



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. Financial Report for May 2006
 - B. Conveyance of Ownership for Thornton Investments Property Irrigation Pump Station
 - C. Roof Replacement at Municipal Service Center Administration and Operations Facilities
 - D. Adams County School District 12 Intergovernmental Agreement for a School Resource Officer
 - E. Second Reading Councillor's Bill No. 34 re Agreement with The Bedrin Organization for Brookhill V Center
 - F. Second Reading Councillor's Bill No. 37 re Westminster Armed Forces Tribute Garden Appropriation
 - G. Second Reading Councillor's Bill No. 38 re Creating an Alternate Member on the Human Services Board
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Public Hearing re Amending the South Westminster Urban Renewal Plan and Section 11-4-4 of the W.M.C.
 - B. Councillor's Bill No. 39 re Amending the South Westminster URP and Section 11-4-4 of the W.M.C.
 - C. Councillor's Bill No. 40 re Rights-of-Way Vacation within the Wilson's Subdivision
 - D. Councillor's Bill No. 41 re Appropriation of FY2005 Carryover Funds into FY2006
 - E. Councillor's Bill No. 42 re Proposed Water and Wastewater Rate Adjustments
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
13. Adjournment

WESTMINSTER HOUSING AUTHORITY MEETING (separate agenda)

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

- A.** The meeting shall be chaired by the Mayor or designated alternate. The hearing shall be conducted to provide for a reasonable opportunity for all interested parties to express themselves, as long as the testimony or evidence being given is reasonably related to the purpose of the public hearing. The Chair has the authority to limit debate to a reasonable length of time to be equal for both positions.
- B.** Any person wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to have Name Entered into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue. Any person speaking may be questioned by a member of Council or by appropriate members of City Staff.
- C.** The Chair shall rule upon all disputed matters of procedure, unless, on motion duly made, the Chair is overruled by a majority vote of Councillors present.
- D.** The ordinary rules of evidence shall not apply, and Council may receive petitions, exhibits and other relevant documents without formal identification or introduction.
- E.** When the number of persons wishing to speak threatens to unduly prolong the hearing, the Council may establish a time limit upon each speaker.
- F.** City Staff enters a copy of public notice as published in newspaper; all application documents for the proposed project and a copy of any other written documents that are an appropriate part of the public hearing record;
- G.** The property owner or representative(s) present slides and describe the nature of the request (maximum of 10 minutes);
- H.** Staff presents any additional clarification necessary and states the Planning Commission recommendation;
- I.** All testimony is received from the audience, in support, in opposition or asking questions. All questions will be directed through the Chair who will then direct the appropriate person to respond.
- J.** Final comments/rebuttal received from property owner;
- K.** Final comments from City Staff and Staff recommendation.
- L.** Public hearing is closed.
- M.** If final action is not to be taken on the same evening as the public hearing, the Chair will advise the audience when the matter will be considered. Councillors not present at the public hearing will be allowed to vote on the matter only if they listen to the tape recording of the public hearing prior to voting.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 26, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Pro Tem Kauffman and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Dittman, to approve the minutes of the regular meeting of June 12, 2006, as written and circulated. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall invited everyone to attend the July 4th celebration at City Park and announced planned activities. Additionally, he reminded citizens that State Permissible Fireworks were the only legal fireworks allowed within the City, and they were permitted only from midnight July 3 through noon on July 5. The Police Department would respond to complaints of illegal fireworks.

CITY COUNCIL COMMENTS

Councillor Major reported that he and other Council members had attended the Colorado Municipal League Annual Conference in Breckenridge. A variety of topics had been discussed and the experience was educational.

Mayor Pro Tem Kauffman informed the public of the dates and locations of upcoming meetings being held in the area to discuss the Environmental Impact Study on U.S. Highway 36 Corridor improvements. The meetings were critical and provided opportunity for the public to comment on alternatives being consideration. He encouraged citizen attendance and participation. Mayor McNally concurred and described the alternatives being considered. Elected officials along the corridor had attended numerous meetings to register support or opposition to the designs proposed, which now had been reduced to two of prime interest. The City of Westminster favored alternative 4 and urged citizens to get involved now. The decision to be made was of great significance to future transportation into and through the community.

CITIZEN COMMUNICATION

Herman Ramirez, 10350 Newcombe Court, Tim Kotsay, 10050 Lewis Court, and Larry Summer, 10411 West 101st Avenue, requested Council consideration of a modified leash law that would allow voice and sight control of trained dogs who could qualify. They supported the ordinance recently adopted by the City of Boulder. The request was referred to staff for research and response to Council.

Kaaren Hardy, 5133 West 73rd Avenue, favored the proposed water and wastewater rate adjustments being considered later in the meeting. She asked that information be disseminated concerning the amount of extra revenue to be generated annually, the use of those funds, and when infrastructure improvements might be expected.

Jane Fancher, 7260 Lamar Court, reiterated her opposition to taxpayer funded assistance to developers, including to the Bedrin Organization. Further, Ms. Fancher agreed with Ms. Hardy's request for accountability relative to

proposed adjustments to water and wastewater rates to fund infrastructure improvements and thought that Council action should be tabled until that information was available.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the May 2006 financial report; authority for the City Manager to sign a Bill of Sale conveying ownership of the Thornton Investment Pump Station to Thornton Investments, LLC; authority for the City Manager to execute a \$207,775 contract with Colorado Moisture Control, Inc. for roof replacement at the Municipal Service Center, Administration and Operations facilities, with a contingency of \$30,000; authority for the City Manager to sign an Intergovernmental Agreement with Adams County School District 12 to provide the services of a School Resource Officer at Mountain Range High School; final passage of Councillor's Bill No. 34 authorizing the City Manager to execute and implement an Economic Development Agreement with the Bedrin Organization; final passage of Councillor's Bill No. 37 authorizing a supplemental appropriation to the General Capital Improvement Fund for the Westminster Armed Forces Tribute Garden; and final passage of Councillor's Bill No. 38 amending the Westminster City Code to create an alternate membership on the Human Services Board.

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

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

PUBLIC HEARING TO AMEND THE SOUTH WESTMINSTER URP AND RELATED CITY CODE SECTION

At 7:25 p.m. Mayor McNally opened a public hearing to consider proposed changes to the South Westminster Urban Renewal Plan and revisions to Section 11-4-4 of the Westminster Municipal Code. David Shinneman, Acting Community Development Director, introduced the hearing, providing summary information about the changes recommended. He entered into the record the notice of hearing that had been published in the *Westminster Window*, as well as the agenda memorandum and associated documents attached thereto. Staff suggested the deletion of inconsistent land use regulations on Phase II of the urban renewal plan, thereby allowing the current zoning and Comprehensive Land Use Plan designations to govern permitted uses. Additionally, mislabeled Sub-Areas in Phase II would be corrected, the restriction of Check Cashing facilities as an accessory use would be lifted, and Section 11-4-4 of the Westminster Municipal Code would be modified to limit the use restrictions contained in the South Westminster Urban Renewal Plan to Phase I Sub-Areas A-I only. Mr. Shinneman responded to questions from Council members.

Mayor McNally invited public comment. Speaking in favor of the amendments proposed was Larry Dean Valente, 3755 West 81st Avenue. Speaking in support of allowing Check Cashing facilities with the addition of increased Police patrol was Nancy Thompson 7080 Beacon Way.

In conclusion, Mr. Shinneman stated that this proposal had been reviewed and considered by the Planning Commission on June 13, 2006, and the Commission had unanimously recommended Council approval. The Mayor closed the hearing at 7:50 p.m.

COUNCILLOR'S BILL NO. 39 AMENDING THE SOUTH WESTMINSTER URP & CITY CODE PROVISION

It was moved by Councillor Price, seconded by Dittman, to pass Councillor's Bill No. 39 on first reading approving the South Westminster Urban Renewal Plan amendments and revisions to Section 11-4-4 of the Westminster Municipal Code. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 40 VACATING CERTAIN RIGHTS-OF-WAY WITHIN WILSON'S SUBDIVISION

Upon a motion by Mayor Pro Tem Kauffman, seconded by Councillor Lindsey, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 40 on first reading, vacating an alley within Wilson's Subdivision, Book 2, Page 26, Adams County Public Records.

COUNCILLOR'S BILL NO. 41 TO APPROPRIATE FY 2005 CARRYOVER FUNDS TO FY 2006

It was move by Councillor Dittman and seconded by Councillor Price to pass Councillor's Bill No. 41 on first reading, appropriating FY 2005 carryover funds into the FY 2006 budgets of the General, General Capital Outlay Replacement, General Capital Improvement, Utility, Storm Drainage, and Open Space funds. At roll call the motion passed with all Council member voting yes.

COUNCILLOR'S BILL NO. 42 ADJUSTING WATER AND WASTEWATER RATES

Councillor Major moved to pass Councillor's Bill No. 42 on first reading implementing water and sewer rate adjustments and meter service charges for 2007 and 2008. Councillor Dittman seconded the motion, and it carried unanimously on roll call vote.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 7:59 p.m.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Financial Report for May 2006
Prepared By: Tammy Hitchens, Finance Director

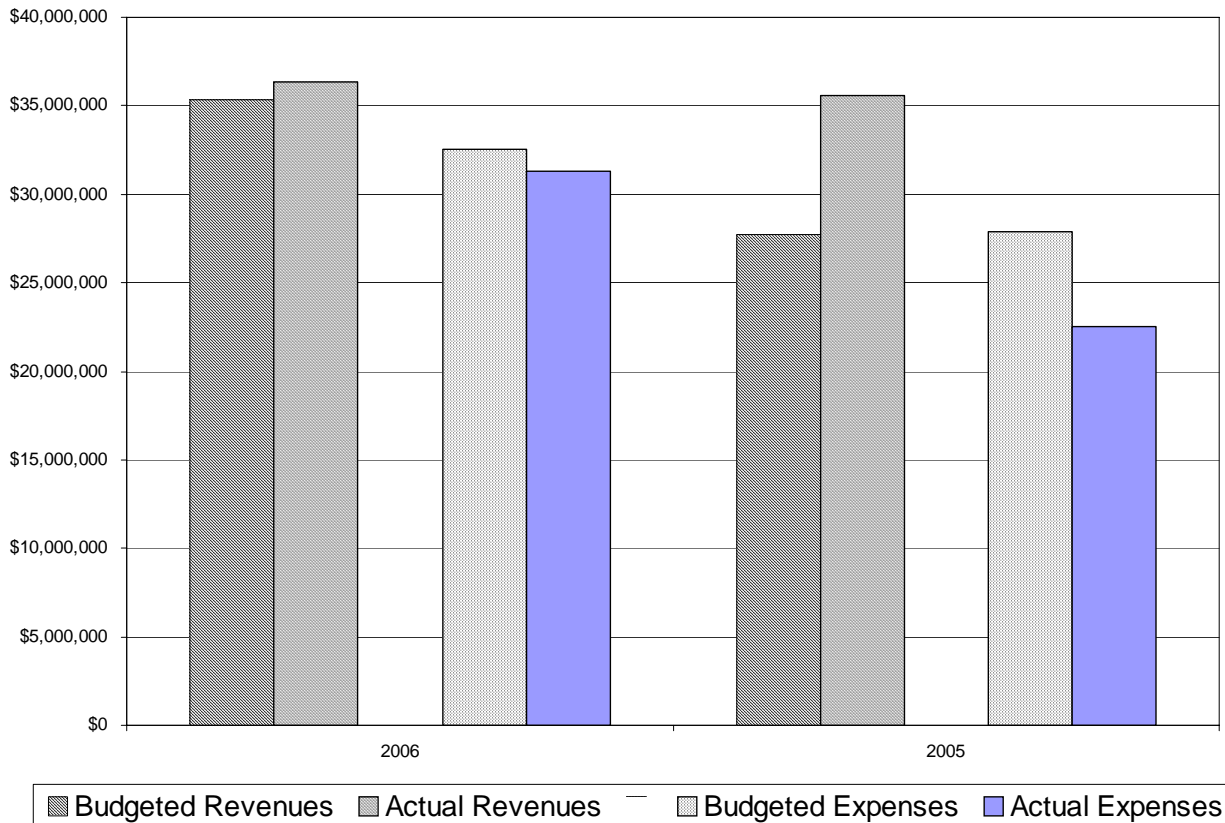
Recommended City Council Action
Accept the Financial Report for May as presented.

Summary Statement

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

The General Fund revenues and carryover exceed expenditures by \$5,012,000. The following graph represents Budget vs. Actual for 2005 – 2006.

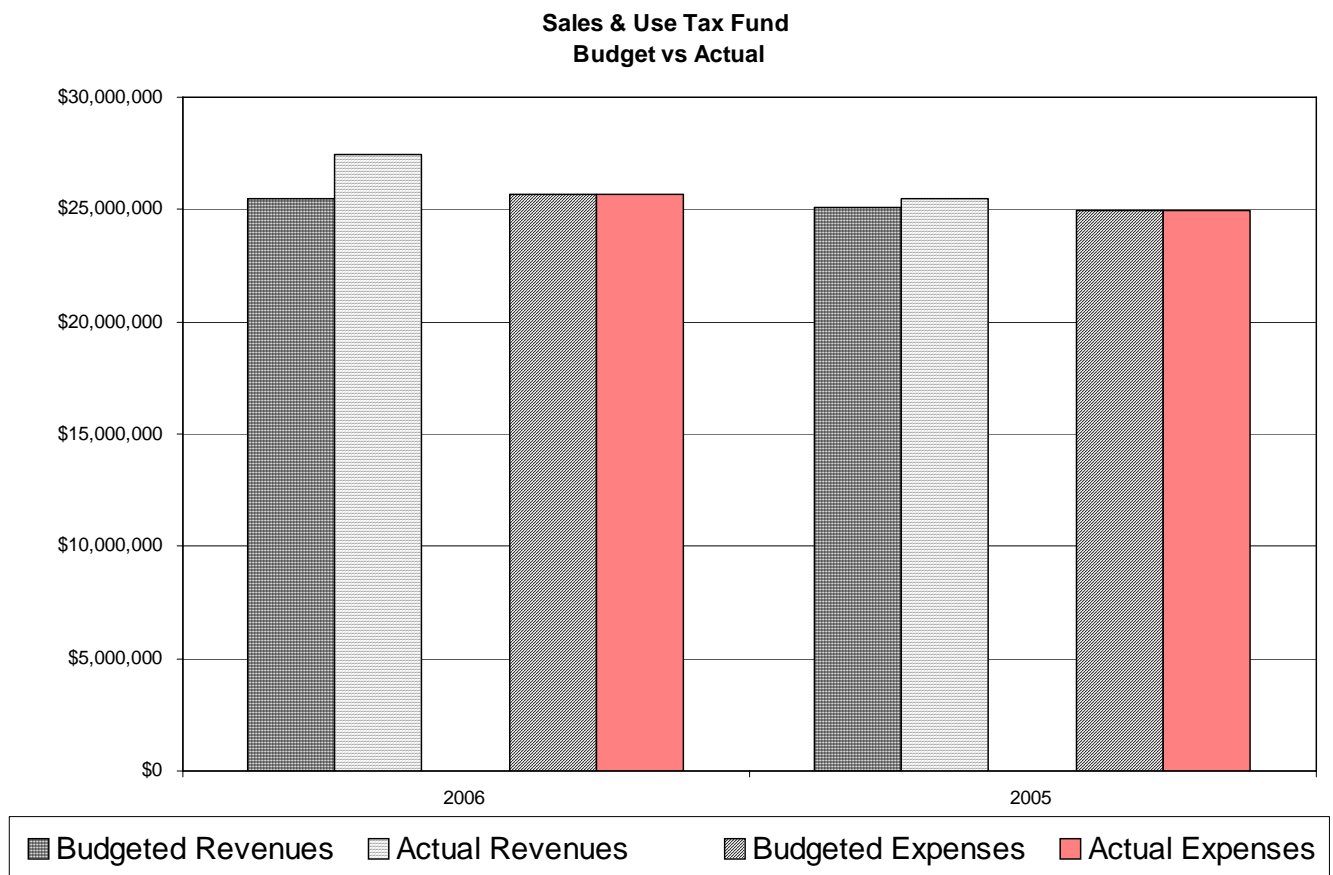
**General Fund
Budget vs Actual**



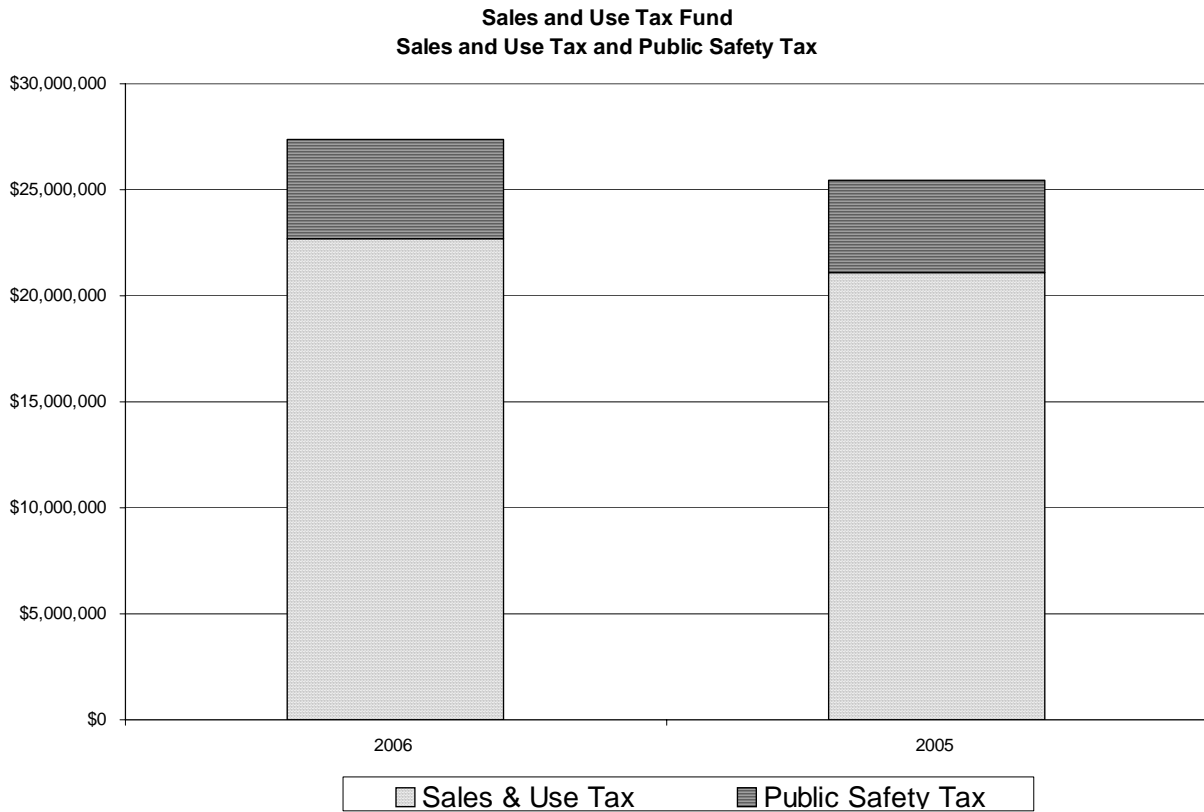
The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1,750,000

- On a year-to-date basis, sales & use tax returns are up 5.7%.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 3.0% from the prior years. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts for the 25 centers are down 0.5%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 2.3% after adjusting for one time audit revenue and Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 6% on a year-to-date basis.
- Building Use Tax is up 51.5% year-to-date over 2005.

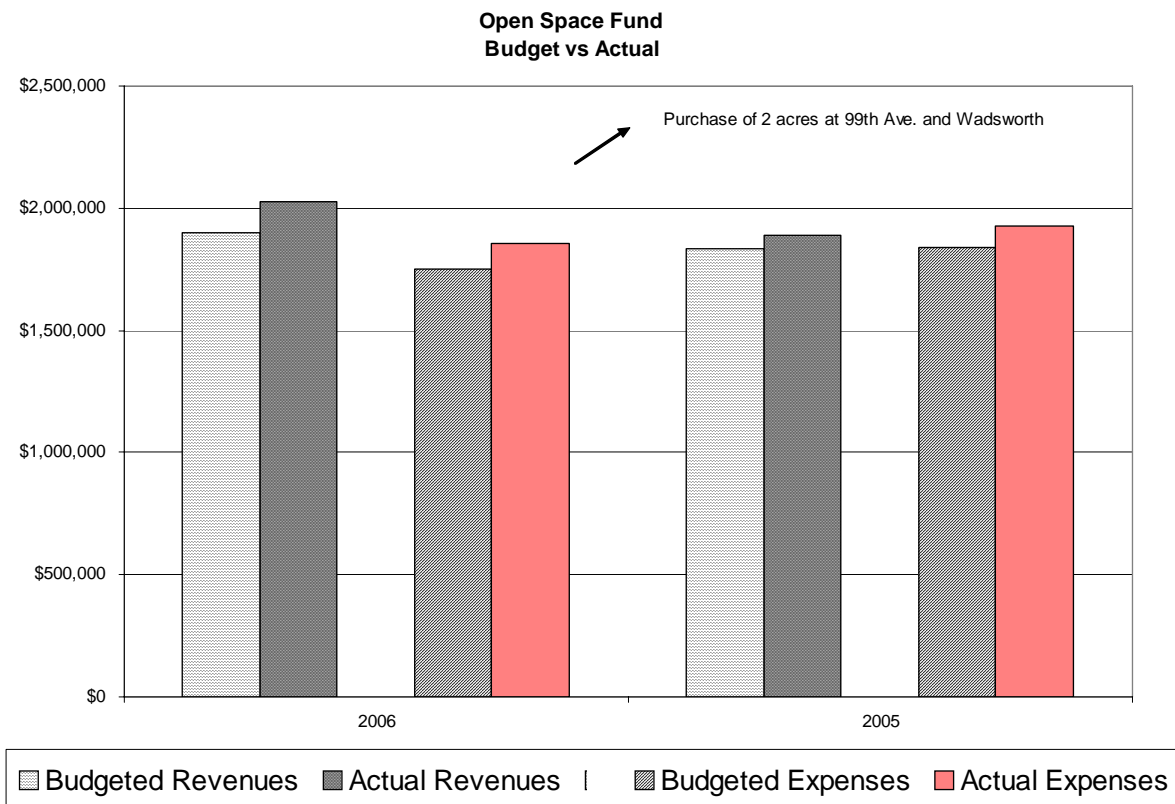
The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales tax payers.



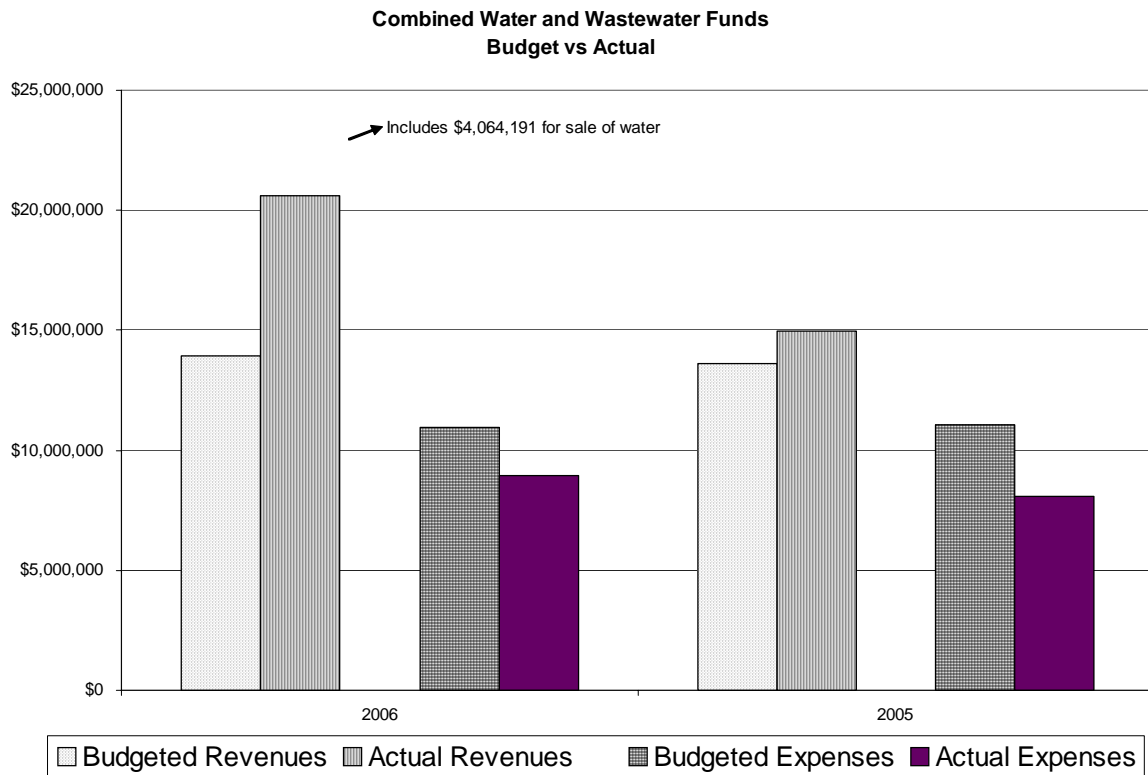
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



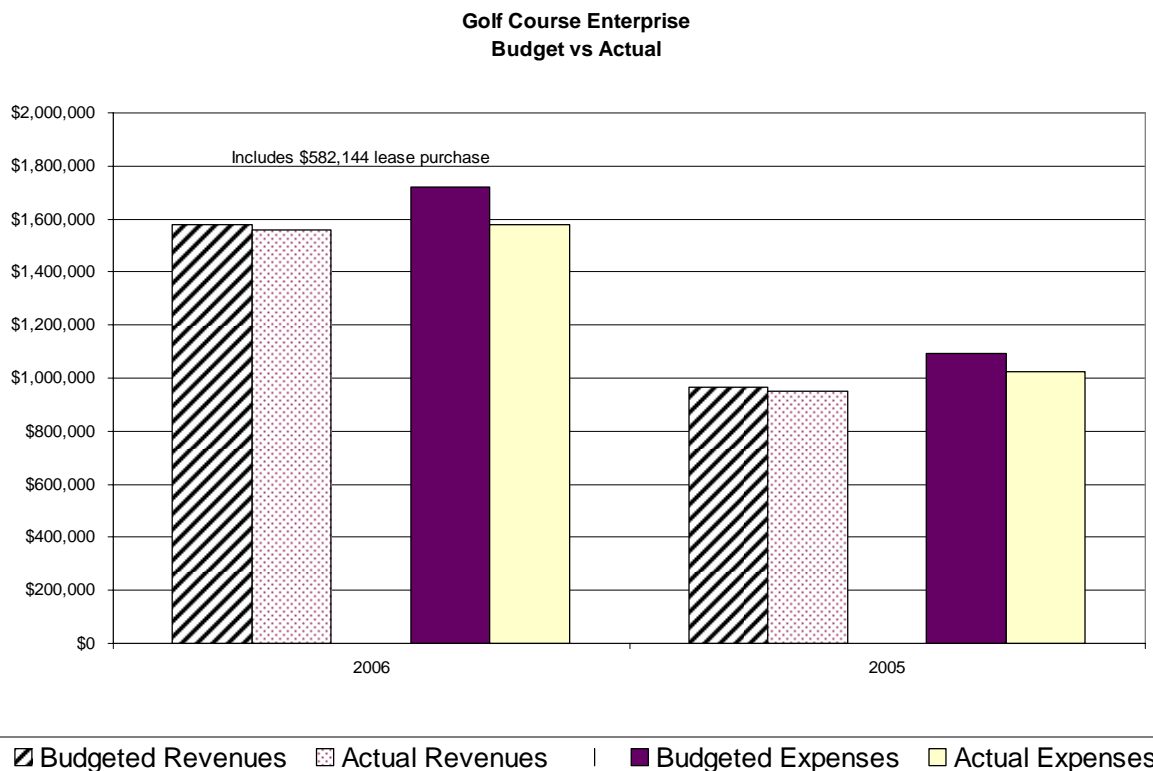
The Open Space Fund revenues exceed expenditures by \$170,000. The Open Space Fund purchased 2 acres of Open Space land at 99th Ave. and Wadsworth in January.



The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$11,686,000. \$7,850,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,065,000 in March.



The combined Golf Course Funds' expenditures exceed revenues by \$23,000. The golf courses made a quarterly lease payment for golf carts and equipment in January. When comparing 2005 expenditures to 2006, the 2006 Heritage figures include a lease purchase, for golf carts and maintenance equipment, of \$582,144.



Policy Issue

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

Alternative

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

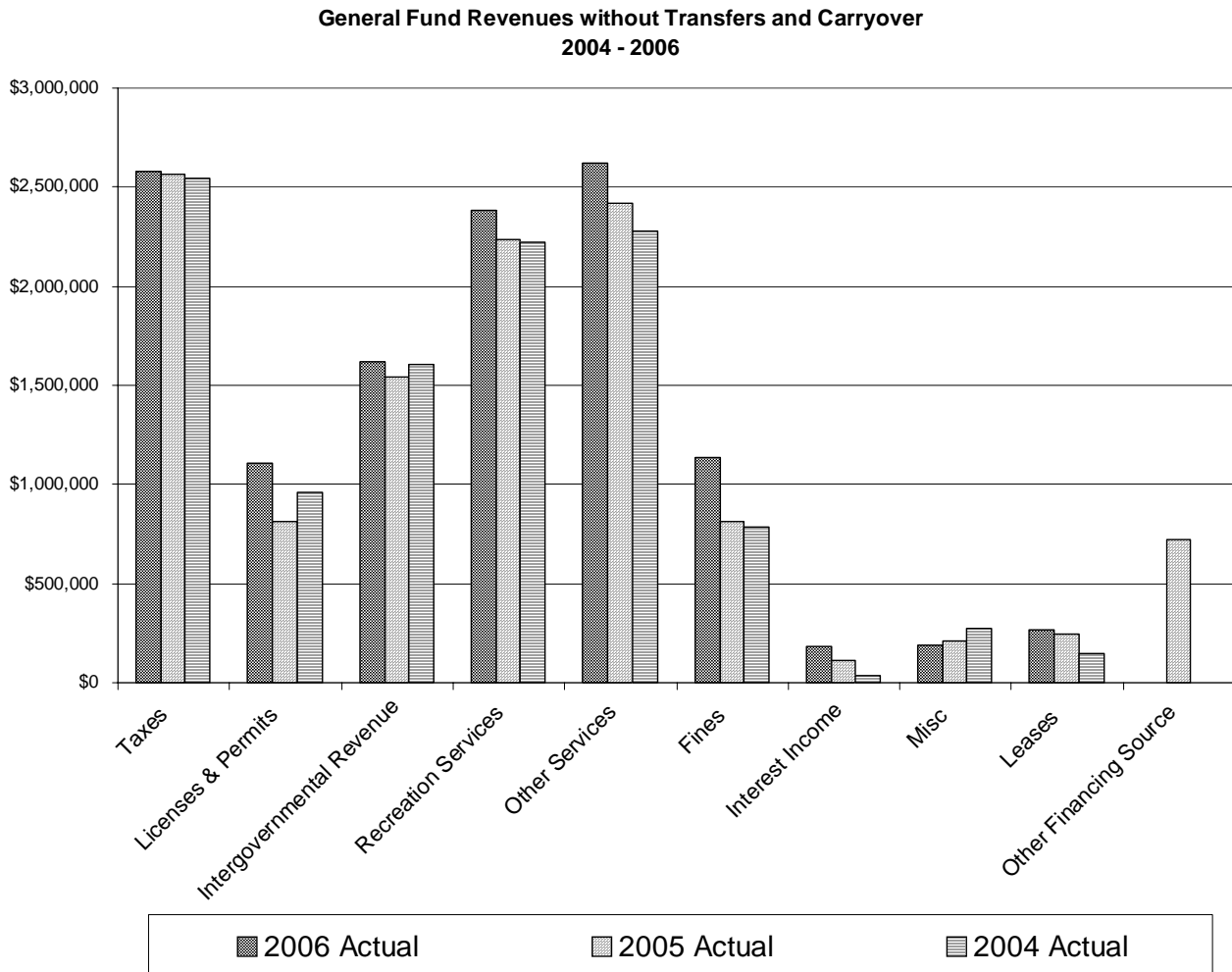
Background Information

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

General Fund

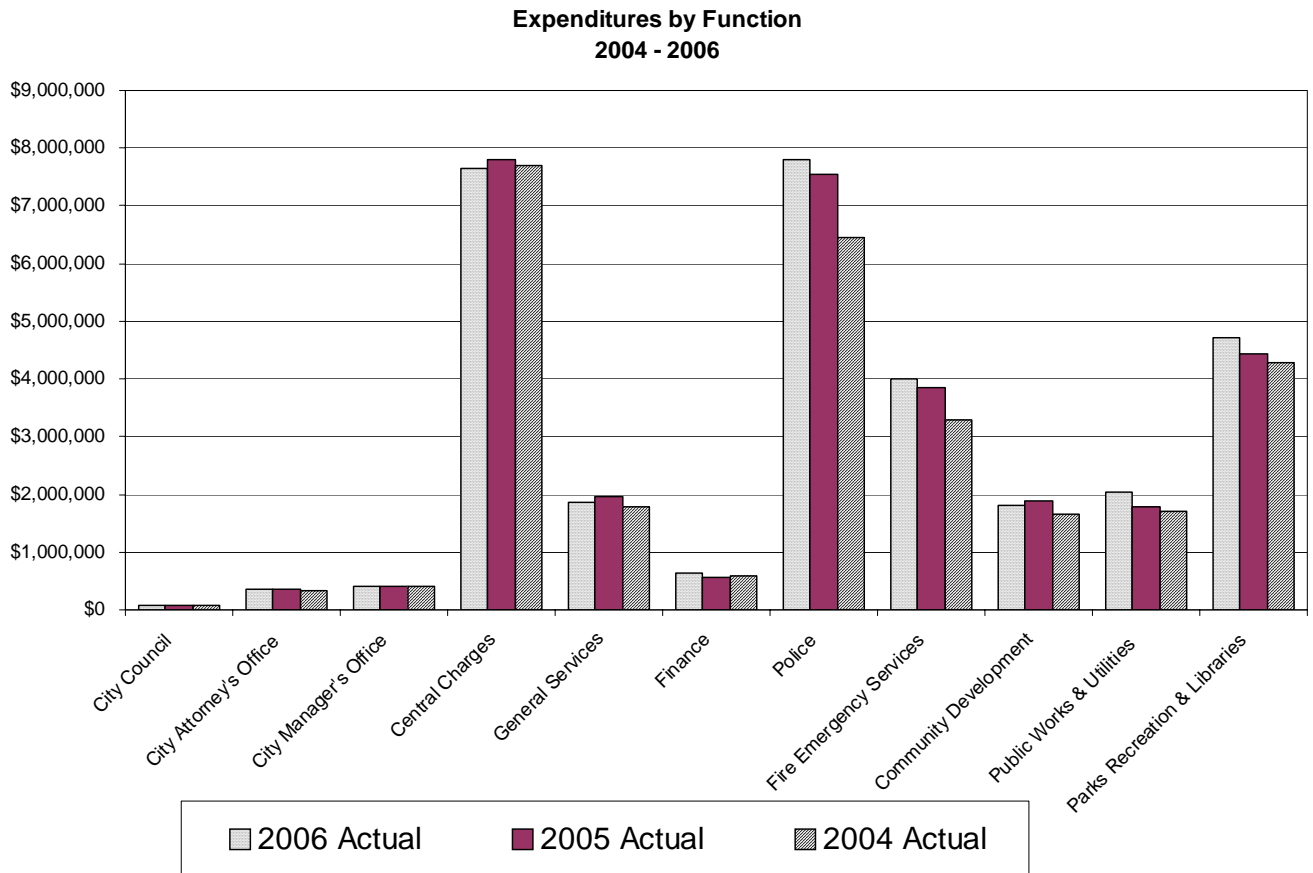
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date.



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers.

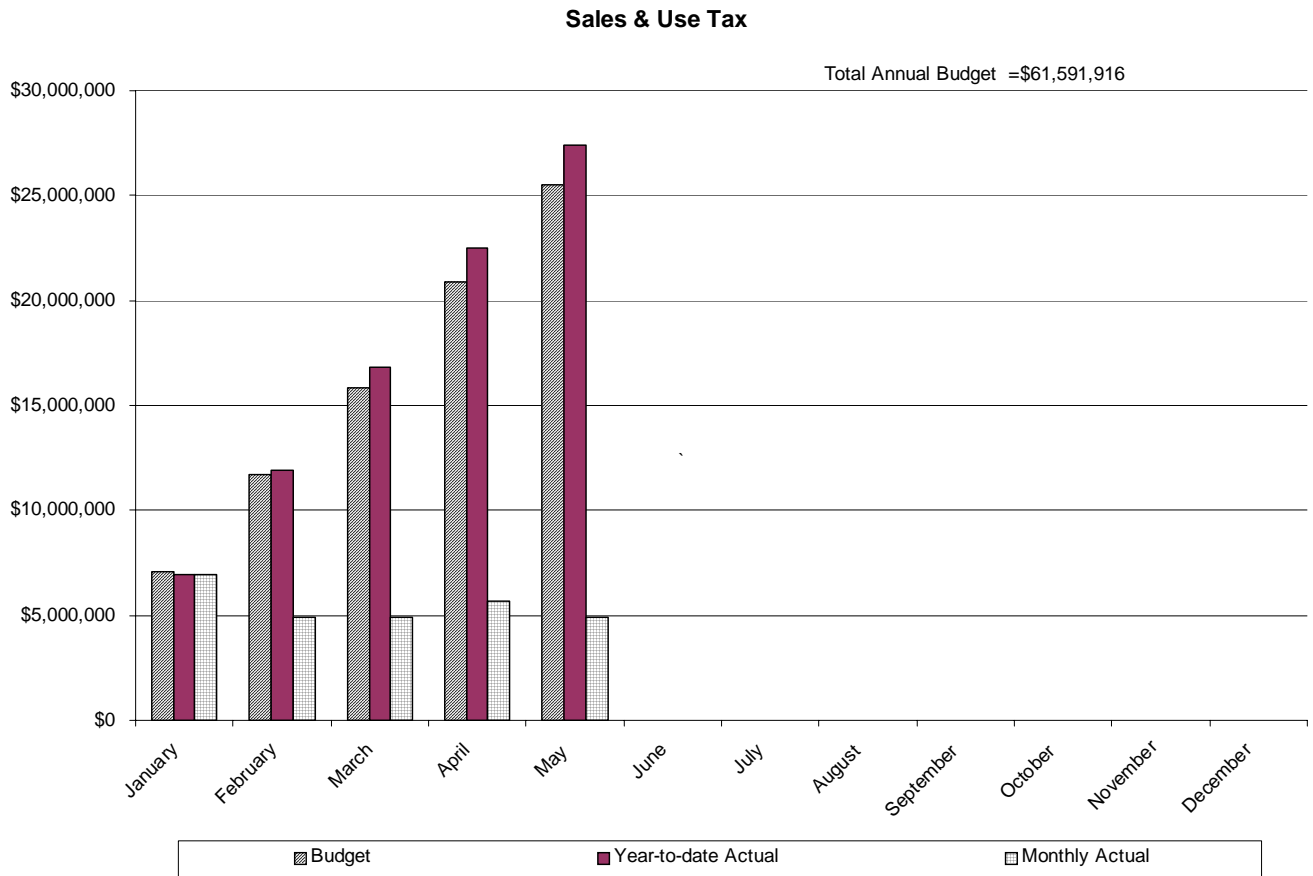
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.

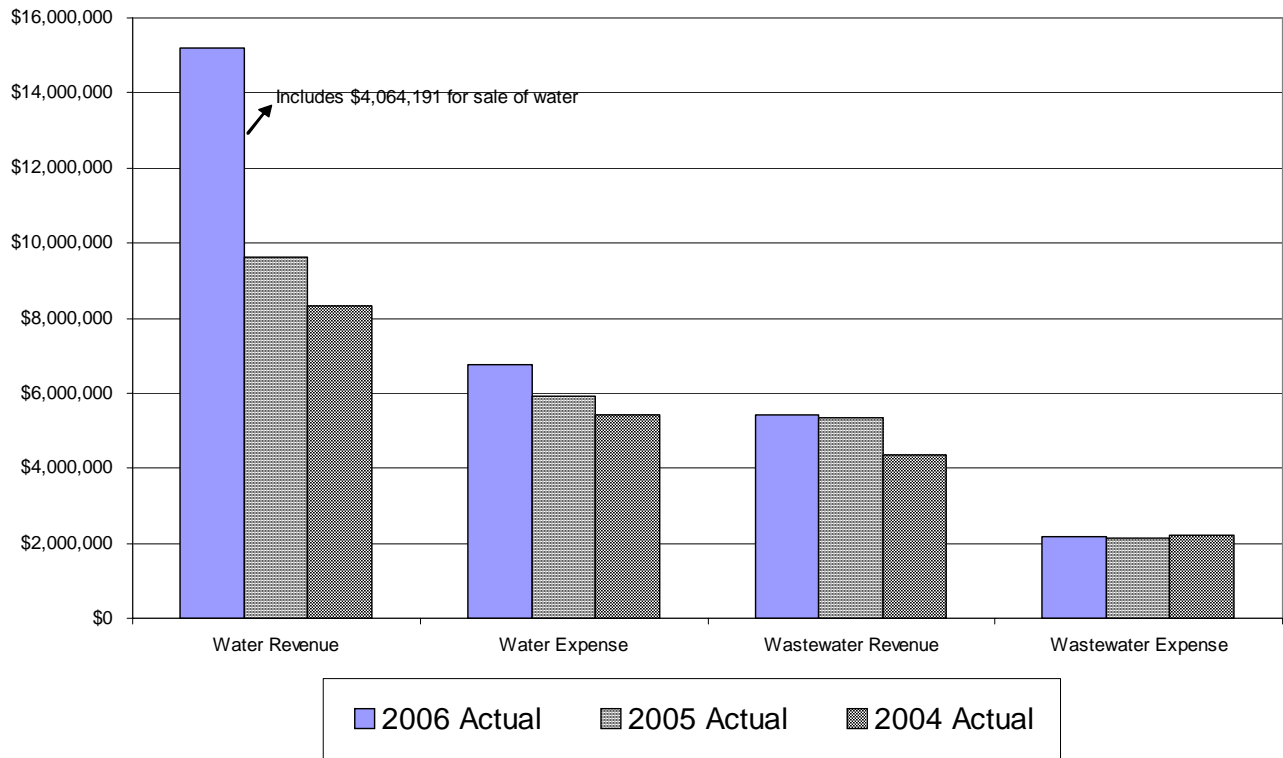


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

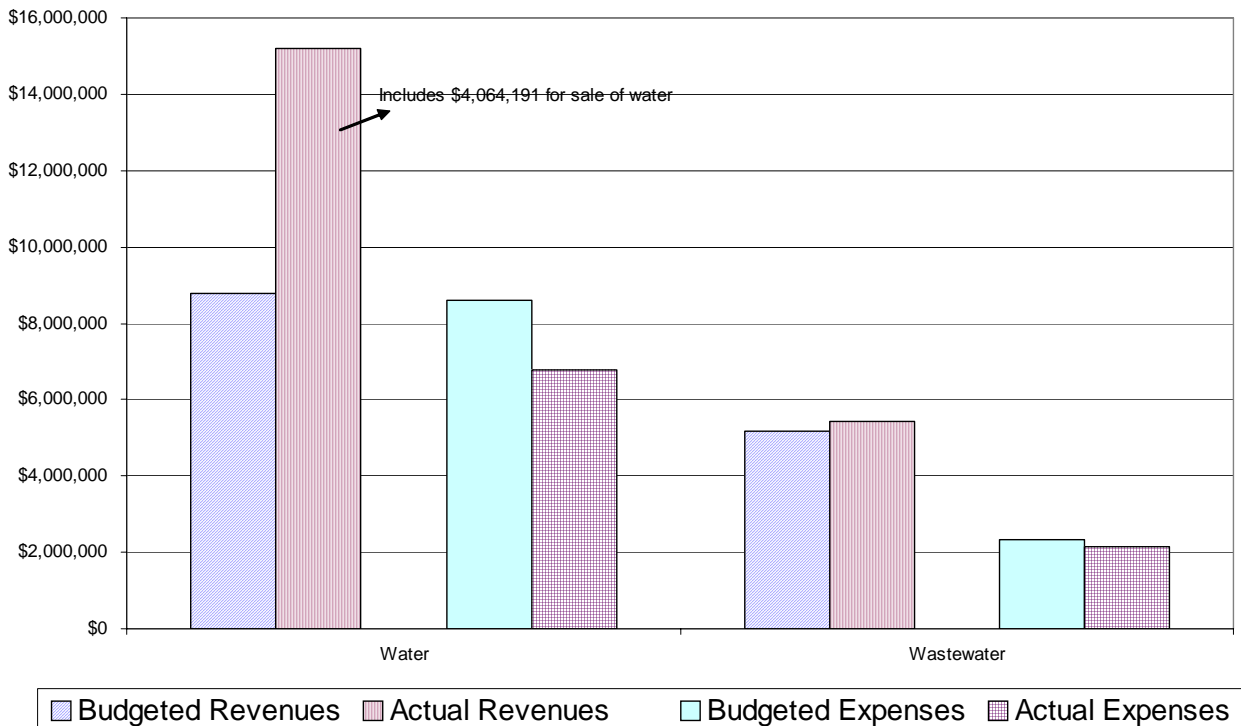
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds. In 2005, water tap fees were significantly higher at this time of year compared to 2006 and 2004.

**Water and Wastewater Funds
Revenue and Operating Expenses 2004-2006**



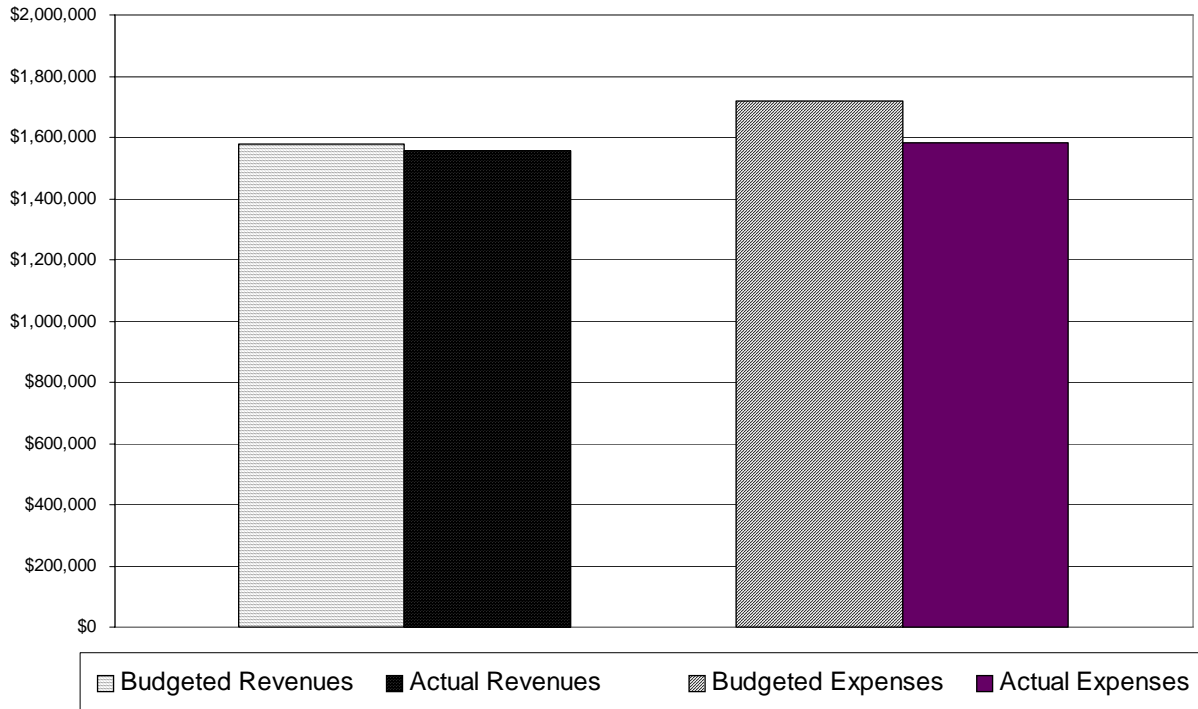
**Water and Wastewater Funds
Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

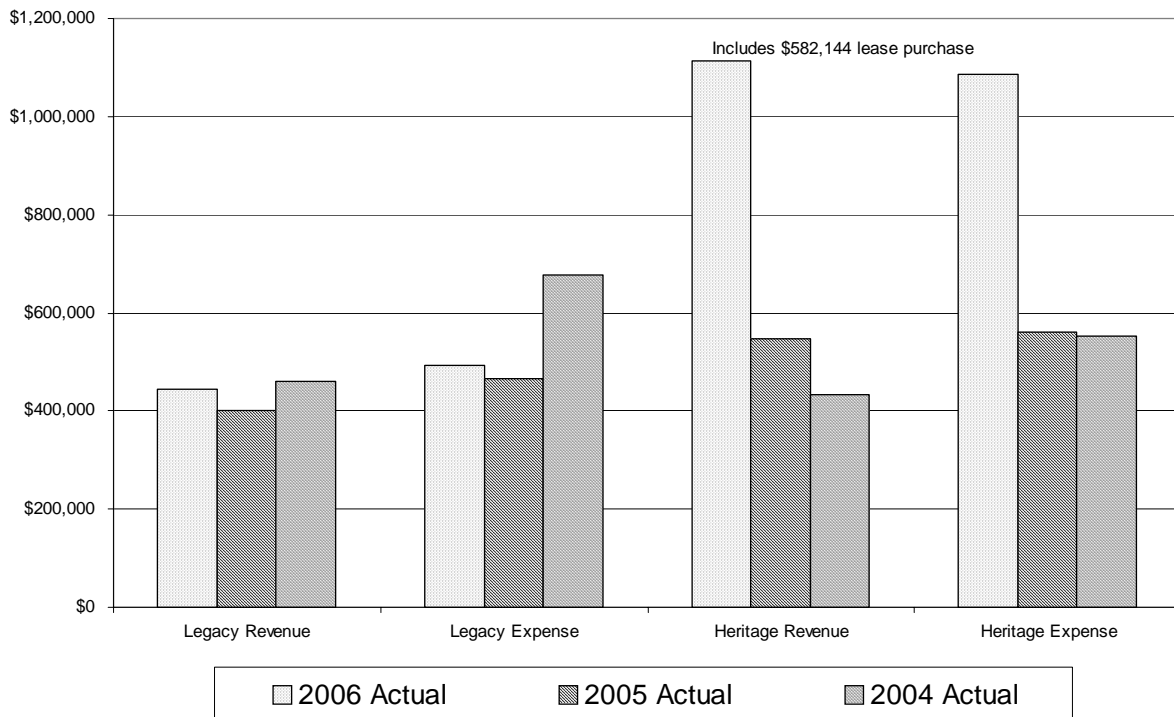
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses
Budget vs Actual**

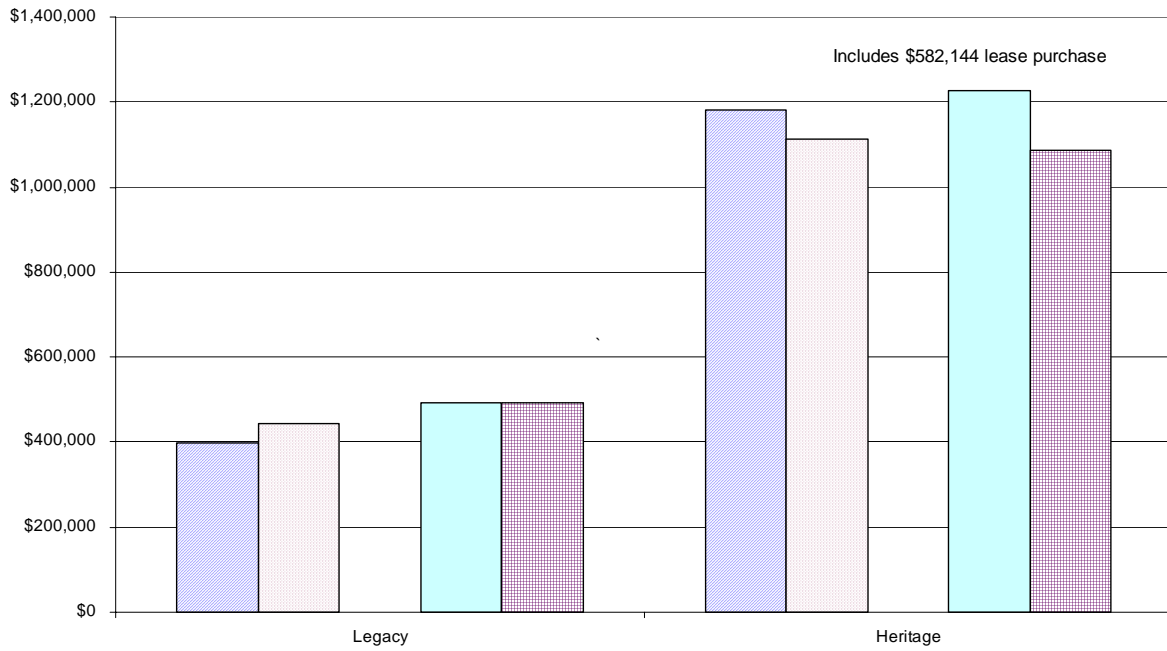


The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2004 - 2006**



**Legacy and Heritage Golf Courses
Budget vs Actual**



Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Statement
Tax Reports

**City of Westminster
Financial Report
For the Five Months Ending May 31, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	4,873,125	2,641,327		2,579,481	(61,846)	97.7%
Licenses & Permits	1,838,000	798,390		1,104,597	306,207	138.4%
Intergovernmental Revenue	4,835,000	1,516,500		1,617,465	100,965	106.7%
Charges for Services						
Recreation Services	5,324,515	2,294,082		2,383,192	89,110	103.9%
Other Services	6,510,500	2,480,709		2,623,524	142,815	105.8%
Fines	2,050,000	820,000		1,136,365	316,365	138.6%
Interest Income	300,000	125,000		184,833	59,833	147.9%
Misc	335,685	139,869		188,586	48,717	134.8%
Leases	1,175,000	293,750		268,750	(25,000)	91.5%
Refunds	(70,000)	(29,167)		-	29,167	N/A
Interfund Transfers	58,224,502	24,260,209		24,260,209	-	100.0%
Sub-total Revenues	<u>85,396,327</u>	<u>35,340,669</u>		<u>36,347,002</u>	<u>1,006,333</u>	<u>102.8%</u>
Carryover	-	-		-	-	
Revenues and Carryover	<u>85,396,327</u>	<u>35,340,669</u>		<u>36,347,002</u>	<u>1,006,333</u>	<u>102.8%</u>
Expenditures						
City Council	205,023	90,825		73,649	(17,176)	81.1%
City Attorney's Office	910,716	379,769		369,240	(10,529)	97.2%
City Manager's Office	1,110,469	458,624		413,467	(45,157)	90.2%
Central Charges	21,867,305	7,872,230		7,639,938	(232,292)	97.0%
General Services	4,925,576	2,063,816		1,852,900	(210,916)	89.8%
Finance	1,719,784	715,430		636,616	(78,814)	89.0%
Police	19,280,446	8,020,666		7,789,064	(231,602)	97.1%
Fire Emergency Services	10,116,225	4,188,117		3,996,333	(191,784)	95.4%
Community Development	4,564,628	1,894,321		1,811,980	(82,341)	95.7%
Public Works & Utilities	7,365,356	2,062,300		2,032,748	(29,552)	98.6%
Parks, Recreation & Libraries	13,330,799	4,759,095		4,719,396	(39,699)	99.2%
Total Expenditures	<u>85,396,327</u>	<u>32,505,193</u>		<u>31,335,331</u>	<u>(1,169,862)</u>	<u>96.4%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>-</u>	<u>2,835,476</u>		<u>5,011,671</u>	<u>2,176,195</u>	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MAY 2006

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	394,665	812	395,478	184,255	191	184,446	114	326	114
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	357,130	1,410	358,540	258,427	23,196	281,623	38	-94	27
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	315,057	2,752	317,809	349,323	2,142	351,465	-10	28	-10
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	216,202	333	216,535	209,341	1,562	210,903	3	-79	3
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	215,326	694	216,020	201,549	1,433	202,982	7	-52	6
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	172,822	904	173,726	155,297	1,477	156,774	11	-39	11
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	135,148	11,769	146,917	132,177	12,302	144,479	2	-4	2
SHOPS AT WALNUT CREEK 104TH & REED TARGET	127,064	1,072	128,136	83,963	2,134	86,096	51	-50	49
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	98,018	1,154	99,172	97,342	975	98,317	1	18	1
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	84,250	161	84,411	78,568	480	79,048	7	-67	7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	71,893	154	72,047	68,270	207	68,477	5	-26	5
WESTMINSTER CROSSING 136TH & I-25	68,121	1,585	69,705	0	0	0	*****	*****	*****
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	58,060	419	58,479	57,979	189	58,168	0	122	1
WILLOW RUN 128TH & ZUNI SAFEWAY	54,328	375	54,702	52,404	433	52,836	4	-13	4
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	53,200	76	53,276	54,824	101	54,924	-3	-24	-3

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF MAY 2006

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	49,919	177	50,096	51,235	164	51,398	-3	8	-3
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	44,237	303	44,540	44,457	320	44,777	0	-5	-1
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	42,605	174	42,779	46,126	1,412	47,538	-8	-88	-10
BANK ONE BUILDING 73RD & FEDERAL BANK BLDG YEOMAN INSURANCE	0	37,067	37,067	0	0	0	*****	*****	*****
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	32,688	347	33,035	34,977	795	35,772	-7	-56	-8
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	30,317	428	30,745	22,881	495	23,376	33	-14	32
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	29,912	35	29,946	27,851	63	27,914	7	-45	7
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	26,715	60	26,775	22,333	538	22,872	20	-89	17
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	25,245	180	25,425	25,532	233	25,765	-1	-23	-1
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	21,944	27	21,971	19,769	41	19,809	11	-34	11
	2,724,867	62,466	2,787,334	2,278,879	50,882	2,329,761	20	23	20

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF MAY 2006

Center Location Major Tenant	/----- YTD 2006 -----/			/----- YTD 2005 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	2,251,124	16,612	2,267,736	2,407,021	14,934	2,421,956	-6	11	-6
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,066,151	12,627	2,078,777	1,755,893	31,238	1,787,130	18	-60	16
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,240,320	1,918	1,242,238	991,276	1,224	992,500	25	57	25
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	1,204,272	3,410	1,207,683	1,233,957	5,808	1,239,765	-2	-41	-3
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	964,075	12,334	976,408	989,123	8,021	997,144	-3	54	-2
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	881,471	7,535	889,006	848,123	18,887	867,009	4	-60	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	693,663	77,585	771,248	629,613	85,299	714,913	10	-9	8
SHOPS AT WALNUT CREEK 104TH & REED TARGET	651,881	9,686	661,567	499,549	17,969	517,518	30	-46	28
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	515,904	6,222	522,126	468,243	36,480	504,724	10	-83	3
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	489,985	1,657	491,641	507,366	5,494	512,859	-3	-70	-4
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	393,924	1,544	395,468	400,350	1,239	401,589	-2	25	-2
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	306,962	1,585	308,547	336,510	2,923	339,433	-9	-46	-9
WILLOW RUN 128TH & ZUNI SAFEWAY	276,132	1,370	277,501	280,012	9,442	289,454	-1	-86	-4
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	275,372	963	276,335	284,221	1,177	285,398	-3	-18	-3
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	250,227	4,448	254,675	263,157	5,134	268,291	-5	-13	-5

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF MAY 2006

Center Location Major Tenant	YTD 2006			YTD 2005			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFeway									
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	215,652	8,017	223,668	213,460	2,383	215,843	1	236	4
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	197,229	1,867	199,097	222,863	3,490	226,354	-12	-47	-12
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	166,723	1,172	167,895	341,394	3,530	344,924	-51	-67	-51
WESTMINSTER CROSSING 136TH & I-25	160,822	38,245	199,067	0	0	0	*****	*****	*****
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	151,914	2,690	154,604	176,120	2,272	178,391	-14	18	-13
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	140,345	3,514	143,859	107,932	3,499	111,431	30	0	29
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	132,589	3,241	135,831	119,043	6,375	125,418	11	-49	8
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	131,237	1,214	132,451	187,456	2,139	189,595	-30	-43	-30
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	126,081	3,296	129,377	128,795	10,068	138,863	-2	-67	-7
SUMMIT SQUARE NE CORNER 84TH & FED SAFeway	101,551	904	102,455	108,077	706	108,783	-6	28	-6
	13,985,606	223,655	14,209,261	13,499,555	279,731	13,779,286	4	-20	3



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Conveyance of Ownership for Thornton Investments Property Irrigation Pump Station

Prepared By: Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Authorize the City Manager to sign a “Bill of Sale” conveying the ownership of the Thornton Investment Pump Station to Thornton Investments, LLC.

Summary Statement

- As a result of The Orchard Town Center development north of 144th Avenue and east of Huron Street, an irrigation ditch lateral currently running through this property has been taken out of use.
- Per a previous agreement with Thornton Investments, LLC, the City provided an alternative for the historic delivery of 1.0 cubic feet per second (cfs) of irrigation water, which included designing and constructing an irrigation pump station adjacent to the Bull Canal (owned and operated by FRICO) on the east side of Interstate 25.
- The construction of the pump station has been completed and is now fully operational.
- The ownership of the pump station needs to be transferred to Thornton Investments, LLC for its operations and maintenance. By way of the conveyance of ownership, the City will be indemnified from any liabilities in the future.
- Pursuant to Westminster Municipal Code Section 15-2-1(B), City Council needs to authorize the conveyance of City property greater than \$5,000 in value. Although the property the pump station sits on is in the City of Thornton, the building itself is owned by the City of Westminster since City funds were used to construct the facility.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council authorize the transfer of ownership of the pump station to Thornton Investments, LLC?

Alternative

The City could retain ownership of the pump station and use it to provide irrigation water to the Thornton Investment property, which is located in the City of Thornton on the east side of I-25 and north of 144th Avenue. However, the City would be responsible for its long term operations and maintenance, as well as any liabilities resulting from its usage.

Background Information

Through negotiations with Thornton Investments, an alternative delivery plan was formulated wherein the City of Westminster built a pump station to provide 1.0 cfs irrigation water to the Thornton Investment property by pumping directly from the Bull Canal on the east side of Interstate 25 in the City of Thornton. The pump station, which is located on land owned by Thornton Investments, is completed and ready for the 2006 irrigation season. City Council approved the authorization of \$75,000 for the construction of the pump station at the February 13, 2006 City Council Meeting. At that time, staff informed City Council that upon completion, ownership of the facility would be transferred to Thornton Investments, LLC.

The subject pump station has been completed and has been operational since May 12, 2006. Staff recommends that now is the appropriate time to transfer the ownership to Thornton Investments, LLC. Over the past month, staff has been working with the City Attorney's Office and Thornton Investments, LLC to convey ownership of the pump station facility. Based on the Westminster Municipal Code, the City Council must authorize the conveyance of property with a value greater than \$5,000 to another entity.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Thornton Investments Irrigation Pump Station





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Roof Replacement at Municipal Service Center Administration and Operations Facilities

Prepared By: Jerry Cinkosky, Facilities Manager
Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with Colorado Moisture Control, Inc. in the amount of \$207,775 for the roof replacement at the City's Municipal Service Center, Administration and Operations facilities, and authorize an additional \$30,000 contingency for the project.

Summary Statement

- The roofs at the Municipal Service Center Administration and Operations facilities are the original roofs that were installed in 1984. The original roofs were warranted for materials for 15 years. The roofs are now 22 years old and are showing major deterioration. This deterioration has made it necessary for the Building Operations and Maintenance Division to spend a total of \$10,000 in operational funds on repairs to date with \$5,800 of that since January 1, 2006.
- Due to Building Operations and Maintenance Division's past experience with aging roofs, and the ongoing repair costs as well as the potential for water damage to the contents of facilities this can cause, Staff recommends that both roofs be replaced at this time.
- In the next several months, Staff will be presenting to Council plans for the remodeling of the two facilities. This remodeling greatly increases the importance of having water tight roofs to protect the buildings.
- Staff is recommending that the roofs be replaced ahead of the remodeling project since construction of the remodeling will not commence before November 2006, and the City can realize an estimated \$20,000 in cost savings on roofing construction materials by acting before prices increase, which is anticipated to occur over the next several months.
- City Staff has been using the services of the Garland Company Inc. (an asset management firm) to assist Staff with writing roof specifications, bidding of projects, as well as any possible future warranty issues. Roof projects that have been completed with the services of Garland include City Park Recreation Center, Swim and Fitness Center, and the Police Department's radio communications facilities. All of these projects were completed within budget and within the scheduled time frame.
- Staff once again has utilized the services of Garland Company, Inc. to design the roofing specifications for the Municipal Service Center and send request for proposals to bid the project to reputable roofing companies. Garland sent proposals to three reputable firms (all of which had successfully completed roofing projects for the City in the past).
- As a result of these bids Staff is recommending awarding the roofing replacement project to Colorado Moisture Control. This recommendation is based on their submittal of the lowest competitive bid price and the prior successful completion of similar roofing projects for the City.

Expenditure required: \$237,775

Source of Funds: Utility Fund Capital Improvements– MSC Satellite Facility Project

Policy Issue

Should City Council award a contract to Colorado Moisture Control for replacement of the roofs at the Municipal Service Center Administration and Operations buildings?

Alternative

Do not proceed with roof replacement at the Municipal Service Center Administration and Operations buildings. Staff is not recommending this action based on the age of the existing roof, amount of operational funds being used for repairs, as well as the need to have a water tight roof in place before the beginning of the remodeling project for both facilities.

Background Information

In 2004, Garland Company Inc. was hired to assess the roofs and make recommendations as to their condition on all City facilities. During this assessment the Garland Company’s consultants and inspectors identified both the MSC Operations and Administration roof as needing replacement by 2005 or 2006. Their recommendation was based on both age and the deteriorating condition of the roofs on each building.

Over the past 2 years the Building Operations and Maintenance Division has spent \$10,000 on repairs to the roofs of both the Administration and Operations buildings at the Municipal Service Center (\$4,200 in 2005 and \$5,800 in 2006). The deterioration of the aging roof has caused damage to the contents of the facilities as well as major inconvenience to the City employees working in these two buildings.

Staff contacted Garland to design roofing specifications and bid the project to three reputable roofing companies that have successfully completed roofing projects for the City in the past.

The bid results for the roof replacement are as follows:

CONTRACTOR	BID AMOUNT
Colorado Moisture Control	\$207,775
Alpine Roofing	\$271,950
D&D Roofing	\$394,003

Based on Colorado Moisture Control’s submittal of the lowest responsive bid and past history with similar projects performed on City facility roofs, Staff is recommending City Council approval of a contract with Colorado Moisture Control for the roof replacement project at the Municipal Service Center Administration and Operations facilities.

Staff is also in the process of designing improvements to the Municipal Service Center, which will include remodeling of the Administration and Operations buildings, expansion of the two heated storage facilities, and other facility needs as recommended by the City’s architect, Fisher Associates. Staff will be coming to City Council within the next several months to discuss the Municipal Service Center improvements and to receive authorization for an increased scope of work for the City’s architect, Fisher Associates. Replacing the roofs at this time will not only save the City \$20,000 in future price increases, it will also help ensure that future renovations will not be damaged by leaks as a result of having a failing roof.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Adams County School District 12 Intergovernmental Agreement for a School Resource Officer

Prepared By: Dan Montgomery, Police Chief
Carol Workman, Senior Management Analyst

Recommended City Council Action

Authorize the City Manager to sign an Intergovernmental Agreement between the City of Westminster and Adams County School District 12 to provide the services of a School Resource Officer for Mountain Range High School.

Summary Statement

- Adams County School District 12 has built a new high school in the City named Mountain Range High School located at 12500 Huron Street. The Police Department is willing to provide a School Resource Officer (SRO) at the new school to assist in the prevention and control of crime, investigation of offenses on school property, enforce statutes and municipal ordinances, and help contribute to the positive police-school community relations efforts.
- The department currently has four SRO's assigned to two other high schools and two middle schools within the city and an additional SRO planned for Hidden Lake High School in south Westminster beginning fall 2006.
- Adams County School District 12 supports placement of an SRO at the school and both agencies have reached an agreement that would allow for this to take place, and also provide the City of Westminster with partial funding for implementing this position.

Expenditure Required: \$64,178

Source of Funds: \$32,089 – Adams County School District 12
\$32,089 – City of Westminster Police Department Operating Budget

Policy Issue

Should the City of Westminster enter into an Intergovernmental Agreement (IGA) with Adams County School District 12 to provide for an SRO at Mountain Range High School and also allow Adams County School District 12 to compensate the City of Westminster equivalent to ½ the salary of a police officer?

Alternatives

1. Do not authorize the execution of the IGA between the City of Westminster and Adams County School District 12. Staff does not recommend this alternative because there is a need for an SRO at the new High School, and the department currently has SRO's assigned to two other high schools in the City.
2. Do not authorize the execution of the IGA between the City of Westminster and Adams County School District 12 but provide for an SRO at the school. Staff does not recommend this alternative because Adams County School District 12 is offering to compensate the City of Westminster for ½ of the salary of an officer.

Background Information

The SRO program provides a great benefit to the schools as officers are on site to provide standard functions/responsibilities such as the enforcement of statues and ordinances as well as assist school staff with security functions and provide a visible presence to deter crime. Additionally, having an SRO on site will provide for a communication mechanism to be in place to convey information to school staff and provide for a strong community interaction with students and parents. Adams County School District 12 is requesting that an SRO be assigned to this Mountain Range High School and provide standard SRO responsibilities and functions outlined in the IGA. Furthermore, the IGA was drafted as a mechanism to fund a one-half salary of the SRO, which is currently already budgeted in the Police Department Operating budget. This is significant because Adams County School District 12 is the only school district servicing Westminster that provides SRO funding.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Second Reading for Councillor's Bill No. 34 re Economic Development Agreement with The Bedrin Organization for Brookhill V Shopping Center

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 34 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement (EDA) with The Bedrin Organization.

Summary Statement

- This Councillor's Bill was passed on first reading on June 12, 2006.
- City Council action is requested to pass the attached Councillor's Bill that authorizes the execution of the attached EDA with The Bedrin Organization to assist with the redevelopment of the Brookhill V retail center.
- The \$206,167 EDA will be funded with rebates of the incremental sales tax resulting from Bicycle Village's relocation and expansion, as well as from permit fees and use tax on construction.
- This Economic Development Agreement will assist in filling vacancies in the Brookhill V Shopping Center; one of City Council's key objectives.
- The EDA rebate shall terminate after three years.
- If Bicycle Village ceases business operations in the City within five years of when new operations commence, any payments made to The Bedrin Organization under this agreement shall be reimbursed to the City unless a replacement tenant is found.

Expenditure Required: \$206,167 (Rebates)

Source of Funds: The EDA with The Bedrin Organization will be funded through revenue received from permit fees, construction use tax, and incremental sales tax directly generated from the remodeling and operation of Bicycle Village.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3292**

COUNCILLOR'S BILL NO. **34**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Price - Dittman

A BILL

**FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH
THE BEDRIN ORGANIZATION
FOR THE PARTIAL REDEVELOPMENT OF BROOKHILL V SHOPPING CENTER
WESTMINSTER, COLORADO**

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

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

WHEREAS, The Bedrin Organization plans to redevelop and fill vacant space in the Brookhill V Shopping Center, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of June, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

ECONOMIC DEVELOPMENT AGREEMENT WITH THE BEDRIN ORGANIZATION

THIS AGREEMENT is made and entered into this _____ day of _____, 2006, between the CITY OF WESTMINSTER (the "City"), and The Bedrin Organization; a New Jersey LLC.

WHEREAS, the City wishes to provide certain assistance to The Bedrin Organization to encourage the redevelopment of the Brookhill V Shopping Center; and

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

In consideration of the mutual promises set forth below the City and The Bedrin Organization agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to The Bedrin Organization 50% of the building related permit fees for the Bicycle Village tenant finish required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees.

2. Use Tax Rebate- Construction. The City shall rebate to The Bedrin Organization 50% of the building use tax on the construction materials (excluding the City's .25% open space tax and .6% public safety tax), resulting from the Bicycle Village tenant finish, required under W.M.C. sections 4-2-9 and 4-2-3.

3. Use Tax Rebate - Furnishings. For the period 3 months prior and 3 months after Bicycle Village obtains its Certificate of Occupancy at Brookhill V, the City shall rebate to The Bedrin Organization 50% of the general use tax (excluding the City's .25% open space tax and .6% public safety tax) collected on equipment and furnishings from Bicycle Village.

4. Sales Tax Rebate. The City shall rebate to The Bedrin Organization 50% of the amount of the incremental sales tax collected over the base year sales tax receipts for Bicycle Village, for the first three years (36 months) of operation of the new Bicycle Village store. Such rebate shall be payable exclusively from incremental sales tax revenue collected by the City from the Bicycle Village and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The sales tax rebate shall not continue past three years (36 months) of operation and shall be administered as follows:

- (a) Base Sales Tax Amount. Promptly following the issuance of the final Certification of Occupancy for Bicycle Village at the Brookhill V Shopping Center, the City shall establish the Base Sales Tax Amount. The Base Sales Tax amount will be the total amount of sales tax collected during the base year by the City from Bicycle Village, and attributable to the imposition against retail sales of the City's 3.0% sales tax (excluding the City's .25% open space tax and .6% public safety tax).
- (b) Base and Assistance Years. The base year is defined as the period of time equivalent to the 12 reporting periods prior to opening of the new Bicycle Village store. The assistance years are defined as each consecutive 12 reporting periods following the Base Year, or prior Assistance Year, as applicable. Reporting periods, as referred to in this paragraph, are those periods annually established by Bicycle Village and provided to the City's Sales Tax Administrator. The end of the base year will be at the end of the reporting period just prior to the issuance of the final Certificate of Occupancy for the new Bicycle Village.
- (c) Sales Tax Increment. The Sales Tax Increment is that amount of sales tax collected during an assistance year from Bicycle Village that is in excess of the base sales tax amount.

- (d) Sales Tax Rebate Amount. Any rebates provided by the City to The Bedrin Organization will be from the sales tax increment from Bicycle Village. The City shall rebate to The Bedrin Organization 50% of the sales tax increment.
- (e) Payment. Once the City has collected the base sales tax amount during an assistance year, then sales tax rebate payments will be provided to The Bedrin Organization. The sales tax rebate amount will be paid to The Bedrin Organization in an annual payment, made within 30 days following the end of the applicable assistance year. The sales tax rebate payment will be submitted electronically to The Bedrin Organization designated financial institution.
- (f) End of Sales Tax Rebate. The sales tax rebate shall end 3 years (36 months) from the issuance of the Certificate of Occupancy.

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

6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Bicycle Village has not moved into their new space in Brookhill V on or before December 31, 2007; or, should The Bedrin Organization fail to comply with any City code and/or approval process.

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

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

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

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

The Bedrin Organization, a New Jersey LLC

CITY OF WESTMINSTER

Gerald Bedrin,
Managing Member

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Adopted by Ordinance No.

Linda Yeager
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Second Reading of Councillor's Bill No. 37 re Westminster Armed Forces Tribute Garden Supplemental Appropriation

Prepared By: Brad Chronowski, Landscape Architect II

Recommended City Council Action:

Pass Councillor's Bill No. 37 on second reading providing for a supplemental appropriation to the General Capital Improvement Fund.

Summary Statement:

- This Councillor's Bill will appropriate \$150,000 in Jefferson County Open Space grant money for the Armed Forces Tribute Garden.
- This grant money will be used to construct the first phase of the project.
- This Councillor's Bill was passed on first reading on June 12, 2006.

Expenditure Required: \$150,000

Source of Funds: General Capital Improvement Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3293**

COUNCILLOR'S BILL NO. **37**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

Lindsey - Major

A BILL

FOR AN ORDINANCE AMENDING THE 2006 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,608,000 is hereby increased by \$150,000 which, when added to the fund balance as of the City Council action on June 12th, 2006 will equal \$7,758,000. 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 is an appropriation of a grant from Jefferson County Open Space.

Section 2. The \$150,000 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

<u>Description</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Grants - Jeffco	7501.40630.0000	\$0	<u>\$150,000</u>	\$150,000
Total Change to Revenue			<u>\$150,000</u>	

EXPENSES

<u>Description</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Armed Services	80575050406.80400.8888	\$367,000	<u>\$150,000</u>	\$517,000
Memorial Garden				
Total Change to Expenses			<u>\$150,000</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 PUBLISHED this 12th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of June, 2006.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Second Reading of Councillor's Bill No. 38 amending the Westminster City Code creating an alternate member on the Human Services Board

Prepared By: Steve Smithers, Assistant City Manager

Recommended City Council Action

Pass Councillor's Bill No. 38 on second reading amending the Westminster City Code creating an alternate member on the Human Services Board.

Summary Statement

- This Councillor's Bill was passed on first reading on June 12, 2006.
- The Human Services Board currently consists of five members with no alternate member.
- The creation of an alternate member will help to attain a quorum for Human Service Board meetings.
- If City Council approves this action, the appointment of the alternate to the Human Services Board will be brought forward for City Council action at a later date.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3294**

COUNCILLOR'S BILL NO. **38**

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman - Price

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CREATING
AN ALTERNATE MEMBER ON THE HUMAN SERVICES BOARD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-8-1, W.M.C., is hereby AMENDED to read as follows:

2-8-1: CREATION: There is hereby created a Human Services Board, hereinafter referred to as "The Board," consisting of five (5) regular members AND ONE (1) ALTERNATE MEMBER.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of June, 2006.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



Agenda Item 10 A&B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Councillor's Bill No. 39 re amending the South Westminster Urban Renewal Plan and a corresponding Westminster Municipal Code Section 11-4-4 Revision

Prepared By: Joseph Hennerfeind, Planning Technician

Recommended City Council Action

1. Hold a public hearing.
2. Pass Councillor's Bill No. 39 on first reading approving the South Westminster Urban Renewal Plan amendments and revisions to Section 11-4-4 of the Westminster Municipal Code.

Summary Statement

Four types of general changes are proposed:

- The South Westminster Urban Renewal Plan (URP) outlines permitted and prohibited uses in both Phase I and Phase II of the URP. These uses are restricted to Office and Retail/Commercial uses, and this restriction has created a conflict in the Phase II Sub-Areas zoned for Residential or Industrial uses. Staff is proposing changes to delete the inconsistent URP land use regulations on Phase II, allowing the current Zoning and Comprehensive Land Use Plan (CLUP) designations to govern the permitted uses.
- The original Exhibit 3 map of the URP, describes areas for both Redevelopment Projects and Sub-Areas, a few of the Sub-Areas in Phase II were mislabeled and require correction. This amendment would make those corrections.
- Staff is proposing deleting a restriction on Check Cashing facilities as an accessory use from the URP. Difficulties in enforcement and legal ambiguity in defining check cashing require the amendment.
- As a result of these URP changes, text in Section 11-4-4 of the Westminster Municipal Code (WMC) (PERMITTED USES) must be amended to limit the use restrictions contained in the South Westminster URP to Phase I Sub-Areas A-I only.

Expenditure Required: \$ 0

Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this proposal on June 13, 2006, and voted unanimously (7-0) to recommend the City Council approve the South Westminster Urban Renewal Plan amendments and revisions to Section 11-4-4 of the Westminster Municipal Code as described in the agenda memorandum.

There were no members of the public who voiced concerns or had questions regarding the URP amendments or Code revisions.

Policy Issue

Should the City approve the South Westminster Urban Renewal Plan amendment and proposed Westminster Municipal Code revisions?

Alternatives

1. Deny the South Westminster Urban Renewal Plan amendment and proposed Westminster Municipal Code revisions. This action would not resolve the inconsistencies between the URP, Zoning and CLUP and leave several properties and existing uses in limbo as to the legal status regarding the use of the property.
2. Approve the South Westminster Urban Renewal Plan amendment and proposed Westminster Municipal Code revisions without the removal of the Check Cashing restriction. This alternative is not recommended given the difficulty in distinguishing check cashing, loan offices, and other like services.
3. Delay the approval process for the South Westminster Urban Renewal Plan amendment and revised Westminster Municipal Code in order to allow for significant revisions to what is currently proposed. While staff may still work on further revisions, staff does not recommend a delay on these revisions for the reasons discussed previously.

Background Information

Nature of Request

The changes proposed will address three different issues that presently cause zoning and land use regulation problems for many properties in the South Westminster URP area. The changes are discussed in greater detail below.

1. The Westminster Urban Renewal Plan (URP) was first adopted in 1988 and encompassed the Westminster Plaza area, labeled as Phase I, Sub-Areas A through I (see attached vicinity map). The plan outlined both permitted and prohibited land uses in the Sub-Areas, all of which were Office and Retail/Commercial in nature. In 1992, the Plan was amended to include areas beyond the Phase I area, or Phase II, Sub-Areas J through Z. The previous permitted and prohibited land uses were applied to the added phase, which has created a significant conflict in some of the sub-areas zoned residential or industrial. Staff is proposing changes that will delete the inconsistent URP land use regulations on Phase II, allowing the current zoning and CLUP designations to govern the permitted uses.
2. In the original Exhibit 3 map, which illustrated both Redevelopment Projects and Sub-Areas, some Sub-Areas in Phase II were mislabeled. Sub-Areas M and N, shown separate on the map, should have been labeled as M. Revisions are necessary to re-label Sub-Areas N through Z, resulting in a Phase II containing Sub-Areas J through Y. No boundary changes are proposed.

3. Check Cashing is currently allowed in the URP as an accessory use for a business, but this restriction has proven difficult to enforce due to the ambiguity of defining check cashing, pay day loans and advances. Staff has determined that these specific uses do not need special regulations and proposes removing the text restricting the accessory use.

The specific proposals provided in Exhibit A text additions, deletions, and map revisions and are listed below:

1. Part III B. 2. (Pages 14-15)
2. Part IV B. 2. (Pages 19-20)
3. Part V F. (Page 26)
4. Part V F. 2. (Page 28)
5. Part V F. 4. (Page 30)
6. Exhibit 3, Redevelopment Project Recommendations

As a result of these URP changes, text in the WMC 11-4-4 (PERMITTED USES) must be amended to allow the permitted uses of Phase II be governed by zoning and the CLUP. Text revisions to rename the "Westminster Urban Renewal Plan" the "South Westminster Urban Renewal Plan" are also proposed as the name was changed by Resolution 15 in 2004.

Title XI, Chapter 4, Section 4, W.M.C. is proposed to be amended to read as follows:

11-4-4: PERMITTED USES: (2534 2896 2975) This section lists the permitted uses in specific zoning districts. The table of permitted uses ~~which~~ THAT follows lists the permitted uses within each corresponding district, excluding the Planned Unit Development District, PUD. Uses permitted pursuant to this section do not extend to that area included in the "SOUTH Westminster Urban Renewal Plan, PHASE I (SUB-AREAS A-I)." Uses permitted in that area shall be governed by the Plan. The listing of a use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district unless the use is specifically permitted in such other district. Uses are permitted only insofar as they are not prohibited or in conflict with other provisions of this Chapter or the City's Comprehensive Plan. In the event of any conflict or inconsistency between this section and the City's Comprehensive Plan, the Comprehensive Plan shall control.

Location

Phase I and Phase II areas as defined in the South Westminster Urban Renewal Plan. (Please see attached vicinity map).

Public Notification

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

- **Published Notice:** Notice of public hearings scheduled before Planning Commission shall be published and posted at least 10 days prior to such hearing and at least four days prior to City Council public hearings. Notice was published in the Westminster Window on June 15, 2006.
- **Property Posting:** Notice of public hearings shall be posted on the property with one sign in a location reasonably visible to vehicular and pedestrian traffic passing adjacent to the site. Since this is a text amendment only, no property posting applies.
- **Written Notice:** At least 10 days prior to the date of the public hearing, the applicant shall mail individual notices by first-class mail to property owners and homeowner's associations registered with the City within 300 feet of the subject property. Since this is a text amendment only, no mailings of notice to individuals were provided.

Applicant/Property Owner
City of Westminster

Surrounding Land Use and Comprehensive Land Use Plan Designations
Since this is a text amendment only, the Surrounding Uses Table does not apply.

Site Plan Information
Since this is a text amendment only, site plan information does not apply.

Service Commitment Category
Not applicable in a text only amendment.

Referral Agency Responses
Not applicable in a text only amendment.

Neighborhood Meeting(s) and Public Comments

A neighborhood meeting was held on May 2, 2006 at the Community Senior Center presenting the proposed revisions to the South Westminster Urban Renewal Plan. The meeting notification was done by publishing a notice in the Westminster Window, on the City website as a Cityscape feature, a Weekly Edition item, and run on Channel 8. In addition, the meeting was posted at both City Hall and The Senior Center. Nine citizens attended the meeting and asked questions concerning the effect on the future Transit Oriented Development in the area and the consequences of removing URP land use restrictions in these areas. The response was favorable and no formal responses have been received.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Map
- Ordinance (Amending the South Westminster Urban Renewal Plan)

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **39**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AMENDING THE SOUTH WESTMINSTER URBAN RENEWAL PLAN,
AND AMENDING TITLE XI, CHAPTER 4, SECTION 4, PERMITTED USES**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The South Westminster Urban Renewal Plan is hereby amended as described in Exhibit A, attached hereto and incorporated herein by reference and adopted and enforced as if fully set forth in the Westminster Municipal Code.

Section 2. Title XI, Chapter 4, Section 4, W.M.C. is hereby AMENDED to read as follows:

11-4-4: PERMITTED USES: (2534 2896 2975) This section lists the permitted uses in specific zoning districts. The table of permitted uses ~~which~~ THAT follows lists the permitted uses within each corresponding district, excluding the Planned Unit Development District, PUD. Uses permitted pursuant to this section do not extend to that area included in the "SOUTH Westminster Urban Renewal Plan, PHASE I (SUB-AREAS A-I)." Uses permitted in that area shall be governed by the Plan. The listing of a use as being permitted in any particular district shall be deemed to be an exclusion of such use from any other district unless the use is specifically permitted in such other district. Uses are permitted only insofar as they are not prohibited or in conflict with other provisions of this Chapter or the City's Comprehensive Plan. In the event of any conflict or inconsistency between this section and the City's Comprehensive Plan, the Comprehensive Plan shall control. [Use charts remain unamended.]

Section 3. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the South Westminster Urban Renewal Plan as described in Exhibit A.

Section 4. Severability: If any section, paragraph, clause, word or any other part of this ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. 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 26th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of July, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A

Staff is recommending the South Westminster Urban Renewal Plan (URP) be amended as follows:

1. In order to address inconsistent Land Use Regulations between URP Phase II (Sub-Areas J-Y) and current Zoning and Comprehensive Land Use Plan (CLUP) designations, the permitted land uses for Phase II in the URP are proposed to be deleted.
2. Remove the Check Cashing land use restriction in Phase I.
3. Map revisions are necessary to re-label Sub-Areas J-Z to J-Y, which were incorrectly labeled in previous amendments.

Specifically, the language to be amended/deleted is as follows:

Part III B. 2. (Pages 14-15) Private Improvements

This Plan is intended to accomplish the redevelopment of private properties within the Urban Renewal Area to eliminate blight within the area, increase property values and maximize the municipal sales tax generated within the Urban Renewal Area.

The projects identified below for sub-areas A through I are all proposed plans for private development, redevelopment, rehabilitation, renovation or change of use within the Westminster Plaza Shopping Center and the immediate neighborhood J through Y AREA. Such projects shall be subject to the review procedures set forth herein unless otherwise modified by agreement. Part V, Land Use Regulations and Building Requirements of this plan, contains a description of permitted land uses ~~which~~ THAT include retail, office, financial, services, restaurants and entertainment. Final use proposals in conformance with this paragraph, Part V, this Plan and all other applicable municipal codes may receive building permits and business licenses without further review. Final use proposals, site plans and architectural plans not in conformance with Part V shall ~~be reviewed and approved or denied by the Planning Commission and the Authority~~ REQUIRE AN AMENDMENT TO THIS PLAN, WESTMINSTER MUNICIPAL CODE OR THE COMPREHENSIVE LAND USE PLAN AS NEEDED. ~~If such plan(s) is/are denied, the applicant may request reconsideration of such denial by the City Council. In determining whether to approve final use proposals, the degree to which the final use accomplishes the following shall be considered:~~

~~Elimination of Blight
Generation of Sales Tax
Elimination of Vacant Space
Promotion of Redevelopment
Generation of Employment
Provision of Service to the Urban Renewal Area~~

- ~~a) Redevelopment should be distinct from, but compatible with, surrounding areas. This may be accomplished by a "themed" character throughout the project area including streetscape elements, lighting, area signage and designated entrances to the redeveloped area.~~
- ~~b) Uses shall be compatible with existing and future anticipated uses within the redevelopment area to maximize the sales tax generated within the area in the near and long term future. Therefore, sales tax generating retail uses, which encourage other such uses in the vicinity, should be the principal uses of this area in order to provide needed consumer facilities and realize an increase in tax revenues from the Urban Renewal Area. Uses should be consistent with the community center shopping character of this redevelopment area.~~

- e) ~~Landscaping and consideration for pedestrian needs should occur throughout the area.~~
- d) ~~Coordination of traffic improvements to reduce hazards and congestion on 72nd Avenue and Federal Boulevard and to facilitate movement of traffic to and through the area should occur.~~

Nine project sub-areas have been identified within the Phase 1 Area as needing to be redeveloped, rehabilitated, revitalized or upgraded. These sub-areas have been identified by ownership, type of use, nature or required improvements and priority for improvements.

Part IV B. 2. (Pages 19-20)

Private Improvements

This plan is intended to accomplish the redevelopment of private properties within the Urban Renewal Area, eliminate blight within the area, increase property values and maximize the municipal sales tax generated within the urban renewal area.

The projects identified below for sub-areas ~~A J through I Y~~ are all proposed plans for private development, redevelopment, rehabilitation, renovation or change of use ~~within the Westminster Plaza Shopping Center and the immediate neighborhood J through Z~~ instead. Such projects shall be subject to the review procedures set forth herein unless otherwise modified by agreement. PERMITTED LAND USES IN SUB-AREAS J THROUGH Y SHALL BE IN COMPLIANCE WITH THE WESTMINSTER MUNICIPAL CODE AND THE COMPREHENSIVE LAND USE PLAN. ~~Part V, land use regulations and building requirements of this plan, contains a description of permitted land uses which include retail, office, financial, services, restaurants and entertainment. Final use proposals in conformance with this paragraph, Part V, this plan and all other applicable municipal codes may receive building permits and business licenses without further review. Final use proposals, site plans and architectural plans not in conformance with Part V shall be reviewed and approved or denied by the Planning Commission and the Authority. If such plan(s) is/are denied, the applicant may request reconsideration of such denial by the City Council. In determining whether to approve final use proposals, the degree to which the final use accomplished the following shall be considered:~~

- Elimination of Blight
- Generation of Sales Tax
- Elimination of Vacant Space
- Provision of Service to the Urban Renewal Area
- Promotion of Redevelopment
- Generation of Employment

Uses should reflect the community activity center character of this redevelopment area.

- e) ~~Non-conforming uses which create incompatible situations should be phased out over time and replaced with conforming uses. Treatment at the edges of development should include appropriate buffers and screening to be compatible with adjacent neighborhoods.~~
- d) ~~Landscaping and consideration for pedestrian needs should occur throughout the area, especially safety considerations with access from residential neighborhoods and a trail system along Little Dry Creek through the area.~~
- e) ~~Coordination of traffic improvements on arterial streets should reduce hazards and congestion, and facilitate movement of traffic to and through the area. Local access to parcels within the area should be improved through coordinated efforts.~~

- f) ~~All public improvements shall be on public property or in publicly accessible areas. Although no public land acquisition, demolition or relocation by the Authority is anticipated as part of these improvements, the Authority does have the power of eminent domain regarding properties within the Urban Renewal Area.~~

~~Seventeen~~ SIXTEEN project sub-areas have been identified within the Phase 2 Area as needing to be upgraded (minor improvements), revitalized or rehabilitated (extensive improvements to site and buildings), redeveloped (major improvements which could include upgrading, revitalization, additions, demolition and reconstruction), or available for new development, increased utilization, future intensification or requiring the phasing out of non-conforming uses. (See Exhibit 3).

Part V F. (Page 26)

Permitted Land Uses (APPLICABLE TO SUB-AREAS A THROUGH I ONLY)

Part V F. 2. (Page 28)

Check Cashing ~~(as an accessory use only)~~

Part V F. 4. (Page 30)

The following commercial uses are specifically prohibitED.

Any use requiring permanent, outdoor display or storage of goods or materials, or any use requiring a significant amount of warehousing or storage in conjunction with sales.

Ambulance Service

Heavy Equipment Rental

Bulk Fuel Sales

Bingo Establishments, Social Gaming Outlets

~~Check Cashing Services (as the primary use)~~

Employment Agencies

Funeral Homes/Mortuaries

General Repair Shop ~~(prohibited in Sub Areas A through I only)~~

Greenhouses (as the primary use)

Indoor entertainment establishments ~~which~~ THAT use billiard tables, video games, other machines of amusement as the primary business use, or any establishment having over 12 machines on the premise.

Industrial and Agricultural Uses ~~(Prohibited in Sub Areas A through I only)~~

Massage Parlors

Motor Vehicle, Recreational Vehicle, and Commercial Equipment Dealers including Automobiles, Aircraft, Boats, Campers, Mobile Homes, Trucks, Trailers, Heavy Equipment, Construction Equipment, and Farm

Implements ~~(prohibited in Sub Areas A through I only)~~

Outdoor Entertainment Establishments

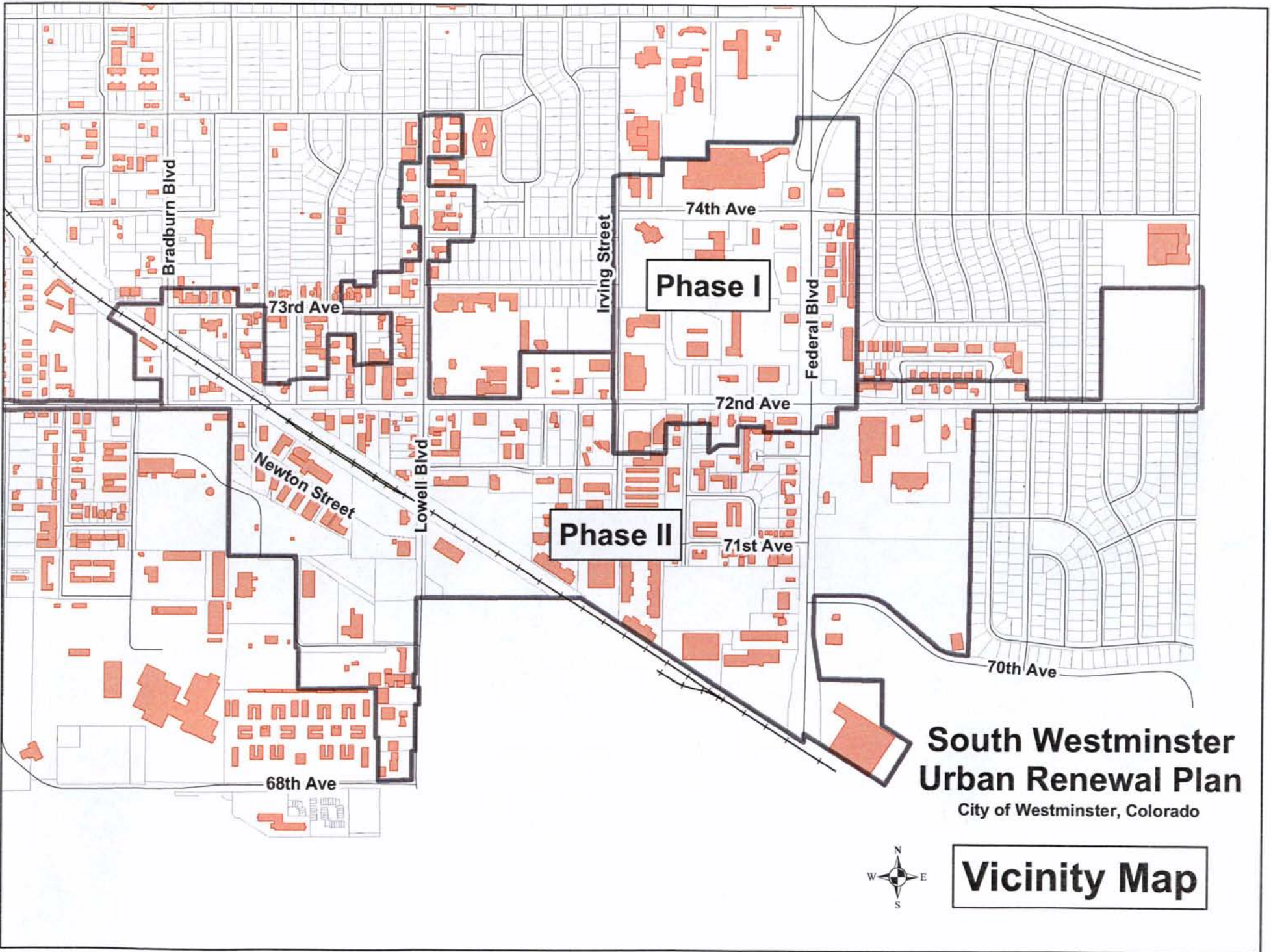
Pawn Shops

Used Merchandise – All Types

Wholesale and Commercial Heating, Plumbing, Electrical, Lumber and Building Equipment and materials Dealers

Exhibit 3, Redevelopment Project Recommendations

See Attached Map



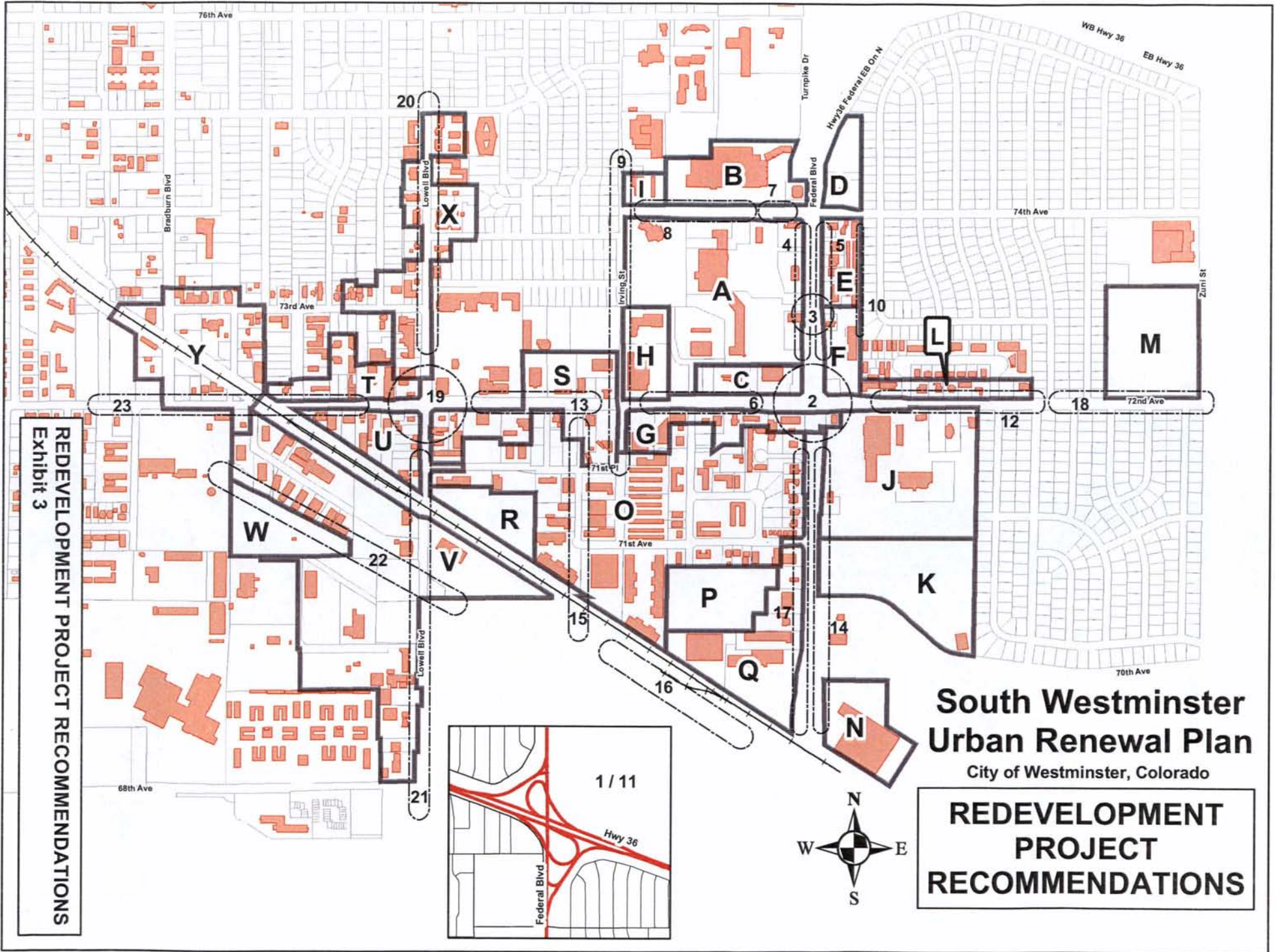
Phase I

Phase II

**South Westminster
Urban Renewal Plan**
City of Westminster, Colorado

Vicinity Map





REDEVELOPMENT PROJECT RECOMMENDATIONS
Exhibit 3

South Westminster
Urban Renewal Plan

City of Westminster, Colorado

REDEVELOPMENT
PROJECT
RECOMMENDATIONS





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Councillor's Bill No. 40 re Rights-of-Way Vacation within Wilson's Subdivision

Prepared By: Tiffany Ewing, Civil Engineer

Recommended City Council Action

Pass Councillor's Bill No. 40 on first reading, vacating an alley within Wilson's Subdivision, Book 2, Page 26, Adams County Public Records.

Summary Statement

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate the alley located within Wilson's Subdivision as shown on Exhibit A, page 2. State law requires that the vacation of all rights-of-way and easements be approved by an ordinance of City Council.
- City Staff is requesting the right-of-way vacation since the alley no longer connects to City streets and does not serve as public access for any property owners.
- A utility easement will be reserved for existing utilities within the right-of-way pursuant to Section 43-2-303 (3), CRS.
- The legal description of the right-of-way is included as Exhibit A to the attached ordinance.
- This vacation is associated with the Preliminary Development Plan (PDP) and the Official Development Plan (ODP) for the Harris Park, Site IV. The 1.5 acre Harris Park Site IV will be developed to accommodate privately owned row style town homes. The alley is located along the west property line of Harris Park and does not connect to the City's street system due to past right-of-way vacations.
- City Staff has determined that the subject right-of-way is no longer needed by the City.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Shall the City Council vacate the right-of-way?

Alternative

Do not vacate the right-of-way. This alternative is not recommended because the subject portions of the right-of-way are not needed by the City for transportation or access and no longer serve the general public.

Background Information

In May 2001, the Westminster Economic Development Authority and City Council instructed City Staff to issue a Request for Proposal (RFP) relative to the redevelopment of the area near 73rd Avenue and Lowell Boulevard. In response to the RFP, Community Builders submitted a proposal for redevelopment of the area that over time was to include town homes, condominiums and retail commercial/office space. In November 2001, the City Council approved a pre-development agreement with Community Builders, which in part provided for the City to give support to the developer relative to land acquisition and rezoning, as necessary. In compliance with the pre-development agreement, Community Builders submitted and had approved combined PDP/ODP applications to construct 50 town homes on three sites within the redevelopment area authorized by City Council per the Agreement. These three sites were recently completed. Harris Park Site IV is the next phase of development in this continuing redevelopment effort in South Westminster.

It is requested that the above-referenced 15-foot-wide alley be vacated for the purpose of providing room for a drainage outfall system within the parcel currently occupied by the alley. Staff has determined that since this alley does not connect to City streets it can be vacated as it no longer serves the general public.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Exhibit A - Map of Alley
- Councillor's Bill (vacation ordinance)

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE VACATING PORTIONS OF AN ALLEY RIGHTS-OF-WAY
GENERALLY LOCATED ON 73RD AVENUE AND LOWELL BOULEVARD**

WHEREAS, certain right-of-way was dedicated on the final plat for Wilson's Subdivision (Book 2, Page 16), from Adams County Public Records; and

WHEREAS, the right-of-way is no longer needed for transportation purposes since the alley does not connect to City streets and does not provide access to the general public; and

WHEREAS, the City needs to preserve utility easements for existing utilities within the proposed right-of-way vacation area; and

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the right-of-way described in Section 3 hereof.

Section 2. City Council further finds and determines that it is necessary to reserve an easement for the continued use of existing storm drainage lines and appurtenances, and for water, sanitary or electrical utilities.

Section 3. The following described right-of-way is vacated but reserving the entirety thereof as an easement for municipal utility purposes including but not limited to storm drainage, water, sanitary or electrical is hereby reserved.

All of that fifteen foot (15') wide alley lying east of and adjacent to Lots 28 through 49, inclusive, Block 1, Wilson's Subdivision as recorded in Book 2 at Page 16 of the Adams County Records, located in the Southeast Quarter of Section 31, Township 2 South, Range 68 West of the 6th Principal Meridian, City of Westminster, County of Adams, State of Colorado, being subordinately described as follows:

Basis of Bearings: The east line of the Southeast Quarter of said Section 31, monumented at the southeast corner of said Section 31 by a 2-1/2" brass cap in range box "PLS 16412", is assumed to bear N00°08'09"W, a distance of 2,648.59 feet;

Beginning at the southeast corner of said Lot 49, whence the southeast corner of said Section 31 bears S11°55'25"E, a distance of 832.16 feet;

Thence along the easterly line of said Lots 28 through 49 inclusive, N00°08'09"W, a distance of 535.00 feet to the northeast corner of said Lot 28;

Thence N89°44'01"E, a distance of 15.00 feet;

Thence S00°08'09"E, a distance of 535.00 feet to the northwest corner of Lot 5, Block 1, said Wilson's Subdivision;

Thence S89°44'01"W, a distance of 15.00 feet to the Point of Beginning;

Containing a calculated area of 8,025 square feet or 0.18 acres, more or less.

Section 4. 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.

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 PUBLISHED this 26th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of July, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



EXHIBIT A

SHEET 1 OF 2

ALLEY VACATION DESCRIPTION

ALL OF THAT FIFTEEN FOOT (15') WIDE ALLEY LYING EAST OF AND ADJACENT TO LOTS 28 THROUGH 49, INCLUSIVE, BLOCK 1, WILSON'S SUBDIVISION AS RECORDED IN BOOK 2 AT PAGE 16 OF THE ADAMS COUNTY RECORDS, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO, BEING SUBORDINATELY DESCRIBED AS FOLLOWS:

BASIS OF BEARINGS: THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 31, MONUMENTED AT THE SOUTHEAST CORNER OF SAID SECTION 31 BY A 2-1/2" BRASS CAP IN RANGE BOX AND AT THE EAST QUARTER CORNER OF SAID SECTION 31 BY 3-1/2" ALUMINUM CAP IN RANGE BOX STAMPED "PLS 16412", IS ASSUMED TO BEAR N 00°08'09" W, A DISTANCE OF 2,648.59 FEET;

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 49, WHENCE THE SOUTHEAST CORNER OF SAID SECTION 31 BEARS S 11°55'25" E, A DISTANCE OF 832.16 FEET;
THENCE ALONG THE EASTERLY LINE OF SAID LOTS 28 THROUGH 49 INCLUSIVE, N 00°08'09" W, A DISTANCE OF 535.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 28;
THENCE N 89°44'01" E, A DISTANCE OF 15.00 FEET;
THENCE S 00°08'09" E, A DISTANCE OF 535.00 FEET TO THE NORTHWEST CORNER OF LOT 5, BLOCK 1, SAID WILSON'S SUBDIVISION;
THENCE S 89°44'01" W, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 8,025 SQUARE FEET OR 0.18 ACRES, MORE OR LESS.

ILLUSTRATION ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

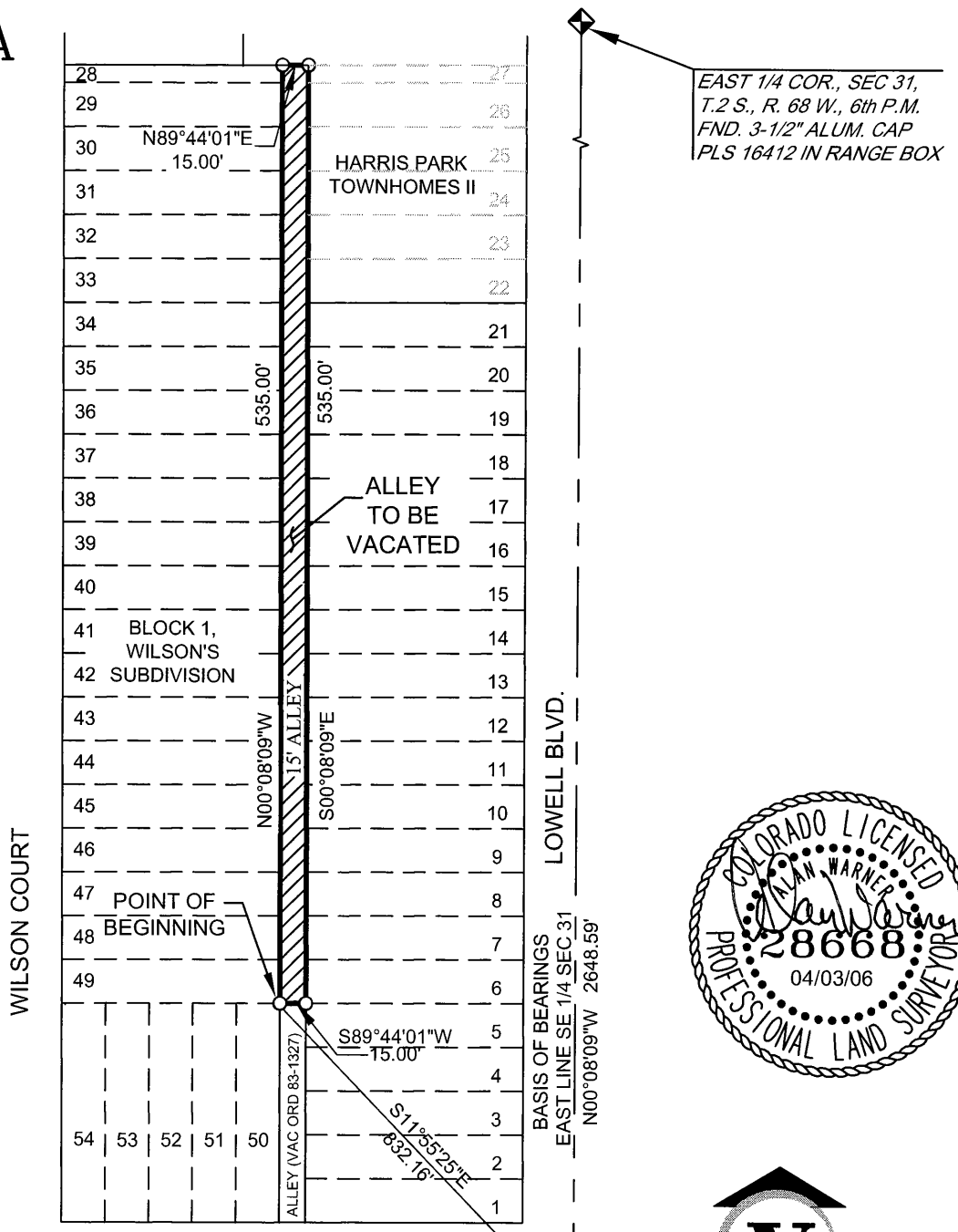
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PROPERTY DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND IS ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

ALAN WARNER
COLORADO PLS 28668
FOR AND ON BEHALF OF
V3 COMPANIES OF COLORADO, LTD.
2399 BLAKE ST., SUITE 130
DENVER, CO. 80205
303-989-8588



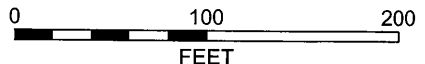
ILLUSTRATION FOR
EXHIBIT A
SHEET 2 OF 2



EAST 1/4 COR., SEC 31,
T.2 S., R. 68 W., 6th P.M.
FND. 3-1/2" ALUM. CAP
PLS 16412 IN RANGE BOX



Scale : 1"=100'



ALLEY CONTAINS APPROX.
8,025 SQ FT (0.18 ACRES).

THIS EXHIBIT DOES NOT REPRESENT
A MONUMENTED LAND SURVEY.
IT IS INTENDED ONLY TO DEPICT
THE ATTACHED DESCRIPTION.

POINT OF COMMENCEMENT
SE COR., SEC. 31
T.2 S., R. 68 W., 6th P.M.
FND. 2-1/2" BRASS CAP
IN RANGE BOX



**Engineers
Scientists
Surveyors**

2399 Blake Street, Suite 130
Denver, CO 80205
303.989.8588 voice
303.989.9932 fax
V3co.com

COMPANIES OF COLORADO, LTD.

ALLEY VACATION

HARRIS PARK
SE 1/4, SEC. 31, T. 2 S., R. 68 W., 6TH PM
CITY OF WESTMINSTER, ADAMS COUNTY, COLORADO

DRN: PM	DATE: 12/16/05	JOB: D04009
CKD:	SCALE: 1"=100'	FBK: N/A



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Councillor's Bill No. 41 re Appropriation of FY2005 Carryover Funds into FY2006

Prepared By: Steve Smithers, Assistant City Manager
Barbara Opie, Assistant to the City Manager

Recommended City Council Action

Pass Councillor's Bill No. 41 on first reading, appropriating FY2005 carryover funds into the FY2006 budgets of the General, General Capital Outlay Replacement, General Capital Improvement, Utility, Storm Drainage, and Open Space Funds.

Summary Statement

- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
 - those items and services included in the previous year's budget but not received or provided until the current year's budget;
 - new items and services not included in the previous year's budget and funds were identified as available for these new priorities in late 2005, but the items or services were not received or provided until the current year's budget;
 - existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- The total funding of \$26,054,592 for the items recommended in this memo comes from unrestricted revenues and unexpended 2005 funds in the various dollars identified. Further detail on these items is provided in the background section of this memo.
- City Council reviewed the proposed carryover items included within this Staff Report at the June 19 Study Session, and directed Staff to bring forward the attached ordinance for action at the June 26 City Council meeting.

Expenditure Required: \$26,054,592

Source of Funds: General, General Capital Improvement, Utility, Storm Drainage, Open Space and Debt Service Funds

Policy Issue

Should the City appropriate carryover funds as outlined below?

Alternatives

1. City Council could decide not to appropriate any of these funds at this time. This is not recommended as many of the carryover requests are for items and services that have already received City Council approval during the FY2005 Budget process as priority expenditures for the City.
2. City Council could choose to approve the carryover appropriation for only previously appropriated operating items. Staff recommends utilizing the carryover funds for both the previously appropriated operating items as well as the new operating and capital improvement projects noted in this memorandum to maximize the use of these funds in providing services to residents.

Background Information

City Council is requested to pass the attached Councillor's Bill on first reading appropriating the list of items proposed to be funded with FY 2005 carryover funds as described below, into the General, General Capital Outlay Replacement, General Capital Improvement, Utility, Storm Drainage, and Open Space Funds. The carryover appropriation takes place annually once the audit is substantially completed for the prior year.

PROPOSED RE-APPROPRIATION OF OPERATING ITEMS APPROVED IN 2005

Certain items ordered in 2005 were not received until 2006. In addition, certain services, authorized in 2005, were not fully performed by the end of the year. Under standard accounting procedures, these remaining funds must be re-appropriated in the new year to complete the desired purchase or service. Staff recommends the funds described below be re-appropriated in 2006.

GENERAL FUND:

Central Charges – Three items totaling \$218,631 as follows:

1. \$13,920 for legal services for various Barbara Banks' work on development agreements that were not completed in 2005. \$30,000 was originally approved by City Council in 2004 for Ms. Banks' work and \$13,920 remains on that original contract. Ms. Banks is a respected real estate attorney who provides unique expertise on some City projects.
2. \$7,300 for the Municipal Court facility structural needs assessment. The work commenced in late 2005 but was not completed prior to year end.
3. \$197,411 to correct a year-end transaction moving debt payments from the General Fund to the General Capital Outlay Replacement Fund as identified by the 2005 audit.

General Services – Two items totaling \$24,100 as follows:

1. \$7,100 for the SPIRIT Symposium for the Management Team. The SPIRIT Symposium focusing on "Innovation" originally planned for 2005 was not held until April 2006 due to scheduling conflicts.
2. \$17,000 for work initiated by the Building Operations and Maintenance Division to eliminate recurring false fire alarms at the City Park Recreation Center. Fire & Safety Service, Inc. identified that the computer boards that managed the fire alarm system would need to be replaced, but that the boards were no longer available. As such, a new system, including replacement of duct detectors that were no longer functional, was required. However, with a projected four to six week delivery period, it was not possible to achieve a 2005 delivery date.

Finance Department – One item totaling \$635 for a computer cabinet for the conference room ordered in late 2005 that was anticipated for delivery prior to year end but did not arrive as scheduled.

Police Department – Three items totaling \$40,013 as follows:

1. \$4,863 for Electrical Engineer to plan and design the replacement emergency generator. Funds were budgeted in the operating budget in 2005 for the electrical engineer to plan and design the replacement Public Safety Center emergency generator in preparation of the 2006 Capital Improvement Program (CIP) project to replace the generator. M.E. Engineers were contracted as the electrical engineer.

2. \$26,150 for the replacement of the mug photo and custody report system. Due to other priorities regarding the Intergraph System, the I/Mug System and Custody/Arrest Report were not completed in 2005.

3. \$9,000 for the Police Department's increased cost for the Jefferson County Juvenile (JAC) Assessment Center program. The amount the Police Department has been assessed in 2006 is \$15,814.78. The total amount budgeted in 2006 for the Jeffco Juvenile Assessment Center program is \$8,000. The JAC program's budget is a fiscal year budget vs. a calendar year budget and in the past, the payments were split. However, JAC has informed the agencies who are part of the Jeffco JAC that this split is not going to be done any longer and that the agencies would be invoiced for the full amount at one time. The Police Department has \$9,000 remaining in the 2005 budget that would have been paid in 2005, and the remaining amount in 2006. Instead, the City is now being assessed the full amount in 2006 and therefore these funds are requested to be carried forward.

Fire Department – Two items totaling \$19,472 as follows:

1. \$18,722 for Emergency Management Preparedness Grant (EMPG) funds from the State of Colorado in 2005. The Emergency Preparedness program has been spending this money as required and does have plans to spend the balance on such items as the Nextel phone system "Go-Kits," reference material and associated software.

2. \$750 for grant moneys received from the Wal-Mart Corporation in 2005 as part of their "Good Works" community involvement program. This money will be spent on public education supplies for community events.

Community Development – Three items totaling \$51,500 as follows:

1. \$25,000 of contractual services funding in 2005 to update the North I-25 Corridor Study and landscape/public art design at 120th Avenue and I-25.

2. \$11,500 for Economic Development printing expenses. These funds are requested for completed economic development publication projects that were initiated in 2005 but not completed prior to year end.

3. \$15,000 for the completion of the Economic Development Business Survey planned for 2005 but not completed.

Parks, Recreation & Libraries – One item totaling \$7,014 in scholarship funds, received in 2005 from citizens and recreation program participants, for the Youth Sports Program. These funds are intended to supplement registration fees for individuals needing assistance. These funds will be available for scholarships in 2006.

Public Works & Utilities – One item totaling \$34,669 for cracksealing. These funds will allow the completion of the crackseal project that was initiated in late 2005. These funds are the unspent amount from the \$87,000 contract that City Council approved at the November 28, 2005 City Council meeting for the 2005 Contractual Cracksealing Project. The project was not completed in December 2005 due to inclement weather and extremely cold temperatures.

UTILITY FUND:

Public Works & Utilities – Six items totaling \$277,346 as follows:

1. \$77,000 for the Biosolids tanker that was ordered in September 2005. The tanker is currently being constructed and is not expected to be delivered until mid to late 2006. Funds for this expense were budgeted in the 2005 operating budget in the Water Resources and Treatment Division – Water Plants section.
2. \$8,501 for other equipment funds to pay for filter anthracite in the Water Resources and Treatment Division Water Plant section. Delivery of the anthracite from the vendor was delayed beyond the original date of late December 2005, which was out of the City's control. Since the anthracite was received in January, the invoice could not be paid with 2005 funds.
3. \$135,000 for the purchase of utility system material funds (15,000 linear feet of 8-inch PVC pipe at an estimate of \$9 per foot). The pipe was not purchased as planned in 2005 due to material shortages and high prices following two major hurricanes in the Gulf Coast, which impacted petroleum and resin producing facilities. The Utilities Operations Construction Crew is currently using pipe already in inventory, but the inventory is nearing exhaustion. Staff purchased additional pipe in the first quarter of 2006 using 2006 funds, but may not have funds at year end to purchase other necessary construction materials. In November 2004, approximately 15,000 feet of pipe was purchased at \$6.50/foot (\$97,350). The City received bids in September 2005 at \$10.24 per foot, which is an estimated cost of \$153,600. By waiting until 2006 to purchase the pipe, the City will be saving an additional \$18,600.
4. \$41,250 for replacement transponders. The Utilities Operations Division purchased 250 replacement transponders. The transponders were authorized by City Council at the February 14, 2005 City Council meeting, ordered and delivered in 2005, but not invoiced until after the 2005 financial year-end closeout deadline. The invoice has finally been received.
5. \$10,000 for engineering services related to water rights. The Water Resources and Treatment Division Water Resources section contracted with Helton and Williamsen for water rights engineering services. In 2000, City Council approved a contract with Helton and Williamsen for water rights engineering related to the change of use of a number of the City's water rights purchased over the last several years. Initial engineering has been completed and distributed to water users involved in these change cases. Final engineering has been delayed as many of the water users involved in the cases have not reviewed or provided comments on the initial engineering. Discussions with these water users are being scheduled this year and all engineering work is anticipated to be completed in 2006.
6. \$5,595 for lab consulting services contract. The Water Resources and Treatment Division Water Quality section is requesting carryover of professional services funds to complete a 2005 contract with McGlothlin and Associates for laboratory and regulatory consulting services. The City entered into a contract with Pat McGlothlin and Associates to evaluate and update its laboratory practices and procedures to ensure the generation of accurate and verifiable data. Additionally the scope of work includes a review of the City's ability to comply with the Stage 2 Disinfectant/Disinfection By-Product Rule adopted by the State in December 2005. The Contract was signed on September 30, 2005; however the consultant did not begin site visits or review of procedures and Standard Operating Procedures until November 2005. Additional time was also required to allow the new water quality specialist (hired in December 2005) to review and approve work conducted.

GENERAL CAPITAL OUTLAY REPLACEMENT FUND:

Central Charges – One item totaling \$75,600 for a replacement ambulance ordered in late 2005 but not delivered prior to year-end.

OPEN SPACE FUND:

Central Charges – Two items totaling \$1,132,695 as follows:

1. \$12,500 for the completion of work by a consultant on the McKay Lake renovation. The project is dependent upon progress made by the developer downstream of McKay Lake and the approval process of the State Engineer, both of which have been delayed negatively affecting the schedule.
2. \$1,120,195 for the purchase of open space land and construction of open space facilities. The majority of this amount reflects the open space funds that were unspent in 2005 on land purchases that will be available to purchase as open space in 2006. An additional \$424,499 from cash-in-lieu funds (noted below) in the General Capital Improvement Fund will be added for the purchase and construction of open space facilities (total amount to open space \$1,544,694).

PROPOSED APPROPRIATION OF NEW OPERATING ITEMS

Staff recommends utilizing some of the General, General Capital Improvement, and Utility Funds' carryover moneys available to help address new spending needs. The items listed below are intended to be proactive measures to help minimize the impact on future budgets for needed items.

GENERAL FUND:

Central Charges – Four items totaling \$558,160 as follows:

1. \$150,000 for special projects and studies that may arise during the year per City Council and staff requests. These dollars represent savings in Central Charges 2005 operating budget that are proposed to help offset additional costs associated with economic development and redevelopment activities, special projects and studies, etc., that may arise through the balance of 2006.
2. \$100,000 for General Leave Buyback. This program allows employees to receive payment for unused general leave up to 24 hours at a 75% rate. This program was an annual budgeted item eliminated in 2002 due to the City's tight financial status. This program helps reduce the City's unfunded liability of general leave at today's dollars instead of an increasing pay rate as time continues. These dollars represent savings in the Central Charges 2005 operating budget. An additional \$10,000 is requested in the Utility Fund for this program.
3. \$8,160 for Certificate of Participation (COPs) interest earnings that are in the General Fund balance at 12/31/05 and need to be appropriated to 2006 to be used for debt service and other debt fees. Pursuant to changes made with the Westminster Building Authority (WBA), the City now directly pays the trustee lease payments associated with the COPs and therefore the funds need to be appropriated pursuant to the COP covenants. (This represents interest earned on the 1998, 1999 and 2001 COPs.)
4. \$300,000 to pre-pay the energy performance contract financing. Per the 10-year financing agreement authorized by City Council in December 2005, All American Investment Group (AAIG) incorporated provisions that allow the City to prepay the balance outstanding in part or entirety without penalty. This flexibility allows the City to benefit from reduced interest costs when cash sources are identified in future years. Staff is proposing that carryover funds be utilized to help pre-pay some of the outstanding balance at this time to help reduce the costs by an estimated \$90,000 on future budgets.

General Services – Two items totaling \$24,400 as follows:

1. \$4,800 for the replacement of two color printers. The current color printers are experiencing a marked decline in functionality. These color printers provide service to the administration functions of Human Resources, Risk Management, Purchasing, the City Clerk's Office and Environmental and Administrative Services. The printers are over six years old and will no longer accept legal size paper without staff having to manually feed the paper. Replacement printers cost \$2,400 each. These dollars represent savings in the General Services 2005 operating budget.

2. \$19,600 for regular salaries in the Municipal Court Division. When projecting the 2006 regular salaries with the amendment process during 2005, a calculation error projected salaries for employees within a specific pay grade incorrectly. This impacts three departments and is proposed to be corrected through carryover funds. (A total of \$ 30,890 in the General Fund and \$24,514 in the Utility Fund salaries were projected too low for 2006.) Future costs will be covered in the operating budget.

Finance – One item totaling \$1,200 for two replacement office chairs. Replacement office chairs were needed for the Treasury Manager and a Sales Tax Technician due to being worn out.

Community Development – One item totaling \$25,662 for regular salaries in the Administration, Planning and Engineering Divisions. When projecting the 2006 regular salaries with the amendment process during 2005, a calculation error projected salaries for employees within a specific pay grade incorrectly. This impacts three departments and is proposed to be corrected through carryover funds.

Parks, Recreation & Libraries – Two items totaling \$73,477 as follows:

1. \$20,057 to cover Front Range Community College (FRCC) operations and maintenance costs that were higher than anticipated for 2006. Per communications from FRCC, the gas/electricity costs continue to increase over what FRCC was billing the City for the City's share. FRCC increased their charge to the City for 2006. The Library has \$235,943 budgeted for 2006 and \$20,057 represents the increase. These funds represent savings in the Parks, Recreation & Libraries 2005 operating budget.

2. \$53,420 for additional lighting at the City Park Recreation Center as part of the energy performance contract. The facility does not have sufficient or correctly placed lighting in the pool area (which is a safety issue), as well as in the upper gallery (a safety and guest service issue). This funding would allow the facility to get up to acceptable lighting standards while work is already being done on the energy performance contract, minimizing the cost. These funds represent savings in the Parks, Recreation & Libraries 2005 operating budget.

UTILITY FUND:

Central Charges – One item totaling \$10,000 for General Leave Buyback. Staff is recommending that a total of \$110,000 from carryover (\$100,000 from General Fund and \$10,000 from Utility Fund) be allocated to this program to reduce the City's liability of general leave at today's dollars instead of an increasing pay rate as time continues. This amount is attributable to the Utility Fund.

Public Works & Utilities – One item totaling \$10,000 for the installation of water tap at the Standley Lake Dam tender's house. The Water Resources and Treatment Division Water Resources section is requesting carryover of maintenance repair of infrastructure funds to complete the installation of a water tap in the Standley Lake Dam tender's house. The tender's house was on well water that was of poor quality and becoming less reliable. This amount is Westminster's portion of the cost; Northglenn and Thornton are each paying \$10,000. The total cost to the Standley Lake Operating Committee (SLOC) is \$30,000 split 3 ways per the 4-Way agreement. This is an unbudgeted expense that was not anticipated in the 2006 budget.

Information Technology – One item totaling \$24,514 for regular salaries. When projecting the 2006 regular salaries with the amendment process during 2005, a calculation error projected salaries for employees within a specific pay grade incorrectly. This impacts three departments and is proposed to be corrected through carryover funds.

PROPOSED APPROPRIATION FOR EXISTING OR NEW CAPITAL PROJECTS

Staff has completed a review of potential capital improvement projects for the balance of carryover funds. Staff is recommending that the following new or existing capital projects be appropriated as Capital Improvement Program (CIP) projects. Higher than anticipated revenues and better than anticipated expenditure savings in the General, General Capital Improvement and Debt Service Funds are proposed to be utilized for these projects.

GENERAL CAPITAL IMPROVEMENT FUND:

A total of \$11,184,249 for capital projects is proposed to be appropriated into the General Capital Improvement Fund (GCIF) as follows:

1. \$500,000 to assist with facility major maintenance. These funds are for the maintenance and repair of City facilities that are larger in scope than projects included within the operating budget. The 2006 Adopted Budget included \$350,000 for this work but several unanticipated major repairs have utilized a significant amount of these funds and prohibited staff from completing some of the other work scheduled for 2006. These additional dollars will assist Staff in meeting one of Council's objectives from the strategic plan – maintaining existing City facilities.
2. \$175,000 for Municipal Court facility maintenance identified per the facility structural assessment completed in February 2006. These funds will be utilized for the replacement of facility windows, a kitchen remodel, interior painting and the addition of an entry roof by the main entryway. These improvements will substantially improve the Municipal Court facility for the public and for the employees who work there.
3. \$190,000 for a Facility Assessment for major facilities. As part of BO&M's work to develop a comprehensive citywide Facility Maintenance Plan, staff is proposing that a consultant assist with an assessment on major facilities. The main items needing professional assessment would be Mechanical systems, structural components, existing and potential of future electrical needs and requirements, which includes a few outdated fire alarm systems.
4. \$680,000 for facility and HVAC renovations needed for the old Police building to make the facility functional for the State Parole staff proposing to lease this facility. While the negotiations are still in progress, the current lease schedule would have the City repaid for these improvements within approximately three years.
5. \$75,000 for design work for the widening of 128th Avenue bridge over I-25. The Colorado Department of Transportation (CDOT) will sponsor a project to replace the deteriorated, two-lane bridge that carries 128th Avenue over I-25. However, CDOT has demanded that the two adjacent cities - Westminster and Thornton - pay for the incremental difference in cost to design and construct a four-lane bridge at this location instead of a two-lane bridge. The incremental cost difference for the design work, which will occur during 2006, is currently estimated at \$126,000, or \$63,000 for each of the two cities. City Staff is working with Thornton Staff on the details of a construction funding plan in which Thornton would carry the total construction cost over a number of years. Since the cost of this initial design work is not firm, staff is recommending that \$75,000 be appropriated.
6. \$363,000 for 128th Avenue and Huron Street completion. The City is currently funding a project to improve the east side of Huron Street and the south side of 128th Avenue adjacent to the new Adams School District 12 Mountain Range High School. In addition to the necessary widening of these two streets, new traffic signals will be installed at the intersections of Huron Street/125th Avenue (i.e. the entrance to Home Farm Subdivision) and 128th Avenue/Delaware Street. The construction of this project was authorized by City Council earlier this spring with the understanding that funds were not available to create a sufficient construction contingency. This requested appropriation would furnish the contingency for this project and permit funding for the City's costs associated with the extension of Delaware Street.
7. \$350,000 for the 88th Avenue bottleneck. The only portion of 88th Avenue/86th Parkway at the boundary between Westminster and Arvada that is not four-lanes wide is a short section at the crossing of the Farmers High Line Canal (FHLIC). That street crossing of the canal is actually located within a tiny enclave of unincorporated Jefferson County. Arvada and Jefferson County have expressed interest in sponsoring such a project and splitting the approximate \$1.05 million cost between the three jurisdictions at \$350,000 each.

8. \$150,000 for design work for widening 144th Avenue between Huron and Zuni Streets. With the opening of The Orchard at Westminster in 2006-2007, it is anticipated that a dramatic increase in traffic will occur along 144th Avenue between Huron Street and the western City limits at Zuni Street. The existing two-lane road should be widened to arterial street standards within the next few years. The requested appropriation of \$150,000 would fund a conceptual design effort that would identify a general alignment, basic right-of-way needs and a preliminary cost estimate for the future construction. Representatives of Adams County, which has some jurisdiction along this portion of 144th Avenue, have expressed a willingness to participate to some degree in this project, but a firm commitment from the County has not yet been received.

9. \$1,045,000 for the construction of the Wadsworth Boulevard trail underpass. This appropriation represents a portion of the City's "local match" of federal funds that will become available for the design, right-of-way acquisition, and construction associated with this project in federal FY 2007. Future federal and City appropriations will be necessary in 2008 to provide additional funding toward construction of the new bridge that will carry Wadsworth Boulevard over Big Dry Creek at the approximate 98th Avenue alignment. The new bridge will also provide a grade-separated crossing of Wadsworth Boulevard for users of the Big Dry Creek Trail.

10. \$37,080 for Public Art In-lieu payment that was made by Wal-Mart for their 136th Avenue store. The Commercial Design Guidelines applicable to all commercial projects in the City of Westminster call for developments of 10 acres or more to either (a) purchase and install public art on their site, or (b) contribute cash-in-lieu on a per-acre basis for the City to undertake the same installation. The 136th Avenue Wal-Mart site paid, at the developer's option, an in-lieu payment of \$37,080 which was paid in FY2005. Those funds need to be transferred to FY2006 in order to complete the project. In addition to that investment, Wal-Mart is also improving the site for the installation of public art through the completion of a design generated by the City of Westminster and coordinated with a "mirror image" installation across 136th Avenue at the Lowe's site.

11. \$1,000 of funds received in 2004 from the Colorado State Historical Fund as a match for historic structure research at The Grange. However, the funds were never appropriated and this action is needed to appropriate the funds as originally intended to the South Westminster Revitalization account.

12. \$500,000 for the South Westminster Revitalization project. These funds will assist with redevelopment projects to improve this area of the City. The project currently has \$400,000 included with the Amended 2006 Budget.

13. \$50,000 for Police Department's Radio System Backbone maintenance and upkeep. The \$50,000 in the 2005 budget for the radio system backbone maintenance and upkeep is budgeted to allow the department to maintain the backbone of the radio system on a routine basis, and also for "emergency" funding if the radio system components need to be repaired or replaced. In 2006, the Police Department will begin the 800 MHz Radio System Upgrade along with the City of Arvada. In preliminary meetings with the City of Arvada and the company contracted to do the upgrade (M/A COM), a Primary Offering Total was provided. The \$295,000 currently within the CIP will not be sufficient funding for Westminster's share of the project. The CIP was originated in 2004, and some of the costs associated with the project were not included in the 2004 original request. The \$50,000 budgeted in 2006 in the radio system backbone maintenance operating budget account will be utilized for the project, and the department is requesting carryover of the \$50,000 in the 2005 account.

14. \$750,000 for the Golf Course Fund. These moneys are one of the steps that Staff is proposing to help offset the \$1,973,706.13 interfund loan covering negative cash in the fund had at 12/31/05 per the recently completed financial audit. Staff shares the auditor's concerns with this interfund loan negative cash balance and is proposing these funds to pay off approximately 38% of this debt.

15. \$3,000,000 for future redevelopment within the Westminster City Center. Staff is proposing that funds be set aside for future redevelopment (including the Westminster Mall) within this area as any project will be large and expensive. A strategy is being compiled and will be discussed with City Council in the coming months.

16. \$47,780 of interest earnings to the Holly Park redevelopment project. The Holly Park development required that \$506,000 be deposited with the City as a letter of credit. These funds represent the interest earning accumulated on those funds while they were in the City's possession.

17. \$175,000 for the Regional Parks and Golf Maintenance capital project. These funds would be utilized at the Golf Courses to replace restaurant equipment (i.e., new dishwashers, ovens, tables, small appliances, etc), replace carpet, purchase five additional golf carts for Legacy Ridge (to meet the demand) and renovate restrooms. At the Standley Lake Regional Park, the funds would be utilized to purchase new picnic tables, install a new restroom for the campgrounds (per the Standley Lake Operating Committee intergovernmental agreement (IGA), this includes the installation of a small lift station and sewer line from the new restroom since vault toilets are not permitted under the Standley Lake Water Quality IGA in that area), and City's share of the matching grant for the installation of a fishing pier (Fishing is Fun grant).

18. \$100,000 for the Recreation Facilities Improvements capital project. The additional \$100,000 will assist with the purchase of additional weight and fitness equipment, and other center improvements. This project had \$250,000 appropriated with the Amended 2006 Budget.

19. \$100,000 for the Park Renovation capital project. The additional \$100,000 will assist with the renovation of the tennis courts at Countryside Recreation Center, new trail construction along Big Dry Creek, and park sign replacements due to vandalism. This project had \$700,000 appropriated with the Amended 2006 Budget.

20. \$78,023 for the Community Enhancement Program (CEP) project. These moneys represent higher than projected accommodations tax revenues collected in 2005. Per the Municipal Code, these funds are to be utilized on the CEP programming and will be utilized in accordance to the CEP Master Plan adopted by City Council earlier this year.

21. \$1,892,867 for note proceeds and interest earnings on the Certificates of Participation (COPs) issued in 2005 for the 144th/I-25 Interchange. Pursuant to the regulations surrounding COPs, all proceeds and any interest earnings must be utilized on the construction project and/or repayment of the COPs. These funds are proposed to be appropriated to meet those regulations.

22. \$500,000 for the Arterial Roadway Improvement capital project. With the cost of asphalt materials continuing to escalate with gas prices, these funds will help address scheduled improvements to arterial streets. This project had \$500,000 appropriated with the Amended 2006 Budget.

23. \$424,499 transfer payment to the Open Space Fund. These are funds collected from developers as cash-in-lieu for open space or park land acquisition. These funds are recommended to be deposited into the open space land acquisition account for the purchase of future open space parcels in the Open Space Fund.

UTILITY FUND:

One item totaling \$12,086,878 to the Utility Fund CIP Reserve account. These funds represent the savings in the operating budgets within the Utility Fund as well as higher than projected revenues from water sales and tap fees. These moneys are proposed to be deposited into the Utility Fund CIP Reserve for future projects discussed with City Council at a recent study session. Council concurred with the use of these funds in this manner as a part of the overall utilities capitol projects strategy and rate strategy. Proposed use of these funds will be brought back by Staff to City Council for official approval.

SUBJECT: Councillor's Bill re Appropriation of FY2005 Carryover Funds into FY2006 Page 10

STORM DRAINAGE FUND:

One item totaling \$174,377 is proposed to be appropriated into the Storm Drainage CIP Reserve account. These moneys are proposed to be deposited into the Storm Drainage CIP Reserve for future projects yet to be identified. Proposed use of these funds will be brought back by Staff to City Council for official approval.

City Council reviewed the carryover items included within this agenda memo at their June 19 Study Session. City Council is requested to approve the attached Councillor's Bill on first reading appropriating funding as outlined in this document.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, UTILITY, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, OPEN SPACE, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$85,396,327 is hereby increased by \$7,439,910 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$92,836,237. 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. The appropriation is due to the appropriation of 2005 carryover.

Section 2. The \$7,439,910 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	1000.40020.0000	\$0	<u>\$7,439,910</u>	\$7,439,910

Total Change to Revenues

\$7,439,910

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Prof Svcs – Legal Council	10010900.65100.0258	\$30,000	\$13,920	\$43,920
Prof Svcs	10010900.65100.0000	80,000	7,300	87,300
Transfers GCORF	10010900.79800.0450	0	197,411	197,411
Prof Svcs – Training	10012110.65100.0612	9,000	7,100	16,100
Maint/Repair Infrastructure	10012390.66200.0000	120,000	17,000	137,000
Office Equipment	10015050.75200.0000	0	635	635
Cont Svcs – Neigh Svcs	10020300.67800.0342	88,580	4,863	93,443
Other Equip – Tech Svcs	10020300.76000.0343	142,400	26,150	168,500
Prof Svcs – Patrol Svcs	10020500.65100.0713	31,000	9,000	40,000
Cont Svcs	10025260.67800.0000	7,775	16,310	24,085
Train & Ref Mtrls	10025260.71400.0000	11,623	1,727	13,350
Comp Soft/Hard	10025260.75400.0000	340	685	1025
Supplies Fire Prev	10025260.70200.0547	5,000	750	5,750
Prof Svcs	10030050.65100.0000	19,620	25,000	44,620
Printing	10030340.66600.0000	11,500	11,500	23,000

Bus Assist	10030340.68000.0000	10,000	15,000	25,000
Spec Promo – Yth Scholarship	10050760.67600.0528	0	7,014	7,014
Maint/Repair Street Rehab	10035450.66200.0232	2,382,331	34,669	2,417,000
Prof Svcs	10010900.65100.0000	80,000	150,000	230,000
Gen Leave Buy Back	10010900.62400.0000	0	100,000	100,000
Lease Pay – Cap Facility	10010900.67700.0209	1,600,888	2,838	1,603,726
Lease Pay – Westy Blvd	10010900.67700.0276	1,710,284	2,508	1,712,792
Lease pay – Public Safety	10010900.67700.0155	1,484,614	2,814	1,487,428
Lease Pay – Energy	10010900.67700.0925	0	300,000	300,000
Office Equip	10012050.75200.0000	36,801	2,400	39,201
Office Equip	10012060.75200.0000	6,280	2,400	8,680
Reg Salaries	10012130.60200.0000	4,443,867	19,600	4,463,467
Supplies	10015050.70200.0000	47,811	1,200	49,011
Regular Salaries	10030380.60200.0000	5,365,821	11,290	5,377,111
Regular Salaries	10030360.60200.0000	4,419,517	9,327	4,428,844
Regular Salaries	10030050.60200.0000	1,836,513	5,045	1,841,558
Contract Svcs	10050620.67800.0000	866,031	20,057	886,088
Cont Svcs – City Park	10050720.67800.0860	6,500	53,420	59,920
Transfers Legacy	10010900.79800.0220	0	228,322	228,322
Transfers Heritage	10010900.79800.0230	0	521,678	521,678
Transfers GCIF	10010900.79800.0750	0	5,610,977	5,610,977

Total Change to Expenses

\$7,439,910

Section 3. The 2006 appropriation for the Utility Fund initially appropriated by Ordinance No. 3162 in the amount of \$42,185,223 is hereby increased by \$12,408,738 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$54,593,961. The actual amount in 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 appropriation is due to appropriation of 2005 carryover.

Section 4. The \$12,408,738 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2000.40020.0000	\$0	\$12,329,538	\$12,329,538
Carryover	2100.40200.0000	0	<u>79,200</u>	79,200

Total Change to Revenues

\$12,408,738

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Vehicles Biosolids	21035490.75600.0401	\$178,900	\$77,000	\$255,900
Other Equip	20035490.76000.0000	45,000	8,501	53,501
Utility Sys Mtrls – Water line	20035470.72800.0497	285,175	135,000	420,175
Water Meters	20035470.76200.0000	320,000	41,250	361,250
Prof Services	20035480.65100.0000	253,553	10,000	263,553
Prof Svcs – Water Quality	20035480.65100.0943	83,000	5,595	88,595
General Leave Buy Back	20010900.62400.0000	0	7,800	7,800
General Leave Buy Back	21010900.62400.0000	0	2,200	2,200
Maint/Repair Infrastructure	20035480.66200.0000	950,633	10,000	960,633
Regular Salaries	20060230.60200.0000	9,206,182	24,514	9,230,696
Water Proj Reserv	80120035181.80400.8888	11,514,456	<u>12,086,878</u>	23,601,334

Total Change to Expenses

\$12,408,738

Section 5. The 2006 appropriation for the Storm Drainage Fund initially appropriated by Ordinance No. 3162 in the amount of \$900,000 is hereby increased by \$174,377 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$1,074,377. The actual amount in the Storm Drainage 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 appropriation is due to the appropriation of 2005 carryover.

Section 6. The \$174,377 increase in the Storm Drainage Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2500.40020.0000	\$0	<u>\$174,377</u>	\$174,377

Total Change to Revenues

\$174,377**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Stormwater CIP Reserve	80525030424.80400.8888	\$300,000	<u>\$174,377</u>	\$474,377

Total Change to Expenses

\$174,377

Section 7. The 2006 appropriation for the General Capital Outlay Replacement Fund initially appropriated by Ordinance No. 3162 in the amount of \$2,925,609 is hereby increased by \$75,600 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$3,001,209. The actual amount in the General Capital Outlay Replacement 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 appropriation is due to the appropriation of 2005 carryover.

Section 8. The \$75,600 increase in the General Capital Outlay Replacement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	4500.40020.0000	\$2,237,769	<u>\$75,600</u>	\$2,313,369

Total Change to Revenues \$75,600

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Vehicles PST	45010900.75600.0911	\$501,740	<u>\$75,600</u>	\$577,340

Total Change to Expenses \$75,600

Section 9. The 2006 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,563,535 is hereby increased by \$1,557,194 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$6,120,729. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2005 carryover.

Section 10. The \$1,557,194 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5400.40020.0000	\$0	\$1,132,695	\$1,132,695
Transfer from GCIF	5400.45000.0750	0	<u>424,499</u>	424,499

Total Change to Revenues \$1,557,194

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Eng Design	54010900.65600.0000	\$0	\$12,500	\$12,500
Land Purchases	54010900.76600.0000	749,739	<u>1,544,694</u>	2,294,433

Total Change to Expenses \$1,557,194

Section 11. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,608,000 is hereby increased by \$10,434,249 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$18,042,249. 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 appropriation is due to appropriation of 2005 carryover.

Section 12. The \$10,434,249 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$1,030,000	\$3,090,496	\$3,720,496
Carryover	7501.40020.0000	0	1,220,474	1,220,474
Transfer from GF	7500.45000.0100	0	5,610,977	5,610,977
Transfer from Debt Service	7500.45000.0800	0	<u>512,302</u>	512,302

Total Change to Revenues

\$10,434,249

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
BO&M Major Maintenance	80375012312.80400.8888	\$239,639	\$690,000	\$929,639
Court Complex Imp	80175012114.80400.8888	41,000	175,000	216,000
88 th /Sheridan PD Bldg Renovate	80675012033.80400.8888	0	680,000	680,000
128 th Ave Bridge Widening	80675030036.80400.8888	0	75,000	75,000
New Development Participation	80175030011.80400.8888	14,593	363,000	377,593
Elimination of 88 th Ave bottleneck	80675030038.80400.8888	0	350,000	350,000
144 th Ave Zuni to Huron	80675030039.80400.8888	0	150,000	150,000
BDC Trail Old Wadsworth	80575030421.80400.8888	728	1,045,000	1,045,728
New Art Particip	80575030426.80400.8888	0	37,080	37,080
South Westy Revitalization	80175030024.80400.8888	256,900	501,000	757,900
800 mhz Radio System Upgrade	80475020604.80400.8888	295,000	50,000	345,000
City Center Redevelopment	80675005040.80400.8888	0	3,000,000	3,000,000
Holly Park LIC	80475030619.80400.8888	0	47,780	47,780
Regional Park/ Golf	80675050045.80400.8888	0	175,000	175,000
Recreation Center Improvement	80175050027.80400.8888	348,919	100,000	448,919
Park Renovation Prog	80375050305.80400.8888	858,421	100,000	958,421
Community Enhancement	80175050132.80400.8888	0	78,023	78,023
COP 144 Interchange CAP	80575030733.80400.8888	0	1,892,867	1,892,867
Arterial Roadway Improv	80475035602.80400.8888	500,000	500,000	1,000,000
Transfers Open Space	75010900.79800.0540	0	<u>424,499</u>	424,499

Total Change to Expenses

\$10,434,249

Section 13. The 2006 appropriation for the Debt Service Fund initially appropriated by Ordinance No. 3162 in the amount of \$8,228,907 is hereby increased by \$512,302 which, when added to the fund balance as of the City Council action on June 26, 2006 will equal \$8,741,209. The actual amount in the Debt Service 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 appropriation is due to appropriation of 2005 carryover.

Section 14. The \$512,302 increase in the Debt Service Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	8000.40020.0000	\$8,069	<u>\$512,302</u>	\$520,371

Total Change to Revenues \$512,302

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to GCIF	80010900.79800.0750	\$0	<u>\$512,302</u>	\$512,302

Total Change to Expenses \$512,302

Section 15. – 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 16. 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 26th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of July, 2006.

ATTEST:

Mayor

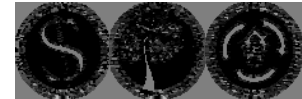
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
June 26, 2006



SUBJECT: Councillor's Bill No. 42 re Proposed Water and Wastewater Rate Adjustments

Prepared By: Jim Arndt, P.E., Director Public Works and Utilities
Mike Happe, P.E., Water Resources and Treatment Manager

Recommended City Council Action

Pass Councillor's Bill No. 42 on first reading implementing water and sewer rate adjustments and meter service charges for 2007 and 2008.

Summary Statement

- Based upon the need to address long-term costs, a long-term rate strategy was presented to City Council during an earlier Study Session. City Council endorsed the proposal and directed Staff to bring back the rate increase ordinance for official action.
- The long-term rate strategy, along with tap fees and existing capital reserves, will help buffer new rate increases until 2015, at which time rates will cover all operational and capital costs of the system.
- Water rates are recommended to be increased 4.12% in 2007 and 2.74% in 2008. Sewer rates are recommended to increase 12.0% in 2007 and 6.50% in 2008. The combined increase is 6.92% in 2007, and 4.06% in 2008 for the typical residential customer.
- Sewer rates are being adjusted more significantly reflecting recent major infrastructure investments including \$44 million for the expansion and upgrade of the Big Dry Creek Wastewater Treatment Facility.
- The combined 2007 monthly average increase, from 2006, to a single family home is \$3.48. The combined 2008 monthly average increase, from 2007, to a single family home is \$2.29.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City adopt water and sewer rates for 2007 and 2008, concurring with the long-term rate strategy to fully fund capital replacement for the water and wastewater utilities?

Alternatives

1. Do not approve the 2007 and 2008 water and wastewater rate increases.

By not approving the water and sewer rate increases, the City will under-fund the utility infrastructure that stores, treats, and conveys water and wastewater. Under-funded and deteriorating infrastructure can lead to excessive maintenance costs, system unreliability, and reduce the City's flexibility in reacting and providing for new and changed land uses.

2. Provide partial increased water and wastewater rates for 2007 and 2008.

The City is at a critical juncture in addressing its infrastructure needs. Under a separate ongoing infrastructure study, the City's estimated replacement cost for its utility infrastructure is between \$800,000,000 and \$1,000,000,000. The current estimated replacement liability is over \$230,000,000. Endorsing a policy that will, over ten years, include all replacement costs within rates will insure the sustainability of the water and wastewater infrastructure. The acceleration of the current \$230,000,000 liability increases rapidly without a firm plan to meet all operational and capital needs of the system within an adopted long-term rate strategy.

In order to provide system sustainability, Staff does not recommend either Alternative 1 or 2.

Background Information

Based upon a long-term rate forecasting model, as well as a series of financial and economic analysis relevant to Westminster's water and wastewater utilities, Staff recommended various fiscal policies, budget/rate objectives, long-term rate strategies and financial performance standards in a Staff Report presented to City Council on May 15, 2006. As part of the long term rate strategy, annual rather than biennial rate adjustments are recommended. The 2007 and 2008 water rates would increase 4.12% and 2.74%, and sewer rates would increase 12.0% and 6.50%, respectively. Rate increases would continue with more moderate, but on-going increases through 2015. The key goal is to ensure that rates, over a nine year period ending in 2015, are increased to fully fund all operating and capital costs.

In 2007, if recommended increases are adopted, average monthly water rates for a single family residence will increase \$1.42 and sewer will increase \$2.17 (total increase of \$3.59). This is a combined increase of 6.92%. The 6.92% increase would result in rates that are \$1.58 per month higher than the current average of 11 surrounding cities' 2006 rates (eight of the eleven cities have indicated they are considering rate increases for 2007, but have not yet determined the amount).

Smaller rate increases than those recommended increase the risk of not meeting the City's needs, resulting in less service reliability, increased maintenance costs, an ever increasing liability in infrastructure capital costs that would threaten sustainability, as well as create a deteriorated financial position for future debt financing. All of these could lead to excessive and inequitable costs for future users of the system.

City Council has historically adjusted water and sewer rates every two years. Staff, utilizing water billing records and the long-range financial planning model, has analyzed water rates and usage patterns and, in addition to the proposed conservation incentive rates, recommends the following changes to water and wastewater rates over the 2007/2008 period. The 2007 rate increases would be effective January 1, 2007, and the 2008 rate increases would be effective January 1, 2008 and remain in effect through 2008.

1. Single-Family Residential Water Rates: Adjust the residential block rates as follows:
 - a. The first residential tier of \$1.95 per 1,000 gallons for the first 4,000 gallons per month would increase to \$2.03 per 1,000 gallons in 2007 and \$2.09 per 1,000 gallons in 2008.
 - b. The second residential tier of \$3.22 per 1,000 gallons for usage between 5,000 and 20,000 gallons per month would increase to \$3.35 per 1,000 gallons in 2007 and \$3.44 per 1,000 gallons in 2008.
 - c. The third residential tier of \$4.75 per 1,000 gallons for usage above 20,000 gallons per month would increase to \$4.95 per 1,000 gallons in 2007 and \$5.09 per 1,000 gallons in 2008.
2. Single Family Meter Service Charge: Increase the residential Meter Service Charge from \$5.45 per month to \$5.67 per month in 2007 and \$5.83 per month in 2008.
3. Meter Service Charge for Non-Single Family Residential: Increase the Meter Service Charge for all non-Single Family Residential meters pro-rata based upon meter size by 4.12% in 2007 and 2.74% in 2008.
4. Commercial Water Rates: Adjust the commercial block rates as follows:
 - a. Increase the first commercial tier of \$4.00 per 1,000 gallons, for consumption at or below the commercial breakpoint, to \$4.16 per 1,000 gallons in 2007 and \$4.27 per 1,000 gallons in 2008.
 - b. Increase the second commercial tier of \$4.85 per 1,000 gallons, for consumption above the commercial breakpoint, to \$5.05 per 1,000 gallons in 2007 and \$5.19 in 2008. The breakpoint for commercial blocks is based upon meter size.
5. Residential Irrigation, Townhome, Condo, Public/Quasi-Public User and Residential Irrigation: Increase the current water rate for these customers of \$4.00 per 1,000 gallons to \$4.16 per 1,000 gallons in 2007 and \$4.27 per 1,000 gallons in 2008. In addition, townhome communities that apply for, and can prove at least 80% owner-occupancy, are entitled to receive a blended rate (currently \$3.30 per 1,000 gallons). The new blended rate would increase to \$3.44 in 2007 and \$3.53 in 2008.
6. Shaw Heights: Shaw Heights water users, per perpetual comprehensive agreement, are charged the corresponding in-City rates plus 10%.
7. Sewer Rates: Adjust residential and public rates from \$3.10 to \$3.47 in 2007 and \$3.70 in 2008 per 1,000 gallons of average winter (January-March) water usage. Adjust commercial rates from \$3.46 to \$3.88 in 2007 and \$4.13 in 2008 per 1,000 gallons of average winter (January-March) water usage. In addition, the base sewer rate for accounts lacking any winter water consumption history would increase from \$15.50 to \$17.36 in 2007 and \$18.49 in 2008.

Communication on the rate increase will emphasize the importance of quality and reliability in the water/wastewater system, and the role that rates play in achieving those goals. Focus will be placed on the value of the infrastructure (a \$1 billion asset) and the need for a long-term plan to preserve and enhance its value to residents. Staff is currently considering several options to inform residents, including using an insert in the utility bill, the Water Matters newsletter, City Edition and the website. A printed piece would appear later in the year, shortly before the new rates go into effect. Staff also anticipates using public meetings such as Community Oriented Governance (COG) to help spread the word and explain the need. Public Information Staff will provide complete information, simplified from technical language, to answer citizen questions about utility rates that might be raised with City Council or Staff.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2006

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING SECTIONS 8-7-7 AND 8-8-5, WESTMINSTER
MUNICIPAL CODE, CONCERNING THE CITY'S WATER RATE SCHEDULE AND
SANITARY SEWERAGE SERVICE AND INCREASING USER CHARGES**

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and
WHEREAS, the City Charter requires that the utility be self-supporting; and
WHEREAS, the last water rate increase and the last rate increase for sewer user charges took effect January, 2005; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased; and
WHEREAS, since the Utility is operated as an enterprise exempt from the TABOR amendment, the City Council may set rates to adequately fund the operation of the enterprise; and
WHEREAS, the City wishes to minimize the need for large increases in the future; and
WHEREAS, water rates have been designed so as to encourage water conservation.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1: Section 8-7-7, W.M.C., is hereby AMENDED to read as follows:

8-7-7: WATER RATE SCHEDULE:

(A) Except for fire hydrant use for municipal purposes and water used by the Water Department, all water delivered from the City water system shall be metered, including water used by the City or departments thereof, and the charge therefor shall be as hereinafter set forth.

(B) RESIDENTIAL: Three (3) dwelling units or less served by one meter primarily used for residential occupancy shall, IN 2007, be charged a five dollar and ~~forty-five~~ SIXTY-SEVEN (~~\$5.45~~ \$5.67) cent per month meter service charge, AND SHALL, IN 2008, BE CHARGED A FIVE DOLLAR AND EIGHTY-THREE CENT (\$5.83) PER MONTH METER SERVICE CHARGE PLUS:

2007 Block Rate	2008 BLOCK RATE	MONTHLY Consumption Range
(\$1.95) \$2.03 per 1,000 gallons	\$2.09 PER 1,000 GALLONS	First 4,000 gallons
(\$3.22) \$3.35 per 1,000 gallons	\$3.44 PER 1,000 GALLONS	5,000 to 20,000 gallons
(\$4.75) \$4.95 per 1,000 gallons	\$5.09 PER 1,000 GALLONS	21,000 gallons and over

per unit. Unit consumption shall be determined by dividing the number of units using one meter.

(C) RESIDENTIAL IRRIGATION, TOWNHOME/CONDOMINIUM (CONSISTING OF FOUR UNITS OR MORE), PUBLIC/QUASI-PUBLIC USERS: Shall, IN 2007, be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: ~~(\$4.00)~~ FOUR DOLLARS AND SIXTEEN CENTS (\$4.16) per 1,000 gallons, AND SHALL, IN 2008, BE CHARGED A MONTHLY METER SERVICE CHARGE BASED ON THE METER SIZE AS LISTED IN SCHEDULE A PLUS: FOUR DOLLARS AND TWENTY-SEVEN CENTS (\$4.27) PER 1,000 GALLONS.

Non-irrigation accounts for multiple residential units consisting of four (4) units or more that are not individually metered and that are classified as town homes or condominiums and can demonstrate that they are eighty percent (80%) owner occupied on a complex wide basis shall, IN 2007, be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: three dollars and ~~thirty~~ FORTY-FOUR (~~\$3.30~~ \$3.44) cents per thousand (1,000) gallons, AND SHALL, IN 2008, BE CHARGED A MONTHLY METER SERVICE CHARGE BASED ON THE METER SIZE AS LISTED

IN SCHEDULE A PLUS THREE DOLLARS AND FIFTY-THREE CENTS (\$3.53) PER THOUSAND GALLONS, for all water delivered through the meter. The Director of Finance is authorized to prescribe and accept such forms of documentation as the Director may deem sufficient to demonstrate an applicant's eligibility for the rate described in this paragraph. For purposes of this section, a town home or condominium is a residential unit physically attached to another residential unit and separately owned.

(D) COMMERCIAL: Commercial users shall, IN 2007, be charged a monthly meter service charge based on meter size as listed in Schedule A plus: four dollars AND SIXTEEN CENTS (~~\$4.00~~ \$4.16) per 1,000 gallons for the number of gallons used per monthly billing up to the breakpoint for the meter size listed in Schedule A, AND SHALL, IN 2008, BE CHARGED A MONTHLY METER SERVICE CHARGE BASED ON METER SIZE AS LISTED IN SCHEDULE A PLUS: FOUR DOLLARS AND TWENTY-SEVEN CENTS (\$4.27) PER 1,000 GALLONS FOR THE NUMBER OF GALLONS USED PER MONTHLY BILLING UP TO THE BREAKPOINT FOR THE METER SIZE LISTED IN SCHEDULE A. IN 2007, COMMERCIAL USERS SHALL BE CHARGED ~~Four dollars and eighty five cents (\$4.85)~~ FIVE DOLLARS AND FIVE CENTS (\$5.05) per 1,000 gallons for all consumption exceeding the breakpoint on a monthly basis for the applicable meter size as listed in Schedule A, AND IN 2008, FIVE DOLLARS AND NINETEEN CENTS (\$5.19) PER 1,000 GALLONS FOR ALL CONSUMPTION EXCEEDING THE BREAKPOINT ON A MONTHLY BASIS FOR THE APPLICABLE METER SIZE AS LISTED IN SCHEDULE A.

Schedule A					
Meter Size Code	Meter Size	Number of Service Commitments	2007 Monthly Meter Service Charge	2008 MONTHLY METER SERVICE CHARGE	Breakpoint For Second Tier Based On Meter Size (Gallons)
1	5/8" X 3/4"	1	(\$5.45) \$5.67	\$5.83	20,000
2	3/4" x 3/4"	1.5	(\$8.63) \$8.99	\$9.24	30,000
3	1"	2.5	(\$11.88) \$12.37	\$12.71	50,000
5	1-1/2"	5	(\$18.75) \$19.52	\$20.05	100,000
6	2"	8	(\$26.00) \$27.07	\$27.81	160,000
7	2" x 5/8"	8	(\$26.00) \$27.07	\$27.81	160,000
8	3"	17.5	(\$53.13) \$55.32	\$56.84	350,000
9	3" x 3/4"	17.5	(\$53.13) \$55.32	\$56.84	350,000
10	4"	30	(\$62.50) \$65.08	\$66.86	600,000
11	4" x 1"	30	(\$62.50) \$65.08	\$66.86	600,000
12	6"	62.5	(\$96.88) \$100.87	\$103.63	1,250,000
13	6" x 1-1/2"	62.5	(\$96.88) \$100.87	\$103.63	1,250,000
14	6" x 3"	62.5	(\$96.88) \$100.87	\$103.63	1,250,000
15	8"	90	(\$157.50) \$163.99	\$168.48	1,800,000
18	10"	145	(\$218.75) \$227.76	\$234.00	2,900,000
20	10" x 12" x 6"	215	(\$271.25) \$282.43	\$290.17	4,300,000

(E) CONTINUANCE OF CUSTOMER CHARGES: Monthly customer charges shall be assessed in all cases including where no water is consumed until such time as City personnel are specifically requested to discontinue water service at the meter.

(F) REBATE: Effective January 1, 2001, a seventy-five dollar (\$75) rebate shall be given once annually to low-income residential users who submit an application on a form prescribed by the Finance Director.

1. For purposes of this paragraph, "low income" shall be the current Federal poverty level, plus ten percent (10%).

2. The Director of Finance is authorized to prescribe and accept such forms of eligibility as the Director may deem sufficient to demonstrate an applicant's eligibility for the rebate provided for in this section.

3. Such rebate will be paid in the form of a credit applied to the water account of the eligible residential user.

Section 2: Section 8-8-5, subsection (D), is hereby AMENDED to read as follows:

8-8-5: SERVICE AND USER CHARGES:

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly rate for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall, IN 2007, be a sum equal to ~~three dollars and ten cents (\$3.10)~~ THREE DOLLARS AND FORTY-SEVEN CENTS (\$3.47) per thousand (1,000) gallons, AND SHALL, IN 2008, BE A SUM EQUAL TO THREE DOLLARS AND SEVENTY CENTS (\$3.70) PER THOUSAND GALLONS, multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall, IN 2007, be a sum equal to ~~three dollars and forty six cents (\$3.46)~~ THREE DOLLARS AND EIGHTY-EIGHT CENTS (\$3.88) per thousand (1,000) gallons, AND SHALL, IN 2008, BE A SUM EQUAL TO FOUR DOLLARS AND THIRTEEN CENTS (\$4.13), multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service. Any new occupant of a residential unit shall, IN 2007, be charged ~~fifteen dollars and fifty cents (\$15.50)~~ SEVENTEEN DOLLARS AND THIRTY-SIX CENTS (\$17.36), AND SHALL, IN 2008, BE CHARGED EIGHTEEN DOLLARS AND FORTY-NINE CENTS (\$18.49) sewer charge until an experience rate has been established.

Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available or consumption of similar accounts.

Section 3. This ordinance shall be effective for any water charges billed after January 1, 2007.

Section 4. 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 26th day of June, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of July, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, June 26, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the June 12, 2006 regular meeting were approved.

Council approved the following: May 2006 Financial Report; conveyance of ownership for Thornton Investments Property irrigation pump station; roof replacement at Municipal Service Center administration and operations facilities; Adams County School District 12 IGA for a school resource officer; final passage of Councillor's Bill No. 34 re agreement with The Bedrin Organization for Brookhill V Center; final passage of Councillor's Bill No. 37 re Westminster Armed Forces Tribute Garden appropriation; and final passage of Councillor's Bill No. 38 re creating an alternate member on the Human Services Board.

Council conducted a public hearing to consider amending the South Westminster Urban Renewal Plan and Section 11-4-4 of the W.M.C.

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE SOUTH WESTMINSTER URBAN RENEWAL PLAN, AND AMENDING TITLE XI, CHAPTER 4, SECTION 4, PERMITTED USES. Purpose: To amend the South Westminster Urban Renewal Plan and Section 11-4-4 of the W.M.C.

A BILL FOR AN ORDINANCE VACATING PORTIONS OF AN ALLEY RIGHTS-OF-WAY GENERALLY LOCATED ON 73RD AVENUE AND LOWELL BOULEVARD. Purpose: To vacate certain rights-of-way within the Wilson's Subdivision.

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, UTILITY, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, OPEN SPACE, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS. Purpose: Appropriation of FY 2005 carryover funds into FY 2006.

A BILL FOR AN ORDINANCE AMENDING SECTIONS 8-7-7 AND 8-8-5, WESTMINSTER MUNICIPAL CODE, CONCERNING THE CITY'S WATER RATE SCHEDULE AND SANITARY SEWERAGE SERVICE AND INCREASING USER CHARGES. Purpose: Water and wastewater rate adjustments.

The meeting adjourned at 7:59 p.m.

By Order of the Westminster City Council
Linda Yeager, City Clerk
Published in the Westminster Window on July 6, 2006

A BILL FOR AN ORDINANCE AUTHORIZING AN ECONOMIC DEVELOPMENT AGREEMENT WITH THE BEDRIN ORGANIZATION FOR THE PARTIAL REDEVELOPMENT OF BROOKHILL V SHOPPING CENTER WESTMINSTER, COLORADO

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

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

WHEREAS, The Bedrin Organization plans to redevelop and fill vacant space in the Brookhill V Shopping Center, and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of June, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of June, 2006.

EXHIBIT A
ECONOMIC DEVELOPMENT AGREEMENT
WITH THE BEDRIN ORGANIZATION

THIS AGREEMENT is made and entered into this _____ day of _____, 2006, between the CITY OF WESTMINSTER (the "City"), and The Bedrin Organization; a New Jersey LLC.

WHEREAS, the City wishes to provide certain assistance to The Bedrin Organization to encourage the redevelopment of the Brookhill V Shopping Center; and

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

In consideration of the mutual promises set forth below the City and The Bedrin Organization agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to The Bedrin Organization 50% of the building related permit fees for the Bicycle Village tenant finish required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees.
2. Use Tax Rebate- Construction. The City shall rebate to The Bedrin Organization 50% of the building use tax on the construction materials (excluding the City's .25% open space tax and .6% public safety tax), resulting from the Bicycle Village tenant finish, required under W.M.C. sections 4-2-9 and 4-2-3.
3. Use Tax Rebate - Furnishings. For the period 3 months prior and 3 months after Bicycle Village obtains its Certificate of Occupancy at Brookhill V, the City shall rebate to The Bedrin Organization 50% of the general use tax (excluding the City's .25% open space tax and .6% public safety tax) collected on equipment and furnishings from Bicycle Village.
4. Sales Tax Rebate. The City shall rebate to The Bedrin Organization 50% of the amount of the incremental sales tax collected over the base year sales tax receipts for Bicycle Village, for

the first three years (36 months) of operation of the new Bicycle Village store. Such rebate shall be payable exclusively from incremental sales tax revenue collected by the City from the Bicycle Village and attributable to the imposition of the City's 3.0% general sales tax (excluding the City's .25% open space tax and .6% public safety tax). The sales tax rebate shall not continue past three years (36 months) of operation and shall be administered as follows:

Base Sales Tax Amount. Promptly following the issuance of the final Certification of Occupancy for Bicycle Village at the Brookhill V Shopping Center, the City shall establish the Base Sales Tax Amount. The Base Sales Tax amount will be the total amount of sales tax collected during the base year by the City from Bicycle Village, and attributable to the imposition against retail sales of the City's 3.0% sales tax (excluding the City's .25% open space tax and .6% public safety tax).

Base and Assistance Years. The base year is defined as the period of time equivalent to the 12 reporting periods prior to opening of the new Bicycle Village store. The assistance years are defined as each consecutive 12 reporting periods following the Base Year, or prior Assistance Year, as applicable. Reporting periods, as referred to in this paragraph, are those periods annually established by Bicycle Village and provided to the City's Sales Tax Administrator. The end of the base year will be at the end of the reporting period just prior to the issuance of the final Certificate of Occupancy for the new Bicycle Village.

Sales Tax Increment. The Sales Tax Increment is that amount of sales tax collected during an assistance year from Bicycle Village that is in excess of the base sales tax amount.

Sales Tax Rebate Amount. Any rebates provided by the City to The Bedrin Organization will be from the sales tax increment from Bicycle Village. The City shall rebate to The Bedrin Organization 50% of the sales tax increment.

Payment. Once the City has collected the base sales tax amount during an assistance year, then sales tax rebate payments will be provided to The Bedrin Organization. The sales tax rebate amount will be paid to The Bedrin Organization in an annual payment, made within 30 days following the end of the applicable assistance year. The sales tax rebate payment will be submitted electronically to The Bedrin Organization designated financial institution.

End of Sales Tax Rebate. The sales tax rebate shall end 3 years (36 months) from the issuance of the Certificate of Occupancy.

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

6. Termination. This Economic Development Agreement shall terminate and become void and of no force or effect upon the City if Bicycle Village has not moved into their new space in Brookhill V on or before December 31, 2007; or, should The Bedrin Organization fail to comply with any City code and/or approval process.

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

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

of whatsoever nature that is in any way secured or collateralized by sales and use tax revenues of the City.

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

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

ORDINANCE NO. **3293**
SERIES OF 2006

COUNCILLOR'S BILL NO. **37**
INTRODUCED BY COUNCILLORS
Lindsey - Major

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,608,000 is hereby increased by \$150,000 which, when added to the fund balance as of the City Council action on June 12th, 2006 will equal \$7,758,000. 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 is an appropriation of a grant from Jefferson County Open Space.

Section 2. The \$150,000 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

<u>Description</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Grants - Jeffco	7501.40630.0000	\$0	<u>\$150,000</u>	\$150,000
Total Change to Revenue			<u>\$150,000</u>	

EXPENSES

<u>Description</u>	<u>Account Number</u>	<u>Current Budget</u>	<u>Amendment</u>	<u>Revised Budget</u>
Armed Services	80575050406.80400.8888	\$367,000	<u>\$150,000</u>	\$517,000
Memorial Garden				
Total Change to Expenses			<u>\$150,000</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 PUBLISHED this 12th day of June, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of June, 2006.

ORDINANCE NO. **3294**
SERIES OF 2006

COUNCILLOR'S BILL NO. **38**
INTRODUCED BY COUNCILLORS
Dittman - Price

**A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL
CODE CREATING AN ALTERNATE MEMBER ON THE HUMAN SERVICES BOARD**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 2-8-1, W.M.C., is hereby AMENDED to read as follows:
2-8-1: CREATION: There is hereby created a Human Services Board, hereinafter referred to as
"The Board," consisting of five (5) regular members AND ONE (1) ALTERNATE MEMBER.

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

Section 3. The title and purpose of this ordinance shall be published prior to its
consideration on second reading. The full text of this ordinance shall be published within ten
(10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 12th day of June, 2006. PASSED, ENACTED ON SECOND READING,
AND FULL TEXT ORDERED PUBLISHED this 26th day of June, 2006.