



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 June 2006
 - B. Special Legal Counsel for Recovery of Worker's Compensation Benefits Paid
 - C. Change Orders for Additional 2006 Arterial Roadway Improvements
 - D. Garage Door Replacement at Municipal Service Center Fleet Facility
 - E. US36/Federal Boulevard Landscape Interchange Project – IGA with CDOT
 - F. Second Reading Councillor's Bill No. 27 re Six Leases for the Strasburg Natural Resource Farm
9. Appointments and Resignations
 - A. Resolution No. 36 re New Appointment to Boards and Commissions
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 43 re 2006 2nd Quarter Budget Supplemental Appropriation
 - B. Councillor's Bill No. 44 re 2006 Community Development Block Grant Fund Appropriation
 - C. Resolution No. 37 re Support for the Metro Mayors Caucus Single Family Mortgage Bond Program
 - D. Resolution No. 38 re Peace Officers to Cooperate with Enforcement of State and Federal Immigration Laws
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

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, JULY 24, 2006 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

At Mayor McNally's request, Scouts Greg and Steven Emmen and T. J. Kordiak 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 Dittman moved, seconded by Major, to approve the minutes of the regular meeting of July 10, 2006, as written and circulated. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that Council would not meet on the fifth Monday of the month. The next study session would be on August 7.

CITY COUNCIL COMMENTS

Mayor Pro Tem Kauffman congratulated Covenant Village on its successes within the community, noting that he had attended a recent groundbreaking ceremony to mark the organization's initiation of construction activity to build additional senior housing units.

Councillor Price reported that the City had received an Adams County Open Space grant in the amount of \$353,000 for the Purebred Arabian Trust property.

CITIZEN COMMUNICATION

Kaaren Hardy, 5133 West 73rd Avenue, understood a grocery market, Rancho Laborio, wanted to open a store in Westminster. In light of the potential Asian Flu pandemic, she was concerned about the market's practice of harboring live chickens for sale. Mr. McFall confirmed that the market was looking for a location in the City. If successful, Tri-County Health Department would be instrumental in licensing the facility and assuring health requirements were met.

Becca Emme, 7756 Lowell Boulevard, Director of Yellow Ribbon International Suicide Prevention Program, reported on upcoming events being held to raise funds and awareness of the Yellow Ribbon program. The City's support of the program's efforts was sincerely appreciated.

Jeff LaMontagne, 571 South Taft Street and Director of Second Wind, serving Jefferson County and expanding into Adams County, informed Council that Second Wind provided mental health services to teens that were at risk for suicide and either under insured or uninsured. Second Wind complemented the Yellow Ribbon program, and Mr. LaMontagne invited Council to participate in upcoming activities to support the program.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the June 2006 financial report; authority for the City Manager to enter into an agreement with Scott R. Larson for special legal counsel services on a contingency fee basis not to exceed the amount of 25 percent of any worker's compensation benefits repaid to the City arising out of a lawsuit captioned *Karen Kokins v. Teleflex Inc*; authority for change orders with Asphalt Specialties, Inc. in the amount of \$404,609 for the pavement rehabilitation program, with Keene Concrete, Inc. in the amount of \$50,745 for concrete replacement program, and with Colorado Strijpe Wright, Ltd. in the amount of \$44,646 for striping and pavement marking program; authority for the City Manager to execute a contract in the amount of \$57,292 with DH Pace Door Services, the low bidder, for the replacement of 18 garage bay doors in the Fleet Shop located at the Municipal Service Center; authority for the City Manager to sign an Intergovernmental Agreement with the Colorado Department of Transportation regarding maintenance responsibilities for the US 36/Federal Boulevard landscape interchange project; and final passage of Councillor's Bill No. 27, as amended, to authorize the City Manager to sign six lease agreements for the two homes, one trailer pad, and three agricultural leases at the City's Strasburg Natural Resource Farm.

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

RESOLUTION NO. 36 MAKING AN APPOINTMENT TO BOARDS AND COMMISSIONS

Mayor Pro Tem Kauffman moved to adopt Resolution No. 36 to fill a vacancy on the Special Permit and License Board. Councillor Lindsey seconded the motion, and it passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 43 RE 2006 BUDGET 2ND QUARTER SUPPLEMENTAL APPROPRIATION

It was moved by Councillor Price, seconded by Dittman, to pass Councillor's Bill No. 43 on first reading to provide for supplementary appropriations to the 2006 budget of the General, General Capital Improvement, and Open Space funds. At roll call, the motion passed unanimously.

COUNCILLOR'S BILL NO. 44 TO APPROPRIATE 2006 CDBG FUNDS

Upon a motion by Councillor Dittman, seconded by Councillor Price, the Council voted unanimously on roll call vote to pass Councillor's Bill No. 44 on first reading to appropriate 2006 Community Development Block Grant (CDBG) funds in the amount of \$578,260.

RESOLUTION NO. 37 RE SUPPORT FOR METRO MAYORS CAUCUS SINGLE-FAMILY MORTGAGE BOND

Councillor Lindsey moved to adopt Resolution No. 37 in support of the Metro Mayors Caucus Single-family Mortgage Bond Program. The motion was seconded by Councillor Dittman and passed unanimously on roll call vote.

RESOLUTION NO. 38 RE COOPERATIVE ENFORCEMENT OF IMMIGRATION LAWS

It was moved by Councillor Lindsey and seconded by Councillor Kaiser to adopt Resolution No. 38 providing notice to City peace officers of the duty to cooperate with state and federal governmental officials with regard to enforcement of state and federal laws concerning immigration. At roll call, the motion passed unanimously.

Acknowledging this resolution was necessitated by recently adopted legislation, Councillors were confident that the Westminster Police Department already was in compliance.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 7:19 p.m.

ATTEST:

City Clerk

Mayor



**WESTMINSTER
COLORADO**

Agenda Item 8 A

Agenda Memorandum

City Council Meeting
July 24, 2006



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

Recommended City Council Action

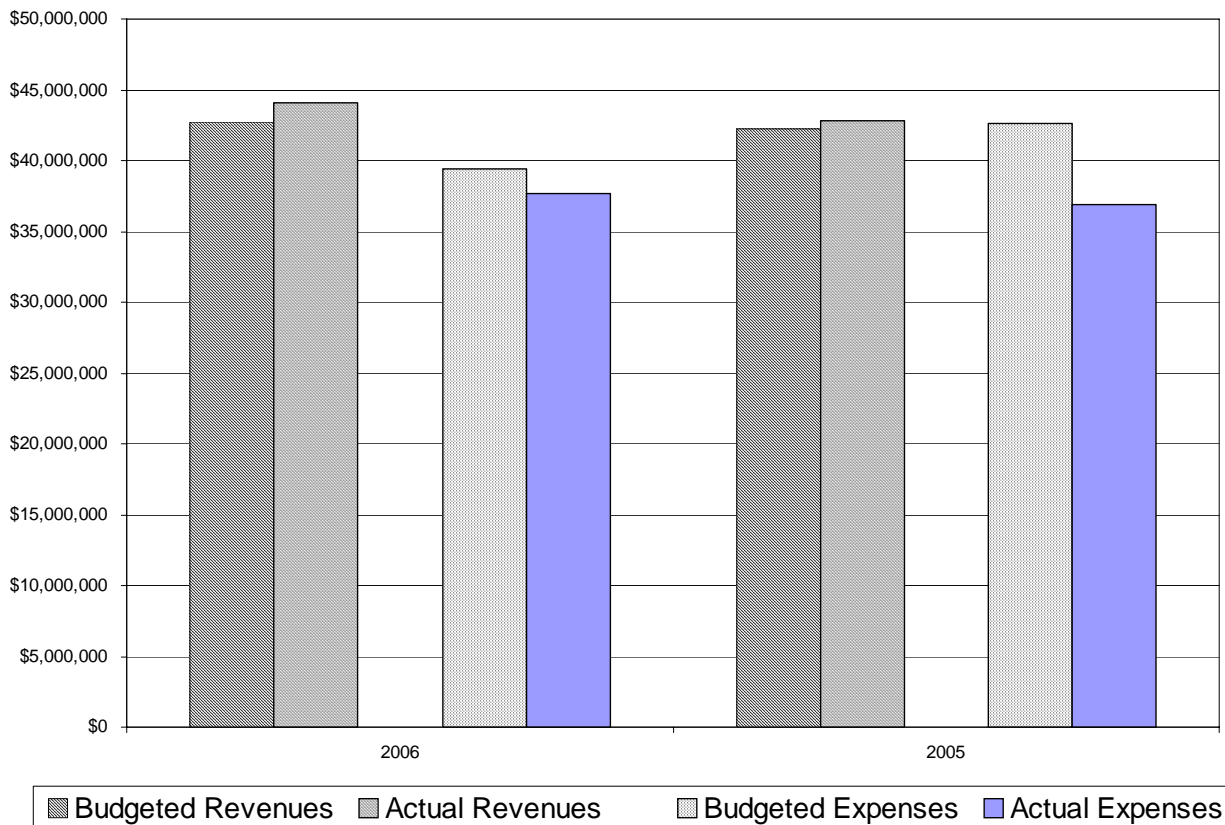
Accept the Financial Report for June as presented.

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 pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$6,414,000. The following graph represents Budget vs. Actual for 2005 – 2006.

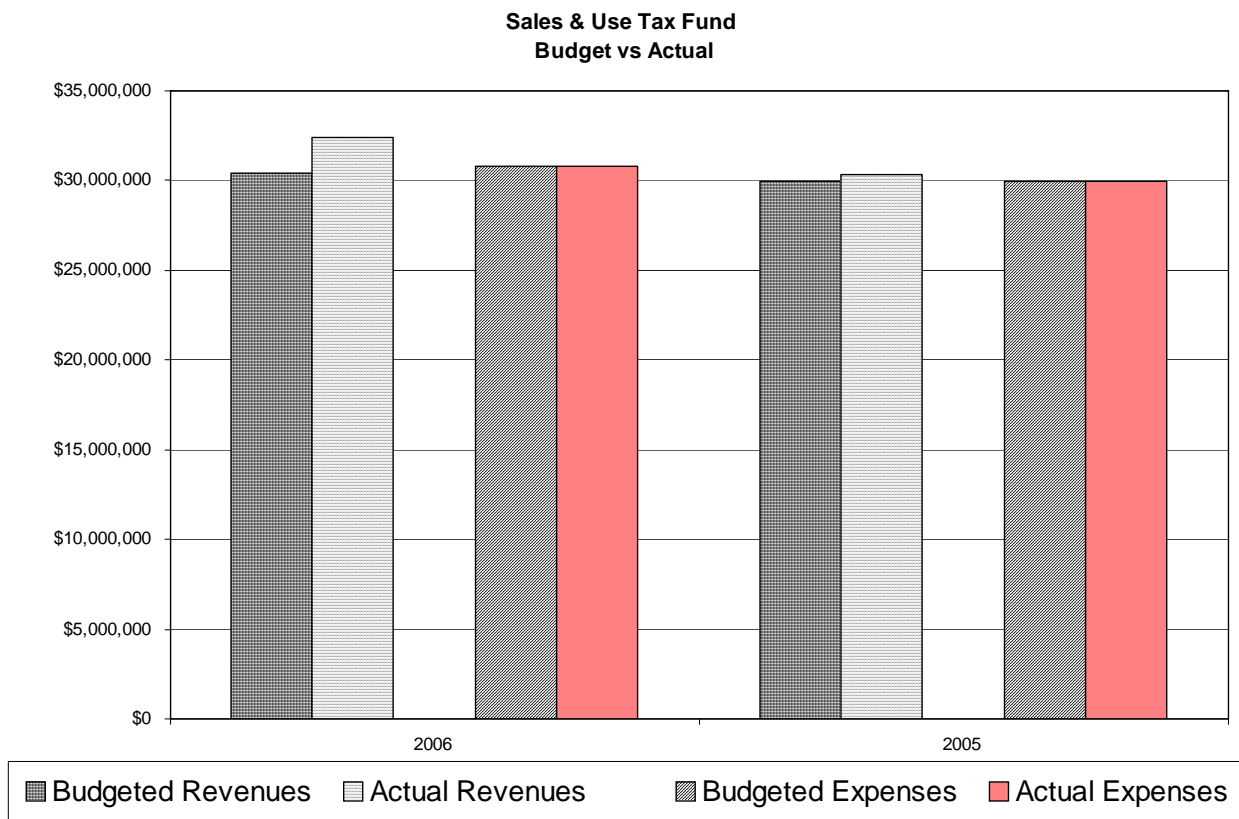
**General Fund
Budget vs Actual**



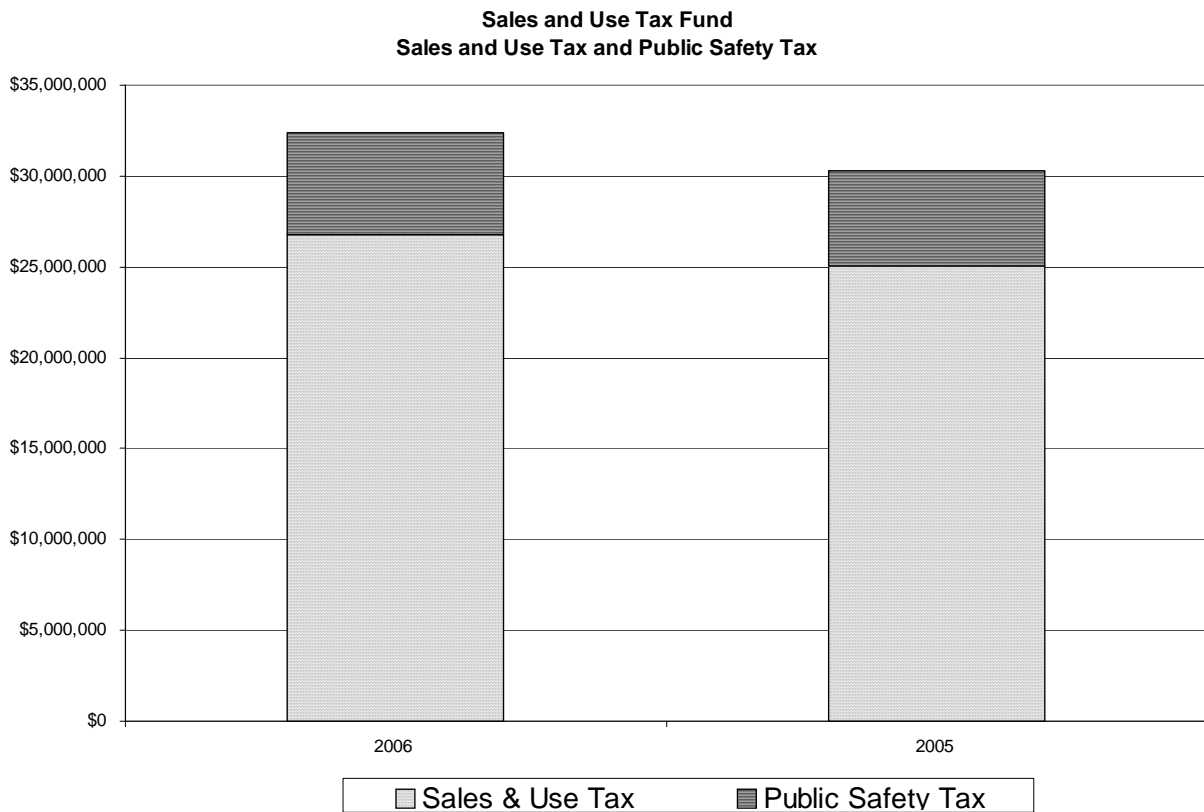
The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$1,637,000

- On a year-to-date basis, sales & use tax returns are up 5.1%.
- 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 are up 1.5%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 5.2% 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 37.8% year-to-date over 2005.

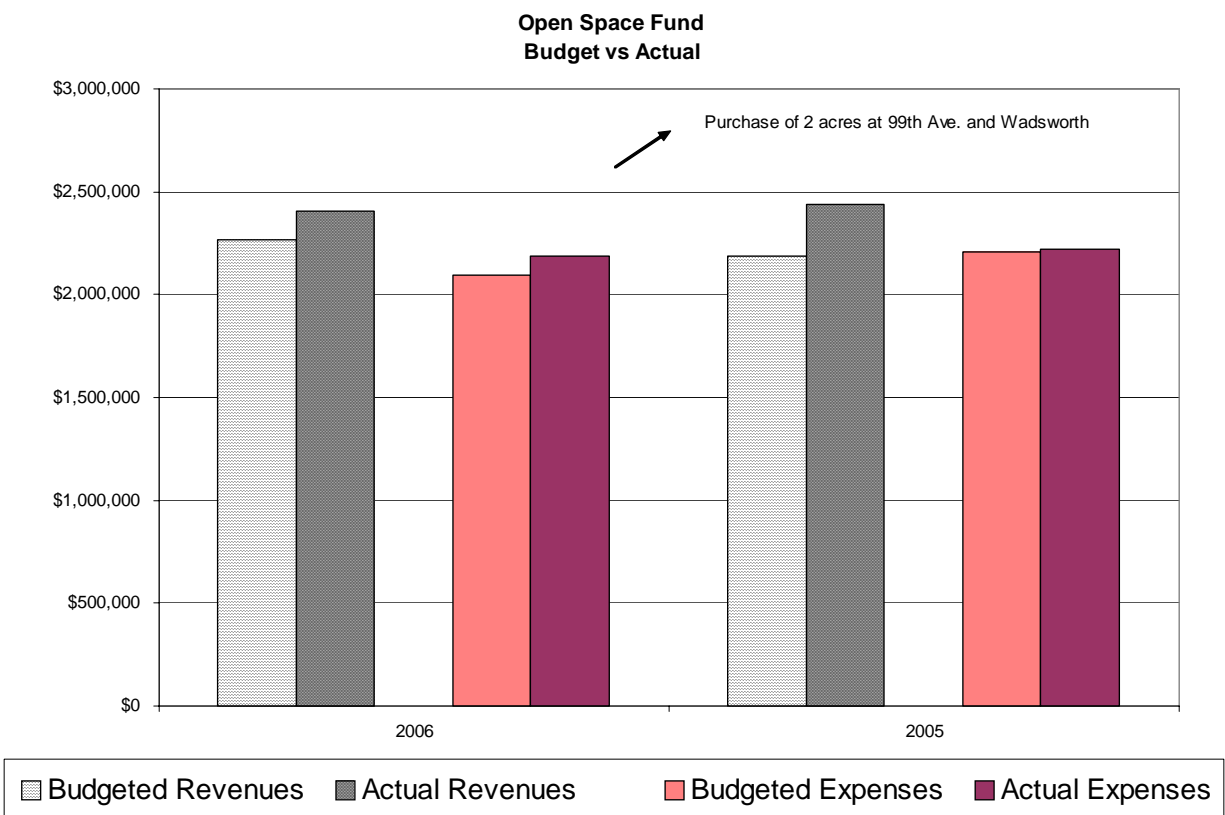
The numbers reflect less reliance on the top producers of sales tax and a diversification of and additional sales tax payers.



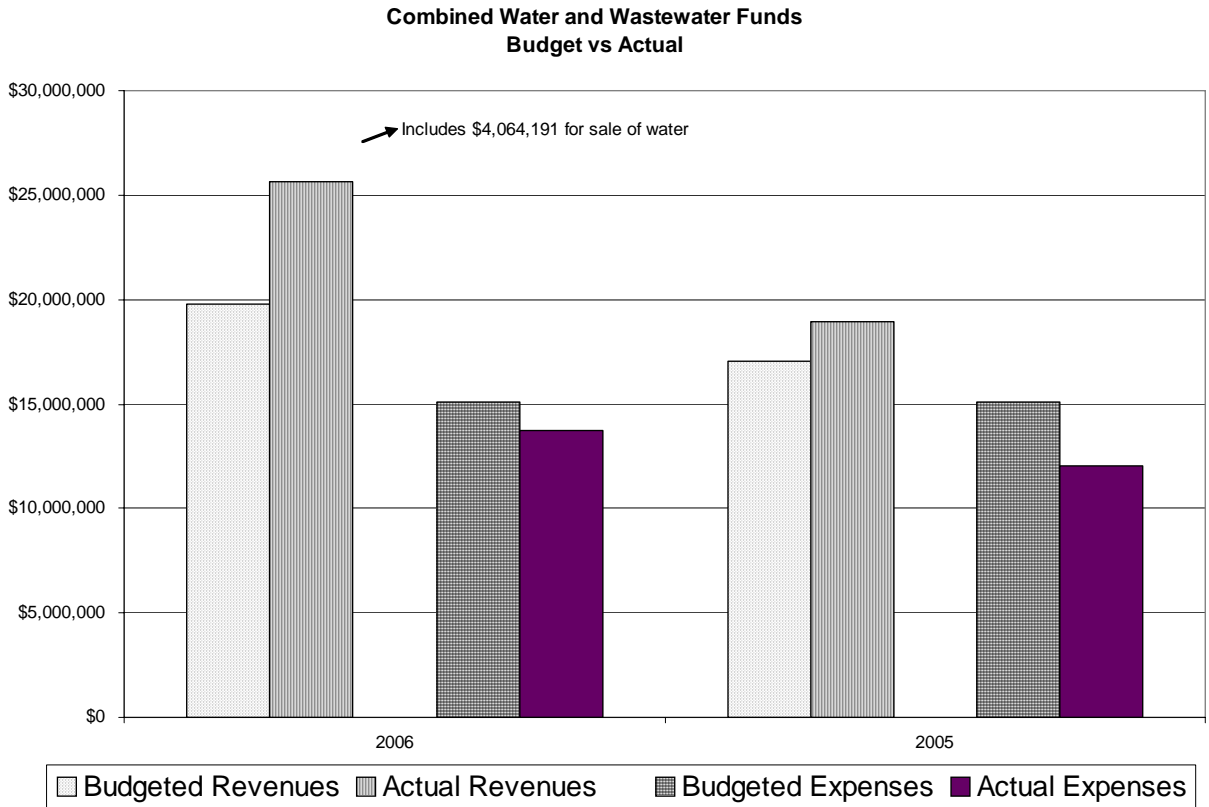
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



The Open Space Fund revenues exceed expenditures by \$219,000. The Open Space Fund purchased 2 acres of Open Space land at 99th Ave. and Wadsworth in January.

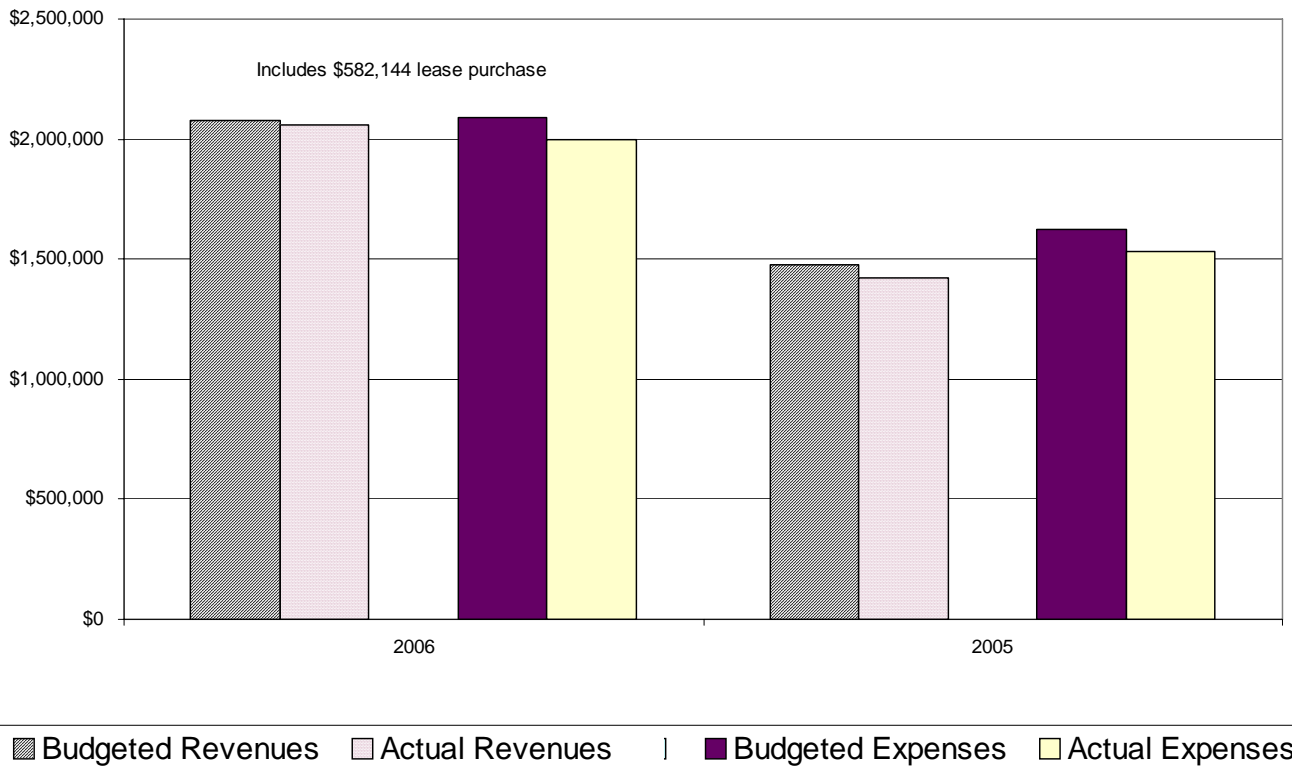


The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$11,916,000. \$11,914,000 is budgeted for capital projects. The City sold water to Southwest Adams Country Water and Sanitation District for \$4,065,000 in March. Central charges reflect a larger positive variance due to contingency money and debt service that has not been spent yet.



The combined Golf Course Funds' revenues exceed expenditures by \$58,000. 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.

**Golf Course Enterprise
Budget vs Actual**



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

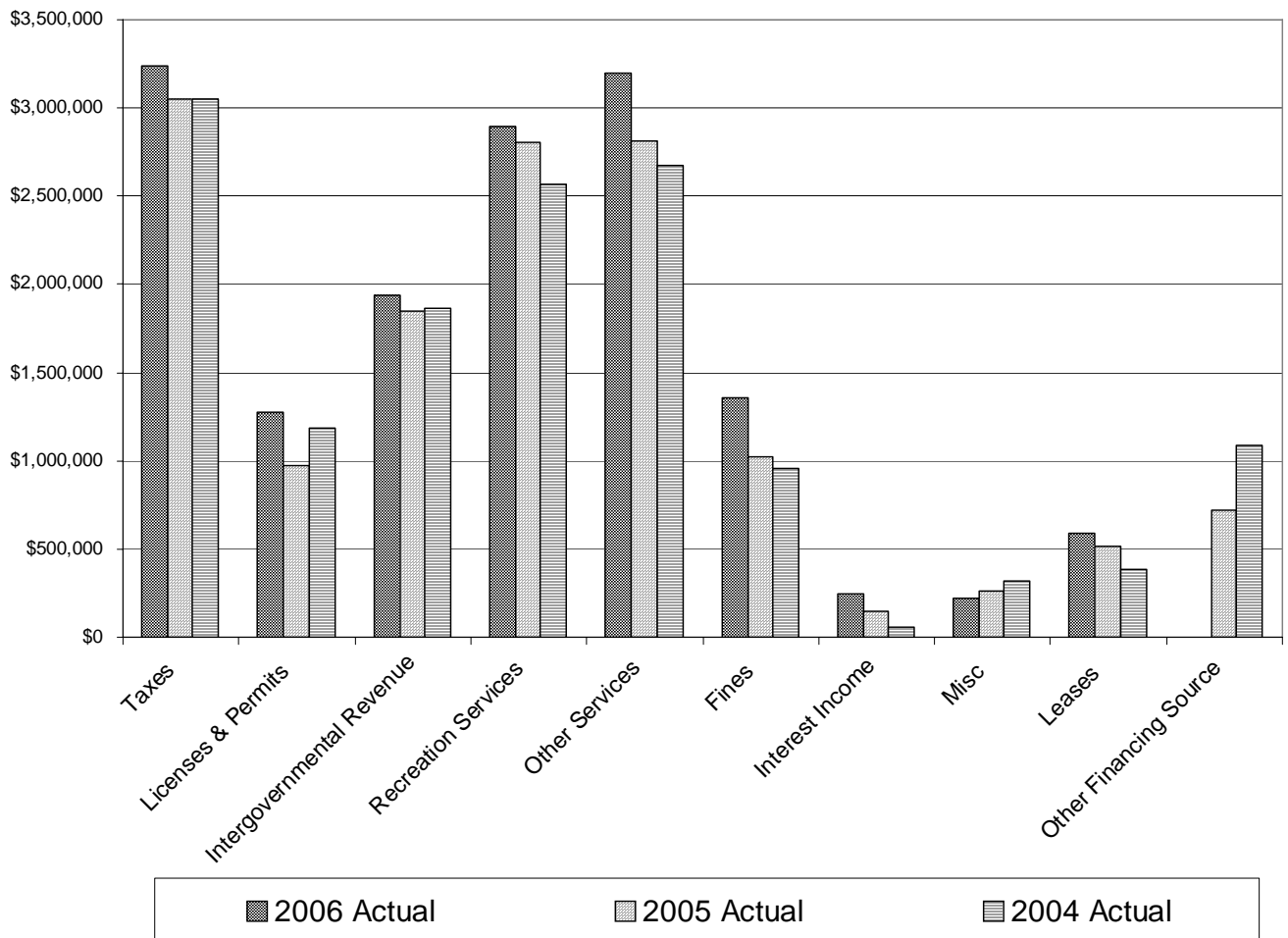
This section includes a discussion of highlights of each fund presented.

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.

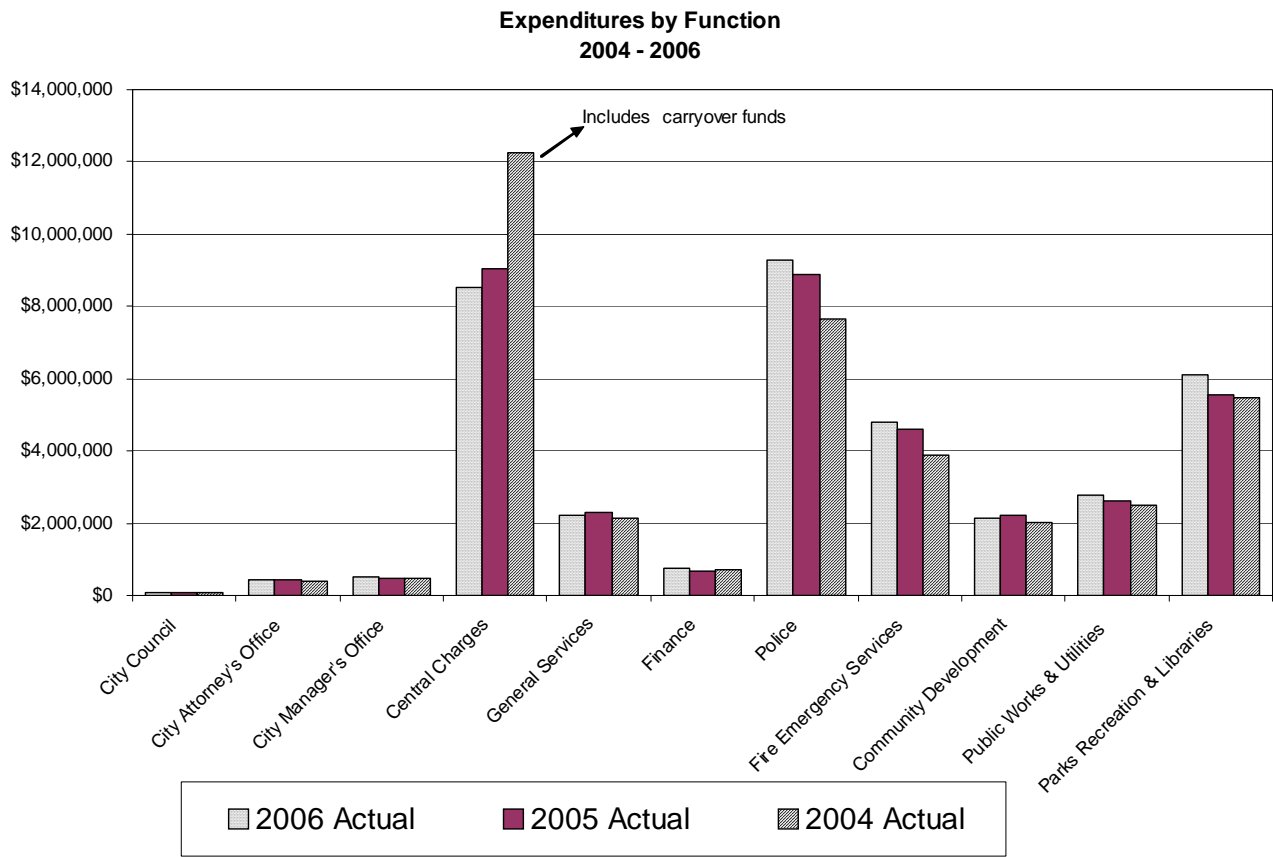
The following chart represents the trend in actual revenues from 2004 – 2006 year-to-date.

**General Fund Revenues without Transfers and Carryover
2004 - 2006**



Other Financing Source reflects 2005 lease financing proceeds used to purchase City computers. The 2004 Other Financing Source is computer lease proceeds and interfund borrowing.

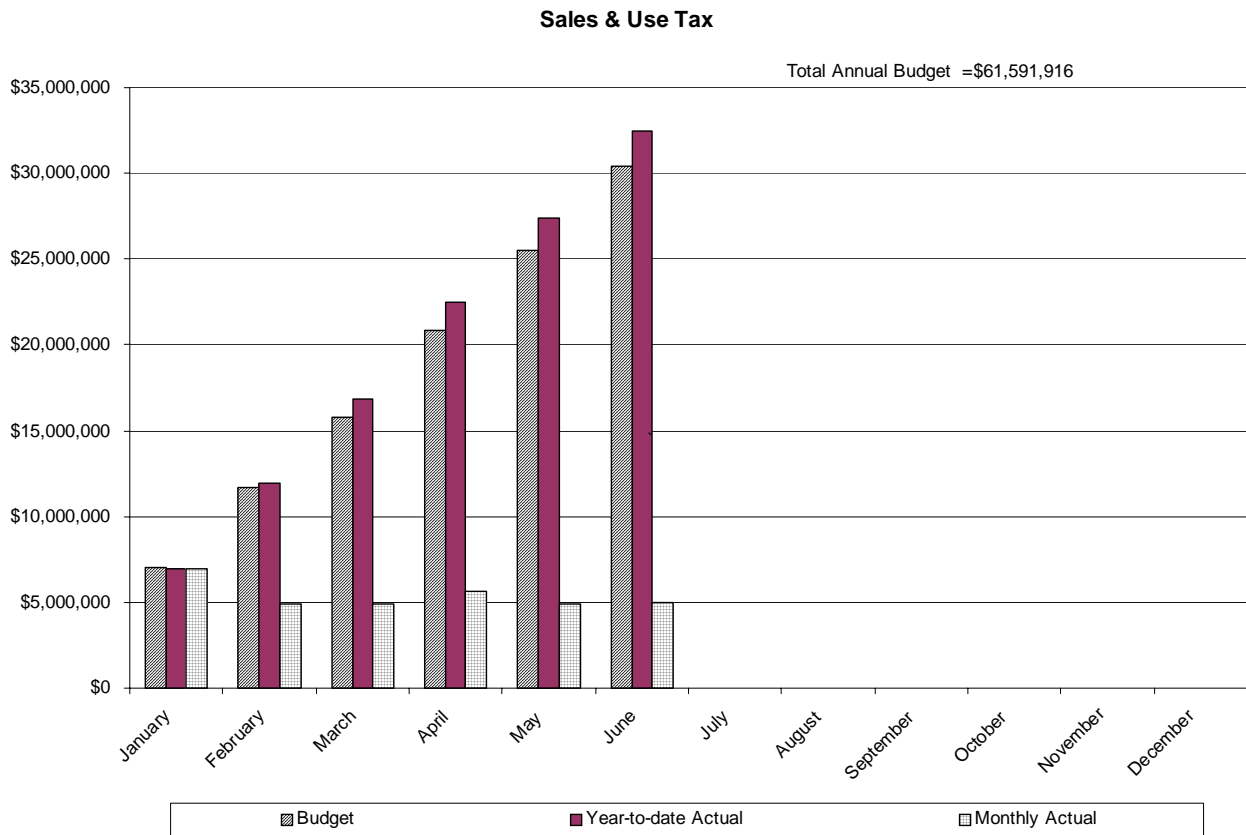
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2004 –2006.



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.

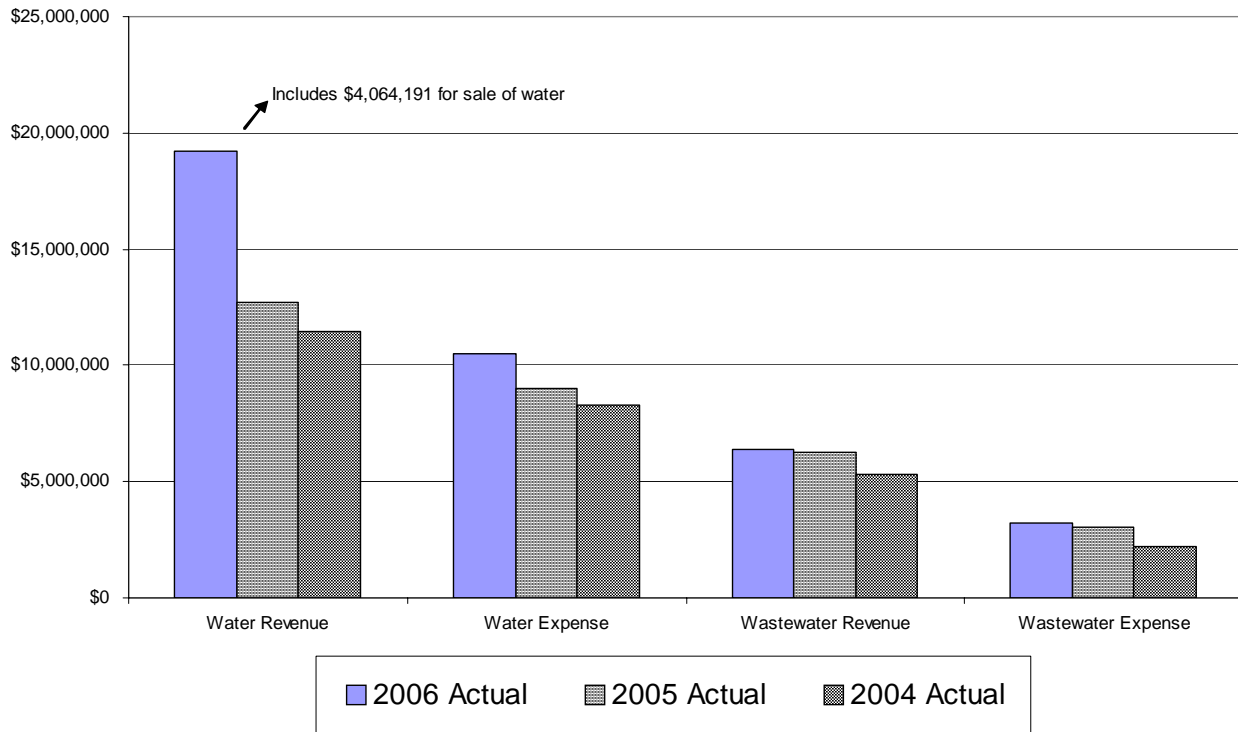


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

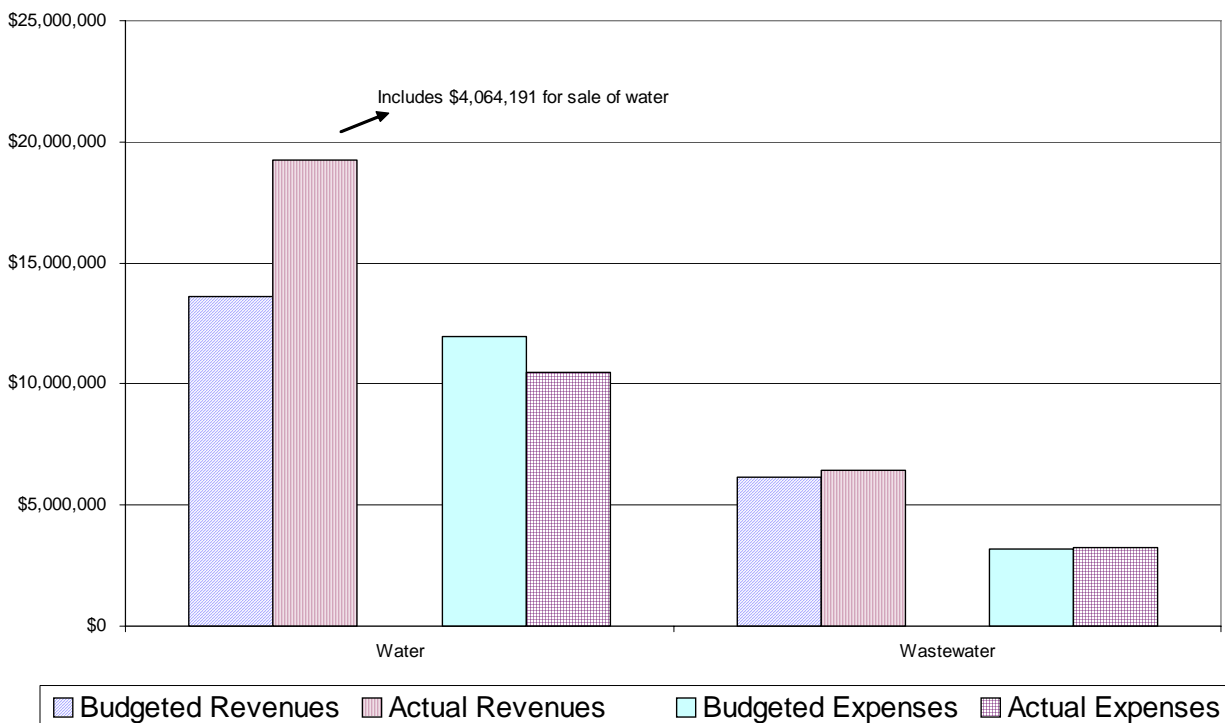
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

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**



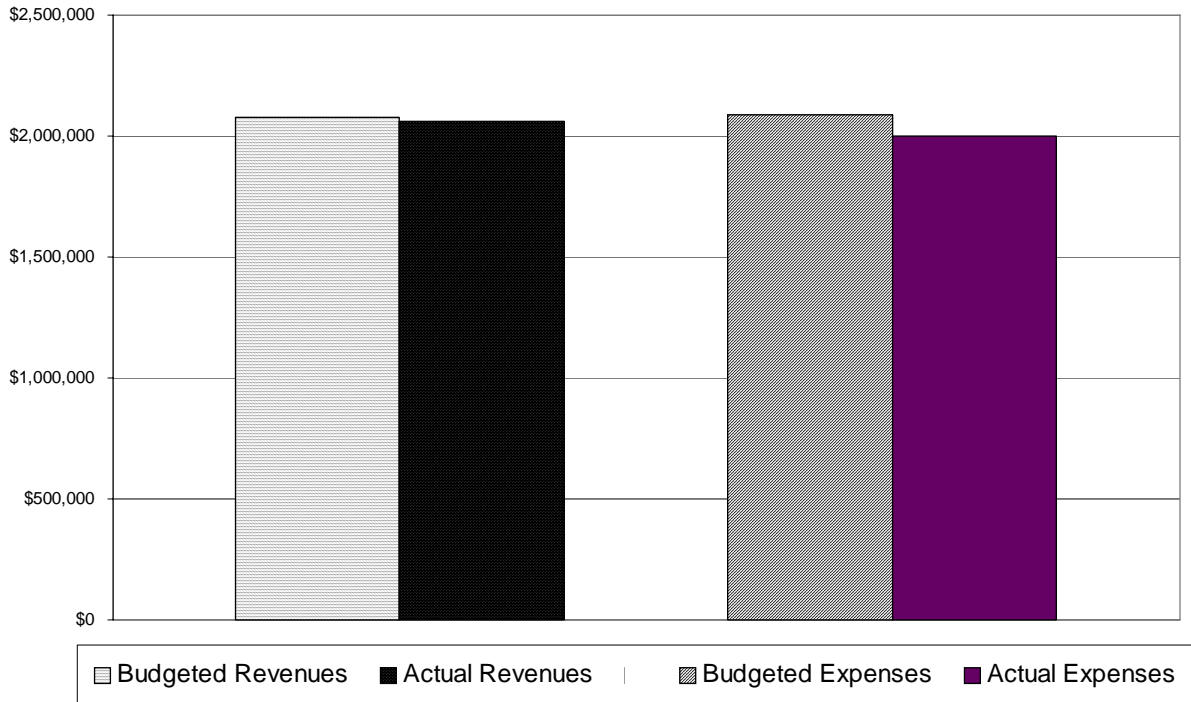
**Water and Wastewater Funds
Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

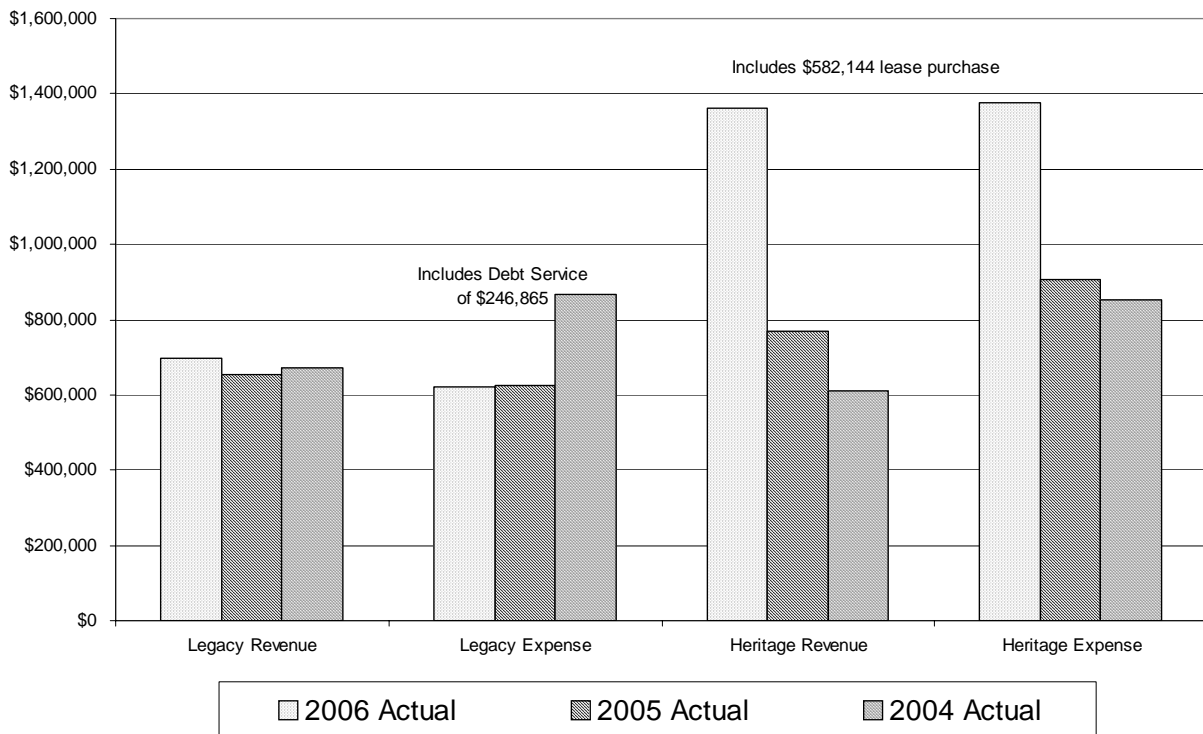
This enterprise reflects the operations of the City's two municipal golf courses.

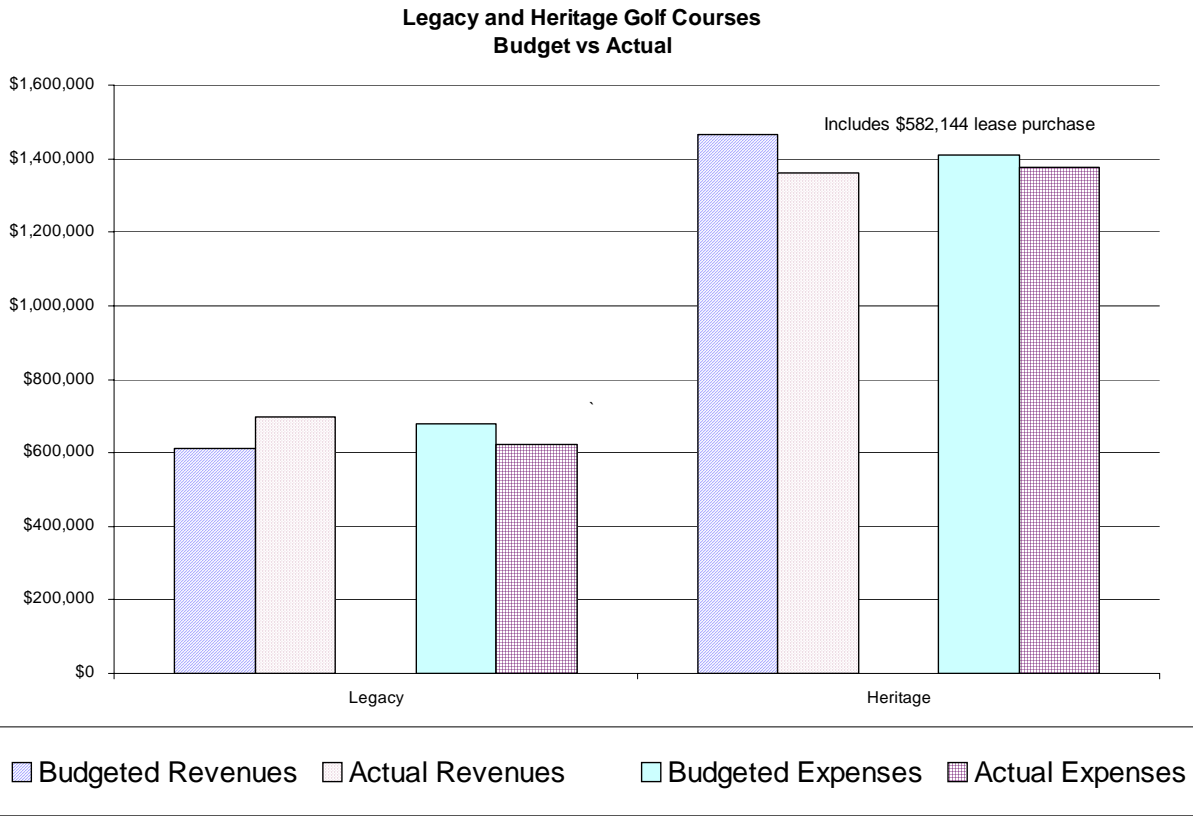
**Combined Golf Courses
Budget vs Actual**



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

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





Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Statement
Tax Reports

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2006**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	4,873,125	3,307,190		3,236,362	(70,828)	97.9%
Licenses & Permits	1,838,000	955,047		1,274,057	319,010	133.4%
Intergovernmental Revenue	4,860,766	2,000,466		1,938,494	(61,972)	96.9%
Charges for Services						
Recreation Services	5,324,515	2,604,243		2,897,964	293,721	111.3%
Other Services	6,511,016	2,894,922		3,201,374	306,452	110.6%
Fines	2,050,000	1,004,500		1,354,583	350,083	134.9%
Interest Income	300,000	150,000		242,555	92,555	161.7%
Misc	335,685	167,843		223,270	55,427	133.0%
Leases	1,175,000	587,500		587,500	-	100.0%
Refunds	(70,000)	(35,000)		340	35,340	-1.0%
Interfund Transfers	58,224,502	29,112,251		29,112,251	-	100.0%
Sub-total Revenues	<u>85,422,609</u>	<u>42,748,962</u>		<u>44,068,750</u>	<u>1,319,788</u>	<u>103.1%</u>
Carryover	-	-		-	-	
Revenues and Carryover	<u>85,422,609</u>	<u>42,748,962</u>		<u>44,068,750</u>	<u>1,319,788</u>	<u>103.1%</u>
Expenditures						
City Council	205,023	113,061		85,208	(27,853)	75.4%
City Attorney's Office	910,716	454,376		435,649	(18,727)	95.9%
City Manager's Office	1,110,469	550,940		497,770	(53,170)	90.3%
Central Charges	21,867,305	8,942,758		8,534,154	(408,604)	95.4%
General Services	4,925,576	2,476,031		2,213,486	(262,545)	89.4%
Finance	1,719,784	858,542		756,101	(102,441)	88.1%
Police	19,306,212	9,615,727		9,272,070	(343,657)	96.4%
Fire Emergency Services	10,116,741	5,019,112		4,816,847	(202,265)	96.0%
Community Development	4,564,628	2,267,501		2,153,573	(113,928)	95.0%
Public Works & Utilities	7,365,356	2,753,280		2,790,879	37,599	101.4%
Parks, Recreation & Libraries	13,330,799	6,407,356		6,098,815	(308,541)	95.2%
Total Expenditures	<u>85,422,609</u>	<u>39,458,684</u>		<u>37,654,552</u>	<u>(1,804,132)</u>	<u>95.4%</u>
Revenues and Carryover						
Over(Under) Expenditures	<u>-</u>	<u>3,290,278</u>		<u>6,414,198</u>	<u>3,123,920</u>	

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	363,221	914	364,134	268,324	1,173	269,497	35	-22 35	
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	342,319	2,112	344,432	355,694	3,122	358,816	-4	-32 -4	
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	213,484	431	213,915	377,794	375	378,170	-43	15 -43	
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	208,322	385	208,707	200,193	2,030	202,223	4	-81 3	
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	200,254	753	201,008	203,125	1,435	204,560	-1	-48 -2	
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	162,414	1,575	163,988	153,218	1,237	154,455	6	27 6	
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	123,772	16,193	139,965	118,692	26,167	144,859	4	-38 -3	
SHOPS AT WALNUT CREEK 104TH & REED TARGET	132,238	3,879	136,117	87,880	775	88,655	50	400 54	
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	105,034	1,149	106,183	105,385	1,058	106,443	0	9 0	
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	87,018	401	87,419	87,836	259	88,095	-1	55 -1	
WESTMINSTER CROSSING 136TH & I-25	81,941	1,060	83,001	0	0	0	*****	***** *****	
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	62,025	137	62,162	62,504	350	62,854	-1	-61 -1	
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	7,016	53,433	60,449	10,963	16,389	27,352	-36	226 121	
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	58,546	101	58,647	85,601	755	86,356	-32	-87 -32	
WILLOW RUN 128TH & ZUNI	56,331	213	56,545	51,303	356	51,659	10	-40 9	

CITY OF WESTMINSTER

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

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFWAY STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	52,733	114	52,846	59,985	355	60,339	-12	-68	-12
SAFWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	49,149	184	49,333	51,123	189	51,312	-4	-3	-4
SAFWAY BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	49,085	169	49,253	25,739	1,885	27,624	91	-91	78
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	45,993	1,698	47,691	44,429	409	44,838	4	315	6
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,436	260	42,695	41,891	278	42,169	1	-7	1
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	32,907	10	32,917	31,862	262	32,123	3	-96	2
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	28,661	655	29,315	22,395	729	23,123	28	-10	27
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	28,975	148	29,123	31,335	277	31,612	-8	-47	-8
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	26,106	529	26,636	22,807	363	23,171	14	46	15
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	26,134	36	26,170	20,618	2	20,620	27	1652	27
	2,586,113	86,538	2,672,651	2,520,694	60,231	2,580,925	3	44	4

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF JUNE 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 4 DEPARTMENT STORES	2,595,528	18,725	2,614,253	2,762,715	18,056	2,780,771	-6	4	-6
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,429,371	13,541	2,442,912	2,024,216	32,410	2,056,627	20	-58	19
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,453,804	2,349	1,456,153	1,369,071	1,599	1,370,670	6	47	6
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	1,412,594	3,796	1,416,390	1,434,150	7,838	1,441,988	-2	-52	-2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,164,329	13,087	1,177,416	1,192,248	9,457	1,201,704	-2	38	-2
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,043,884	9,110	1,052,994	1,001,341	20,124	1,021,465	4	-55	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	817,435	93,778	911,212	748,306	111,466	859,772	9	-16	6
SHOPS AT WALNUT CREEK 104TH & REED TARGET	784,119	13,564	797,683	587,429	18,744	606,173	33	-28	32
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	620,938	7,371	628,309	573,629	37,538	611,167	8	-80	3
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	577,003	2,058	579,061	595,202	5,753	600,955	-3	-64	-4
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	452,471	1,644	454,115	485,951	1,994	487,945	-7	-18	-7
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	368,987	1,722	370,709	399,014	3,273	402,287	-8	-47	-8
WILLOW RUN 128TH & ZUNI SAFEWAY	332,463	1,583	334,046	331,315	9,799	341,114	0	-84	-2
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	328,105	1,077	329,181	344,206	1,532	345,737	-5	-30	-5
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	299,377	4,631	304,008	314,280	5,323	319,603	-5	-13	-5

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF JUNE 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	258,088	8,276	266,364	255,351	2,661	258,012	1	211	3
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	243,222	3,566	246,788	267,293	3,900	271,192	-9	-9	-9
WESTMINSTER CROSSING 136TH & I-25	242,764	39,305	282,068	0	0	0	*****	*****	*****
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	199,630	1,182	200,812	373,256	3,791	377,047	-47	-69	-47
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	180,889	2,838	183,727	207,454	2,549	210,003	-13	11	-13
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	169,005	4,169	173,174	130,327	4,228	134,555	30	-1	29
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	158,696	3,771	162,466	141,850	6,738	148,589	12	-44	9
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	150,653	4,233	154,886	153,939	10,263	164,202	-2	-59	-6
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	141,343	1,258	142,601	213,579	2,200	215,779	-34	-43	-34
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	125,061	6,315	131,376	101,724	161	101,885	23	3828	29
	16,549,758	262,948	16,812,706	16,007,843	321,397	16,329,240	3	-18	3



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Special Legal Counsel for Recovery of Worker's Compensation Benefits Paid

Prepared By: Jeffrey M. Betz, Assistant City Attorney
Martee Erichson, Risk Management Officer

Recommended City Council Action

Authorize the City Manager to enter into an agreement with Mr. Scott R. Larson for special legal counsel services on a contingency fee basis not to exceed the amount of 25 percent of any worker's compensation benefits repaid to the City arising out of a lawsuit captioned *Karen Kokins v. Teleflex Inc.*

Summary Statement

Karen Kokins is a former Parks employee who was seriously injured when the steering cable on the boat she was on failed. As a result of the failure, Ms. Kokins was thrown out of the boat and sustained a serious injury to her leg and ankle. Since Ms. Kokins was performing her job at the time of her injury, she received Worker's Compensation benefits in excess of \$100,000.00 from the City. Under Colorado law, the City is entitled to recover benefits paid to the employee from the person or entity who caused the injury. Ms. Kokins retained Mr. Larson to pursue a claim against Teleflex, Inc., who manufactured the steering cable, for various claims she has including pain and suffering and lost wages. Under Colorado law, the City can pursue its own claim against Teleflex, Inc., or retain the services of Mr. Larson in return for reasonable fees and costs.

Expenditure Required: \$0 (Mr. Larson's fees would come from the recovery, if any, to the City.)

Source of Funds: N/A

Policy Issue

Whether to retain special legal counsel to pursue the City's Worker's Compensation subrogation claim regarding former employee Ms. Karen Kokins.

Alternative

City Council could elect not to retain Mr. Larson, but rather utilize the City Attorney's Office to pursue this claim. In that event, the City would have to retain its own experts with associated costs in order to prove its subrogation claim against Teleflex, Inc.

Background Information

Mr. Larson is an experienced trial lawyer specializing in personal injury law, including product liability claims. He has agreed to represent the City on a contingency fee basis of 25 percent of any benefit repaid to the City. This is a reasonable fee, since lawyers who represent injured parties typically charge a 33 1/3 percent contingency fee for their services. Under a contingency fee contract, the City would only be responsible to pay Mr. Larson's fees in the event of a recovery. If there is no recovery, the City would not be obligated to pay any fees. The City Charter requires City Council approval of all outside legal counsel agreements.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Change Orders for Additional 2006 Arterial Roadway Improvements

Prepared By: Dave Cantu, Contract Maintenance Supervisor
Ray Porter, Street Operations Manager

Recommended City Council Action

Authorize change orders with the following 2006 low bid contractors: Pavement Rehabilitation Program, Asphalt Specialties Inc. in the amount of \$404,609; Concrete Replacement Program, Keene Concrete Inc. in the amount of \$50,745; and Striping and Pavement Marking Program, Colorado Strijpe Wright, Ltd. in the amount of \$44,646.

Summary Statement

- City Council previously authorized 2006 Project Contracts with the following contractors:
 - Pavement Rehabilitation Program – Asphalt Specialties, Inc.; City Council approval 3/27/06 Item 8G, in the amount of \$1,034,878.
 - Concrete Replacement Program – Keene Concrete Inc.; City Council approval 2/27/06 Item 8D, in the amount of \$661,145.
 - Striping and Pavement Marking Program – Colorado Strijpe Wright Ltd.; City Council approval 3/27/06 Item 8H, in the amount of \$207,951.
- City Council approved appropriation of fiscal year 2005 carry over funds into the fiscal year 2006 General Fund Capital Improvement (CIP) Project Budget for Arterial Roadway Improvements in the amount of \$500,000 at the July 10, 2006 City Council meeting.
- The change orders will fund an additional 9.27 lane miles of roadway improvements at the same bid prices approved by City Council earlier this year.
- Street Division Staff has reviewed the Pavement Management Recommendations and identified Simms Street from West 100th Avenue to North City Limit and West 100th Avenue from Simms Street to Alkire Street as prime candidates for patching and a Hot Mix Asphalt (HMA) overlay at this time as the best maintenance strategy to prolong pavement life. Both sections have pavement condition ratings in the low 50's and require a HMA overlay to provide additional structural strength for the traffic volumes and loads they carry. Both sections of roadway experienced heavy use as haul roads during recent Standley Lake dam construction with accelerated deterioration of the pavements.

Expenditure Required: \$500,000

Source of Funds: General Capital Improvement Fund – Arterial Roadway Improvement Project

Policy Issue

Should City Council authorize change orders to Asphalt Specialties Inc. in the amount of \$404,609, Keene Concrete Inc. in the amount of \$50,745, and Colorado Strijpe Wright, Ltd. in the amount of \$44,646 for pavement improvements of Simms Street and 100th Avenue?

Alternative

The City could choose not to increase the 2006 Asphalt Rehabilitation, Concrete Replacement, Striping and Traffic Marking projects contracts to improve Simms Street, 100th Avenue to North City Limit, and 100th Avenue, Simms Street to Alkire Stree, and carry over CIP funding to the 2007 Arterial Roadway Improvement Project.

Staff recommends proceeding with improvements of Simms Street and 100th Avenue now because the City can take advantage of 2006 pricing of projects already bid and avoid 2007 Concrete and Asphalt price increases that Staff anticipates will be substantial.

Background Information

Council previously authorized contracts for the 2006 Pavement Rehabilitation Program with Asphalt Specialties, Inc. in the amount of \$1,034,878, the 2006 Concrete Replacement Program with Keene Concrete Inc. in the amount of \$661,145, and the 2006 Striping and Pavement Marking Program with Colorado Strijpe Wright Ltd. in the amount of \$207,951.

City Council appropriated an additional \$500,000 into the fiscal year 2006 General Fund Capital Improvement Project Budget for Arterial Roadway Improvements from fiscal year 2005 carry over funds. Street Division Staff recommends expenditure of additional CIP funding for roadway improvements of West 100th Avenue, Simms Street to Alkire Street and Simms Street from West 100th Avenue to the North City Limit (approximately 112th) (see attached map). Identified by the Pavement Management System as prime for HMA overlays to provide needed strength and prolong the life of these City infrastructure assets. The asphalt pavements of Simms Street and West 100th Avenue have shown accelerated deterioration since heavy use as haul roads during the recent Standley Lake Dam and overflow channel construction. Project managers from Asphalt Specialties, Keene Concrete and Colorado Strijpe Wright have agreed to complete the additional work at their originally submitted unit prices.

City Council's approval is required on these change orders since the change orders are greater than 5-percent and cumulative change orders are greater than 10-percent per the City's purchasing requirements, as stated in Westminster Municipal Code 15-1-7 (A).

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

ATTACHMENT – GIS map of Simms Street, 100th Avenue to North City Limit







**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Garage Door Replacement at Municipal Service Center Fleet Facility

Prepared By: Judy Workman, Fleet Manager
Jerry Cinkosky, Facilities Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder DH Pace Door Services in the amount of \$57,292 for the replacement of eighteen garage bay doors at the Fleet Shop located at the Municipal Service Center.

Summary Statement

- The doors at the Fleet Shop facility located at the City's Municipal Service Center (MSC), 6405 West 88th Avenue, are the original doors installed in 1984. The doors have been repeatedly fixed due to wear on the mechanical systems and panels. The deterioration of the rollers has resulted in the doors unexpectedly slipping off their tracks creating a significant safety concern.
- The original doors have two-inch rollers and given the weight of the doors and wear patterns, it is advisable to install three-inch rollers to help carry the weight loads and reduce the need for repairs.
- The exterior of the doors are in very poor condition. The replacement doors are of a material that is colored in accordance with City standards and do not require paint.
- Funds for the door replacement are available from 2005 carryover funds recently approved by City Council.

Expenditure Required: \$57,292

Source of Funds: General Capital Improvement Fund - Building Operations and Maintenance
Major Maintenance Project

Policy Issue

Should City Council authorize the replacement of the doors at the Fleet Shop?

Alternative

Do not proceed with bay door replacement at the Fleet Shop at the MSC. Staff is not recommending this action based on the age of the doors and the possibility of a door falling off the tracks which could cause injury or damage. Furthermore, operating funds being used for repairs could be reduced and the functionality of the doors would improve shop lighting and reduce energy costs.

Background Information

The garage bay doors at the City’s Fleet Shop are twenty-two years old and are in need of replacement. The deterioration of the roller systems have resulted in five cases where the large doors have slipped from their tracks over the past two years. Over the past two years alone, the costs for repair and maintenance have been estimated to be \$10,000 to \$12,000.

In May of 2006, the Building Maintenance Operations obtained three quotes for replacement of the eighteen bay doors. The low bid is being recommended for the replacement of the doors and the removal and disposal of the existing doors. The recommended contractor has proposed an upgrade to the three-inch track roller and a 50,000 cycle spring as opposed to the 10,000 cycle spring proposed by the two other vendors. Based on the City’s recent experience with large overhead doors at another City facility, staff has concluded that it is very prudent to include both of these upgrades.

The door model proposed is an insulated ribbed steel door with a vinyl back cover and has baked on paint in a beige color that meets the City’s design standards for commercial construction. The windows on the existing doors only provide limited vision with the opening only being seven inches. The proposed windows will be a full panel and allow for the mechanics to increase their vision of incoming vehicles. The weight of the new doors is half the 900 pound weight of the current doors. This will likely further extend the life of the doors due to the reduced weight on the tracks and rollers.

All of the three companies that have submitted bids have provided maintenance and repair on Fleet Maintenance doors. DH Pace Door Company is presently being used by the Building Operations and Maintenance Division to provide door maintenance on City Fire Stations.

The results of the quotes received by staff:

CONTRACTOR	BID AMOUNT
DH Pace Door Services	\$57,290
Colorado Garage Door Service	\$57,588
Doors West, Inc.	\$76,942

Based on the results of the bid process, Staff is recommending approval of a contract with DH Pace Door Services for the replacement of the doors. Funds are available in the Building Operations and Maintenance, Major Maintenance Capital Improvement Project Budget as a result of the transfer of 2005 carryover funds recently approved by City Council.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: US36/Federal Boulevard Landscape Interchange Project - Intergovernmental Agreement with the Colorado Department of Transportation

Prepared By: Kathy Piper, Landscape Architect II

Recommended City Council Action

Authorize the City Manager to sign the attached Intergovernmental Agreement (IGA) between the City of Westminster and the Colorado Department of Transportation (CDOT) regarding maintenance responsibilities for the US 36/Federal Boulevard Landscape Interchange Project.

Summary Statement

- As part of the construction improvement on the US 36 and Federal Interchange, in 1998-2000, CDOT awarded the City \$100,000 for landscape improvements.
- In 2000, the City hired Terrasan to design and provide construction documents for the final landscape interchange improvements on US 36 at Federal Boulevard. These proposed landscape improvements were done in coordination with CDOT's interchange and bridge improvements. Community Enhancement funds were used for the design and construction drawings.
- The City used the \$100,000 from CDOT to construct additional concrete medians on the south side of the US 36 bridge at Federal and to install all the main line irrigation throughout the interchange area.
- In the spring of 2005, the City landscaped and irrigated the medians. The interchanges on the east and west side of Federal currently require landscaping and a gateway sign. No additional work can be done by the City until an IGA is in place with CDOT.
- The subject of this Agenda Memorandum is to request that City Council authorize the City Manager to sign the proposed IGA with CDOT. The key elements of this IGA as they apply to portions of the project being built by the City are maintenance of architectural features, which includes the gateway signage; maintenance of lighting for the gateway sign; and maintenance of irrigation and landscaping within the medians and interchanges. Funding for this capital project is available in the Community Enhancement Capital Improvement Fund, and was identified in the recently adopted Community Enhancement Master Plan.
- It is Staff's intent to bid the interchange landscaping and gateway sign and the associated irrigation this summer once the IGA is in place. Total funds available for the final phase of this project are \$800,000. Award of the landscaping bid will be brought back before City Council for official action later this year.

Expenditure Required: \$ 800,000

Source of Funds: General Capital Improvement Fund – Community Enhancement Project

Policy Issue

Should the City of Westminster enter into an Intergovernmental Agreement with the Colorado Department of Transportation obligating the City to certain long-term maintenance responsibilities and associated landscape costs for this proposed interchange project?

Alternative

Council could choose to not approve the IGA. However, as part of the interchange and bridge improvements, CDOT awarded the City \$100,000 to construct mainline irrigation for future landscape improvements. In addition, CDOT worked closely with the City and built the concrete medians as part of the original bridge and interchange improvements. In 2005, a total of \$250,000 was used to landscape and drip irrigate the medians.

Background Information

Westminster's Urban Renewal Plan, adopted by City Council in 1988, recommended significant upgrades to Federal Boulevard and the US36 interchange. Due primarily to the insufficiency of the Federal Boulevard bridge, the Colorado Department of Transportation (CDOT) reconstructed the entire interchange. The work included a new bridge, widening and realignment of US36 to accommodate High Occupancy Vehicle lanes to the west of Federal Boulevard, and modifications of the entry/exit ramps.

In addition to these basic improvements by CDOT, an Intergovernmental Agreement was negotiated to include architectural enhancements for the new Federal Boulevard bridge, upgrading the inadequate storm sewer that crosses underneath US 36, and upgrade the pedestrian facilities along the bridge. City Staff sought these upgrades to provide the area with a cohesive look for future redevelopment of Westminster Square Shopping Center, provide consistency with the other Westminster bridges along US 36, and improve the overall image along Westminster's southern boundaries. These additional costs (\$700,000) were appropriated from the 1998 carryover funds.

Under the Intergovernmental Agreement that was developed with the City, the State also set up a \$100,000 force account for landscaping improvements in the interchange. These improvements went beyond the native seeding that the State would normally do. The City was responsible for developing a landscaping plan that was incorporated into the project at CDOT's costs as the work progressed. City Staff developed a landscape plan for the entire US 36/ Federal Boulevard interchange area. The \$100,000 was then used to complete the concrete medians along Federal Boulevard, grading for future gateway signage, and providing taps and mainline irrigation throughout the site.

In order for any additional work to occur within the interchange area, a new Intergovernmental Agreement has been drafted with CDOT. This agreement will allow City Staff to maintain the improvements that the City has designed. The Community Enhancement Funds are intended to cover these additional landscape improvements. The entire project is estimated at a cost of \$800,000. Phase I consisted of planting the medians at Federal Boulevard with drip irrigation and drought resistant plant material. Phase II landscaping, which consists primarily of trees along the interchanges and sound wall, along with construction of a large gateway sign, would be completed after the Intergovernmental Agreement (IGA) with the Colorado Department of Transportation (CDOT) has been implemented.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

MAINTENANCE CONTRACT

THIS CONTRACT, made this _____ day of _____, 20___, by and between the State of Colorado for the use and benefit of THE COLORADO DEPARTMENT OF TRANSPORTATION, hereinafter referred to as the State or CDOT, and THE CITY OF WESTMINSTER, STATE OF COLORADO, 4800 West 92nd Avenue, Westminster, CO 80030, FEIN: 846000726, hereinafter referred to as "the Local Agency" or "the City".

RECITALS

CDOT anticipates the reconstruction of the interchange at US 36 at Federal Boulevard, hereinafter "the Interchange".

Upon completion of interchange reconstruction CDOT and the City desire to agree upon the division of responsibility for the maintenance of the landscaped portions of the reconstructed Interchange, hereinafter referred to as "the Project" or "the Work"; and

CDOT desires that, upon completion of the construction of the project, the City accept responsibility for the landscaped portions of the Interchange that is shown in Exhibit A, and

Upon completion of the construction of the project, the City is willing to accept responsibility for the landscaped portions of the interchange that is shown in Exhibit A, and

The City is adequately staffed and suitably equipped to undertake and satisfactorily carry out the maintenance responsibilities under this contract; and

Required approval, clearance and coordination has been accomplished from and with appropriate agencies; and

This contract is executed by the State under authority of Sections §§43-1-106, 43-1-110, 43-1-201 et seq., 43-2-102 and 43-2-144 C.R.S., as amended; and

This contract is executed by the City under the authority of an appropriate agenda memo duly passed and adopted by the authorized representatives of the City, which also establishes the

authority under which the City enters into this contract and is attached hereto and made a part hereof; and

NOW, THEREFORE, it is hereby agreed that:

I. PROJECT DESCRIPTION

"The Project" or "the Work" under this contract shall consist of the maintenance responsibility/activities for the Interchange on US 36 at Federal Boulevard

II. CDOT COMMITMENTS

- A. The State will provide liaison with the City through the State's Region Transportation Director, CDOT Region 6, 2000 South Holly Street, Denver, Colorado 80222, (303) 757-9459. Said Director will also be responsible for coordinating the State's activities under this contract.
- B. Upon the City's accepting maintenance responsibility for the landscaped portions of the Interchange detailed in Exhibit A, the execution of this contract and the completion and acceptance of the construction by the State, as evidenced by an acceptance letter from the CDOT Region 6 Transportation Director, the State shall transfer the maintenance responsibility, for the landscaped portions of the Interchange identified as the City's area of responsibility for the Work in Exhibit A.

III. CITY COMMITMENTS

- A. The City will provide liaison with the State through Rich Dahl of the City's Department of Parks, Recreation and Libraries, 4800 West 92nd Avenue, Westminster, CO 80030, (303) 430-2400, extension 2202.
- B. Upon the execution of this contract, completion of landscape construction, the City shall accept maintenance responsibility for the landscaped portions of the Interchange identified as the City's area of responsibility for the Work in Exhibit A.
- C. Maintenance services to be performed by the City, at its sole expense, under this contract shall include the following services:

- 1) Provide routine maintenance on the landscaped portions of the reconstructed Interchange, as shown on Exhibit A as “City Responsibility”, to include:
 - a) Maintain all architectural features (including electrical and lighting fixtures and ornamental bridge lights), retaining walls, all landscaping and irrigation equipment (including cutting weeds and grasses) and medians on Federal Boulevard.
 - b) Maintain city gateway sign.
 - c) Remove graffiti from landscape walls abutting residential areas.
 - d) Remove litter from all areas as shown on Exhibit A.
- 2) The City shall further provide maintenance services within the areas shown on Exhibit A as “City Responsibility” as follows:
 - a) The City shall be responsible for maintenance of landscaped features within the Project within the state highway right of way (SH ROW), as indicated in Exhibit A as “City Responsibility”. Said maintenance responsibilities shall include, but not be limited to irrigation, replacement of dead or diseased sod or other plants, mowing both native and irrigated grasses for aesthetics and weed control purposes, pruning, spraying of insecticides and fungicides, and trash removal, hereinafter referred to as “maintenance activities”. The City shall provide all personnel, equipment and other services necessary to satisfactorily perform such maintenance activities, at no cost to the State.
 - b) The City shall provide water for irrigation purposes, subject to the City’s water use policies, in SH ROW landscaped features under this agreement, at no cost to the State.
 - c) The City shall provide standard maintenance, including, but not limited to repairs, replacement, painting and graffiti removal, if necessary, to any new decorative landscape retaining walls and City Gateway Signs, at no cost to the State.

- d) The City shall, at its own expense, provide sidewalk/bike path sweeping as needed, regardless of time of year, and snow and ice removal from all sidewalks/bike paths within SH ROW as shown on Exhibit A as “City Responsibility”. The State shall have no responsibilities for any sweeping or snow removal for sidewalks/bike paths. The City shall, at its own expense, repair any damage to sidewalks/bike paths, adjacent structures such as retaining walls, or landscaped features, including damage resulting from broken or damaged irrigation systems, as soon as possible following the damage.
- e) The State reserves the right to determine the quality and adequacy of the work by the City under this agreement. The State will notify the City in writing of any deficiency in the work. Upon notice of any deficiency in the work, either: a) by the State; or b) by its own observation; or c) by any other means, the City shall take action as soon as possible, but not later than 30 working days after such notice to correct the deficiency and to protect the safety of the traveling public. In the event the City, for any reason, does not or cannot correct the deficiency within 30 working days, or demonstrate that action satisfactory to cure such default has been commenced and will be completed in a timely manner or otherwise demonstrated that no deficiency exists, the State reserves the right to correct the deficiency and to bill the City for such work.
- f) The City shall obtain approval from the State prior to installing any artwork within SH ROW. Any freestanding artwork shall be outside of the required clear zone. The City shall maintain any artwork installed by the City within SH ROW and the State shall have no responsibility for maintenance, protection, repair or replacement for any artwork installed by the City within SH ROW.
- g) The City shall obtain a one-time access permit through the CDOT Region 6 Traffic section which will permit the City to enter the SH

ROW for the purpose of performing the maintenance activities, during the term of this agreement. The City shall use its reasonable efforts to restrict access to the SH ROW to only those persons and equipment necessary to perform the work described in this agreement. The City and its agents, employees and assigns shall not use the mainline roadway of US 36 or any portion of the shoulder thereof as means of ingress or egress to and from the SH ROW with respect to any task to be performed by the City pursuant to the terms of this agreement. In lieu thereof, the City, its agents, employees, and assigns shall access the SH ROW from the city street, US 36, when possible and from interchange ramps. Additional access requirements are included in the permit referenced above.

- h) The City acknowledges and agrees that the State may, in the future, expand the US 36 corridor, and in the event of such expansion, the landscaped features and other improvements being maintained by the City shall be modified by the State, at the State's expense. In the event of such modification, addition to or demolition of the US 36 corridor by the State, the State shall provide to the City, at least 180 days prior to the commencement of any such activities, written notice which shall include specific descriptions of the impact of such activities upon the landscaped features. The State and City, mutually agree to fully cooperate with one another and to take all steps necessary to coordinate the activities to be performed by the State so as to minimize the impact upon and damage to the landscaped features and other improvements installed in the SH ROW and to maximize the salvage and preservation of the landscaping and other improvements to the SH ROW during such work to be performed by the State. At the City's option, the City may remove any materials, artwork or growing stock located in such landscaped areas, provided that such removal occurs during the 180-day notice period.

- i) The City shall be entitled to terminate this agreement at any time by giving the State ninety (90) days prior written notice. In the event that funds sufficient to enable the City's performance of its obligations here under are not appropriated by the City's governing body, this agreement may be terminated upon thirty (30) days written notice. The State shall be entitled to terminate this agreement at any time that the City defaults upon this agreement and fails to cure such default within the cure period set forth in Paragraph 6 hereof. In the event of termination of this agreement by either party, the appearance of the SH ROW shall, at the State's discretion, be maintained in accordance with the normal standards of the State or revert to and thereafter be allowed to return to its original (native) condition.
- D. The City shall perform the maintenance services in a satisfactory manner, and in accordance with the terms of this Contract, the terms of the access permit, and in accord with the State Highway ROW Manual, Section 8, subsection 7, hereby incorporated by reference, and pursuant to §43-2-135 C.R.S, as amended.
- E. Notwithstanding anything herein to the contrary, the City shall not be responsible to repair, maintain or pay the cost attributable to any damage caused by the State or any employee, agent or contractor of the State.

IV. GENERAL PROVISIONS

- A. Upon the execution of this contract, the State will no longer be liable or responsible in any manner for the maintenance and repair of said property to the extent the City is obligated under this Contract.
- B. Notwithstanding anything herein to the contrary, the parties understand and agree that all terms and conditions of this contract and attachments hereto which may require continued performance or compliance beyond the termination date of the contract shall survive such termination date and shall be enforceable by the State as provided herein in the event of such failure to perform or comply by the City.

- C. This contract is subject to such modifications as may be required by changes in federal or State law, or their implementing regulations. Any such required modification shall automatically be incorporated into and be part of this contract on the effective date of such change as if fully set forth herein. Except as provided above, no modification of this contract shall be effective unless agreed to in writing by both parties in an amendment to this contract that is properly executed and approved in accordance with applicable law.
- D. To the extent that this contract may be executed and performance of the obligations of the parties may be accomplished within the intent of the contract, the terms of this contract are severable, and should any term or provision hereof be declared invalid or become inoperative for any reason, such invalidity or failure shall not affect the validity of any other term or provision hereof. The waiver of any breach of a term hereof shall not be construed as a waiver of any other term, or the same term upon subsequent breach.
- E. This contract is intended as the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or affect whatsoever, unless embodied herein by writing. No subsequent novation, renewal, addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a written contract executed and approved pursuant to the State Fiscal Rules.
- F. Except as herein otherwise provided, this contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.
- G. The term of this contract shall begin the date first above written and shall extend for the useful life of the Intersection reconstruction improvements, unless earlier modified or terminated by written agreement of the Parties hereto.
- H. It is expressly understood and agreed that the enforcement of the terms and conditions of this contract, and all rights of action relating to such enforcement, shall be strictly reserved to the parties hereto, and nothing contained in this contract shall give or allow any such claim or right of action by any other or third person on such contract. It is the express intention of the parties that any person or entity other than the parties receiving services or benefits under this contract be deemed to be an incidental beneficiary only.

- I. The City assures and guarantees that it possesses the legal authority to enter into this contract. The City warrants that it has taken all actions required by its procedures, by-laws, and/or applicable law to exercise that authority, and to lawfully authorize its undersigned signatory to execute this contract and to bind the City to its terms. The person(s) executing this contract on behalf of the City warrants that they have full authorization to execute this contract.

THE PARTIES HERETO HAVE EXECUTED THIS CONTRACT

CONTRACTOR:

City of Westminster

Legal Name of Contracting Entity

846000726

Social Security Number or FEIN

STATE OF COLORADO:

BILL OWENS

GOVERNOR

By _____

For Executive Director

Department of Transportation

Signature of Authorized Officer

Print Name & Title of Authorized Officer

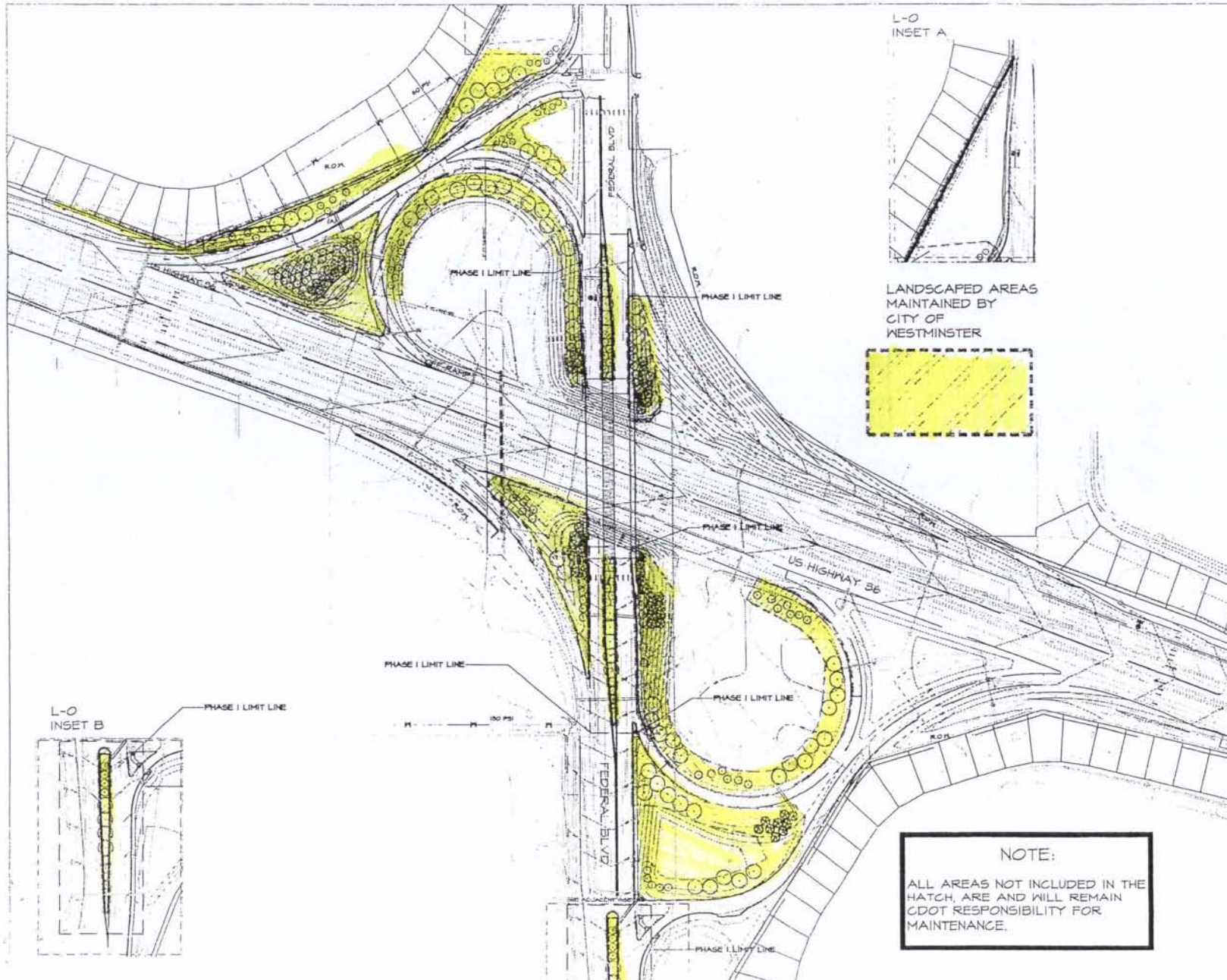
CORPORATIONS:

(A corporate seal or attestation is required.)

Attest (Seal) By _____
(Corporate Secretary or Equivalent, or Town/City/County Clerk)

Effective August 1, 2005

EXHIBIT A



US 36 & FEDERAL GATEWAY WESTMINSTER, COLORADO

LANDSCAPED AREAS MAINTAINED BY CITY OF WESTMINSTER



Revisions
BID SET 06/11/04

North Scale: 1" = 50'

Job Number 4100
Date 3/12/04
Drawn By JH
Checked By GT

Sheet Title

CITY OF WESTMINSTER MAINTAINANCE AREA

Sheet Number
L-0

NOTE:
ALL AREAS NOT INCLUDED IN THE HATCH ARE AND WILL REMAIN CDOT RESPONSIBILITY FOR MAINTENANCE.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Second Reading Councillor's Bill No. 27 re Six Leases for the Strasburg Natural Resource Farm

Prepared By: Bob Krugmire, Water Resources Engineer

Recommended City Council Action

Pass Councillor's Bill No. 27 on second reading authorizing the City Manager to sign six lease agreements for the two homes, one trailer pad, and three agricultural leases at the City's Strasburg Natural Resource Farm.

Summary Statement

- The City of Westminster owns approximately 3,000 acres of farmland used for biosolids application.
- The land and improvements were leased to four different tenants generating an average total income of \$50,000 per year and 11 oil and gas leases earn approximately \$110,000 per year. Total revenue generated in 2005 was \$160,000.
- Lease agreements are used to define the responsibilities of each party, to protect the interests of the City, to maintain the improvements on the property, and to ensure the long-term usefulness of the land for biosolids application.
- Leasing of property by the City must be ratified by ordinance under section 13.4 of the City's Charter.
- Lease amounts were determined by taking a market survey of similar leases (both residential and agricultural land leases).
- This Councillor's Bill was passed on first reading on April 10, 2006.
- Second reading has been delayed until July 24 due to the untimely passing of Mr. Gerry Sweeney, one of the original lease holders. His son, Matt Sweeney, has now been designated as the lease holder and CB 27 has been updated to reflect this change.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

BY AUTHORITY

ORDINANCE NO. 3299

COUNCILLOR'S BILL NO. 27

SERIES OF 2006

INTRODUCED BY COUNCILLORS
Dittman - Price

**A BILL
FOR AN ORDINANCE APPROVING SIX LEASE AGREEMENTS FOR CITY-OWNED
PROPERTY KNOWN AS THE STRASBURG NATURAL RESOURCE FARM**

WHEREAS, the City owns property in central Adams County that it purchased for the purpose of applying biosolids; and

WHEREAS, it is in the City's best interest to maximize the income generated from such operation by collecting rental income from use of the land and improvements thereon; and

WHEREAS, the final terms of the lease agreements have been accepted and filed with the City Clerk.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Those certain leases between the City and the parties listed below are approved and the City Manager is hereby authorized to execute said leases with the following parties as summarized below, in substantially the same forms as attached hereto Exhibits A, B, C, D, E, and F.

<u>Lessee</u>	<u>Leased Premises</u>	<u>Annual Rent</u>
Mr. Bruce Vetter	1,512 acres dry farmland	1/3 of net crop yield
Mrs. Yvonne Sweeney	Trailer pad at 8551 Headlight Road	\$600/year
Mr. Matt Sweeney	Residence at 8551 Headlight Road	\$4,800/year
	160 acres pastureland (Sec 26)	\$1,280/year
	213 acres pastureland (Sec 23)	\$1,704/year
	50 acres pastureland (Sec 26)	\$400/year
	520 acres pastureland (Sec 34)	\$4,160/year
	220 acres irrigated land (Sec 27)	\$10,000/year
	100 acres dry farmland	\$1,000/year
	Quonset Hut Lease	\$900/year
Tom & Jan Linnebur	Residence at 57101 East 88 th Avenue	\$10,200/year

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 10th day of April, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT AS AMENDED ORDERED PUBLISHED this 24th day of July, 2006.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Resolution No. 36 re New Appointment to Boards and Commissions

Prepared by: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 36 to fill a vacancy on the Special Permit and License Board.

Summary Statement

- City Council action is requested to appoint an eligible citizen to fill a vacancy on the Special Permit and License Board that was created by the recent resignation of alternate member, Emil Rinaldi.
- The term of this appointment will expire on December 31, 2007.
- If Council approves the recommended appointment, the Boards and Commissions pool of eligible applicants will be reduced to 10.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to fill a vacancy on the Special Permit and License Board so the Board has benefit of a full complement of members?

Alternative

No alternatives identified

Background Information

The recent resignation of Emil Rinaldi has created a vacancy on the Special Permit and License Board. Mr. Rinaldi served as the alternate member of this Board, and his unexpired term of office ends on December 31, 2007.

If the attached resolution is adopted, Corey Ciocchetti will be appointed to complete the remainder of Mr. Rinaldi's term as the alternate member of the Special Permit and License Board.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

CITY OF WESTMINSTER BOARD AND COMMISSION NEW APPOINTMENT

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, The City Council has received the resignation of Emil Rinaldi, the alternate member of the Special Permit and License Board; and

WHEREAS, An eligible citizen of Westminster who has previously expressed interest in serving on one or more of the City's Boards and Commissions has been contacted and has voiced specific interest in being appointed to fill the vacancy created by Mr. Rinaldi's resignation.

NOW THEREFORE, the City Council of the City of Westminster does hereby resolve that:

Section 1. Corey A. Ciocchetti is hereby appointed to alternate membership on the Special Permit and License Board, term to expire December 31, 2007, to fill the vacancy created by the resignation of Emil Rinaldi.

PASSED AND ADOPTED this 24th day of July, 2006.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Councillor's Bill No. 43 re 2006 2nd Quarter Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 43 on first reading providing for supplementary appropriations to the 2006 budget of the General, General Capital Improvement, and Open Space Funds.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2006 2nd quarter supplemental appropriation.
- General Fund amendments:
 - \$15,052 Police Department grants
 - \$600 Fire Department program revenues
 - \$4,579 Fire Department grants
 - \$10,555 Red Rocks Community College instructor fees
 - \$2,000 Westminster Legacy Foundation grant
 - \$2,951 Colorado Bureau of Investigations confiscated funds
 - \$11,738 Insurance reimbursement
 - \$8,163 COPS interest
- General Capital Improvement Fund amendments:
 - \$9,993 State of Colorado grants
 - \$3,000 Westminster Legacy Foundation grant
 - \$80,000 DRCOG grant
 - \$194,095 COPS interest
- Open Space
 - \$2,209 lease payments

Expenditure Required: \$344,935

Source of Funds: The funding sources for these expenditures include grants, program revenues, insurance proceeds, lease payments, confiscated funds and interest earnings.

Policy Issue

Does City Council support amending the appropriations for the 2006 budget of the General, General Capital Improvement and Open Space Funds?

Alternative

The alternative would be not to amend the 2006 budget appropriations for the General, General Capital Improvement and Open Space Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of appropriations of the funds.

Background Information

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

The Police Department received two Buffer Zone Grant Awards from the State of Colorado. The funding of \$10,632 will be used to purchase two mobile repeaters, night vision goggles and a channel leak and audio amp. (General Fund)

The Police Department also received a Child Safety Seat Campaign Grant from the State of Colorado. The funding of \$4,420 reimburses overtime salaries incurred while providing enhanced enforcement during the Child Safety Seat Campaign. (General Fund)

The Fire Department received \$600 in class registration fees for conducting CPR training classes. Funds from the registration fees were used to purchase EMS supplies used during the classes. (General Fund)

The Fire Department also received two Fire Prevention and Safety Grants from the Homeland Security – Federal Emergency Management Agency. The funding of \$4,579 will be used to purchase a bilingual 911 interactive simulator and materials used for public fire safety education. (General Fund)

Finally, the Fire Department received \$10,555 from Red Rocks Community College as payment for instructor services provided by Fire Department personnel. The funds will be used for the Fire Department officer development program. (General Fund)

Parks, Recreation and Libraries received a grant from the Westminster Legacy Foundation. The funding of \$2,000 will be used to purchase items to update the teen space at the College Hill Library recommended by the Teen Advisory Board and Staff. (General Fund)

The City Attorney's Office received \$2,951 from the Colorado Bureau of Investigations for gambling money confiscated within the City of Westminster. The funds will be used to purchase and install office furniture for two new offices. (General Fund)

Community Development received an insurance loss payment of \$11,738 from American Family Insurance for a traffic accident at Sheridan Blvd. and 101st Avenue. The funds were used for traffic signal repairs needed as a result of the accident. (General Fund)

Community Development also received two grants from the State of Colorado Historical Society totaling \$9,993. The funds will be used for the Semper Farm Historic Site structure assessment and for the West 73rd Avenue Heritage Area historical resources assessment. (General Capital Improvement Fund)

Additionally, Community Development received a grant from the Westminster Legacy Foundation. The funding of \$3,000 will be used to provide pruning at the Semper Farm Historic Site fruit orchard. (General Capital Improvement Fund)

Finally, Community Development received a grant from the Denver Regional Council of Governments (DRCOG). The funding of \$80,000 was used for expansion of the traffic signal fiber optic communications network at various sites in the City of Westminster. (General Capital Improvement Fund)

Interest was received throughout 2006 on Certificate of Participation (COPS) funds from the 144th Interchange COPS, Ice Centre COPS, Westminster Blvd COPS, Public Safety Building COPS, and the Capital Facilities COPS in the amounts of \$194,095, \$7,640, \$427, \$50, and \$46 respectively. Issuance restrictions require the interest earnings be appropriated for use on the respective projects or debt service. (General Fund and General Capital Improvement Fund)

At the February 27th Council Meeting, Council authorized an inter-fund loan in the amount of \$630,000 between the GCIF and WEDA for funding the RTD parking lot in Mandalay Gardens URA. Originally the transaction was recorded as a transfer when in fact it should be an inter-fund loan. Although the correction has a net effect of \$0 the transaction will record the amounts in the proper accounts on the City's books. (General Capital Improvement Fund)

The Open Space Fund received \$2,209 in monthly rental payments for the Bott House on Open Space property located at 10395 Wadsworth. The funds will be used for future Open Space land purchases. (Open Space Fund)

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

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2006

COUNCILOR'S BILL NO. **43**
INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND OPEN SPACE 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 \$86,209,579 is hereby increased by \$55,638 which, when added to the fund balance as of the City Council action on July 24, 2006 will equal \$85,482,867. 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 receipt of grants, program revenues, insurance proceeds, confiscated funds and interest earnings.

Section 2. The \$55,638 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
State Grants	1000.40620.0000	\$0	\$15,052	\$15,052
Off Duty Fire Svcs	1000.41340.0013	516	600	1116
General	1000.43060.0000	200,685	31,823	232,508
Int Ice Center	1000.42530.0077	0	7,640	7,640
Int 1999 COPS	1000.42530.0276	0	427	427
Int 2001 COPS	1000.42530.0215	0	50	50
Int Capital Facilities	1000.42530.0209	0	46	46
Total Change to Revenues			<u>\$55,638</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Equipment – Tech Svcs	10020300.76000.0343	\$142,400	\$6,009	\$148,409
Supplies – Spec Ops	10020500.70200.0347	114,300	2,600	116,900
Other Equipment – Spec Ops	10020500.76000.0347	48,000	2,023	50,023
Salaries OT – Traffic	10020500.60400.0348	90,000	4,420	94,420
Supplies – EMS	10025260.70200.0546	5,136	600	5,736
Spec Promo Fire Prevention	10025260.67600.0547	7,900	2,264	10,164
Supplies – Fire Prevention	10025260.70200.0547	5,000	2,315	7,315
Career Develop	10025260.61800.0000	35,464	10,555	46,019
Supplies	10050620.70200.0000	47,233	2,000	49,233
Maint/Rep Infra	10030380.66200.0000	220,592	11,738	232,330
Supplies	10003120.70200.0125	2,150	2,951	5,101
Lease Pay – Ice Ctr	10010900.67700.0077	1,036,663	7,640	1,044,303
Lease Pay-99 COPS	10010900.67700.0276	1,710,284	427	1,710,711
Lease Pay-01 COPS	10010900.67700.0215	0	50	50
Lease Pay-Cap Fac	10010900.67700.0209	1,600,888	46	1,600,934
Total Change to Expenses			<u>\$55,638</u>	

Section 3. The 2006 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,668,000 is hereby increased by \$287,088 which, when added to the fund balance as of the City Council action on July 24, 2006 will equal \$8,041,293. 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 receipt of various grants, and interest earnings.

Section 4. The \$287,088 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
State Grants	7500.40620.0000	\$11,675	\$12,993	\$24,668
General	7500.43060.0000	0	80,000	80,000
Interest 05 COPS	7500.42530.0274	0	194,095	194,095
Total Change to Revenue			<u>\$287,088</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
CD – Grants Appro. Holding	80675030428.80400.8888	\$0	\$7,000	\$7,000
South Westy Revitalization AH	80175030024.80400.8888	277,575	5,993	283,568
Traf Sig Syst Imp Appro. Holding	80175030143.80400.8888	129,798	80,000	209,798
COP 144 th Interchange Appro. Holding	80575030713.80400.8888	16,045,240	180,261	16,225,501
COP 144 th Inter. Capital Interest AH	80575030733.80400.8888	0	13,834	13,834
Transfers WEDA	75010900.79800.0680	630,000	(630,000)	0
Other Fin Use	75010900.78800.0000	1,125,000	630,000	1,755,000
Total Change to Expenses			<u>\$287,088</u>	

Section 5. The 2006 appropriations for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,563,535 is hereby increased by \$2,209 which, when added to the fund balance as of the City Council action on July 24, 2006 will equal \$4,568,768. 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 receipt of lease payments.

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Open Space General	5400.43060.0000	\$3,024	\$2,209	\$5,233
Total Change to Expenses			<u>\$2,209</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$752,762	\$2,209	\$754,971
Total Change to Revenue			<u>\$2,209</u>	

Section 6 – 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 7. This ordinance shall take effect upon its passage after the second reading.

Section 8. 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 24th day of July, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of August, 2006.

ATTEST:

Mayor

City Clerk



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Councillor's Bill No. 44 re 2006 CDBG Fund Appropriation

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action:

Pass Councillor's Bill No. 44 on first reading to appropriate 2006 Community Development Block Grant funds in the amount of \$578,260.00.

Summary Statement:

- City Council action is requested to pass the attached Councilor's Bill on first reading appropriating the City's 2006 Community Development Block Grant (CDBG) funds in the amount of \$578,260.00, awarded by the U.S. Department of Housing and Urban Development (HUD).
- The 2006 CDBG allocation of \$578,260 was designated to fund the 2006 CDBG projects, pursuant to City Council approval on November 28, 2005.
- CDBG funding has been decreasing for four years, from \$696,000 in 2003, to \$681,000 in 2004, and \$641,212 in 2005, and to \$578,260 in 2006, a reduction of \$117,800.

Expenditure Required: \$578,260

Source of Funds: 2006 Community Development Block Grant Funds

Policy Issue

Should the 2006 CDBG funds in the amount of \$578,260 be appropriated to the 2006 CDBG projects as previously approved by City Council on November 28, 2005?

Alternative

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

Background Information

The 2006 CDBG budget and projects were developed from input provided by Westminster residents, City Staff, and independent human services organizations that serve City residents. Public notices and citizen comment periods were used to solicit community input on the development of the 2006 CDBG Action Plan. CDBG funds are used for community development projects and to fund human services agencies, which primarily benefit the City's low- to moderate-income populations.

When City Council approved the 2006 projects on November 28, 2005, it was expected that the City's grant would be reduced to \$560,000 for 2006. The award is \$578,260, which provides another \$3,652 for staff salaries and \$14,608 that has not yet been assigned by City Council to a CDBG project. Excess amounts of CDBG funding are usually accumulated to continue future improvement projects in south Westminster.

The projects approved for 2006 are as follows:

Project	Estimate	Actual
Program Administration (20% - Salaries)	\$112,000	\$115,652
Lowell Boulevard Enhancements	364,000	364,000
Human Services Agencies (7 grants)	84,000	84,000
Funds not yet assigned		14,608
TOTAL	\$560,000	\$578,260

2006 CDBG Program Administration **\$115,652**

Federal regulations allow grantees to utilize up to 20% of the CDBG funding for administration and planning expenses. Program administration funds cover the salaries of the Community Development Programs Coordinator and one full-time Secretary. In the past, the 20% administrative portion has been sufficient to cover costs such as professional/consultant fees, meeting expenses, professional training, supplies and materials, studies, and environmental reviews. Based on the annual reductions in CDBG, the City now has only \$3,872 in excess of salaries for other administrative expenses, which is not sufficient to cover basic costs associated with the CDBG programs such as office supplies, equipment, environmental reviews and training. HUD requires the City to provide a number of services that require a significant amount of staff time. Those duties include submission of the five-year Consolidated Plan, preparation of the annual action and performance reports, hosting citizen participation activities and community meetings, monitoring minority business contract reports, conducting environmental reviews, compliance with the Davis-Bacon wage act, national objective and eligibility review, contracting and procurement regulatory procedures.

Human Service Advisory Board Recommendation

\$84,000

The City's Human Services Board Members recommended that the following seven human services organizations be provided CDBG funds totaling \$84,000, and these recommendations were approved by City Council during the adoption of the 2006 City budget process.

Adams County School District 50.

\$13,000

The School District applied for funding to provide affordable high-quality primary and preventive health care, including well-child visits, treatment of minor illnesses, management of chronic illnesses and mental health services for uninsured and underserved children, age birth to 21 years.

Adams County Housing Authority.

\$12,000

The housing authority uses the funding to pay for costs associated with the delivery of services under the Housing Counseling Program, including homelessness prevention, utility assistance, home ownership programs, foreclosure and eviction prevention, money management, and post-counseling to ensure continued housing retention.

Alternatives to Family Violence.

\$13,000

This organization provides 24-hour crisis line services, emergency safe shelter, counseling and referrals to victims of domestic violence and support service counseling. Services are available in English and Spanish.

Colorado Homeless Families.

\$11,000

CHF provides transitional housing for homeless persons, a food, furniture and clothing bank, case management, support services, counseling, educational seminars, and support group meetings.

Family Tree, Inc

\$13,000

Family Tree uses the funding to provide a family and housing services hotline, which assists homeless or at-risk families and individuals to find housing, food and other resources.

The Senior Hub

\$12,000

The Senior Hub uses the grant funding to pay for costs associated with the provision of respite care to caregivers of seniors, adult day-care services, and the Meals on Wheels program that delivers hot meals to homebound Westminster residents.

Clinica Campesina Family Health Services, Inc.

\$10,000

To provide direct health care to Westminster patients including prenatal, well child care, immunizations, chronic disease treatment, minor procedures, mental health care, and dental care.

Lowell Boulevard Streetscape Improvements

\$364,000

The amount of \$378,608 is assigned for design of Lowell Boulevard improvements from 75th to 78th Avenues, to provide enhancements to the 7200 block of Lowell Boulevard, and to accumulate funds for future construction of improvements north of 75th Avenue. There is also the amount of \$14,608 that has not been assigned to a project, which can be accumulated for future street improvements.

Respectfully submitted,

J. Brent McFall,
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2006

COUNCILLOR'S BILL NO. **44**
INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE INCREASING THE 2006 BUDGET OF THE COMMUNITY
DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2006 for the CDBG Fund. The appropriation of \$578,260.00 is the amount approved by the U.S. Department of Housing and Urban Development (HUD) for the City for 2006.

Section 2. The \$578,260 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$578,260</u>	\$578,260
Total change to revenues			<u>\$578,260</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Salaries	76030350.60200.0000	\$0	\$111,128	\$111,128
CDBG-06 Block Grant	80576030722.80400.8888	\$0	\$467,132	\$467,132
Total change to expenses			<u>\$578,260</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
AND PUBLISHED this 24th day of July, 2006.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 14th day of August, 2006.

ATTEST:

Mayor

City Clerk



Agenda Item 10 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Resolution No. 37 re Support for the Metro Mayors Caucus Single Family Mortgage Bond Program

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Adopt Resolution No. 37 re Support for the Metro Mayors Caucus Single Family Mortgage Bond Program

Summary Statement

- The Metro Mayors Caucus is cooperating with cities in the metro area to issue bonds for first-time home-buyer low-interest single-family housing loans.
- The program will use private activity bond capacity (PAB cap) that has been accumulated in recent years and is not requesting any additional PAB cap at this time.
- There is no cost to the City of Westminster to support this program.
- If the City fails to participate, Westminster homebuyers would not have access to the mortgage program. The program requests a resolution in support of the bond issuance and local promotion of the mortgage program, for example, on the City website and Channel 8.
- The loans will be handled by several financial institutions selected by the program.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council show its support, by resolution, of the Metro Mayors Caucus Single Family Mortgage Bond Program, which does not require any financial obligation or allocation of private activity bond capacity by the city?

Alternative

Do not indicate support for the Metro Mayors Caucus Single Family Mortgage Bond Program. This alternative is not recommended because it would prevent Westminster homebuyers from accessing this low-interest mortgage program.

Background Information

The Metro Mayors Caucus is working with the City and County of Denver as issuer to issue \$25,000,000 in bonds to support a first-time home-buyers single-family housing mortgage program. The Metro Mayors have not been implementing this program in recent years due to the fact that low interest rates for home loans were widely available. Now that interest rates are rising, the Metro Mayors want to implement this program again. Depending on lender demand and market conditions, up to \$50,000,000 more would be issued in the next 12 to 24 months.

Eligible loans include FHA, VA RHS, Fannie Mae and Freddie Mac eligible conventional (30-year, fixed rate). First-time homebuyers cannot have owned in the past three years and maximum family income for this program is:

Families of 2 or fewer	\$71,700
Families of 3 or more	\$82,455

Upon sale of the bonds, the mortgage loan interest rate will be set for all available funds in the first \$25,000,000 issuance for a one-year mortgage loan origination period. These loans will be below market rate on the bond pricing date and will come with a non-repayable 4.00% grant for down-payment and closing cost assistance. All qualifying borrowers under the program will receive this grant assistance. The maximum purchase price will be \$365,000.

In order for City residents to have access to this program, the City Council must pass the attached resolution in support of the program, which allows the Mayor to sign the attached Certificate and Delegation and Participation Agreement. The deadline for executing the documents is August 2, 2006, and the target issuance date is August 23rd. There is no direct cost to the City and the Metro Mayors Caucus asks only that the City share program information using existing public information resources such as the website, newsletters and cable TV channel 8.

History of Program

The Metro Mayors Caucus, with Denver acting as issuer, offered a Single Family Mortgage Program from 1998 to 2002. That program provided fixed-rate 30-year mortgages and down-payment assistance to income-qualified low- and moderate-income first-time homebuyers. The program was funded using tax-exempt Private Activity Bonds (PABs) from participating communities and money obtained from the statewide balance of PABs administered by the Department of Local Affairs. Because PABs are tax-exempt, the program was able to offer an interest rate below the market interest rate at the time of issuance/program kickoff. However, market interest rates can change rapidly and did during 2002. As a result, in 2002 the program had a hard time getting the money spent despite the gift of down-payment assistance and a decision was made to suspend the program.

In a time of rising interest rates, the ability to provide a 30-year fixed-rate mortgage with 4% down-payment assistance allows the Metro Mayors Caucus to provide homebuyers with a competitive mortgage product not readily available elsewhere. Since 2002, approximately \$20,000,000 from previous mortgage programs has been paid back through mortgage repayments and can be "recycled" into a 2006 program. By using these recycled funds, member cities do not have to allocate PABs to the program.

Denver has offered to act as the issuer and will add (and reserve to Denver residents) approximately \$5,000,000 of "new" PABs for a total issuance of \$25,000,000. The program will be first-come, first-served (no community or sub regional set-asides for the \$20,000,000) and administered by lending professionals to be selected by the program.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Certificate
- Resolution
- Delegation and Participation Agreement

CERTIFICATE OF THE CITY OF WESTMINSTER, COLORADO

Relating to

City and County of Denver, Colorado
(Metro Mayors Caucus)
Single Family Home Mortgage Revenue Bonds
Series 2006A (AMT)

The undersigned Mayor and City Clerk of the City of Westminster, Colorado (the "City") hereby certify that:

1. **Resolution.** Attached hereto as Exhibit A is a true and correct copy of a Resolution of the City Council of the City (the "Council") that was adopted by the Council in accordance with applicable law on the date indicated therein (the "Resolution"). All meetings of the Council at which action relating to the Resolution was taken were properly noticed in the manner and at the times required by law, were open at all times to the general public and were attended by a quorum of the Council. The Resolution has been signed, attested, sealed and made a permanent part of the records of the Council in accordance with applicable law; is in full force and effect; and has not been amended, modified or repealed since its adoption.

2. **Delegation and Participation Agreement.** Attached hereto as Exhibit B is a true and correct copy of a Delegation and Participation Agreement, dated as of the date indicated therein (the "Delegation and Participation Agreement"), by and between the City and the City and County of Denver, Colorado (the "Issuer"). The Delegation and Participation Agreement has been duly authorized, executed and delivered by the City and, upon due authorization, execution and delivery by the Issuer, will constitute a valid and binding obligation of the parties, enforceable against the parties in accordance with its terms.

3. **Approval of Bonds and Project.** A public hearing on behalf of the Council, the City and the Issuer was held in the office of the Department of Revenue for the City and County of Denver, Colorado. At such public hearing, all interested persons were given an opportunity to express their views, both orally and in writing, on the proposed issuance of the Bonds and the location and nature of the Single Family Mortgage Loan Program. The Council and the Mayor have received a report of the hearing. The undersigned Mayor of the City, as the chief elected executive official of the City acting as such after such public hearing, hereby approves the Bonds and the Single Family Mortgage Loan Program, which approval is intended to comply with the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended.

IN WITNESS WHEREOF, we have hereunto set our hands this _____ day of _____, 2006.

By _____
Mayor

By _____
City Clerk

EXHIBIT A

RESOLUTION

RESOLUTION NO. 37

INTRODUCED BY COUNCILLORS

SERIES OF 2006

A RESOLUTION AUTHORIZING THE DELEGATION TO THE CITY AND COUNTY OF DENVER, COLORADO OF THE AUTHORITY OF THE CITY OF WESTMINSTER, COLORADO, WITH RESPECT TO THE ISSUANCE OF SINGLE FAMILY HOME MORTGAGE REVENUE BONDS (THE "BONDS") TO FINANCE RESIDENTIAL HOUSING FACILITIES FOR LOW- AND MIDDLE-INCOME PERSONS AND FAMILIES WITHIN THE CITY AND CERTAIN OTHER CITIES AND COUNTIES IN THE STATE OF COLORADO; APPROVING SUCH BONDS AND SUCH SINGLE FAMILY MORTGAGE LOAN PROGRAM; AND AUTHORIZING THE EXECUTION AND DELIVERY OF A DELEGATION AND PARTICIPATION AGREEMENT AND OTHER DOCUMENTS IN CONNECTION THEREWITH.

WHEREAS, the City of Westminster, Colorado (the "City"), and the City and County of Denver, Colorado (the "Issuer"), are each authorized by the County and Municipality Development Revenue Bond Act, constituting article 3 of title 29, Colorado Revised Statutes, as amended (the "Act"), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, Section 29-3-104(2) of the Act provides that a county or municipality may delegate by resolution or ordinance, as the case may be, to any other county or municipality the authority to act on its behalf in the financing of projects under the Act and that any such delegation may be general or limited in scope and time, and may be irrevocable for the term or terms of any financing agreement or bond issue, all as provided in such resolution or ordinance; and

WHEREAS, contingent upon the receipt of private activity bond volume cap allocation ("Allocation") from the State of Colorado (the "State") for use in the Single Family Mortgage Loan Program (as hereafter defined), the Issuer proposes to issue single family home mortgage revenue bonds pursuant to the Act and its home rule charter (the "Bonds") to finance residential housing facilities for low- and middle-income persons and families within the City and other cities and counties in the State (the "Single Family Mortgage Loan Program"); and

WHEREAS, the City desires to delegate to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City; and

WHEREAS, it is necessary to evidence such delegation by the execution and delivery by the City of a Delegation and Participation Agreement (the "Delegation and Participation Agreement"), by and between the City and the Issuer in substantially the form presented at this meeting;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO:

Section 1. In order to facilitate the origination of single family mortgage loans within the boundaries of the City as part of the Single Family Mortgage Loan Program, the City hereby (a) delegates to the Issuer

the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City and (b) approves, authorizes and directs the Mayor of the City to sign and deliver and the City Clerk to attest and deliver, the Delegation and Participation Agreement in substantially the form presented at this meeting. A copy of the proposed Delegation and Participation Agreement is on file in the office of the City Clerk and is available for inspection by the public.

Section 2. The Council hereby approves the Bonds and the Single Family Mortgage Loan Program for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Section 3. The Mayor of the City is hereby authorized and directed to execute and deliver and the City Clerk is hereby authorized and directed to attest and deliver such other agreements and certificates and to take such other actions as may be necessary or convenient to carry out and give effect to the Delegation and Participation Agreement and this Resolution, including any agreement or certificate approving the Bonds or the Single Family Mortgage Loan Program for purposes of Section 147(f) of the Internal Revenue Code of 1986, as amended.

Section 4. Nothing contained in this Resolution or the Delegation and Participation Agreement shall constitute a debt, indebtedness or multiple-fiscal year direct or indirect debt or other financial obligation of the City within the meaning of the Constitution or statutes of the State or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the City or a charge against its general credit or taxing powers.

Section 5. The participation of the City in the Single Family Mortgage Loan Program is contingent upon the receipt of Allocation for the Single Family Mortgage Loan Program from the State. In the event the State does not award Allocation for the Single Family Mortgage Loan Program, this Resolution, the Delegation and Participation Agreement, and all duties, obligations and rights of the City under this Resolution and the Delegation and Participation Agreement shall terminate immediately.

Section 6. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 7. This Resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this 24th day of July 2006.

Mayor

[SEAL]

Attest:

City Clerk

EXHIBIT B

DELEGATION AND PARTICIPATION AGREEMENT

This DELEGATION AND PARTICIPATION AGREEMENT (this “Delegation and Participation Agreement”) is by and between the CITY OF WESTMINSTER, COLORADO, a municipal corporation and a political subdivision of the State of Colorado (the “City”), and the CITY AND COUNTY OF DENVER, COLORADO, a home rule city, a political subdivision and a municipal corporation of the State of Colorado (the “Issuer”).

RECITALS:

WHEREAS, the City and the Issuer are each authorized by the County and Municipality Development Revenue Bond Act, constituting article 3 of title 29, Colorado Revised Statutes, as amended (the “Act”), to finance projects as defined in the Act, including residential housing facilities for low- and middle-income persons and families; and

WHEREAS, Section 29-3-104(2) of the Act provides that a county or municipality may delegate by resolution or ordinance, as the case may be, to any other county or municipality authority to act on its behalf in the financing of projects under the Act and that any such delegation may be general or limited in scope and time and may be irrevocable for the term or terms of any financing agreement or bond issue, all as provided in such resolution or ordinance; and

WHEREAS, contingent upon the receipt of private activity bond volume cap allocation (“Allocation”) from the State of Colorado (the “State”) for use in the Single Family Mortgage Loan Program (as hereinafter defined), the Issuer proposes to issue single family home mortgage revenue bonds pursuant to the Act and its home rule charter (the “Bonds”) to finance residential housing facilities for low- and middle-income persons and families within the City and other cities and counties in the State (the “Single Family Mortgage Loan Program”); and

WHEREAS, the City wishes to participate in the Single Family Mortgage Loan Program; and

WHEREAS, the City desires to delegate to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City;

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, the City and the Issuer hereby agree as follows:

Section 1. The City hereby delegates to the Issuer the authority of the City to finance and otherwise take action and exercise power under the Act on behalf of the City with respect to the Single Family Mortgage Loan Program within the City.

Section 2. The Issuer hereby accepts the delegation of authority from the City pursuant to Section 1 hereof and agrees to abide by each of the terms and conditions of this Delegation and Participation Agreement in connection with the use of such delegation. The Issuer agrees to make available to the City a portion of the proceeds of the Bonds for the origination of home mortgages within the City’s boundaries.

Section 3. The participation of the City in the Single Family Mortgage Loan Program, and all undertakings, obligations, duties and rights of the City and the Issuer under this Delegation and Participation Agreement, are contingent upon the award from the State of Allocation for the Single Family Mortgage Loan Program.

Section 4. In the event that the State does not award Allocation for use in the Single Family Mortgage Loan Program, this Delegation and Participation Agreement, and all duties, obligations and rights of the Issuer and the City hereunder, shall terminate. If the State does not award Allocation for use in the Single Family Mortgage Loan Program, the City agrees to hold the Issuer harmless for any costs or any other liabilities incurred by the City with respect to the adoption and approval of this Delegation and Participation Agreement, the Resolution of the City adopted with respect to the Single Family Mortgage Loan Program, or any other City actions related thereto.

IN WITNESS WHEREOF, the City and the Issuer have caused this Delegation and Participation Agreement to be executed to be effective as of _____, 2006.

[SEAL]

CITY OF WESTMINSTER, COLORADO

By _____
Mayor

Attest:

By _____
City Clerk

[SEAL]

CITY AND COUNTY OF DENVER, COLORADO,
as Issuer

By _____
Mayor

Attest:

By _____
Clerk and Recorder

Approved as to form:

By _____
Assistant City Attorney

Countersigned:

By _____
Auditor



Agenda Item 10 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 24, 2006



SUBJECT: Resolution No. 38 Providing Notice to City of Westminster Peace Officers of the Duty to Cooperate with State and Federal Government Officials with Regard to Enforcement of State and Federal Laws Regarding Immigration

Prepared By: Jeffrey M. Betz, Assistant City Attorney

Recommended City Council Action

Adopt Resolution No. 38 providing notice to City of Westminster peace officers of the duty to cooperate with state and federal government officials with regard to enforcement of state and federal laws regarding immigration.

Summary Statement

- C.R.S. section 29-29-103 was recently passed by the State legislature and signed by the Governor. This statute requires, under penalty of withholding state financial assistance, the governing body of political subdivisions of the State to provide notice in writing to peace officers of each jurisdiction of their duty to cooperate with state and federal officials with regard to the enforcement of state and federal laws regarding immigration.
- The police department is also required to maintain records of the number of reports made to federal officials.
- In addition, each governing body is required to provide written confirmation to the General Assembly that it has provided notice to the peace officers and annually, before March 1 of each year, report to the Legislative Council of the General Assembly of Colorado the number of reports made to the federal officials by the police department pursuant to the statute.
- The attached Resolution directs the police department to comply with those requirements set forth in C.R.S. section 29-29-103, and further directs the City Manager, or his designee, to provide a copy of this Resolution and written confirmation to the General Assembly that notice was provided to each peace officer employed by the City of Westminster.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City comply with the requirement to notify its peace officers of the duty to cooperate with state and federal government officials with regard to enforcement of state and federal laws regarding immigration?

Alternative

City Council could decide not to comply with the State's notice requirements. This is not recommended, since the requirement applies to all governing bodies of political subdivisions of the State of Colorado.

Background Information

During the 2006 regular session, the Colorado Legislature passed Senate Bill 06-090, which became codified in C.R.S. section 29-29-103. That law requires the governing body of political subdivisions of the state to provide notice in writing to peace officers of each jurisdiction of their duty to cooperate with state and federal officials with regard to enforcement of state and federal laws regarding immigration. Such written notice is required to inform peace officers of their duty to report to the United States Immigration and Customs Enforcement Office (the "I.C.E. Office") any person who is arrested for a criminal offense that the peace officer has probable cause to believe is not legally present in the United States. The police department is then required to maintain records of the number of reports made to the I.C.E. Office. In addition, each governing body is required to provide written confirmation to the General Assembly that it has provided the notice to the peace officers and annually, before March 1 of each year, report to the Legislative Council of the General Assembly of Colorado the number of reports made to the I.C.E. Office pursuant to the statute.

The attached Resolution directs the Police Department to comply with C.R.S. section 29-29-103, and further directs the City Manager, or his designee, to provide a copy of the Resolution and written confirmation to the General Assembly that notice was provided to each peace officer employed by the City of Westminster.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2006

A RESOLUTION PROVIDING NOTICE TO CITY OF WESTMINSTER PEACE OFFICERS OF THE DUTY TO COOPERATE WITH STATE AND FEDERAL GOVERNMENT OFFICIALS WITH REGARD TO ENFORCEMENT OF STATE AND FEDERAL LAWS REGARDING IMMIGRATION

WHEREAS, Colorado Revised Statute section 29-29-103 was adopted by the Colorado Legislature in 2006 to require the governing body of political subdivisions of the State to provide notice in writing to peace officers of each jurisdiction of their duty to cooperate with state and federal officials with regard to enforcement of state and federal laws regarding immigration; and

WHEREAS, in addition, the written notice is required to inform peace officers of their duty to report to the United States Immigration and Customs Enforcement Office (the "I.C.E. Office") any person who is arrested for a criminal offense who the peace officer has probable cause to believe is not legally present in the United States. The Police Department is required to maintain records of the number of reports made to the I.C.E. Office; and

WHEREAS, in addition, each governing body is required to provide written confirmation to the General Assembly that it has provided the notice to the peace officers and annually, before March 1 of each year, report to the Legislative Council of the General Assembly of Colorado the number of reports made to the I.C.E. Office pursuant to this statute.

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

1. The following written notice be provided to each peace officer employed by the City of Westminster:

Pursuant to Colorado Revised Statute section 29-29-103, the Westminster City Council has adopted Resolution No. 38, Series of 2006, and provides this notice to all peace officers employed by the City of Westminster.

As a peace officer, you have a duty to cooperate with State and Federal government officials with regard to enforcement of state and federal laws regarding immigration.

You are further advised that you have a duty to comply with paragraph (a) of subsection (2) of Colorado Revised Statute 29-29-103 which states:

"29-29-103. Cooperation with federal officials regarding immigration status.

(2)(a)(I) A peace officer who has probable cause that an arrestee for a criminal offense is not legally present in the United States shall report such arrestee to the United States Customs Enforcement Office if the arrestee is not held at a detention facility. If the arrestee is held at a detention facility and the County Sheriff reasonably believes that the arrestee is not legally present in the United States, the Sheriff shall report such arrestee to the Federal Immigration and Customs Enforcement Office.

This subsection (2) shall not apply to arrestees who are arrested for a suspected act of domestic violence as defined by section 18-6-800.3, C.R.S., until such time as the arrestee is convicted of a domestic violence offense."

2. That upon completion of the distribution of the notice in paragraph 1 of this Resolution, the City Manager or designee shall provide a copy of this Resolution and written confirmation to the General Assembly that the notice was provided to each peace officer employed by the City of Westminster.

PASSED AND ADOPTED this 24 day of July, 2006.

ATTEST:

City Clerk

Mayor

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, July 24, 2006. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the July 10, 2006 regular meeting were approved.

Council approved the following: June 2006 financial report; special legal counsel for recovery of Workers' Compensation benefits paid; change orders for additional 2006 arterial roadway improvements; garage door replacement at Municipal Service Center Fleet Facility; US36/Federal Boulevard landscape interchange project IGA with CDOT; and final passage of Amended Councillor's Bill No. 27 re six leases for the Strasburg Natural Resource Farm.

Council adopted the following resolutions: Resolution No. 36 re new appointment to Boards and Commissions; Resolution No. 37 re support for the Metro Mayors Caucus Single-family Mortgage Bond Program; and Resolution No. 38 re Peace Officers to Cooperate with Enforcement of State and Federal Immigration laws.

Council adopted the following Councillor's Bills on first reading:

A BILL FOR AN ORDINANCE AMENDING THE 2006 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUNDS. Purpose: 2nd quarter supplemental appropriation to the 2006 Budget.

A BILL FOR AN ORDINANCE INCREASING THE 2006 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2006 ESTIMATED REVENUES IN THE FUND. Purpose: appropriation of 2006 CBDG funds.

The meeting adjourned at 7:19 p.m.

By Order of the Westminster City Council
Linda Yeager, City Clerk
Published in the Westminster Window on August 3, 2006

**A BILL
FOR AN ORDINANCE APPROVING SIX LEASE AGREEMENTS FOR CITY-OWNED
PROPERTY KNOWN AS THE STRASBURG NATURAL RESOURCE FARM**

WHEREAS, the City owns property in central Adams County that it purchased for the purpose of applying biosolids; and

WHEREAS, it is in the City's best interest to maximize the income generated from such operation by collecting rental income from use of the land and improvements thereon; and

WHEREAS, the final terms of the lease agreements have been accepted and filed with the City Clerk.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Those certain leases between the City and the parties listed below are approved and the City Manager is hereby authorized to execute said leases with the following parties as summarized below, in substantially the same forms as attached hereto Exhibits A, B, C, D, E, and F.

<u>Lessee</u>	<u>Leased Premises</u>	<u>Annual Rent</u>
Mr. Bruce Vetter	1,512 acres dry farmland	1/3 of net crop yield
Mrs. Yvonne Sweeney	Trailer pad at 8551 Headlight Road	\$600/year
Mr. Matt Sweeney	Residence at 8551 Headlight Road	\$4,800/year
	160 acres pastureland (Sec 26)	\$1,280/year
	213 acres pastureland (Sec 23)	\$1,704/year
	50 acres pastureland (Sec 26)	\$400/year
	520 acres pastureland (Sec 34)	\$4,160/year
	220 acres irrigated land (Sec 27)	\$10,000/year
	100 acres dry farmland	\$1,000/year
	Quonset Hut Lease	\$900/year
Tom & Jan Linnebur	Residence at 57101 East 88 th Avenue	\$10,200/year

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 10th day of April, 2006. PASSED, ENACTED ON SECOND READING, AND FULL TEXT AS AMENDED ORDERED PUBLISHED this 24th day of July, 2006.

Note: Exhibits A through F not published but are on file and available for public inspection in the City Clerk's Office.