



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. 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 citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. Consent Agenda
 - A. June 2005 – Financial Report
 - B. Quarterly Insurance Report: April – June 2005
 - C. IGA with Urban Drainage and Flood Control District re Acquisition of Camalick 8-Acre Parcel
 - D. Grant Application to Adams County Open Space Program for the Tanglewood Creek Open Space
 - E. Construction Contract Award for the Big Dry Creek Wastewater Treatment Facility Project
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. TABLED Councillor's Bill No. 13 re Country Club Village Business Assistance Package
 - B. Public Hearing re Second Amended PDP and ODP for the Brentcross Shops
 - C. Public Hearing re CLUP Amendment and Fourth Amended PDP and ODP for Crystal Lake Filing No. 2
 - D. Councillor's Bill No. 34 re CLUP Amendment re Crystal Lakes Filing No. 2
 - E. Fourth Amended PDP for Crystal Lake PUD and ODP for Crystal Lake Filing No. 2
 - F. Councillor's Bill No. 35 re McKay Lake Fishing Improvements
 - G. Councillor's Bill No. 36 re Expanding the Time for Making a Jury Demand in Municipal Court
 - H. Councillor's Bill No. 37 re 2005 2nd Quarter Budget Supplemental Appropriation
 - I. Councillor's Bill No. 38 re Appropriation of FY2004 Carryover Funds Into FY2005
 - J. Resolution No. 27 re Ambulance Fee Schedule
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
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 25, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixon, and Price were present at roll call. Councillor Hicks arrived at 7:15 p.m. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Carla Koeltzow, Deputy City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by Davia, to approve the minutes of the meeting of July 11, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented that even with the current heat wave, the City never reached the 40 million gallon per day consumption mark. It is evident that the citizens are practicing water conservation. Even with increased customers there is lower consumption. Stanley Lake is 95% full.

CITY COUNCIL COMMENTS

Councillor Davia reminded everyone that August 2nd is National Night Out and it is a great way to get to know your neighbors.

Councillor Price attended the Library Board meeting at which the Legacy Foundation donated \$1600 for the Westminster Reads for Vets Program.

Councillor Dixon invited everyone to have Breakfast with the Mayor and City Council at 7:30 a.m. on August 11th at City Park Recreation Center.

Mayor McNally attended the 50th anniversary celebration at St Martha's Episcopal Church at 76th and Bradburn Blvd. Linda Cherrington, of the Westminster Historical Society, gave a great presentation on the history of the area and church property. The Mayor also announced that Council would be at Irving Street Park on August 4th for another "We're All Ears" and encouraged public participation.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: Financial Report for June 2005; Quarterly Insurance Report April - June 2005; authority for the City Manager to sign an Intergovernmental Agreement with the Urban Drainage and Flood Control District that will include a contribution of \$250,000 from the District for purchase of the Camalick 8-acre parcel, located at 10405 Wadsworth, along Walnut Creek; authority for Staff to submit a grant application for up to \$775,000 to the Adams County Open Space Program to acquire the 40-acre Tanglewood Creek property located between 124th Avenue and 128th Avenue and between Interstate 25 and Huron Streets, directly east and south of the new Mountain Range High School; and authority for the City Manager to execute a Guaranteed Maximum Price contract with Lillard & Clark Construction Company, Inc. in the amount of \$38,875,000, plus a project contingency of \$775,000, for the construction of the renovation and expansion of the Big Dry Creek Wastewater Treatment Facility for a total construction budget of \$39,650,000, and approve a list of additive alternates totaling \$630,000 that could be incorporated into the project pending the availability of funds within the total project budget of \$44,713,500.

Mayor McNally asked if any member of Council or the audience wished to remove an item from the consent agenda for discussion purposes or separate vote. There were no requests.

Councillor Davia moved, seconded by Dixon, to approve the items on the consent agenda, as presented. The motion carried unanimously.

PUBLIC HEARING RE SECOND AMENDED PDP AND ODP FOR THE BRENTCROSS SHOPS

At 7:10 p.m. Mayor McNally opened a public hearing to consider a second amendment to the PDP and ODP for the Brentcross Shops located at the northeast corner of W 92nd Avenue and Wadsworth Parkway.

Councillor Davia moved, seconded by Dittman, to continue the public hearing until August 8, 2005, to permit the Planning Commission to complete its hearing in this matter that was rescheduled from July 12 to July 26 due to an error in the Planning Commission hearing notice. The motion carried unanimously.

PUBLIC HEARING RE AMENDMENTS FOR CRYSTAL LAKE FILING NO. 2

At 7:12 p.m. Mayor McNally opened a public hearing to consider a Comprehensive Land Use Plan Amendment and the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2 located generally south of the unbuilt 74th Avenue alignment, east of Sheridan Boulevard and west of the Little Dry Creek. Dave Shinneman provided a power point presentation. Mike Kortendick with Landform Inc., Dr. Ken Spresser, the owner of the property, and John Willy presented additional information about the project.

Councillor Hicks arrived at 7:15 p.m.

A transcript of the verbal recording of the Planning Commission Hearing, held on July 12, 2005, prepared by Ms. Amy Otsuka, office manager for Dr. Ken Spresser, was provided to Council by Mr. Kortendick. The hearing was closed at 7:40 p.m.

COUNCILLOR'S BILL NO. 34 RE CLUP AMENDMENT RE CRYSTAL LAKES FILING NO. 2

It was moved by Mayor Pro Tem Kauffman, seconded by Dittman, to pass Councillor's Bill No. 34 on first reading amending the Comprehensive Land Use Plan (Plan) to change the existing land use on Lot 1 of Exhibit A from R-3.5 Residential (Up to 3.5 du/acre) to Office and to change the existing land use on Lot 2 of Exhibit A from R-3.5 Residential (Up to 3.5 du/acre) to City Owned Open Space. Upon roll call vote, the motion carried unanimously.

FOURTH AMENDED PDP FOR CRYSTAL LAKE PUD AND ODP FOR CRYSTAL LAKE FILING NO. 2

It was moved by Mayor Pro Tem Kauffman, seconded by Dittman to approve the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2 contingent upon the CLUP amendment being adopted on second reading and conditional upon the satisfaction of tree mitigation requirements outlined in the *City of Westminster Landscape Regulations 2004 Edition* to the satisfaction of City Staff, and making the finding that the criteria set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code have been met. The motion passed unanimously.

COUNCILLOR’S BILL NO. 35 RE MCKAY LAKE FISHING IMPROVEMENTS

It was moved by Councillor Dittman, seconded by Hicks to pass Councillor’s Bill No. 35 on first reading authorizing a supplemental appropriation in the amount of \$76,000 reflecting the City’s receipt of a Fishing is Fun Grant, administered by the Colorado Division of Wildlife. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 36 RE TIME FOR MAKING A JURY DEMAND IN MUNICIPAL COURT

It was moved by Councillor Dittman, seconded by Price to pass Councillor’s Bill No. 36 on first reading to expand the time for making a jury demand in Municipal Court from 10 days to 20 days, as a result of recent changes to state law concerning jury demands in municipal courts. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 37 RE 2005 2ND QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

It was moved by Councillor Price, seconded by Davia to pass Councillor’s Bill No. 37 on first reading providing for supplementary appropriations to the 2005 budget of the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service Funds. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 38 RE APPROPRIATION OF FY2004 CARRYOVER FUNDS INTO FY2005

It was moved by Councillor Davia, seconded by Dixon to pass Councillor's Bill No. 38 on first reading, appropriating FY2004 carryover funds into the FY2005 budgets of the General, General Reserve, Fleet, Workers Compensation, Property Liability, General Capital Improvement, Utility, Stormwater, Conservation Trust and Open Space Funds. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 27 RE AMBULANCE FEE SCHEDULE

It was moved by Councillor Dixon, seconded by Kauffman to adopt Resolution No. 27 establishing the new ambulance fee schedule. Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

It was announced that a land sale negotiation would be discussed at Executive Session.

ADJOURNMENT:

There was no further business to come before Council, and the meeting adjourned at 8:03 p.m.

ATTEST:

Mayor

Deputy City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

Agenda Item 8 A

City Council Meeting
July 25, 2005



SUBJECT: Financial Report for June 2005
Prepared By: Tammy Hitchens, Finance Director

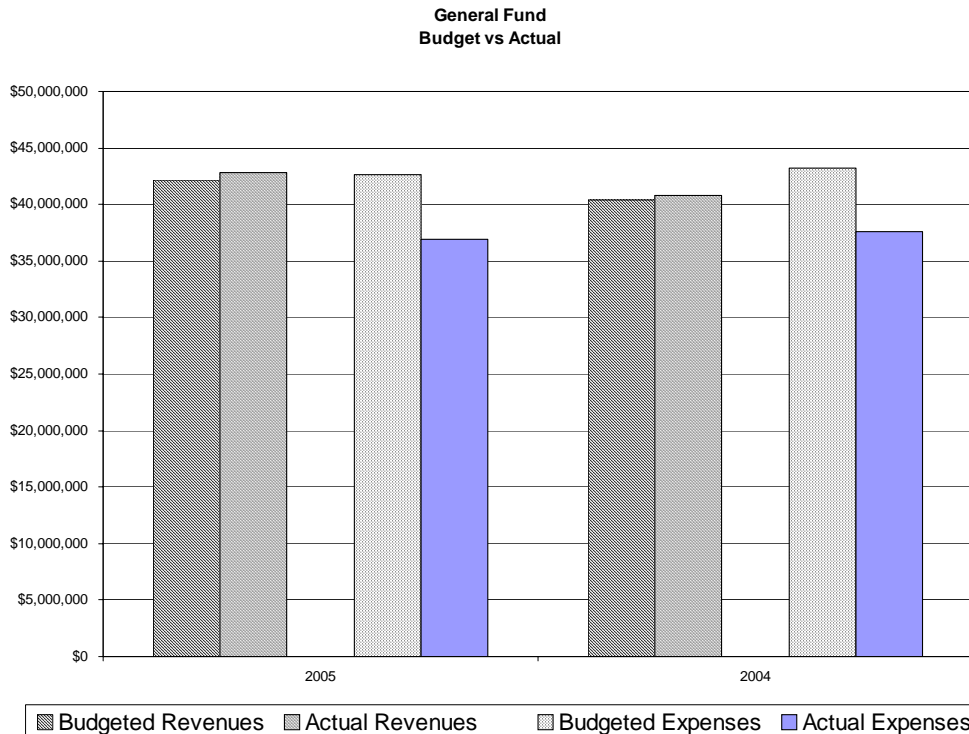
Recommended City Council Action

Accept the Financial Report for June as presented.

Summary Statement

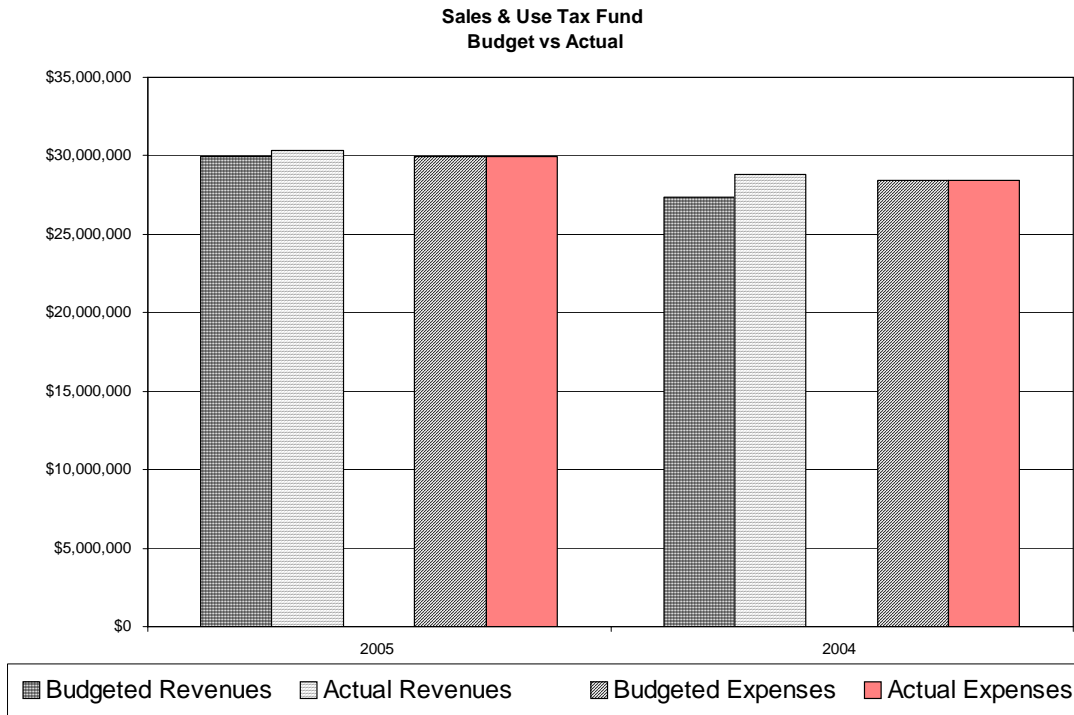
City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. The revenues are pro-rated based on historical averages. Expenses are pro-rated based on 1/12 of the year.

The General Fund revenues exceed expenditures by \$5,906,000. The following graph represents Budget vs. Actual for 2004 – 2005.

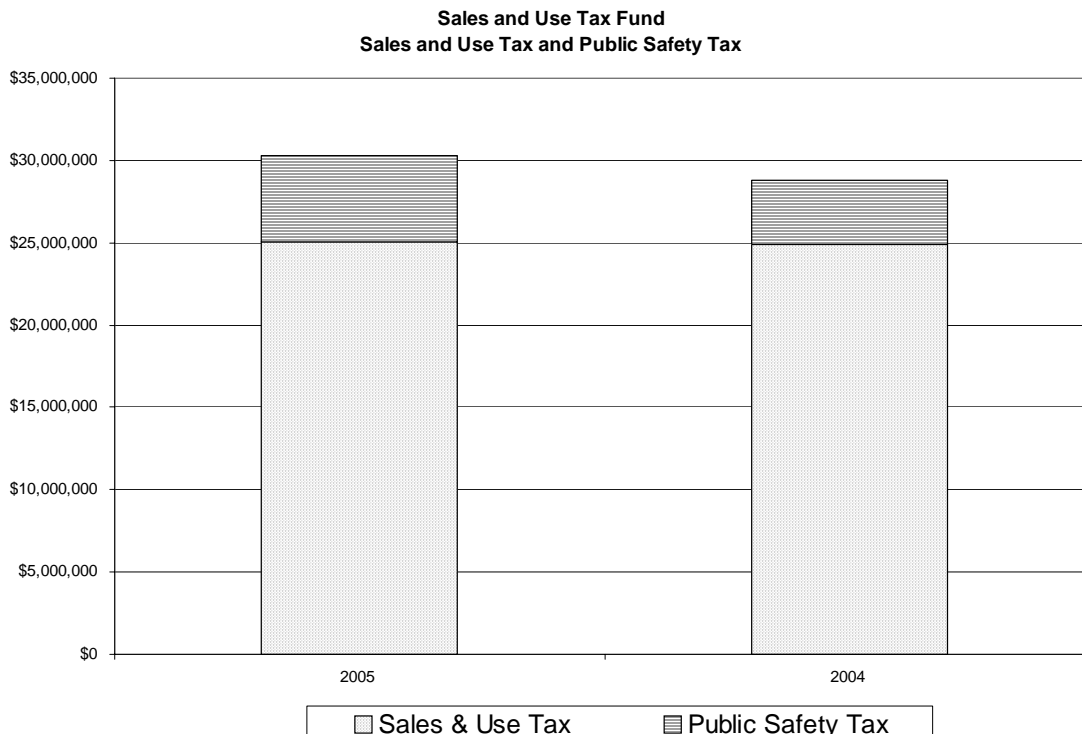


The Sales and Use Tax Fund's revenues exceed expenditures by \$383,000.

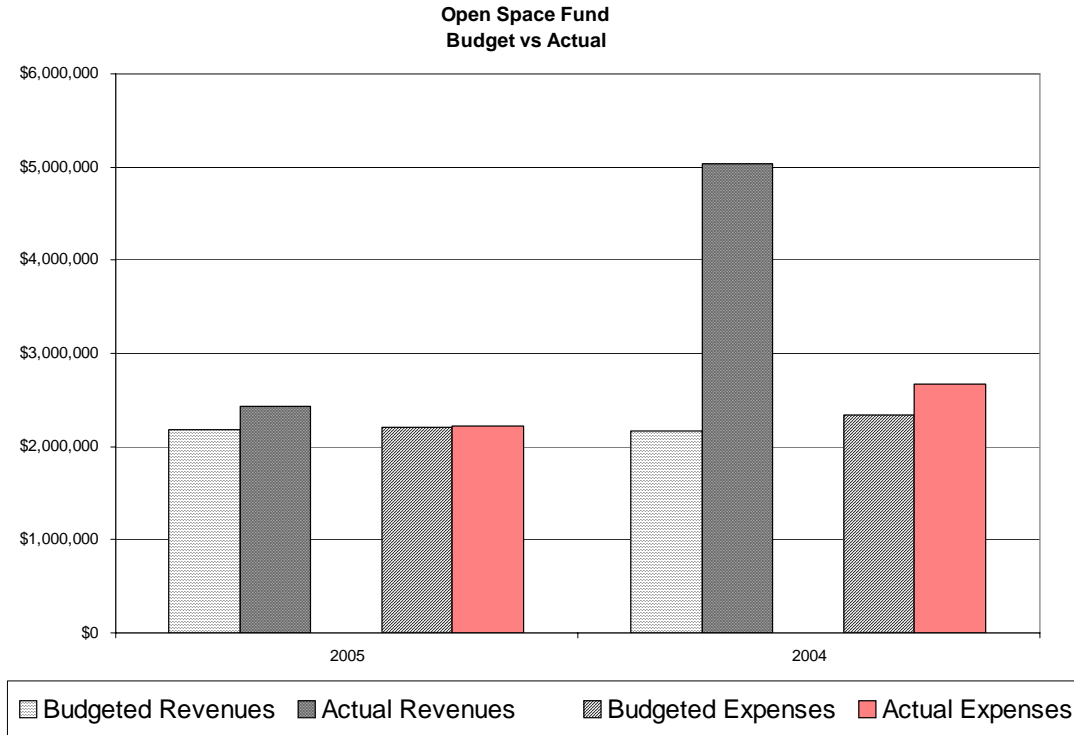
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 7%. It should be noted that there are timing differences and anomalies in this report that overstate the revenue picture.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 4.4%. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 8%.



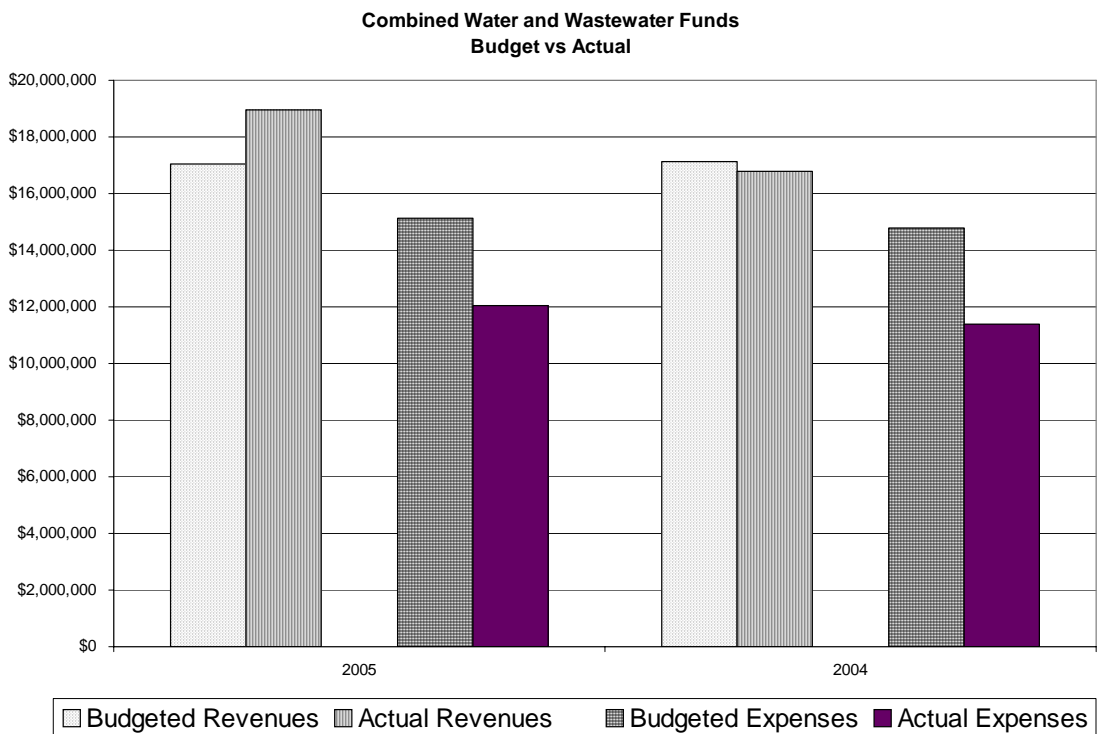
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



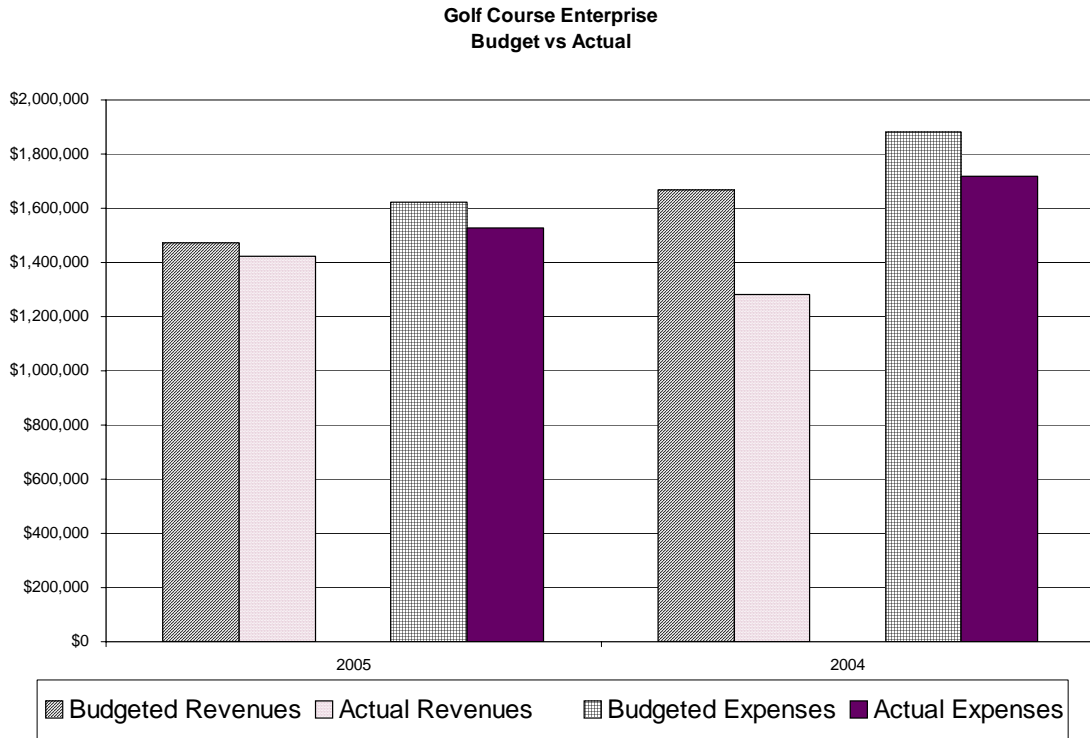
The Open Space Fund revenues exceed expenditures by \$216,000. In 2004, the City sold land at 120th Avenue and Lowell Boulevard to the Academy of Charter Schools for \$2.9 million.



The combined Water & Wastewater Funds' revenues exceed expenses by \$6,928,000. Included in this figure is over \$5.4 million in tap fees.



The combined Golf Course Funds' revenues are under expenditures by \$107,000.



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.

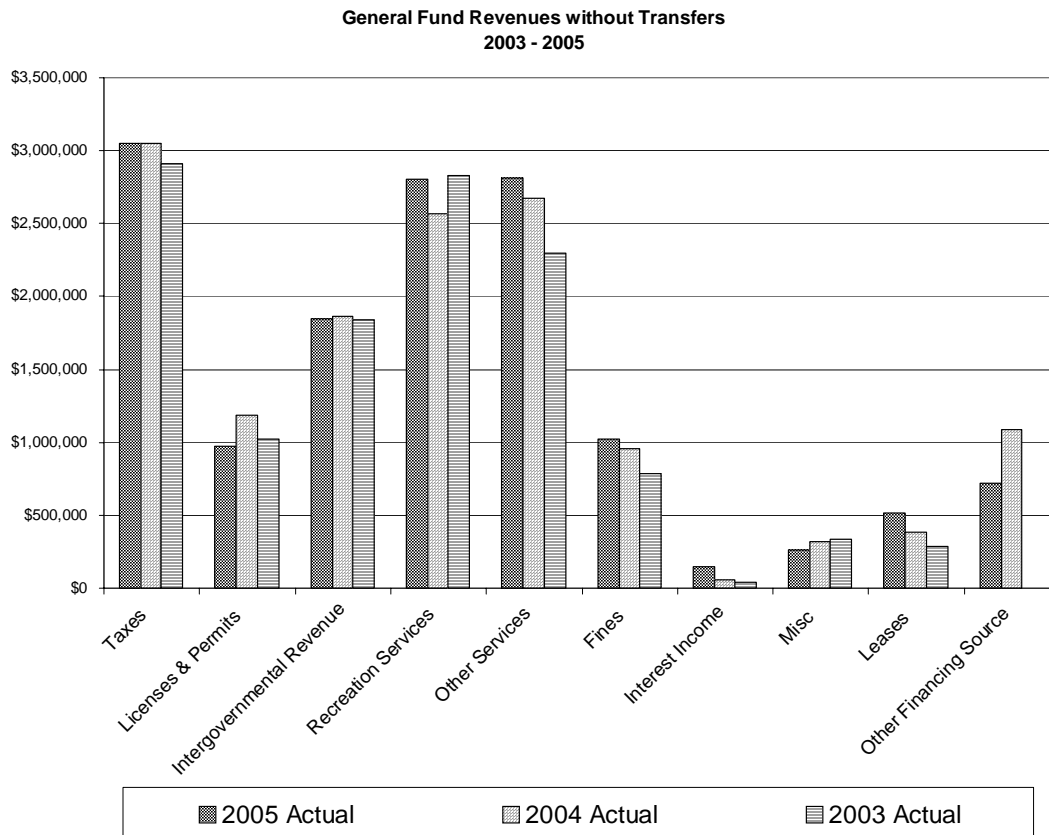
Background Information

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

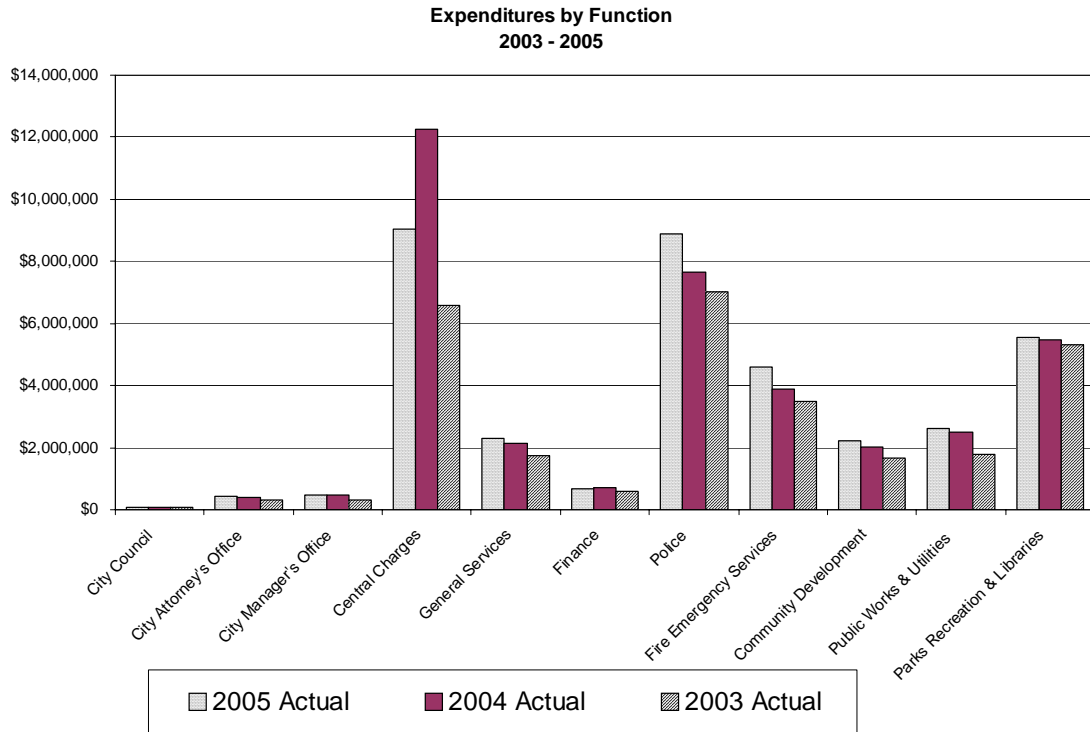
General Fund

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 2003 – 2005 year-to-date.



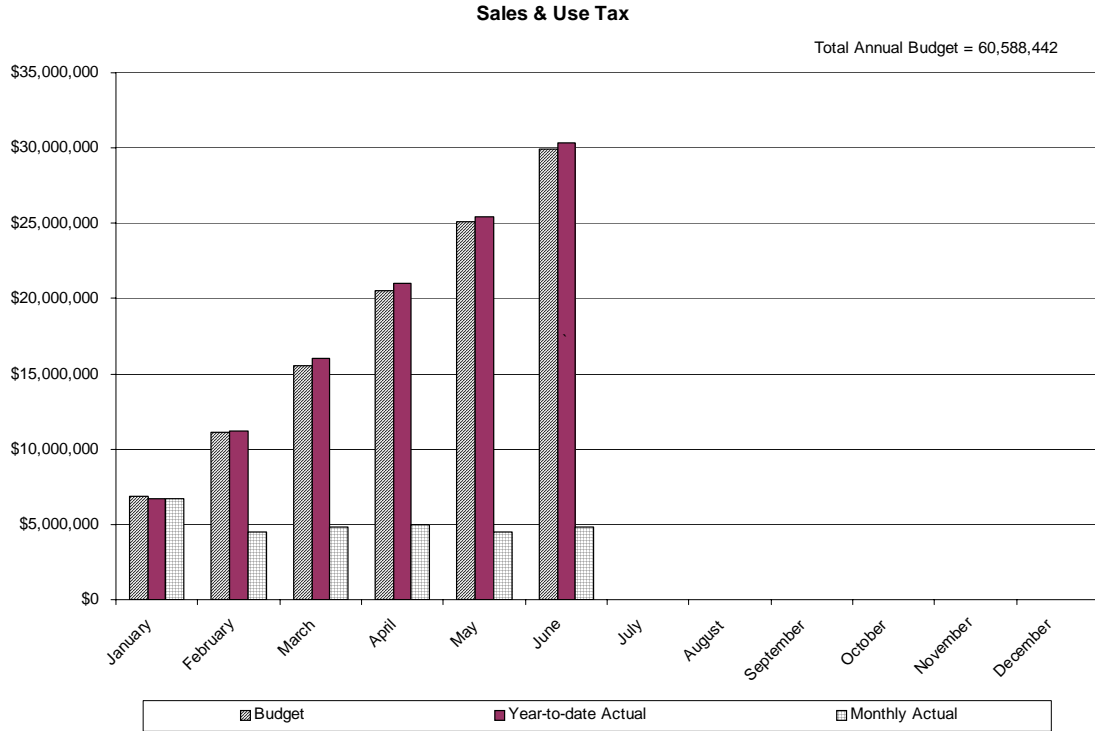
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



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.

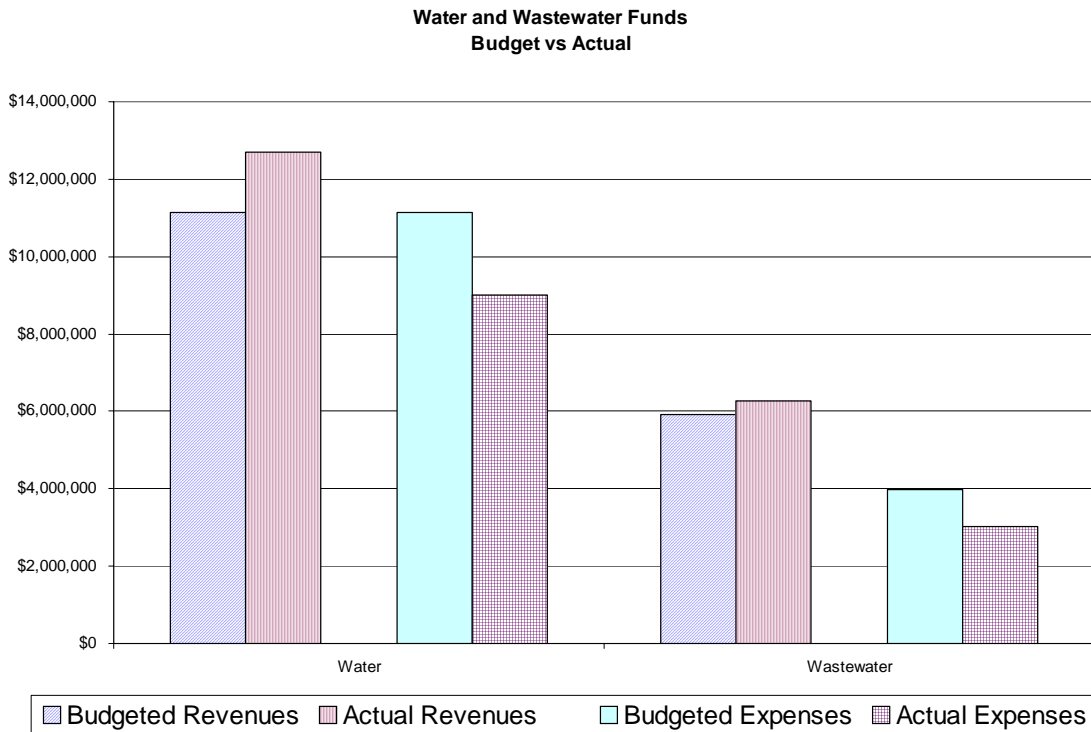
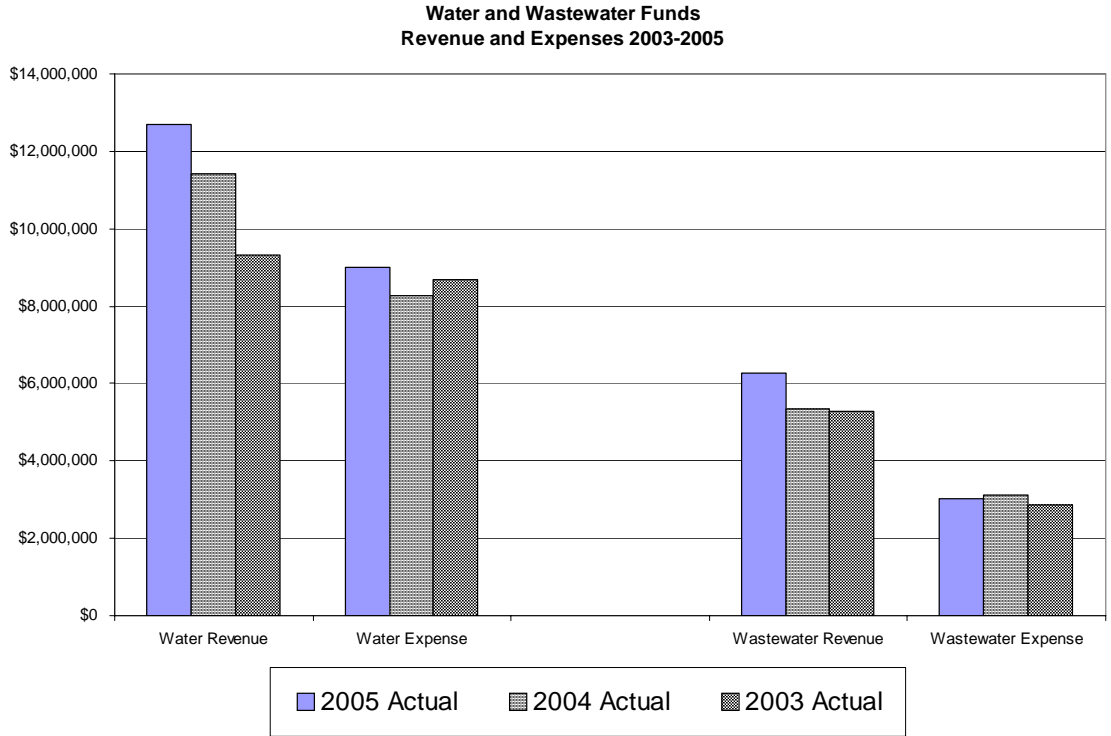
This chart indicates how the City's Sales and Use Tax revenues are being collected on a monthly basis. This chart does not include Open Space Sales & Use Tax.



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

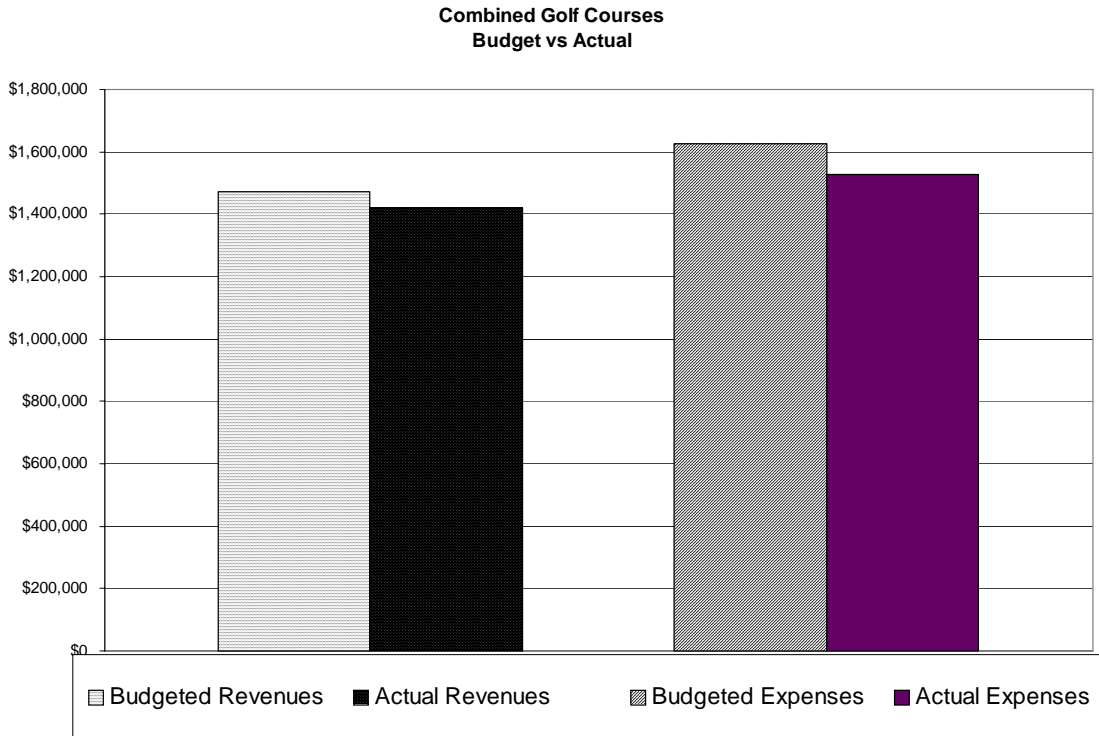
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds.

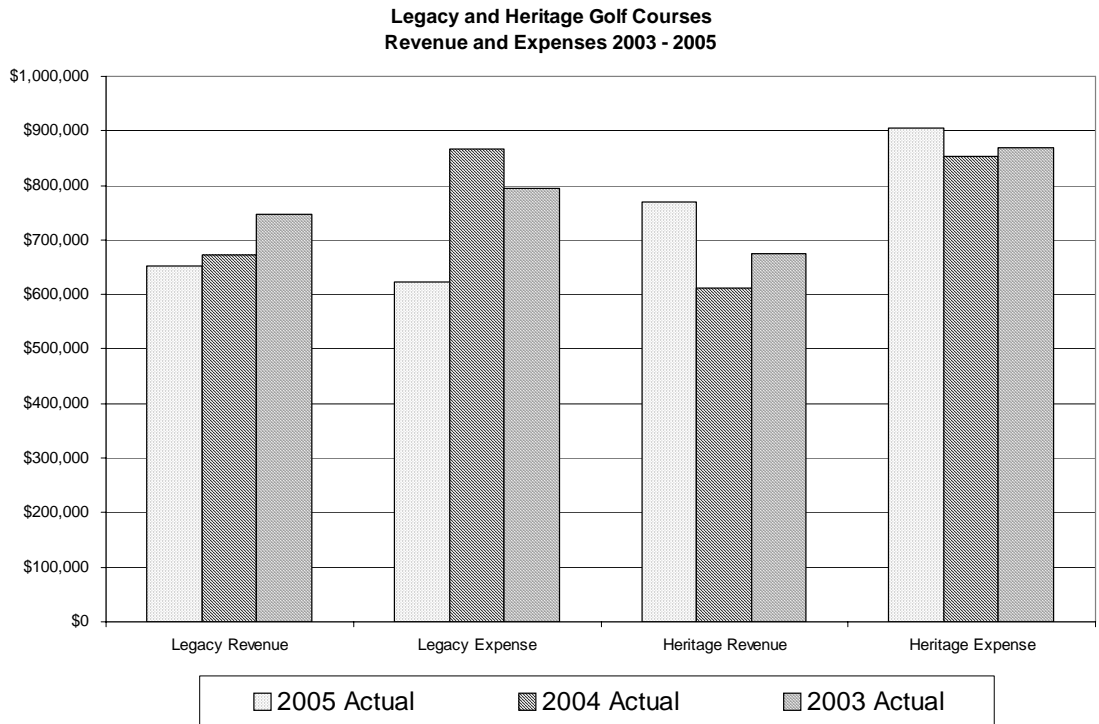


Golf Course Enterprise (Legacy and Heritage Golf Courses)

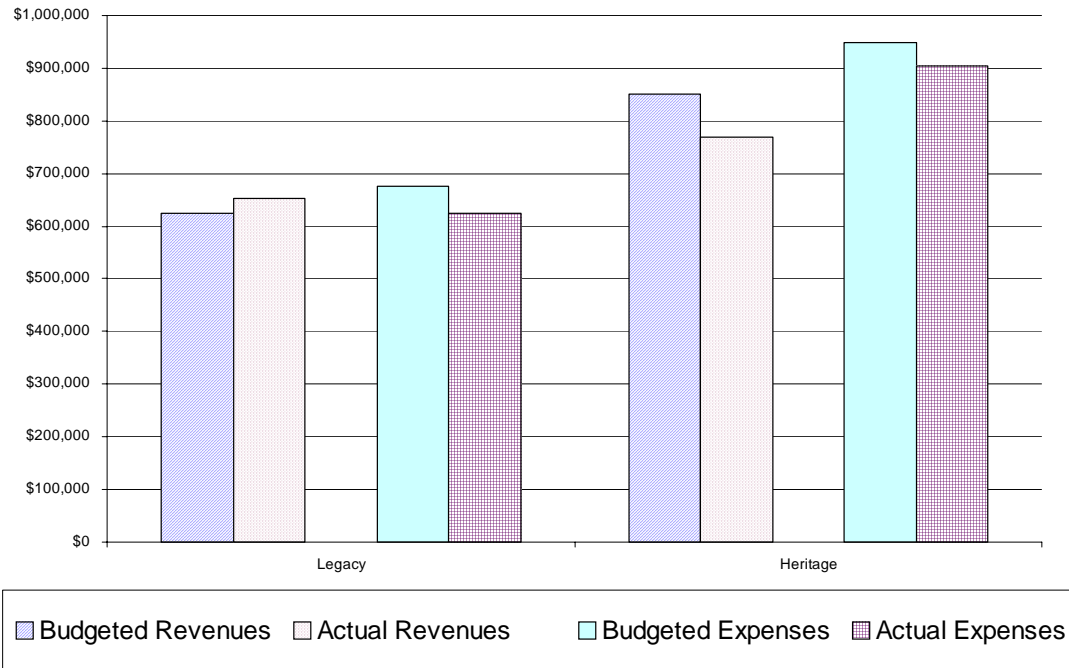
This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.



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



Legacy and Heritage Golf Courses
Budget vs Actual



Respectfully submitted,

J. Brent McFall, City Manager

Attachments
Statement
Receipts

**City of Westminster
Financial Report
For the Six Months Ending June 30, 2005**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
Revenues						
Taxes	4,503,416	3,057,831		3,047,798	(10,033)	100%
Licenses & Permits	1,730,000	899,065		976,717	77,652	109%
Intergovernmental Revenue	4,750,000	1,934,000		1,845,713	(88,287)	95%
Charges for Services						
Recreation Services	5,254,500	2,566,466		2,806,522	240,056	109%
Other Services	5,945,257	2,634,097		2,812,458	178,361	107%
Fines	1,950,000	955,500		1,025,073	69,573	107%
Interest Income	250,000	125,000		146,606	21,606	117%
Misc	336,237	168,119		258,484	90,365	154%
Leases	1,025,000	512,500		512,500	-	100%
Refunds	(65,000)	(32,500)		(4,155)	28,345	13%
Interfund Transfers	57,290,850	28,645,425		28,645,425	-	100%
Other Financing Sources	721,425	721,425		721,425	-	100%
Sub-total Revenues	<u>83,691,685</u>	<u>42,186,928</u>		<u>42,794,566</u>	<u>607,638</u>	<u>101%</u>
Carryover	1,600,000	-		-	-	
Revenues	<u>85,291,685</u>	<u>42,186,928</u>		<u>42,794,566</u>	<u>607,638</u>	<u>101%</u>
Expenditures						
City Council	190,233	95,117		96,105	988	101%
City Attorney's Office	918,580	459,290		424,673	(34,617)	92%
City Manager's Office	1,107,609	553,805		489,691	(64,114)	88%
Central Charges	23,337,474	11,668,737		9,040,003	(2,628,734)	77%
General Services	4,888,180	2,444,090		2,318,855	(125,235)	95%
Finance	1,573,263	786,632		666,883	(119,749)	85%
Police	18,913,655	9,456,828		8,885,205	(571,623)	94%
Fire Emergency Services	9,943,875	4,971,938		4,581,180	(390,758)	92%
Community Development	4,446,820	2,223,410		2,225,148	1,738	100%
Public Works & Utilities	7,092,197	3,546,099		2,620,814	(925,285)	74%
Parks Recreation & Libraries	12,879,799	6,439,900		5,539,960	(899,940)	86%
Total Expenditures	<u>85,291,685</u>	<u>42,645,846</u>		<u>36,888,517</u>	<u>(5,757,329)</u>	<u>86%</u>
Revenue Over(Under) Expend	<u>-</u>	<u>(458,918)</u>		<u>5,906,049</u>	<u>6,364,967</u>	

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF JUNE 2005

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	377,794	375	378,170	385,392	1,761	387,152	-2	-79	-2
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	355,694	3,122	358,816	386,161	8,287	394,448	-8	-62	-9
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	268,324	1,173	269,497	452,045	2,600	454,645	-41	-55	-41
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	203,125	1,435	204,560	211,048	9,124	220,172	-4	-84	-7
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	200,193	2,030	202,223	209,499	991	210,490	-4	105	-4
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	153,218	1,237	154,455	134,929	1,512	136,441	14	-18	13
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	118,692	26,167	144,859	89,528	19,823	109,351	33	32	32
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	105,385	1,058	106,443	33,079	331	33,410	219	220	219
SHOPS AT WALNUT CREEK 104TH & REED TARGET	87,880	775	88,655	0	0	0	*****	*****	*****
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	87,836	259	88,095	94,668	132	94,800	-7	97	-7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	85,601	755	86,356	81,460	67	81,528	5	1019	6
OFFICE MAX CENTER SW CORNER 88TH & SHER OFFICE MAX	62,504	350	62,854	48,543	217	48,759	29	62	29
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD ANDERSON AMOCO	3,158	59,119	62,277	1,417	0	1,417	123	*****	4296
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	59,985	355	60,339	63,646	152	63,798	-6	133	-5
WILLOW RUN 128TH & ZUNI	51,303	356	51,659	52,097	715	52,813	-2	-50	-2

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF JUNE 2005

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	51,123	189	51,312	54,840	1,079	55,920	-7	-82	-8
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	44,429	409	44,838	46,779	163	46,942	-5	152	-4
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	41,891	278	42,169	43,825	249	44,074	-4	12	-4
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	31,862	262	32,123	28,213	6	28,219	13	4072	14
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	31,549	277	31,826	34,399	558	34,958	-8	-50	-9
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	25,739	1,885	27,624	31,013	450	31,463	-17	319	-12
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	10,963	16,389	27,352	12,517	16,409	28,926	-12	0	-5
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	26,123	61	26,184	31,722	38	31,760	-18	62	-18
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	25,144	194	25,338	26,467	1,704	28,171	-5	-89	-10
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	22,807	363	23,171	22,818	1	22,819	0	42152	2
	2,532,320	118,875	2,651,195	2,576,106	66,369	2,642,475	-2	79	0

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF JUNE 2005

Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	1,369,071	1,599	1,370,670	1,373,873	3,747	1,377,620	0	-57	-1
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	2,762,715	18,056	2,780,771	2,969,148	47,653	3,016,801	-7	-62	-8
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	2,024,216	32,410	2,056,627	2,375,772	12,153	2,387,925	-15	167	-14
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,192,248	9,457	1,201,704	1,136,991	14,242	1,151,233	5	-34	4
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	1,434,150	7,838	1,441,988	1,444,029	24,972	1,469,001	-1	-69	-2
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,001,341	20,124	1,021,465	886,520	28,158	914,678	13	-29	12
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	748,306	111,466	859,772	621,255	120,997	742,252	20	-8	16
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	573,629	37,538	611,167	313,373	3,104	316,477	83	1109	93
SHOPS AT WALNUT CREEK 104TH & REED TARGET	587,429	18,744	606,173	0	0	0	*****	*****	*****
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	595,202	5,753	600,955	667,312	2,208	669,520	-11	161	-10
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	485,951	1,994	487,945	511,143	4,220	515,363	-5	-53	-5
OFFICE MAX CENTER SW CORNER 88TH & SHER OFFICE MAX	399,014	3,273	402,287	302,534	1,638	304,172	32	100	32
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD ANDERSON AMOCO	47,672	378,017	425,688	27,044	9,323	36,367	76	3955	1071
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	344,206	1,532	345,737	375,502	1,986	377,488	-8	-23	-8
WILLOW RUN 128TH & ZUNI	331,315	9,799	341,114	322,258	3,474	325,732	3	182	5

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF JUNE 2005

Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	314,280	5,323	319,603	341,320	2,300	343,619	-8	131	-7
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	267,293	3,900	271,192	301,835	1,608	303,444	-11	142	-11
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	255,291	2,661	257,953	217,948	4,470	222,418	17	-40	16
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	373,256	3,791	377,047	183,366	151	183,517	104	2407	105
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	208,648	2,549	211,197	231,183	1,300	232,483	-10	96	-9
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR HOMESTEAD HOUSE/H M WOODS	84,037	4,135	88,172	90,084	2,847	92,931	-7	45	-5
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	70,868	136,983	207,850	71,318	127,162	198,480	-1	8	5
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	213,579	2,200	215,779	242,050	199	242,249	-12	1007	-11
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	153,939	10,263	164,202	152,620	17,002	169,622	1	-40	-3
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	141,850	6,738	148,589	141,147	1,948	143,095	1	246	4
	15,979,503	836,142	16,815,646	15,299,624	436,863	15,736,488	4	91	7



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Quarterly Insurance Report: April - June 2005

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Accept the 2nd Quarter 2005 Insurance Report.

Summary Statement

- The attached report provides detailed information on each claim including the City's claim number, date of loss, claimant's name and address, a summary of the claim, and the claim's status. Since all claims represent a potential liability to the City, Risk Management Staff works closely with the City Attorney's Office to make sure that the interests of both the City and the citizen are addressed in each instance. The listing of the claims in this report is provided in accordance with Westminster Municipal Code 1-30-3.
- In accordance with Code provisions, the Risk Management Officer, acting as the City Manager's designee, has the authority to settle claims of less than \$30,000. However, under our contract with the Colorado Intergovernmental Risk Sharing Agency (CIRSA), CIRSA acts as the City's claims adjuster and settlement of claims proceed with the concurrence of both CIRSA and the Risk Management Officer. The City retains the authority to reject any settlement recommended by CIRSA, but does so at the risk of waiving its insurance coverage for such claims.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 2nd quarter of 2005 is provided on the attached spreadsheet.

For the 2nd quarter of 2005, Staff has noted the following summary information:

- Eight of the ten claims reported in the 2nd quarter of 2005 remain open at this time.
- Total claims for the quarter and year-to-date breakdown by department are as follows:

Department	2nd Qtr 2005			YTD
	Total Claims	Open	Closed	Total
CD	1	1	0	1
Fire	0	0	0	1
Police	4	3	1	6
PR&L	1	0	1	2
PWU - Streets	0	0	0	1
PWU - Utilities	4	4	0	5
TOTAL	10	8	2	16

The attached report provides detailed information on each claim made during the second quarter of 2005.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**Quarterly Insurance Report
April - June 2005**

Claim	Date	Dept	Claimant	Address	Description	Reserves	Paid	Status	Notes
2005-206	27-Apr-05	PWU-Util	Kevin Weber	4390 W. 100th Ave, Westminster CO 80031	Water relief pressure valve on claimant's home failed at the same time as two of his neighbors' and claimant believes it is due to PWU work on his street	\$100.00	\$0.00	Open	CIRSA investigating
2005-200	04-May-05	PWU-Util	Ruben Cota	9596 W. 89th Pl, Westminster CO 80031	Citizen claims that the meter pit lid in his yard came off when he drove over it with his lawnmower causing damage to the lawnmower.	\$100.00	\$0.00	Open	CIRSA investigating
2005-217	20-May-05	PRL	Adam Morgan	6815 W. 84th Way #44, Arvada CO 80003	A seasonal employee was operating a weed eater on a grassy island at Christopher Fields when the weed eater caught a rock and threw it into the claimant's vehicle breaking a window	\$153.77	\$153.77	Closed	
2005-227	27-May-05	PD	Adeline Montemayor	290 Sutton Circle, Lafayette CO 80026	Claimant alleges a police officer damaged her vehicle, which had run out of gas in a busy intersection during rush hour traffic. The claimant's vehicle was allegedly damaged when the officer used her police vehicle to push the claimant's vehicle out of the intersection.	\$0.00	\$0.00	Open	CIRSA investigating
2005-249	10-Jun-05	PD	Gray & Becki Jackson	3338 S. Clinton St, Denver CO 80231	Carpet was removed from a 1999 Lincoln Limousine, owned by the claimants, during an investigation and search for evidence in a criminal case.	\$0.00	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act
2005-255	15-Jun-05	PWU-Util	Daniel Lechuga	3300 W. 80th Ave, Westminster CO	Claimant had allowed PW and U staff to use his home's garden house connection for water and alleges damage to his home from a leak.	\$625.00	\$0.00	Open	CIRSA investigating
2005-262	21-Jun-05	PWU-Util	Kate Koch	9950 Grove St #B, Westminster CO 80031	Claimant alleges injury due to stepping on a loose meter pit.	\$0.00	\$0.00	Open	CIRSA investigating
					SUB TOTAL	\$978.77	\$153.77		

CLAIMS SUBMITTED IN 2ND QUARTER WITH OCCURRENCE DATES PRIOR TO 2ND QUARTER 2005

2004-528	28-Oct-04	PD	Craig Bowers	PO Box 5001 ACDF, Brighton CO 80601	Claimant alleges injuries due to actions of Westminster Police Officers and Northwest Metro Task Force officers	\$0.00	\$0.00	Open	CIRSA investigating
2004-624	08-Nov-04	PD	Kris & Jessica Fitzgerald	PO Box 187, Broomfield CO 80038	Claimants allege that the failure of the Westminster Police Department, along with other entities, to "secure" Michael Fitzgerald led to the murder of Steven Fitzgerald	\$100.00	\$0.00	Open	CIRSA investigating
2005-264	17-Mar-05	CD	Russell Boyd	9796 Hooker St, Westminster CO 80031	Claimant alleges injuries as a result of being hit and knocked off his bicycle by a private motor vehicle being driven by a City employee on personal time.	\$0.00	\$0.00	Open	CIRSA investigating
					SUB TOTAL	\$100.00	\$0.00		
					GRAND TOTAL	\$1,078.77	\$153.77		



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Intergovernmental Agreement with Urban Drainage and Flood Control District
Regarding Acquisition of Camalick 8-Acre Parcel

Prepared By: Ruth C. Becker, Open Space Coordinator

Recommended City Council Action

Authorize the City Manager to sign an intergovernmental agreement with the Urban Drainage and Flood Control District that will include a contribution of \$250,000 from the District for purchase of the Camalick 8-acre parcel, located at 10405 Wadsworth, along Walnut Creek.

Summary Statement

The Urban Drainage and Flood Control District (“UDFCD”) has prepared an intergovernmental agreement with the City of Westminster pursuant to which UDFCD will contribute \$250,000 of the \$540,000 acquisition price for the Camalick property along Walnut Creek. UDFCD requires a use restriction be placed on the property so that it will remain open space for floodplain and drainage control. Staff is recommending that Council approve the agreement with UDFCD. Council previously approved the acquisition of the Camalick 8-acre parcel for \$540,000 on October 25, 2004.

Expenditure Required: Revenue of \$250,000 to be applied to open space purchase

Source of Funds: Urban Drainage and Flood Control District

Policy Issue

Should the City agree to the terms of the intergovernmental agreement with UDFCD, impose the use restriction on the property, and accept the \$250,000 grant from UDFCD?

Alternative

Not accept the use restriction and the grant from UDFCD. Staff does not recommend this alternative because the City intends to maintain this property as open space, the use restriction is consistent with its use as open space, and the contribution of \$250,000 from the UDFCD made the acquisition of the Camalick parcel possible.

Background Information

City Council approved the acquisition of the Camalick 8-acre parcel along Walnut Creek on October 25, 2004. The Camalick property is in the Walnut Creek floodplain and UDFCD included this project in its Five-Year Capital Improvement Program for drainage and flood control facilities, with an allocation of \$200,000. UDFCD also allocated \$50,000 for this project from its floodplain preservation budget for 2005. The UDFCD agreement provides that UDFCD's share of the purchase price will be \$250,000, with the City of Westminster paying the remaining \$290,000, for a total purchase price of \$540,000 (the price approved by Council on October 25, 2004). The standard UDFCD agreement provides that the City must impose a use restriction on property acquired in part with UDFCD funds. The use restriction states that "the floodplain right-of-way is being used for drainage and flood control purposes. The property shall not be used for any purpose that will diminish or preclude its use for drainage and flood control purposes. City may not dispose of or change the use of the floodplain property without approval of District." The City has no problem with this use restriction on an open space parcel.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Location Map

Camalick Parcels



City of Westminster

Scale





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Grant Application to Adams County Open Space Program for the Tanglewood Creek Open Space

Prepared By: Ruth C. Becker, Open Space Coordinator

Recommended City Council Action

Authorize Staff to submit a grant application for up to \$775,000 to the Adams County Open Space Program to acquire the 40-acre Tanglewood Creek property located between 124th Avenue and 128th Avenue and between Interstate 25 and Huron Streets, directly east and south of the new Mountain Range High School.

Summary Statement

- The Adams County Open Space Program provides grants to eligible jurisdictions for open space, trail and park projects.
- Staff is recommending the acquisition of the Tanglewood Creek open space on this highly visible property. Acquisition would preserve a wetland/riparian area, a buffer and view corridor along Interstate 25, wildlife habitat, and provide additional trail connections for the regional trail system.
- This parcel has been a very high priority of the Open Space Board and Staff for some time.

Expenditure Required: \$ 200 (for cost of color copying the application)

Source of Funds: Open Space Fund Budget

Policy Issue

Should the City apply for a grant from the Adams County Open Space program fall grant cycle to acquire the Tanglewood Creek open space property?

Alternative

Not apply in this cycle. Staff does not recommend this alternative because the City has received positive feedback from the Adams County Open Space Advisory Board and Board of County Commissioners regarding the City's open space preservation efforts. In addition, the Parks, Recreation and Libraries Department intends to apply for a grant from Adams County in the spring cycle next year, and the open space and parks departments are coordinating their grant applications so as not to compete against one another.

Background Information

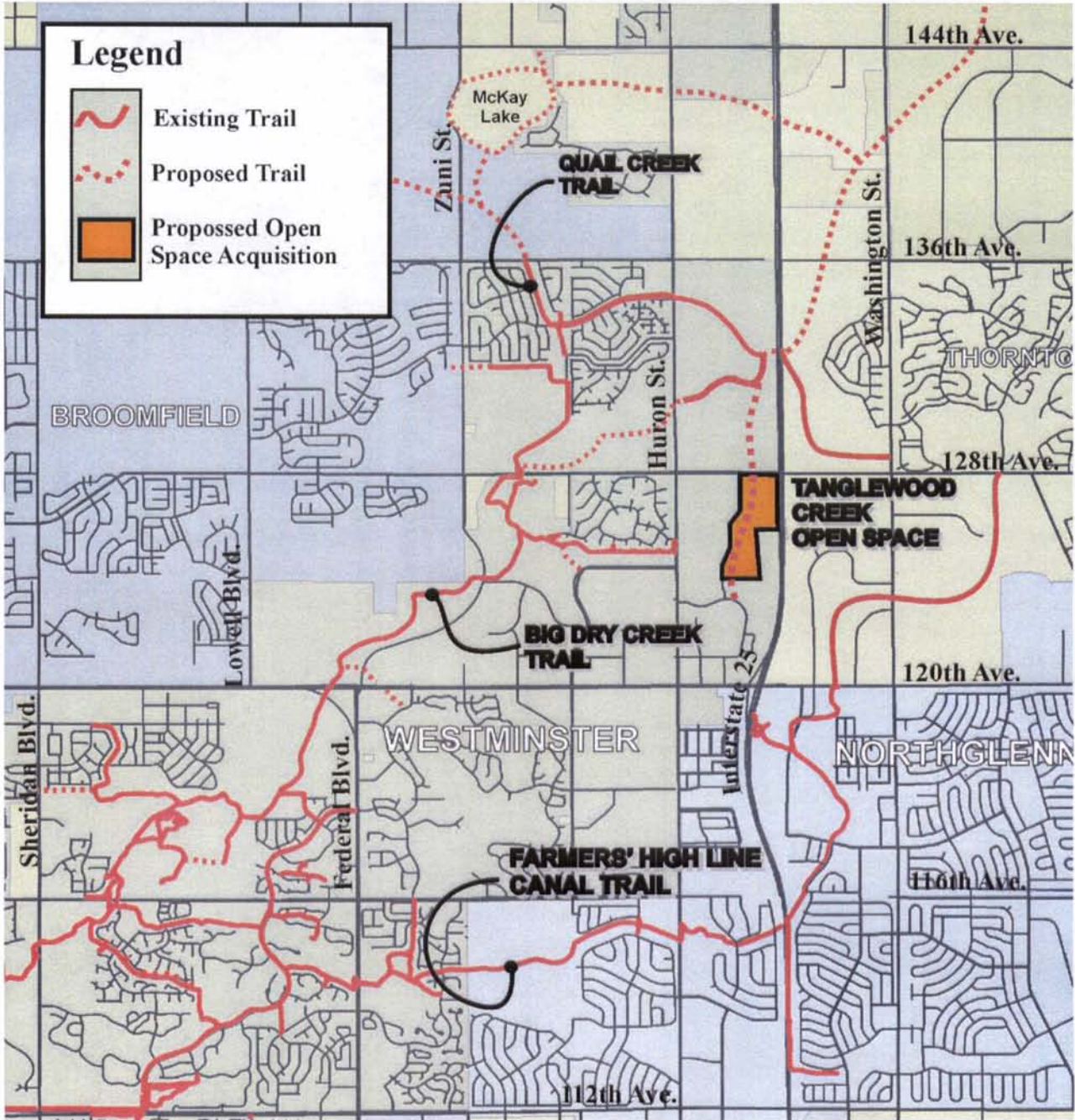
Adams 12 Five Star School District owns an approximately 130-acre parcel of land between Huron Street and Interstate 25 and between 124th Avenue and 128th Avenue. This is the site of the new Mountain Range High School and a proposed middle school. The City of Westminster has been negotiating an Intergovernmental Agreement with the School District, pursuant to which the City will purchase approximately 40 acres of the 130-acre parcel from the School District. This acquisition will preserve and provide public access to a unique woodland and wetland area that is adjacent to Interstate 25, yet sheltered and remote. It is one of the wildest areas in the City, with diverse wildlife, and an unusual combination of wetland and dry land species. Currently, there is a temporary trail easement that provides access to the area on a trail that encircles the wetlands. Acquiring this property would allow the City to provide a permanent and enhanced trail around this wildlife preserve and riparian area as well as a trail along Tanglewood Creek, which will eventually connect to the Big Dry Creek.

The final acquisition price is still under negotiation. The School District acquired the property through eminent domain. The City purchase price will be based, in part, upon the final determination of the eminent domain award, which is currently on appeal. The value of the proposed City purchase will reflect the prevalence of floodplain property and a correspondingly lower price per acre. Staff recommends that the City request approximately 50% of the acquisition costs from Adams County or up to \$775,000.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments – Location Maps (2)



128th Avenue

Huron Street

I-25

High School #5
60.0 Acres

Westminster
Open Space

Staff
Parking

Visitor Park
& Drop-off

Student
Parking

Future
Aquatics
Center
4.0 Acres

Competition
Soccer
Field

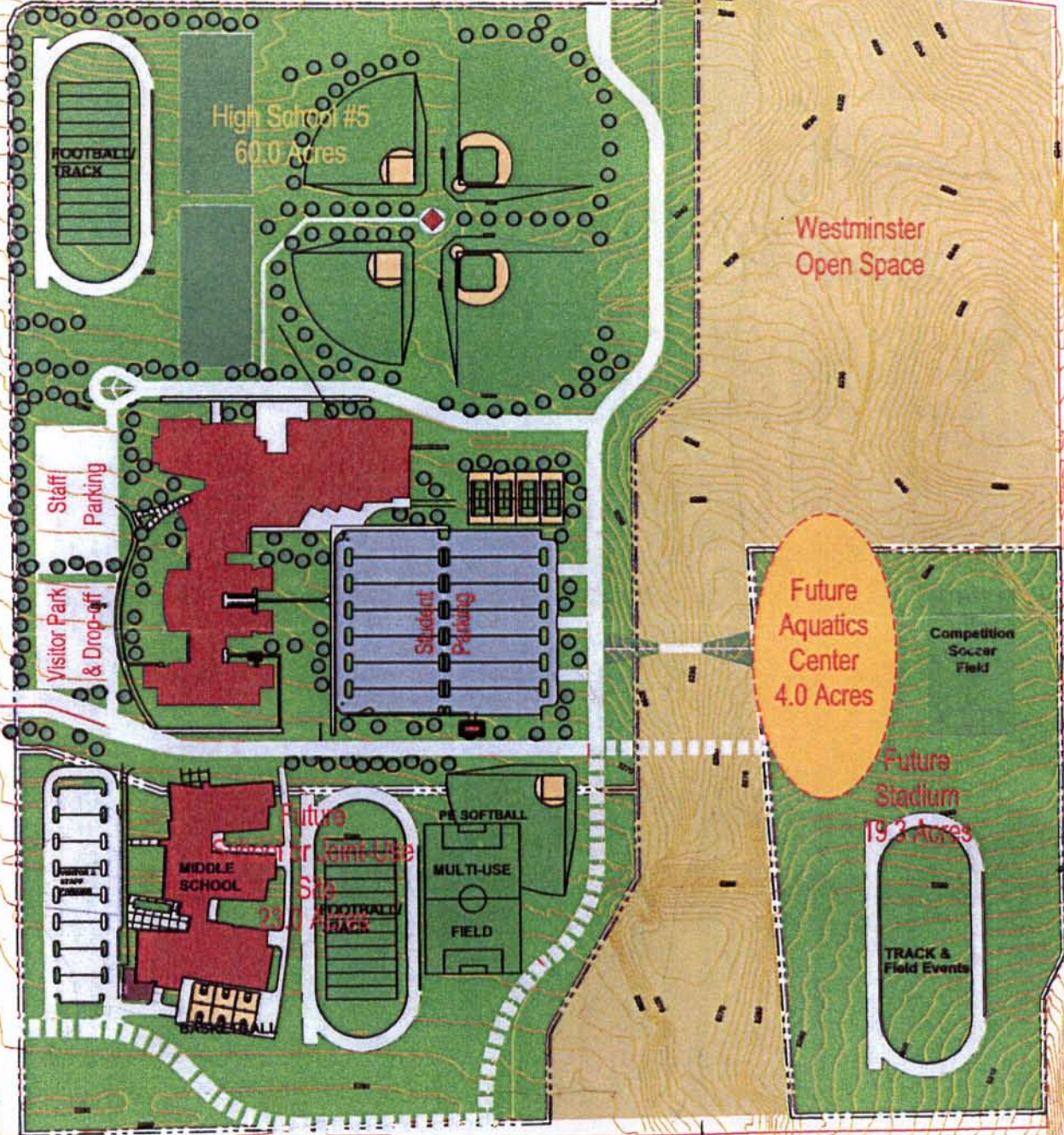
Future
Stadium
19.3 Acres

Future
Competition
Site
23.1 Acres

PE SOFTBALL
MULTI-USE
FIELD

TRACK &
Field Events

ADAMS TWELVE Five Star Schools
Proposed Site at 128th and Huron





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Construction Contract Award for the Big Dry Creek Wastewater Treatment Facility Renovation and Expansion Project

Prepared By: Kent W. Brugler, Senior Engineer, Public Works & Utilities
Abel Moreno, Capital Projects and Budget Manager
Jim Arndt, Director of Public Works & Utilities

Recommended City Council Action

Authorize the City Manager to execute a Guaranteed Maximum Price contract with Lillard & Clark Construction Company, Inc. in the amount of \$38,875,000, plus a project contingency of \$775,000, for the construction of the renovation and expansion of the Big Dry Creek Wastewater Treatment Facility for a total construction budget of \$39,650,000, and approve a list of additive alternates totaling \$630,000 that could be incorporated into the project pending the availability of funds within the total project budget of \$44,713,500.

Summary Statement

- Staff presented a project update to City Council at the July 18, 2005 Study Session and was directed to add the Recreational Vehicle (RV) Dump Station to the project recommendation for City Council Action.
- Based on City Council's direction, Staff has revised Lillard & Clark's Guaranteed Maximum Price in the recommended City Council Action to \$38,875,000 from \$38,750,000 as presented at the July 18 Study Session, to include the RV Dump Station.
- The City competitively selected Lillard & Clark Construction Co., Inc. as the Construction Manager/General Contractor for the project in July 2004, and they have been providing design phase services including constructability reviews, cost estimating, construction sequencing and value engineering.
- In order to achieve this acceptable construction value, staff diligently negotiated downward the costs as originally proposed by Lillard & Clark, as well as developed a list of recommended additive alternates to include in the project scope pending the availability of funds.
- Lillard & Clark's Guaranteed Maximum Price proposal has been independently reviewed by the City's owner's representative, Sorenson Engineering, Inc., and was determined to be reasonable and competitive for this work.
- At a later date, Staff will return to City Council for recommended action of contract modifications for engineering and owner's representative construction phase services due to the longer construction time needed than was previously identified in their respective scopes of work and to modify the current authorized budget by \$125,000 for the addition of the RV Dump Station.

Expenditure Required: \$39,650,000

Source of Funds: Utility Fund Capital Improvement Program-Big Dry Creek Wastewater Treatment Facility Expansion/Renovation

Policy Issue

Should the City enter into a Construction Manager/General Contractor Guaranteed Maximum Price contract with Lillard & Clark Construction Co., Inc. in the amount of \$38,875,000, and approve a list of additive alternates that could be included in the project scope pending the availability of funding?

Alternative

The City could choose to not approve this Guaranteed Maximum Price contract with Lillard & Clark, and instead put the project out for conventional bids. This is not recommended since it would delay the start of construction by approximately six months and likely result in higher project costs due to the volatile nature of the costs of materials and fuel in the current construction market.

Background Information

The Big Dry Creek Wastewater Treatment Facility is in need of renovation and expansion to accommodate increasing flows and organic loadings through build-out conditions, improve the efficiency and reliability of the treatment process, meet current and emerging regulatory discharge standards and replace aging equipment that has reached its useful life. The planning and design phases of this project have recently been completed, and construction is anticipated to begin in August.

Due to the size and complexity of the project, the construction manager/general contractor process was selected as the preferred method to complete the design and construction of the project. Under this process, an engineering firm is selected to complete the design of the project and a contractor, acting as the construction manager/general contractor, is competitively selected to provide design phase assistance including cost estimating, constructability reviews of the design, establishing the sequence of the work and conducting value engineering reviews. The construction manager/general contractor and the City then negotiate the Guaranteed Maximum Price for the construction of the project, based on the actual cost of the work and construction phase expenses and overhead and profit mark-ups that the construction manager/general contractor provided during the competitive selection process.

Camp, Dresser & McKee, Inc. was awarded the engineering design contract on July 14, 2003, and Lillard & Clark Construction Company, Inc. was awarded the construction manager/general contractor contract for design phase services only on July 26, 2004. City staff has negotiated the Guaranteed Maximum Price contract for construction services with Lillard & Clark, based on the fixed costs and mark-up fees competitively presented by Lillard & Clark in their construction manager/general contractor proposal. The total project costs, including all design, construction, inspection, project contingency, owner's representative services and other construction phase costs, are currently budgeted to be \$44,713,000, with the construction costs set at \$38,875,000. These costs are consistent with the 2005 Capital Improvement Program modifications as approved by City Council on May 23, 2005.

The initial construction Guaranteed Maximum Price proposal presented by Lillard & Clark totaled \$42,295,470. Since this cost exceeded the established construction budget of \$38,875,000 by 8.8%, staff diligently negotiated the cost of the work and the scope of the improvements with Lillard & Clark, resulting in a revised Guaranteed Maximum Price cost of \$38,875,000 that fits within the established budget. This cost has been independently reviewed by the City's Owner's Representative, Sorenson Engineering, Inc., and was determined to be reasonable and competitive for this work.

In addition to reductions in construction costs negotiated with Lillard & Clark, staff identified several items of work that could be removed from the scope of work and be completed at a later date or added back into the project if funds became available. The criteria used to evaluate the feasibility of removing these items of work included zero impact to plant capacity of treatment process, did not require significant redesign, provided substantial cost savings and ease of completing the work in the future.

The following is a list of improvements and their value that staff has recommended be removed from the base scope of work, and be approved as additive alternates should funds become available within the currently approved project budget.

<u>Scope Item</u>	<u>Construction Value</u>
1. Existing Water Quality Building Improvements	\$ 275,000
2. Existing Buildings Architectural Modifications	\$ 250,000
3. On-site Vehicle Wash Station	\$ 105,000
Total Additive Alternates	\$ 630,000

At the July 18, 2005 Study Session, City Council directed staff to remove the Recreational Vehicle Dump Station from the proposed additive alternate list and incorporate into the initial Guaranteed Maximum Price contract with Lillard & Clark. By making this change, the new proposed additive alternate list is valued at \$630,000.

At a future meeting, staff will present contract amendments for engineering and owner's representative construction phase services for approval to City Council. These amendments will be required due to the longer construction time needed than was previously identified in their respective scopes of work. Staff may also request that the project budget be increased by \$125,000 to \$44,838,000 from \$44,713,000 due to adding the RV Dump Station back into the project scope of work.

The funding for this project is comprised of a \$16,100,000 loan from the Colorado Water Resources and Power Development Authority, and cash funding from the City's Utility Capital Improvement Program.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Public Hearing and Action on Second Amended Preliminary and Official Development Plans for the Brentcross Shops

Prepared By: John H. Quinn, AICP, Planner II

Recommended City Council Action

Open the public hearing and continue the public hearing until August 8, 2005, to permit the Planning Commission to complete its hearing in this matter that was rescheduled from July 12 to July 26 due to an error in the Planning Commission hearing notice.

Summary Statement

- This commercial project is located at the northeast corner of W. 92nd Avenue and Wadsworth Parkway. The retail center was built in the mid 1980's.
- At present there are 14 tenants located in the center.
- This applicant proposes to add several uses to the list of allowed uses on the combined PDP/ODP for the Brentcross Shop Planned Unit Development (PUD).
- Adequate parking is available on the site. The proposed uses would occupy existing building space. No additions are proposed.
- This item will be brought back before City Council on August 8, 2005

Expenditure Required: \$0

Source of Funds: N/A

Planning Commission Recommendation

Due to the improper noticing of adjacent property owners, the Planning Commission opened the public hearing, took testimony from the applicant, and continued the hearing until July 26, 2005, to allow the adjacent property owners an opportunity to testify.

Policy Issue

Should the City approve the combined Preliminary and Official Development Plan within the Brentcross Shops Planned Unit Development?

Alternative

Recommend the City Council deny adding the uses of tattoo and body piercing to the combined Preliminary and Official Development Plan within the Brentcross Shops Planned Unit Development. Because the proposed amendment does not meet one or more of the standards contained in of Section 11-5-14 or 11-5-15 of the WMC.

Background Information

Applicant/Property Owner

Applicant:
Michael Shuger
Tribal Rites Inc.
1309 College Avenue
Boulder, CO 80302

Property Owner:
Carlo Saurini & Garret Giann
Care of Dutton Realty Company
1720 South Bellaire Street
Penthouse Suite
Denver, CO 80222

Overview

The applicant, Michael Shuger of Tribal Rights Inc. and the owners of the commercial center, Carlo Saurini and Garrett Giann, have requested an amendment to the combined Preliminary and Official Development Plan (PDP/ODP) for Brentcross Shops Planned Unit Development (PUD) to add "Tattoo and Body Piercing, retail jewelry and related dry good sales" to the list of permitted uses on the PDP/ODP.

The Comprehensive Land Use Plan states under the Retail Commercial land use designation that Tattoo parlors may be limited or prohibited depending on their proximity to residential neighborhoods, public, or quasi-public uses or for other reasons as determined by the City. This site is not immediately adjacent to any residential areas. However, the Covenant Village assisted living center is located across Wadsworth Parkway to the west.

Surrounding Land Use and Comprehensive Land Use Plan Designations

Development Name	Zoning	CLUP Designation	Use
North: Boulevard Plaza	PUD	Open Space	Open Space
East: State Farm Business Park	PUD	Office	Office
South: Westglenn Subdivision (across 92 nd Avenue)	PUD	Retail Commercial	Retail
West: (Across Wadsworth Pkwy) Covenant Village Assisted Living	PUD	R-18 Residential & Retail Commercial	Assisted Living & Retail

Site Plan Information

Access to the site is limited to a non-signalized curb cut on 92nd Avenue and a driveway connection to the east that provides access to Wadsworth Boulevard. The landscaping at the shopping center is minimal and much of the landscaping needs to be reinstalled. This will be a requirement of the shopping center owner whether the proposed amendment to the plan is approved or not.

Traffic and Transportation

No change in traffic with this proposal.

Service Commitment Category

This proposed use for the Brentcross Shops will not require any new Service Commitments. The Service Commitments established for this commercial center were established at the time of its construction in the mid 1980's.

Referral Agency Responses

The Fire Department is requiring that a 5-LB, ABC hand fire extinguisher be located in the shop. The exact location will be determined as part of the tenant finish plans as developed for building department approval.

Public Comments

To date Staff has received a phone call from the owner of the karate school and two letters from other leaseholders. The karate school owner was opposed to the tattoo and body piercing business being established in the center. His main concern was that he did not believe this use was a good influence on the children and that there would be people hanging out in the open area and disrupting the pedestrian traffic to his business. Letters were also received from the store manager of Mainstreet Portraits and the owner of Professional Hair Designs stating their opposition to the proposed uses being permitted to locate in the center. A letter from one Westminster citizen was received in opposition to the proposal. (Please see attached.) The applicant did send notices to all adjacent property owners and business operators in the shopping center of a Neighborhood Meeting that took place on June 20, 2005, at Semper Elementary School. The operators of both the 92nd Avenue Tavern and Ann Nails were present and listened to the presentation and had questions answered, and were in support of the proposed business.

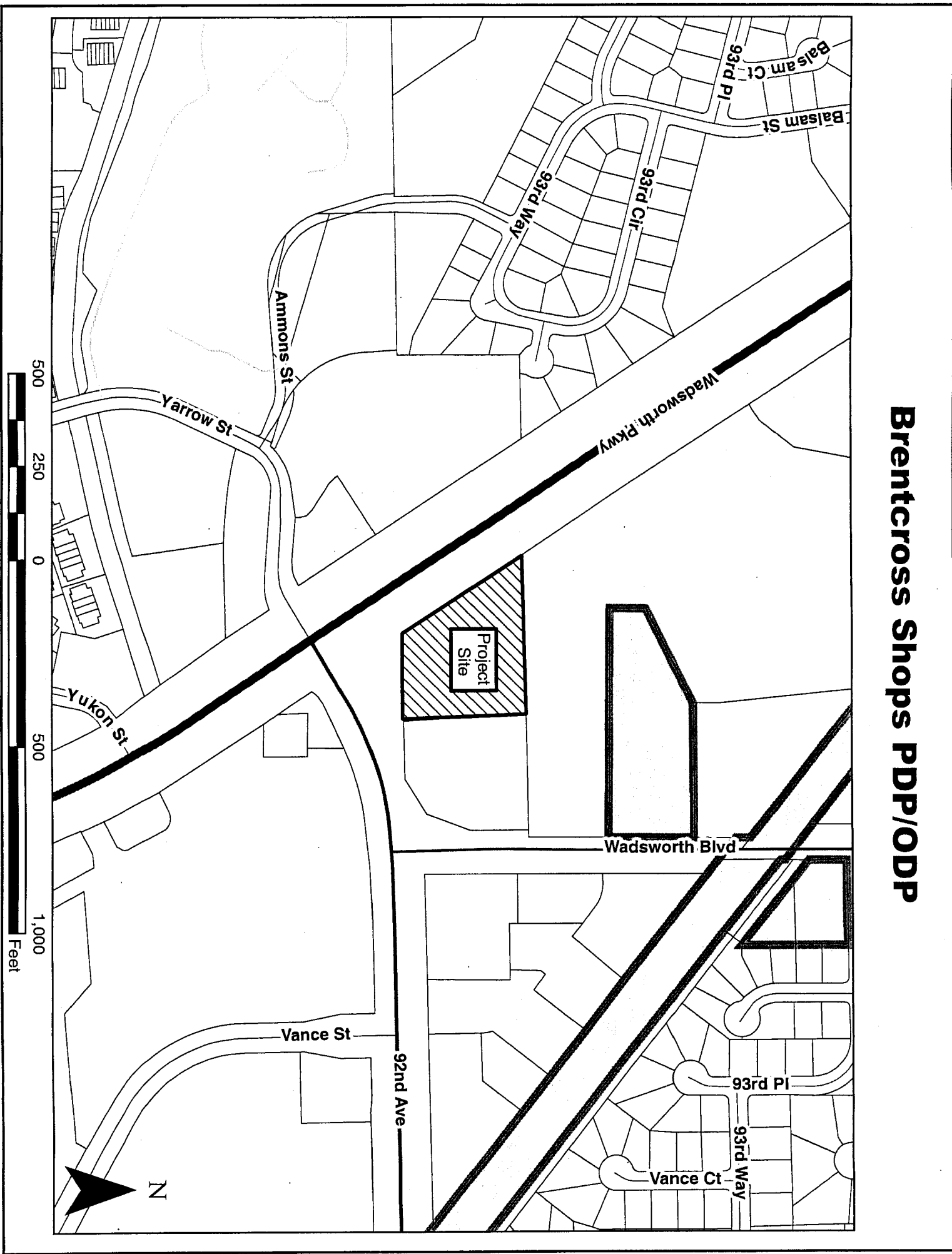
Respectfully submitted,

J. Brent McFall, City Manager

Attachments

- Vicinity Map
- Letter from Mainstreet Portraits
- Letter from Professional Hair Designs
- Citizen Letter (Marianne Williams)

Brentcross Shops PDP/ODP



MAIN STREET PORTRAITS

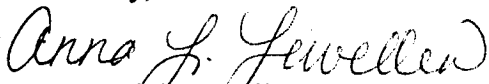
OFFICES:

1706 WASHINGTON AVENUE • ST. LOUIS, MO 63103
314-231-1575

To Whom It May Concern or Betty:

Hello, I am writing this letter to simply tell you that I am concerned about the realtors consideration of a peircing/tatoo parlor next door to our place of business. I am the store manager of Mainstreet Portraits which is the neighbor left of what is now the Cheshire Cat Hospital, these neighbors have been good to us and have also brought us business which is an added benefit. The owners/realtors of this strip mall seem to only care about the bottom line and not about companies and their business reputations. We are a place that has clients such as children, families, seniors, animals, and business people and would like for our customers to feel safe and happy about coming to our place of business. We feel that the realtors consistently challenge this by placing these types of businesses in our shopping center. We have had several occasions where drunks either from the liquor store or the tavern have harassed us, not just by calling to us when we are leaving but by actually coming in and talking with us while they are drunk! We had one occasion that we left the back door open slightly and a man from the tavern opened our back door and walked in through the back up to the front holding his car floor mat with vomit all over it and asked us if he could use our bathroom sink to wash it out. This is all happening while a 3 yr old little boy is standing there looking up at him afraid and alarmed as we all were! The mom was very upset that her son was next to this man and felt that he was in danger, this altercation hurt our business and our reputation! The liquor store is another issue it hightens crime risk and lowers the status of our shopping center. At this time I have to keep my store staffed with two employees at all times because of the safety risk when sometimes their is only a need for one employee to be here! I do not want to add to the shopping centers status decline by placing a tattoo/peircing parlor in the center, it is not a family centered establishment and I feel it would not only hurt business but highten the risk of working in this shopping center even more! Thank you for your time.

Sincerely,



Anna Leigh Lewellen
Store Manager
Mainstreet Portraits

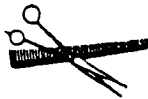
Denver Area Studios

North Metro
Brentcross Shops
92nd & Wadsworth
420-6547

South Metro
Quebec Village Center
Quebec & County Line Road
740-8088

Southwest Metro
Village West Center
Bellevue & Wadsworth
973-1288

Professional
Hair Designs



7703 W. 92nd Ave.
Westminster, CO 80020
(303) 424-6461

June 22, 2005

To Whom It May Concern:

I am the owner of Professional Hair Designs at 92nd and Wadsworth and I am concerned about the possibility of a body piercing parlor coming into our center.

We have researched Piercing and Tattoo Parlors and the closest are in Thornton and Boulder areas. There are approximately 30 in the metro area. This is according to the Dex Yellow Pages available on line. Frankly, I am surprised that the City of Westminster would consider one for our area.

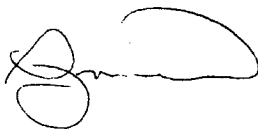
We have been in business at this location for 16 years. We were drawn to this location because of the fabulous view of the mountains and the quaintness of the center. The center has changed some over the years but *I believe* that we are all doing our best to keep our businesses a tune with the high standards of the City of Westminster.

It is my understanding that the demographics of the City of Westminster are basic working middle class citizens with a large focus on family. We have the best walking paths, ball fields, concerts in the parks and the best fireworks display in the world! As citizens we also have the best of dining, shopping and entertainment at our finger tips.

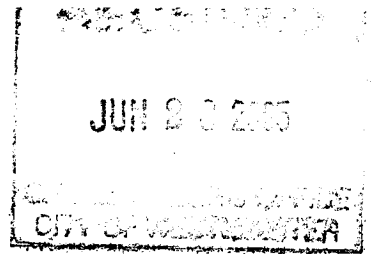
I am a native of Westminster and have witnessed our city planners create a beautiful city. I take great pride in keeping by business as proper as possible. My only hope is that the property owners will lease space to business that will help to promote my business and me theirs. When looking at centers around us we are envious of the planters at their front doors and the use of outdoor advertisements.

I trust that the city counsel members will take careful consideration into the approval of a Body Piercing Parlor in our fine city.

Sincerely,

Barbara 
Barbara Guzman

June 24, 2005
6981 W. 95th Ave.
Westminster, CO 80021



To Whom It May Concern:

I live very near the intersection of 92nd and Wadsworth Parkway where I am given to understand there is the possibility of a tattoo parlor being established. As this is a family oriented shoppette, with family type businesses, I do not feel a tattoo parlor is appropriate for this location. I would ask that you not approve this business for this location.

Thank you for your kind consideration of my request.

Marianne Williams

Marianne Williams



Agenda Item 10 C, D & E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Public Hearing and Action on a Comprehensive Land Use Plan Amendment and the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action:

1. Hold a public hearing
2. Pass Councillor’s Bill No. 34 on first reading amending the Comprehensive Land Use Plan (Plan) to change the existing land use on Lot 1 of Exhibit A from R-3.5 Residential (Up to 3.5 du/acre) to Office and to change the existing land use on Lot 2 of Exhibit A from R-3.5 Residential (Up to 3.5 du/acre) to City Owned Open Space. This recommendation is based on the finding that the proposed amendment will be in the public good, and that:
 - a. There is justification for the proposed change and the Plan is in need of revision as proposed;
 - b. The proposed amendments are in conformance with the overall purpose and intent and the goals and policies of the Plan;
 - c. The proposed amendments are compatible with existing and planned surrounding land uses; and
 - d. The proposed amendments would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
3. Approve the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2 contingent upon the CLUP amendment being adopted on second reading and conditional upon the satisfaction of tree mitigation requirements outlined in the *City of Westminster Landscape Regulations 2004 Edition* to the satisfaction of City Staff, and making the finding that the criteria set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code have been met.

Summary Statement:

- The site is located generally south of the unbuilt 74th Avenue alignment, east of Sheridan Boulevard and west of the Little Dry Creek.
- The 2004 Comprehensive Land Use Plan (Plan) designates the 3.44 acre site as R-3.5 Residential (up to 3.5 du/acre). The Plan amendment will allow Office use on .81 acres of the site and City open space use on 2.36 acres of the site. Tract A at .27 acres will be dedicated as right of way for Sheridan Boulevard.
- The existing PDP designates the site as “Residence Existing SFD Land Use to Remain Until Future Amendment.” The PDP amendment separates the site into three parcels shown as Lot 1, Lot 2 and Tract A on Exhibit A. The applicant, Dr. Spresser, owns Lot 1 which is .81 acres, and is proposed for office use. The City owns Lot 2 that is 2.36 acres and is proposed for open space uses. Tract A is .27 acres and will be dedicated for right of way for Sheridan Boulevard.
- Lot 1 contains an existing brick dwelling. The proposal is to convert the dwelling to office use with associated landscaping, parking, signage and exterior renovations. One existing full turn access to Sheridan Boulevard will be retained. The other access will be closed.
- Lot 2 contains a small framed house and two outbuildings and these will be removed and the site will be used as open space. An existing access to Sheridan Boulevard will be retained.

Expenditure Required: \$0
Source of Funds: N/A

Planning Commission Recommendation

The Planning Commission reviewed this request on July 12, 2005, and voted 7-0 to recommend that the City Council approve the proposed Comprehensive Land Use Plan amendment of the Crystal Lake Planned Unit Development.

The Commission also recommended with a 7-0 vote approval of an amendment to the Preliminary Development Plan (PDP) for Crystal Lake Planned Unit Development (PUD) and Official Development Plan (ODP) for Crystal Lake Filing No. 2 to separate an existing 3.44 acre parcel into three sub parcels to be known as Lot 1 (.81 acres) for office use, Lot 2 (2.36 acres) for open space use, and Tract A (.27 acres) public right of way for Sheridan Boulevard. This recommendation by the Planning Commission did not include the condition recommended by City Staff for approval “conditional upon the satisfaction of tree mitigation requirements outlined in the *City of Westminster Landscape Regulations 2004 Edition* to the satisfaction of City Staff.”

Policy Issues

1. Should the City approve a Comprehensive Land Use Plan amendment for a 3.17 acre parcel located within the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake PUD and Official Development Plan (ODP) for Crystal Lake Filing No. 2 as proposed?
2. Should the City approve the Preliminary and Official Development Plans for the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake PUD and Official Development Plan (ODP) for Crystal Lake Filing No. 2 based upon a finding that the criteria set forth in Sections 11-5-14 and 11-5-15 of the WMC have been considered and/or met?

Alternatives

1. Deny Councillor’s Bill No. 34 on first reading amending the Comprehensive Land Use Plan (Plan) to change the existing land use on Lot 1 of Exhibit A from R-3.5 Residential (up to 3.5 du/acre) to Office and to change the existing land use on Lot 2 of Exhibit A from R-3.5 Residential *up to 3.5 du/acre) to City Owned Open Space. This alternative would need to be based on a finding that the proposed amendment is not in the public good, and that the proposed amendments are not in compliance with one or more of the following criteria:
 - a) There is justification for the proposed change and the Plan is in need of revision as proposed;
 - b) The proposed amendments are in conformance with the overall purpose and intent and the goals and policies of the Plan;
 - c) The proposed amendments are compatible with existing and planned surrounding land uses; and
 - d) The proposed amendments would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.
2. Deny the Fourth Amended Preliminary Development Plan (PDP) for Crystal Lake PUD and Official Development Plan (ODP) for Crystal Lake Filing No. 2 based upon the failure to meet one or more of the criteria contained in Sections 11-5-14 and 11-5-15 of the Westminster Municipal Code.

Background Information

Applicant/Property Owner
Dr. Ken Spresser, DC
7878 Wadsworth Boulevard #301
Arvada, Colorado 80003

Overview

The subject property is approximately 3.44 acres in size and consists of three parcels. The applicant has proposed to renovate the existing single family home into a chiropractic office on the .81 acre parcel shown as Lot 1. The City owns the 2.36 acres shown as Lot 2 and proposes to amend the Plan to City Owned Open Space. The third parcel is .27 acres and is shown as Tract A and will be dedicated as future right of way for Sheridan Boulevard. Tract A is not included in the Plan amendment because the City does not designate land use for arterial roadways within the City.

The Westminster Municipal Code requires the owner of the property requesting an amendment to the Comprehensive Land Use Plan to prove the amendment is in the public good and in overall compliance with the purpose and intent of the Comprehensive Land Use Plan (CLUP). Further, the CLUP provides 4 criteria to be used when considering a CLUP amendment. Staff has reviewed these criteria and has provided the following comments on each.

1. The proposed must, “Demonstrate that there is justification for the proposed change, and that the Plan is in need of revision as proposed.” In March of 2004, the Westminster Economic Development Authority (WEDA) approved the South Sheridan Reinvestment Plan. The proposed chiropractor office and open space will help to address many of the Plans’ objectives including; renovate or redevelop the deteriorated and/or outdated retail, manufacturing, and office buildings, and; assemble vacant and developed parcels as needed to facilitate redevelopment. The proposed development is consistent with these objectives and therefore there is justification for the proposed changes to the CLUP.
2. The proposed amendment must, “Be in conformance with the overall purpose, intent, goals, and policies of the Plan.” Applicable goals are stated in Section III of the Community Goals and Policies section of the Plan. They include:
 - **Goal A2** - Retain areas for commercial and industrial developments as significant revenue or employment generators on the remaining developable land.
 - **Goal D1** - Preserve, maintain, and improve a variety of shopping facilities offering all necessary goods and services to community residents and businesses.
 - **Goal D4** - Continue to enhance the viability and appearance of older commercial areas in South Westminster.
 - **Goal E1** – Increase employment opportunities through the development of easily accessible, well-designed and planned light industrial, office, research, and other employment centers.
 - **Goal F1** - Continue to promote redevelopment of targeted areas as a pathway to economic revitalization and improved physical conditions.
 - **Policy F1a** - Promote redevelopment in targeted areas, including Westminster Center, 72nd/Sheridan area, 80th and Sheridan, Holly Park, the Federal Boulevard Corridor, Mandalay, and South Westminster (72nd/Federal/Lowell).
 - **Goal H2** – Preserve the unique visual character of Westminster.
 - **Goal H4** – Enhance the City’s open system to preserve and protect natural areas, vistas and view corridors, and to complete the open space and trail system.
 - **Goal H5** – 15 percent of the City’s land area should be conserved as natural open space.
 - **Goal J6** – New development shall incorporate water conservation measures in accordance with the City of Westminster Landscape Regulations, 2004 Edition

Based upon these goals and policies, staff has found this proposed amendment to be in conformance with the overall purpose, intent, goals, and policies of the Plan.

3. The proposal must, “Be compatible with existing and surrounding land uses.” The property is bordered on the south by a 6.6 acre parcel known as the DePalma Office Park and is designated by the Plan for Business Park use. A single story home is the current use of the DePalma property. Lot 2, as open space will provide a view corridor from Sheridan Boulevard into the existing Little Dry Creek open space, trail and park areas east of the site. A portion of Lot 2 provides additional open space and buffering between the proposed office on Lot 1 and the existing Little Dry Creek open space, trail and park areas east of Lot 2. The land to the north of Lot 1 is vacant, but is designated as Office use in the Plan, the same use proposed for Lot 1. West of Sheridan Boulevard is single family residential use in the City of Westminster. Access to the site is restricted to Sheridan Boulevard and will not promote traffic through neighborhoods.

4. The proposal must, “Not result in detrimental impacts to the City’s existing or planned infrastructure or provide measures to mitigate such impacts to the satisfaction of the City.” There will be minimal impact to traffic on Sheridan Boulevard. As part of the mitigation, the PDP/ODP states that a portion of Sheridan Boulevard along the frontage of Lot 1 and Lot 2 will be widened to a full lane. Land for additional widening of Sheridan Boulevard is shown as Tract A and will be dedicated as right of way with a future plat.

Surrounding Land Use and Comprehensive Land Use Plan Designation

	Current Land Use	Zoning	CLUP Designation
North	Vacant	PUD	Office
South	Single Family Residential	PUD	Business Park
East	Public Park	PUD	Public Park
West	Single Family Residential across Sheridan Boulevard	PUD	R-3.5 Residential

Site Plan Information

The following site plan information provides a few examples of how the proposed plan complies with the City land development regulations and guidelines; and the criteria contained in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code.

Three parcels are proposed with this amendment. Lot 1 at .81 acres contains a single story brick dwelling and several outbuildings. Lot 2 at 2.36 acres contains a small frame dwelling and two outbuildings. The City purchased Lot 2 for use as a passive open space area. On June 27, 2005 the City Council approved a contract for Lot 2 to remove the buildings and fences and to grade and seed the site where the soil has been disturbed. No new buildings are proposed.

The single story brick dwelling on Lot 1 is proposed to be remodeled for an office use. All existing outbuildings will also be removed. New windows are proposed to enclose the overhead garage door and the open porch on the Sheridan Boulevard side. The existing screened porch on the rear will also be enclosed with similar windows. Access to the first floor of the office will be available from the Sheridan Boulevard side and from the east side adjacent to parking areas. A basement with ground level access at the east side of the building is proposed to be excavated for additional office area. Landscaping proposed on all sides of the building complies with the City Landscape Guidelines. The existing wood roof has deteriorated and will be replaced with an architectural profile asphalt shingle. Parking will be available for 35 cars on the east and south of the existing building. A handicap space near the front entrance on Sheridan Boulevard encroaches into the required 25 foot landscape area. Staff supported this encroachment because it is a reasonably flat area near the main building entrance. Other locations for handicap parking are near the main entrance and have a much steeper grade.

Traffic and Transportation

There are three existing driveway locations along Sheridan Boulevard. Two of the driveways serve the existing dwelling that will be converted to office use on Lot 1. The more northerly of these two driveways will be closed and the more southerly driveway will remain and provide the single access to the parking lot of the proposed office on Lot 1. The third driveway provides access to the open space on Lot 2. The dwelling and related outbuildings will be removed in the near future and Lot 2 will be reseeded to a native grass. The driveway access to Lot 2 will continue to be available, but is anticipated to be used infrequently for maintenance vehicles. The Colorado Department of Transportation (CDOT) has reviewed the site plan and has accepted the proposed accesses to the site.

The existing right turn lane for northbound traffic on Sheridan Boulevard to 75th Avenue will be extended along most of the frontage of Lot 1 to the more southerly driveway location of Lot 1. Additional right of way for another drive lane is being dedicated for a future widening of Sheridan Boulevard. This additional right of way is approximately 43 feet deep along the 200 feet of frontage of Lot 1 and 20 feet deep along the 130 feet frontage of Lot 2. CDOT has reviewed the site plan and has approved the proposed additional right of way dedication.

Referral Agency Responses

The City Fire Department reviewed the site plan and all issues have been addressed per their review.

The City's Parks and Open Space Divisions have reviewed the proposed site plan and all issues have been resolved. Necessary easements for temporary construction encroachments, grading and drainage have been discussed and notes to address these issues are shown on the site plans.

Tree Mitigation

The City's Landscape Ordinance promotes the preservation of healthy trees on proposed development sites and requires mitigation for trees that are removed. As a deferent to the removal of trees, the Code states that trees are to be replaced on a 2:1 caliper-inch ratio. The City does have a cash-in-lieu policy in place for situations where the required number of trees mitigated exceeds allowable space on the site. The Planning Divisions Landscape Architect has coordinated mitigation for the trees and has reviewed the proposed landscape plans. At this time the applicant has not agreed to the mitigation for the trees that were removed.

The application for the change to office use was made in May 2004. At that time the site had been vacant and poorly maintained for an estimated two years. In June 2004 the first concept ODP amendment was being reviewed by the City and without notice to the City, seven large healthy trees were removed from the site. There was not an opportunity for the City to evaluate adjustments to the proposed site plan to preserve any of the trees. Because the plan includes saving the existing structure, allowances could have been made for all of the trees to remain and no mitigation measures would have therefore been necessary.

When trees are proposed to be removed from a site, the City Forester and the Landscape Architect in the Planning Department do an on-site tree survey to determine the species, measure the caliper inch of the trees, evaluate the quality and condition of the trees and note the location of the trees on the site. The trees removed from this site were cut without notice and the assessment of the trees was done using the stumps as the basis for the evaluation. Because the stump for the large apple tree had been removed and could not be evaluated, the removal of that tree has not been included in the analysis below.

The following chart is an estimate of the trees sizes, condition, species and location.

Species of Tree	Size in Caliper Inch	Location	Quality
Apple	Not counted	west	good
Ash 1	14 inch	south	good
Ash 2	18 inch	south	good
Ash 3	16 inch	south	good
Honey Locust	10 inch	east	good
Silver Maple 1	20 inch	west	good
Silver Maple 2	17 inch	south	good
Russian Olive	Not counted (19")	east	poor
	95 inch total		

For 95 caliper inches removed, 190 inches of mitigation are required. For 190 inches of 2-inch caliper trees, 95 trees are required. At \$300 per tree (includes cost of the tree and installation), the total mitigation cost is \$28,500. A cash-in-lieu payment is accepted and placed in a fund for tree replacement on public sites throughout the City.

The proposed landscape plans meet the minimum tree quantities and caliper size for the required landscaping for office developments. However, the mitigation is required *in addition to* required landscape improvements. The mitigation cost is a large burden for a small site so the City has agreed to consider the site as a residential use. For residential uses, a minimum of two trees are required for lots over 10,000 square feet, so mitigation for at least two of the trees that were removed is needed. The City has agreed to base the mitigation on the two smallest trees that were removed. One tree was 10 inches at the base and the other tree was 14 inches at the base for a total of 24 inches. Per the *City of Westminster Landscape Regulations 2004 Edition* the 24 inches removed are to be replaced on a 2 to 1 ratio for a total of 48 inches of trees to be mitigated. There are two options available. One is to install on the property 24 trees of 2-inch caliper size. The City does not support this option because there are sufficient new trees on the proposed landscape plan for this site. The other option is to provide cash-in-lieu in the amount of \$7,200. The \$7,200 for 24 trees assumes that an average cost of a 2-inch tree plus installation is \$300 per tree. This option is recommended by City Staff for the following reasons:

- 1) There were other healthy trees cut at the site and the mitigation is based on the existing residential use, not an office use. If the mitigation had been based on an office use, then the mitigation would have been \$28,500 which is substantially more than the proposed \$7,200 amount.
- 2) The Westminster Landscape Regulations encourage quality landscaping for all sites in the City. Over planting a site diminishes the quality over the long term. Adding more trees to crowd this site adjacent to a City owned open space area with few or no trees would be too much of a landscape contrast.
- 3) With the \$7,200 in a designated tree mitigation fund, the City has the discretion to use the funds for tree replacement throughout the City where needed most.

Some examples of mitigation efforts at other projects follow:

- 1) Wal-Mart at 136th Avenue - mitigation for 444" of existing trees were met by adding trees and increasing the caliper inches of some trees.
- 2) St. Anthony’s Hospital – 30” in evergreen trees and 39" in deciduous trees were mitigated with the addition of more trees to the plan.
- 3) Harris Park Townhomes - 54" of existing trees were mitigated by cash-in-lieu to the City of Westminster.
- 4) Centex Homes/Westfield PUD - 183 existing trees are being preserved.

SUBJECT: Crystal Lake Filing No. 2 Amendments

Page 7

Public Comments

A neighborhood meeting was held on October 26, 2004, and no members of the public attended. Staff has not received any inquiries on this site.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Comprehensive Land Use Plan Ordinance
- Vicinity Map
- Comprehensive Land Use Plan Map (Exhibit A)

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2005

COUNCILLOR'S BILL NO. **34**
INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owners of the properties described in Exhibit A, attached hereto and incorporated herein by reference, requesting a change in the land use designations from "R-3.5 Residential" to "Office" for the approximately 0.81 acre property at 7490 Sheridan Boulevard shown as Lot 1 on Exhibit A, and a change from "R-3.5 Residential" to "City Owned Open Space" for the approximately 2.36 acres located at 7480 Sheridan Boulevard shown as Lot 2 on Exhibit A.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on July 12, 2005, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly its policies on redevelopment and economic revitalization.

Section 2. The City Council approves the requested amendments and authorizes City staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designations of the properties described in attached Exhibit A to "Office" and "City Owned Open Space."

Section 3. Severability: If any section, paragraph, clause, word or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. 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.

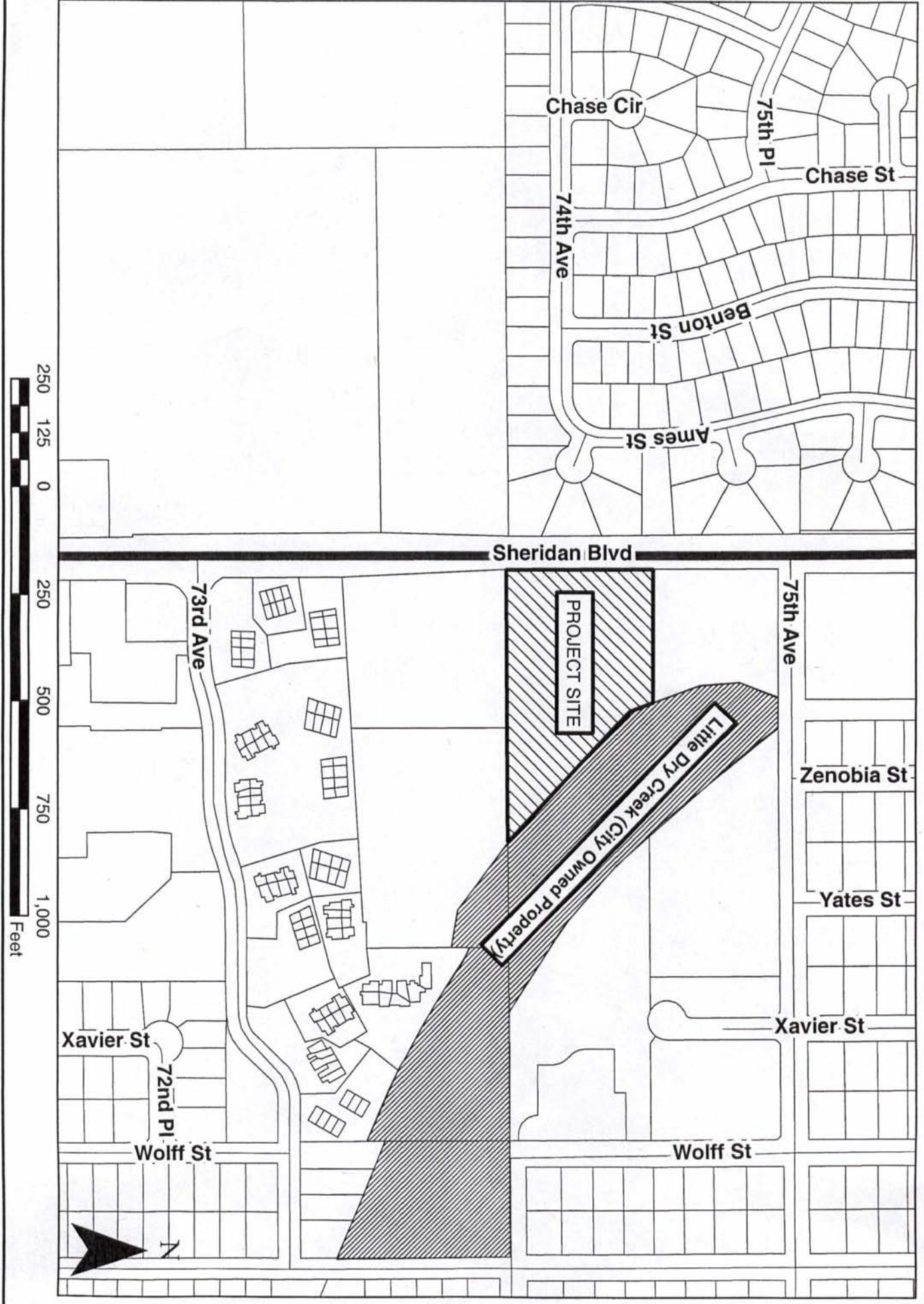
INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th of July, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of August, 2005.

ATTEST:

City Clerk

Mayor

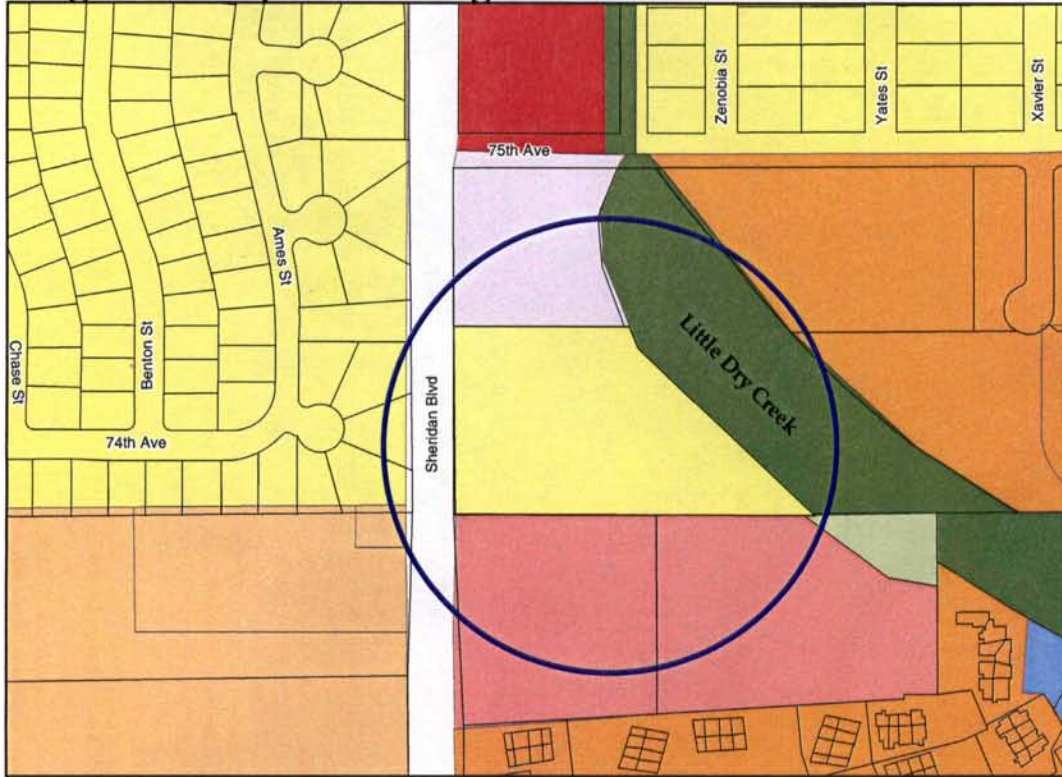
4th Amended PDP/ODP Crystal Lake Filing 2



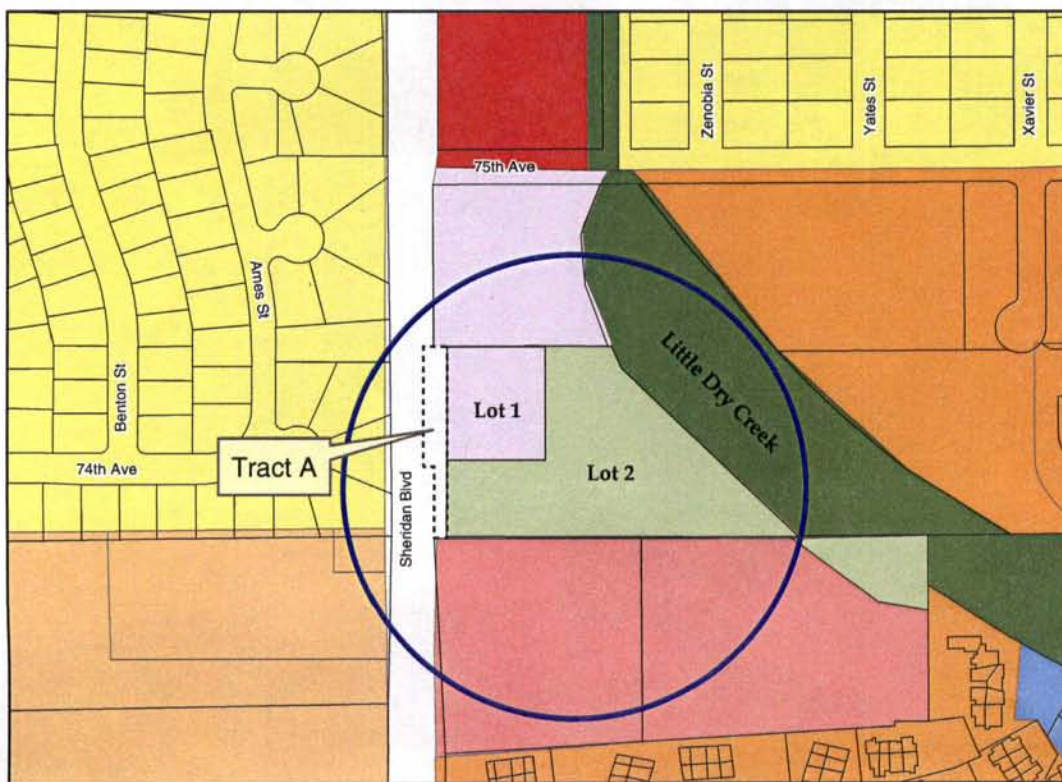
Crystal Lakes Filing 2 CLUP Amendment

Exhibit A

Original Comp Plan Designation



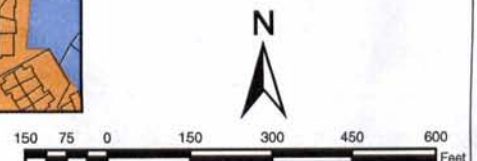
Proposed Comp Plan Designation



Description of Changes:

Property is currently designated R-3.5 Residential. Proposed designation is to create two lots, Lot 1 is to Office, Lot 2 is City Owned Open Space.

Tract A will be dedicated as Right-of-Way for Sheridan Blvd.





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Councillor's Bill No. 35 re McKay Lake Fishing Improvements

Prepared By: Brad Chronowski, Landscape Architect II

Recommended City Council Action

Pass Councillor's Bill No. 35 on first reading authorizing a supplemental appropriation in the amount of \$76,000 reflecting the City's receipt of a Fishing is Fun Grant, administered by the Colorado Division of Wildlife (DOW).

Summary Statement

- This project will provide accessible fishing to anglers of all ages and abilities on a lake with a fluctuating water elevation.
- On April 12, 2004, City Council authorized staff to pursue the grant funding with Fishing is Fun for McKay Lake in the amount of \$80,000
- On June 17, 2004, Staff was notified by the DOW of our conditional award of \$76,000. The conditions related to the approval from the United States Fish and Wildlife Service, which has been obtained.
- In June 2005, Staff received approved contracts from the DOW. The contracts have been reviewed by the City Attorney and signed by the City Manager.
- The project budget, including engineering design, is \$115,000.
- The City's responsibility is valued at \$39,000, including in-kind services valued at \$10,000, totaling 34% of the project cost.
- Funds are available in the Capital Improvements Trails Development budget to cover the City's cash match of \$29,000.

Expenditure Required: \$76,000

Source of Funds: General Capital Improvement Funds - Trails Development

Policy Issue

Should the City continue with fishing improvements at McKay Lake?

Alternative

City Council could choose not to continue with the fishing improvements at McKay Lake. Staff would not recommend this alternative as the City would forfeit \$76,000 in grant funding for this desirable and highly-supported improvement. Current funding levels would not allow the City to pursue this project without grant assistance.

Background Information

The current level of improvements at McKay Lake consists of one small parking lot and a partial informal trail system, both dedicated to pedestrian use of the facility. The parking lot on the north side of the lake will remain intact, but only offers adequate parking for five to six vehicles. The lake is utilized by hikers and fisherman but it is not accessible to users of variable abilities.

The Department of Parks, Recreation and Libraries intends to construct a trail around the lake in the future. Funds have not been budgeted for the entire trail and the alignment has not been determined due to the dam reconstruction project. Staff has been working with the residents and is close to an agreement on a trail alignment. Proper resources, however, do exist in the Capital Improvements Trails Development budget to fund this Fishing is Fun project.

The prospect of a Fishing is Fun Grant would allow the City to improve the service level at McKay Lake by adding accessible parking, trails and floating pier. This project will be incorporated into the on-going McKay Lake Area Master Plan that is being developed in cooperation with the City and County of Broomfield. The fishing access will connect to the future lakeshore trail.

The project description includes the following amenities: accessible gravel trail, two ditch crossings, accessible boardwalk, floating fishing pier, parking lot expansion and site furniture. The project budget is \$115,000, including engineering and design.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **35**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$76,000, which when added to the fund balance as of the City Council action on July 25, 2005, will equal \$26,567,597. 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. The appropriation is due to the receipt of a Fishing is Fun Grant from the Colorado Division of Wildlife.

Section 2. The \$76,000 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	7501.40620.0000	\$0	<u>\$76,000</u>	\$76,000
Total Change to Revenues			<u>\$76,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Trails Development	80175050135.80400.8888	\$512,425	<u>\$76,000</u>	\$588,425
Total Change to Expenses			<u>\$76,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 25th day of July, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of August, 2005.

ATTEST:

City Clerk

Mayor

McKay Lake Fishing Improvements

Site Plan

Overall Plan



Fishing Improvements Plan





WESTMINSTER
COLORADO

Agenda Item 10 G

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Councillor's Bill No. 36 re Expanding the Time for Making a Jury Demand in Municipal Court

Prepared By: Martin R. McCullough, City Attorney
Carol Barnhardt, Court Administrator

Recommended City Council Action

Pass Councillor's Bill No. 36 on first reading to expand the time for making a jury demand in Municipal Court from 10 days to 20 days, as a result of recent changes to state law concerning jury demands in municipal courts.

Summary Statement

- In the last legislative session, Senate Bill 05-138 was adopted, making a number of minor procedural changes to the state's rules of criminal procedures in municipal courts.
- As a result, it is necessary to conform the City's Municipal Code to the recent change in state law.
- The change consists of giving a defendant charged with a criminal violation of a municipal code or ordinance provision 20 days, instead of the previous 10 days, to demand a trial by jury.
- At the same time, Staff is proposing another minor amendment to delete the current requirement that the jury fee be paid at the same time that the jury demand is filed. In practice, the two may be received at different times, as long as both are received within the 20-day deadline (as proposed) for perfecting a jury demand.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City conform its Municipal Code to recent state law regarding the making of jury demands?

Alternative

The City could elect to not adopt the proposed ordinance, which would make the Municipal Code inconsistent with state law concerning the time by which a defendant may make a demand for a trial by jury. This is not recommended since our Municipal Court follows state law when it comes to basic rules of criminal procedure in our Municipal Court.

Background Information

In 2005, the General Assembly passed a number of bills, including Senate Bill 05-138, making a number of minor amendments to the state's criminal procedures rules. The only change requiring attention by the City is the change extending the time frame that a defendant has to make a jury demand from 10 days to 20 days. Staff is also recommending that the City Code provisions regarding jury demands be clarified to provide that the jury fee does not have to be tendered at the same time as the jury demand, as long as both are received within the 20-day time period. The proposed change has been reviewed by Presiding Judge Stipech and Associate Judge Basso, as well as our Court Administrator, Carol Barnhardt, who all agree that this is an appropriate and necessary amendment to the City Code.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **36**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING TIME FOR JURY DEMAND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-22-10, W.M.C., is hereby AMENDED to read as follows:

1-22-10: JURY DEMAND: Any defendant charged with a criminal violation of a code or ordinance provision shall have the right to a trial by jury if, within ~~ten~~ TWENTY (20) days after arraignment or entry of a plea, such defendant files with the court a written jury demand and ~~at the same time~~ tenders to the court a jury fee of \$25, unless the fee is waived by the court because of the indigence of a defendant.

Section 2. This ordinance shall take effect August 1, 2005.

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 25th day of July, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of August, 2005.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Councillor’s Bill No. 37 re 2005 2nd Quarter Budget Supplemental Appropriation
Prepared By: Karen Creager, Accountant

Recommended City Council Action

Pass Councillor’s Bill No. 37 on first reading providing for supplementary appropriations to the 2005 budget of the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service 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 2005 2nd quarter supplemental appropriation.
- General Fund amendments:
 - \$2,760 Library donation
 - \$14,990 Community sponsorships
 - \$1,500 K-9 program donation
 - \$4,471 Police Department overtime reimbursements
 - \$1,425 Police Department training reimbursement
 - \$2,160 Recycling old wire revenue
- Utility Fund amendments:
 - \$16,109,000 Loan proceeds for Big Dry Creek Wastewater Treatment Plant improvements
- Golf Course Fund amendments:
 - \$20,000 Security deposits
- Open Space Fund amendments:
 - \$194,776 Sale of assets
- General Capital Improvement Fund amendments:
 - \$1,500,060 Westfield Village park contribution from Adams County grant and Hyland Hills bond issue
 - \$54,500 State of Colorado grants
 - \$1,054,981 McKay Lake developer contributions
 - (\$1,866,817) 2005 Certificates of Participation (COPs) appropriation correction
- Debt Service Fund amendments:
 - \$385,000 Shaw Heights Special assessment
- This quarterly supplemental appropriation is larger than usual due mainly to the finalization of the Big Dry Creek Loan with the Colorado Water and Power Development Authority. This item and the other items listed above are discussed further in the background section of this agenda memorandum.

Expenditure Required: \$17,478,806

Source of Funds: The funding sources for these expenditures include, donations, reimbursements, grants, proceeds from the sale of an asset, security deposits, contributions, assessment and recycling revenue.

Policy Issue

Does City Council support amending the appropriations for the 2005 budget of the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service Funds?

Alternative

The alternative would be not to amend the 2005 budget appropriations for the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred these expenses and covered them in their current budget in anticipation of receipt of the funds.

Background Information

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

The Friends of the Westminster Library donated \$2,760 to the Libraries' Summer Reading Program to purchase books as prizes for this program. (General Fund)

Funds were received as a result of former City Manager Bill Christopher's retirement activities. These funds included sponsorships for the farewell party and the commemorative statute now located at Christopher Ballfields. There are excess funds in the amount of \$14,990 from these sponsorships that have not been receipted into revenue. Staff requests that the funds now be receipted as revenue and appropriated so the funds can be used to repair the bells in the bell tower at City Hall (\$1,585) and the balance (\$13,405) to be transferred to Park's Community Enhancement Capital Project to be used for repair and maintenance of artwork throughout City facilities. (General Fund)

Over the last couple of years, Wal-Mart Corporation has made donations to various City programs such as the literacy program and the open space volunteer program. Recently, the Police Department received a \$1,500 donation from Wal-Mart toward K-9 program expenses such as collars, leashes, etc. (General Fund)

The Police Department (PD) received \$926 from the City of Thornton on behalf of the North Metro Drug Task Force, and \$3,545 from the City of Lakewood on behalf of the West Metro Drug Task Force for High Intensity Drug Trafficking Area (HIDTA) investigations overtime reimbursements. These reimbursements were for overtime incurred by members of the Police Department while working on Federal HIDTA cases. (General Fund)

The PD received \$1,425 from the E-911 Authority as a reimbursement for costs incurred for dispatcher training. (General Fund)

Building Operations and Maintenance received \$2,160 from Rocky Mountain Recycling for the recycle of old wiring pulled from beneath the ground at the MSC facility during repair work. The funds will be used to offset the cost of the emergency, unbudgeted expense of the repair project. (General Fund)

On April 11, 2005 Council approved the issuance of bonds of approximately \$16,000,000 through the Colorado Water Resources and Power Development Authority for construction of Big Dry Creek Wastewater Treatment Plant improvements. At that time, the amount of the bond issue attributable to the City of Westminster was an estimate. Now that CWPA has issued the bonds, the final amount of the bonds attributable to the City, along with corresponding costs of issuance, is known (\$16,109,000) and can now be appropriated to the Big Dry Creek Wastewater Treatment Facility upgrade and expansion project. (Utility Fund)

The two previous concessionaires at the City's golf courses made deposits of \$5,000 per course as part of their concessionaire contract. During 2005, the concessionaire contract with Sinks Links, LLC was terminated due to a breach of contract regarding payment of sales tax monies owed to the City. Therefore, Sinks Links forfeited their security deposit as did the previous concessionaire, Evergreen Alliance, at the end of their contract. The forfeited security deposits were used for repairs to the restaurant facilities that were needed prior to the new concessionaire setting up their business. (Golf Course)

On April 11, 2005 Council authorized the sale of an open space parcel at W. 120th and Lowell Boulevard for \$194,776; however, an ordinance to appropriate the funds was not included with the agenda memo. These funds are now being appropriated to the open space land purchases account for future open space purchases. (Open Space)

On May 9, 2005, Council authorized the Westfield Village Park construction contract. Westfield Village is a joint project between Hyland Hills and the City of Westminster. Part of the funding for this park comes from bonds issued by Hyland Hills Park and Recreation District, as well as, a portion of a grant issued by Adams County to Hyland Hills. The bond portion is \$900,000 and the grant portion is \$600,060. The funds are now being appropriated to the Westfield Village Park capital project. (General Capital Improvement Fund)

Community Development received two grants totally \$54,500 from the State of Colorado, State Historical Society. One grant of \$50,500 will be used for the Westminster Grange Hall exterior restoration project. The other grant of \$4,000 will be used for an archeological assessment of vacant land northwest of West 73rd and Orchard Court. The total amount of the grant is \$10,000. The balance of the grant will be received and appropriated once the research report is final. (General Capital Improvement Fund)

On May 23, 2005 Council approved an agreement with the Foster Family heirs and Armstrong Westminster 136th LLC. The Foster Family property is located on the northeast corner of 136th Avenue and I-25 and is affected by storm water sheet flow flooding. The long term and complicated drainage issues could stymie future development of properties along the I-25 corridor if not resolved. The agreement for the drainage improvements calls for payments of \$500,000 from Armstrong Development and \$554,982 from the Foster Family. These funds are now being appropriated to the McKay Drainageway Improvement project. (General Capital Improvement Fund)

On May 23, 2005 Council authorized and appropriated the proceeds from the 2005 Certificates of Participation issue for the 144th Interchange project. The amount in the appropriation ordinance needs to be adjusted to take out the following items including the premium, discount, capitalized interest, etc. which will be recorded in the Building Authority. Therefore, the appropriation is reduced by \$1,866,817. (General Capital Improvement Fund)

The Westminster Mall has been making assessment payments for their share of the 1987 Shaw Heights Basin Special Improvement District Bonds since 1988. The assessments were scheduled to be paid off in 2007. However, in March, the Westminster Mall opted to pay-off the outstanding balance of the assessments totaling \$596,625, including accrued interest. With this pre-payment, the City was required to call the balance of the bonds and pay-off the bond issue early. Appropriation of the \$385,000 pre-paid assessment is needed to cover the additional principal paid with the final bond call. (Debt Service 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.

COUNCILLOR'S BILL NO. **37**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, UTILITY, GOLF COURSE, OPEN SPACE, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$27,306 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$85,318,991. 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 various donations, sponsorships and reimbursements.

Section 2. The \$27,306 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
Contributions	1000.43100.0000	\$5,500	\$19,250	\$24,750
Grants	1000.40610.0000	0	4,471	4,471
Gen Misc	1000.43060.0000	200,737	<u>3,585</u>	204,322
Total Change to Revenues			<u>\$27,306</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Supplies	10050620.70200.0000	\$37,800	\$2,760	\$40,560
Supplies	10012050.70200.0000	15,000	1,584	16,584
Supplies	10020500.70200.0347	49,098	1,500	50,598
Overtime	10020300.60400.0344	188,000	4,471	192,471
Maint/Repair	10012390.66200.0000	112,864	2,160	115,024
Career Dev	10020300.61800.0341	5,500	1,425	6,925
Transfer to GCIF	10010900.79800.0750	0	<u>13,406</u>	13,406
Total Change to Expenses			<u>\$27,306</u>	

Section 3. The 2005 appropriation for the Utility Fund initially appropriated by Ordinance No. 3162 in the amount of \$40,578,593 is hereby increased by \$16,109,000 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$56,691,039. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to receipt of a loan proceeds from the Colorado Water Power Authority.

Section 4. The \$16,109,000 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	2100.46000.0000	\$0	<u>\$16,109,000</u>	\$16,109,000
Total Change to Revenue			<u>\$16,109,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
BDCWTP Expansion	80121035044.80400.8888	\$27,331,420	<u>\$16,109,000</u>	\$43,440,420
Total Change to Expenses			<u>\$16,109,000</u>	

Section 5. The 2005 appropriation for the Golf Course Fund initially appropriated by Ordinance No. 3162 in the amount of \$3,333,363 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$3,353,363. The actual amount in the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the forfeiture of security deposits.

Section 6. The \$20,000 increase in the Golf Course 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
General Misc	2200.43060.0000	\$11,120	\$10,000	\$21,120
General Misc	2300.43060.0000	40,438	<u>10,000</u>	50,438
Total Changes to Revenue			<u>\$20,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Repair/Maint	22050720.66100.0249	\$1,250	\$10,000	\$11,250
Repair/Maint	23050720.66100.0249	600	<u>10,000</u>	10,600
Total Change to Expenses			<u>\$20,000</u>	

Section 7. The 2005 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,414,869 is hereby increased by \$194,776 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$4,609,645. 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 the sale of an open space parcel.

Section 8. The \$194,776 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Sale of Asset	5400.43040.0000	\$0	\$194,776	\$194,776
Total Changes to Revenue			\$194,776	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$577,366	\$194,776	\$772,142
Total Change to Expenses			\$194,776	

Section 9. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$756,130 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$26,491,597. 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 the receipt of contributions, grants and the reduction of the appropriation for the 2005 COP issue.

Section 10. The \$756,130 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
Contributions	7501.43100.0000	\$0	\$1,500,060	\$1,500,060
Contributions	7500.43100.0000	0	1,054,981	1,054,981
State Grants	7500.40620.0000	0	54,500	54,500
Note Proceeds	7500.46010.0000	17,666,817	(1,866,817)	15,800,000
Transfer from General Fund	7501.45000.0100	0	13,406	13,406
Total Changes to Revenue			\$756,130	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Wesfield Village	80375050302.80400.8888	\$1,400,000	\$1,500,060	\$2,900,060
South Westy Revitalization	80175030024.80400.8888	413,912	54,500	468,412
COP-144 th Interchange	80575030713.80400.8888	17,666,817	(1,866,817)	15,800,000
McKay Lake OutFall	80375030313.80400.8888	6,294,496	1,054,981	7,349,477
Community Enhancement	80175050132.80400.8888	3,687,119	13,406	3,700,525
Total Change to Expenses			\$756,130	

Section 11. The 2005 appropriation for the Debt Service Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,748,883 is hereby increased by \$385,000 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$8,133,883. The actual amount in the Debt Service Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the pre-payment of the Shaw Heights assessments by the Westminster Mall.

Section 12. The \$385,000 increase in the Debt Service Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Assessments	8000.40255.0064	\$211,625	<u>\$385,000</u>	\$596,625
Total Changes to Revenue			<u>\$385,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Principal-Shaw Hgts	80010900.78200.0064	\$170,000	<u>\$385,000</u>	\$555,000
Total Change to Expenses			<u>\$385,000</u>	

Section 13. – 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 14. This ordinance shall take effect upon its passage after the second reading.

Section 15. 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 25th day of July, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of August, 2005.

ATTEST:

Mayor

City Clerk



Agenda Item 10 I

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Councillor's Bill No. 38 re Appropriation of FY2004 Carryover Funds Into FY2005

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

Recommended City Council Action

Pass Councillor's Bill No. 38 on first reading, appropriating FY2004 carryover funds into the FY2005 budgets of the General, General Reserve, Fleet, Workers Compensation, Property Liability, General Capital Improvement, Utility, Stormwater, Conservation Trust and Open Space Funds.

Summary Statement

- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
 - those items and services included in the previous year's budget but not received or provided until the current year's budget;
 - new items and services not included in the previous year's budget and funds were identified as available for these new priorities in late 2004, but the items or services were not received or provided until the current year's budget;
 - budget incentive funds into various departments' budgets based on savings from the prior year; and
 - existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- The total funding of \$15,684,332 for the items recommended in this memo comes from unrestricted revenues and unexpended 2004 funds in the various dollars identified. Further detail on these items is provided in the background section of this memo.
- Staff is again not recommending budget incentive funds into various departments' budgets based on savings from the prior year for 2005 due to the current uncertain economic times. No incentive funds were appropriated in 2002, 2003 or 2004; however, in 2001, these incentive funds totaled approximately \$435,000 for all funds.
- City Council reviewed the proposed carryover items included within this Staff Report at the July 18 Study Session.

Expenditure Required: \$15,684,332

Source of Funds: General, General Capital Improvement, Utility, Stormwater, Conservation Trust and Open Space Funds

Policy Issue

Should the City appropriate carryover funds as outlined below?

Alternatives

1. City Council could decide not to appropriate any of these funds at this time. This is not recommended as many of the carryover requests are for items and services that have already received City Council approval during the FY2004 Budget process as priority expenditures for the City.
2. City Council could choose to approve the carryover appropriation for only previously appropriated operating items. Staff recommends utilizing the carryover funds for both the previously appropriated operating items as well as the new operating and capital improvement projects noted in this memorandum to maximize these funds in providing services to residents.

Background Information

City Council is requested to review the following list of items proposed to be funded with FY 2004 carryover funds and direct staff to bring forward an ordinance to appropriate these funds, as described below, into the General, General Reserve, Fleet, Workers Compensation, Property Liability, General Capital Improvement, Utility, Stormwater, Conservation Trust and Open Space Funds. The carryover appropriation takes place annually once the audit is substantially completed for the prior year.

PROPOSED RE-APPROPRIATION OF OPERATING ITEMS APPROVED IN 2004

Certain items ordered in 2004 were not received until 2005. In addition, certain services, authorized in 2004, were not fully performed by the end of the year. Under standard accounting procedures, these remaining funds must be re-appropriated in the new year to complete the desired purchase or service. Staff recommends the funds described below be re-appropriated in 2005.

GENERAL FUND:

City Attorney's Office – One item totaling \$1,500 for the purchase of two replacement office chairs. The purchase of these chairs was delayed due to changes in staff in the City Attorney's Office and the desire to match the chair with the new staff members hired.

Central Charges – Two items totaling \$317,000 as follows:

1. \$17,000 for legal services for various Barbara Banks' work on development agreements that were not completed in 2004. \$30,000 was originally approved by City Council for Ms. Banks' work and \$17,000 remains on that original contract.
2. \$300,000 for special projects and studies that may arise during the year per City Council and staff requests. These dollars represent savings in Central Charges 2004 operating budget that are proposed to help offset additional costs associated with economic development and redevelopment activities, special projects and studies, etc., that may arise through the balance of 2005.

General Services – Three items totaling \$21,100 as follows:

1. \$7,100 for the rescheduled SPIRIT Symposium for the Management Team. The SPIRIT Symposium focusing on ethics was originally scheduled for December 2004 but due to a family emergency, the guest speaker had to reschedule after the first of this year. This Symposium was conducted in February 2005.
2. \$11,000 for new office furniture, including two new desk chairs, in the Municipal Court. The Court Administrator and Collection Supervisor's workstations were a mismatched collection of furniture ill suited for their work and were poorly suited ergonomically. The final furniture plans were received in December but could not be ordered and delivered prior to year-end.

3. \$3,000 for additional postage costs and envelope and paper purchases necessary for the new Collections system. In November 2004, a new Collection module was purchased with the Municipal Court records management system. The new module allows the Court to send notices to defendants warning them that their case will be turned over to a collection agency should they not pay within the set timetable. Testing of the new module took longer than anticipated, thus delaying the postage costs and envelope and paper purchases until 2005, increasing the costs to be incurred this year. It is anticipated that approximately 4,000 notices will be sent to defendants for delinquencies dating back to 1997 in addition to the anticipated 2,000 notices to be sent on current 2005 cases.

Community Development – Three items totaling \$34,600 as follows:

1. \$600 for a cubicle upgrade for the Records Management Technician. With the addition of the new Landscape Architect in September 2004, a small furniture remodel was required to properly locate staff. Plans were prepared and approved in December but the furniture was not delivered prior to year end.
2. \$18,000 for the Economic Development Division for the update of the City Profile and design of collateral materials. The work commenced in late 2004 but was not completed prior to year end.
3. \$16,000 for the Economic Development Division for real estate expenses and continuation of prospect development efforts. These funds are utilized for expenses associated with surveys for city properties being marketed for sale. These funds are also needed for the update of the real estate data base, which was postponed due to other priorities last fall.

Police Department – Four items totaling \$23,292 as follows:

1. \$6,792 in grant money awarded in September 2004 from the Local Law Enforcement Block Grant Fund. SWAT Tactical Vests were ordered in October but not received until January.
2. \$12,700 for I/Leads and Computer Aided Dispatch (CAD) training on new upgrades. Software upgrades to these two critical computer systems for public safety were implemented in 2004 but the training was not possible until March 2005 due to scheduling conflicts.
3. \$2,300 for Sentralock (Knox Box) Encoders purchase for the Fire Department. The Knox Box Encoder purchase was delayed at the company's suggestion in 2004 due to a technologically advanced version of the Encoder being released in 2005. Encoders are part of the equipment at the dispatch consoles in the Police Department, which is why this purchase is paid for by the PD. The encoders allow the Dispatchers to send out the tone from the encoder so the Fire personnel can open the box. The vendor recommended that if it were possible, the City wait for the updated version. Fire Department staff reviewed the proposal to delay the purchase and concurred in order to get the most up to date technology.
4. \$1,500 for millwork associated with the addition of eight Dispatch employee mailboxes. With the addition of eight Dispatchers associated with the public safety tax, Staff worked to identify the best method to arrange supporting equipment to best serve their needs while also maintaining a professional appearance. Once that was identified, the new millwork was installed after the new year; these funds were appropriated with the new staff in 2004.

Fire Department – Three items totaling \$29,001 as follows:

1. \$16,949 for the support of training and exercises for City staff associated with the City's Incident Management Team (IMT) to achieve compliance with the National Incident Management System (NIMS) under Presidential Directive #5. These funds are also for contract services to assist in plans updates, City resource identification and exercise design. Finally, these funds are to be used for supplies associated with the activation of the City Emergency Coordinator Center (ECC) and the IMT, which are currently being developed. These components were initiated in 2004 but not completed prior to year end.

2. \$3,052 for training and reference materials for the City's Citizen Preparedness Outreach Program. These funds are also for computer-related expenses, such as installation and implementation of software associated with the emergency preparedness community volunteer program. This work was initiated in 2004 but not completed prior to year end.

3. \$9,000 for a variety of tools and equipment designated for the seventh engine and two new ambulances ordered in 2004. These tools and equipment were not able to be ordered and/or delivered prior to year end. The tools and equipment include fans, gas detectors, Knox box security, nozzles and an Automated External Defibrillator (AED) and complete the outfitting of these three apparatus.

Parks, Recreation & Libraries – One item totaling \$1,322 in scholarship funds, received from citizens and recreation program participants, for the Youth Sports Program. These funds are intended to supplement registration fees for individuals needing assistance. These funds will be available for scholarships in 2005.

UTILITY FUND:

Public Works & Utilities – Four items totaling \$129,936 as follows:

1. \$29,936 for completion of the solids master plan evaluation of Big Dry Creek Wastewater Treatment Facility (BDCWWTF). The City contracted with Brown & Caldwell Engineering in 2004 but did not complete the work prior to year-end.

2. \$40,000 for continued biosolids disposal during the year. Currently, BDCWWTF contracts with A-1 Organics to dispose of biosolids two days per week and during adverse weather conditions. This contract disposal allows the facility to stay ahead of biosolids production, reducing the backlog and storage of biosolids. Contracting for additional biosolids removal during the week has become necessary to adhere to regulatory requirements.

3. \$20,000 for additional laboratory analysis required for the biosolids program. Increased regulations require additional field testing for 2005, which includes soil sampling, laboratory analysis and biosolids analysis. The testing and analysis will be performed by private contractors due to the specialized testing that staff at the BDCWWTF are not equipped to perform in-house.

4. \$40,000 for contracts administration of the biosolids program and the industrial pretreatment program. These programs are currently being administered by a private contractor due to the loss of the Water Quality Administrator in December 2004.

OPEN SPACE FUND:

Central Charges – Two items totaling \$1,558,871 as follows:

1. \$12,500 for the completion of work by a consultant on the McKay Lake renovation. The project is dependent upon progress made by the developer downstream of McKay Lake and the approval process of the State Engineer, both of which have been delayed negatively affecting the schedule.

2. \$1,546,371 for the purchase of open space land. The majority of this amount reflects the open space funds that were unspent in 2004 on land purchases that will be available to purchase open space in 2005. All of these funds will be utilized towards the acquisition of open space land.

PROPOSED APPROPRIATION OF NEW OPERATING ITEMS

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

GENERAL FUND:

City Council – Three items totaling \$9,890 as follows:

1. \$1,225 for the implementation of new broadband internet service for City Councillors. These funds are for one-time software and hardware purchases required with new broadband installation costs. They include not only the broadband connection hardware but also antivirus, Microsoft windows and spyware detection software and firewall hardware as previously outlined for City Council in December 2004 by the Information Technology Department.
2. \$3,665 for the implementation of the new City Council allowance and to cover accounts anticipated to be over expended by year-end. At the April 11 City Council meeting, City Council approved on second reading the implementation of a City Council allowance commencing November 14. The monthly allowance provides \$200/month for Councillors and Mayor Pro Tem and \$250/month for the Mayor to cover cell phone, internet service, fax line and car expenses (i.e., local commuting costs). Approximately \$2,200 is needed to implement this new allowance for the balance of 2005 (it will be prorated for the month of November). The balance of \$1,465 is needed to offset anticipated overages in the current 2005 Budget for mileage, cell phone, fax lines, and internet service.
3. \$5,000 for new Councillor and transition costs. As 2005 is an election year, there is a possibility of four new City elected officials. In City Council's 2005 Adopted Budget, \$1,000 was included for these conversion costs associated with new Council members. Upon further analysis, it has been determined that this amount does not cover the full costs associated with gearing up a new member. Providing a computer, printer/fax machine, fax telephone line installation, broadband installation, photographs, business cards, etc., cost approximately \$1,100 per person. As such, Staff is recommending that carryover funds be utilized to offset these expenses. In addition, \$1,600 is recommended for a recognition event for departing Councillors.

City Manager's Office – Two items totaling \$6,000 as follows:

1. \$1,500 for three replacement chairs for staff. These chairs have deteriorated and are needed to ensure proper ergonomic seating. One chair was identified in 2004 to be replaced but not ordered prior to year end due to uncertainty in potential staffing changes. The other two were identified this year and are recommended to be replaced utilizing savings from CMO's 2004 budget.
2. \$4,500 for replacement seating in the reception area. The current sofas in CMO's reception area are the original sofas purchased when the current City Hall opened in 1988. They are showing significant signs of wear and need to be replaced. Staff recommends utilizing savings from CMO's 2004 budget to replace these worn and outdated sofas.

Central Charges – Five items totaling \$1,627,300:

1. \$3,700 to reimburse the professional services account for funds borrowed to cover the shortfall from reduced Community Development Block Grant (CDBG) funds for the Human Services Board (HSB). City Council had allocated a total of \$169,500 for Human Services agencies in 2005, of which \$100,000 was funded by CDBG moneys. However, after the federal budget was finalized for their 2005/2006 budget, CDBG was reduced nationally impacting the amount available for the City's Human Services. Rather than reduce funding to these agencies, the professional services account loaned \$3,700 to cover the shortfall in CDBG moneys.
2. \$245,000 transfer payment to the Workers Compensation Fund. Staff is recommending that a total of \$350,000 from carryover (\$245,000 from General Fund and \$105,000 from Utility Fund) be allocated to the Workers Compensation Fund due to increased claims costs currently being incurred. This split between the General and Utility Funds is based on the current split utilized in calculating the annual contributions to this fund (based on the number of staff within each fund). Staff is working aggressively to increase safety and decrease injuries both for the well-being of staff and the direct financial impacts.

3. \$500,000 transfer payment to the Property Liability Reserve Fund. Staff is recommending that this amount be allocated to the Property Liability Reserve Fund due to increased claims costs incurred. Staff continues to work diligently to minimize the City's liabilities through proactive efforts; however, several recent court decisions have increased the City's financial exposure.

4. \$278,600 transfer payment to the Fleet Maintenance Fund for increased fuel costs. Staff is recommending that a total of \$350,000 from carryover (\$278,600 from General Fund and \$71,400 from Utility Fund) be allocated to the Fleet Maintenance Fund due to increased fuel costs incurred. This split between the General and Utility Funds is based on the current split utilized in calculating the annual contributions to this fund (based on the number of vehicles, fuel consumption and fleet maintenance provided to each fund). Nationally, fuel costs are reaching all-time highs and the City is being significantly impacted by these escalating costs. When the 2005 budget was developed in 2004, Staff predicted a price per gallon of diesel fuel of approximately \$1.36. Actual fuel prices this year have averaged \$1.63 and have been as high as \$1.89 per gallon.

5. \$600,000 transfer payment to the General Reserve Fund. The City works to maintain a General Reserve Fund of approximately 10% of General Fund operating expenditures for unanticipated one-time expenditures and emergencies. With the implementation of the public safety tax in 2004, the overall City budget increased by approximately \$10 million with no increase to the General Reserve Fund; therefore these carryover moneys recommended for the Reserve Fund are from public safety tax carryover. The General Reserve Fund is currently approximately 9.5% of the 2005 General Fund operating budget and will be approximately 9.3% of the 2006 General Fund operating budget. Staff recommends utilizing carryover funds to increase reserves back to the 10% level for both 2005 and 2006; the \$600,000 recommended will achieve this reserve level.

General Services – One item totaling \$37,100 for the conversion costs associated with the retirement of the previous City Clerk. When the new City Clerk was hired, the City retained the previous City Clerk for three weeks overlap for training and transition purposes. In addition, the previous City Clerk had a significant amount of general leave built up at her retirement, resulting in a significant payout upon her departure from the City.

Finance – Three items totaling \$43,160 as follows:

1. \$35,000 for recruitment costs associated with filling the vacancy created by the Finance Director, who resigned in December 2004. These dollars represent savings in the Finance Department 2004 operating budget that are proposed to help fund this national recruitment process.

2. \$6,980 for cubicle reconfiguration, replacement office chairs and additional lateral file cabinets in the Treasury Division. The cubicle reconfiguration was needed for the Internal Auditor to provide greater confidentiality. Replacement office chairs were needed for the cashiers and payroll due to being worn out and/or not meeting ergonomic needs of staff. The additional lateral files were needed in Treasury to provide adequate filing space for staff and a locking cabinet for the Internal Auditor's confidential files.

3. \$1,180 for a replacement color printer for the department. These dollars represent savings in Finance Department's 2004 operating budget. The current printer has become obsolete and parts are no longer available to repair it.

Police Department – One item totaling \$3,560 for two replacement LCD projectors for the Public Safety Center training room. The large training room is often divided into two rooms, both of which utilize LCD projectors in various training scenarios, thus the need to have two projectors. One projector no longer functions and is not able to be repaired. The second projector is having the same overheating issue and it is anticipated that it, too, will no longer work.

Fire Department – One item totaling \$44,800 for upgrades of department Self-Contained Breathing Apparatus (SCBA) equipment. The Fire Department's newest air packs are not compatible with the older model air packs in terms of several of the newest safety features that have been mandated by federal standards. Savings from the Fire Department's 2004 budget are recommended to be used for these upgrades.

Parks, Recreation & Libraries – Four items totaling \$88,100 as follows:

1. \$12,600 for Standley Lake operational upgrades. These funds will be used for the acquisition of a computer system for accounting and record maintenance, cash control, creating "smart-card" user identification cards like the recreation centers utilize and processing boat/camping/daily use permits. Currently, staff uses a manual cash box system with paper back ups. This new system will function primarily the same as the recreation centers and golf courses through the RecTrac program. This upgrade will bring the Standley Lake operations into compliance with the City's cash handling procedures.
2. \$1,500 for the purchase and installation of four cash registers for the College Hill and Irving Street Libraries. This upgrade will bring the Library's operations into compliance with the City's cash handling procedures.
3. \$10,000 for handicap accessibility and safety related issues at the libraries. The restrooms at Irving Street Library do not currently have automated door openers and part of these funds would be utilized to install them. In addition, there are several safety and ergonomic issues at the two libraries that these funds would be utilized to address, such as bases for oversized book shelves, sit/stand stools for circulation and anti-fatigue mats for staff.
4. \$64,000 for a mobile concert stage. The City currently rents the City of Lakewood's stage for \$3,700 per year. Staff has been examining the acquisition of a stage for the City's use and has identified a company that can provide a new stage with lighting, backdrop, guardrails and equipment ramp for \$64,000. Since the stage currently being rented is aging and worn, it is unknown how much longer it will be available; the City of Lakewood rents it out because all of their performances are now in an amphitheater and they no longer utilize portable staging.

UTILITY FUND:

Central Charges – Two items totaling \$176,400:

1. \$105,000 transfer payment to the Workers Compensation Fund. Staff is recommending that a total of \$350,000 from carryover (\$245,000 from General Fund and \$105,000 from Utility Fund) be allocated to the Workers Compensation Fund due to increased claims costs currently being incurred. This amount is attributable to the Utility Fund.
2. \$71,400 transfer payment to the Fleet Maintenance Fund for increased fuel costs. Staff is recommending that a total of \$350,000 from carryover (\$278,600 from General Fund and \$71,400 from Utility Fund) be allocated to the Fleet Maintenance Fund due to increased fuel costs incurred. This amount is attributable to the Utility Fund.

Public Works & Utilities – One item totaling \$20,000 for the purchase and installation of tank trailer liners. Two tank trailer units were acquired in 1999 for the BDCWWTF without liners in the tanks. Since this purchase, changes in waste treatment operations result in increased corrosion inside the tanks. Staff recommends using savings from their 2004 operating budget for the purchase and installation of non-corrosive lining for these tanks. The lining would extend the life of each unit by approximately 7-8 years.

OPEN SPACE FUND:

Central Charges – Two items totaling \$75,000 as follows:

1. \$25,000 for environmental reviews and testing costs associated with the acquisition of the Metzger property as designated open space. Savings in the open space 2004 operating budget are proposed to offset these additional unanticipated costs in the 2005 budget.
2. \$50,000 for additional fencing and signage on open space properties. Staff has not been able to keep up with fencing and signage associated with recent acquisitions; these funds would allow staff to catch up on identifying open space parcels throughout the City.

PROPOSED APPROPRIATION FOR EXISTING OR NEW CAPITAL PROJECTS

Normally, the balance of the carryover funds is brought back to be appropriated later in the summer for Capital Improvement Program (CIP) projects. However, Staff is recommending that the following new or existing capital projects be appropriated now since Staff has completed a review of potential capital improvement projects.

GENERAL CAPITAL IMPROVEMENT FUND:

A total of \$4,691,869 for capital projects is proposed to be appropriated into the General Capital Improvement Fund (GCIF) as follows:

1. \$200,000 to assist with facility major maintenance. These funds are for the maintenance and repair of City facilities that are larger in scope than projects included within the operating budget. The 2005 Adopted Budget included \$250,000 for this work but several unanticipated major repairs, such as major roof repair to City Park Recreation Center, have utilized a significant amount of these funds and prohibited staff from completing some of the other work scheduled for 2005.
2. \$200,000 for the installation of an aboveground fuel storage tank dispensing system and removal of the current underground fuel storage tank at the Municipal Service Center. The original project budget of \$200,000 included within Adopted 2005 Budget is not sufficient for the removal of the current underground system nor is there sufficient funds for contingency for the overall project.
3. \$2,000,000 for the Huron Street widening project. These funds are needed to replenish the project budget, which provided funds for the acquisition of the White property (80 acres at the northeast corner of Huron Street and 144th Avenue) approved by City Council April 11, 2005. This property was critical to the Orchard at Westminster project. It was in the City's, WEDA's and Forest City's best interests to close on this property prior to April 27, 2004 primarily because it saved \$1.4 million on the cost of the land.
4. \$1,125,000 for the Holly Park redevelopment project. With the current Holly Park development going to condemnation, funds will be needed to clear the existing deteriorating buildings and other costs for redevelopment on the site. These funds are in anticipation of such redevelopment.
5. \$175,000 for an update to the City's Roadway Master Plan. The last update was completed in 1995 and is in need of an update to be in concert with the latest update to the Comprehensive Land Use Plan and current traffic patterns.
6. \$350,000 in design funds for the Big Dry Creek Trail at Old Wadsworth project. This project will construct a bridge on Wadsworth Boulevard over Big Dry Creek for a grade separated pedestrian crossing. This project was originally slated to commence funding in 2007 per the five-year Capital Improvement Program (CIP) but as a result of obtaining federal funding earlier than anticipated, the project is ready to commence design later this year. These funds are part of the local match needed with this joint project with the Colorado Department of Transportation (CDOT). The total project will cost approximately \$4,290,000, of which \$2,415,000 is federal funds provided through DRCOG. These initial funds will be utilized for design and acquisition of needed right-of-way for the project.

7. \$321,996 transfer payment to the Open Space Fund. These are funds collected from developers as cash-in-lieu for open space or park land acquisition. These funds are recommended to be deposited into the open space land acquisition account for the purchase of future open space parcels in the Open Space Fund.

8. \$24,850 for the underground utilities project. This project houses funds that are collected from developers with overhead utilities adjacent to their sites with the intent to eventually relocate overhead utilities underground. Xcel Energy will not perform these relocations for short lengths of lines. In such cases, funds are collected from the developers for future, longer projects. These funds represent the moneys collected during 2004.

9. \$72,522 for the capital improvement project for Pool Disinfectant and Monitoring System. The total project cost is \$150,000, the balance of which is proposed from Conservation Trust Fund carryover moneys proposed to be transferred into the General Capital Improvement Fund. This project will convert all four city pools from gas chlorine and update and automate outdated equipment, which is needed due to safety and liability issues.

10. \$30,000 for sauna repairs at the City Park Recreation Center. These funds will be used to replace and refurbish benches and tile work to eliminate odor and mold issues in the current sauna. These funds are recommended to be deposited into the Recreation Center Improvement capital project account.

11. \$40,000 for the paving of a service road on the Brauch property. These are partial funds needed for this project (the total project is estimated to cost approximately \$80,000). The current service road is not paved and creates all-weather access problems, especially in the winter time. This new project will serve to build funds needed for this project to eventually be completed.

12. \$13,500 for Legacy Ridge Golf Course security system upgrades. Legacy Ridge Golf Course Club House has been burglarized several times over the past year. Upgrades to the burglar alarms and additional video cameras are proposed to help deter potential burglars and/or catch them.

13. \$8,000 for the acquisition of a lightning monitoring alarm system for the two Golf Courses. This system utilizes air horn alarms to warn golfers of the possibility lightning strikes in the area. This system will enhance the safety of golfers at both facilities.

14. \$18,000 for the purchase of a fertigation pump for The Heritage Golf Course. A fertigation pump applies fertilizer through the existing irrigation system, allowing greater efficiency in maintaining the golf course and management of the application of fertilizer. Legacy Ridge Golf Course has had a fertigation pump since the original construction of the facility.

15. \$112,478 to the GCIF Parks and Recreation CIP Reserve account. These moneys are proposed to be deposited into the Parks and Recreation CIP Reserve for future projects yet to be identified. Proposed use of these funds will be brought back by Staff to City Council for official approval.

16. \$523 to the Public Safety Center construction project. In 2003 and 2004, the 2001 Certificates of Participation (COPs) issued for the Public Safety Center earned interest of \$214 and \$309, respectively (total of \$523). Per arbitrage requirements, any interest earned from COPs issued must be used towards the project; these funds will be used towards the interest being paid on the COPs associated with this project. These interest earnings have not been appropriated to the project yet and are available in the 2004 carryover balance of the General Capital Improvement Fund. Since the project is nearing completion, the interest earnings need be appropriated to the project. These earnings, along with any excess project funds, will be used to offset the interest portion of the debt payments made in 2005 for the 2001 COPs.

UTILITY FUND:

One item totaling \$5,279,098 to the Utility Fund CIP Reserve account. These funds represent \$660,000 in savings from the change in 2003 to the water purchase agreement with the City of Thornton, \$995,440 in savings from unexpended debt service funds budgeted in 2004 and \$3,623,658 as the balance of Utility Fund carryover moneys available. In December 2003, City Council approved a contract amendment reducing Westminster's purchase of water by 1 million gallons a day from Thornton. The operating savings in 2004 are therefore being requested, as discussed with City Council, to be utilized for Utility Fund projects as identified from the pending Water Master Plan update. The savings from unexpended debt service funds is the result of the Big Dry Creek Wastewater Treatment Facility renovation and expansion not issuing debt and commencing construction in 2004. It was anticipated that construction would initiate in 2004 and therefore debt issued, thus requiring debt service and issuance fees in the amount of \$995,440. However, construction was delayed and therefore these funds were not needed in 2004. These moneys are proposed to be deposited into the Utility Fund CIP Reserve for future projects yet to be identified. Proposed use of these funds will be brought back by Staff to City Council for official approval.

STORMWATER FUND:

A total of \$1,387,955 is proposed for capital projects from Stormwater Fund savings. The Stormwater Fund has this amount of carryover due primarily to the closure of the Lowell Boulevard and 92nd Avenue improvement project in 2004, which had an original budget of \$840,000 (of which, only \$23,899 was spent). This project was closed after Staff identified that improvements made with the construction of Fire Station #2 were adequate for this intersection and that the costs of any additional improvements were not cost-effective. The carryover funds are proposed to be appropriated as follows:

1. \$900,000 for the Shaw Boulevard/Circle Drive Drainage improvements. This project has \$100,000 appropriated per the 2006 Adopted Budget. The total project cost is projected at \$1,000,000, of which \$500,000 was originally proposed in the five-year CIP for fiscal years 2006-2008. Staff is ready to proceed on this project and since these funds are available, Staff recommends moving forward with this project. The project is for the design and construction of drainage improvements to route storm runoff originating in the City of Westminster past the Allen Ditch and adjoining residential lots in unincorporated Adams County to the Rotary Park detention pond. It would provide an enhanced conveyance system that would protect the residential lots from flooding.

2. \$187,955 to the Miscellaneous Stormwater Drainage System Improvements project. This funding will provide several smaller storm drainage improvements throughout the City as necessary. Some of the smaller projects may include design and construction of minor drainage improvements along the Hyland Hills Golf Course, 94th Avenue and Lowell Boulevard, and 98th Avenue and Sheridan Boulevard.

3. \$300,000 the Stormwater CIP Reserve account. These moneys are proposed to be deposited into the Stormwater CIP Reserve for future projects yet to be identified. Proposed use of these funds will be brought back by Staff to City Council for official approval.

CONSERVATION TRUST FUND:

One item totaling \$77,478 for the capital improvement project for Pool Disinfectant and Monitoring System. The total project cost is \$150,000, the balance of which is proposed from General Fund moneys into the General Capital Improvement Fund. These funds are proposed to be transferred from the Conservation Trust Fund into the General Capital Improvement Fund.

SUBJECT: Councillor's Bill re Appropriation of FY2004 Carryover Funds Into FY2005 Page 11

City Council reviewed the carryover items included within this agenda memo at their July 18 Study Session. City Council is requested to approve the attached Councillor's Bill on first reading appropriating funding as outlined in this document.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **38**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL RESERVE, UTILITY, STORM DRAINAGE, FLEET, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND CONSERVATION TRUST FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2005 appropriation for the General Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$6,263,725 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$91,582,716. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the appropriation of 2004 carryover.

Section 2. The \$6,263,725 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	1000.40020.0000	\$1,600,000	<u>\$6,263,725</u>	\$7,863,723

Total Change to Revenues

\$6,263,725

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Supplies	10001010.70200.0000	\$6,265	\$6,225	\$12,490
Council Allowance	10001010.61100.0000	0	3,665	3,665
Ofc Equip	10003120.75200.0000	0	1,500	1,500
Ofc Equip	10005050.75200.0000	0	6,000	6,000
Prof Services	10010900.65100.0258	30,000	17,000	47,000
Prof Services	10010900.65100.0000	101,800	303,700	405,500
Prof Services	10012110.65100.0612	66,300	7,100	73,400
Salaries	10012070.60200.0000	279,095	37,100	316,195
Ofc Equip	10012130.75200.0000	0	11,000	11,000
Postage	10012130.66700.0000	9,373	2,500	11,873
Supplies	10012130.70200.0000	10,550	500	11,050
Ofc Equip	10015240.75200.0000	1,200	6,980	8,180
Comp Soft/Hard	10015240.75400.0000	0	1,180	1,180
Employ Recruit	10015050.61600.0000	0	35,000	35,000
Ofc Equip	10030360.75200.0000	2,800	600	3,400
Printing	10030340.66600.0000	12,000	18,000	30,000
Cont Services	10030340.67800.0000	51,000	16,000	67,000
Other Equip	10020500.76000.0000	0	6,792	6,792

Comp Soft/Hard	10020300.75400.0343	56,000	15,000	71,000
Ofc Equip	10020300.75200.0343	8,500	1,500	10,000
Other Equip	10020300.76000.0000	0	3,560	3,560
Career Dev	10025260.61800.0000	34,400	1,600	36,000
Cont Services	10025260.67800.0000	14,825	7,317	22,142
Supplies	10025260.70200.0000	23,321	8,032	31,353
Training & Ref	10025260.71400.0000	16,135	2,367	18,502
Comp Soft/Hard	10025260.75400.0000	15,936	685	16,621
Other Equip	10025260.76000.0000	158,172	53,800	211,972
Comp Soft/Hard	10050600.75400.0000	340	12,600	12,940
Spec Promo	10050760.67600.0528	0	1,322	1,322
Supplies	10050620.70200.0000	37,800	11,500	49,300
Other Equip	10050760.76000.0000	4,000	64,000	68,000
Transfer to Fleet	10010900.79800.0300	0	278,600	278,600
Transfer to General Reserve	10010900.79800.0110	0	600,000	600,000
Transfer to Worker's Comp	10010900.79800.0480	556,938	245,000	801,938
Transfer to Property & Liab	10010900.79800.0460	599,406	500,000	1,099,406
Transfers	10010900.79800.0750	0	3,976,000	3,976,000

Total Change to Expenses

\$6,263,725

Section 3. The 2005 appropriation for the General Reserve Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,744,350 is hereby increased by \$600,000 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$8,344,350. The actual amount in the General Reserve Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2004 carryover.

Section 4. The \$600,000 increase in the General Reserve 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
Transfer from General Fund	1100.45000.0100	\$0	<u>\$600,000</u>	\$600,000

Total Change to Revenues

\$600,000

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contingency	11010900.79900.0000	\$7,744,350	<u>\$600,000</u>	\$8,344,350

Total Change to Expenses

\$600,000

Section 5. The 2005 appropriation for the Utility Fund initially appropriated by Ordinance No. 3162 in the amount of \$40,578,593 is hereby increased by \$5,605,434 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$62,296,473. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2004 carryover.

Section 6. The \$5,605,434 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2000.40020.0000	\$0	\$5,351,548	\$5,351,548
Carryover	2100.40020.0000	0	<u>253,886</u>	253,886

Total Change to Revenues \$5,605,434

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to Worker's Comp	20010900.79800.0480	\$95,475	\$42,000	\$137,475
Transfer to Worker's Comp	21010900.79800.0480	143,213	63,000	206,213
Transfer to Fleet	20010900.79800.0300	0	30,450	30,450
Transfer to Fleet	21010900.79800.0300	0	40,950	40,950
Prof Services	21035490.65100.0000	13,200	29,936	43,136
Cont Services	21035490.67800.0401	98,900	40,000	138,900
Water Projects-Reserve	80120035181.80400.8888	4,421,085	5,279,098	9,700,183
Prof Services	21035490.65100.0401	21,690	60,000	81,690
Other Equip	21035490.76000.0000	4,000	<u>20,000</u>	24,000

Total Change to Expenses \$5,605,434

Section 7. The 2005 appropriation for the Storm Drainage Fund initially appropriated by Ordinance No. 3162 in the amount of \$900,000 is hereby increased by \$1,387,955 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$2,287,955. The actual amount in the Storm Drainage Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2004 carryover.

Section 8. The \$1,387,955 increase in the Storm Drainage Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2500.40020.0000	\$0	<u>\$1,387,955</u>	\$1,387,955

Total Change to Revenues \$1,387,955

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Shaw Boulevard	80625030707.80400.8888	\$0	\$900,000	\$900,000
Misc Storm Drainage	80125030082.80400.8888	522,739	187,955	710,694
Stormwater CIP Reserve	80525030424.80400.8888	0	<u>300,000</u>	300,000

Total Change to Expenses \$1,387,955

Section 9. The 2005 appropriation for the Fleet Fund initially appropriated by Ordinance No. 3162 in the amount of \$1,549,828 is hereby increased by \$350,000 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$1,899,828. The actual amount in the Fleet Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2004 carryover.

Section 10. The \$350,000 increase in the Fleet 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
Transfer from UF-Water	3000.45000.0200	\$0	\$30,450	\$30,450
Transfer from UF-Wastewater	3000.45000.0210	0	40,950	40,950
Transfer from GF	3000.45000.0100	0	<u>278,600</u>	278,600

Total Change to Revenues \$350,000

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Fuel & Lubricants	30012460.74000.0000	\$382,470	<u>\$350,000</u>	\$732,450

Total Change to Expenses \$350,000

Section 11. The 2005 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$4,769,347 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$31,336,944. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2004 carryover.

Section 10. The \$4,769,347 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$737,920	\$25,373	\$763,293
Carryover	7501.40020.0000	0	690,496	690,496
Transfer from GF	7500.45000.0100	0	3,976,000	3,976,000
Transfer from Conservation Trust	7500.45000.0550	0	<u>77,478</u>	77,478

Total Change to Revenues \$4,769,347

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
BO&M Major Maintenance	80375012312.80400.8888	\$358,232	\$200,000	\$558,232
Public Safety Bldg	80175020127.80400.8888	39,515	523	40,038
Above-Ground Fuel	80575012400.80400.8888	200,000	200,000	400,000
Huron Street 129 th /144 th	80175030069.80400.8888	3,123,849	2,000,000	5,123,849
Holly Park Redevelopment	80575030419.80400.8888	0	1,125,000	1,125,000
Roadway Master Plan Update	80575030420.80400.8888	0	175,000	175,000
Old Wads/Big Dry Creek Trail	80575030421.80400.8888	0	350,000	350,000
Under Ground Utilities	80175030187.80400.8888	114,398	24,850	139,248
Rec Center Improvements	80175050027.80400.8888	405,338	69,500	474,838
Brauch Property	80575050423.80400.8888	0	40,000	40,000
Pool Disinfectant	80575050422.80400.8888	0	150,000	150,000
Parks Cap Proj Reserve	80175050186.80400.8888	708,467	112,478	820,945
Transfer to Open Space	75010900.79800.0540	0	<u>321,996</u>	321,996

Total Change to Expenses

\$4,769,347

Section 13. The 2005 appropriation for the Open Space Fund initially appropriated by Ordinance No. 3162 in the amount of \$4,414,869 is hereby increased by \$1,955,867 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$6,565,512. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2004 carryover.

Section 14. The \$1,955,867 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5400.40020.0000	\$0	\$1,633,871	\$1,633,871
Transfer from GCIF	5400.45000.0750	0	<u>321,996</u>	321,996

Total Change to Revenues

\$1,955,867**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Eng Design	54010900.65600.0000	\$0	\$12,500	\$12,500
Prof Services	54010900.65100.0000	50,000	25,000	75,000
Construction	54010900.76400.0000	178,000	50,000	228,000
Land Purchases	54010900.76600.0000	577,366	<u>1,868,367</u>	2,445,733

Total Change to Expenses

\$1,955,867

Section 15. The 2004 appropriation for the Conservation Trust Fund initially appropriated by Ordinance No. 2977 in the amount of \$625,000 is hereby increased by \$77,478 which, when added to the fund balance as of the City Council action on July 25, 2005 will equal \$702,478. The actual amount in the Conservation Trust Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2004 carryover.

Section 16. The \$77,478 increase in the Conservation Trust Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5500.40020.0000	\$0	<u>\$77,478</u>	\$77,478

Total Change to Revenues \$77,478

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to GCIF	55010900.79800.0750	\$625,000	<u>\$77,478</u>	\$702,478

Total Change to Expenses \$77,478

Section 17. Although formal adoption of a budget for the Property & Liability Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to the increase in the transfer from the General Fund.

Section 18. The \$500,000 increase in the Property & Liability Self Insurance 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
Transfer from GF	4600.45000.0100	\$599,406	<u>\$500,000</u>	\$1,099,406

Total Change to Revenues \$500,000

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Contingency	46010900.79900.0000	\$0	<u>\$500,000</u>	\$500,000

Total Change to Expenses \$500,000

Section 19. Although formal adoption of a budget for the Worker's Compensation Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to the increase in the transfer from the General and Utility Funds.

Section 20. The \$350,000 increase in the Worker's Compensation 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
Transfer from Water	4800.45000.0200	\$95,475	\$42,000	\$137,475
Transfer from Wastewater	4800.45000.0210	143,213	63,000	206,213
Transfer from General Fund	4800.45000.0100	556,938	<u>245,000</u>	801,938

Total Change to Revenues \$350,000

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Self Ins Claims	48010900.68200.0000	\$589,000	<u>\$350,000</u>	\$694,000

Total Change to Expenses \$350,000

Section 21. – 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 22. This ordinance shall take effect upon its passage after the second reading.

Section 23. 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 25th day of July, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8th day of August, 2005.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
July 25, 2005



SUBJECT: Resolution No. 27 re Ambulance Fee Schedule

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

Recommended City Council Action:

Adopt Resolution No. 27 establishing the new ambulance fee schedule.

Summary Statement

Staff has completed a bi-annual survey of ambulance fees in the Denver-metro area and is presenting it to City Council as Attachment #1. After evaluation of the survey data Staff is recommending approval of an increase to maintain the user fee philosophy adopted by City Council in 1991 when the City started ambulance operations. These ambulance user fees are used to offset the costs for the provision of emergency medical services. The proposed fee upgrades range from a 13% increase for advanced life support care to a 22% increase for basic life support care. Included in this proposed fee schedule is the elimination of the Standby/Assist Helicopter Fee. The following is a comparison of the current and proposed Westminster ambulance fees, as well as the metro average.

Service	<u>Current</u>	<u>Proposed</u>	<u>Metro Average</u>
Basic Life Support Care (BLS)	\$450	\$575	\$579
Advanced Life Support Care (ALS)	\$575	\$650	\$658
Mileage Charge	\$10	\$10	\$12
Oxygen Charge	\$45	\$50	\$49
Ortho/Spinal Immobilization Fee	\$50	\$50	\$66
Standby/Assist Helicopter	\$35	Eliminated	\$200
Care Rendered/No Transport	\$75	\$100	\$146
Disposable Medical Supplies	\$75	\$100	Itemized
Westminster Med Program	\$15/30	\$25/40	\$27/\$42

Westminster's fees were last increased in 2003. Westminster's fees will remain below the Denver Metro average in all but a couple of categories.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City affirm the policy of a user fee-based ambulance operation and the maintenance of an ambulance fee structure roughly equal to the Denver-metro area average?

Alternative

1. Leave the Ambulance Transport Fee Schedule unchanged. This will place the City below the Denver-metro average for ambulance service charges and eliminate potential revenue of \$154,424 to offset expenses within the program.
2. Adopt the Ambulance Fee Schedule as proposed with the exception of the increase in the Westminster Med subscription fee. This would keep actual service fees in line with the metro average but keep the Westminster Med membership fee low for residents that use this service.
3. Increase existing fees up to the City Manager authorized 10% level adopted in 2002. This would generate additional estimated revenue of \$62,755 for the remainder of 2005, but Westminster would remain below the Denver-metro area average in most ambulance fees, and the City would fall further behind in covering costs of the ambulance operation.

Background Information

The proposed fee increase for ambulance services will bring the City's rates in line with the metro Denver area average. Projected annual ambulance revenues for 2005 are estimated to be \$1,660,556 with the approval of the new fee structure and projected ambulance transport activity. The annual revenue projection is based on a conservative 50% collection rate for ambulance services billed. The City's actual collection rate is currently 78% after write-offs for Medicare, Medicaid, Westminster Med and bad debt.

Included in this proposed fee schedule is the elimination of the Standby/Assist Helicopter Fee. The addition of the fourth ambulance and the effectiveness of the department's advanced life support system have reduced the need for helicopter transport considerably in Westminster. In 2004, the department only used a helicopter for transport nine times. If this fee is eliminated and there was the need for helicopter transport the department would charge for advanced life support services, excluding the mileage charge.

The attached Ambulance Fee Survey is a two-part survey that includes base fees plus a set of sample patient scenarios. Staff has created this two-part survey in order to be as accurate as possible since different billing systems charge for the same procedure or service in different ways, i.e. some may charge a fee for IV therapy or they may include it in the Advanced Life Support (ALS) charge or in a supply charge. There is a significant difference in how the City and other agencies charge for disposable supplies. The majority of agencies in the Denver Metro area itemize the disposable supplies used, charging separately for each item, whereas the City bills these items as a flat fee. Depending on patient treatment this can create large differences in the actual amount charged to the patient.

Staff also evaluated the fees charged for the Westminster Med Ambulance Membership Program available to Westminster residents. The program has over 430 members and continues to gain in popularity and revenues, but requires an increasing amount of staff time to administer the program. The individual and family membership fees for this program have remained at \$15 and \$30 respectively, since the program was started in 1991. Despite a lack of agencies offering this service, Staff was able to establish through the survey that the average fees for individual and family membership are \$27 and \$42 respectively. Staff has proposed a \$10 increase in individual and family coverage (increasing fees to \$25 and \$40) but is cautious in recommending this increase due to the limited survey data.

SUBJECT: Resolution re Ambulance Fee Schedule

Page 3

Please note that the City Manager has authorization to increase fees up to 10%. The reason that this revised fee schedule is being presented for City Council's consideration is to eliminate the Standby/Assist Ambulance Fee and the amount of increase needed to meet the Denver metro average. City Council has previously reviewed the proposed ambulance fee schedule at the City Council Study Session on July 18, 2005.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. 27

INTRODUCED BY COUNCILLORS

SERIES OF 2005

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

WHEREAS, in 2003 the City adopted a fee schedule after review of the metro area ambulance fee structures was completed; and

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

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

WHEREAS, City Staff has completed another review of the metro area ambulance fee structures in 2005.

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

1. Residents and non-residents shall be billed according to an itemized rate structure for all emergency medical calls where a Westminster Fire Department ambulance is used to transport a patient to a hospital as follows: \$575 for Basic Life Support (BLS) level care or \$650 for Advanced Life Support (ALS) level care; \$10 per mile or portion of a mile transported; \$50 for oxygen therapy if received; \$50 for ortho/spinal immobilization if received; \$100 for disposable medical supplies. If active ALS resuscitative efforts are undertaken that are ceased by a base station physician order and the patient is not transported, the patient shall be assessed only the charge for ALS care.

2. On emergency calls where the Fire Department provides treatment to a patient or client needing emergency helicopter transportation, an ALS charge shall be assessed.

3. On emergency calls where advanced medical procedures are performed and the patient, patient's family or guardian then refuses ambulance transport to an area hospital, a \$100 charge shall be assessed.

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

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

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

> Consignment to an outside collection agency.

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

8. A City ambulance membership program (Westminster MED) shall be continued. The annual membership fee shall be \$25 for an individual and \$40 for a family. The annual fee shall represent the pre-payment of the uninsured portion of any City ambulance transport bill for an emergency medical condition. The City shall retain the right to bill and expect payment of benefits covered by the individual's insurance companies.

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

PASSED AND ADOPTED this 25th day of July 2005.

ATTEST:

City Clerk

Mayor

Attachment #1: Ambulance Fee Schedule Survey

The following fee survey was conducted in two parts. The first part (Fees) reflects the base fees that agencies charge. The second part (Scenarios) reflects what agencies actually charge for procedures, supplies, and service based on four given scenarios. Staff created this additional survey to capture true costs, as different billing systems charge for the same procedure or service in different ways, i.e. some may charge a fee for IV therapy or they may include it in the ALS charge or in a supply charge. N/A in the Fees section indicates that the agency doesn't charge for the item. N/A in the Scenarios section indicates that the agency did not provide this data.

	Action Care	Fed Hghts FD	Littleton FD	Northglenn Amb	North Metro FA	North Wash FPD	Parker FPD	Pridemarrk Amb	SWAC FPD	Thornton FD	West Metro FPD	Average	WFD	WFD Prop.
Fees														
Basic Life Support	\$550	\$400	\$550	\$540	\$575	\$595	\$675	\$550	\$590	\$750	\$595	\$579	\$450	\$575
Advanced Life support	\$725	\$475	\$575	\$810	\$645	\$595	\$675	\$700	\$590	\$750	\$695	\$658	\$575	\$650
Mileage	\$13	\$10	\$10	\$19.50	\$10	\$12	\$10	\$12	\$12	\$10	\$11	\$12	\$10	\$10
Oxygen	\$70	\$30	\$45	\$65	\$40	\$50	\$40	\$45	\$55	\$50	\$50	\$49	\$45	\$50
Spinal Immobilization	\$100	\$50	\$60	\$108	\$50	\$50	\$60	\$60	\$80	\$65	\$45	\$66	\$50	\$50
Standby/Assist Helicopter	N/A	N/A	N/A	N/A	N/A	\$200	N/A	N/A	N/A	N/A	N/A	\$200	\$35	\$0
Care Rendered No Transport	\$187	N/A	N/A	\$50	N/A	N/A	N/A	N/A	\$200	N/A	N/A	\$146	\$75	\$100
Disposable Medical Supplies	Note: Westminster is the only surveyed agency that charges a flat fee for disposables. Other agencies itemize each item individually												\$75	\$100
Scenarios														
Scenario A	\$1,249	\$740	N/A	\$1,244	\$890	\$1,005	\$915	N/A	\$1,010	\$984.50	N/A	\$1,005	\$745	\$850
Scenario B	\$866	\$580	N/A	\$1,204	\$795	\$841	\$855	N/A	\$857	\$945	N/A	\$868	\$825	\$930
Scenario C	\$1,690	\$920	N/A	\$1,536	\$990	\$1,263	\$1,020	N/A	\$1,233	\$1,300	N/A	\$1,244	\$840	\$940
Scenario D	\$466	\$225	N/A	\$250	\$205	\$290	N/A	N/A	\$350	\$222	N/A	\$287	\$195	\$250

Note: N/A represents incomplete survey data or a service not charged for by the represented agency.

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

Scenario B: Basic Life Support transport from a routine minor traffic accident where the patient was transported eight miles code two. The patient receives oxygen and spinal immobilization administered by an EMT.

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

Scenario D: Diabetic patient that received oxygen, IV, and blood test performed by a paramedic. Patient refused transport and charged for care rendered no transport.

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, July 25, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixion, and Price were present at roll call. Councillor Hicks arrived at 7:15 p.m.

The minutes of the July 11, 2005 meeting were approved.

Council approved the following: June 2005 – Financial Report, Quarterly Insurance Report: April – June 2005, IGA with Urban Drainage and Flood Control District re Acquisition of Camalick 8-Acre Parcel, Grant Application to Adams County Open Space Program for the Tanglewood Creek Open Space, and the Construction Contract Award for the Big Dry Creek Wastewater Treatment Facility Project.

The following public hearings were held: Public Hearing for the CLUP Amendment and Fourth Amended PDP and ODP for Crystal Lake Filing No. 2 at the 74th Avenue alignment, east of Sheridan Boulevard and west of the Little Dry Creek. The Public Hearing on the Second Amended PDP and ODP for the Brentcross Shops at the northeast corner of W. 92nd Avenue and Wadsworth Parkway was continued to the next City Council meeting on August 8, 2005.

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: CLUP Amendment of the Crystal Lakes Filing No. 2

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND. Purpose: McKay Lake Fishing Improvements

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING TIME FOR JURY DEMAND. Purpose: Expanding the Time for Making a Jury Demand in Municipal Court to comply with State Law

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, UTILITY, GOLF COURSE, OPEN SPACE, GENERAL CAPITAL IMPROVEMENT AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS. Purpose: 2005 2nd Quarter Budget Supplemental Appropriation

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL, GENERAL RESERVE, UTILITY, STORM DRAINAGE, FLEET, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND CONSERVATION TRUST FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS. Purpose: Appropriation of FY2004 Carryover Funds into FY2005

Council adopted the following resolution: Resolution No.27 re Ambulance Fee Schedule

At 8:03 p.m., the meeting was adjourned.

By order of the Westminster City Council
Linda Yeager, MMC, City Clerk
Published in the Westminster Window on August 4, 2005