

## 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**
  - A. Presentation of Employee Service Awards
  - B. Proclamation Recognizing Graduating Seniors on the 2004-2005 Youth Advisory Panel
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. Big Dry Creek Trail, Huron to I-25 Phase II Construction Award
  - B. 2005 Wastewater Collection System Improvement Project
  - C. West 144<sup>th</sup> Avenue and I-25 Interchange Project Construction Engineering Services Contract
  - D. Replacement of the Underground Fuel Dispensing System at the Municipal Service Center
  - E. Second Reading CB No. 34 re CLUP Amendment for Crystal Lakes PUD
  - F. Second Reading CB No. 35 re McKay Lake Fishing Improvements
  - G. Second Reading CB No. 36 re Expanding the Time for Making a Jury Demand in Municipal Court
  - H. Second Reading CB No. 37 re 2005 2<sup>nd</sup> Quarter Budget Supplemental Appropriation
  - I. Second Reading CB No. 38 re Appropriation of FY2004 Carryover Funds into FY 2005
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. Second Amended PDP and ODP for the Brentcross Shops
  - D. Public Hearing re Annexation, CLUP Amendment and Zoning for the McGrath Property
  - E. Resolution No. 28 re Findings concerning McGrath Property Annexation
  - F. Councillor's Bill No. 39 re Annexation of the McGrath Property
  - G. Councillor's Bill No. 40 re CLUP Amendment for the McGrath Property
  - H. Councillor's Bill No. 41 re Zoning the McGrath Property to R-E
  - I. City Park Maintenance Facility Construction Contract Award
  - J. Councillor's Bill No. 42 re City Park Maintenance Facility
  - K. Agreement re City of Westminster and the City of Westminster Police and General Pension Boards
  - L. Councillor's Bill No. 43 re Pension Plans Appropriation
  - M. Councillor's Bill No. 44 re Amending Chapter 1 of Title VII, W.M.C. concerning Elections
11. **Old Business and Passage of Ordinances on Second Reading**
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
  - A. City Council
13. **Adjournment**

## **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, AUGUST 8, 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, Hicks, and Price were present at roll call. J. Brent McFall, City Manager, Jane Greenfield, Assistant City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Davia moved, seconded by Price, to approve the minutes of the meeting of July 25, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, reported that funeral services for Ned Phye, Westminster City Manager from 1963 to 1973, would be on August 10. He highlighted accomplishments under Mr. Phye's leadership, stating that his influence was visible throughout the City.

CITY COUNCIL COMMENTS

Councillor Hicks reported having represented Council at a recent meeting of MADD (Mothers Against Drunk Drivers) and having participated with other Council members in herding cattle at the Adams County Fair.

Councillor Price attended the National Night Out on August 2 and thanked those who had donated sites for the event. There was one more opportunity on August 9 to participate in this program.

Councillor Davia encouraged participation in the Mayor's Breakfast to be held at City Park Recreation Center on August 11 and noted that the Westminster Fair would be on August 20.

Councillor Dixon remarked that Ned Phye had been responsible for the inclusion of Jefferson County residents in Westminster. She also noted that Stanley Lake Massage had recently celebrated its 30<sup>th</sup> anniversary.

Mayor McNally reported having attended the German Fest on August 6 and advised that tickets were available for the 9-11 Public Safety Dinner.

PRESENTATIONS

Councillor Hicks presented a certificate and pin for 20 years of service to Sharon Day.

Mayor McNally presented certificates, pins, and monetary stipends for 25 years of service to Jeff Jones and Vaughn Pepper.

Councillor Price presented a certificate and pin for 30 years of service to Rich Dahl.

PROCLAMATION

Councillors Hicks and Dittman honored Ryan Cambe, Arpeenh Adamian, and Kyla Larsen with a proclamation and certificates of recognition for their service on the 2004-2005 Youth Advisory Panel. All three were recent high school graduates, and Council was grateful for the insights they had provided.

CITIZEN COMMUNICATION

Robert Briggs, 5729 West 115<sup>th</sup> Avenue, encouraged Council's support of Trans Alliance, noting its benefits to the community.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authority for the City Manager to execute a \$72,881 contract with GL Hoff Construction for the second phase of construction of the Big Dry Creek Trail (Huron to I-25) and a \$7,228 contingency; authority for the City Manager to execute a \$274,020 contract with Wildcat Civil Services, LLC, for the 2005 Wastewater Collection System Improvement Project and a project contingency of \$27,402; award a construction engineering services contract for the 144<sup>th</sup> Avenue/I-25 Interchange Project to Felsburg, Holt and Ullevig and authorize the City Manager to execute same in an amount not to exceed \$1,249,965 with a \$100,000 contingency; award a \$350,000 contract to Weston Solutions, Inc. for replacement of the underground fuel dispensing system at the Municipal Service Center and authorize a \$50,000 project contingency; final passage of Councillor's Bill No. 34 amending the Comprehensive Land Use Plan to change Lot 1 land use designation from R-3.5 Residential to Office and Lot 2 from R-3.5 Residential to City Owned Open Space within Filing No. 2 of the Crystal Lakes Planned Unit Development; final passage of Councillor's Bill No. 35 authorizing a \$76,000 appropriation to reflect receipt of a Fishing is Fun Grant for improvements at McKay Lake; final passage of Councillor's Bill No. 36 expanding the time for making a jury demand in Municipal Court from 10 days to 20 days; final passage of Councillor's Bill No. 37 providing for a supplemental appropriation to the 2005 budget of the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service Funds; and final passage of Councillor's Bill No. 38 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.

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 Hicks 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 7:35 p.m. Mayor McNally opened the floor for a continued public hearing to consider the second amendment to the Preliminary Development Plan/Official Development Plan for the Brentcross Shops located at the northeast corner of West 92<sup>nd</sup> Avenue and Wadsworth Parkway. David Shinneman, Planning Manager, reported that the hearing had been properly noticed, the property posted, and property owners within 300 feet notified. He entered the agenda memorandum and associated documents in the record. The applicant, Michael Shuger of Tribal Rights, Inc., and the owner of the property, requested an amendment to the combined PDP/ODP of the Brentcross Shops PUD (Planned Unit Development) to add "tattoo and body piercing, retail jewelry and related dry good sales" to the list of permitted uses.

Testifying in favor were: Michael Shuger, 10127 West 100<sup>th</sup> Court, who read a prepared statement and presented petitions; Tim Celesta, 260 Jasmine of Denver and representative of the owner/landlord; Erin Warren, 8715 West 95<sup>th</sup> Avenue; Marjorie and Richard Shuger of 7321 Forestgate Drive in Colorado Springs; John Kathrein, 10137 West 100<sup>th</sup> Court; Chris Ratliff, 7280 Mt Sherman Road in Longmont; Leah Kaplan, 2240 C Spruce Street in Boulder; and Carlos Haas of 3540 Broadway in Boulder.

Speaking in opposition was Dennis McGrath, 7281 West 95<sup>th</sup> Avenue.

Asking that their names be entered in the record as being in support were: Rebecca Kathrein, 10137 West 100<sup>th</sup> Court; Mat Dustan, 1605 Minos Court in Lafayette; Dan Ferrick, 1810 Walnut in Boulder; Daniel Bock; 1605 Minos Court in Lafayette; John Alford, 3030 O'Neal Parkway in Boulder; Kelly Purvis, 2640 Hawthorne Place in Boulder; Amanda Petersen, 11484 West 106<sup>th</sup> Way; Michael Warren, 8715 West 195<sup>th</sup> Avenue; Andrew Getz, 708 9<sup>th</sup> Street in Boulder; Kai Estey, 4919 North Broadway in Boulder; and Judi Shuger, 10127 West 100<sup>th</sup> Court.

In conclusion, Mr. Shinneman stated that the Planning Commission had recommended denial. The Mayor closed the hearing at 8:32 p.m.

SECOND AMENDED PDP/ODP FOR THE BRENTCROSS SHOPS

Councillor Dixon moved to approve the Second Amended Preliminary and Official Development Plan for the Brentcross Shops Planned Unit Development with the condition that the plans be amended to “Prohibit the sale of items considered by Colorado Law as drug paraphernalia.” The motion was based on a finding that the standards set forth in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code had been met. Councilor Dittman seconded the motion. The motion passed with all Councillors voting in favor.

PUBLIC HEARING RE ANNEXATION, CLUP AMENDMENT, AND ZONING OF MCGRATH PROPERTY

At 8:40 p.m. Mayor McNally opened a public hearing to consider annexing the McGrath property at 7281 West 95<sup>th</sup> Avenue, amend the Comprehensive Land Use Plan designation for the property from Northeast Comprehensive Development Plan to R-2.5 and to zone the McGrath property to R-E. Mr. Shinneman entered the agenda memorandum and associated documents, explaining that the proper notices had been published and provided to the neighboring landowners.

Speaking in support of the requested actions was Dennis McGrath, 7281 West 95<sup>th</sup> Avenue, the owner of the property. There was no opposition.

Mr. Shinneman advised that the Planning Commission had recommended approval. The hearing was closed at 8:43 p.m.

RESOLUTION NO. 28 MAKING FINDINGS RE MCGRATH PROPERTY ANNEXATION

It was moved by Councilor Dittman, seconded by Davia, to adopt Resolution No. 28 making certain findings concerning the McGrath annexation, as required in §31-12-110, C.R.S. The motion passed unanimously at roll call.

COUNCILLOR’S BILL NO. 39 ANNEXING THE MCGRATH PROPERTY

It was moved by Councilor Dittman, seconded by Dixon, to pass Councilor’s Bill No. 39 on first reading annexing the McGrath property to the City of Westminster. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 40 RE MCGRATH PROPERTY CLUP AMENDMENT

It was moved by Dittman, seconded by Dixon to pass on first reading Councilor’s Bill No. 40 amending the Comprehensive Land Use Plan by changing the designation of the McGrath property from Northeast Comprehensive Development Plan to R-2.5 Residential, based on a finding that the proposed amendment would be in the public good, and that: there was justification for the proposed change and the Plan was in need of revision as proposed; the proposed amendment was in conformance with the overall purpose and intent and the goals and policies of the Plan; the proposed amendment was compatible with existing and planned surrounding land uses; and the proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 41 RE MCGRATH PROPERTY ZONING

It was moved by Councilor Dittman, seconded by Kauffman to pass Councilor’s Bill No. 41 on first reading zoning the McGrath property to R-E based on the finding that the provisions of Section 11-5-3 of the Westminster Municipal Code had been met. Upon roll call vote, the motion carried unanimously.

CONSTRUCTION CONTRACT FOR CITY PARK MAINTENANCE FACILITY IMPROVEMENTS

Upon a motion by Councilor Davia, seconded by Dittman, the Council voted unanimously to authorize the City Manager to execute a contract with Golden Triangle Construction, Inc. in the amount of \$2,963,840 for construction of the City Park Maintenance Facility and authorize a 10 percent project contingency of \$296,384 for a total construction project budget of \$3,260,224.

COUNCILLOR’S BILL NO. 42 RE APPROPRIATION FOR CITY PARK MAINTENANCE FACILITY

It was moved by Councillor Davia, seconded by Councillor Dixon to pass Councillor’s Bill No. 42 on first reading, appropriating \$1 million from the Utility Fund Satellite Facility Project account into the City Park Maintenance Facility Capital Improvement Program account, and authorizing transfers totaling \$442,220 from other General Capital Improvement Fund Project accounts. At roll call, the motion passed unanimously.

AGREEMENT BETWEEN CITY AND POLICE AND GENERAL PENSION BOARDS

Mayor Pro Tem Kauffman moved to approve the agreement between the City and the Westminster Police and General Pension Boards. Councillor Dittman seconded and the motion passed with all Councillors voting in favor.

COUNCILLOR’S BILL NO. 43 APPROPRIATING FUNDS FOR PENSION PLANS EXPENSES

It was moved by Mayor Pro Tem Kauffman, seconded by Dittman to pass on first reading Councillor’s Bill No. 43 appropriating \$132,500 to offset in the General Fund the cost paid by the Pension Plans of pension staff salaries and related administrative expenses. Upon roll call vote, the motion carried unanimously.

COUNCILLOR’S BILL NO. 44 AMENDING CHAPTER 1 OF TITLE VII RE ELECTIONS

It was moved by Councillor Price, seconded by Dixon to pass on first reading Councillor’s Bill No. 44 to amend provisions of the City’s Election Code by removing inconsistencies and outdated portions, by clarifying the priority of applicable election laws, and by changing certain time limits for coordinated elections. Upon roll call vote, the motion carried unanimously.

POST MEETING ANNOUNCEMENT

Mr. McFall announced that Council would be meeting immediately after adjournment to discuss language recommended for possible inclusion on the November 1, 2005 ballot.

ADJOURNMENT:

There was no further business to come before Council, and the meeting adjourned at 8:50 p.m.

ATTEST:

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Mayor

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 8, 2005



**SUBJECT:** Presentation of Employee Service Awards

**Prepared by:** Debbie Mitchell, Human Resources Manager

**Recommended City Council Action**

Present service pins and certificates of appreciation to employees celebrating 20, 25, and 30 years of service with the City, and provide special recognition to the City's 25-year employees with the presentation of a \$2,500 bonus.

**Summary Statement**

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup> anniversaries of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25<sup>th</sup> year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There are two employees celebrating 25 years of service, and they will receive a check for \$2,500, less income tax withholding following their 25<sup>th</sup> anniversary date.
- The presentations will be made as follows:
  - Councillor Hicks will present the 20-year certificates.
  - Mayor McNally will present the 25-year certificates.
  - Councillor Price will present the 30-year certificate.

**Expenditure Required:** \$ 5,000

**Source of Funds:** General Fund – Police Department \$5,000

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The following 20-year employees will be presented with a certificate and service pin:

Sharon Day	Police Department	Records Specialist
Jacquelyn Osantowski	Parks, Recreation & Libraries	Guest Relations Clerk II

The following 25-year employees will be presented with a certificate, service pin and bonus:

Jeff Jones	Police Department	Deputy Police Chief
Vaughn Pepper	Police Department	Senior Police Officer

The following 30-year employee will be presented with a certificate and service pin:

Rich Dahl	Parks, Recreation & Libraries	Park Services Manager
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On August 17, the City Manager will host an employee awards luncheon at which time one employee will receive their 15 year service pin, 8 employees will receive their 10 year service pin, and 14 employees will receive their 5 year service pin, while recognition will also be given to those who are celebrating their 20<sup>th</sup>, 25<sup>th</sup> and 30<sup>th</sup> anniversary. This is the third luncheon for 2005 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 285 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Biographies of each individual being recognized are attached.

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment



20-Year Employees

**Sharon Day**

Sharon Day began her City of Westminster employment in July of 1985 as a Deputy City Clerk. She moved to the Police Department in 1988 and found her long term home. She is a POST Certified Field Training Instructor, continues to keep her Colorado Crime Information Center operator certificate current, and is working on becoming a Certified Records Technician. Personal accomplishments include singing and crocheting, and recently purchasing her new home. Sharon is very close to her daughter and grandchildren, and is also close to her son who lives in Baton Rouge, Louisiana with his three children. Sharon absolutely loves working at the Police Department in the Records section, and continues to keep a positive approach to the many challenges and changes she has seen over the past twenty years.

**Jacquelyn Osantowski (OS AN TOW SKEE)**

Jackie Osantowski began her City of Westminster service in February of 1985 as a Recreation Clerk I. She has continued her employment in Recreation since that time, moving from a Clerk Receptionist to a Guest Relations Clerk II. Her accomplishments include helping to open two new state of the art recreation facilities, City Park and West View. She is a mother of three children, and is enjoying being a grandmother of two baby girls. Jackie's smile and kindness shine through each and every day as she greets and serves citizens at the City Park Recreation Center.

25-Year Employees

**Jeff Jones**

Jeff started with the City of Westminster in August of 1980 as a police officer. In 1983 he was promoted to a Senior Police Officer, and then in May of 1985 he became a Sergeant. Jeff held the position of Sergeant for 15 years. He continued to move up the ranks as a Lieutenant in 2000 and in 2004 to his current position of Deputy Police Chief. During his 25-years with the City, he has been involved with the Defensive Tactics division as an instructor and program coordinator, and continued to manage and maintain the Computer Aided Field Report Writing System (CAFRS). Jeff was a member of the Master Police Officer board, Community Oriented Governance team leader, and developed and implemented various State Department of Highway grant projects. Awards include several Teams in Action awards, Officer of the Year recognition from the Westminster Sentinel in 1991 and the Optimist Club in 1995 and 2000.

**Vaughn Pepper (PEP PER)** Vaughn was hired as a Westminster Police Officer in 1980. He had three years prior experience with Adams County Sheriff's Department. He started his Westminster experience as a Patrol Officer. After a short term on the road, Vaughn was transferred to Investigations as a detective working miscellaneous crimes and Auto Theft. In 1983 he attained the status of Senior Police Officer. In 1984 he transferred to Traffic and spent six years in that assignment. In 1991 Vaughn returned to investigations as a Fraud/Forgery Detective. He successfully completed over 1000 cases during his tenure in Investigations. In 2005 Vaughn was selected as the Department's first Senior Citizen Liaison officer assigned to the Community Services Section where he works with senior citizen crime victims and crime prevention.

Over his 25 years of dedicated and successful service to the community Vaughn has received over 30 commendations. In 1990 he was selected as the "Officer of the Year" by the Westminster Optimist Club. Vaughn has been married for 34 years to Judy. They have a daughter, Jennifer and one granddaughter, Zoe.

### 30-Year Employees

#### **Rich Dahl (DOLL)**

Rich Dahl started his career at the City of Westminster back in 1975 as a Parks Crew Leader. In 1976 he was promoted to Parks Foreman, and in 1979 he moved to Parks Superintendent. In 1986 his title changed to Parks Services Manager. Rich's major projects include being the project manager for the Standley Lake Recreation Area Phase I and II, as well as Project Manager for Legacy Ridge Golf Course and the Heritage at Westmoor Golf Course. Rich has been married for 30-years to his lovely wife Debra, and stays busy with his two children. Hobbies include snowboarding, motorcycle travel, travel within the United States (40 states so far), and travel abroad. Rich has been instrumental over the past 30-years in developing and maintaining a beautiful and functional parks and open space system.



**Agenda Memorandum**

City Council Meeting  
August 8, 2005

**SUBJECT:** Proclamation re Graduating Seniors on the 2004-2005 Youth Advisory Panel

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

**Recommended City Council Action**

Present a proclamation acknowledging the service of the graduating seniors from the 2004-2005 Youth Advisory Panel (YAP).

**Summary Statement**

- City Council action is requested to recognize and acknowledge the service of the three graduating seniors from the 2004-2005 Youth Advisory Panel.
- City Council is requested to honor each outgoing member with a certificate.
- Councillors Hicks and Dittman will present the proclamation.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

No policy issue identified

**Alternative**

No alternatives identified

**Background Information**

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

Since, 1999, the Youth Advisory Panel has been very active in the community. In addition to attending scheduled monthly formal meetings, the panel each year takes part in regular community service projects. These diverse events have touched the community in many unique ways. Events included helping at the Holy C.O.W. Stampede (a Parks, Recreation and Libraries race to raise proceeds for youth programs), providing volunteer help for the Westminster Holiday Lighting Ceremony, preparing and serving food at the Denver Rescue Mission, filling food bags for the homeless at Colorado SHARES, organizing and cleaning at the Hope House Women and Children's Shelter and participating at Westminster Pride Day. By being an active part of the community, the Youth Advisory Panel has fulfilled a goal of reaching out to the Westminster community in order to make a difference in the places where members attend school and live. The Panel has continued this very diverse and ambitious community services goal for the 2004/2005 school year. Project highlights also include adopting a family for the holidays through ARC, delivering Thanksgiving Food Baskets to needy families and assisting at the annual Father Daughter Ball presented by the City of Westminster's Parks, Recreation and Libraries Department.

In the summer of 2005, there are three departing seniors who have graduated from area High Schools. All of these students have represented their schools with pride and have been an integral part of the Westminster Youth Advisory Panel. The attached proclamation recognizes these three individuals.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

**WHEREAS**, the City Council of the City of Westminster believes that our youth should share with their community leaders the responsibility in addressing their needs, desires, challenges and issues, in molding their own futures; and

**WHEREAS**, the City values its youth and desires to advance and promote their special needs and interests and therefore created the Westminster Youth Advisory Panel on September 13, 1999; and

**WHEREAS**, currently the Panel has had fourteen members appointed for the 2004-2005 school year; and

**WHEREAS**, three Westminster Youth Advisory Panel members have graduated from High School and departing from the 2004-2005 Youth Advisory Panel; and

**WHEREAS**, it is important to acknowledge the contributions made by exiting panel members;

**NOW THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby recognize and show appreciation to the following graduating seniors who have served on the Youth Advisory Panel, representing their schools and Westminster Youths:**

<b>Ryan Cambe</b>	<b>Thornton High School</b>		<b>3 yrs of Service</b>
<b>Arpeeneh Adamian</b>	<b>Standley Lake High School</b>	<b>Outgoing Vice-Chair</b>	<b>2 yrs of Service</b>
<b>Kyla Larsen</b>	<b>Standley Lake High School</b>	<b>Outgoing Chairperson</b>	<b>3 yrs of Service</b>

Signed this 8<sup>th</sup> day of August, 2005

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Nancy McNally, Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 8, 2005



**SUBJECT:** Big Dry Creek Trail, Huron to I-25 Phase II Construction Award

**Prepared By:** Brad Chronowski, Landscape Architect II

**Recommended City Council Action**

Authorize the City Manager to execute a contract with GL Hoff Construction in the amount of \$72,881 for the second phase of construction of the Big Dry Creek Trail (Huron Street to I-25), and authorize a \$7,228 contingency fund for a total amount of \$80,169.

**Summary Statement**

- The Department of Parks, Recreation and Libraries hired Charles Keim and Associates, civil engineers, to prepare construction drawings for this work.
- The City received a grant in the amount of \$250,000 from Adams County Open Space to assist with the total scope of the Big Dry Creek Trail from Huron to I-25.
- This project was designed in conjunction with the improvements now underway north of 128<sup>th</sup> Avenue along Huron Street.
- This trail connection will provide the final link of the Big Dry Creek trail system from Standley Lake, under I-25, into the City of Thornton's existing trail system.
- The scheduled improvements will be completed during the late summer and early fall months of 2005.
- This trail project will also connect to the recently completed Quail Creek Trail that extends northwest to 134<sup>th</sup> Avenue and Huron Street.

**Expenditure Required:** \$80,169

**Source of Funds:** General Capital Improvement Fund - Trail Development Project

**Policy Issue**

Should the City continue with construction of the Big Dry Creek Regional Trail from Huron Street to Interstate 25?

**Alternatives**

1. City Council could choose to not authorize the construction bid for this section of the Big Dry Creek trail. However, Staff does not recommend this option as the grant money would be forfeited if the improvements are not completed.
2. City Council could require that Staff re-bid the construction of the designed improvements. Staff does not recommend this action, as the bids received are responsive and competitive.

**Background Information**

This project, coupled with the 128<sup>th</sup> to Huron section, represents the final trail segment along Big Dry Creek that connects Westminster to Thornton. This phase includes the trail connection to the Huron Street Bridge, trail connections to I-25, and a pedestrian bridge that connects the Big Dry Creek Trail to the Quail Creek trail.

The completion of this bridge and trail section, coupled with the Huron Street bridge that is currently under construction, will provide approximately ten miles of automobile traffic-free trail use with the exception of the Big Dry Creek Trail at Old Wadsworth, which is currently a surface crossing.

The bids received are as follows:

GL Hoff Construction	\$ 72,880.78
AJI Construction	\$ 84,572.07
WM Brown Construction	\$ 86,320.24

The bid from GL Hoff Construction is a good bid that meets the City's specifications. Staff is confident that they can complete this project in a very satisfactory manner.

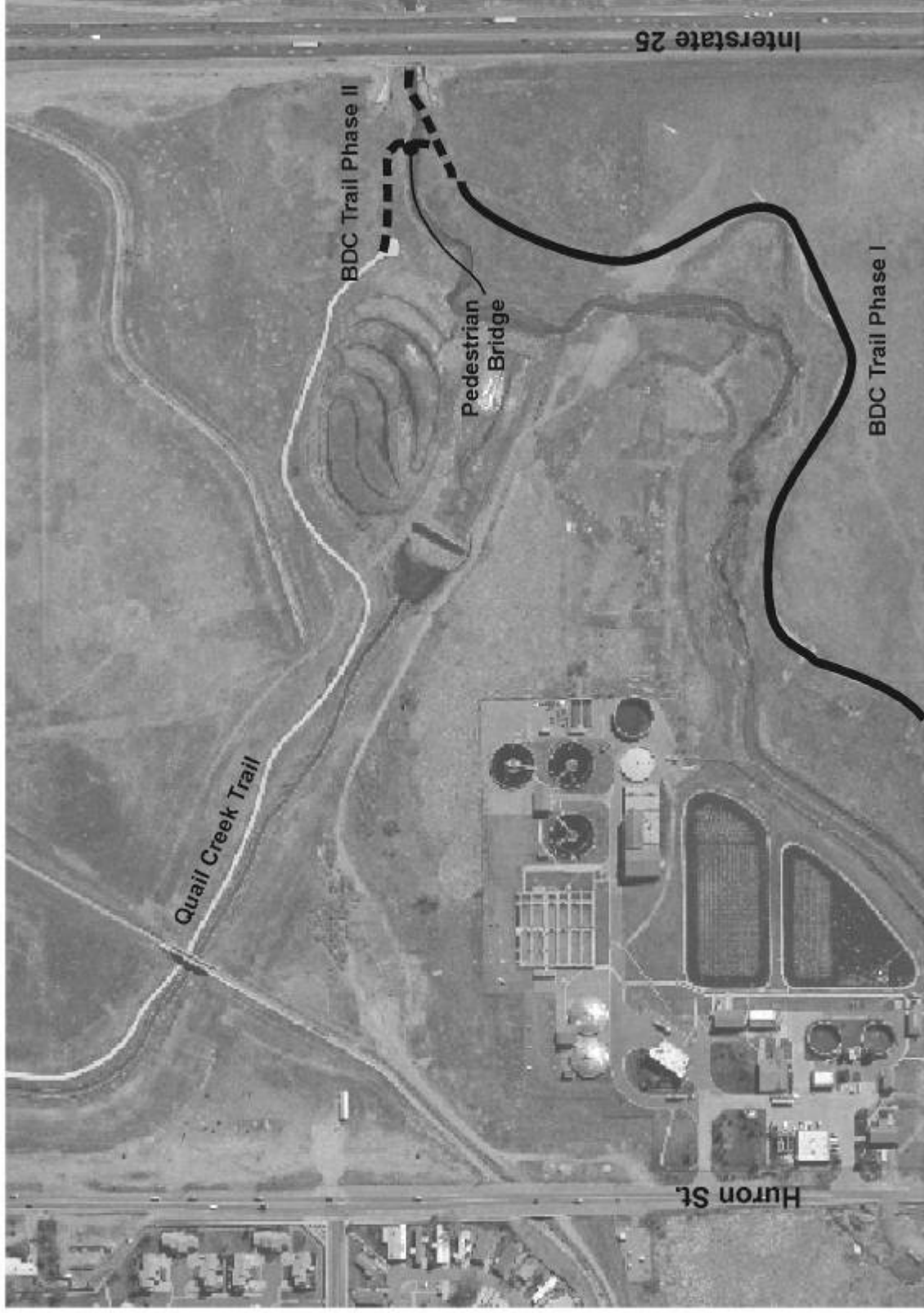
Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

# Big Dry Creek Trail, Huron to I-25

City of Westminster



## Vicinity Map





## Agenda Item 8 B

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** 2005 Wastewater Collection System Improvement Project

**Prepared By:** Richard A. Clark, Utilities Operations Manager  
Andy Mead, Utilities Operations Coordinator

### Recommended City Council Action

Authorize the City Manager to execute a contract with Wildcat Civil Services, LLC, for the 2005 Wastewater Collection System Improvement Project in the amount of \$274,020 and to authorize a 10% project contingency of \$27,402.

### Summary Statement

- This project consists of the rehabilitation of approximately 10,122 feet of 8 to 16 inch diameter sanitary sewer line using a trenchless technology, cured-in-place pipe (CIPP).
- Formal bids were issued and a bid opening took place on July 19, 2005. Three contractors bid on this project. The lowest responsible bid was submitted by Wildcat Civil Services LLC. This contractor has been utilized by the City in the past and has provided a satisfactory work product.
- Funds are budgeted for this expenditure in the 2005 Utility Operations Division budget and Capital Improvements Budget.
- The project cost will be split between two budget accounts; \$201,422 from the Utilities Division operating account, and \$100,000 from the Utility Fund Local Sewerline Replacements Capital project account.

**Expenditure Required:** \$301,422

**Source of Funds:** Utility Fund Operations Division Operating Budget  
Utility Fund Local Sewerline Replacements Capital Project Account

**Policy Issue**

Should the City utilize Utilities Division funds to complete sewer line improvements using an outside contractor as specified in the contract documents?

**Alternative**

Delay this sanitary sewer line improvement project and assume responsibility for additional sewer line failures and damages that may occur due to complete line collapse.

**Background Information**

The selected sewer lines related to this project were identified as a priority for rehabilitation due to their advanced deteriorating condition. Sewers are assigned a numerical rating during the television inspection program and the most severely deteriorated lines are listed for rehabilitation first. Corrosion has worn away the concrete mortar and caused joint leaks and crown corrosion along these sewer lines. This can eventually cause the sewer's structural failure and can cause a total line collapse. Many of these sewers are among the oldest in the City, dating back thirty or more years to the Westminster Sanitation District. Others are older lines inherited from the Standley Lake Water & Sanitation District.

The project scope of work consists of renovating 10,122 feet of 8-inch through 16-inch sanitary sewer lines using trenchless technology methods (internal cured-in-place lining of the existing sewer pipe.) Trenchless technology has proven very successful and less disruptive for residents and traffic flows. This process of rehabilitating sewer lines has been successfully utilized by the City in past years and has been a reliable method of repair. The project work covers the areas of 88<sup>th</sup> Ave. and Sheridan Blvd.; and 93<sup>rd</sup> Ave. to 96<sup>th</sup> Ave. east of Wadsworth Blvd.; 68<sup>th</sup> Ave. and Federal Blvd.; and 70<sup>th</sup> Ave. and Sheridan Blvd.; and Lowell Blvd. from 70<sup>th</sup> Ave. to 71<sup>st</sup> Ave.

The 2005 Wastewater Collection System Project was advertised for notice and bids were accepted until July 19, 2005. References from the contractor were checked and favorable comments were received by all contacts that have used this company for similar projects. Also, the City has utilized the services of Wildcat Civil Services in the past and has been satisfied with the quality of their work. The results of the submitted bids area as follows:

Wildcat Civil Services LLC.	\$274,020
Insituform	\$318,727
Western States	\$361,092

The contractor will commence work at the end of August, and will complete this project by November, 2005.

Respectfully submitted,

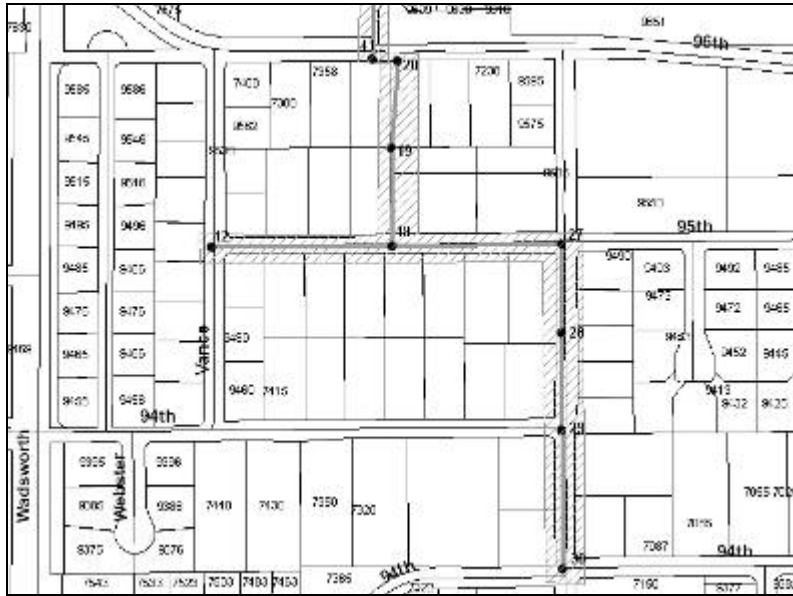
J. Brent McFall  
City Manager

Attachments

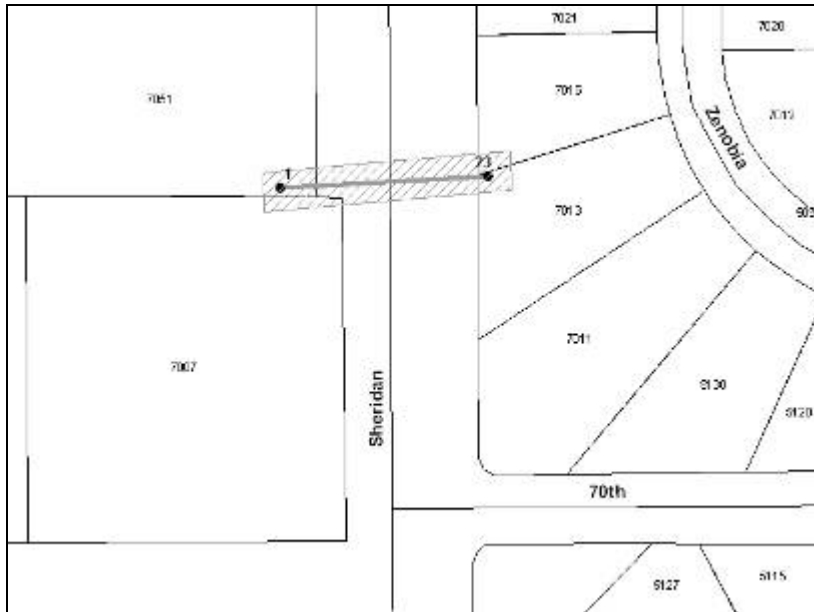
# Sewer Rehabilitation Areas

Shaded areas are sewers to be lined  
Bold numbers are manhole identifiers

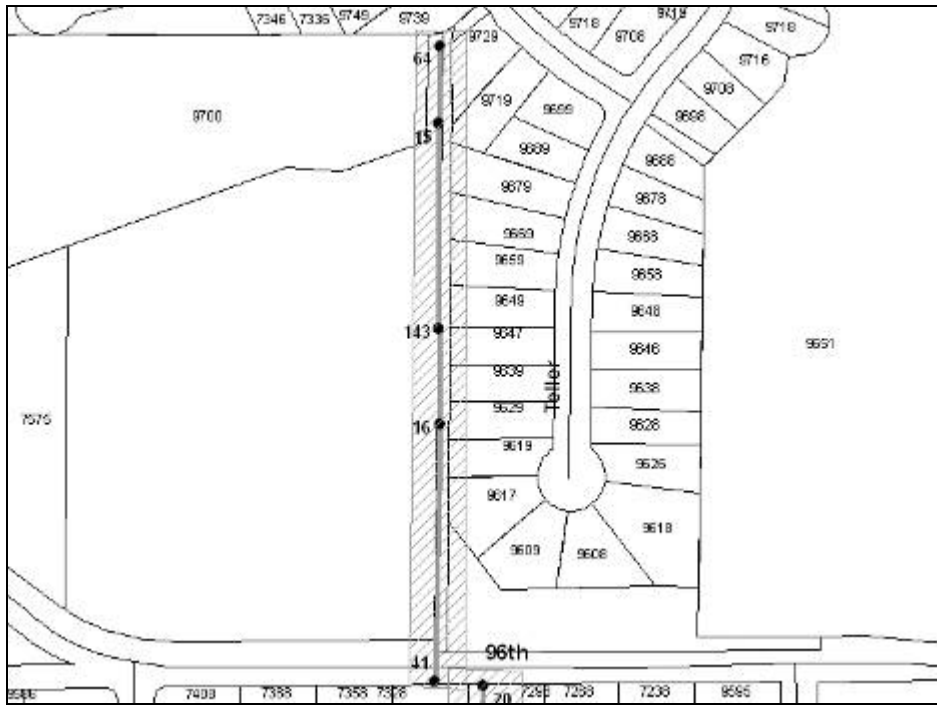
## 95<sup>th</sup> & Vance Area



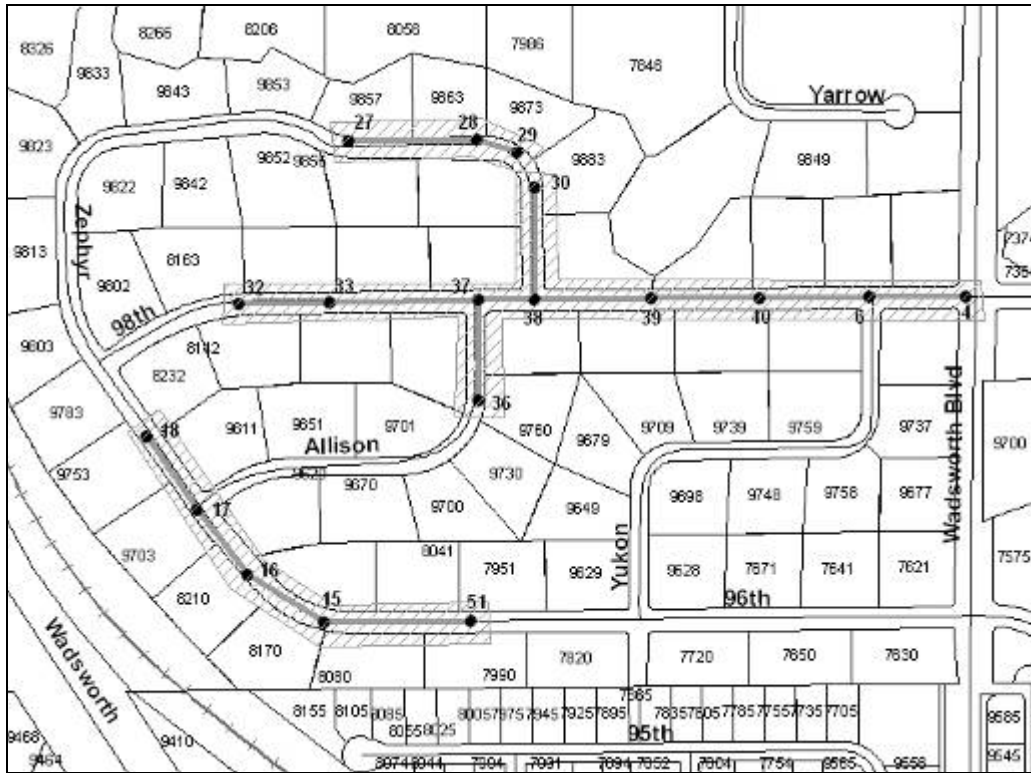
## Sheridan & 70<sup>th</sup> Avenue Crossing



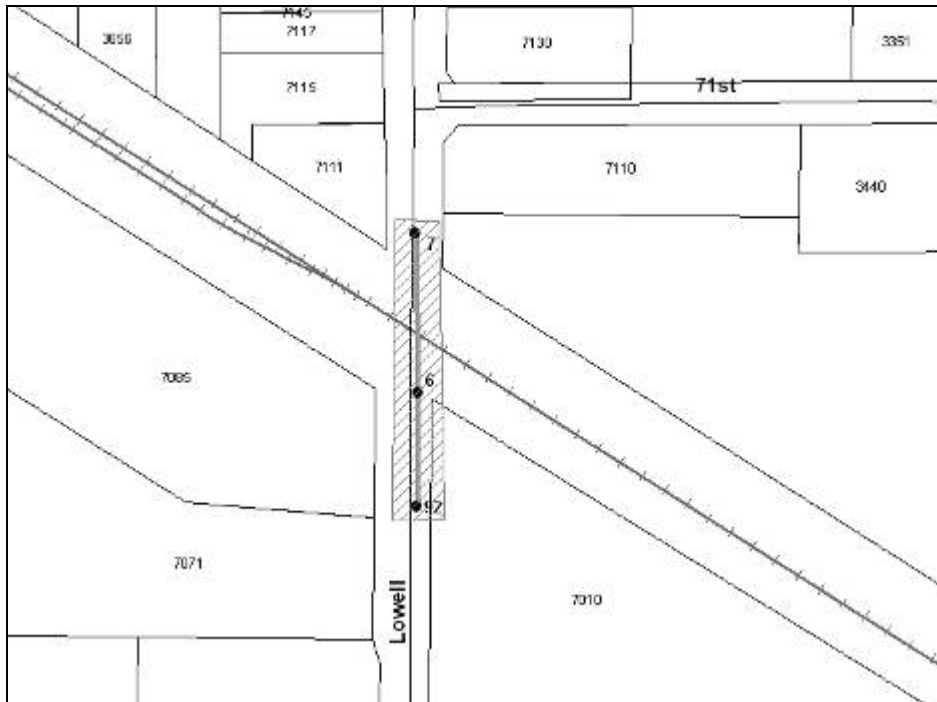
# Standley Lake Outfall Sewer



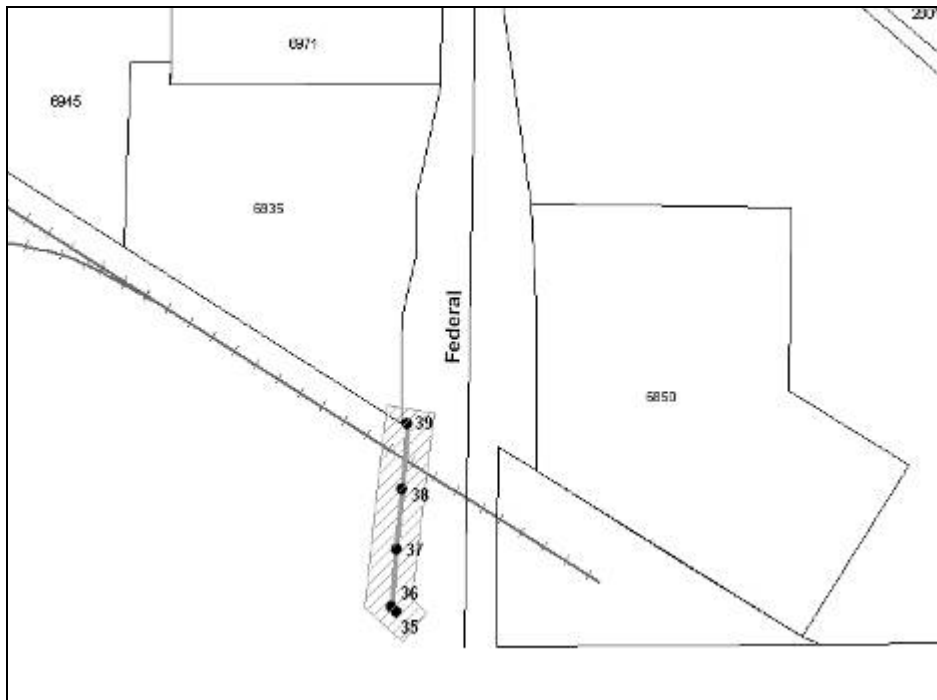
# Standley Lake District Area



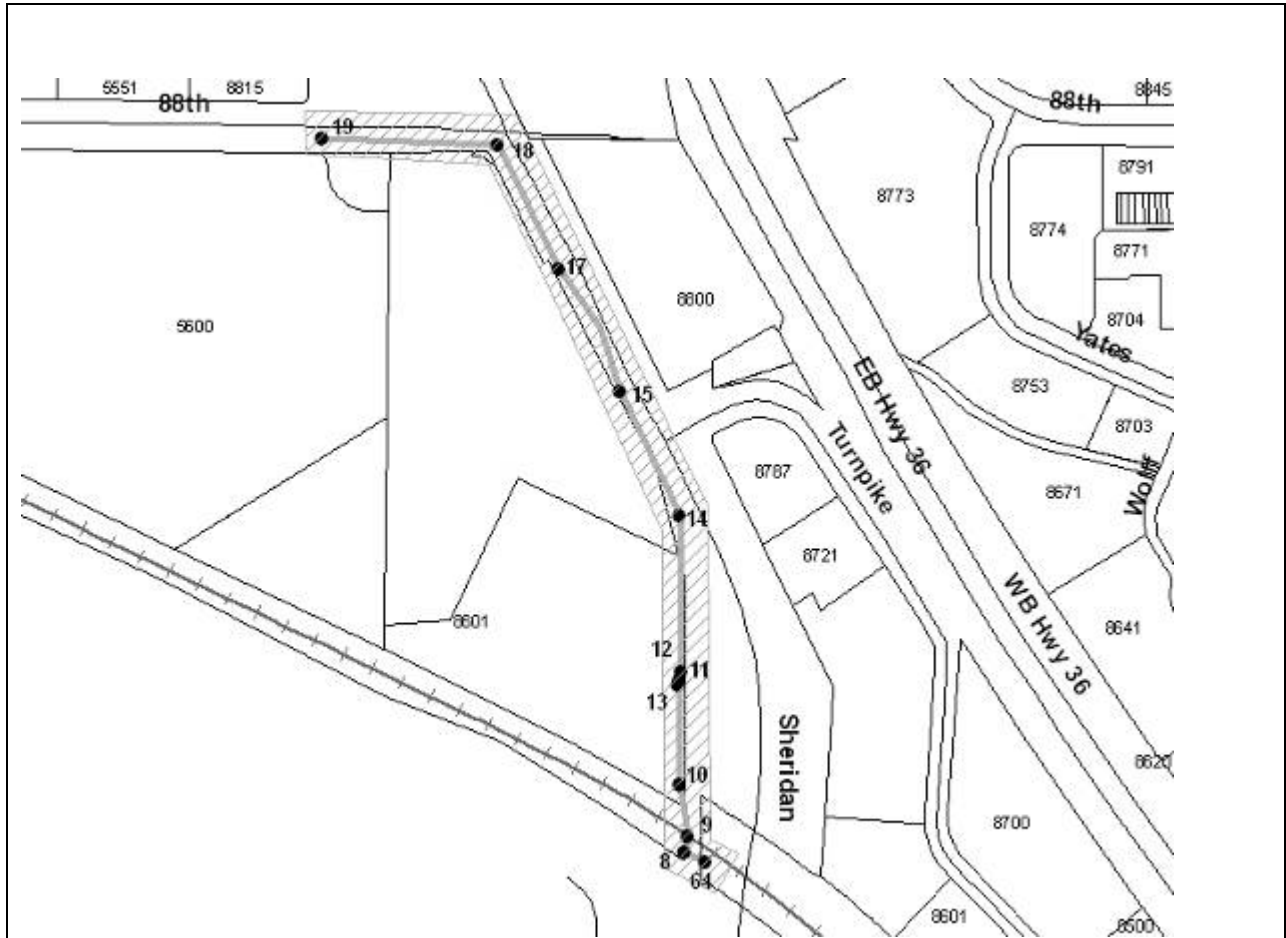
Lowell Boulevard Sewer (Harris Park Outfall Sewer) @ BNSF Track



Federal Boulevard Sewer (Nolan's RV)



Sheridan Boulevard Sewer (Madison Hills Outfall Sewer)





**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 8, 2005



**SUBJECT:** West 144<sup>th</sup> Avenue and I-25 Interchange Project  
Construction Engineering Services Contract

**Prepared By:** David W. Loseman, Senior Projects Engineer

**Recommended City Council Action**

Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding the construction engineering services contract for the 144<sup>th</sup> Avenue and I-25 Interchange project to Felsburg, Holt and Ullevig (FHU). Authorize the City Manager to execute a construction engineering services contract for the 144<sup>th</sup> Avenue and I-25 Interchange Project with FHU in an amount not to exceed \$1,249,965 and authorize a contingency of \$100,000.

**Summary Statement**

- Over the past several years, the City has taken several steps towards the construction of a new interchange at 144<sup>th</sup> Avenue and I-25. With the construction of The Orchard at Westminster project starting soon; it is important to begin the construction of the interchange in the fourth quarter of 2005 so its opening will coincide with that of the development.
- The environmental assessment and design portions of the interchange project are complete. Right-of-way acquisitions are proceeding so the project can be advertised for construction bids in August and September.
- The subject of this Agenda Memorandum is a request to authorize a construction engineering services agreement with FHU. This contract will include the full-time observation, surveying and geotechnical testing necessary to construct this project. FHU is being recommended as a “sole source” contractor for this project for several reasons:
  - FHU are the designers of the project and hiring them to also perform the construction engineering services for the project allows quicker response times for answering questions during construction.
  - FHU was the construction engineering firm for the successfully completed 136<sup>th</sup> Avenue and I-25 Interchange project, and FHU is currently the construction engineering firm for the Huron Street project.
  - The proposed fee from FHU for construction engineering services on the 144<sup>th</sup> Avenue Interchange project is 5.53% of the anticipated cost of construction. By comparison, their fee for these services on the 136<sup>th</sup> Avenue and I-25 Interchange project was 6.77%.
  - This arrangement allows the use of some of the same resources for both projects and thus saves money.
  - Staff is confident that no other firm could match the fee proposed by FHU.
- The Intergovernmental Agreement between the Cities of Westminster and Thornton for this project allows for the selection of Felsburg, Holt & Ullevig. Thornton staff has endorsed the selection of FHU. The IGA also requires Thornton to reimburse the City for half of these costs in the future.

**Expenditure Required:** \$1,349,965

**Source of Funds:** Proceeds from the issuance of Certificates of Participation (\$674,982.50) and WEDA Bond Proceeds (\$674,982.50)

### **Policy Issue**

Should the City continue with the effort to construct a new interchange at 144<sup>th</sup> Avenue and I-25 and execute a sole source contract with FHU for construction engineering services so the project can proceed to construction?

### **Alternative**

Do not authorize execution of the contract with FHU and solicit new proposals from other design firms. Staff does not recommend this alternative for several reasons:

- FHU has done excellent work for the City on several projects in the past, including the recently completed 136<sup>th</sup> Avenue and I-25 Interchange Project.
- Their proposed fee is 5.53% of the expected construction cost and the typical fee for these services for comparable projects is about 8%. By comparison, their actual fee on the 136<sup>th</sup> Interchange project was 6.77%.
- Since FHU is working on the Huron Street project they are able to lower their fee percentage for the Interchange project by using some of the same resources for both projects, which will save the City money; and, therefore, is in the public's best interest.

### **Background Information**

The City of Thornton began the Environmental Assessment (EA) process for the 144<sup>th</sup> Avenue and I-25 Interchange nearly five years ago; and on December 8, 2003, Council authorized the execution of an IGA with Thornton regarding the design of the interchange. This design process included the completion of the EA and the signing of the "Finding of No Significant Impact" (FONSI). By signing this FONSI, the Colorado Department of Transportation and the Federal Highway Administration authorized proceeding with the final design of the interchange. In July 2004, FHU began this task. The design of the project is currently complete and right-of-way acquisitions are nearing completion. This progress will allow the project to be advertised for construction bids in August with construction to follow in September.

The need for this interchange became more important with the approval of The Orchard project. The aggressive schedule of this project requires the completion of the first phase of the interchange project by September 2006. This first phase includes the construction of the south half of the new bridge across I-25, the interchange ramps, a through lane in both directions along 144<sup>th</sup> Avenue and left turn lanes at all major intersections. The completion of the final phase of the interchange would then follow in May of 2007.

It is important to pursue any time saving measures to achieve the goal of this schedule and staff believes that hiring FHU as a sole source construction engineer for this project is one of these measures. Their familiarity with the details of this project given it's similarity to the recently completed 136<sup>th</sup> Avenue interchange will be invaluable in saving time as they will be able to provide "lessons learned" to the contractor and avoid delays. In addition to this experience, staff is confident that their fee could not be matched by other firms. FHU is able to lower their percentage fee for the project because of their concurrent work on the Huron Street project that allows using some of the same resources for both projects. Finally, using the same firm for construction engineering services that designed the project removes any questions of liability for the design of the project.

FHU's proposed fee is 5.53% of the expected construction cost. By comparison, their actual fee on the 136<sup>th</sup> Interchange project was 6.77% and staff's experience for other projects of this size is that the fee is in the 8% range. The percentage of their proposed fee on this particular project is even lower than the percentage on the 136<sup>th</sup> project because they can use some of the same resources that they are using on the Huron Street project. This "economy of scale" is why staff is confident that no other firm could match this fee and therefore believes it is in the best interest of the public to award this contract to FHU.

Respectfully submitted,

J. Brent McFall, City Manager





## Agenda Item 8 D

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** Replacement of the Underground Fuel Dispensing System at the Municipal Service Center  
**PREPARED BY:** Rachel Harlow-Schalk, Environmental and Administrative Services Officer

### Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding a \$350,000 contract to Weston Solutions, Inc., to install an aboveground fuel dispensing system and remove the underground fuel dispensing system at the Municipal Service Center (MSC), authorize a project contingency of \$50,000 and charge the expense to the General Capital Improvement Project account.

### Summary Statements

- In 2003, stormwater began entering the underground fuel storage tank holding area and subsequently entering one of the three tanks. Fuel in this tank has spoiled, use of the tank has ceased, and the tank continues to take in water. Even though the tanks are underground, if the situation is not corrected promptly, it is possible that they could be damaged by water pressure and may eventually float creating the possibility of a release of fuel.
- In February 2005, City Staff requested proposals for the installation of an aboveground fuel dispensing system at the MSC and removal of the current underground dispensing system. Three companies submitted proposals that were either incomplete or had a total cost that was in excess of the funds available for the project. As a result, all three companies were requested to provide a presentation on how they would work within the project budget, improve fuel delivery and resolve the problem of water infiltration within the underground system.
- The original approved budget of \$200,000 for this project did not contain funding to remove the underground tanks nor was there sufficient funding for overall project contingency. At the time the project was developed, it was believed that the existing tanks could be decommissioned at minimal cost. The State's Division of Oil and Petroleum Safety rules were reviewed and it was discovered that the tanks would need to be removed. As a result, City Council approved the use of an additional \$200,000 from 2004 carryover funds for the removal of the current underground fuel dispensing system.
- Based on their ability to address the required specifications of the project, Staff recommends that the City would best serve the public good by entering into a contract with Weston Solutions, Inc. to install an aboveground storage tank fuel dispensing system, and remove the current underground fuel dispensing system at the MSC.
- Approval of this contract supports the Fleet Division's internal performance measure goal of providing cost efficient services and the Environmental Services Office goal of minimizing spills of fuel.

**Expenditure Required:** Not to exceed \$400,000  
**Source of Funds:** General Capital Improvement Fund – Aboveground Fuel Storage Tank Installation and Removal of Underground Storage Tanks Project

**Policy Issue**

Should the City pursue a negotiated contract for services related to the removal of the current underground fuel dispensing system and installation of an aboveground replacement system at the City's Municipal Service Center?

**Alternatives**

- Utilize \$150,000 of the project budget to completely remove the current underground fuel dispensing system pursuant to State law, do not replace the dispensing system, and require all City vehicles and equipment to fuel at commercial fueling stations. Staff does not recommend this alternative as it would not be cost effective in the long term given the considerable savings that the City achieves by purchasing fuel on the wholesale market. Also, this would potentially reduce the City's access to a fuel supply in the event of a widespread fuel shortage emergency.
- Contract with Kubat Equipment Service Company for \$289,930 to remove the current underground fuel dispensing system pursuant to State law and lease the aboveground fuel dispensing system. Two 12,000-gallon fuel tanks could be leased from Kubat spreading the cost over a 60-month period with a \$1 option for purchase at the end of the lease. This alternative involves **exclusions** that have the possibility of leaving the City in a vulnerable position. This alternative does not include errors and omissions insurance to cover the removal of the current underground dispensing system, shoring and dewatering of excavations on site, pea gravel analysis and disposal from removing the underground dispensing system, moving and/or repairing of underground utilities damaged by the contractor's negligence and all environmental and City construction permitting are not included. Given the considerable exclusions in this proposal, Staff does not recommend the leasing of a fueling system.

**Background Information**

When the underground system was originally installed in 1986 at the Municipal Service Center (MSC), the three 10,000 gallon fuel storage tanks were placed inside a thick plastic liner. In 2003 stormwater began entering the liner area and subsequently one of the fuel storage tanks. Fuel in this storage tank has spoiled, use of the tank has ceased, and the tank continues to take in water. Even with the tanks underground, it is possible they could be damaged by water pressure and may eventually float which could result in a release of fuel at the MSC. While Staff has been able to pump water out of the storage tank area for treatment, pumping is not a permanent solution.

Use of an aboveground fuel dispensing system was identified as the best option for this site instead of replacing the underground tank system because of the ongoing water infiltration problems at the site, location of the current dispensing system, and the mobility of an aboveground system if future needs at the MSC require relocation of the fuel dispensing facility.

While the underground system uses three fiberglass tanks, the conveyance lines from the tanks to the dispensers are metal and are believed to be the source of least resistance along which water is running into the tank storage area. Efforts to stop water infiltration along these conveyance lines have proven ineffective and it is only a matter of time before these lines deteriorate from sitting in water. The actual dispensers themselves are located too close to the large vehicle heated storage building making it difficult for operators to maneuver vehicles resulting in damage to the canopy that covers the fueling station.

On February 28, 2005, the City's Purchasing Officer published a request for proposals to install an aboveground storage tank fuel dispensing system and remove the current underground fuel dispensing system. Eighteen companies were sent copies of the proposal and on March 17, 2005, the mandatory Pre-Proposal meeting was held at the MSC with eight companies in attendance. As a result of the myriad technical questions and filling additional requests for information, the deadline for proposal submittals was extended from April 1 to April 8, 2005. Only three companies submitted proposals: Kubat Equipment and Service Company (Kubat), Recycled Materials Company (RMC) and Weston Solutions, Inc. (Weston).

Deputy Fire Marshal Doug Hall, Capital Improvement Projects and Budget Manager Abel Moreno, Fleet Manager Judy Workman, Environmental and Administrative Services Officer Rachel Harlow-Schalk and Purchasing Officer Carl Pickett reviewed all proposals. After careful review it was found that none of the companies had submitted comparable proposals and exclusions listed in two proposals were of concern to team members.

**Original Proposals Submitted**

<b>Kubat Equipment and Services Company</b>	<b>Cost: \$262,108.16</b>
<b>Proposed Project:</b> Install a pre-manufactured aboveground fuel dispensing system with two 8,000-gallon fuel storage tanks, remove an abandoned dispensing line, lease a 20,000-gallon tank to capture water held in the underground storage tank and remove the underground fuel dispensing system.	<b>Exclusions:</b> Errors and omissions insurance*, asphalt replacement once the underground system is removed, state and local permitting, shoring of excavation area, moving/repair of impacted underground utilities resulting from contractor negligence, stormwater diversion, dewatering of excavations resulting from precipitation, disposal of contaminated water held in the underground storage tank, contaminated soil disposal, air permit establishment for the new dispensing system and stormwater protection needs.
<b>Recycled Materials Company</b>	<b>Cost: \$405,499.00</b>
<b>Proposed Project:</b> Install a pre-manufactured aboveground fuel dispensing system with two 12,000-gallon fuel storage tanks, remove an abandoned dispensing line and remove the underground fuel dispensing system.	<b>Exclusions:</b> Errors and omissions insurance*, replacement and repair of damaged asphalt resulting from construction activities, dewatering and shoring of excavation areas, transport and disposal of contaminated soils, removal of the tank slab and removal of fuel in the underground storage tanks.
<b>Weston Solutions, Inc.</b>	<b>Cost: \$744,085.45</b>
<b>Proposed Project:</b> Construct an aboveground fuel dispensing system with two 12,000-gallon fuel storage tanks, remove an abandoned dispensing line and remove the underground fuel dispensing system.	<b>Exclusions:</b> None

\*The City’s Risk Management Officer consulted with Kubat and RMC specific to the errors and omissions insurance and found that the companies would be using pre-manufactured aboveground fueling systems. It was agreed that so long as the City is covered as an additional insured by the system’s manufacturer, the insurance requirement for the installation of the aboveground system was not required. However, the City would not be covered, and may be exposed to possible liability, for removal of the current underground fuel dispensing system.

On May 13, 2005, the three proposing companies were requested to provide a presentation to the proposal review team. They were advised of the budget constraints and asked to identify ways for the City to address the stormwater infiltration issues in the underground fuel tank storage facility and improve fuel delivery. Each proposal review team member was asked to evaluate the original proposals and presentations then appropriately score the companies. As a result of this evaluation, Weston scored the highest and was able to provide a presentation that would immediately assist the City by addressing all three requirements. Staff is comfortable with the considerable cost reduction in Weston’s presentation which is attributed to the installation of a pre-manufactured aboveground system instead of a system they would build. Additionally, Weston provided a clear understanding of current site remedial efforts and how those efforts would prevent the City from pursuing full regulatory closure thus reducing the cost of underground system removal.

<p><b>Weston Solutions, Inc.</b></p>	<p><b>Cost: \$350,000.00</b></p>
<p><b>Proposed Project:</b> Conduct the project in a phased approach beginning with the installation of a pre-manufactured aboveground fuel dispensing system with two 12,000-gallon fuel storage tanks, regrading the site and preparation of an operations and maintenance manual. Decommission the underground fueling system, including removal of the tanks, on a temporary basis while allowing the City twelve months, per State law, to assure aboveground system operation and finally remove underground fuel dispensing system.</p>	<p><b>Exclusions:</b> None</p> <p><b>Further Concerns:</b> None</p>
<p><b>Recycled Materials Company</b></p>	<p><b>Cost: \$361,500.00</b></p>
<p><b>Proposed Project:</b> Conduct the project in a phased approach beginning with the design of the system, construction of a new diesel or gasoline 10,000-gallon storage tank, and shutting down the corresponding dispenser system on a temporary basis. In the second phase, the remaining 10,000-gallon storage tank would be installed and complete removal of the underground dispensing system would be accomplished.</p>	<p><b>Exclusions:</b> Errors and omissions insurance*, replacement and repair of damaged asphalt resulting from construction activities, dewatering and shoring of excavation areas, transport and disposal of contaminated soils, removal of the tank slab and removal of fuel in the underground storage tanks.</p> <p><b>Further Concerns:</b> The City would be operating two separate dispensing systems and the tank size is less than what Fleet operations need to ensure uninterrupted fuel delivery.</p>
<p><b>Kubat Equipment and Services Company</b></p>	<p><b>Cost: \$289,930.00</b></p>
<p><b>Proposed Project:</b> Complete removal of the underground fuel dispensing system and installation of an aboveground fuel dispensing system using 12,000-gallon tanks. Instead of purchasing the aboveground dispensing system, the City would lease the equipment over a 60-month period with the option to purchase for \$1 at the end of the lease.</p>	<p><b>Exclusions:</b> Errors and omissions insurance*, asphalt replacement on removal of the underground system, state and local permitting, shoring of excavation area, moving/repair of impacted underground utilities resulting from contractor negligence, stormwater diversion, dewatering of excavations resulting from precipitation, disposal of contaminated water held in the underground storage tank (company relying on the use of the current site cleanup technology to treat contaminated water), contaminated soil disposal, air permit establishment for the new dispensing system and stormwater protection needs.</p> <p><b>Further Concerns:</b> Since the fuel dispensing system is not temporary, leasing is not appropriate. The leasing alternative would increase the original cost of the proposal from the company. Additionally, Kubat identified the use of City resources throughout their presentation to complete the work and could not commit to the project without relying on such resources, e.g., to remove asphalt and transport contaminated pea gravel to the disposal site.</p>

\*The City’s Risk Management Officer consulted with Kubat and RMC specific to the errors and omissions insurance and found that the companies would be using pre-manufactured aboveground fueling systems. It was agreed that so long as the City is covered as an additional insured by the system’s manufacturer, the insurance requirement for the installation of the aboveground system was not required. However, the City would not be covered, and may be exposed to possible liability, for removal of the current underground fuel dispensing system.

The original approved budget of \$200,000 for this project did not contain funding to remove the dispensing system nor was there sufficient funding for overall project contingency. At the time the project was developed, it was believed that the existing tanks could be decommissioned at minimal cost. The State's Division of Oil and Petroleum Safety rules were reviewed and it was discovered that the tanks would need to be removed within twelve months from the date of decommissioning. As a result, City Council approved the use of an additional \$200,000 from 2004 carryover funds for the removal of the current underground fuel dispensing system.

The current situation at the MSC could lead to a fuel release at the site if removal of the current underground dispensing system is not handled correctly. Staff believes the City would best serve the public good by contracting with Weston Solutions, Inc., to install an aboveground fuel dispensing system and remove the current underground fuel dispensing system. Fleet Operations believe the use of the 12,000-gallon aboveground fuel storage tanks, as recommended by Weston, to be the most appropriate approach based on fueling needs of the City. Compared to current the capacity on the site, anything less would not only increase fuel delivery costs but also increase the likelihood of insufficient fuel in the event of an emergency region.

Approval of this contract will support the Fleet Division's internal performance measure goal of providing cost efficient fleet services and the Environmental Services Office goal of reducing City operational spills.

Respectfully submitted,

J. Brent McFall  
City Manager



# Agenda Item 8 E

**WESTMINSTER**  
**COLORADO**

## Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** Second Reading on Councillor’s Bill No. 34 Amending the Comprehensive Land Use Plan for Lots 1 and 2 within Filing No. 2 of the Crystal Lakes Planned Unit Development

**Prepared By:** Patrick Caldwell, Planner II

### Recommended City Council Action

Pass Councillor’s Bill No. 34 on second 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.

### Summary Statement

- The site is located generally south of the unbuilt 74<sup>th</sup> 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.
- This request was approved on first reading by City Council on July 25, 2005.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **34**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Kauffman – Dittman**

**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

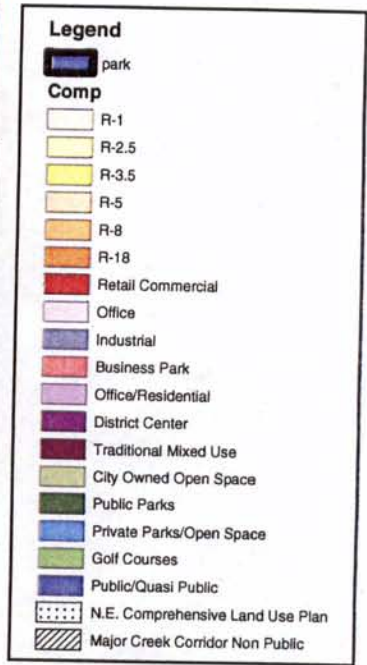
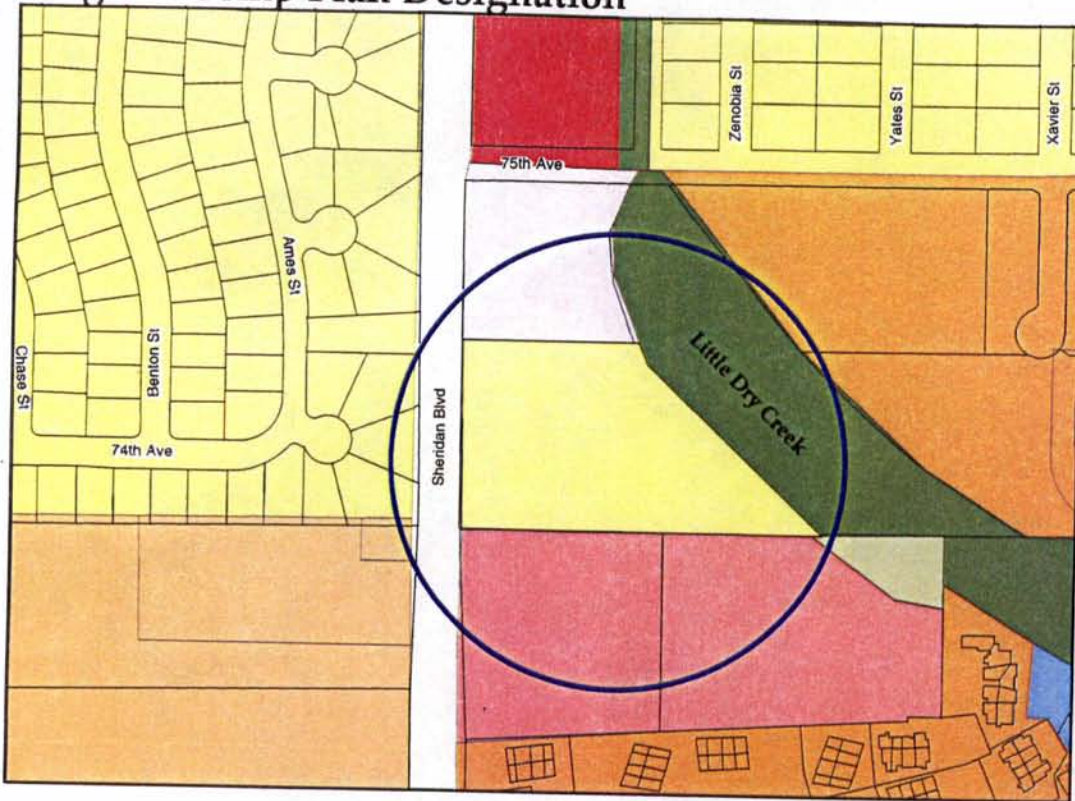
\_\_\_\_\_  
Mayor



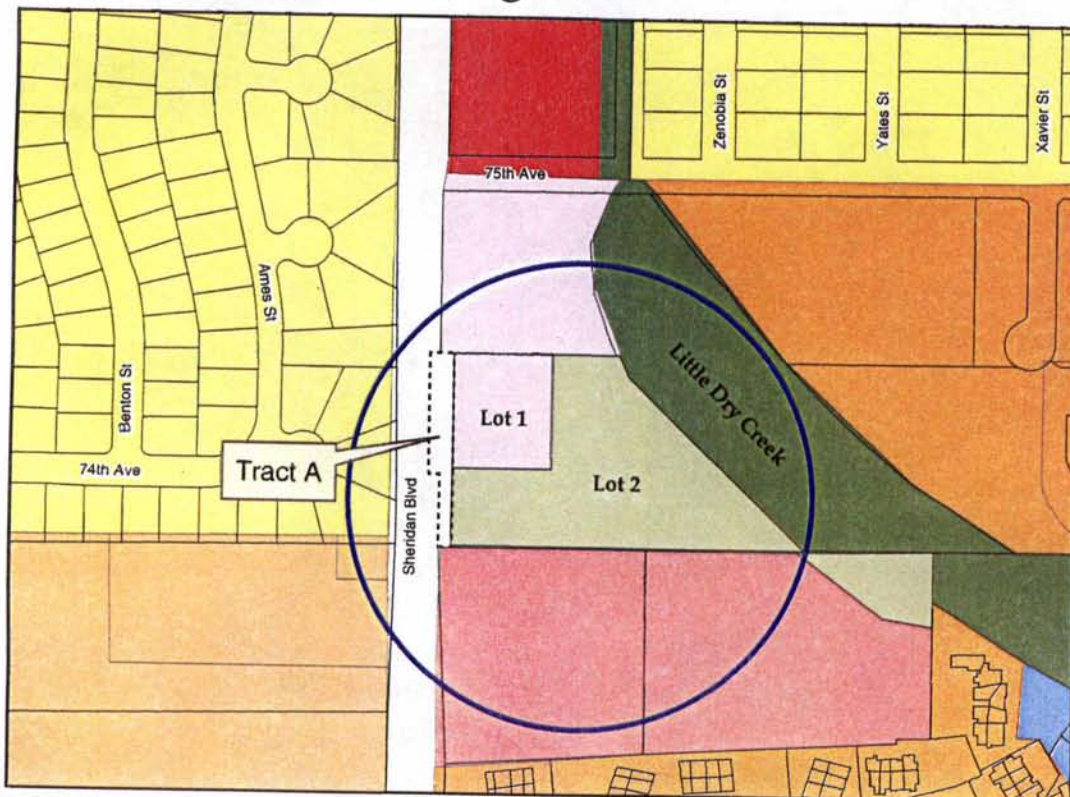
# Crystal Lakes Filing 2 CLUP Amendment

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  
August 8, 2005



**SUBJECT:** Second Reading of 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 second 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.
- 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.
- Councillor's Bill No. 35 was passed on first reading on July 25, 2005.

**Expenditure Required:** \$76,000

**Source of Funds:** General Capital Improvement Funds - Trails Development

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **35**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Dittman – Hicks**

**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



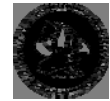
### Fishing Improvements Plan





**Agenda Memorandum**

City Council Meeting  
August 8, 2005



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

**Prepared By:** Marty McCullough, City Attorney  
Carol Barnhardt, Court Administrator

**Recommended City Council Action**

Pass Councillor's Bill No. 36 on second 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.
- This Councillor's Bill was passed on first reading on July 25, 2005.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **36**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Dittman – Price**

**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 25<sup>th</sup> day of July, 2005.

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

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## Agenda Item 8 H

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** Second Reading of 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 second reading providing for a supplemental appropriation to the 2005 budget of the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service Funds.

### Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2005 budget of the General, Utility, Golf Course, Open Space, General Capital Improvement and Debt Service Funds.
- General Fund amendments total: \$27,306
- Utility Fund amendments total: \$16,109,000
- Golf Course Fund amendments total: \$20,000
- Open Space Fund amendments total: \$194,776
- General Capital Improvement Fund amendments total: \$742,724
- Debt Service Fund amendments total: \$385,000
- This Councillor's Bill was passed on first reading July 25, 2005.

**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.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **37**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Price – Davia**

**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	<u>\$194,776</u>	\$194,776
Total Changes to Revenue			<u>\$194,776</u>	

EXPENSES

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

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	<u>13,406</u>	13,406
Total Changes to Revenue			<u>\$756,130</u>	

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 <sup>th</sup> 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	<u>13,406</u>	3,700,525
Total Change to Expenses			<u>\$756,130</u>	

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 25<sup>th</sup> day of July, 2005.

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

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Item 8 I**

**Agenda Memorandum**

City Council Meeting  
August 8, 2005



**SUBJECT:** Second Reading of 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 second 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.
- City Council action is requested to pass the attached Councillors Bill on second reading
- This Councillor's Bill was passed on first reading on July 25.

**Expenditure Required:** \$15,684,332

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

Respectfully submitted,

J. Brent McFall, City Manager  
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **38**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**Davia - Dixon**

**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	<u>3,976,000</u>	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 12. 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 <sup>th</sup> /144 <sup>th</sup>	80175030069.80400.8888	3,123,849	2,000,000	5,123,849
Holly Park Redevelopment	80575030419.80400.8888b	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 25<sup>th</sup> day of July, 2005.

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

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Agenda Memorandum**

City Council Meeting  
August 8, 2005



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

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

**Recommended City Council Action:**

1. Open the public hearing continued from the July 25, 2005, meeting.
2. Deny the Second Amended Preliminary and Official Development Plan for the Brentcross Shops Planned Unit Development based upon the finding that the standards set forth in Section 11-5-14 (A) 4., 5., and 6. and 11-5-15 (A) 5., 6., and 7. of the Westminster Municipal Code have not been met.

**Summary Statement:**

- This public hearing is being continued from the July 12, 2005 Planning Commission meeting due to an error in the public hearing notice to adjacent property owners.
- This commercial project is located at the northeast corner of W. 92<sup>nd</sup> Avenue and Wadsworth Parkway. The retail center was built in the mid 1980's.
- At present there are 14 tenants located in the center. Letters of opposition have been received from 2 tenants.
- 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.
- Based upon the comments and concerns of tenants and the Planning Commission recommendation, Staff is recommending denial of the request.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Planning Commission Action**

The Planning Commission reviewed this request on July 26, 2005 and voted 4-2 to recommend that the City Council deny the Second Amended Preliminary and Official Development Plan for the Brentcross Shops Planned Unit Development based upon the failure to meet one or more of the standards in Section 11-5-14 and 11-5-15 of the Westminster Municipal Code (WMC). Specifically 11-5-14 (A) 6 and 11-5-15 (A) 7. (The proposal would have adverse impacts on future land uses and future development of the immediate area.)

The Commissioners also had concerns regarding the sale of drug paraphernalia from the store. Commissioners McConnell and Burt voted against the motion to deny stating that the business should be given the opportunity and that ultimately the consumer would determine whether the use was appropriate or not. They also felt the lack of opposition from the majority of the other shop owners in the center indicated there was not an adverse impact on existing businesses.

**Policy Issue**

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

**Alternatives**

1. Approve the Second Amended Preliminary and Official Development Plan for the Brentcross Shops Planned Unit Development with the condition that the plans be amended to “Prohibit the sale of items considered by Colorado Law as drug paraphernalia.” This recommendation would need to be based on a finding that the standards set forth in Section 11-5-14 and 11-5-15 of the WMC have been met.
2. Approve the Second Amended Preliminary and Official Development Plan for the Brentcross Shops Planned Unit Development as proposed based on a finding that the proposed amendment meets the standards contained in Section 11-5-14 and 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., along with the owner of the commercial center, 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

<b>Development Name</b>	<b>Zoning</b>	<b>CLUP Designation</b>	<b>Use</b>
North: Boulevard Plaza	PUD	Business Park	Vacant
East: State Farm Business Park	PUD	Office	Office
South: Westglenn Subdivision (across 92 <sup>nd</sup> 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 92<sup>nd</sup> Avenue and a driveway connection to the east that provides access to a signalized intersection at 92<sup>nd</sup> Avenue and Old Wadsworth. 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, two letters from other lessees, and one letter from the Wave Car Wash across Wadsworth Parkway. 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 children. He is also worried that there would be people loitering 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. A hand-delivered letter was received on July 22 from the owners of the Wave Car Care Center stating their opposition to the tattoo and body piercing business being located in the area. (Please see attached.) The applicant did send notices to all adjacent property owners and business operators in the shopping center and held a Neighborhood Meeting on June 20, 2005, at Semper Elementary School. The operators of both the 92<sup>nd</sup> Avenue Tavern and Ann Nails were present, listened to the presentation, had questions answered, and were in support of the proposed business.

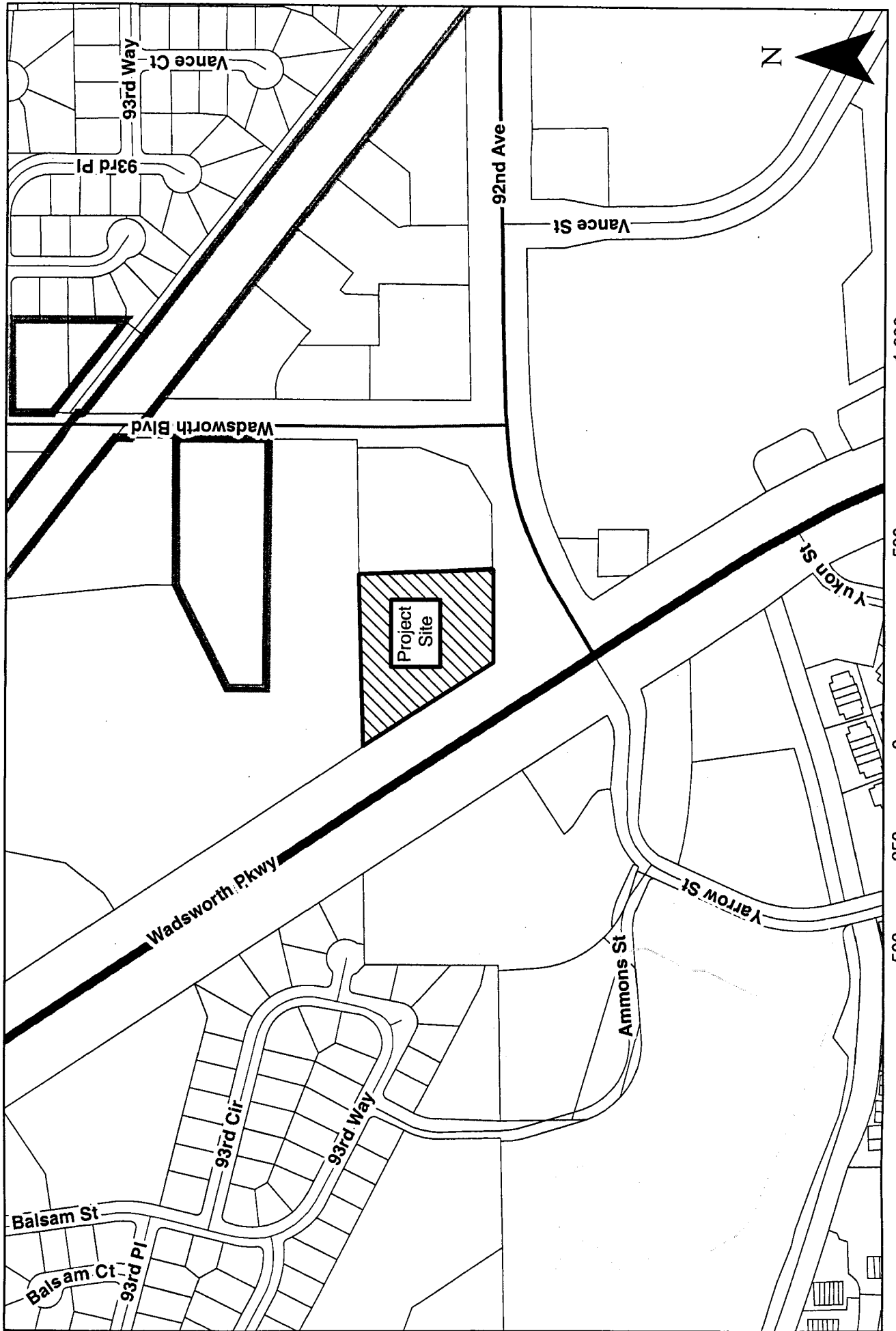
Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Vicinity Map
- Letter from Mainstreet Portraits
- Letter from Professional Hair Designs
- Letter from The Wave
- Letter from Marianne Williams (Westminster Citizen)
- Letter from Disa Hansen

# Brentcross Shops PDP/ODP



# MAIN STREET PORTRAITS

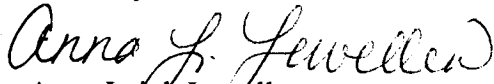
**OFFICES:**

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 92<sup>nd</sup> 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



9195 Wadsworth Pkwy Westminster, CO 80021

303-431-4900 ([www.thewavecarcare.com](http://www.thewavecarcare.com))

Received 7-22-05 48  
Hand delivered

Dear Westminster Planning Commission,

I am writing regarding your upcoming meeting on the subject of allowing Tribal Right Tattoo and Body Piercing Shop to come into the Brentcross Shopping Center. As a business owner in the area our hope is to have the vacant shops filled to bring in even more potential customers to the area. However I don't feel that this type of business is suitable for the area. I believe the City of Westminster's original uses for the property are more in line with the area. We have made every effort to keep our property we own in Westminster as clean and appealing as possible for everyone, in hopes to keep our property values increasing. My fear is that a business of this type would not bring in the customers that the other area businesses cater to and could cause current customers to go elsewhere causing our business to fail and decrease in value. I also live in Westminster and know in my talks with city officials regarding the Legacy Ridge area that they take great pride in doing what is best for the appearance of the city, its residents and visitors. I truly don't believe this type of business follows those guidelines. I have several teenage employees including my son and his close friends that walk from The Wave to CD's wings and other close by restaurants on their lunch breaks and I would feel very uncomfortable for him to have access to a business like that. In closing this type of business is only supposed to be used by those over the age of 18 meaning adults only as far as I know. I therefore feel that they should operate in an area that other adult only businesses have to.

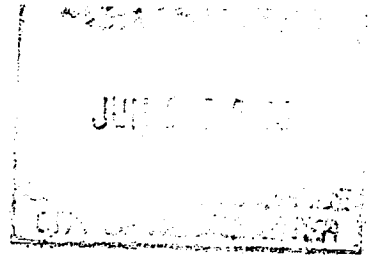
I don't know how many homeowners or parents of Semper Elementary students received notice of this proposal but I have a feeling that those that have received it and the few people I have let know about it so far feel the same as myself. In closing I urge the City of Westminster to please not allow this change, Westminster is currently a great place to live, shop and work. We don't need to change to accommodate something like this.

Sincerely,

A handwritten signature in black ink, appearing to read "Angela Palinckx", written over the word "Sincerely,".

Angela Palinckx  
Palinckx Investments LLC.  
The Wave Car Care Center  
And Homeowner  
4760 W. 105<sup>th</sup> Dr.  
Westminster, CO 80031

June 24, 2005  
6981 W. 95<sup>th</sup> Ave.  
Westminster, CO 80021



To Whom It May Concern:

I live very near the intersection of 92<sup>nd</sup> 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

July 28, 2005

City of Westminster  
City Managers Office  
4800 W. 92<sup>nd</sup> Avenue  
Westminster, Colorado 80031

**RE: Bentcross Shops PUD to add "Tattoo and Body Piercing" to permitted uses  
on the PDP/ODP (Agenda Item 10B – Council Meeting July 25, 2005)**

Dear Honorable Mayor McNally and Council Members:

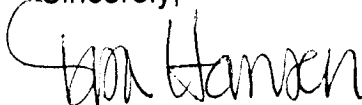
I would like to express my opinion about Michael Shuger (owner of Tribal Rites Inc., Boulder, Colorado) wishing to expand his business into the City of Westminster. Michael Shuger is a family man, with a wife and two young children. He runs a very reputable establishment in Boulder, and I am quite confident that his opening a tattoo/piercing shop will in no way hinder the surrounding businesses.

I reside in Golden, Colorado, and have access to numerous tattoo/piercing shops close by. However, as a concerned parent, I choose to drive to Tribal Rites in Boulder, as I am confident that my children receive professional and safe services with Mike's employees. He abides by Colorado's Health Department regulations, and his employees are competent and friendly.

I hope that you reconsider your decision, and allow Tribal Rites to open another shop in Westminster. Kids today, both young and old, are piercing and tattooing. It would be unfortunate for these kids to not have a safe and reputable establishment to go to for piercing and tattooing in Westminster. By denying a tattoo/piercing shop to open in Westminster, I believe you are discriminating against a large portion of the population. Times are changing, and the majority of teens, as well as adults, that tattoo and pierce are professional, responsible citizens.

Thank you for your time in reconsidering this matter.

Sincerely,



Disa Hansen

Littleton/Englewood Wastewater Treatment Plant  
Administrative Assistant



## Agenda Item 10 D-H

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** Public Hearing and Action on the Annexation, Comprehensive Land Use Plan Amendment and Zoning for the McGrath Property

**Prepared By:** David Falconieri, Planner III

### Recommended City Council Action

1. Hold a public hearing.
2. Adopt Resolution No. 28 making certain findings as required in Section 31-12-110 C.R.S.
3. Pass Councillor's Bill No. 39 on first reading annexing the McGrath property to the City of Westminster.
4. Pass Councillor's Bill No. 40 on first reading amending the Comprehensive Land Use Plan to change the designation of the McGrath property from Northeast Comprehensive Development Plan to R-2.5 Residential. This recommendation is based on a 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 amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan;
  - c) The proposed amendment is compatible with existing and planned surrounding land uses; and
  - d) The proposed amendment would not result in excessive detrimental impacts to the City's existing or planned infrastructure systems.
5. Pass Councillor's Bill No. 41 on first reading zoning the McGrath property to R-E. This recommendation is based on the finding that the provisions of Section 11-5-3 of the Westminster Municipal Code have been met.

### Summary Statement

- The McGrath property is located at 7281 West 95<sup>th</sup> Avenue and consists of two lots on 1.1 acres. (Please see attached vicinity map.)
- The applicant wishes to annex the property and re-subdivide the two lots into two, half-acre lots. The provisions of the Northeast Comprehensive Development Plan permit the proposed subdivision.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Planning Commission Recommendation**

The Planning Commission reviewed this proposal on July 26, 2005, and voted unanimously (6-0) to recommend the City Council approve the annexation, Comprehensive Land Use Plan Amendment to R-2.5 Residential, and zoning of the McGrath property to R-E (Residential district for large lot single family homes).

No one spoke in favor or in opposition to this proposal.

**Policy Issues**

1. Should the McGrath property be annexed at this time?
2. Should the McGrath property be designated as R-2.5 in the Comprehensive Land Use Plan (CLUP)?
3. Should the McGrath property be zoned R-E (Residential district for large lot single family homes)?

**Alternative**

Recommend to the City Council that the McGrath property not be annexed at this time. If this action is taken, the McGrath property will remain in unincorporated Jefferson County and the City will be required to serve the property with any needed water and sewer service.

**Background Information**

Under the terms of the Northeast Comprehensive Development Plan, properties in Subarea “A” may be subdivided provided a minimum lot size of 12,500 square feet is maintained. Both of the proposed new lots would exceed that minimum. If annexation is approved, the applicant will proceed with the subdivision of the lot in accordance with City policies. The existing house will meet all setback requirements after the proposed subdivision of the lot.

Applicant/Property Owner:  
Dennis and Cecilia McGrath

Surrounding Land Use and Comprehensive Land Use Plan Designation:

<b>Development Name</b>	<b>Zoning</b>	<b>CLUP Designation</b>	<b>Use</b>
North: Fox Meadows	PUD	R-2.5 Residential	Single Family Detached Residential
West: Greenlawn Estates	R-1 (County)	Northeast Comprehensive Development Plan	Single Family Detached Residential
East: Greenlawn Estates	R-1 (County)	Northeast Comprehensive Development Plan	Single Family Detached Residential
South: Greenlawn Estates	R-1 (County)	Northeast Comprehensive Development Plan	Single Family Detached Residential

Site Plan Information

The applicant has an existing single-family dwelling on the property and wishes to divide the property in half to add another single-family dwelling. Both properties would be served with City water and sewer service as required under the provisions of the Standley Lake Water and Sewer District Dissolution Agreement.

Referral Agency Responses

None received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Resolution
- Annexation Ordinance
- Comprehensive Land Use Plan Ordinance
- Zoning Ordinance
- McGrath Vicinity Map
- McGrath Annexation - Comprehensive Land Use Plan Map
- McGrath Annexation Zoning Amendment Map

RESOLUTION

RESOLUTION NO. **28**

INTRODUCED BY COUNCILLORS

SERIES OF 2005

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**A RESOLUTION PURSUANT TO SECTION 31-12-110, C.R.S., SETTING FORTH THE FINDINGS OF FACT AND CONCLUSION OF CITY COUNCIL WITH REGARD TO THE PROPOSED ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there has been filed with the City Clerk a petition (the "Petition") for the annexation of the property described in said Petition; and

WHEREAS, City Council has previously adopted Resolution No. 23 finding the Petition to be in substantial compliance with the provisions of section 31-12-107(1), C.R.S., and;

WHEREAS, City Council has held a hearing concerning the proposed annexation as required by sections 31-12-108 and -109, C.R.S.; and

WHEREAS, having completed the required hearing, the City Council wishes to set forth its findings of fact and conclusion regarding the proposed annexation.

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

1. The City Council finds:

- a. Not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the City of Westminster;
- b. A community of interest exists between the area proposed to be annexed and the City;
- c. The area is urban or will be urbanized in the near future; and
- d. The area is integrated with or is capable of being integrated with the City.

2. The City Council further finds:

- a. With respect to the boundaries of the territory proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, has been divided into separate parts or parcels without the written consent of the landowners thereof, except to the extent such tracts or parcels are separated by dedicated street, road, or other public way; and
- b. With regard to the boundaries of the area proposed to be annexed, no land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising twenty (20) acres or more (which, together with the buildings and improvements situated thereon has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the previous year), has been included in the area being proposed for annexation without the written consent of the owners thereof, except to the extent such tract of land is situated entirely within the outer boundaries of the City immediately prior to the annexation of said property.



3. The City Council further finds:

- a. That no annexation proceedings concerning the property proposed to be annexed by the City has been commenced by another municipality;
- b. That the annexation will not result in the attachment of area from a school district;
- c. That the annexation will not result in the extension of the City's boundary more than three (3) miles in any direction;
- d. That the City of Westminster has in place a plan for the area proposed to be annexed; and
- e. That in establishing the boundaries of the area to be annexed, the entire width of any street or alley is included within the area annexed.

4. The City Council further finds that an election is not required and no additional terms or conditions are to be imposed upon the area to be annexed.

5. The City Council concludes that the City may proceed to annex the area proposed to be annexed by ordinance pursuant to section 31-12-111, C.R.S.

PASSED AND ADOPTED this 8th day of August, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

McGrath Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **39**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF  
CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN  
SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON,  
STATE OF COLORADO.**

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Jefferson, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the City Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situated, lying and being in the County of Jefferson, State of Colorado, to wit:

A parcel of land located in the northeast one-quarter of Section 23, Township 2 South, Range 69 West, of the 6<sup>th</sup> Principal Meridian, City of Westminster, County of Jefferson, State of Colorado being a part of Lots 23 and 24 of Greenlawn Acres and Reservoir as recorded in the office of Jefferson County Clerk and Recorder, in Plat Book 2 at Page 77, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence N89°15'00"E along the north line of said Section 23 a distance of 1,309.51 feet to the northeast corner of said Lot 24; thence S00°22'40"E along the east line of said Lot 24 a distance of 30.00 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 10.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 434.37 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 200.00 feet to the true point of beginning; thence continuing S89°15'00"W and parallel with the north line of said Lot 24 a distance of 216.00 feet; thence N00°22'40"W and parallel with the east line of said Lot 24 a distance of 217.00 feet; thence N89°15'00"E and parallel with the north line of said Lot 24 a distance of 216.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.00 feet to the true point of beginning, containing an area of 46,871 square feet or 1.076 acres, more or less.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of August, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of August, 2005.

ATTEST:

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Mayor

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City Clerk

McGrath Annexation

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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

WHEREAS, the City maintains a Comprehensive Land Use Plan which regulates land uses within the City; and

WHEREAS, the City Council has annexed new properties to the City specifically described below; and

WHEREAS, an amendment of the Plan is necessary to provide a land use designation for the annexed property and to keep the Plan up to date; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the required procedures for amending the Comprehensive Land Use Plan as delineated in the Westminster Municipal Code have been satisfied.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan that are necessary to alter the designation of the McGrath annexation property, legally described as follows:

A parcel of land located in the northeast one-quarter of Section 23, Township 2 South, Range 69 West, of the 6<sup>th</sup> Principal Meridian, City of Westminster, County of Jefferson, State of Colorado being a part of Lots 23 and 24 of Greenlawn Acres and Reservoir as recorded in the office of Jefferson County Clerk and Recorder, in Plat Book 2 at Page 77, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence N89°15'00"E along the north line of said Section 23 a distance of 1,309.51 feet to the northeast corner of said Lot 24; thence S00°22'40"E along the east line of said Lot 24 a distance of 30.00 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 10.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 434.37 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 200.00 feet to the true point of beginning; thence continuing S89°15'00"W and parallel with the north line of said Lot 24 a distance of 216.00 feet; thence N00°22'40"W and parallel with the east line of said Lot 24 a distance of 217.00 feet; thence N89°15'00"E and parallel with the north line of said Lot 24 a distance of 216.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.00 feet to the true point of beginning, containing an area of 46,871 square feet or 1.076 acres, more or less.

The properties described above shall be changed from Northeast Comprehensive Development Plan, to R-2.5 Residential, as shown on the attached "Exhibit A".

Section 2. 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 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 8th of August, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of August, 2005.

ATTEST:

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City Clerk

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Mayor

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING  
CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND  
LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF  
JEFFERSON, STATE OF COLORADO.**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for the zoning of the property described below from Jefferson County R-1 to City of Westminster R-E zoning has been submitted to the City for its approval pursuant to Westminster Municipal Code Section 11-5-1.

b. That Council has completed a public hearing on the requested zoning pursuant to the provisions of Chapter 5 of Title XI of the Westminster Municipal Code.

c. That based on the evidence produced at the public hearing, the City Council finds that the proposed zoning complies with all requirements of City Code, including, but not limited to, the provisions of Westminster Municipal Code Section 11-5-3.

d. That the proposed zoning is compatible with existing zoning and land uses of adjacent properties in the general vicinity of the property proposed for zoning.

e. That the proposed zoning is consistent with all applicable general plans and policies concerning land use and development relative to the property proposed for zoning.

Section 2. The Zoning District Map of the City is hereby amended by reclassification of the property described herein from Jefferson County R-1 to City of Westminster R-E. A parcel of land located in Section 23, Township 2 South, Range 69 West, 6th P.M., County of Jefferson, State of Colorado, more particularly described as follows:

A parcel of land located in the northeast one-quarter of Section 23, Township 2 South, Range 69 West, of the 6<sup>th</sup> Principal Meridian, City of Westminster, County of Jefferson, State of Colorado being a part of Lots 23 and 24 of Greenlawn Acres and Reservoir as recorded in the office of Jefferson County Clerk and Recorder, in Plat Book 2 at Page 77, and being more particularly described as follows:

Commencing at the north one-quarter corner of said Section 23; thence N89°15'00"E along the north line of said Section 23 a distance of 1,309.51 feet to the northeast corner of said Lot 24; thence S00°22'40"E along the east line of said Lot 24 a distance of 30.00 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 10.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 434.37 feet; thence S89°15'00"W and parallel with the north line of said Lot 24 a distance of 200.00 feet to the true point of beginning; thence continuing S89°15'00"W and parallel with the north line of said Lot 24 a distance of 216.00 feet; thence N00°22'40"W and parallel with the east line of said Lot 24 a distance of 217.00 feet; thence N89°15'00"E and parallel with the north line of said Lot 24 a distance of 216.00 feet; thence S00°22'40"E and parallel with the east line of said Lot 24 a distance of 217.00 feet to the true point of beginning, containing an area of 46,871 square feet or 1.076 acres, more or less.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 8<sup>th</sup> day of August, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22<sup>nd</sup> day of August, 2005.

ATTEST:

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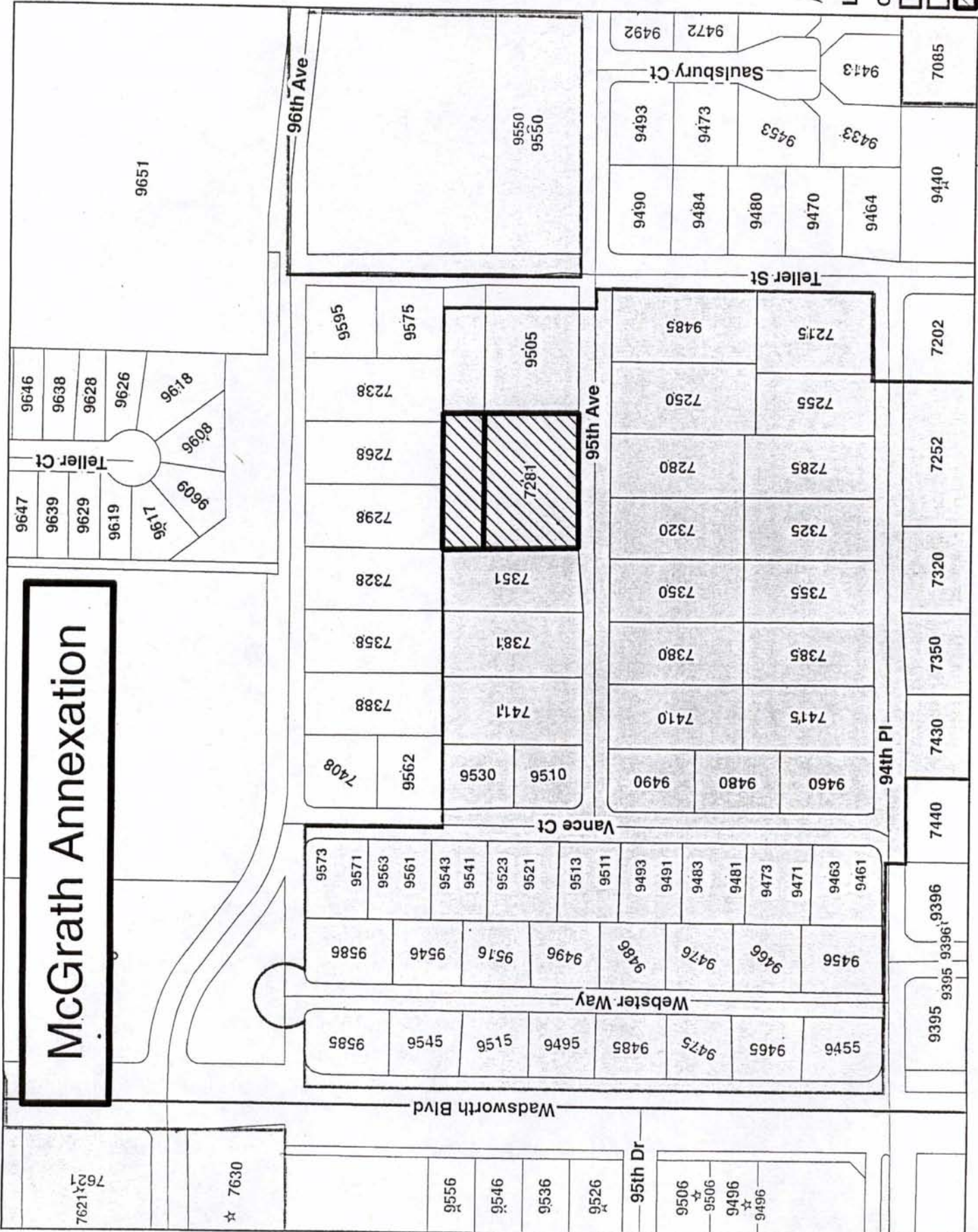
City Clerk

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Mayor

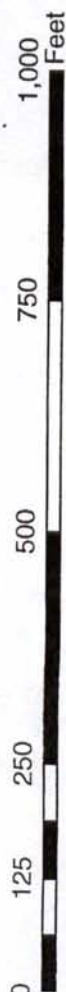
## McGrath Zoning

# McGrath Annexation



Legend

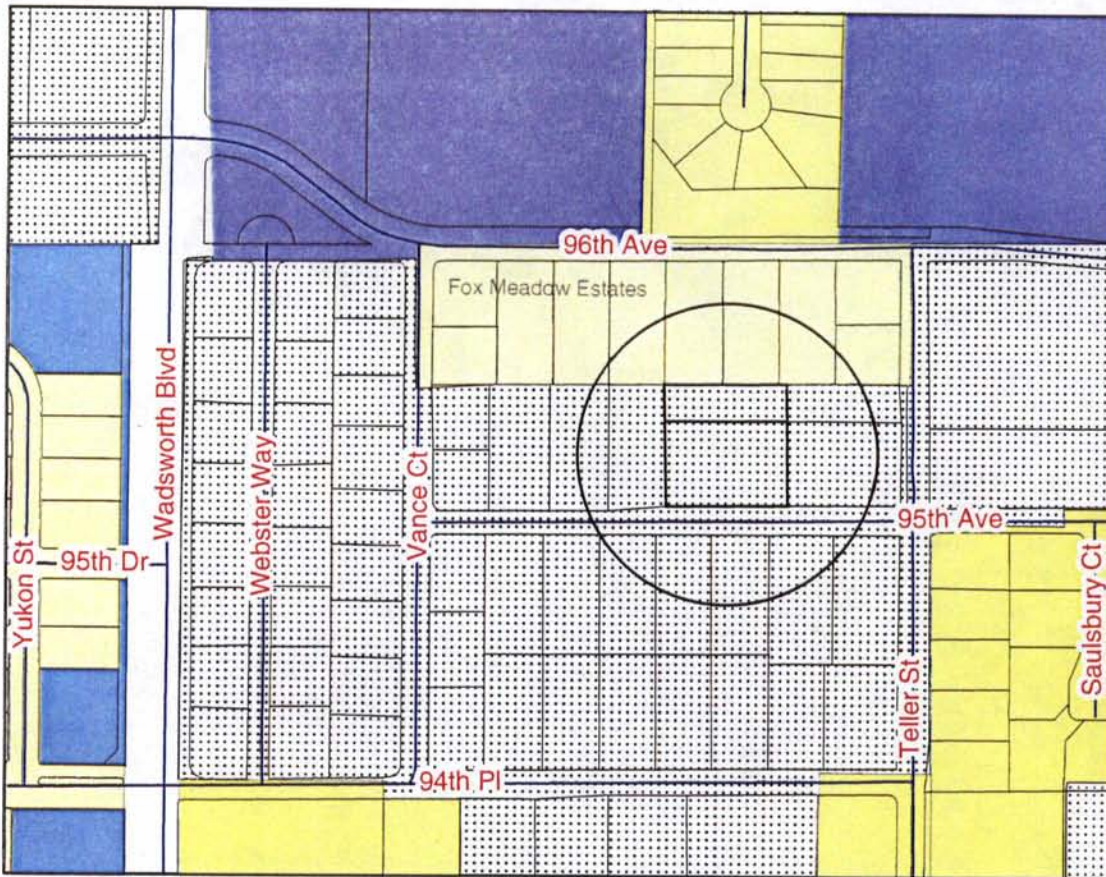
- City Limits
- Outside
- Inside
- Annexation



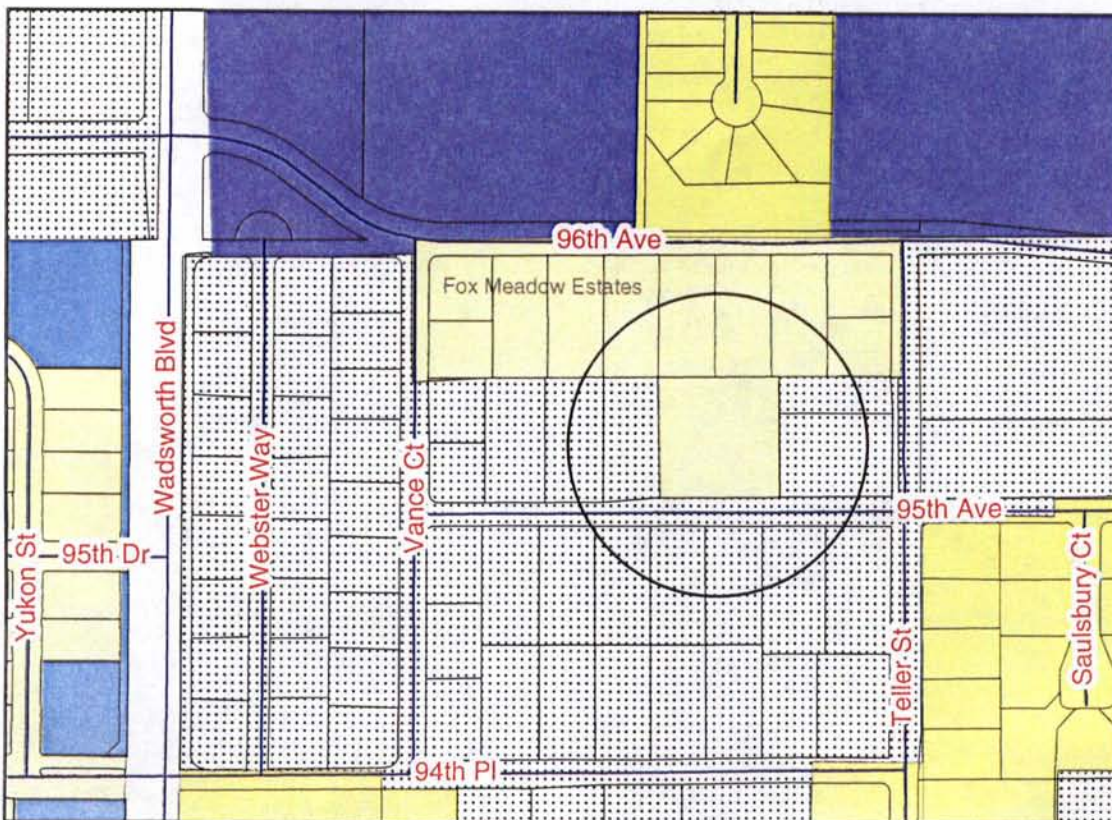


# McGrath Annexation

## Original Comp Plan Designation



## Proposed Comp Plan Designation



Description of Change:  
 Property was designated  
 Northeast Comprehensive  
 Land Use Plan.  
 Proposed designation is  
 R-2.5 (Residential: Up to  
 2.5 Dwelling Units per Acre).

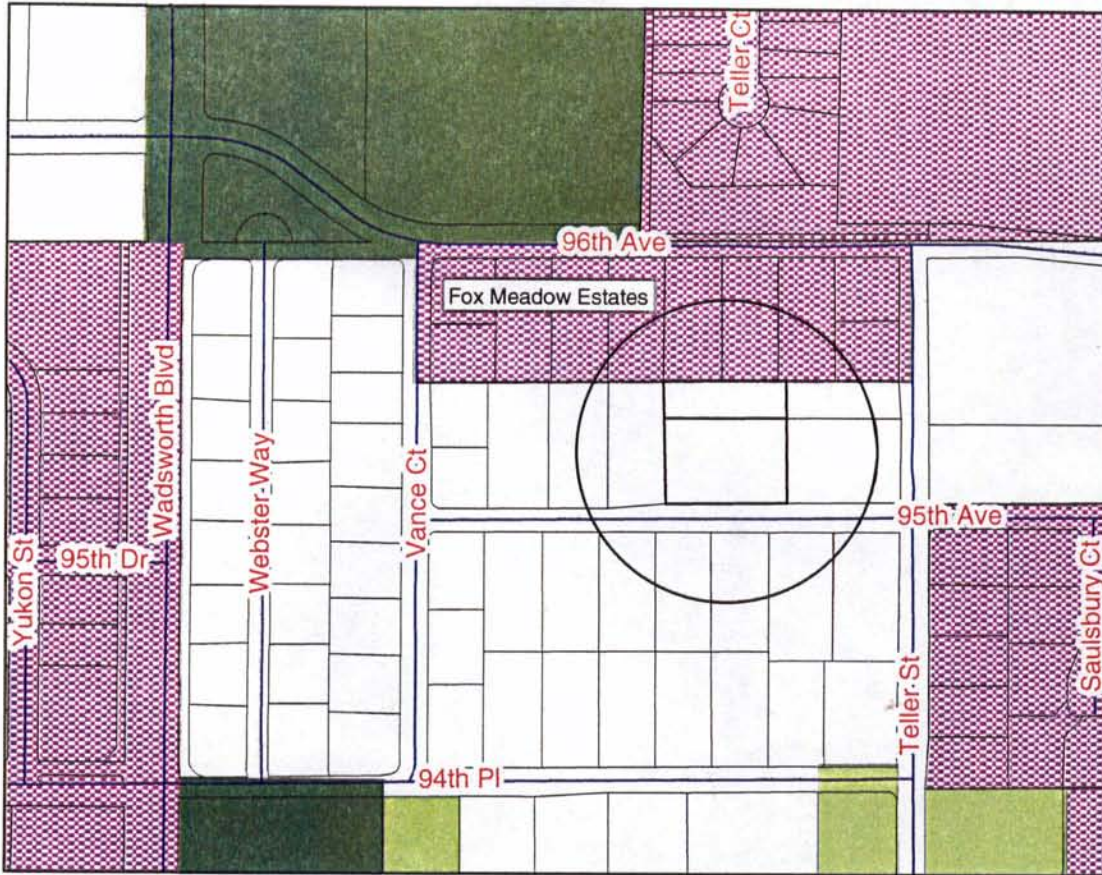


Not to Scale



# McGrath Annexation Zoning Amendment

Original Zoning Designation

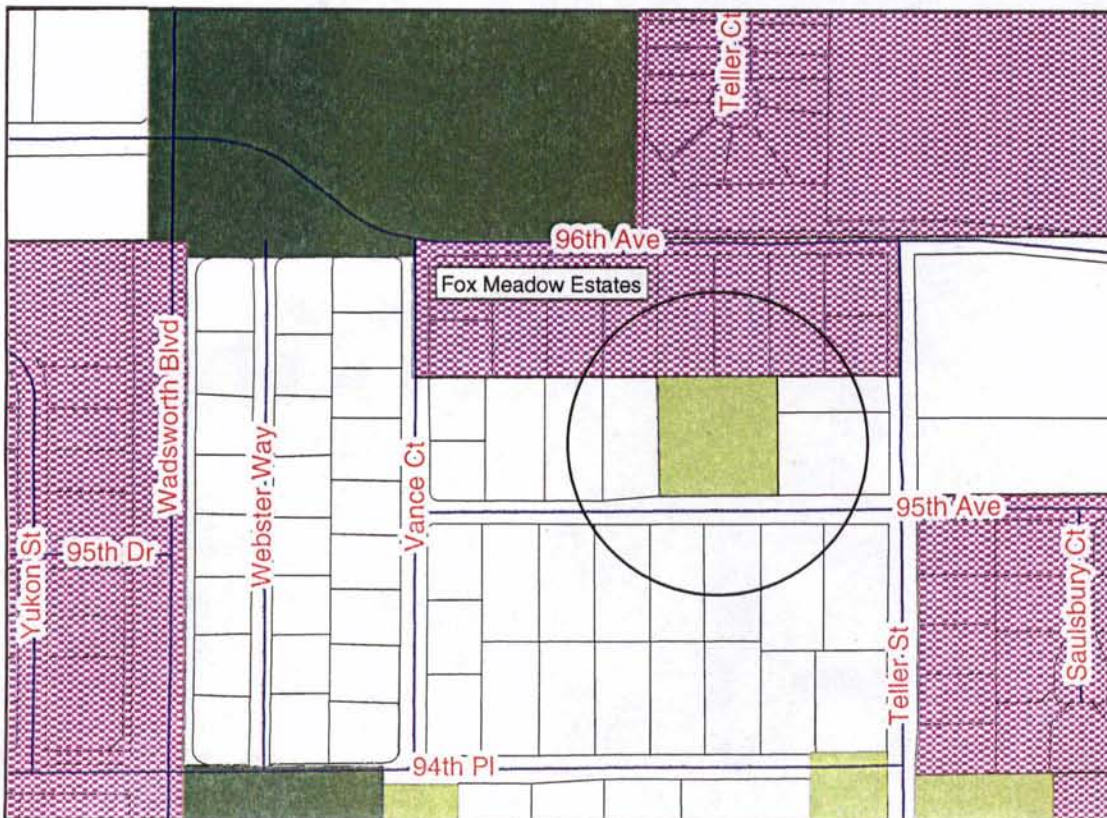


**Legend**

**Zoning**

	B-1
	C-1
	M-1
	O-1
	PUD
	R-1
	R-2
	R-3
	R-4
	R-5
	R-A
	R-E
	T-1

Proposed Zoning Designation



Description of Change:  
 Property was not in the City of Westminster and had no zoning designation.  
 Proposed designation is R-E (Residential district for large-lot single-family homes).



Not to Scale



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
August 8, 2005



**SUBJECT:** Councillor’s Bill No. 42 re City Park Maintenance Facility Construction Contract Award

**Prepared By:** Becky Eades, Landscape Architect II

**Recommended City Council Action**

- Authorize the City Manager to execute a contract with Golden Triangle Construction, Inc. in the amount of \$2,963,840 for the construction of the City Park Maintenance Facility (CPMF), authorize a 10 percent project contingency of \$296,384, and a total construction project budget of \$3,260,224.
- Pass Councillor’s Bill 42 on first reading appropriating \$1 million from the Utility Fund Satellite Facility Project account into the City Park Maintenance Facility Capital Improvement Program account, and authorizing transfers totaling \$442,220 from other General Capital Improvement Fund Project accounts.

**Summary Statement**

- Seven general contractors responded to the City’s request for qualifications process in June of 2005. Four of the most qualified firms were selected to bid the project. Those firms were: FCI Constructors, Inc.; Hyder Construction; Golden Triangle Construction, Inc.; and JHL Constructors.
- Bids were opened on July 21, 2005, with Golden Triangle Construction, Inc. being the apparent low bidder.
- The total project budget, including architect fees and all other related expenses, is \$4,013,445.
- Additional expenditures including tap fees, site landscaping and irrigation, fencing, building furnishings, and on-site fueling will be contracted for separately, following the City of Westminster’s purchasing ordinance. These expenditures are included within the \$4,013,445 total project budget.
- The funds being transferred from other capital project accounts are excess funds that are not required to complete the respective projects.

**Expenditure Required:** \$3,260,224

**Source of Funds:** \$ 1,000,000 - Utility Fund Capital Improvements  
\$ 2,260,224 - General Capital Improvement Program Fund

### **Policy Issues**

1. Should the City award the construction contract for the City Park Maintenance Facility to the low bidder?
2. Should \$1,442,220 be transferred from other project accounts into the City Park Maintenance Facility account?

### **Alternatives**

1. City Council could choose to not accept the low bid. However, Staff believes Golden Triangle Construction, Inc. to be qualified for this project.
2. City Council could choose not to authorize the transfer of monies from other accounts. However, this would leave a budget shortfall of \$1,442,220 in the project account. These funds are available in other capital project accounts without detracting from those projects. Staff believes these funds are needed in order to build a Park Maintenance Facility that will serve the needs of the City now and into the future.

### **Background Information**

Staff has thoroughly evaluated several sites within the City Park complex as well as the feasibility of relocating the entire Park Services operations to the recently purchased Brauch property located west of Standley Lake. Based on several factors, including proximity to utilities and associated development costs; proximity to work areas; cost of redevelopment of existing structures in the case of the Brauch property; site limitations including flood plains; and the desire for a centralized location within the City, Staff has determined the proposed site to be the most suitable location for the relocation of the majority of Park Services operations, including City Park maintenance, Promenade maintenance, park construction operations and the four crews that maintain the City's park system. Open space and forestry crews are currently located at the Brauch property. The relocation of these operations to City Park will free up the Municipal Service Center (MSC) for onsite expansion by Street Division and Utilities Division operations into the areas currently occupied by Park Services and will help alleviate the overcrowded conditions at the MSC.

Council authorized Staff to hire Humphries Poli, Architects, PC to complete design work at the November 8, 2004, Council Meeting. Staff has been working with the architect to design a facility that meets the many needs of the project, including: accommodating the needs of the future users of the facility; creating buildings that will have minimal impact on adjacent neighbors; blending with the existing architecture on the City Park site; designing with the challenging topography and poor soils present on the site; and working within the project budget. Staff is confident that the proposed buildings meet the Park Services Division's needs while addressing other key concerns.

On March 8, 2005, a public meeting with future residents of Stoney Hill at Legacy Ridge was held. This subdivision is located across Sheridan Boulevard, directly east of the proposed project. Approximately 25 people attended this meeting. After presenting the proposed site plan and building details, the primary concern from the residents was that this project not block their views of the mountains. The residents were assured that Staff has gone to great lengths to depress the building so that it would have minimal impact on their views of the mountains, but also designed to block views of the active use areas within the maintenance complex.

On March 16, 2005, Staff attended a COG meeting with residents of Sheridan Villas. Sheridan Villas is approximately one-quarter of a mile to the northwest of the proposed maintenance facility, across Big Dry Creek. The primary concerns of this group focused more on the Court Complex Master Plan, which is located to the north of the proposed maintenance facility, closer to their homes. City Council adopted the master plan for the court complex on May 8, 2001, and it was presented to the Sheridan Green COG group on September 25, 2001. The one question directly related to the Maintenance Facility was in regard to what type of fencing material would be used. Attendees were told that this decision had not been finalized, but the fence would not be chain link.

On April 18, 2005, Staff presented the site plan and building plans to Council at a Study Session to request permission to proceed with the project and to go out to bid. Council directed Staff to proceed.

Following the City's Purchasing Ordinance, qualifications were requested from 20 general contractors, with seven making submissions. Of these seven, four were determined to be qualified for the size and type of project being constructed. Bids were received from these four contractors as follows:

Golden Triangle Construction, Inc.	\$2,963,840
JHL Constructors	\$3,102,000
Hyder Construction	\$3,129,000
FCI Constructors Inc.	\$3,146,300

Construction of the CPMF is anticipated to be complete in early summer of 2006. The additional expenditures including site landscaping and irrigation, fencing, building furnishings, and on-site fueling will be contracted for separately, following the Cities purchasing ordinance to ensure the best possible pricing and the most qualified contractors.

This project supports City Council's Strategic Plan goal number 5, Beautiful City, specifically, Objective 3, Well Designed and Maintained City Facilities. The highly-visible location of the new facility has necessitated that the buildings be of attractive, high-quality materials, designed to blend with the existing City Park facilities. This project will be maintained by onsite crews to the high level expected of all City facilities. Additionally, this project meets Objective 4, Expanded, Developed and Well-Maintained Parkland. The central location of the facility within the City will reduce travel times for maintenance crews, especially for City Park and Promenade maintenance crews who will now be housed on site, with all of their equipment. This facility will only be used by Park Services, allowing staff to maximize the facility's setup to best meet their specific needs, which will enhance job performance.

The transfers from other capital project accounts are as follows:

Utility Fund Satellite Facility	\$1,000,000
Della Villa Park	\$ 290,000
Caroll Butts Park	\$ 60,000
City Park Fitness Center	\$ 70,000
Park Renovation	<u>\$ 22,220</u>
Total	\$1,442,220

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Councillor's Bill
- Location Map



BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**A BILL**

**FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND 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 Capital Improvement Fund initially appropriated by Ordinance No. 3162 in the amount of \$7,587,000 is hereby increased by \$1,000,000 which, when added to the fund balance as of the City Council action on August 8, 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 a transfer from the Utility Fund.

Section 2. The \$1,000,000 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
Transfer from Utility Fund	7500.45000.0200	\$0	<u>\$1,000,000</u>	\$1,000,000

Total Change to Revenues

\$1,000,000

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
City Park Maint Facility	80175050092.80400.8888	\$2,571,225	*\$1,442,220	\$4,013,445
Della Villa Park	80175050087.80400.8888	317,016	(290,000)	27,016
Hh Ice/Carroll Butts	80175050032.80400.8888	211,378	(60,000)	151,378
City Park Fitness	80475050608.80400.8888	71,016	(70,000)	1,016
Park Renovation	80375050305.80400.8888	1,440,974	<u>(22,220)</u>	1,418,754

\*This figure is the total of the \$1,000,000 transfer from the Utility Fund and transfers from other General Capital Improvement Project accounts listed.

Total Change to Expenses

\$1,000,000

Section 3. The appropriation for the Utility Fund does not change; however the general ledger accounts being adjusted are shown here for information purposes.

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Satellite Facility	80120035105.80400.8888	\$2,435,000	\$(1,000,000)	\$1,435,000
Transfer to GCIF	20010900.79800.0750	0	<u>1,000,000</u>	1,000,000

Total Change to Expenses \$0

Section 4. – 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 5. This ordinance shall take effect upon its passage after the second reading.

Section 6. 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 8th day of August, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of August, 2005.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

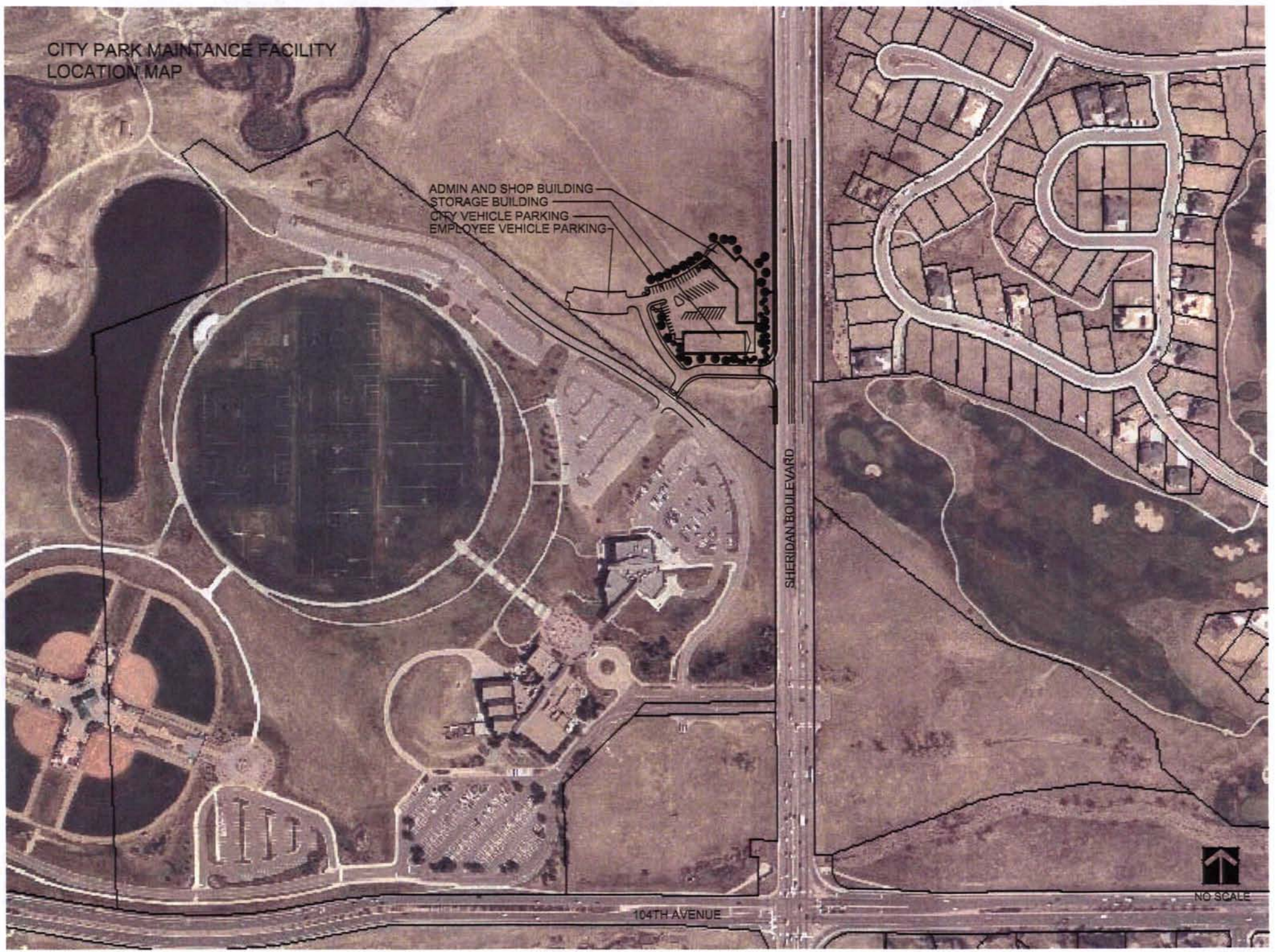


CITY PARK MAINTANCE FACILITY  
LOCATION MAP

ADMIN AND SHOP BUILDING  
STORAGE BUILDING  
CITY VEHICLE PARKING  
EMPLOYEE VEHICLE PARKING

SHERIDAN BOULEVARD

104TH AVENUE







## Agenda Item 10 K & L

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** Councillor's Bill No. 43 and Agreement between the City of Westminster and the City of Westminster Police and General Pension Boards

**Prepared By:** Gordon Tewell, Pension Administrator

### Recommended City Council Action

1. Approve the Agreement between the City of Westminster and the City of Westminster Police and General Pension Boards.
2. Pass Councillor's Bill No. 43 on first reading appropriating \$132,500 into the General Fund. The \$132,500 is an administrative fee paid to the General Fund by the Pension Plans to offset the cost of Pension staff salaries and related expenses.

### Summary Statement

- A previously approved Agreement between the City and the City of Westminster Police, Fire and General Pension Boards has been modified and reviewed by the Police and General Employee Pension Boards. The revised agreement reflects that the Fire Pension Board is no longer party to the agreement as the Fire Pension Plan was dissolved, and all assets were transferred to the statewide Fire and Police Pension Association (FPPA). This revised agreement further defines the responsibilities of the City and the Pension Boards as they relate to the City of Westminster Pension Plan (Plan). The new agreement more specifically defines which costs of the plan are non-discretionary costs to the Pension Trust and which are discretionary costs of the Pension Trust. Defining the responsibility for these costs assists the Pension Boards in managing the discretionary costs of the plan through the Pension Plan's annual budget.
- Since the approval of the original agreement in 2001, the Pension Boards have focused on their fiduciary responsibility of reducing costs for the plan. Historically, Pension salaries, trainings, reference resources, computers, and office supply costs have been paid from the Pension Trust. As control of these non-discretionary Pension related costs is beyond the responsibility of the Pension Boards, the City will assume responsibility for these costs and charge a reasonable and fair fee to the Pension Plan for the administration of the plan. The revised agreement contains language transferring the responsibility for these costs to the City. The Pension Trust will pay an annual fee to the City for administration of the plan, which will reimburse the City for Pension salaries, trainings, publication subscriptions, computers, office supplies, and other miscellaneous non-discretionary costs. The amount of the annual fee will be determined by the City and must be a fair and reasonable amount appropriately reflecting the above costs.

**Expenditure Required:** \$132,500

**Source of Funds:** Pension Fund



## **Policy Issue**

Should the City approve the Agreement between the City of Westminster and the City of Westminster Police and General Pension Boards initiating the transfer of the Pension Staff salaries and related costs to the General Fund.

## **Alternative**

Do not approve the agreement. This is not recommended as the revised agreement allows the Pension Boards to effectively manage the Pension Plan annual budget and more effectively reflects the status of the Pension Staff as employees of the City.

## **Background Information**

The original Agreement between the City and the Police, Fire and General Employee Pension Boards was approved unanimously by City Council during the August 27, 2001 Council meeting. Agreements between Plans and Plan Sponsors (City Council, County Boards, and State Legislatures) have become commonplace in recent years. Arrangements are made between the governing bodies, who act as plan sponsors and the pension boards who are the legal entity administering the plan. It is prudent practice for these entities to have an agreement in place that delineates the responsibilities the entities have to each other and to the pension plan.

Other responsibilities of the City and the Pension Boards under the agreement remain unchanged and are as follows:

Responsibilities of the Board include the following and are paid for by the pension assets (and members):

- Costs for searches for service providers (consultants, actuaries, money managers, etc)
- Banking costs
- Fees paid for recordkeeping, investment consulting, and custody of funds
- Other professional services that may include: outside attorneys, advisors, and participant education training
- Costs associated with special meetings or workshops
- Miscellaneous costs such as printing of participant materials

Additional provisions regarding the Board include:

- The board will determine the compensation of all agents, etc
- The board members will not be compensated for their work beyond their regular City compensation
- Board members may be reimbursed for other reasonable expenses, and these will be paid from the Pension Trust
- The Board must maintain adequate records, accounts and reporting, included in the City's annual audit
- The Board will approve and monitor a budget separate from the City's budget
- The Board will maintain a record of the proceedings and decisions made by the Board
- A separate account will be maintained for each individual Participant and each Participant's record will reflect the cost apportioned to them for the administration of the Trust Fund
- The Trustee will give an annual accounting of the Trust Fund to the Board and the City, which shall be accomplished through an annual audit and reflected in an Annual Report

Responsibilities of the City include such items as the following:

- Benefits of the Pension Staff
- Attorney costs for Pension Plan adoption and amendment
- Internal Revenue Service fees for Letters of Determination and other formal documents associated with the Trust Fund's application as a qualified retirement plan
- Physical overhead costs associated with the office space accorded to Pension Staff, including but not limited to, utilities and building maintenance
- Fiduciary Liability Insurance coverage for Board members

Additional provisions regarding the City include, but are not limited to the following:

- Staff reclassification, changes or additions must be proposed by the City Manager and approved by City Council
- Costs associated with members of the Finance Department other than Pension staff and City Attorney's Office staff time attributed to the Pension Plan will be borne by the City
- An annual contribution may be made by the City for Board member education

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

- Agreement
- Councillor's Bill

AGREEMENT  
BETWEEN  
THE  
CITY OF WESTMINSTER  
AND THE POLICE, ~~FIRE,~~ AND GENERAL EMPLOYEE  
PENSION BOARDS

---

THIS AGREEMENT, made and entered into this [ENTER DATE] ~~27th day of August, 2001,~~ is between the CITY OF WESTMINSTER, hereinafter called the "City", and the Police, ~~Fire,~~ and General Employee Pension Boards, hereinafter called the BOARD, is as follows:

WHEREAS, the City established a Police, ~~a Fire,~~ and a General Employee Pension Plan, hereinafter called the "Plan" ~~or "Trust Fund"~~, created for the exclusive benefit of the City's eligible employees and their beneficiaries and governed by a five-member Board of Trustees (the Board) for each Plan; and

WHEREAS THE ASSETS OF EACH PLAN WILL BE HELD IN A TRUST HEREINAFTER CALLED THE "TRUST FUND" WITH CERTAIN PLAN EXPENSE PAID USING ASSETS OF THE TRUST FUND; AND

WHEREAS, the City and the Board wish to describe and define the actions, responsibilities, and expectations of both parties as provided for by the Plan Document; and

WHEREAS, sufficient authority exists in charter and statute to administer the PLAN ~~Trust Fund,~~ this Agreement is contingent upon the approval of the City Manager and the Board of Trustees. Any amendments to the Plan Document are contingent upon approval by the City Council. Any such amendments made in the future which may have a bearing on this Agreement, would require like amendment to this Agreement. In the event this Agreement is not approved in its entirety by both parties, neither Party shall be bound to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual understandings and agreements set forth, the City and the Board agree as follows:

I. PURPOSE

The Purpose of this Agreement is to establish a policy and agreement between the Board and the City which sets forth guidelines as to the responsibilities of each party relevant to THE EXPENDITURES OF THE TRUST FUND AND THE CITY IN REGARD TO THE PLAN ~~staff salaries, benefits, office space and equipment, and other like expenditures of the Trust Fund.~~ The objective of both parties shall be to continue to maintain a separate Trust Fund for the exclusive purpose of providing benefits to eligible employees and their beneficiaries. In establishing the particular responsibilities, the objective of both parties shall be to provide employee retirement benefits while incurring reasonable expenses in the administration of the PLAN ~~Trust Fund.~~

II. BOARD'S AUTHORITY ~~SERVICES~~ AND RESPONSIBILITIES

The Board shall conduct its powers and duties within the constraints of the City of Westminister Municipal Code Chapter 14 attached hereto and incorporated herein by this reference. The Board is a fiduciary body responsible for the prudent administration of the PLAN ~~Trust Fund.~~ As a fiduciary, the Board decides all questions relating to the administration of the Trust Fund and has the authority to select and monitor the investment options of the PLAN ~~Trust Fund.~~ ~~In order to effectively carry out its responsibilities to the Trust Fund participants,~~ the Board IS RESPONSIBLE ~~needs to be able to control~~ the FOR OVERSEEING AND CONTROLLING THE DISCRETIONARY (NON-STAFF RELATED) costs ASSOCIATED WITH ~~of the~~ administration of the PLAN ~~Trust Fund.~~ As such, the DISCRETIONARY ~~controllable~~ costs of PLAN ~~Trust Fund~~ administration ~~are under the oversight of the~~

~~Board and these expenses~~ are payable from the Trust Fund. IN ADDITION TO THESE DISCRETIONARY EXPENSES, THE BOARD UNDERSTANDS THAT THE TRUST FUND WILL PROVIDE A REIMBURSEMENT FEE TO THE CITY IN ORDER TO OFFSET THE NON-DISCRETIONARY (STAFF-RELATED) COSTS ASSOCIATED WITH ADMINISTRATION OF THE PLAN. The Board may ENGAGE ~~employ~~ Investment Advisors or other professional experts outside of the City and may rely on these experts' recommendations with respect to the investment of the Trust Fund. The Board has the authority to AUTHORIZE ~~execute~~ agreements with such outside advisors and may direct the Trustee to execute such agreements. These professional experts may include but shall not be limited to: Investment Consultants, Investment Fund Managers, a Custodian Bank, a Third Party Administrator/ Recordkeeper, attorneys, and auditors. The fees resulting from agreements with outside professional experts shall be paid from the Trust Fund. The Board may direct the Trustee to make payments from the Trust Fund for administrative expenses related to these agreements, as well as, for the day-to-day Trust Fund expenditures.

To this end, the Board agrees that the administrative expenses which shall be paid for by the Trust Fund include but are not limited to the following:

- ~~Salaries for City Pension Staff.~~
- A REASONABLE FEE TO BE PAID TO THE CITY FOR THE ADMINISTRATION OF THE PLAN. SUCH FEE TO BE DETERMINED BY THE FINANCE DEPARTMENT TAKING INTO CONSIDERATION THE EXPENSES NECESSARY TO ADMINISTER THE PLAN INCLUDING THE SALARIES OF CITY PENSION STAFF; COSTS FOR PURCHASE OF COMPUTER EQUIPMENT AND OFFICE FURNITURE; AND COSTS TO PROVIDE TRAINING AND REFERENCE RESOURCES FOR PENSION STAFF.
- Costs associated with searches conducted to select service providers.
- Fees paid for recordkeeping, investment consulting, and custody of funds.
- Bank costs associated with maintaining a separate bank account for pension funds.
- Other professional services which may include: outside attorneys, advisors, and participant education training.
- Costs associated with special meetings or workshops held for Board training in selecting and monitoring the investment options.
- ~~Costs for purchase of computer equipment and office furniture.~~
- ~~Costs to provide training for Pension Staff.~~
- Miscellaneous costs such as printing of participant materials ~~and supplies required for administration of the Trust Fund.~~

The Board will determine the compensation of all agents, counsel, or other persons to be retained or ENGAGED ~~employed~~ by the Board with such compensation to be paid from the Trust Fund. The Board has the authority to direct the Trustee to: invest the Plan funds, enter into and execute contracts and agreements as investment vehicles, and pay all reasonable expenses to administer the Trust Fund with payments to be made from the Trust Fund.

The Board members will not be compensated in addition to their regular City compensation for serving on the Board. However, all members may be reimbursed for reasonable expenses incurred in the process of carrying out their duties as a Board member. These reimbursements as determined by the Board may be paid from the Trust Fund or by the City at the discretion of the City Manager.

### III. ADDITIONAL DUTIES OF THE BOARD

#### MAINTENANCE OF Records:

- The Board will maintain a record of the proceedings and decisions made by the Board.
- A separate account will be maintained for each individual Participant and each Participant's record will reflect the cost apportioned to them for the administration of the Trust Fund.
- The Trustee will give an annual accounting of the Trust Fund to the Board and the City. This shall be accomplished through an annual audit and reflected in an Annual Report.

#### IV. CITY'S AUTHORITY AND RESPONSIBILITIES

The City as Plan Sponsor has provided for a retirement plan for the exclusive benefit of its employees. The City intends for the retirement plan to be a Trust Fund maintained independently of the City's budget. The PLAN ~~Trust Fund~~ was created pursuant to the Federal Internal Revenue Code Section 401(a) and is intended to qualify as tax exempt under Code Section 501(a). Although the Trust Fund is not required to comply with the Employee Retirement Income Security Act (ERISA) of 1984, the City's intention is, in general, to adhere to ERISA requirements when advisable. In order to provide a retirement plan as an employee benefit, the City, as employer, has accepted the responsibility of ensuring the establishment of the Trust Fund. The requirements of the Trust Fund are incorporated in the City's Municipal Code. Amendments to the City Code, and thus the Plan Document, must be adopted by the City Council at the City Manager's request.

As Plan Sponsor, the City will pay all expenses incurred to establish, amend, and indemnify the PLAN ~~Trust Fund~~.

These expenses include but are not limited to:

- Attorney costs to adopt and amend the Plan Document.
- Internal Revenue Service fees for Letters of Determination and other formal documents associated with the PLAN'S ~~Trust Fund~~'s application as a qualified retirement plan.
- Physical overhead costs associated with the office space accorded to Pension Staff, including but not limited to, utilities and building maintenance.
- Annual Fiduciary Liability Insurance coverage for the Board.

Per the Plan Document, the City may pay all or part of the reasonable expenses associated with the administration of the Trust Fund at the discretion of the City Manager. These additional expenses may include, but are not limited to:

- Pension staff benefits such as employer pension contributions, the employer share of health insurance, life insurance, workers compensation, and survivor's benefits.
- Costs associated with Finance Department and City Attorney's Office staff time attributed to the accounting and auditing of the Plan records and issuing of legal opinions on pension-related questions and/or contracts.
- An annual contribution for Board member education.

THE CITY WILL BE RESPONSIBLE FOR THE YEARLY DETERMINATION OF A FAIR AND REASONABLE FEE NECESSARY FOR THE ADMINISTRATION OF THE PLAN BASED ON THE FOLLOWING EXPENSES:

- SALARIES FOR CITY PENSION STAFF
- COSTS FOR PURCHASE OF COMPUTER EQUIPMENT AND OFFICE FURNITURE
- COSTS TO PROVIDE TRAINING FOR PENSION STAFF
- REFERENCE RESOURCES FOR PENSION STAFF
- ADDITIONAL ADMINISTRATIVE SERVICES AS PROVIDED BY EMPLOYEES OF THE CITY WHO ARE NOT PART OF THE PENSION STAFF

THE CITY SHALL ASSUME FIDUCIARY RESPONSIBILITY OF ENSURING THAT THE ABOVE YEARLY FEE IS FAIR AND REASONABLE. THE CITY AND BOARD WILL JOINTLY DETERMINE AND AGREE ON THE PERMANENT PENSION ADMINISTRATION STAFFING LEVELS BASED ON SERVICES PROVIDED FOR PARTICIPANTS.

THE PENSION STAFF ARE EMPLOYEES OF THE CITY; THEREFORE THE CITY WILL BE RESPONSIBLE FOR ANY EMPLOYER FUNCTIONS FOR THE PENSION STAFF INCLUDING AUTHORIZATION OF POSITIONS, COMPENSATION AND CLASIFICATION AS OUTLINED IN THE CITY'S PERSONNEL POLICIES AND RULES.

V. ADDITIONAL EXPECTATIONS OF THE CITY

The City and the Board further agree that the Trust Fund is independent from the administration of the City budget and that the following procedures will be followed:

- The financial records of the Trust Fund will be accounted for separately from the City's records.
- The Annual Budget for the Trust Fund will be established separately from the City's budget and will be approved and monitored by the Board.
- ~~All requests for reclassification, changes, or additions to Pension Staff positions and changes in salary ranges must be proposed by the City Manager and authorized by the City Council. Note: City Council approved the Pension Administrator position in 1991 and the Assistant Staff position for pension in 1996. Position titles may change per City Manager reclassification recommendations.~~

V. TERMINATION

- A. Either the Board or the City may terminate this Agreement if either party believes that it is no longer able to fulfill any part of this Agreement. Such notification will be made 60 days prior to the effective date of termination. In such an event, the City and the Board will meet to discuss the terms of disagreement, shall attempt to mediate any disagreements, and may retain Counsel as necessary.
- B. This Agreement notwithstanding, as stated in the Plan Document, the City acknowledges that it does not have a contractual obligation to ensure the continuance of the Trust Fund.
- C. This Agreement will be reviewed periodically and may be amended upon written agreement by both parties.

VII. INSURANCE

The City agrees to provide fiduciary liability insurance coverage for the Board members.

IN WITNESS WHEREOF, the Board and the City have executed this Agreement as of

THE BOARD OF TRUSTEES

CITY OF WESTMINSTER

By \_\_\_\_\_

By \_\_\_\_\_

Title \_\_\_\_\_

Brent McFall  
City Manager

Address:

Address:

\_\_\_\_\_  
\_\_\_\_\_

4800 West 92nd Avenue  
Westminster, CO 80031

ATTEST:

ATTEST:

By \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Title \_\_\_\_\_

APPROVED AS TO LEGAL FORM

By \_\_\_\_\_  
City Attorney

**EXHIBIT A:  
SUMMARY TABLE  
OF RESPONSIBILITIES**

ACTIVITY:	TRUST	CITY
<del>Pension Staff Salaries</del>	X	
<del>Pension Staff Benefits</del>		X
FEE PAID TO THE CITY FOR ADMINISTRATION OF THE "PLAN"	X	
Plan establishment and amendment costs; i.e., attorney services and filing fees		X
FEEES ASSOCIATED WITH THE MAINTENANCE OF THE PLAN AS A QUALIFIED PLAN, I/E/ FEES FOR LETTERS OF DETERMINATION		X
Fiduciary Insurance		X
Recordkeeping, consulting, custodian costs	X	
Bank fees related to the Trust Fund	X	
Service provider search costs	X	
Professional services; i.e., for employee training, attorneys, advisors	X	
<del>Physical overhead associated with Pension office space; i.e., electricity, gas, building maintenance</del>		X
<del>Accounting, auditing, and legal services rendered by the Finance and City Attorney Departments as part of the basic obligation of maintaining the Trust.</del>		X
<del>Purchase of computer equipment, filing cabinets, office furniture</del>	X	
<del>Pension Staff training</del>	X	
Annual Training for Board members; i.e., Colorado Public Pension Conference		X
Special Board meetings and workshops	X	
MISCELLANEOUS COSTS SUCH AS PRINTING OF PARTICIPANT MATERIALS	X	
OTHER COSTS AS DEEMED APPROPRIATE BY THE BOARDS	X	
OTHER COSTS AS DEEMED APPROPRIATE BY THE CITY		X
<del>Miscellaneous supplies, materials, fees for day to day operation of the Plan</del>	X	

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO.

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL 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 Fund initially appropriated by Ordinance No. 3162 in the amount of \$82,941,554 is hereby increased by \$132,500 which, when added to the fund balance as of the City Council action on August 8, 2005 will equal \$91,715,216. 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 a transfer from the Pension Fund moving pension administrative staff to the Finance Department.

Section 2. The \$132,500 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
Misc Chrg for Services	1000.41460.0000	\$0	\$ <u>132,500</u>	\$132,500
Total Change to Revenues			\$ <u>132,500</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Salaries	10015050.60200.0000	\$147,777	\$125,000	\$272,777
Temp Salaries	10015050.60600.0000	0	2,500	2,500
Career Development	10015050.61800.0000	4,000	1,500	5,500
Supplies	10015050.70200.0000	7,365	3,000	10,365
Comp Soft/Hard	10015050.75400.0000	0	\$ <u>500</u>	1,500
Total Change to Expenses			\$ <u>132,500</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 8th day of August, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 22nd day of August, 2005.

ATTEST:

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Mayor

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City Clerk



## Agenda Item 10 M

**WESTMINSTER**  
**COLORADO**

### Agenda Memorandum

City Council Meeting  
August 8, 2005



**SUBJECT:** Councillor's Bill No. 44 re Amending Chapter 1 of Title VII,  
W.M.C. re Elections

**Prepared By:** Linda Yeager, City Clerk  
Jane W. Greenfield, Assistant City Attorney

### Recommended City Council Action

Pass Councillor's Bill No. 44 on first reading amending the provisions of the City's Election Code to remove inconsistencies and outdated portions, to clarify the priority of applicable election laws, and to change certain time limits for coordinated elections.

### Summary Statement

- In the last legislative session, Senate Bill 05-198 was adopted, making a substantial number of changes to the state's Uniform Election Code. Also, since the last City election for Council seats, the Colorado Municipal Election Code was amended. As a result, it is necessary to conform the City's Election Code to the recent changes in state law, particularly for coordinated elections.
- At the same time, Staff is proposing additional amendments to clarify and update certain portions of the Election Code.
- The changes include lengthening the timeframes for certifying ballot language and for filing petitions for elective office when holding a coordinated election, shortening the time from 20 to 10 days for required publication of legal notice, deleting specified polling places, clarifying which law takes precedence, and making conforming changes to the index.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

## **Policy Issue**

Should the City amend its Election Code to recognize changes to the Uniform Election Code and to update and clarify additional provisions related to coordinated elections?

## **Alternative**

The City could elect to not adopt the proposed ordinance, which would make the Westminster Municipal Code inconsistent with recent legislation concerning the times by which ballot language must be certified, petitions for Council seats must be filed and legal notice must be published. This is not recommended because the City usually conducts coordinated elections with either Adams or Jefferson counties, or both, and the clerks of both counties are required to follow state law. In a coordinated election, the counties are unable to accommodate individual municipalities' code differences. If the City chooses not to meet the counties timelines, the City's only alternative would be to conduct a separate municipal election, at additional cost to the City.

## **Background Information**

In 2005, the General Assembly passed Senate Bill 05-198, making numerous amendments to the Uniform Election Code, including moving up the time for certifying ballot language from 55 to 60 days before the election. In 2004, both the Uniform Election Code and the Colorado Municipal Election Code were amended. These two Codes have somewhat conflicting requirements regarding Council elections. The City's Charter was amended by the citizens in 1995 to require City elections to be conducted in accordance with both of these Codes unless the Council, by ordinance, adopted differing provisions. Also, in 1995, the City Council determined it would be in the City's best interest to participate in coordinated elections with Adams and Jefferson counties and to conduct future City-only elections by the mail-in ballot method. The Charter also contains different time requirements for special elections, recall elections, and initiative and referendum elections.

The following proposed changes, and the rationales therefor, are described below:

- Section 7-1-1 adds language prioritizing the order in which the various election laws will be applied by the City in order to resolve conflicting provisions on the same subject among the various codes; adds language that recognizes the pre-eminence of the Uniform Election Code in the case of coordinated elections. These changes conform the Code to the City's Charter and incorporate past Council direction regarding coordinated elections.
- Section 7-1-2 deletes the references to specific polling places and replaces them with language that is consistent with the City's Charter and state law. This change recognizes that polling places may be in different locations depending upon the type of election being conducted, and that precinct or district boundaries may be changed by others.
- Section 7-1-3 adds language that specifies the requirements for coordinated elections, that recognizes the Uniform Election Code will be complied with in coordinated elections, and deletes subsection (B). These changes place all the requirements for coordinated elections under one section, recognizes the City's preference to conduct coordinated elections, and deletes a provision made obsolete by the passage of the 1995 Charter Amendment.
- Section 7-1-4 adds language that maintains the Council's authority for certifying ballot language in accordance with the varying time frames possible depending upon the type of election occurring. This change recognizes that the Charter and other codes specify different time limits for purely municipal matters, when a coordinated election is not occurring.

- Section 7-1-5 adds language that recognizes that the time frame for filing nominating petitions for City Council will be different in the event of a recall election or a coordinated election. This addition removes a conflict between this section's time requirements and those of the Uniform Election Code for coordinated elections and the City's Charter for recall elections.
- Section 7-1-6 changes from 20 to 10 days the deadline for publication of legal notice and recognizes that such notice is not required of the City's Clerk for a coordinated election. The change in the publication timeline conforms our Election Code's legal notice to the same time frame as both the Uniform Election Code and the Colorado Municipal Election Code provide for, and removes a potential conflict between the City's Code and its Charter in the case of recall elections.
- Section 7-1-9 changes the word "political" to the word "all," and change the title of the Act from "Campaign Reform" to "Fair Campaign Practices." This change recognizes that there are several types of committees that must file financial reports under Colorado's Fair Campaign Practices Act, including issue committees, candidate committees, political committees, and small donor committees.

In light of the upcoming November election, now is the appropriate occasion to make these changes to the City's Election Code, recognizing that many of them are of a housekeeping nature.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **44**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

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**A BILL  
FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE VII OF THE WESTMINSTER  
MUNICIPAL CODE CONCERNING ELECTIONS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VII, Chapter 1, W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 1**

**ELECTIONS**

- 7-1-1: ~~ADOPTION AND APPLICABILITY OF STATE LAW; PRIORITY OF MUNICIPAL ELECTION CODE~~
- 7-1-2: WARDS; PRECINCTS; POLLING PLACES
- 7-1-3: COORDINATED ELECTIONS
- 7-1-4: BALLOT LANGUAGE
- 7-1-5: NOMINATING PETITIONS
- 7-1-6: LEGAL NOTICE
- 7-1-7: PENALTIES FOR ELECTION OFFENSES
- 7-1-8: SPECIAL ELECTIONS
- 7-1-9: STATEMENT OF EXPENSE

**7-1-1: ADOPTION AND APPLICABILITY OF STATE LAW; PRIORITY OF MUNICIPAL ELECTION CODE:**

(A) PURSUANT TO SECTION 3.1 OF THE CHARTER OF WESTMINSTER, the City of Westminster adopts by reference the RELEVANT PORTIONS OF THE UNIFORM ELECTION CODE OF 1992, ARTICLES 1 TO 13 OF TITLE 1, AND THE Colorado Municipal Election Code, Article 10 of Title 31 of the Colorado Revised Statutes, as amended from time to time. THESE LAWS SHALL BE APPLIED IN THE FOLLOWING ORDER OF PRIORITY:

- (1) THE PROVISIONS OF THE CHARTER OF WESTMINSTER.
- (2) THE PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE.
- (3) THE PROVISIONS OF THE COLORADO MUNICIPAL ELECTION CODE OF 1965.
- (4) THE RELEVANT PROVISIONS OF THE UNIFORM ELECTION CODE OF 1992.

~~In the event that any provision of the Colorado Municipal Election Code is inconsistent with a provision of the Westminster Municipal Code or of the Charter of Westminster, the provisions of the Westminster Municipal Code or of the Charter shall prevail.~~

(B) NOTWITHSTANDING THE PRIORITIZATION IN SUBSECTION (A), ABOVE, it is the intent of the Westminster City Council to conduct City elections on a coordinated basis with Adams and Jefferson counties for voters to cast one combined ballot. THEREFORE, IN THE CASE OF A COORDINATED ELECTION, THE PROVISIONS OF §7-1-3 (B) SHALL APPLY.

**7-1-2: WARDS; PRECINCTS; POLLING PLACES:**

(A) The City shall consist of one ward.

(B) There ~~is~~ ARE hereby established and there shall be twenty two (22) precincts within the City as follows:

Precinct 1 shall consist of Adams County Precincts 2313501012, 2313501013, and 2313501014.

Precinct 2 shall consist of Adams County Precincts 2313501011, 2313501016 and 2313501009 within the City limits.

Precinct 3 shall consist of Adams County Precincts 2313501019 and 2313501023.

Precinct 4 shall consist of Adams County Precincts 2313501020 and 2313501024 within the City limits.

Precinct 5 shall consist of Adams County Precincts 2313501021, 2313501025 and 2313501026 within the City limits.

Precinct 6 shall consist of Adams County Precincts 2233501030 and 223501031.

Precinct 7 shall consist of Adams County Precincts 2313501027, 2313501028 and 2233501029 within the City limits.

Precinct 8 shall consist of Adams County Precincts 2233401050 and 2233401051.

Precinct 9 shall consist of Adams County Precincts 2233501032 and 2233501033.

Precinct 10 shall consist of Adams County Precincts 2233401034, 2233401035, and 2233401038.

Precinct 11 shall consist of Adams County Precincts 2233401036, 2233401037, and 2233401039.

Precinct 12 shall consist of Adams County Precincts 2233301070, 2233301071, and 2233301072.

Precinct 13 shall consist of Adams County Precincts 2233301073 and 2233301074.

Precinct 14 shall consist of Adams County Precincts 2233301075, 2233301076, 2233301077, 2233301078 and 2233301079 within the City limits.

Precinct 15 shall consist of Jefferson County Precincts 2192930021 and 2192930022.

Precinct 16 shall consist of Jefferson County Precincts 219293007, 219293015, 219293018 and 219293019 within the City limits.

Precinct 17 shall consist of Jefferson County precincts 219293002, 219293011 and 2192930013 within the City limits.

Precinct 18 shall consist of Jefferson County Precincts 2192930016 and 2192930020.

Precinct 19 shall consist of Jefferson County Precincts 2192930009, 2192930014 and 2192930017.

Precinct 20 shall consist of Jefferson County Precincts 2192930006, 2192930010 and 2192930012.

Precinct 21 shall consist of Jefferson County Precincts 219293001, 219293004 and 219293005 within the City limits.

Precinct 22 shall consist of Jefferson County Precincts 219293003 and 2192930008 within the City limits.

(C) NO LATER THAN THIRTY (30) DAYS BEFORE AN ELECTION, OTHER THAN A MAIL BALLOT ELECTION OR A COORDINATED ELECTION, THE CITY COUNCIL SHALL DESIGNATE OFFICIAL POLLING PLACES FOR SAID ELECTION. ~~The following places in each precinct are hereby designated as the official polling places at which elections are to be held:~~

- ~~PRECINCT 1: 76<sup>TH</sup> Avenue Library, 3031 West 76<sup>TH</sup> Avenue~~
- ~~PRECINCT 2: Fire Station No. 1, 3948 West 73<sup>RD</sup> Avenue~~
- ~~PRECINCT 3: Westminster Hills Elementary School, 4105 West 80<sup>TH</sup> Ave~~
- ~~PRECINCT 4: Gregory Hill Preschool, 8030 Irving Court~~
- ~~PRECINCT 5: Highview Mobile Home Clubhouse, 8601 Zuni Street~~
- ~~PRECINCT 6: Sunset Ridge Elementary School, 9451 Hooker Street~~
- ~~PRECINCT 7: Westminster City Hall, 4800 West 92<sup>ND</sup> Avenue~~
- ~~PRECINCT 8: Rocky Mountain Elementary School, 3350 West 99<sup>TH</sup> Avenue~~
- ~~PRECINCT 9: Hyland Hills Restaurant, 9650 Sheridan Boulevard~~
- ~~PRECINCT 10: Fire Station No. 4, 4580 West 112<sup>TH</sup> Avenue~~
- ~~PRECINCT 11: College Hill Library, 3705 West 112<sup>TH</sup> Avenue~~
- ~~PRECINCT 12: The Ranch Country Club, 11887 Tejon Street~~
- ~~PRECINCT 13: Fire Station No. 6, 999 West 124<sup>TH</sup> Avenue~~
- ~~PRECINCT 14: Reclaimed Water Treatment Facility, 13070 Huron Street~~
- ~~PRECINCT 15: Kaiser Health Plan, 7701 Sheridan Boulevard~~
- ~~PRECINCT 16: Mandalay Middle School, 9650 Pierce Street~~
- ~~PRECINCT 17: Sheridan Green Elementary School, 10951 Harlan Street~~
- ~~PRECINCT 18: Victory Church, 11700 Sheridan Boulevard~~
- ~~PRECINCT 19: Moore Middle School, 8455 West 88<sup>TH</sup> Avenue~~
- ~~PRECINCT 20: Lucas Elementary School, 9650 West 97<sup>TH</sup> Avenue~~
- ~~PRECINCT 21: West View Recreation Center, 10747 West 108<sup>TH</sup> Avenue~~
- ~~PRECINCT 22: Witt Elementary School, 10255 West 104<sup>TH</sup> Drive~~

(D) ~~City precinct boundaries and polling places will be reviewed by the Election Commission after the ANY State process of redistricting and the OR County process of reprecincting has been completed OCCURRED.~~

### **7-1-3: COORDINATED ELECTIONS:**

(A) A City election shall be conducted, WHENEVER POSSIBLE, as a coordinated election conducted by Adams County or Jefferson County or both.

~~(B) When the City participates in coordinated elections conducted by the Counties, each County shall be one precinct for the purposes of rotation of candidate names as required by City Charter.~~

~~(C) (B) The City will comply with the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1, C.R.S., as amended from time to time, for all elections conducted as coordinated elections with a County. except to the extent that the Uniform Election Code conflicts with a specific City Charter provision or City Code provision.~~

(C) FOR ALL COORDINATED ELECTIONS, THE CITY COUNCIL SHALL ADOPT A RESOLUTION CERTIFYING THE BALLOT CONTENT TO THE COUNTY CLERK AND RECORDER NO LATER THAN SIXTY (60) DAYS BEFORE THE ELECTION.

(D) FOR ALL COORDINATED ELECTIONS, NOMINATING PETITIONS FOR THE OFFICE OF COUNCIL OR MAYOR MAY BE CIRCULATED AND SIGNED BEGINNING NINETY-ONE (91) DAYS PRIOR TO THE ELECTION, AND SHALL BE FILED WITH THE CITY CLERK NOT LATER THAN SEVENTY-ONE (71) DAYS BEFORE THE ELECTION.

**7-1-4: BALLOT LANGUAGE:** For all ELECTIONS OTHER THAN coordinated elections, the City Council shall adopt a resolution certifying the ballot content to the CITY CLERK IN THE MANNER AND TIMEFRAME PROVIDED FOR IN THE CHARTER, THE WESTMINSTER CITY CODE OR THE COLORADO MUNICIPAL ELECTION CODE OF 1965, ACCORDING TO THE TYPE OF ELECTION TO BE CONDUCTED. ~~County Clerk and Recorder prior to the fifty-fifth day before the election.~~

**7-1-5: NOMINATING PETITIONS:** FOR ALL ELECTIONS OTHER THAN RECALL ELECTIONS OR COORDINATED ELECTIONS, nominating petitions for the office of Council or Mayor may be circulated and signed beginning one hundred forty five (145) days prior to the election, and shall be filed not earlier than ninety (90) days and not later than sixty (60) days before the election.

**7-1-6: LEGAL NOTICE:** The City Clerk shall prepare a list of candidates' names who are entitled to appear on the ballot, with the name of the office to be filled, and shall publish the notice as a legal notice not later than TEN (10) ~~twenty (20)~~ days before the election, UNLESS SUCH NOTICE IS REQUIRED TO BE PUBLISHED BY THE COUNTY CLERK AND RECORDER AS PART OF A COORDINATED ELECTION.

**7-1-7: PENALTIES FOR ELECTION OFFENSES:** In adopting Part 15 OF ARTICLE 10 of Title 31 of the Colorado Revised Statutes, regarding Election Offenses, it is the intent of the City Council to authorized the district attorneyS OF ADAMS AND/OR JEFFERSON COUNTY and the attorney general to prosecute violations of these offenses occurring within the City. The penalties for violation of these offenses shall be AS established, FROM TIME TO TIME, by the Colorado General Assembly.

**7-1-8: SPECIAL ELECTIONS:** To the extent consistent with this Code and the City Charter, registration for special elections and the conduct of special elections shall be as nearly as practicable the same as for general elections.

**7-1-9: STATEMENT OF EXPENSE:** ALL ~~Political~~ committees subject to the FAIR CAMPAIGN PRACTICES ACT ~~Campaign Reform Act~~, Article 45 of Title 1 of the Colorado Revised Statutes, as amended from time to time, in support of or in opposition to any municipal candidates or municipal issues OR QUESTIONS, shall file documents and reports required under that Act with the Municipal Clerk.

Section 2. This ordinance shall take effect immediately upon passage.

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 8th day of August, 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 22nd day of August, 2005.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, August 8, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Davia, Dittman, Dixon, Hicks, and Price were present at roll call.

The minutes of the July 25, 2005 meeting were approved.

Council recognized employees with 20, 25, and 30 years of service and graduating seniors who had served on the 2004-2005 Youth Advisory Panel.

Council approved the following: Big Dry Creek Trail, Huron to I-25 Phase II construction contract award; 2005 Wastewater Collection System Improvement Project; West 144<sup>th</sup> Avenue/I-25 Interchange Project Construction Engineering services contract; replacement of the underground fuel dispensing system at the Municipal Service Center; final passage of CB No. 34 re CLUP Amendment for Crystal Lakes PUD; final passage CB No. 35 re McKay Lake Fishing improvements; second amended PDP and ODP for Brentcross Shops; award of City Park Maintenance Facility construction contract; agreement re City of Westminster and the City of Westminster Police and General Pension Boards; final passage CB No. 34 re CLUP Amendment for Crystal Lakes PUD; final passage CB No. 35 re McKay Lake Fishing Improvements; final passage CB No. 36 re Municipal Court jury demand time expansion; final passage CB No. 37 re 2005 2<sup>nd</sup> Quarter budget supplemental appropriation; and final passage CB No. 38 re appropriation of FY2004 carryover funds into FY 2005.

Public hearings were held re the Second Amended PDP and ODP for Brentcross Shops and re annexation, CLUP Amendment, and Zoning of the McGrath property.

The following Councillors' Bills were passed on first reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Annexation of McGrath property

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN. Purpose: CLUP Amendment for McGrath Property

A BILL FOR AN ORDINANCE AMENDING THE ZONING LAW AND ESTABLISHING THE ZONING CLASSIFICATION OF CERTAIN DESCRIBED PROPERTY IN A PARCEL OF LAND LOCATED IN SECTION 23, TOWNSHIP 2 SOUTH, RANGE 69 WEST, 6TH P.M., COUNTY OF JEFFERSON, STATE OF COLORADO. Purpose: Zoning of McGrath property

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGETS OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUNDS. Purpose: appropriation for City Park Maintenance Facility Capital Improvement Project

A BILL FOR AN ORDINANCE AMENDING THE 2005 BUDGET OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2005 ESTIMATED REVENUES IN THE FUND. Purpose: Appropriation of Pension Plans Administrative Expense

A BILL FOR AN ORDINANCE AMENDING CHAPTER 1 OF TITLE VII OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ELECTIONS. Purpose: Remove inconsistencies and outdated portions of the City's Election Code and comply with modifications to state law

Council adopted the following resolution: Resolution No.28 re findings concerning McGrath Property annexation.

At 8:50 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

**Kauffman – Dittman**

**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.

**Dittman – Hicks**

**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.

ORDINANCE NO. **3220**  
SERIES OF 2005

COUNCILLOR'S BILL NO. **36**  
INTRODUCED BY COUNCILLORS

**Dittman – Price**

**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 25<sup>th</sup> day of July, 2005.

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

**Price – Davia**

**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>	
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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	<u>\$194,776</u>	\$194,776
Total Changes to Revenue			<u>\$194,776</u>	

EXPENSES

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

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	<u>13,406</u>	13,406
Total Changes to Revenue			<u>\$756,130</u>	

**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 <sup>th</sup> 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	<u>13,406</u>	3,700,525
Total Change to Expenses			<u>\$756,130</u>	

**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 25<sup>th</sup> day of July, 2005.

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

**Davia - Dixon**

**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			<u>\$6,263,725</u>	

**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	<u>3,976,000</u>	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 12. 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	7500.45000.0550	0	<u>77,478</u>	77,478

Conservation Trust				
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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 <sup>th</sup> /144 <sup>th</sup>	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			<u>\$77,478</u>	

**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			<u>\$77,478</u>	

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			<u>\$500,000</u>	

**EXPENSES**

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

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			<u>\$350,000</u>	

**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			<u>\$350,000</u>	

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 25<sup>th</sup> day of July, 2005. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 8<sup>th</sup> day of August, 2005.