.1 CRHC shall develop and cause to be constructed, equipped, and furnished a first-class, full-service, 240 to 260-room hotel with expansion capability of another 100 rooms (“Hotel”) in the general location identified on the site location plan attached to this Agreement as Exhibit A and incorporated herein by this reference. The final size of the Hotel will be determined during the Official Development Plan (“ODP”) process. The final location of the Hotel and the site plan will be determined between CRHC and City as part of the ODP for the Hotel, subject to final City Council approval. The City and CRHC agree that the hotel franchisor shall be the Marriott, or an alternate full service, first-class hotel as described in Exhibit B.

1.1.1 CRHC II shall develop and cause to be constructed, equipped and furnished a first-class, 150 to 160 room suites hotel (“Suites Hotel”) in the general location identified on the site location plan attached to this Agreement as Exhibit A and incorporated herein by this reference. The final size of the Suites Hotel will be determined during the Official Development Plan (“ODP”) process. The final location of the Suites Hotel and the site plan will be determined between CRHC II and City as part of the ODP for the Suites Hotel, subject to final City Council approval. The City and CRHC II agree that the hotel franchisor shall be the Spring Hill Marriott, or if Marriott declines to approve the Spring Hill Suites Hotel, a different Marriott hotel product equal to or better than a Spring Hill Suites Hotel may be substituted as determined exclusively by the City.

1.1.2 City, CRHC, and CRHC II shall work together on the siting of the Hotel and Suites Hotel in a manner consistent with maintaining the continuity of the area. The Hotel and an attached conference center ("Conference Center") not to exceed approximately 10,000 square feet to be constructed by CRHC shall be built as a fully integrated facility, and the Hotel and Conference Center shall be owned by CRHC. The Hotel may include an attached restaurant or a restaurant in a separate building as specified in the ODP and as mutually agreed upon by City and CRHC. The Suites Hotel shall be constructed by CRHC II, shall be built as a fully integrated facility and shall be owned by CRHC II.

1.2 The Hotel shall be operated, managed, and maintained in a manner consistent with how first-class, full-service hotels and first-class conference facilities are operated, managed, and maintained. CRHC and CRHC II are responsible for all capital improvements, repairs and maintenance for the Projects. The initial operations manager of the Projects shall be White Lodging Service Corporation.

1.3 As part of the management and operation of the Projects, CRHC and CRHC II shall remit to City, City's accommodations tax at the then current rate, as well as a separate Conference Center Fee in an amount equal to two percent (2%) of the Hotel's and Suites Hotel's room rate charged to and collected from its guests by the hotel franchisee. The Conference Center Fee shall be collected only for the duration of the Business Assistance Rebate contained in Section 2.6 below.

1.4 CRHC and CRHC II shall, at their expense, as provided in this Agreement, obtain all entitlements necessary for the development and construction of the Projects, subject to the terms contained elsewhere herein.

1.5 The responsibility for paying all property taxes, other taxes, annual fees, and fees and taxes levied by the state, county, or other taxing authority for the Projects shall be the exclusive responsibility of CRHC and CRHC II or the successors or transferees thereof.

1.6 CRHC and CRHC II shall be responsible for providing, at their expense, all normal site improvements and utilities, including water, sewer, electric, gas, telephone, cable TV, optic and/or data transmission lines, and the parking areas and landscaping for the Projects.

1.7 CRHC and CRHC II will be responsible for paying the customary domestic water and sanitary sewer tap fees ("Tap Fees") for the Projects up to an amount not to exceed \$270,000 for a 4-inch tap for the Hotel. Any Tap Fees for the Projects in excess of \$270,000 shall be the responsibility of City exclusive of any tap fee charge for connecting to the City's reclaimed water line. Tap Fees for the full-service hotel shall be charged based on the 1998 City fee schedule, a copy of which is attached as Exhibit C. If a restaurant is built in a separate building and/or needs additional tap, such cost will be borne by CRHC. CRHC II shall pay full water and sewer tap fees for the Suites Hotel based on the tap fee schedule in effect at the time the fees are due for payment.

1.8 CRHC will design the Hotel and Conference Center building interior and exterior based on a first-class full-service hotel, consistent with how other first-class, full-service hotels and conference centers are designed and constructed in the City of Westminster.

1.8.1 CRHC II will design the Suites Hotel building exterior based on the same quality of materials as the full service Hotel. The interior quality of design and materials shall be based on Marriott Hotel's current interior design/materials requirements and specifications for a Spring Hill product.

1.8.2 An approved Official Development Plan by the City will meet the requirements under this Agreement for design and materials.

1.9 CRHC agrees that it will not begin construction of the Hotel and Conference Center until twelve (12) months after the opening of the Westin Hotel in the Westminster Promenade development. City, in its sole discretion, may allow construction at an earlier date. However, CRHC shall be entitled to begin construction on March 1, 2001 regardless of the opening of said Westin Hotel.

1.9.1 CRHC II may begin construction of the Suites Hotel as soon as the ODP is approved by City and the building permit has been issued.

1.10 The ODP's for the Hotel and Suites Hotel will be processed through the City at the same time and each will be conditional upon the approval of the other ODP.

II. CITY OBLIGATIONS

2.1 For and in consideration of CRHC's development, construction, furnishing, and equipping of the Hotel, City shall convey to CRHC a portion of the site for the Hotel ("Project Site") as legally described and shown on Exhibit A ("City Parcel"). The conveyance shall be in fee simple, with marketable and insured title free and clear of any liens or encumbrances. City shall pay the assessment for the 104th Avenue Special Improvement District with respect to the City Parcel only. CRHC shall be responsible for paying any other property taxes due on the City Parcel. City shall provide an ALTA title insurance policy.

2.1.1 The Project Site is anticipated to consist of such acreage as is mutually determined to be necessary by City and CRHC, with the City Parcel of approximately five (5) acres less right-of-way, to be provided from City-owned land within the Church Ranch Home Place Planned Unit Development. The precise configuration and size of the Hotel site shall be determined in conjunction with the adoption of the ODP for the Projects.

2.1.2 The conveyance of the City Parcel by City to CRHC shall occur by general warranty deed within thirty (30) days after approval of a mutually acceptable ODP for both the Hotel and the Suites Hotel.

2.1.3 CRHC shall arrange for the acquisition of the remainder of the Project Site other than the City Parcel ("CRHC Parcel") from its current owner, Church Ranch Land Co. LLC. The conveyance of the City Parcel to CRHC shall be contingent upon the prior or simultaneous conveyance of the CRHC Parcel and the Suites Hotel site as defined below to CRHC and CRHC II respectively. By execution of this Agreement and being bound by the provisions of this Section 2.1.3, Church Ranch Land Co. LLC (CRLC) agrees to set aside and leave undeveloped such additional property adjacent to the City Parcel as shall be necessary, as determined pursuant to the approved ODP, for the build-out of the full 350 room Hotel and Conference Center including parking, landscaping, and similar infrastructure. Said additional, adjacent property shall be defined in the ODP and Church Ranch Land Co. LLC agrees to transfer said adjacent property to CRHC at such time as CRHC determines to construct the improvements as defined in the ODP.

2.1.4 The deed for the City Parcel shall contain a Possibility of Reverter subject to exercise upon fifteen (15) days prior notice to CRHC in the event CRHC fails to commence construction of the Hotel, on or before March 1, 2005. The deed for the CRHC Parcel transferred from CRLC may also include a possibility of Reverter in substantially the same form as that contained in the deed for the City parcel.

2.1.5 CRHC II shall arrange for the acquisition of the site for the Suites Hotel ("Suites Hotel Site") from its current owner, CRLC. By execution of this Agreement and being bound by the provisions of this Section 2.1.5, CRLC agrees to set aside and leave undeveloped such property as shall be necessary for the development of the Suites Hotel, including parking, landscaping and similar infrastructure. The Suites Hotel Site shall be defined in the ODP and CRLC agrees to transfer the Suites Hotel Site to CRHC II at such time as CRHC II determines to construct the improvements as defined in the ODP.

2.2 CRHC and CRHC II shall design and build at their expense the onsite improvements required for the Projects. City staff will review and approve the onsite improvements in an expedient manner, as mutually agreed, consistent with normal city policy, procedures, and practices. These improvements shall include, but not be limited to, all onsite walkway improvements for the Projects, including, without limitation, sidewalks, circulation roads, the Projects parking lot paving and lighting, curb cuts, landscaping, stormwater facilities (including retention/detention), and water, sewer, natural gas, electric and telephone utilities for servicing the Projects including public common areas and the Hotel and Conference Center and Suites Hotel.

2.3 CRHC and CRHC II shall also be responsible, at their cost, for constructing, or causing to be constructed, all reasonably necessary off-site improvements for the Projects, pursuant to normal City code requirements and policies.

2.4 City staff shall assist CRHC and CRHC II in obtaining all approvals and entitlements necessary for the construction of the Projects consistent with normal City standard practices, policies, and procedures.

2.5 Other than the Tap Fees for the Projects as specified in Section 2.5.1, City shall waive during the construction period of the Hotels for CRHC and CRHC II, or their assigns, any and all one-time fees and assessments normally charged by City as a condition to building permit issuance for the Projects, including, without limitation, design or plan review fees, impact fees, building permit fees, building inspection fees, submittal fees, and building material use taxes and the like. Any third party construction or other plan review and approval fees shall be split by City and CRHC or CRHC II with each paying one-half thereof.

2.5.1 City agrees to be responsible for the cost, if any, of any tap fees in excess of \$270,000 for a 4-inch tap for the Hotel as set forth in Section 1.7.

2.5.2 City agrees that no other fee, assessment, or charge shall be levied against the Projects other than as set forth in this Agreement. However, nothing in this Agreement shall be construed as prohibiting City from assessing, levying or increasing any fees, charges or taxes against the Hotel or Conference Center or Suite Hotel to the extent such fees, charges or taxes are assessed and paid by all like businesses in the City of Westminster.

2.5.3 Nothing in this Section 2.5 shall be construed as exempting CRHC or CRHC II from the responsibility to pay normal annual taxes such as property tax, business license, and federal, state and county fees and taxes.

2.6 For and in consideration of CRHC's and CRHC II's construction, furnishing, and equipping of the Projects, and the overall economic and financial benefits to the community at large as a result of locating such facilities within the City of Westminster, City shall provide CRHC and CRHC II a "Business Assistance Rebate."

2.6.1 The Business Assistance Rebate shall be paid by City to CRHC or CRHC II in quarterly installments equal to the sum of (a) those revenues attributable to City's accommodations tax from the Hotel operation and the Suites Hotel operation for the preceding quarter, plus (b) those revenues attributable to the two percent (2%) Conference Center Fee for the previous quarter, plus (c) those revenues attributable to City's Sales and Use Tax at the then current rate generated by the Projects (including food and beverage taxes) for the previous quarter exclusive of City's Sales and Use Tax for parks, open space and trails.

2.6.2 At such time as the aggregate amount of the quarterly rebates equal \$9,800,000 present value for the Hotel and equals \$3,275,000 present value for the Suites Hotel, as of the date of the issuance of the final Certificate of Occupancy for the Hotel or Suites Hotel, using a discount rate of eight percent (8%) per annum, or upon City's rebate of sixty (60) quarterly installments for each Project, whichever occurs first, the quarterly payments shall cease. The first quarterly installment rebate shall be made within fifteen (15) days after the last day of the first quarter the Hotel and Conference Center or Suites Hotel respectively open for business. In the event the first rebate is prorated, the last payment shall include the additional days not included in the first rebate to provide sixty (60) full quarterly installments. The rebates shall be calculated and paid separately for the Hotel and Conference Center and for the Suites Hotel.

2.6.3 City's obligations pursuant to this Section 2.6 shall be subject to annual appropriation consistent with the requirements of Colorado Constitutional Amendment X, Section 20, provided, however, that the City agrees to exercise its best efforts and utmost good faith in making funds available to meet its obligation under Section 2.6.

2.6.4 City warrants and represents that no other person or entity has any right, title or claim against the specific rebate items included in the Business Assistance Rebate other than sales and use tax bond covenants.

2.6.5 Subordination. For the purpose of protecting the City's bonding capacity and credit worthiness, it should be known that 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. This, section however does not refer to or include revenue generated by this project from Accommodation Tax or the Conference Center Tax.

2.6.6 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.

III. FURTHER AGREEMENTS AND COMMITMENTS

3.1 City, CRHC, and CRHC II agree to exercise utmost good faith in negotiating and completing such additional or further agreements that may be required to accomplish the ultimate goal of the parties of realizing the construction and commencement of the operation of the Projects contemplated by this Agreement. City, CRHC, and CRHC II hereby assume the mutual duty of "agreeing to agree" on such further agreements or actions that may be necessary to realize their overriding objective in executing this Agreement. Any omission or ambiguity in this Agreement shall not be considered cause for non-performance of the parties of this Agreement.

3.2 Without in any way limiting the foregoing, City, CRHC, and CRHC II specifically agree to cooperate in resolving the following matters to the extent necessary:

3.2.1 Providing information and assistance as reasonably required by CRHC's and CRHC II's lender, to the extent such assistance does not result in added costs or obligations for City-or release CRHC and CRHC II from obligations in this Agreement.

3.2.2 Negotiating and entering into an agreement to permit and facilitate the use of recreational facilities owned or operated by City, by guests of the Projects, on the same basis and at the same standard rates as other comparable hotel users, including reservation of tee times at all City golf courses. Said agreement shall be negotiated and entered into within 120 days after approval of both ODP's.

3.3 The original design of the Hotel shall provide for future expansion capabilities up to an additional 100 Hotel rooms.

3.4 Notwithstanding anything in this Agreement to the contrary, nothing in this Agreement shall be construed as creating a joint venture or partnership relationship between City, CRHC, and CRHC II and the liabilities and responsibilities of the parties shall be the independent liabilities and responsibilities of the party charged with such liability or responsibility.

3.5 City will undertake a Phase I environmental assessment of the City Parcel within sixty (60) days of the approval of this Agreement. The delivery of a favorable Phase I report to CRHC shall be condition precedent to the rights, obligations, and duties of CRHC, CRHC II and City under this Agreement.

3.6 Any notice required hereunder shall be sent certified mail, return receipt requested, with faxed copies to any current address given by one party to the other or at:

City:
City of Westminster
Attn: City Manager
4800 West 92nd Avenue
Westminster, Colorado 80031
Fax: (303) 430-1809

CRHC II:
Church Ranch Hotel Company II LLC
Attn: Managing Member
10050 Wadsworth Boulevard
Westminster, Colorado 80021
Fax: (303) 469-4293

CRHC:
Church Ranch Hotel Company I LLC
Attn: Managing Member
10050 Wadsworth Blvd.
Westminster, Colorado 80021
Fax: (303) 469-4293

3.7 City Manager is authorized, consistent with City Charter and Ordinances, to enter into any further agreements, give all consents, enter into estoppel letters, amendments or the like, and do all things necessary hereunder that are consistent with this Agreement.

3.8 City staff, CRHC and CRHC II shall work together for adequate and appropriate signage for the Projects, including signage typical for comparable first-class hotel projects in the City as allowed under City Code.

3.9 The execution of this Agreement by CRHC, CRHC II and City as indicated in the signatory blocks below constitutes a representation by the respective parties that the Agreement has been duly authorized and approved by the City Council of the City of Westminster on behalf of City, and by CRHC and CRHC II in accordance with and under the authority of CRHC's and CRHC II's limited liability company agreement and state law.

3.10 Except as provided otherwise in this Agreement, anywhere in this Agreement it provides that it is the responsibility of CRHC OR CRHC II, it shall be at the sole cost and expense of CRHC OR CRHC II, and anywhere in this Agreement it provides that it is the responsibility of City, it shall be at the sole cost and expense of City.

3.11 This Agreement is severable and assignable to another legal entity subject to City's reasonable consent which will not be withheld as long as evidence satisfactory to the City in its reasonable discretion is provided which demonstrates that the successor entity has the financial wherewithal, experience, and expertise to carry out the Projects and the obligations under this agreement. However, any assignment or transfer of this Agreement other than as defined herein shall require City's approval, which shall not be unreasonably withheld. The rights and obligations hereunder shall inure to the benefit and detriment or any transferees, assigns or beneficiaries.

3.12 Except as otherwise provided in this Agreement, the City agrees that this Agreement is not cancelable by the City.

3.13 This Assistance Agreement shall terminate and become void and of no force or effect upon the City as to the Hotel only if CRHC fails to commence construction of the Hotel on or before March 1, 2005; or, CRHC has not completed construction and initiated operations of the Hotel and Conference Center by March 31, 2007; or, in the event CRHC, at any time prior to completing the Hotel, makes an assignment for the benefit of creditors, applies or consents to the appointment of a receiver, trustee, conservator, liquidator of CRHC of all or a substantial part of its assets; or, a petition of relief is filed by CRHC under federal bankruptcy, insolvency, or similar laws; or, a petition in a proceeding under any bankruptcy, insolvency, or similar laws is filed against CRHC and not dismissed within thirty (30) days.

This Agreement shall remain in full force and effect with respect to the Suites Hotel in this event. However, if CRHC fails to commence construction of the Hotel on or before March 1, 2005, CRHC and CRLC agree to (1) transfer to City their interest in Lot 1, Lot 2 and Tract B of the Official Development Plan – Church Ranch Home Place – Filing No. 9, free and clear of liens and encumbrances, except the existing lien in favor of Key Bank with a release price not to exceed \$4.00 per square foot and CRHC and CRLC agree to hold harmless and indemnify the City from any liens and encumbrances in excess of the \$4.00 per square foot owed to Key Bank, and (2) transfer to City their interest in any and all plans, specifications or drawings for the Hotel. In addition, CRHC agrees to pay the City a \$25,000.00 non-refundable extension fee upon City Council approval. Such fee shall be applied to City fees if construction of the hotel is completed by March 31, 2007. CRHC and CRLC agree that they will not grant additional security interests in Lot 1, Lot 2 or Tract B securing any additional debt except for a security interest for financing for the actual construction of the Hotel which security interest shall not attach until construction is ready to commence and a building permit has been issued. This Agreement shall terminate and become void and of no force or effect upon the City as to the Suites Hotel only if CRHC II fails to commence construction of the Suites Hotel on or before December 31, 2001. In this event, this Agreement shall remain in full force and effect with respect to the Hotel.

3.14 In the event CRHC ceases business operations of the Hotel and Conference Center within three (3) years after the new operations commence, for a period of three months or longer except in the case of force majeure, then in such event, CRHC shall pay to the City the total amount of fees and taxes which were due and payable by CRHC to the City, but were rebated or waived by the City, as well as reimburse the City for all funds provided to CRHC pursuant to the Agreement. The same refund provisions shall apply to CRHC II on the Suites Hotel.

IV. REMEDIES

4.1 In the event of a dispute concerning this Agreement, the parties agree to first attempt to negotiate a resolution of their differences. In the event of an inability to resolve their difference through negotiation, the parties agree to retain the services of a qualified professional mediator acceptable to all parties and to enter into mediation in good faith in an attempt to resolve the dispute.

4.2 In the event the parties are unable to agree upon the meaning or interpretation of any term or condition of this Agreement, the parties agree that a court of competent jurisdiction may declare the rights, duties, and obligations of the parties in a declaratory judgment action and that such court may further impose upon the parties any fair and reasonable provision the court may deem appropriate to accomplish the overall objective of this parties as set forth in this Agreement. Further, in the event of such a declaratory judgment action, it is the intent of the parties that the court may receive parol evidence for the purpose of deciding such rights, obligations, and duties of the parties in the event of an ambiguity.

4.3 The parties hereby waive and agree not to seek any damages from the other in connection with the enforcement of this Agreement if specific performance provides an adequate remedy. The parties may setoff any amounts due the other for any undisputed amounts. An arbitrator or court may grant setoff as an available remedy hereunder. The rights, obligations, and duties of the parties may be enforced through the declaratory action referred to in Section 4.2 above, or by way of specific performance. The parties recognize that time is of the essence, and accordingly the parties shall seek any expedited proceedings to which they may be entitled. However, if any party is required to bring an action to enforce or have its rights declared under this Agreement, the prevailing party in such litigation shall be entitled to the recovery of its reasonable costs and attorney’s fees. CRHC and CRHC II have the ability to withdraw if City commitments are not satisfied as agreed in this Agreement.

4.4 CRHC’S, CRHC II’S, and City’s obligations under this Agreement shall be deemed covenants running with the land, and shall be binding upon and enforceable against the transferees, successors, assigns, and purchasers of any item contained herein. For the purposes of creating constructive notice of this provision of this Agreement, this Agreement or a memorandum thereof shall be recorded in the real estate records of the Jefferson County Clerk and Recorder’s Office.

4.5 The Agreement replaces and supersedes all previous agreements and understandings and sets forth the agreement of the parties. There are no representations or warranties other than as contained herein. The documents to be entered into between the parties in the future shall become part and incorporated into this Agreement.

4.6 The September 28, 1998, September 13, 1999, and November 15, 2000, Agreements between City and CRHC shall be deemed replaced by this Agreement upon the execution hereof by all parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the day and year first above written.

CITY OF WESTMINSTER

CHURCH RANCH HOTEL I LLC

By: _____
J. Brent McFall
City Manager

By: _____
Title: Member
Address: c/o Etkin Johnson Group
1512 Larimer Street, Denver, CO 80202

ATTEST:

ATTEST:

Michele Kelley, City Clerk

Title _____

CHURCH RANCH HOTEL COMPANY II LLC

By: _____
Title: Member
Address: c/o Etkin Johnson Group
1512 Larimer Street, Denver, CO 80202



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Resolution No. 20 re Ambulance Fee Schedule

Prepared By: Ken Watkins, Deputy Chief of Technical Services
Randy Peterson, Emergency Medical Services Coordinator

Recommended City Council Action:

Adopt Resolution No. 20 establishing the new ambulance fee schedule.

Summary Statement

On April 28 at a post City Council meeting, City Council concurred with Staff’s recommendation to review and submit a proposed increase for Westminster ambulance user fees that would compare to the Denver-metro area average. Staff completed, and is presenting to City Council, a survey of ambulance fees in the Denver-metro area as Attachment #1. Approval of the proposed mid-range increase will maintain the user fee philosophy adopted by City Council in 1991 when the City took over ambulance transport operations from District 50 Rescue. The proposed fee upgrades range from a 3.4% to 8.4% increase over the current ambulance transport charges. Included in this proposed fee schedule is a new fee for disposable medical supplies. A comparison of the current and proposed ambulance fees is as follows:

<u>Service</u>	<u>Current</u>	<u>Proposed</u>
Basic Life Support Care	\$435	\$450
Advanced Life Support Care	\$530	\$575
Mileage Charge	\$9.50	\$10
Oxygen Charge	\$43	\$45
Ortho/Spinal Immobilization Fee	\$50	\$50
Standby/Assist Helicopter	\$35	\$35
Care Rendered/No Transport	\$75	\$75
Disposable Medical Supplies	\$0	\$75

Approval of the recommended ambulance transport fee modifications will result in an estimated \$93,756 revenue increase for the remainder of 2003.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue(s)

City Council is asked to affirm the policy of a user fee-based ambulance operation and the maintenance of an ambulance fee structure equal to the Denver-metro area average.

Alternative

1. Leave the Ambulance Transport Fee Schedule unchanged. This will place the City below the Denver-metro average for ambulance service charges and eliminate potential revenue by \$93,756 for the remainder of 2003.
2. Add a Disposable Medical Supply fee and not increase existing ambulance transport fees. Disposable medical supplies used in the stabilization and care of a patient including items such as bandages, syringes, needles, fluids, etc., have been provided by Centura/St. Anthony Hospital. This practice will stop July 1, 2003 due to a Federal ruling. Including a disposable medical supply fee to current ambulance transport fees will generate an estimated \$47,500 in revenues for the remainder of 2003. These funds would be used to purchase required disposable medical supplies.
3. Add Disposable Medical Supply fee and increase existing fees up to the authorized 10% level adopted in 2002. This would generate additional estimated revenue of \$107,389 for the remainder of 2003, and place Westminster above the Denver-metro area average in some ambulance fees.

Background Information

At the April 8, 2003 Department Head Budget Retreat, Staff recommended raising ambulance transport fees to maintain an ambulance fee structure comparable with the Denver-metro average, to balance reduced revenues, and to offset an anticipated shortage in the Fire Department's Emergency Medical Services (EMS) Lab Supply account. Currently, the City does not charge a fee for supplies used to stabilize and/or transport patients. These supplies have been restocked through Centura/Saint Anthony Hospital, who in turn bills the patient. In 2002, Staff was informed that as a result of recent Federal legislation/ruling that Centura/Saint Anthony Hospital would no longer provide this service effective July 2003. Staff has proposed a new \$75.00 supply "restocking" fee to offset an estimated \$42,000 shortage in the EMS Lab Supply account for 2003. In addition, Staff has proposed fee adjustments for ambulance services to bring the City's rates in line with the Metro-Denver average, resulting in an estimated revenue increase of \$93,756 for the remainder of 2003. Projected annual ambulance revenues for 2003 are estimated to be \$1,528,342 with the approval of the new fee structure and projected ambulance transport activity. The annual revenue projection is based on a conservative 60 percent collection rate for ambulance services billed. The City's actual collection rate is 64.8 percent.

The proposed ambulance transport fee increase and disposable medical supply fee charge does not impact the Westminster Med Ambulance Membership Program available to Westminster residents. The individual and family membership fees for this program will remain at \$15 and \$30, respectively.

Please note that the City Manager has authorization to increase fees up to 10%. The reason that this revised billing schedule is being presented to City Council is to introduce the new supply restocking fee for City Council consideration.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

WHEREAS, the Westminster Fire Department staffs and operates an advanced life support ambulance transport service; and

WHEREAS, in 2002 the City adopted a fee schedule after review of the metro area ambulance fee structures was completed; and

WHEREAS, City Council has directed staff to develop and maintain an ambulance membership program as a means to provide City residents preferential treatment with regard to ambulance billing; and

WHEREAS, the City's needs and philosophies in establishing an ambulance fee structure have been identified; and

WHEREAS, City Staff has completed another review of the metro area ambulance fee structures in 2003.

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

1. Residents and non residents shall be billed according to an itemized rate structure for all emergency medical calls where a Westminster Fire Department ambulance is used to transport a patient to a hospital as follows: \$450 for Basic Life Support (BLS) level care or \$575 for Advanced Life Support (ALS) care; \$10 per mile or portion of a mile transported; \$45 for oxygen therapy if received; \$50 for ortho/spinal immobilization if received; \$75 for disposable medical supplies. If active ALS resuscitative efforts are undertaken that are ceased by a base station physician order and the patient is not transported, the patient shall be assessed only the charge for ALS care.

2. On emergency calls where the Fire Department is required to assist or stand by for emergency helicopter transportation of the patient or client, a \$35 charge shall be assessed.

3. On emergency calls where advanced medical procedures are performed and the patient, patient's family or guardian then refuses ambulance transport to an area hospital, a \$75 charge shall be assessed.

4. If more than one patient is transported to a hospital by the Westminster Fire Department ambulance, all patients shall be assessed individually according to the fee structure listed above.

5. The Finance Director and the Fire Chief in mutual agreement may allow exceptions to this fee structure and forgive portions of an ambulance bill based solely on the documented ability to pay of the person responsible for paying the ambulance bill.

6. Uncollected portions of ambulance bills that are more than 60 days past due shall be subject to the following collection measure:

> Consignment to an outside collection agency.

7. The City may enter into contractual agreements with health care insurance provider organizations that set different rates than those listed above. Such agreements shall conform to all insurance laws and regulations recognized by the State of Colorado.

8. A City ambulance membership program (Westminster MED) shall be continued. The annual membership fee shall be \$15 for an individual and \$30 for a family. The annual fee shall represent the pre-payment of the uninsured portion of any City ambulance transport bill for an emergency medical condition. The City shall retain the right to bill and expect payment of benefits covered by the individual's insurance companies.

9. The City Manager shall have the authority to adjust ambulance fees up to 10% annually to address market conditions and/or operating costs.

Passed and adopted this 9th day of June 2003.

ATTEST:

Mayor

City Clerk

Attachment #1: Ambulance Fee Schedule Survey

The following fee survey was conducted in two parts. The first part reflects the standard fee that agencies charge for Basic Life Support (BLS), Advanced Life Support (ALS), and mileage. The second part of the survey reflects what agencies actually charge for procedures, supplies, and service based on four given scenarios. Staff created this additional survey to capture true costs.

Agency Name	Base rate BLS	Base rate ALS	Mileage charge
Action Care Ambulance	\$468.00	\$618.00	\$13.00
Cunningham FD	\$550.00	\$550.00	\$10.00
Evergreen FD	\$600.00	\$600.00	\$15.00
Federal Heights FD	\$400.00	\$475.00	\$10.00
Littleton FD	\$350.00	\$450.00	\$9.00
North Metro FD	\$395.00	\$495.00	\$10.00
Parker FD	\$457.00	\$457.00	\$10.00
West Metro FD	\$470.00	\$580.00	\$10.00
Western Ambulance	\$445.00	\$845.00	\$8.50
Westminster FD Current	\$435.00	\$530.00	\$9.50
Average	\$457.00	\$574.13	\$10.63
Westminster FD Proposed	\$450.00	\$575.00	\$10.00

Ambulance Fee Schedule Survey - Scenarios					
Agency Name	A (ALS)	B (BLS)	C (ALS)	D (No transport)	Total
Action Care Ambulance	\$878.88	\$672.00	\$1,014.00	\$187.00	\$2,751.88
Cunningham FD	\$880.00	\$785.00	\$1,035.00	\$0.00	\$2,700.00
Evergreen FD	\$860.00	\$765.00	\$985.00	\$225.00	\$2,835.00
Federal Heights FD	\$740.00	\$580.00	\$920.00	\$225.00	\$2,465.00
Littleton FD	\$620.00	\$435.00	\$700.00	\$0.00	\$1,755.00
North Metro FD	\$818.62	\$525.00	\$756.00	\$93.08	\$2,192.70
Parker FD	\$626.00	\$622.00	\$767.00	\$0.00	\$2,015.00
West Metro FD	\$755.00	\$645.00	\$890.00	\$0.00	\$2,290.00
Western Ambulance	\$1,088.50	\$530.00	\$1,217.00	\$98.00	\$2,933.50
Westminster FD Current	\$620.50	\$604.00	\$713.00	\$75.00	\$2,012.50
Average	\$788.75	\$616.30	\$899.70	\$100.34	\$2,395.06
Westminster FD Proposed	\$745.00	\$625.00	\$885.00	\$75.00	\$2,330.00

Scenario A

Advanced life support transport of a cardiac patient transported five miles code three; the patient received oxygen, IV's, blood draw, EKG, and medications administered by a paramedic.

Scenario B

Basic life support transport from a routine minor traffic accident where the patient was transported eight miles code two. The patient receives oxygen, and spinal immobilization administered by an EMT.

Scenario C

Traumatic cardiac arrest patient transported 14 miles code three to a trauma center. The patient received intubation, suctioning, IV's, blood draw, EKG, and spinal immobilization performed by a paramedic:

Scenario D

This is a diabetic patient that received oxygen, IV, blood and test performed by a paramedic. Patient then refused transport. Patient charged for care rendered no transport.



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Councillor's Bill No. 30 re 112th Avenue and Federal Boulevard Intersection

Prepared By: Dave Downing, City Engineer

Recommended City Council Action

1. Pass Councillor's Bill No. 30 on first reading, which does the following: Appropriates \$588,202 to the 112th Avenue and Federal Boulevard Northeast Intersection project account; Authorizes the transfer of \$392,141 from the Sheridan Boulevard, 113th Avenue to 118th Avenue Project account; Authorizes the transfer of \$19,247 from the 92nd Avenue/ US 36 On/Off Ramps project; Authorizes a payment of \$31,429 from the Reclaimed Customer Connection Account 2003 Utility Fund CIP; and All of the above to create a project budget in the amount of \$1,031,019,
2. Approve expenditures for the project budget that include the following: \$855,091 for the construction; \$37,925 for construction engineering services; \$9,739 for materials testing services; and a construction contingency of \$128,264, or 15% of the bid amount to be held in a separate account. All of the above equal the project budget of \$1,031,019.
3. Authorize the City Manager to execute an agreement with DeFalco Lee Construction Company in the amount of \$855,091 for the construction of the 112th Avenue and Federal Boulevard Intersection Improvements Project; and authorize payments for the above expenses from the 112th Avenue/Federal Boulevard Northeast Intersection Project account in the General Capital Improvement Project fund and the 2003 Utility Fund.

Summary Statement

- Within the past several months, private development activity has commenced on the properties located at the northeast and the southeast corners of the intersection of 112th Avenue and Federal Boulevard. In accordance with the City Code, the developers of properties located adjacent to arterial streets are responsible for the necessary widening of those roadways.
- Since Federal Boulevard is a US Highway (US 287), these developers were required to gain approval of their street construction plans from the Colorado Department of Transportation (CDOT). CDOT officials, sensing potential conflicts with two contractors working in the same intersection at virtually the same time, demanded that all of the work on the 112th Avenue and Federal Boulevard intersection be consolidated into a single project. City Staff, who would also like to perform the necessary widening adjacent to the property at the southwest and southeast corner of the intersection at this time, concurs with this approach.
- Construction plans prepared by consultants to the various developers were combined into one bid package, and the project was publicly bid. Seven bids were received and opened, and the lowest bidder was DeFalco Lee Construction Company with a bid of \$855,091.
- Most of the funding for this project will be provided by the developers, either immediately or through future recovery agreements. However, it will be necessary for the City to "front" a substantial portion of the cost as well as pay for certain reclaimed water main, traffic signal and related expenses.

Expenditure Required: \$ 1,031,019

Source of Funds: Developer contributions, Utility Fund and General Capital Improvement Fund

Policy Issue

Should the City proceed with the award of the bid for the construction of 112th Avenue and Federal Boulevard intersection improvements?

Alternative

Delay the construction of this project. This alternative is not recommended due to the growing need to provide adequate facilities for traffic at this busy intersection. Furthermore, developers of properties at three of the four corners of the intersection have paid at least some portions of their shares of the construction costs for the proposed improvements, so there is some expectation that the work will be performed in the near future. Finally, the bids recently received for the intersection improvements are favorable to the City.

Background Information

For the past several years, inadequate facilities at the intersection of 112th Avenue and Federal Boulevard have caused an increasing number of traffic delays, particularly due to the existing single left-turn lanes at all four legs of the intersection. The need for improvements to the intersection will be heightened with the pending commercial development of Ranch Reserve Plaza at the northeast corner and the current residential development of Savory Farm Subdivision at the southeast corner. Furthermore, the City of Northglenn's 112th Avenue flyover of I-25, which is scheduled to be completed before the end of 2003, could direct a significantly greater volume of traffic toward the 112th Avenue/Federal Boulevard intersection.

In accordance with the City Code, the developers of the above-mentioned subdivisions were directed to perform the necessary widening of their frontages of both arterial streets in conjunction with their developments. However, the Colorado Department of Transportation (CDOT) denied the approval of the developers' plans for the roadway improvements due to their fear that multiple construction projects within the same intersection at virtually the same time might present coordination problems. City Staff agreed that a consolidated effort that should also include improvements to the southeast and southwest quadrants of the intersection would be preferable. Improvements to the northwest quadrant of the intersection were provided a few years ago and, thus, are not included in the currently proposed project.

Within the past year, City Staff has coordinated the preparation of a construction package for a single project by combining the plans of the various developers. The project calls for the widening of both arterial streets to allow for double left-turn lanes from all four directions, the installation of "free-flow" right-turn lanes at the three remaining quadrants and traffic signal improvements. The bid package was structured in such a manner to make it easy to determine the actual bid amounts attributable to each quadrant of the intersection. The notice of the construction package for this project was advertised in the Daily Journal, and bids were opened on May 23. Seven contractors submitted bids on this project with the low bid of \$855,090.78 being submitted by DeFalco Lee Construction Company. The bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
DeFalco Lee	\$ 855,090.78
Asphalt Specialties	\$ 877,816.95
Concrete Works of Colorado	\$ 917,921.70
Wycon Construction	\$ 928,542.00
Brannan Sand & Gravel	\$ 938,940.43
Technology Construction	\$ 939,646.80
New Design Construction	\$1,042,818.76
Engineer's estimate	\$ 860,000

City Staff has reviewed the results of the bidding procedure and recommend that the low bidder, DeFalco Lee Construction Company, be awarded the contract for construction in the amount of \$855,090.78. This company has performed much of the construction of public improvements on the Ranch Reserve Subdivision at the northeast corner of the intersection, so they are very familiar with the area.

The subtotals of DeFalco Lee's bid as they pertain to each quadrant of the intersection are as follows:

Northeast Corner	\$364,667.32
Southeast Corner	\$193,000.68
Southwest Corner	\$133,549.53
Traffic Signal	\$163,873.25

TOTAL BID	\$855,090.78

An extension of the City's reclaimed water main through the work area is included in the cost for the northeast corner, and this item in the amount of \$31,429 will be paid out of the 2003 Utility Fund. A temporary soft trail along Federal Boulevard requested by City Staff was included in the cost for the southwest corner, so this item in the amount of \$6,221 should be deducted from the cost to this developer. A permanent 8-foot wide concrete sidewalk will be built in this area at the time of development. The traffic signal installation will be split evenly four ways with the City paying for that 25% of the cost attributable to the previously improved northwest quadrant. After factoring these items and pro rating the expenses for construction engineering services and materials testing services, the shares of the costs for this project are as follows:

Northeast Corner	\$395,065
Southeast Corner	\$247,010
Southwest Corner	\$177,677
City of Westminster	\$ 83,003
Project Contingency	\$128,264

TOTAL BUDGET	\$1,031,019

The developer of the Ranch Reserve Plaza at the northeast quadrant of the intersection, through a previous agreement with the City, has already paid to the City \$270,000 of his share of the total cost of the project. Therefore, the City will need to "front" \$125,065 of this developer's cost. This final reimbursement of \$125,065 will be paid to the City upon the developer's request for a building permit for the final phase of their commercial project.

The developer of Savory Farm Subdivision at the southeast quadrant has deposited with the City his full share of the project, which is \$247,010.

The developers of the future commercial lot of Legacy Ridge at the southwest quadrant, through previous agreement with the City, has paid \$71,192 of their share of the project cost. Therefore, the City will need to "front" \$106,485 of this portion of the project cost until that money can be collected in the future through a recovery agreement on the property at the time the property is developed.

Since all of the developers' payments are deposited into a Revenue Account, the attached Councillor's Bill is necessary to supplementally appropriate these funds into the project account.

The City is fully responsible for \$83,003 of the project expenses. As mentioned earlier, \$31,429 of that cost is for an extension of the reclaimed water system, and this item will be paid out of the 2003 Utility Fund.

SUBJECT: Councillor's Bill re 112th Avenue and Federal Boulevard Intersection - Page 4

Finally, it is proposed that the City would provide funding in the budget for the \$128,264 project contingency, to be held in a separate account but, again, any such costs that may arise will be apportioned to the appropriate party. For example, any cost overrun attributable to the developer of the southeast quadrant would be immediately paid by him. But, any cost overrun attributable to the developer of the northeast quadrant would be paid with that final building permit request, and any cost overrun for the southwest quadrant would have to be carried by the City until recoveries could be collected.

In summary, the total amount of the costs that the City must "front" and the costs that are the City's full responsibility (less the cost of the reclaimed water main, which has already been addressed) equals \$411,388. It is proposed that these funds be obtained from the completed Sheridan Boulevard (113th Avenue to 118th Avenue) Project and the completed US 36/92nd Avenue/Sheridan Boulevard Interchange Project. Funds would remain within these two Capital Improvement Projects of the General Capital Improvement Project Fund and no further expenses from those projects are forthcoming.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **30**

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 \$588,202 which, when added to the fund balance as of the City Council action on June 9, 2003 will equal \$10,086,202. 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 developer contributions received by the City.

Section 2. The \$588,202 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			
Cash-in-Lieu Future Capital Projects 7500.40210.0751	\$0	<u>\$588,202</u>	\$588,202
Total Change to Revenues		<u>\$588,202</u>	
EXPENSES			
112 th Avenue/Federal Blvd NE Intersection Proj 80175030019.80400.8888	\$50,000	\$999,590	\$1,049,590
Sheridan 113 th -118 th 80175030061.80400.8888	\$4,080,000	(\$392,141)	\$3,687,859
92 nd /US 36 On/Off Ramps 80175030056.80400.8888	\$4,621,973	<u>(\$19,247)</u>	\$4,602,726
Total Change to Expenditures		<u>\$588,202</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. 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 9th day of June, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Construction of Lowell Waterline

Prepared By: Diane Phillips, Capital Improvement Coordinator

Recommended City Council Action

Based on the report of the City Manager, City Council finds that the public interest would be best served by accepting the bid for this work from Farner Enterprises, Inc. Authorize the City Manager to execute a contract with Farner Enterprises, Inc. in the amount of \$220,050 for construction of the Lowell Boulevard waterline; authorize \$22,005 for a 10% contingency to be held in a separate account; create a separate CIP account for this project to more easily trace progress and expenses; and move \$242,055 from waterline maintenance and replacement project account.

Summary Statement

- The existing 6-inch waterline in Lowell Boulevard is aging and requires continued maintenance. It is undersized and needs to be replaced with 1,600 feet of 12-inch waterline to provide adequate flow.
- JR Engineering completed the design of the waterline and bids were received on March 24, 2003.
- Colorado Pipeline submitted the lowest bid but received poor comments from its references. Farner Enterprises, Inc. submitted the second lowest bid and has performed very good work for the City and other clients in the past and it is recommended that the City contract with Farner Enterprises, Inc. to provide the construction of this waterline.

Expenditure Required: \$220,050 for construction, and an additional \$22,005 in contingency to be set aside in a separate account.

Source of Funds: Utility Fund Capital Improvement Fund

Policy Issue

Should the City award a contract to Farner Enterprises, Inc. in the amount of \$220,050 to build the Lowell Boulevard waterline?

Alternative

The City could delay the construction of this waterline but the cost would likely increase and reliable water service could be compromised due to the condition of the pipeline inadequate supply and main breaks on the existing line.

Background Information

The existing 6-inch waterline in Lowell Blvd, from 80th Avenue running south under US 36, is undersized, over fifty years in service, and failing. The line should be replaced with a 12-inch line to provide adequate supply to the area. The total budget for this project is \$400,000 and all funds are available in the Waterline Maintenance and Replacement Project account. A map of the project area is attached.

Staff recommends moving the project bid amount of \$220,050 plus \$22,005 contingency (contingency to be placed into a separate account) into a separate CIP account for the Lowell Boulevard waterline: 80th to US 36 project.

Bids for the construction of this line were received on March 24, 2003 from nine construction firms. Their bids are listed below.

Colorado Pipeline	\$201,237
Farners Enterprises, Inc.	\$220,050
Tierdale Construction	\$263,632
T. Lowell Construction	\$280,000
New Design Construction	\$282,784
Tierra Environmental	\$295,754
Wycon Construction	\$299,015
Parker Excavation	\$370,130
EX Excavation	\$374,306
Engineers estimate	\$255,000

Colorado Pipeline has the lowest bid but when staff and consultants checked their references, Southgate Water and Sanitation and the City of Fort Collins, the firm was not recommended.

Farner Enterprises, Inc. had the second lowest bid. They have completed several successful projects for the City and have performed well for other clients.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Councillor's Bill No. 31 re 2003 CDBG Fund Appropriation

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action

Pass Councillor's Bill No 31 on first reading to appropriate 2003 CDBG funds in the amount of \$696,000.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on first reading appropriating 2003 Community Development Block Grant (CDBG) funds in the amount of \$696,000, awarded by the U.S. Department of Housing and Urban Development (HUD).
- The 2003 CDBG allocation of \$696,000 was awarded to the 2003 CDBG projects, per City Council approval on November 11, 2002.
- In 2003, the City was allocated \$696,000 from HUD, an increase of \$4,000 from the 2002 CDBG final allocation of \$692,000.
- HUD approved the City's 2003 CDBG Action Plan on May 8, 2003. The 2003 Action Plan is a required submission by HUD that outlines the City's local goals and priorities in regards to the use of the 2003 CDBG allocation and also outlines the 2003 CDBG projects.

Expenditure Required: \$696,000

Source of Funds: 2003 Community Development Block Grant Funds

Policy Issues

- Should the 2003 CDBG funds in the amount of \$696,000 be appropriated to the 2003 CDBG projects as previously approved by City Council on November 11, 2002?
- If the City fails to spend the money in a timely manner, HUD may reduce the City’s allocation of CDBG funds in subsequent years.

Alternative

- Decline the Community Development Block Grant funding from the U.S. Department of Housing and Urban Development. This is not recommended due to the important projects funded with CDBG funds.

Background Information

The 2003 CDBG budget and projects were developed from input provided by Westminster residents, City Staff, and independent organizations operating in the City. Public notices and citizen comment periods were used to solicit community input on the development of the 2003 CDBG Action Plan approved by HUD on May 8, 2003.

CDBG funds are used for community development projects, which primarily benefit the City’s low to moderate-income populations and address blight conditions in the City. The following is a list of 2003 CDBG projects that were approved by City Council on November 11, 2002; a description of each item follows this list.

2003 CDBG Program Administration	\$139,000
Lowell Boulevard Streetscape Improvements (Design)	\$50,000
Bradburn Boulevard Streetscape Improvements (Design)	\$50,000
Westminster Grange Restoration (Architectural Design and Construction)	\$75,000
Meade Street Streetscape Improvements (Construction)	\$282,000
<u>Human Service Advisory Board Recommendations</u>	<u>\$100,000</u>
Total	\$696,000

2003 CDBG Program Administration **\$139,000**

HUD allows grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. Program administration funds would cover the salaries of the Community Development Programs Coordinator and one full-time Secretary. Administrative costs associated with the administration of the CDBG program funded would include: professional/consultant fees, meeting expenses, professional training, supplies/materials, studies, environmental reviews, etc. Per HUD requirements, the City is required to provide a number of services that require expenditure of administrative funds. Those duties include submission of the 5 year Consolidated Plan, preparation of the annual action and performance reports, hosting citizen participation activities and community meetings, developing an Impediments to Fair Housing plan, monitoring minority business contract reports, conducting environmental reviews, compliance within the Davis Bacon wage act, lead based paint evaluations, national objective and eligibility review, contracting and procurement regulatory procedures, etc.

Lowell Boulevard Streetscape Improvements (Design)***\$50,000***

The project will provide funding to initiate preparation of final construction documents for the streetscape enhancements along Lowell Blvd. between 73rd Avenue and 80th Avenue. The construction documents will include street and sidewalk improvements and streetscaping along Lowell Blvd. The project was provided 2002 CDBG funds for design and architectural rendering documents that are to be completed in early 2003.

Bradburn Boulevard Streetscape Improvements (Design)***\$50,000***

The project will provide funding to initiate preparation of final construction documents for the streetscape enhancements along Bradburn Boulevard between 73rd Avenue and 80th Avenue. The construction documents will include street and sidewalk improvements and landscaping along Bradburn Boulevard.

The project was provided 2002 CDBG funds for design and architectural rendering documents that are to be completed in 2003.

Westminster Grange Restoration (Architectural Design and Construction)***\$75,000***

The project will provide funding for final architectural construction documents and provide matching funds with which to pursue restoration grants (\$200,000 - \$300,000) from the Colorado Historical Society to initiate improvements to the Westminster Grange building. The project was provided 2002 CDBG funds to undertake an architectural assessment of the Westminster Grange.

Meade Street Streetscape Improvements(Construction)***\$282,000***

The project will provide funding for construction documents and physical improvements to include curb, gutter, sidewalk, street lighting and landscaping improvements to Meade Street between 72nd Avenue and 73rd Avenue in conjunction with the Meade Street Townhouse redevelopment project. The project will complete street improvements to this area and complement the 73rd Avenue Street Reconstruction project on 73rd Avenue between Bradburn Boulevard and Lowell Boulevard that will be completed in the fall/winter 2003/2004.

Human Service Advisory Board Recommendations***\$100,000***

The following programs and projects, totaling \$100,000, were previously approved by City Council during the adoption of the 2003-2004 City budget.

- Access Housing, Inc \$9,000

To partially pay the staff salary of the Emergency Service Coordinator for the provision of services associated with the delivery of homeless services that includes: Homeless Prevention, Emergency Shelter, Adult Education, Transitional Housing, and Motel Vouchering programs.

- Adams County Housing Authority \$19,500

To pay for costs associated with the delivery of services under the Housing Counseling Program. Housing Counseling Program services includes: homeless prevention, utility assistance, home ownership, foreclosure/eviction prevention, rental subsidy, reverse mortgage counseling and certification, money management, and post-counseling to ensure continued housing retention.

- Adams County Mental Health Center \$28,000

To pay for costs associated with the delivery of outpatient counseling services that include 24-hour crisis telephone service, day treatment programs, and programs that provide education and training to prepare individuals for independent living and employment.

- Alternatives to Family Violence \$17,000

To pay for costs associated with the provision of housing for battered women, 24 hour crisis counseling, information, referral and advocacy, individual and group counseling for women, children and adolescents.

- Colorado Homeless Families \$12,000

To pay for costs associated with the provision of transitional housing units for homeless families. Families receive housing, case management, counseling, education, support groups, English classes, and computer training. Colorado Homeless Families also provides food, clothing and furniture.

- Family Tree, Inc \$14,500

To pay for costs associated with the provision of emergency housing and support services for victims of domestic violence. Services provided include: crisis intervention, legal advocacy, food, shelter, children's counseling, case management, and family therapy.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **31**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2003 for the CDBG Fund. The appropriation of \$696,000 is the amount approved by the US Department of Housing and Urban Development (HUD) for the City for 2003.

Section 2. The \$696,000 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Block Grant – CDBG 7600.40610.0025	\$0	<u>\$696,000</u>	\$696,000
Total Change to Revenues		<u>\$696,000</u>	
EXPENSES			
Salaries 76030350.60200.0000	\$0	\$99,779	\$99,779
CDBG – 03 Block Grant 80376030318.80400.8888	\$0	<u>\$596,221</u>	\$596,221
Total Change to Expenditures		<u>\$696,000</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 9th day of June, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2003.

ATTEST:

Mayor

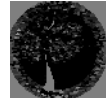
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Councillor's Bill No. 32 re Carroll Butts Park Renovation and Big Dry Creek Trails Supplemental Appropriation

Prepared By: Julie M. Meenan Eck, Landscape Architect

Recommended City Council Action:

Pass Councilor's Bill No. on first reading authorizing a supplemental appropriation in the amount of \$500,000 reflecting the City's receipt of an Adams County Open Space Grant for Carroll Butts Park renovations in the amount of \$250,000 and reflecting the City's receipt of an Adams County Open Space Grant for construction of new trails located at Big Dry Creek and I-25 in the amount of \$250,000.

Summary Statement:

- In January, 2003, Staff received City Council's approval to submit a proposal for an Adams County Open Space Grant for improvements to the existing Carroll Butts Park pond area and the proposed trail connection at Big Dry Creek and Quail Creek.
- The City was notified in May, 2003 that it was successful in receiving these Open Space Grants in the total amount of \$500,000.
- The Parks, Recreation and Libraries Department has appropriate matching funds in the 2003 Capital Improvement Program for Carroll Butts Park and the Community Development Department, through the open space fund, has met the matching funds requirement for the Big Dry Creek Trail Extension.
- Hyland Hills has partnered with the City on the Carroll Butts Park Adams County Open Space Grant.
- Design will begin in the summer of 2003, and construction will begin in the fall of 2003 for Carroll Butts Park.
- Design will begin in the summer of 2003, and construction will begin in the winter of 2003/2004 for the Big Dry Creek Trail.

Expenditure Required: \$250,000 Joint Venture Grant for Carroll Butts Park
\$250,000 Joint Venture Grant for Big Dry Creek Trail

Source of Funds: Adams County Open Space Grant

SUBJECT: Councillor's Bill re Carroll Butts Park Renovation and Big Dry Creek Trails
Supplemental Appropriation Page 2

Policy Issue

Should the City accept the grant monies and improve Carroll Butts Park and the Big Dry Creek Trail?

Alternative

City Council could choose to not accept one or both grants, but Council has already passed a unanimous resolution authorizing City Staff to apply for the grants.

Background Information

The Carroll Butts Park Renovation project is based on a master plan developed by City Staff and staff from Hyland Hills Park and Recreation District. The project will consist of removal of an old asphalt parking lot (already completed) and replacing it with landscaping behind the new Breakaway Center; concrete trail replacement of the soft trails that are currently looping the park; and adding benches, boulders, a new bridge, and landscaping to the pond. The pond has already been dredged and increased in size, which will promote clean water and allow for possible fishing in the future. Receipt of a \$250,000 Adams County Open Space grant, with a City match of \$350,000 and a Hyland Hills match of \$150,000, will increase the project budget to \$750,000 in 2003 for these new improvements.

In addition, the City has completed improvements to the Quail Creek corridor that includes a concrete trail from Huron Street on the north to Big Dry Creek on the south. The City can utilize this project as a match of approximately \$438,000. This grant will allow the City to extend the Big Dry Creek Trail east to the existing underpass under I-25 and to the west to connect to Huron Street as well as build a bridge over Big Dry Creek to connect the Quail Creek and Big Dry Creek Trails. The grant from Adams County will allow this connection to take place in the near future. A site plan and trail map for these projects are attached.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **32**

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 \$500,000 which, when added to the fund balance as of the City Council action on June 9, 2003 will equal \$9,498,000. 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 two Adams County Open Space grants.

Section 2. The \$500,000 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			
OS Grant Adco 7501.40630.0010	\$0	<u>\$500,000</u>	\$500,000
Total Change to Revenues		<u>\$500,000</u>	
EXPENSES			
HH Ice Arena/Carol Butts 80175050032.80400.8888	\$450,000	\$250,000	\$700,000
Trails Development 80175050135.80400.8888	\$402,400	<u>\$250,000</u>	\$652,400
Total Change to Expenditures		<u>\$500,000</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. 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 9th day of June, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of June, 2003.

ATTEST:

Ed Moss, Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Intergovernmental Agreement with WEDA to Advance Funds for Land Acquisition for Mandalay Gardens Properties
Prepared By: Alan Miller, Special Projects Director
Mary Ann Parrot, Finance Director

Recommended City Council Action

Authorize the Mayor to execute an Intergovernmental Agreement with the Westminster Economic Development Authority (WEDA) to advance \$11,500,000 through the use of short term cash in the General Capital Improvements Fund for the purchase of 20 parcels of land to further the Mandalay Gardens Town Center project, contingent on the approval of the project by the Target Capital Project Review committee at their meeting on June 25. These funds shall be repaid to the City no later than December 31, 2003.

Summary Statement

- The City of Westminster (City) and the Westminster Economic Development Authority (WEDA) have been engaged in activities to redevelop the Mandalay Gardens area including acquiring the 23 parcels included in the redevelopment area.
- The project's success hinges in large part on acquiring all the parcels in a timely basis so that overlot grading can begin no later than mid August. This will allow for Target to begin construction of their store in November, which in turn means they can be open for business in November of 2004.
- Target's Capital Project Review (CPR) team is scheduled to meet on June 25. This meeting is anticipated to result in approval of the contract with RED Development to build and open a Super-Target on the site. RED has been favorably received by Target and has a long track record with Target, having built four other Target stores.
- This short term advance funding to WEDA will allow all the parcels with occupants to be acquired by July 3rd. The advance funding would be predicated on Target's Capital Project Review team approving the project at their June 25th meeting. The purchase of the properties with occupants by July 3rd is necessary to provide time for people to vacate their property in time to allow grading to start mid-August.
- In order for site preparation work to proceed it is necessary to close on all the properties by July 3.
- Staff has concluded there is not enough time for WEDA to issue bonds by early July because of the lead-time needed to structure the letter of credit reimbursement agreement. WEDA will need a "bridge loan" or advance funding prior to an anticipated bond issuance in early August, to allow for purchase of the properties and owners/tenants to find other housing and move out. In no case will the funds be paid back to the City any later than December 31, 2003.
- The General Capital Improvement Fund has sufficient cash to fund this "bridge loan" to WEDA without impact to any capital project. Once the Target Capital Project Review team has approved the project the risk to the City is very low. The worst case scenario would have the City owning 65-acres of assembled prime developable property ready for sale.
- The "bridge loan" is the most cost effective way to fund the purchases of properties by July 3rd. Other bank loan arrangements were evaluated thoroughly and they would have cost from \$200,000 - \$1,000,000 in fees and interest. In the end the City would still bear substantially the same risk as with the internal "bridge loan".
- Once Target's Capital Project Review (CPR) team approves the project on June 25th there is still one final step where Target's senior management approves the project. The senior management approval is scheduled for August 2nd. There never has been a situation where Target's senior management has not approved a project once it was approved by their CPR committee. WEDA's bond issue is scheduled immediately after August 2nd.

Expenditure Required: \$11,500,000 (to be reimbursed)
Source of Funds: General Capital Improvement Fund Cash

Policy Issues

Should the City advance to WEDA \$11.5 million for WEDA to use to acquire the land in the Mandalay Gardens Town Center area, subject to the agreement with WEDA that it repays the City from the proceeds of its issuance of bonds in August 2003?

Alternatives

1. Do not enter into an Intergovernmental Agreement with WEDA to advance WEDA the funds to make the payments to acquire the land. This is not recommended for the following reasons:
 - If this payment is not made, the project will not move forward. City Council has directed Staff to move forward with this project with several past actions.
 - The risk of the project is minimal once Target's CPR Committee has approved the project on June 25th.
 - If the project fails for some unknown reason after June 25 (a national disaster, wherein Target cancels the project), WEDA would own 65-acres of very developable property and commence looking for another user.
2. Secure advance funding from another source. This is not recommended for the following reasons:
 - Staff has researched this and had discussions with a total of three banks to date. The fees and interest costs proposed by the banks are exorbitant (ranging from \$200,000 to \$1.0 million for fees and interest charges for a 60-day bridge loan.)
 - The City can loan the funds to WEDA at no cost in fees and for very little interest, given its low cost of capital. The City also has the cash to lend to WEDA.
 - The risk to the City is substantially the same with a bank loan and in many ways creates less flexibility for the City if there is a default by WEDA.

Background Information

The Mandalay Gardens redevelopment project has been well underway for more than a year. The project is at a critical stage of moving forward to actually acquire property, reach agreement with a developer and be ready for Target to begin store construction.

- Actions taken to-date include:
 - On December 16, 2002, the City and WEDA approved an Annexation and Preliminary Development Agreement with Westfield Development Company, Inc.
 - On December 23, 2002 the City Council approved the annexation of Mandalay Gardens to Westminster.
 - On March 17, 2003 the City Council approved an Urban Renewal Plan for Mandalay Gardens under the Colorado Urban Renewal Law.
 - On March 24, 2003, the City Council approved an Intergovernmental Agreement with WEDA to advance funds to purchase the Sup-Cal property in compliance with the terms of a Purchase and Sale Agreement with Suppa Properties LLC ("Suppa") and Sup-Cal Development LLS ("Sup-Cal").
 - On April 14 the WEDA Board of Directors approved the selection of CDC-RED as the Preferred Developer for Mandalay Gardens.
 - On April 14, the WEDA Board of Directors also approved the advance funding of up to \$1 million to reimburse Westfield Development Corp for work on the project on behalf of WEDA, in compliance with the Annexation and Preliminary Development Agreement.

- On June 2, the City Council approved an IGA with WEDA to advance funds (\$750,000) to purchase the Mortensen parcel.
- On June 2, the WEDA Board of Directors also approved the IGA with the City of Westminster agreeing to repay the City \$750,000 for funds advanced to WEDA for the purchase of the Mortensen property.

- The current proposed timeline is as follows:

<u>Event</u>	<u>Date</u>
Approval of Development Agreement by WEDA	June 16 or 23
RED presentation to Target and Target CPR approval of project	June 25
WEDA advance funding of \$11.5m approval for land acquisition	June 26
Closing on properties in Mandalay Gardens	June 30 to July 3
Residents' period of time to vacate properties	July (30 days)
Final Target Senior Management approval of project	August 2
Sale and closing of WEDA Bonds	Early August
Clearing of property and overlot grading	August thru October
Target store construction begins	November 2003
Opening Target store	November 2004

Staff will be prepared at the June 9 City Council Meeting to answer City Councillor questions on this matter.

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, WEDA is a party to certain executed purchase and sale contracts with property owners in the area, and;

WHEREAS, the City and the Authority now wish to cooperate in expediting the closings on these properties in order to keep the project on schedule.

NOW, therefore, the parties agree as follows:

1. The City agrees to provide up to \$11,500,000 in funds necessary to complete the payments to selected property owners under the terms of the contracts with the individual property owners.
2. The Authority shall hold such funds in an interest-bearing account and shall be responsible for making the purchase price payments when due pursuant to the contracts with the property owners; however, the repayment to the City shall be without interest.

3. The Authority agrees to repay the City the funds provided to the Authority pursuant to paragraph 1 above not later than December 31, 2003.

CITY OF WESTMINSTER

**WESTMINSTER ECONOMIC
DEVELOPMENT AUTHORITY**

By: _____
Ed Moss, Mayor

Ed Moss, Chairman

Attest:

Attest:

Michele Kelley, City Clerk

Secretary



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 9, 2003



SUBJECT: Second Reading Councillor's Bill No. 28 Amending the Fees Charged for Land Use and Development Reviews

Prepared By: John Quinn, AICP, Planner II

Recommended City Council Action

Pass on second reading Councillor's Bill No. 28 amending the fees charged for land use and development fees.

Summary Statement

City Council at their April 12, 2003, meeting approved on first reading Councillor's Bill No. 28 amending the fees charged for land use and development reviews. Planning Division staff met with the Home Builders Association to review the proposed development fee changes. Following the review, the Home Builders Association had no negative comments concerning the proposed fee increases.

City Council is requested to approve the following proposed fees that will be established or increased.

- 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 square root of acres and the new fee will be \$400 x square root 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 Northeast Comprehensive Development Plan document

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **28**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Dittman

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	\$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	\$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, June 9, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the May 19, 2003, and June 2, 2003 meetings were approved.

Mayor and Councillors recognized the outgoing members of the Youth Advisory Panel.

Council approved the following: West 106th Ave Reconstruction Contract Award with Asphalt Specialties, Inc. for \$421,849, April Financial Report; Huron Street Design Addendum with Felsburg Holt and Ullevig for \$104,205; 112th & Federal Intersection Project Expenditures of \$855,091 for construction; \$37,925 for engineering services; \$9,739 for materials testing services; and a contingency of \$128,264, or 15% of the bid amount; 112th & Federal Intersection Project Contract with DeFalco Lee Construction Co. for \$855,091; Lowell Boulevard Waterline Construction with Farner Enterprises, Inc. for \$220,050 with a contingency of \$22,005; and an IGA with WEDA to Advance Funds of \$11,500,000 for Land Acquisition for Mandalay Gardens.

Council accepted the resignations of Brian Lunning from the Board of Adjustment, and Jerry Hersey from the Human Services Board and appointed Kaaren Hardy to the Human Services Board.

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

A BILL FOR AN ORDINANCE AUTHORIZING AN AMENDMENT AND RESTATED AGREEMENT BETWEEN THE CITY OF WESTMINSTER AND CHURCH RANCH HOTEL I LLC AND CHURCH RANCH HOTEL COMPANY II LLC FOR THE COOPERATIVE DEVELOPMENT AND CONSTRUCTION OF A HOTEL AND A SUITES HOTEL Purpose: amending BAP with Church Ranch Hotel Co

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: 112th & Federal Intersection project

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND Purpose: appropriating 2003 CDBG funds

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: Carrol Butts Park and Big Dry Creek Trails

The following Councillor's Bills were adopted on second 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.

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

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

The following Resolutions were adopted:

Resolution No. 19 re Building Permit Fees

Resolution No. 20 re Ambulance Billing Fee Schedule

Resolution No. 21 re Resignation and Appointments to Boards & Commissions

At 7:40 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on June 19, 2003

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Dixon

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. 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.

BY AUTHORITY

ORDINANCE NO. **3030**

COUNCILOR'S BILL NO. **27**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Kauffman-Dittman

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. 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.

BY AUTHORITY

ORDINANCE NO. **3031**

COUNCILLOR'S BILL NO. **28**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

McNally-Dittman

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	\$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	\$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. 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.