



CITY COUNCIL AGENDA

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

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

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

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

8. Consent Agenda
 - A. Second Quarter 2008 Insurance Report
 - B. Asphalt Materials Purchase
 - C. Water and Sewer Infrastructure Master Plan Revisions and Updates
 - D. Amendment to IGA with Hyland Hills Parks & Recreation District – Payment Agreement
 - E. Second Reading Councillor's Bill No. 29 re Appropriation of FY2007 Carryover Funds into FY2008
 - F. Second Reading Councillor's Bill No. 30 re BDC Trail at Wadsworth Supplemental Appropriation
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 42 Making Findings of Fact re Wadsworth Boulevard/98th Avenue Right-of-way Annexation
 - B. Councillor's Bill No. 31 Annexing Portions of Wadsworth Blvd/98th Ave R-O-W & Adjacent City-owned Property
 - C. Councillor's Bill No. 32 re Spacing Requirements for Liquor Licensed Establishments
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
 - B. Executive Session -
 - Consultation with City Attorney Concerning Negotiations and Possible Settlement of a Property Damage Claim with Ann and Charles Ragsdale and Obtaining Council Direction Thereon, Pursuant to Sections 1-11-3(C)(7) and 1-11-3(C)(8) WMC and CRS 24-6-402(4)(e).
13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, July 28, 2008 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Nancy McNally, Mayor Pro Tem Chris Dittman, and Councillors Bob Briggs, Mark Kaiser, Mary Lindsey, and Faith Winter were present at roll call. Councillor Scott Major was absent and excused. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Mayor Pro Tem Dittman moved, seconded by Kaiser, to approve the minutes of the regular meeting of July 14, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that the 18th Annual Westminster Faire was scheduled on August 16 at City Park. The event would feature two stages of entertainment, dancers, food, and other activities. The day would start with the Holy Cow Stampede and a pancake breakfast.

The second public meeting on the 2009 and 2010 budget would be opened later in the meeting. Mr. McFall reminded those in attendance that if they wished to address Council about the budget, their comments should occur then rather than during Citizen Communication.

CITY COUNCIL COMMENTS

Councillor Briggs reported that he and three other Council members had attended a meeting of the Adams County Council of Governments, and he and Councillor Lindsey had attended a Town Hall meeting conducted by Heather Berry, Transportation Commissioner.

PRESENTATIONS

Mr. Garth Godwin of the Westminster 7:10 Rotary Club gave Council an update on the Club's Computers for Kids Program and introduced some of the Club members who rebuilt used computers donated to the program so they could be distributed to area schools and non-profit organizations. The program would begin its 9th year with the beginning of this school year, and 5,755 personal computers had been renovated and distributed since the program began. He commended the City for contributing 40% of the used computers each year and thanked the Council and staff for partnering in the effort with the Club.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: acceptance of the June 2008 Financial Report; authority to purchase a fire hose from Max Fire in an amount not to exceed \$55,464; authority for the City Manager to execute a contract with Integrated Electric, Inc. in the amount of \$78,800 for replacement of the existing school speed limit flasher equipment at various locations throughout the City and authority for a 10% contingency of \$7,880; based on the City Manager's recommendation, find that the public interest would be best served by a negotiated contract with JHL Constructors, Inc., authorize the City Manager to execute the Construction Manager/General Contractor contract with JHL Constructors, Inc. with a guaranteed maximum price in the amount of \$698,762, and authorize a 12% contingency in the amount of \$83,851 with the knowledge that the contingency was subject to City Council approval of the 2007 carryover request to be considered later in the meeting; based on the recommendation of the City Manager, find that the public interest

would best be served by accepting the proposal of Brown and Caldwell, Inc. for the 2008/2009 water and sewer line replacement program engineering contract, authorize the City Manager to execute a contract with that firm in the amount of \$964,350, and authorize a 10% contingency of \$96,435; authority for the Mayor to sign an Intergovernmental Agreement (IGA) between the City of Westminster and the Jefferson County Department of Health and Environment to reimburse the City for mosquito control expenses within the Jefferson County portion of the City for the year 2008; authority for the Mayor to sign an Intergovernmental Agreement with the City and County of Denver allowing the City of Westminster Police Department to provide police services and assistance to the City of Denver during the Democratic National Convention; final passage of Councillor's Bill No. 27 rezoning a portion of the Arrow Motel property by changing the designation from R-4 (Multi-Family Residential) to C-1 (Commercial) based on a finding that the criteria set forth in Section 11-5-3 of the Westminster Municipal Code had been met; and final passage of Councillor's Bill No. 28 establishing recovery payments owed to the City for costs incurred in constructing improvements to the 144th Avenue and I-25 Interchange.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. None did.

It was moved by Councillor Lindsey, seconded by Mayor Pro Tem Dittman, to approve the consent agenda, as presented. The motion passed unanimously.

PUBLIC MEETING ON 2009 AND 2010 CITY BUDGET

Following comments from Mr. McFall, the Mayor opened the meeting for public comment on the 2009 and 2010 City Budget.

Dee Proctor-Gregg of the Retreat at 10190 Wadsworth Boulevard presented a petition signed by 23 residents of the assisted living facility. The petition requested installation of a sidewalk fronting the Retreat to Church Ranch Road so that residents in wheelchairs and using walkers could explore, as well as convenient free transportation for senior citizens. Dean Vandenberg, 10540 West 104th Place, requested construction of a large sidewalk to accommodate pedestrian traffic from 100th Avenue to Kensington Park on the east side of Countryside Drive, stating it would improve safety for children walking to and from the Wayne Carle Middle School. Sharon Schonhaut of the Kemp Children's Foundation and Teva Sienicki of Growing Home requested continued funding of their human services programs so services to the community could continue. Charles Sullivan, 2375 West 118th Avenue, and Charles Vanstrom, 2344 Country Club Loop, requested a traffic signal at 120th Avenue and Zuni Street for traffic from the Ranch Subdivision to safely access 120th Avenue. John Voight of the Walnut Creek Homeowners Association and Jan Stevenson requested that a roundabout installed at 107th and Simms be removed by the City to improve safe access.

No others wished to speak. The public comment period was closed. All input would be considered at the Council budget retreat.

COUNCILLOR'S BILL NO. 29 APPROPRIATING FY 2007 CARRYOVER FUNDS TO FY2008

Upon a motion by Mayor Pro Tem Dittman, seconded by Councillor Kaiser, the Council voted unanimously at roll call to pass Councillor's Bill No. 29 on first reading, appropriating FY2007 carryover funds into the FY2008 budgets of the General, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, and POST Funds.

COUNCILLOR'S BILL NO. 30 RE BIG DRY CREEK TRAIL AT WADSWORTH BOULEVARD PROJECT

Councillor Lindsey moved to pass Councillor's Bill No. 30 on first reading appropriating \$744,800 to the Old Wadsworth Big Dry Creek Trail project to advance the federal share for design and construction costs; to authorize the City Manager to execute an agreement with the low bidder, Structures, Inc., in the amount of \$3,998,304.68 for

the construction of this project and authorize a construction contingency in the amount of \$190,000; to authorize the payment of \$125,000 from the appropriate Utility Fund Capital Improvement account to pay for the installation of the water lines and sewer lines; to authorize the transfer of \$101,499 from the “99th Avenue: Wadsworth to Railroad” project account in the General Capital Improvement Fund; and to authorize the transfer of \$130,426 from the “Big Dry Creek Trail/Jeffco” account in the General Capital Improvement Fund, the final two accounts to pay for a portion of the trail elements of the project. Councillor Kaiser seconded the motion and it passed unanimously on roll call vote.

RESOLUTION NO. 40 RE SALE OF PROPERTY TO CHURCH RANCH HOTEL COMPANY, LLC

It was moved by Councillor Briggs, seconded by Councillor Kaiser, to adopt Resolution No. 40 authorizing the City Manager to execute an agreement for the sale of approximately 0.71 acres to the Church Ranch Hotel Company I, LLC, to execute closing documents for the transaction and to authorize the proceeds of the sale to be deposited in the Parks, Open Space, and Trails Fund. The motion passed unanimously on roll call vote.

RESOLUTION NO. 41 RE 2008 GREAT OUTDOORS COLORADO GRANT APPLICATION

It was moved by Councillor Winter and seconded by Councillor Lindsey to adopt Resolution No. 41 authorizing the Department of Parks, Recreation and Libraries to apply for a grant with Great Outdoors Colorado (GOCO) during the fall 2008 cycle for the development of Westminster Center Park. The motion passed with all Council members voting affirmatively at roll call.

ADJOURNMENT

There being no further business to come before the City Council, the meeting adjourned at 7:48 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 8 A

WESTMINSTER

COLORADO

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Quarterly Insurance Report: April - June 2008

Prepared By: Martee Erichson, Risk Management Officer

Recommended City Council Action

Accept the Second Quarter 2008 Insurance Report.

Summary Statement

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

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Information on the status of each claim received during the 2nd quarter of 2008 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee Representatives and Department Heads. Follow up action, including discipline if necessary, is taken on incidents where City employees are at fault.

For the second quarter of 2008, Staff has noted the following summary information:

- Nine of the 11 claims reported in the second quarter of 2008 are closed at this time.
- Total claims for the quarter and year-to-date breakdown by department as follows:

	2nd Qtr 2008			YTD
Department	Total Claims	Open	Closed	Total
CD	1	0	1	2
Fire	1	0	1	1
Police	2	1	1	2
PR&L	4	1	3	4
PWU - Streets	1	0	1	7
PWU - Utilities	2	0	2	8
TOTAL	11	2	9	24

The Risk Management program addresses Council's Strategic Plan goals of Financially Sustainable City Government and Safe and Secure Community by working to mitigate the cost of claims to the City and maintaining a loss control program to keep our city streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Quarterly Insurance Report
April - June 2008

Claim Number	Loss Date	Dept	Claimant	Address	Claim Description	Payment	Status	Notes
2008-179	4/1/2008	PWU - Streets	Super 8 Motel / Trent Scott	12055 Melody Dr., Westminster CO 80234	Claimant alleges that a City crew damaged some sprinkler heads while replacing sidewalks in the area.	\$0.00	Closed	Claim denied based on investigation found no evidence of negligence on the part of the City. Claimant was referred to the contractor who was doing the sidewalk repair work.
2008-108	4/5/2008	Fire	Maria Almanza	8051 Wolff St. Apt. J, Westminster CO 80030	During a smoke/odor investigation, it appeared the source might be coming from the claimant's apartment, but the claimant was not home. Entry was forced damaging the door and locks, but no smoke or fire was found.	\$486.68	Closed	Claimant was paid under the City's "good neighbor" settlement program.
2008-151	4/29/2008	CD	Harry Studer	2715 W. 119th Ave., Westminster CO 80234	Claimant alleges that a city-hired contractor damaged his gazebo while repairing a brick wall that had been damaged as a result of a car accident.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2008-139	5/5/2008	PWU - Util	Yesica & Alma Granillo	9055 Lander St., Westminster CO 80031	Claimant alleges a leak in the City's water main caused damage to her basement.	\$1,200.00	Closed	Claim denied due to no negligence on the part of the City as the City had no knowledge of the leak, however, claimant was paid under the City's "good neighbor" settlement program.
2008-150	5/12/2008	PWU - Util	Richard Anderson	1781 E 97th Ave., Thornton CO 80229	Claimant alleges damage to his vehicle occurred when his girlfriend drove the car over a loose meter pit cover in the road.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2008-153	5/15/2008	PD	Country Insurance / Carrie McLaughlin	14201 Adam Ct., Broomfield CO 80023	Police Officer, operating his police car in an emergency capacity, failed to see the claimant's vehicle in the intersection in front of him and hit the rear of the claimant's vehicle.	\$2,782.52	Closed	
2008-184	5/22/2008	PRL	Sherry Wakefield	11286 Ranch Pl., Westminster CO 80234	Claimant alleges negligence on the part of the City when she slipped off an underwater bench she was walking on in the hot tub causing injury	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2008-181	6/8/2008	PRL	Charles Price	9080 Raleigh St., Westminster CO 80031	Claimant alleges his sailboat was damaged on Standley Lake due to negligence of Park staff.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2008-183	6/11/2008	PD	Timothy Long	10661 Utrillo Ln., Northglenn CO 80234	Police Officer driving his city patrol car rear ended the claimant's stopped vehicle.	\$938.11	Open	Damages are being paid
CLAIMS SUBMITTED IN 2nd QUARTER WITH OCCURRENCE DATES PRIOR TO 2nd QUARTER 2008:								
2007-507	10/20/2007	PRL	Farmers Insurance / Wesley Wadsworth	National Document Center, PO BOX 268992, Oklahoma City OK 73126	Claimant's auto insurance alleges that a tree overgrown in front of a stop sign resulted in their insured running the sign and hitting another vehicle.	\$0.00	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.

2007-508	12/29/2007	PRL	Jennifer Stoewer	860 W 132nd Ave. #251, Westminster CO 80234	City has been put on notice of a claim received by Constitution State Services as claims administrator for American Multi-Cinema Inc., regarding a claimant who alleges she was injured when she fell on ice and snow outside of the AMC theaters at the Promenade.	\$0.00	Open	CIRSA Investigating
					GRAND TOTAL	\$5,407.31		



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Award of Asphalt Materials Purchases

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Award the bid to Brannan Sand and Gravel Company to purchase asphalt on an as-needed basis for the remainder of 2008, not to exceed \$300,000.

Summary Statement

- City Council approved funds in the 2008 Street Operations budget to purchase hot mix asphalt.
- Bids were solicited through the Multiple Assembly of Procurement Officials (MAPO).
- City Council previously awarded the 2008 contract to Asphalt Specialties' Company on July 16, 2008; Asphalt Specialties' Company informed all MAPO customers that a 25% increase for asphalt material purchases would be implemented immediately (\$34/ton to \$42.50/ton).
- Brannan Sand and Gravel Company, the second low bidder for the 2008 MAPO Asphalt Purchases, has agreed to sell hot mix asphalt for \$37.00 per ton, a 9% increase, at least through September 1, 2008.
- Street Division Staff has expended \$143,896 with Asphalt Specialties' Company from January – June 2008. As long as Brannan Sand and Gravel Company's prices do not increase significantly, Staff will continue to purchase asphalt material from Brannan. Staff anticipates spending 85% (\$220,000) of the \$300,000 expenditure by the end of August as this is the City's prime month for paving operations. The remainder of the year requires minimal paving operations and this estimate allows for a 14% increase.
- Hot mix asphalt material is used for all types of street maintenance repairs including; pothole patching, surface replacement, and preparation of streets earmarked for future improvements.
- Crews will need an estimated 7,000 tons of hot mix asphalt material to be purchased on an as-needed basis for the remaining of 2008.

Expenditure Required: \$300,000

Source of Funds: General Fund – Street Operations Division Operating Budget

Policy Issue

Should the City accept the 2008 MAPO low bid second option, for asphalt materials from Brannan Sand and Gravel Company?

Alternative

Continuing to purchase asphalt material through Asphalt Specialties' Company and paying \$42.50 per ton due to their 25% price increase. This alternative is not recommended because of the higher cost for the same material.

Background Information

The results of the 2008 bidding were as follows:

2008 MAPO Hot Mix Asphalt Bids

Grading "SX" 1/2" material per ton	Asphalt Specialties Company	Brannan Sand & Gravel	Aggregate Industries	LaFarge
1/2008 – 6/2008	\$34.00	\$34.50	\$39.81	\$40.20
7/2008 – 8/2008	\$42.50	\$37.00	N/A	N/A

All hot mix asphalt material suppliers are indicating continued monthly increase for the cost of asphalt. No supplier is willing to quote past 30 days. The asphalt shortage currently being experienced is part of the energy issues nationwide. The congressionally mandated ultra low sulfur fuels have directly decreased the availability of low end raw material oil used to produce asphalt. Asphalt producers are now able to make more high value products per barrel of crude due to equipment enhancements forced by the ultra low sulfur fuels mandate.

Purchasing these materials through the MAPO bid process helps achieve City Council's goals of "Financially Sound City Government" and "Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives:

- Well maintained City infrastructure and facilities
- Maintained and improved neighborhood infrastructure

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Water and Sewer Infrastructure Master Plan Revisions and Updates

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager

Recommended City Council Action

Based on this report and recommendation of the City Manager, City Council finds the public interest will best be served by authorizing the City Manager to execute a contract in the amount of \$323,845 with URS. as the sole source for engineering design and construction management services for the Water and Sewer Infrastructure Master Plan Revisions and Updates and authorize a contingency (10 percent) in the amount of \$32,384 for a total budget of \$356,229.

Summary Statement

- In October 2005, The City Council authorized an engineering services contract for the Water and Sewer Infrastructure Master Plan with URS in an amount not to exceed \$870,000. This contract included ten major task groups and a summary report of the findings. The study was to be completed in mid-2006, in time to incorporate preliminary findings into the 2007-2008 budget process.
- The Final Report of the Master Plan was received in November 2006, based on the utility system information as of December 2005. Since that time, a large number of new development projects, changes to existing projects and new capital improvement projects have been completed and entered into the City's Geographical Information System (GIS), the repository of information about the City's utility systems.
- Due to the extent of the changes on the utility system in the past 30 months and resultant changes in the needs of the system, portions of the Water and Sewer Infrastructure Master Plan require revisions and updates. The most recent information about the utility systems, land uses and historical consumption information will all be incorporated into the revisions of the Master Plan.
- Five specific areas of updates of the Master Plan are proposed and discussed below.
- URS was selected to perform the update of the Master Plan based on their familiarity with the original report and their expertise with the modeling software and assumptions used to develop the original Master Plan.
- Funds were budgeted and are available for this expense.

Expenditure Required: \$356,229

Source of Funds: Utility Capital Improvement Funds – Various Projects

Policy Issue

Does City Council wish to proceed with the revisions to the Utility Master Plan?

Alternatives

City Council could choose to award the revisions to a firm other than URS. Staff does not recommend this alternative, as the effort necessary to transfer all the knowledge developed during the original master plan would far exceed any potential savings.

Background Information

The Final Report of the Master Plan was received in November 2006, based on the utility system information as of December 2005. Due to the extent of the changes on the utility system in the past 30 months and resultant changes in the needs of the system, portions of the Water and Sewer Infrastructure Master Plan require revisions and updates. The most recent information about the utility systems, land uses and historical consumption information will all be incorporated into the revisions of the Master Plan. The components and costs of the update study are as follows:

Water Model Regeneration - \$108,237

Water Distribution Model Regeneration: This work is intended to upgrade the water distribution model originally developed during the preparation of the 2006 Water and Sewer Infrastructure Master Plan. The model requires updating because of many improvements to the City's GIS information regarding the water system, many improvements to the system that have been made since the Master Plan, and desired refinement of several major water pressure zone reconfiguration projects described in the Master Plan. 2006, 2007 and 2008 billing data will be used to update demand scenarios. Both a winter and summer demand will be developed, to better predict the maximum and minimum usage patterns. Previously, a single average day figure was used.

Update and Refine Asset Valuation - \$90,835

Update and Refine Asset Valuation: This work is intended to update and provide a greater level of detail for the asset valuation that was performed at the time of the 2006 Master Plan. Westminster desires an up-to-date asset inventory that is cataloged by equipment value, age, and expected service lifetime. The detailed Asset Valuation will be incorporated into the Rate Model.

Transit Oriented Development - \$70,734

Transit Oriented Development (TOD) at 70th Avenue and Hooker Street: Westminster will be the site of mass transit improvements associated with the FasTracks Program of the Regional Transportation District. Work under this task series will assist the City in planning the required reconfiguration of the water and sewer systems in the neighborhood.

Non-Potable Water System for South Westminster - \$40,039

The City desires to study the feasibility of extension of a Non-Potable irrigation water service to the southern portions of the City. Work under this task series will assist the City in planning for the necessary improvements to provide that service. The system would use sources of water that the City has rights to, but cannot incorporate into the potable water system. The system would be separate and distinct from the Reclaimed Water System.

Budget-Level Cost Estimates for Capital Improvement Projects - \$14,000

The 2006 Master Plan provided budget level cost estimates for numerous capital improvement projects to be carried out over a 25-year period. Work under this task series would result in updated cost estimates for individual projects, along with development of links to published cost indexes so that projects can be accurately indexed for inflation and other cost changes over time. Projects that have been completed or have been eliminated from consideration will be removed from the Master Plan.

URS has provided detailed estimates of the costs for each of these five areas of study. The details include estimates of hours to be expended and compensation rates for the personnel assigned. Staff has reviewed these estimates and found them within the expected range for the work. A detailed scope of work has been agreed upon and provides the basis for the contract for engineering services.

Most of these study components are one-time efforts and will not need to be repeated on a routine basis. The Transit Oriented Development and Non-Potable Water System for South Westminster are such one-time studies. The other study components are being developed so that they can be maintained in-house by City staff. An additional FTE has been requested for the 2009 budget and a portion of that position's responsibility is maintenance of these studies.

This project supports the City Council Strategic Plan Goals of "Financially Sustainable City Government" and "Beautiful City."

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Amendment to Intergovernmental Agreement with Hyland Hills Park & Recreation District, Payment Agreement

Prepared By: Jerry Cinkosky, Facilities Manager

Recommended City Council Action

Authorize the City Manager to sign an amended Intergovernmental Agreement with Hyland Hills Park and Recreation District for shared cost of the Siemens Energy Savings Project at The MAC (formerly the Community Senior Center).

Summary Statement

- The City of Westminster and Hyland Hills Park and Recreation District have operated under an Intergovernmental Agreement (IGA) since January 1993 to both operate and equally share expenses/revenues of The MAC.
- In September 2006 in an effort to hold down rising energy costs, the City contracted with Siemens Building Technologies to perform energy savings retrofits in 21 City facilities. The MAC was one of the facilities included. The retrofits at the MAC included energy efficient lighting, water saving devices and fixtures, and replacement of roof top HVAC units that had outlived their useful life and were experiencing ongoing maintenance problems. The total cost of the energy retrofits at the MAC was \$207,662.
- Under the original terms of the IGA, Hyland Hills Park and Recreation District would have been required to pay for half of the expense of the energy retrofits or a total of \$103,831 by the end of the year 2007. At that point in time the Hyland Hills board had already approved their 2007 budget in late 2006, thus funding for Hyland Hill's share of the Siemens energy retrofit had not been included or approved for payment in 2007.
- Due to the large sum of money required from Hyland Hills Park and Recreation District for their share of the project, and the fact that prior approval had not been received for this expenditure during their budget process, Staff met with Executive Director of Hyland Hills Greg Mastriona to work out payment terms for Hyland Hills share of the energy savings project expense. After meeting with Greg Mastriona, a letter of agreement was drafted and submitted to the Hyland Hills Board of Directors to be considered during their 2007 budget process.
- In 2007 Hyland Hills Board of Directors approved the payment agreement that would allow for and require Hyland Hills Park and Recreation District to make ten annual payments of \$10,383.10 beginning in January 2008 with the final payment for the energy savings retrofits due in January 2018.
- The recommended addition of payment terms for the Siemen's energy savings retrofit project is a deviation from the original IGA with Hyland Hills Park and Recreation District and requires City Council's approval. All other shared expenses and revenues remain the same as outlined in the original IGA with Hyland Hills.

Expenditure required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council authorize the City Manager to sign an agreement with Hyland Hills to amend the original IGA to allow for 10 annual payments of \$10,383.10 to be made to the City of Westminster for Hyland Hill's share of the expense to complete the Siemens energy retrofit projects at the MAC?

Alternative

Do not authorize the City Manager to sign an agreement to amend payment terms for the Siemen's energy retrofits at the MAC. Staff is not recommending this action based on the financial challenge a lump sum payment would place on Hyland Hills Park and Recreation District 2008 budget for this expenditure.

Background Information

The City and Hyland Hills Park and Recreation District have operated under and intergovernmental agreement to operate the MAC since 1993. Both entities have equally shared expenses to operate the facility and in addition share revenues generated from use of the building and programs provided for their guests.

In September 2006 the City contracted with Siemens Building Technologies to retrofit 21 City facilities with new energy savings equipment and devices to hold down rising utility costs. Through an audit of energy usage, the MAC had been identified as one of the facilities which would see a reduction in energy usage, by retrofitting all lighting, installing water saving fixtures, and by replacing aging and inefficient roof top mechanical equipment.

The total cost of the energy retrofit project completed in early 2007 at the MAC was \$207,662. Under the original IGA, Hyland Hills share of this expense would have been \$103,831 due by year's end 2007. At this point in time Hyland Hill's board had already approved their 2007 budget in late 2006. Funding for this project had not been included or approved for payment in 2007.

The amended agreement with Hyland Hills Park and Recreation District meets City Council's Strategic Plan goal of Financially Sustainable City Government and the objective of Well Maintained City Facilities and Infrastructure.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
C O L O R A D O

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 29 re Appropriation of FY2007 Carryover Funds into FY2008

Prepared By: Steve Smithers, Assistant City Manager
Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action:

Pass Councillor’s Bill No. 29 on second reading, appropriating FY2007 carryover funds into the FY2008 budgets of the General, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, and POST 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 or funds that were identified as available for these new priorities in late 2007, but the items or services were not received or provided until the current year’s budget;
 - existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- Total funding of \$10,952,503 for the items recommended in this memo comes from unrestricted revenues and unexpended 2007 funds in the various amounts identified.
- This Councillor’s Bill was passed on first reading on July 28, 2008.

Expenditure Required: \$15,022,902

Source of Funds: General, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, and POST Funds

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3424**

COUNCILLOR'S BILL NO. **29**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Dittman - Kaiser

A BILL

FOR AN ORDINANCE INCREASING THE 2008 BUDGET OF THE GENERAL, UTILITY, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, SALES & USE TAX, PARKS OPEN SPACE AND TRAILS, CONSERVATION TRUST, AND GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THIS FUND

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General, Utility, Storm Drainage, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space and Trails, Conservation Trust, and General Capital Improvement Fund, initially appropriated by Ordinance No. 3316 is hereby increased by \$14,482,902. This appropriation is due to the appropriation of 2007 carryover.

Section 2. The \$14,482,902 increase in the General, Utility, Storm Drainage, General Capital Outlay Replacement, Sales & Use Tax, Parks Open Space and Trails, Conservation Trust, and General Capital Improvement Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10B dated July 28, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	\$3,030,753
Utility Fund	2,780,574
Storm Drainage Fund	258,636
General Capital Outlay Replacement Fund	252,721
Sales & Use Tax Fund	1,238,917
Parks Open Space and Trails Fund	1,234,737
Conservation Trust Fund	219,165
General Capital Improvement	<u>6,007,399</u>
Total	<u>\$15,022,902</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 28th day of July, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of August, 2008.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Second Reading of Councillor's Bill No. 30 re: Big Dry Creek Trail at Wadsworth Boulevard Project Supplemental Appropriation

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action:

Pass Councillor's Bill No. 30 on second reading appropriating \$744,800 to the Old Wadsworth Big Dry Creek Trail project to advance the federal share for design and construction costs.

Summary Statement

- This federal-aid trail project includes the construction of approximately 1,100 feet of trail, 1,600 feet of Wadsworth Boulevard between 98th Avenue and 99th Place, a new bridge over Big Dry Creek to accommodate the grade-separated trail under Wadsworth Boulevard and related utility work.
- The federal government's contribution towards this project is \$2,144,800. A supplemental appropriation of \$1,400,000 was approved by Council on May 14, 2007. These appropriations are not an increase in the project budget but are necessary until the City is reimbursed by CDOT for the federal share of the project costs. The City is responsible for any costs exceeding the federal share of the project costs.
- The City's budget portion will also be supplemented by a \$300,000 appropriation from the 2007 carryover, if authorized by Council on second reading on August 11th.
- This Councillor's Bill was passed on first reading on July 28, 2008.

Expenditure Required: \$744,800

Source of Funds: General Capital Improvement Fund – Big Dry Creek Trail at Wadsworth Boulevard Project

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3425**

COUNCILLOR'S BILL NO. **30**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Lindsey - Kaiser

A BILL

**FOR AN ORDINANCE AMENDING THE 2008 BUDGET OF THE GENERAL CAPITAL
IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2008 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3316 is hereby increased by \$744,800. This increase is due to the appropriation of a Denver Regional Council of Governments (DRCOG), Federal aid, Transportation Improvement Project, Enhancement Pool grant for design and construction costs necessary for the Old Wadsworth Big Dry Creek Trail Project.

Section 2. The \$744,800 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10C, dated July 28, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$744,800</u>
Total	<u>\$744,800</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 28th day of July, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of August, 2008

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM

City Clerk

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Resolution No. 42 & Councillor's Bill No. 31 re Annexing Wadsworth Boulevard/98th Avenue Right-of-Way

Prepared By: Walter Patrick, Planner I

Recommended City Council Action:

1. Adopt Resolution No. 42 making certain findings of fact as required under Section 31-12-110 C.R.S. regarding the proposed Wadsworth Boulevard/98th Avenue Right-of-Way annexation.
2. Pass Councillor's Bill No. 31 on first reading annexing portions of the Wadsworth Boulevard/98th Avenue right-of-way and adjacent City owned property.

Summary Statement:

- In the area where Wadsworth Boulevard intersects with 98th Avenue, there is a portion of right-of-way and a small area of City owned land that has not been annexed into the City (please refer to the attached vicinity maps). The size of this area is approximately 1.5 acres. This proposed annexation is to facilitate the widening of Wadsworth Boulevard and the construction of the Wadsworth Boulevard Bridge and Big Dry Creek Trail.
- The unincorporated area has been entirely contained within the boundaries of the City for more than three years and the required notice pursuant to C.R.S. 31-12-108(2) has been published.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City annex portions of rights-of-way and City of Westminster owned property in order to facilitate the widening of Wadsworth Boulevard and the construction of the Wadsworth Boulevard Bridge and Big Dry Creek Trail?

Alternative

Make a finding that the annexation as proposed is not in the best interests of the City and take no further action. If this course is taken, this portion of right-of-way and City of Westminster owned property will remain in Jefferson County. This alternative is not recommended as Jefferson County wishes to make it clear that the City will be responsible for the maintenance of the new bridge.

Background Information

At the suggestion of Jefferson County, City staff is requesting this annexation in order to comply with the construction timetable for the Wadsworth Boulevard street widening project, which includes construction of the Wadsworth Boulevard Bridge and a portion of the Big Dry Creek Trail. The annexation includes a section of Jefferson County right-of-way and two small city owned parcels which were acquired by the City in order to complete the Wadsworth Boulevard project.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Vicinity Map
- Vicinity Map Enlarged View
- Annexation Petition
- Annexation Resolution (Findings)
- Annexation Ordinance

RESOLUTION

RESOLUTION NO. 42

INTRODUCED BY COUNCILLORS

SERIES OF 2008

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 LAND IN THE SOUTH HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6th P.M., JEFFERSON COUNTY, COLORADO, ALSO KNOWN AS THE WADSWORTH BOULEVARD & 98th AVENUE PROPERTY

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, pursuant to Section 31-12-106(1) C.R.S. certain unincorporated land has been entirely contained within the corporate limits of the City of Westminster for not less than three years; and

WHEREAS, notice to all required parties has been given pursuant to section 31-12-108 (2), 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 detachment of this area from its current school district;
 - c. That the annexation will not result in the extension of the City's boundary, as of March 27, 2006, 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 _____ day of _____, 2008.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **31**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN THE SOUTH HALF OF SECTION 14, 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 exists an unincorporated parcel of land that is entirely contained within the boundaries of the City of Westminster, and said parcel has been entirely surrounded for a period of time not less than three years; 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 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 situate, lying and being in the County of Jefferson, State of Colorado, to wit:

A parcel of land in the south half of Section 14, Township 2 South, Range 69 West of the Sixth Principal Meridian, County of Jefferson, State of Colorado more particularly described as follows:

Commencing at the south quarter corner of said section 14 from whence the center of section 14 bears north 00°46'37" east and on which the following bearings are based;

Thence north 00°46'37" east, along the east line of the southwest quarter of said section 14, a distance of 835.58 feet to the point of beginning;

Thence north 89°13'23" west a distance of 40.00 feet to a point on the west right-of-way line of Wadsworth Boulevard;

Thence north 00°46'37" east, along said west right-of-way line, a distance of 188.16 feet to a point;

Thence north 43°41'28" west a distance of 20.74 feet to a point of non-tangent curvature, said point lies on the south right-of-way line of west 98th avenue;

Thence along said south right-of-way line being the arc of a non-tangent curve to the left having a central angle of 01°46'51", a radius of 15.00 feet and an arc length of 0.47 feet (chord bears north 88°19'57" west, 0.47 feet) to a point;

Thence south 89°20'37" west, continuing along said south right-of-way line, a distance of 1.87 feet to a point;

Thence north 00°39'23" west a distance of 60.00 feet to a point on the north right-of-way line of west 98th avenue;

Thence north 00°46'37" east a distance of 61.84 feet to a point;

Thence north 12°06'09" east a distance of 93.50 feet to a point;

Thence north 00°46'37" east a distance of 167.41 feet to a point;

Thence north 89°13'23" west a distance of 78.81 feet to a point;

Thence north 11°47'11" east a distance of 159.77 feet to a point on the south line of the former Lange Property Annexation to the City of Westminster recorded at reception No. F1444645 in the records of the Jefferson County Clerk and Recorders;

Thence north 89°37'14" east, along said south line, a distance of 118.33 feet to a point on the west line of the Amended Annexation Plat recorded at Reception No. 78088169 of said Jefferson County Records;

Thence south 00°46'37" west, along said west line, a distance of 743.05 feet to a point;

Thence north 89°13'23" west a distance of 30.00 feet to the point of beginning.

Consisting of approximately 65,096 square feet or 1.494 acres.

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 11th day of August, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of August, 2008.

ATTEST:

Mayor

City Clerk

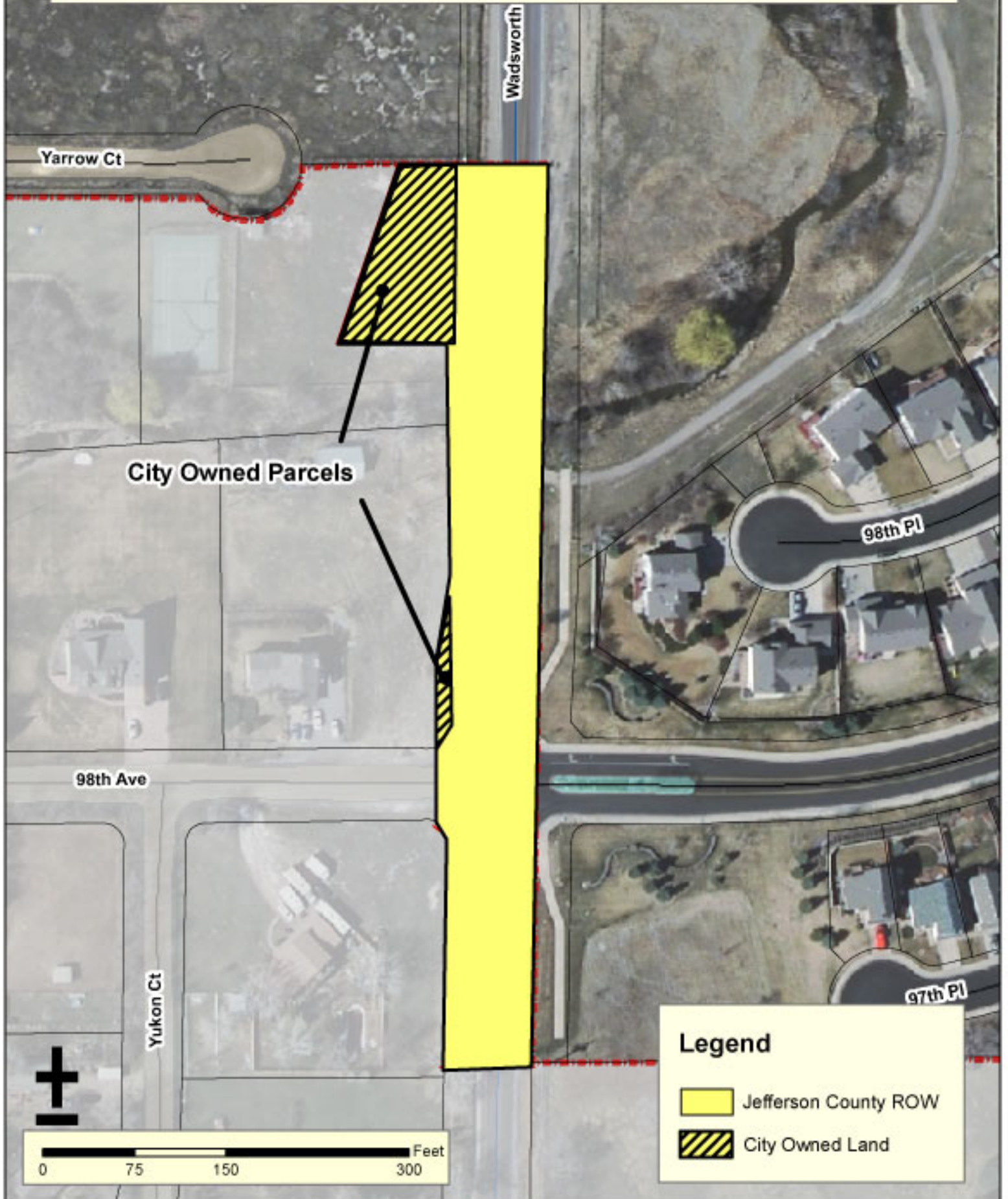
APPROVED AS TO LEGAL FORM:

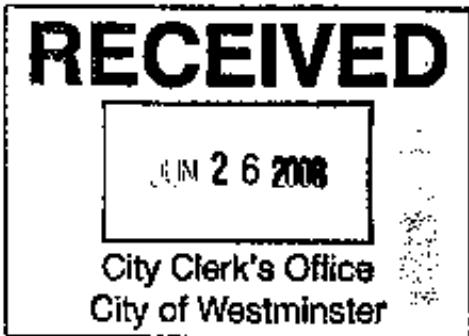
City Attorney's Office

WADSWORTH BOULEVARD RIGHT-OF-WAY ANNEXATION VICINITY MAP



WADSWORTH BOULEVARD RIGHT-OF-WAY ANNEXATION VICINITY MAP - ENLARGED VIEW





Department of Community Development

ANNEXATION PETITION

- 1 It is desirable and necessary that the area shown on the attached annexation map may be annexed into the City of Westminster.
- 2 The requirements of Sections 31-12-106 (i) C.R.S. as amended, exist or have been met.
- 3 The signers of this petition comprise the landowners of one hundred percent of the territory included in the area proposed to be annexed exclusive of streets and alleys.
- 4 The undersigned hereby request the City of Westminster to approve the annexation of the area proposed to be annexed.

5. Signature of landowner [Handwritten Signature]

Title City Manager

6 Mailing address of signer 4800 W. 92nd Ave.
Westminster, CO 80031

7 Legal description of land owned by signer:

See Exhibit A Attached

8 Date of Signing 6/26/08

EXHIBIT A

LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTH HALF OF SECTION 14, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF JEFFERSON, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 14 FROM WHENCE THE CENTER OF SECTION 14 BEARS NORTH 00°46'37" EAST AND ON WHICH THE FOLLOWING BEARINGS ARE BASED;
THENCE NORTH 00°46'37" EAST, ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 14, A DISTANCE OF 835.58 FEET TO THE POINT OF BEGINNING;
THENCE NORTH 89°13'23" WEST A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF WADSWORTH BOULEVARD;
THENCE NORTH 00°46'37" EAST, ALONG SAID WEST RIGHT-OF-WAY LINE, A DISTANCE OF 158.15 FEET TO A POINT;
THENCE NORTH 43°41'28" WEST A DISTANCE OF 20.74 FEET TO A POINT OF NON-TANGENT CURVATURE, SAID POINT LIES ON THE SOUTH RIGHT-OF-WAY LINE OF WEST 98TH AVENUE;
THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE BEING THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 01°46'51", A RADIUS OF 15.00 FEET AND AN ARC LENGTH OF 0.47 FEET (CHORD BEARS NORTH 88°19'57" WEST, 0.47 FEET) TO A POINT;
THENCE SOUTH 89°20'37" WEST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 1.87 FEET TO A POINT;
THENCE NORTH 00°39'23" WEST A DISTANCE OF 60.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF WEST 98TH AVENUE;
THENCE NORTH 00°46'37" EAST A DISTANCE OF 61.84 FEET TO A POINT;
THENCE NORTH 12°06'09" EAST A DISTANCE OF 93.50 FEET TO A POINT;
THENCE NORTH 00°46'37" EAST A DISTANCE OF 167.41 FEET TO A POINT;
THENCE NORTH 89°13'23" WEST A DISTANCE OF 78.81 FEET TO A POINT;
THENCE NORTH 11°47'11" EAST A DISTANCE OF 159.77 FEET TO A POINT ON THE SOUTH LINE OF THE FORMER LARGE PROPERTY ANNEXATION TO THE CITY OF WESTMINSTER RECORDED AT RECEPTION NO. F1444645 IN THE RECORDS OF THE JEFFERSON COUNTY CLERK AND RECORDER;
THENCE NORTH 89°37'14" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 118.33 FEET TO A POINT ON THE WEST LINE OF THE AMENDED ANNEXATION PLAT RECORDED AT RECEPTION NO. 78088169 OF SAID JEFFERSON COUNTY RECORDS;
THENCE SOUTH 00°46'37" WEST, ALONG SAID WEST LINE, A DISTANCE OF 743.05 FEET TO A POINT;
THENCE NORTH 89°13'23" WEST A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 65,096 SQUARE FEET OR 1.494 ACRES, MORE OR LESS.



Agenda Item 10 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
August 11, 2008



SUBJECT: Councillor's Bill No. 32 re Spacing Requirements for Liquor Licensed Establishments

Prepared By: John Carpenter, Director of Community Development
Lee Birk, Chief of Police
Marty McCullough, City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 32 on first reading amending the Westminster Municipal Code to eliminate spacing requirements for liquor licensed establishments.

Summary Statement

- City Code currently provides that no "liquor store" is permitted within 100 feet of any residential developments. Under state law, no liquor license of any type may be considered for any establishment located within 500 feet of any public or parochial school or the principal campus of any college, university, or seminary. However, the same law that creates the 500-foot spacing requirement between liquor licensed establishments and schools provides that this 500-foot limit may be eliminated or reduced by City ordinance for any class of license, or for any type of school or campus.
- The City has previously eliminated the 500-foot spacing requirement between hotel-restaurant licenses and pre-kindergarten schools such as daycare operations, child care facilities, nursery schools, Sunday schools, and similar operations.
- Staff believes that whatever rationale may have existed in the past for these spacing limitations no longer exists and the evolution of the modern principles of new urbanism design warrant a fresh review of these limitations.
- The City of Arvada eliminated the 500-foot limit for all classes of licenses in 2006.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

1. Whether the current 100-foot spacing limitation between liquor stores and residential developments should be modified?
2. Whether the 500-foot spacing requirement between liquor licensed establishments (including liquor stores, restaurants, and taverns) and schools should be modified?

Alternatives

1. Maintain the current requirements. This alternative is not recommended because Staff believes that such spacing requirements unnecessarily impede the more modern design objectives associated with mixed-use neighborhood development, redevelopment projects, and similar other neo-urbanism projects, which include less automobile usage and the ability to “live, work, and play” within a single neighborhood or building.
2. Eliminate the 100-foot spacing requirement for liquor stores, but maintain the 500-foot limit for the location of liquor licensed establishments in the vicinity of schools. This alternative is not recommended because research conducted by the Police Department has not been able to identify a correlation between the proximity of liquor licensed establishments and criminal acts or motor vehicle accidents involving school age children. For the reasons discussed below, Staff has been unable to articulate a rationale for keeping the 500-foot limit.
3. Reduce the 100-foot limit to a lesser limit, reduce the 500-foot limit to a lesser distance, or eliminate or modify the 500-foot limit for certain classes of licenses or certain types of schools.

Background Information

W.M.C. § 11-4-6(G) provides that “No wall of any...liquor store...is permitted within 100 feet of any residential district boundary.” C.R.S. § 12-47-313 provides that no liquor license may be considered for any establishment located within 500 feet of any public or parochial school or the principal campus of any college, university or seminary, but that this 500-foot limit may be eliminated or reduced by municipal ordinance for any class of license or for any type of school or campus. The City has previously eliminated the 500-foot limit with respect to hotel restaurant licenses only and with respect to pre-kindergarten schools only. W.M.C. § 5-14-14, provides, in pertinent part:

(A) The distance restriction imposed by Section 12-47-13(1)(d), C.R.S., for hotel-restaurant licenses is hereby eliminated for institutions or facilities which serve children preceding their entrance to the first grade in public, private or parochial schools. . . . (Emphasis added.)

The Police Department has researched the issue of whether there is any empirical evidence to show a correlation between the proximity of liquor licensed establishments and incidences of criminal acts or motor vehicle accidents involving children. The Police Department researched a number of sources concerning the possible correlation between the availability of liquor, and criminal activity and motor vehicle accidents, involving children and could not identify one. To be clear, however, it is not that there were studies and no correlation was shown, but, rather, no such studies could be identified regarding the issues at hand. Although an argument can be made that this does not mean that there is no such correlation, there is reason to believe that if there was such a correlation, it would have been identified in the research that was conducted. The Police Department researched the following websites:

- Bureau of Justice Statistics
- Colorado Bureau of Investigation
- Colorado Department of Revenue – Liquor Enforcement and State Patrol
- Colorado Municipal League

- Federal Bureau of Investigation
- Internal Association of Crime Analysis
- International City/County Management Association (ICMA)
- Justice Research and Statistic Association
- National Crime Justice Reference Service
- National Highway Traffic Safety Administration
- National League of Cities
- Office of Research and Statistics
- Police Executive Research Forum
- The International Association of Chiefs of Police (IACP)
- U.S. Center for Disease Control and Prevention

The Police Department also believes that there is no direct identifiable correlation between the location of traffic accidents and the location of liquor stores. Unless it could be established that the motor vehicle driver was the patron of a liquor store, it is much more likely that the proximity of the accident to the liquor store was coincidental. In the Police Department's experience, accident causation is much more likely to be attributable to things like speeding, traffic volume, red light/stop sign violations, driver inattention, road design, and similar factors. Moreover, in those accidents that involve a driver under the influence, experience would say that it is at least as likely or greater that the driver became intoxicated at a location other than where the accident occurred.

The 500-foot limitation assumes that the distance requirement protects children, presumably through: (1) limiting their access to alcohol; (2) limiting their exposure to criminal activity associated with liquor licensed establishments, or (3) protecting them from a presumptively higher degree of DUI drivers in the vicinity of liquor licensed establishments. Once again, Staff does not believe that these are valid assumptions.

Staff also believes that the elimination of these distance requirements would advance the growing public interest in the greater use of mixed-use neighborhood developments and the benefits that neo-urbanism can bring to a community, as well as facilitating potential redevelopment projects. One of the focuses of traditional mixed-use neighborhoods and neo-urbanism is the reduction of automobile usage by putting retail stores, employment opportunities and residences in close proximity of one another. For example, in the Belmar development in Lakewood, dwelling units are located above restaurants that sell alcoholic beverages. Having a variety of land uses close together is part of the appeal of new urbanist neighborhoods like Bradburn. The City of Arvada eliminated the 500-foot limit for all classes of licenses in 2006. To Staff's knowledge, Westminster is the only jurisdiction in the region with a limit in addition to the state limit like the one in our City Code that is peculiar to liquor stores near residential zones.

For all of these reasons, Staff is recommending the elimination of the 100-foot and 500-foot limitations as described above.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE
CONCERNING ELIMINATING DISTANCE LIMITS FOR LIQUOR ESTABLISHMENTS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-6, subsection (G), W.M.C., is hereby AMENDED to read as follows:

11-4-6: SPECIAL REGULATIONS:

(G) ADJACENT LAND USE RESTRICTIONS.

1. In the R3 and R4 Districts, no single structure containing more than two units shall be located immediately adjacent to an existing one-family dwelling.
2. No manufacturing is permitted in conjunction with sales in B1, C1, and C2 Districts.
3. No wall of any drive-in business, ~~liquor store~~, automobile wash facility, or automobile service station is permitted within 100 feet of any residential district boundary.

Section 2. Sections 5-14-13 and 5-14-14, W.M.C., are hereby AMENDED as follows:

~~5-14-13: DISTANCE REQUIREMENT FOR HOTEL RESTAURANT LICENSES: (2229)~~

~~(A) The Special Permit and License Board is hereby authorized to eliminate or reduce the distance restriction imposed by Sec 12-47-313 (d)(I), C.R.S. for hotel restaurant licenses when requested to do so by a licensee or applicant.~~

~~(B) The Board shall conduct a public hearing after notice, which hearing shall be conducted concurrently with the hearing for license application. Additionally, the school board or the school principal of each school within 500 feet of the proposed location shall be notified and requested to give the views of the school in writing.~~

~~(C) Before eliminating the restriction or reducing the distance, the Board shall consider the following:~~

- ~~1. The distance of the school from the proposed location.~~
- ~~2. The type of school or the grade levels being taught.~~
- ~~3. The written opinions from the Board or principal of schools within 500 feet if any opinions have been submitted.~~
- ~~4. The hours of operation of the proposed establishment~~
- ~~5. The type of food and entertainment at the proposed establishment.~~
- ~~6. Customary pedestrian and vehicular traffic from the schools to or near the proposed location.~~
- ~~7. The opinions of the adult inhabitants of the neighborhood concerning the elimination or reduction of distance requirements for the particular establishment.~~

~~5-14-14: DISTANCE RESTRICTION ELIMINATED FOR CERTAIN SCHOOLS: (2395 3325)~~

~~(A) The distance restriction imposed by Section 12-47-313(1)(d), C.R.S., for hotel restaurant THE CLASSES OF licenses AUTHORIZED PURSUANT TO SECTION 12-47-401, C.R.S., is hereby~~

~~eliminated. for institutions or facilities which serve children preceding their entrance to the first grade in public, private or parochial schools. Such institutions or facilities include, but are not limited to, those described or known as day schools, preschools, child care centers, day care centers, day nurseries, nursery schools, kindergartens, play groups, day camps, summer camps, learning centers, child development centers, religious training programs such as Sunday schools or vacation bible schools and centers for developmentally disabled children.~~

~~(B) This Section 14 is separate and distinct, and shall not affect the provisions of Section 5-14-13 relating to a school which is part of a public, private or parochial school system of at least six grades and which serves children at or beyond their entrance into the first grade.~~

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 11th day of August, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 25th day of August, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
WESTMINSTER CITY HALL, 4800 W. 92ND AVENUE
MONDAY, August 11, 2008
7:00 P.M.**

- 1. Roll Call**
- 2. Minutes of Previous Meeting (July 14, 2008)**
- 3. New Business**
 - A. Public Hearing re 2nd Quarter 2008 Housekeeping Supplemental Appropriation
 - B. Resolution No. 103 re 2nd Quarter 2008 Housekeeping Supplemental Appropriation
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, JULY 14, 2008 AT 7:45 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Dittman, and Board Members Briggs, Kaiser, Lindsey, and Winter. Board Member Major was in the building, but unable to attend the meeting. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney for the Authority, and Linda Yeager, Secretary.

CONSIDERATION OF MINUTES

Board Member Briggs moved, seconded by Kaiser, to approve the minutes of the meeting of March 31, 2008 with no additions or corrections. The motion carried unanimously.

HOLLY PARK LISTING CONTRACT

Board Member Lindsey moved, seconded by Dittman, to approve the Holly Park Listing Contract with Coldwell Banker for brokerage services pertaining to the Holly Park development site. The motion passed unanimously.

ADJOURNMENT

There being no other business to come before the Authority, the meeting adjourned at 7:47 p.m.

ATTEST:

Secretary

Chairperson

WEDA Agenda Item 3 A & B

Agenda Memorandum

Westminster Economic Development Authority
August 11, 2008



SUBJECT: Public Hearing and Resolution No. 103 re: 2nd quarter 2008 Housekeeping Supplemental Appropriation for the Westminster Economic Development Authority

Prepared By: Karen Creager, Special Districts Accountant

Recommended Board Action:

1. Hold a Public Hearing on the 2nd quarter budget amendment for Westminster Economic Development Authority (WEDA).
2. Adopt Resolution No. 103 authorizing a supplemental appropriation to the 2008 budget of WEDA and authorizing the reallocation of previously appropriated bond proceeds and interest earnings.

Summary Statement

When necessary, Staff prepares a resolution to appropriate unanticipated revenues received during the year and adjust the budget side of transactions that occur during the year. Preparing a supplemental appropriation on a quarterly basis for WEDA simplifies administrative procedures and reduces paper work.

- This is the 2nd quarter 2008 housekeeping supplemental appropriation for WEDA.
- Amendments:
 - \$398,285 bond interest earnings
 - \$605,412 sales tax increment
 - \$200,000 transfer in from General Fund carryover
 - \$334,000 South Westminster Urban Renewal Area (URA) carryover
- A public hearing is required pursuant to Section 29-1-108 of the Colorado Revised Statutes.

Expenditure Required: \$1,537,697

Source of Funds: Bond interest earnings, transfer-in, sales tax increment and carryover

Policy Issue

Should WEDA appropriate funds as set forth in the attached Resolution?

Alternatives

The Board could decide not to appropriate the funds at this time. This is not recommended because the appropriation of the interest earnings on the unspent bond proceeds is necessary to track the earnings for arbitrage purposes and the bond covenants are very restrictive as to how the bond interest earnings can be spent. Additionally, in order to properly match the transfer payment from the General Fund that was approved by City Council as part of the 2007 carryover, the increase in transfers must be appropriated on WEDA's books. Also previously approved was a loan to the Colorado Rural Housing Development Corporation (CRHDC) on September 18, 2006. The loan was issued in May 2008. Carryover funds are necessary to provide the budget to cover the previously approved expense. Lastly, the Board has previously approved the correction of economic development agreement (EDA) payments for 2007. This same action is required for 2008 to maintain consistency in reporting.

Background Information

2007 Carryover

South Westminster URA

- For 2008, it is anticipated that the cash available in South Westminster URA will not be sufficient to cover all of the obligations for the URA. Obligations include debt service, economic development agreement payments and interfund loan payments. In order to have sufficient cash to fulfill the above listed obligations for 2008, Staff proposed that the General Fund transfer funds from 2007 carryover to the South Westminster URA and assist with these obligations. On July 28, 2008, City Council approved the City's carryover ordinance on first reading appropriating \$200,000 for the South Westminster URA. It is anticipated that the transfer will be approved on 2nd reading on August 11, 2008. The attached amendment will appropriate these funds in the WEDA budget.
- On September 18, 2006, the WEDA Board approved a loan agreement with CRHDC providing for a loan of \$334,000 to assist the CRHDC in proceeding with construction of a new 12,000 square foot commercial building on the northwest corner of 73rd Avenue and Lowell Boulevard. While approved in 2006, the loan was not issued until May 30, 2008. In order to have the budgeted funds available for the payment to CRHDC, carryover for South Westminster is requested to be appropriated for the loan.

Interest Earnings – bond interest and pooled interest

Holly Park URA

- Borne Engineering was contracted to provide surveying services to develop legal descriptions for several of the URAs. This expense was not anticipated when the original budget was prepared for Holly Park. Therefore, \$1,700 of pooled interest earnings is requested to be appropriated to cover this expense.

North Huron URA - WEDA 2005 bond issue

- WEDA issued debt in 2005 to fund the improvements to the North I-25 corridor from 136th Ave to 150th Avenue. While a significant portion of the improvements have been completed, there are still improvements under construction and the bond proceeds continue to earn interest and will do so until the proceeds are completely spent. A portion of the interest earnings has been appropriated through previous quarterly supplemental appropriations. The amount of interest earnings not previously appropriated is \$342,625 for the period January 1, 2008 through June 30, 2008.

- As indicated in previous bond interest appropriation agenda memos for the 2005 WEDA bonds, a portion of the initial bond proceeds and a portion of the interest earnings on the project funds are not needed to complete the initial construction projects. Therefore, \$2,258,000 of previously appropriated bond proceeds and bond interest earnings are being allocated to the 144th Avenue Huron to Zuni project, which is located within the North Huron URA boundaries. This action does not change the appropriations in the fund and is provided here for informational purposes.

South Sheridan URA - WEDA 2007 bond issue

- On June 22, 2007 WEDA issued bonds in the amount of \$8,320,000. Proceeds from the sale of the bonds are being used for the construction of public improvements in the South Sheridan URA. While a significant portion of the improvements have been completed, there are still improvements under construction and the bond proceeds continue to earn interest and will do so until the proceeds are completely spent. A portion of the interest earnings has been appropriated through previous quarterly supplemental appropriations. The amount of interest earnings not previously appropriated is \$53,960 for the period January 1, 2008 through June 30, 2008.

Change in reporting Economic Development Agreements (EDA) payments

North Huron URA, South Sheridan URA, Westminster Center East URA

- The original 2008 budget for the URAs noted above included EDA payments as a reduction of increment revenue. The preferred practice is to show these payments as expenditures. On March 31, 2008 as part of the 4th quarter 2007 housekeeping supplemental appropriation, the Board approved a change to the 2007 budget to reflect the change in reporting EDA payments. In order to maintain consistency in reporting, the budget for 2008 needs to be amended also. This amendment does not change the total appropriations in the Fund. This change will be reflected in the following budgets:
 - North Huron URA - \$187,853
 - South Sheridan URA - \$498,556
 - Westminster Center East URA - \$106,856

The adjustments will amend Revenue and Expenditure accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Interest Earnings	6800.42510.0187	\$ 0	\$ 1,700	\$ 1,700
Interest Earnings	6800.42520.0183	0	342,625	342,625
Interest Earnings	6800.42520.0190	0	53,960	53,960
Transfers GF	6800.45000.0100	0	200,000	200,000
Carryover	6800.40020.0000	0	334,000	334,000
Sales Tax	6800.40065.0190	327,024	498,556	825,580
Property Tax	6800.40035.0189	0	106,856	106,856
Total Change to Revenues			<u>\$1,537,697</u>	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
Professional Svcs	68010900.65100.0187	\$ 0	\$ 1,700	\$ 1,700
144 th Huron Interchange	80568030709.80400.8888	2,702,436	39,592	2,742,028
Forest City Improvements	80568030711.80400.8888	6,137,144	86,436	6,223,580
Reimb Expense	80568030723.80400.8888	1,326,315	18,680	1,344,995
Huron 140 th – 150th	80568030710.80400.8888	4,433,040	82,939	4,515,979
Interest Expense	68010900.78400.0183	2,727,000	114,978	2,841,978
72 nd Sound Wall	80768030795.80400.8888	1,834,623	9,587	1,844,210
72 nd Sheridan Improvements	80768030794.80400.8888	5,194,085	28,964	5,223,049
Finance Costs/So Sheridan	80768030796.80400.8888	462,787	15,409	478,196
Other Financing Use	68010900.78800.0184	5,347	200,000	205,347
Contractual Svcs	68010900.67800.0184	25,000	334,000	359,000
Contractual Svcs	68010900.67800.0190	0	498,556	498,556
144 th Interchange	80568030709.80400.8888	2,742,028	(2,258,000)	484,028
144 th Huron/Zuni	80768030816.80400.8888	387,982	2,258,000	2,645,982
Contractual Svcs	68010900.67800.0183	0	187,853	187,853
Contingency	68010900.79900.0183	1,501,327	(187,853)	1,313,474
Contractual Svcs	68010900.67800.0189	0	106,856	106,856
Total Change to Expenses			<u>\$1,537,697</u>	

The above adjustments will bring WEDA’s accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
Executive Director

Attachment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **103**

INTRODUCED BY AUTHORITY MEMBER

SERIES OF 2008

WHEREAS, the Westminster Economic Development Authority (WEDA) established the amended 2008 budget on October 8, 2007 and

WHEREAS, proper notice for this amendment was published on August 7, 2008, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes; and

WHEREAS, a public hearing for this amendment was held on August 11, 2008, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes; and

WHEREAS, as necessary Staff prepares a resolution to make necessary adjustments to the budget; and

WHEREAS, there are adjustments to be made to the 2008 budget for the 2nd quarter of 2008; and

WHEREAS, the revenue adjustments consist of: \$396,585 trust interest earnings on unspent bond proceeds, \$1,700 pooled interest earnings, \$200,000 transfer in from the General Fund carryover, \$334,000 from carryover and \$605,412 sales tax increment; and

WHEREAS, the expense adjustments consist of: \$130,387 interest expense, \$1,700 professional services, \$939,412 contractual expenses, \$266,198 project expenses and \$200,000 other financing use.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Westminster Economic Development Authority: The \$1,537,697 increase shall be allocated to WEDA Revenue and Expenditure accounts as described in the WEDA Agenda Item 3 A & B, August 11, 2008 (a copy of which may be obtained from the City Clerk) .

PASSED AND ADOPTED 11th Day of August, 2008.

ATTEST:

Chairperson

Secretary